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The “ASEAN Way” and Regional Security Cooperation
in the South China Sea

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European University Institute
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Abstract

The ASEAN Way of security cooperation – based on principles of sovereignty, non-intervention, peaceful resolution of conflict, and consultation and consensus decision-making – has maintained intra-ASEAN harmony since the grouping's formation in 1967. It has also enabled ASEAN to play a central role in regional integration by successfully engaging external major powers in an overlapping regional network of ASEAN-led organizations such as the ASEAN Regional Forum, East Asia Summit and ASEAN Defence Ministers Meeting Plus. However, exercising decisive influence within the wider Asia-Pacific environment is beyond ASEAN's limited strategic resources. Moreover, the consensus-seeking, shallowly institutionalized ASEAN Way approach has seemed poorly equipped to handle Chinese assertive divide-and-rule diplomacy that has accompanied its power projection in the South China Sea. As China mounts its maritime claims and seeks to expand its regional influence relative to the United States, ASEAN is challenged to maintain intra-ASEAN unity, deepen intra-ASEAN integration and effectively engage the United States, China and other powers in safeguarding peace and stability in the region. Despite shortcomings in the ASEAN Way of security cooperation, it is argued that, given the inability of China and Japan to provide cooperative leadership in establishing an alternative multilateral security mechanism, ASEAN will continue to serve as the “default instrumentality” for maintaining a modest level of multilateral security cooperation in the Asia-Pacific.

Keywords

ASEAN Way, security cooperation, default instrumentality, US pivot to Asia, South China Sea, disputed maritime claims, UNCLOS, Code of Conduct

This paper examines security dynamics in Southeast and East Asia involving the ten member countries of the Association of Southeast Asian Nations (ASEAN) and ASEAN's role in managing security cooperation, both among its members and with external major powers, particularly the United States and China. It is argued that the ASEAN framework for security cooperation is drawn from the "ASEAN Way" norms articulated in the 1976 Treaty of Amity and Cooperation (TAC), which notably emphasize peaceful settlement of disputes and respect for territorial sovereignty. The focus here is how ASEAN deals with maritime security cooperation in the South China Sea, an issue area that has attracted growing international attention and concern, particularly since 2009, when China began more forcefully to assert its claims to almost all of the South China Sea, thus threatening the direct interests of four ASEAN claimant states (Brunei, Malaysia, Philippines and Vietnam) as well as the geo-strategic, economic and political interests of the United States and the international community at large.

The paper begins with an analysis of how the ASEAN Way has determined the principles, processes and mechanisms of intra-ASEAN regional security cooperation in Southeast Asia. It then moves on to an examination of how ASEAN engages external major powers in fostering security cooperation and managing security challenges in the wider Asia-Pacific region and concludes with an evaluation of the efficacy of the ASEAN Way in dealing with maritime security in the light of recent developments in the South China Sea. The paper argues that the adherence of ASEAN member countries to the norms articulated in the ASEAN Way has to date sustained intra-ASEAN security cooperation and maintained regional stability in Southeast Asia. However, security cooperation involving external powers in the South China Sea and the wider Asia-Pacific region has proved more complex and problematic. As a grouping of small powers (and an emerging middle power, Indonesia) with limited military capabilities, ASEAN has had to utilize a combination of realist and neoliberal approaches (relying on the America's security guarantees to obtain a regional balance of power in the former case, and promoting economic interdependence and institutional engagement between ASEAN and its major dialogue partners, in particular, China) to manage tensions in the region. ASEAN has also employed a constructivist approach to "socialize" its dialogue partners into the ASEAN Way of peaceful consultative and consensus-building means of managing conflict in the South China Sea. Finally, the paper argues that so long as China and Japan fail to provide cooperative leadership in establishing an alternative multilateral mechanism for security cooperation, ASEAN will continue to serve as the "default instrumentality" for maintaining a modest level of multilateral security cooperation in the Asia-Pacific.

Building a Regional Security Regime the ASEAN Way

When examining ASEAN's role in promoting regional cooperation and integration, scholars have utilized realist, neo-liberal or constructivist perspectives, or an eclectic combination of all three (see, e.g., Acharya 2009a, Ba 2009, Busse 1999, Emmers 2012, Goh 2008, Jones & Smith 2006, Nischalke 2000, Ravenhill 2013, Sheldon 2014). While some scholars remain highly skeptical that the ASEAN Way, as currently constituted, could ever underpin a robust regional security regime (Jones & Smith 2006, Nischalke 2000), others have evaluated the grouping's contributions more positively (Acharya 2013, Ba 2012, Busse 1999, Goh, 2012, Capie 2012, Kraft 2012). In contrast to Jones and Smith's critique of ASEAN as a "fading institution" with "a peripheral rather than core role in regional growth and stability" (2006: 159, 277), Evelyn Goh argues that ASEAN "is universally acceptable as the 'driver' of regionalism", which has critically claimed a "voice" for smaller states in discussing and managing regional security affairs in a situation where great powers are suspicious of each other (Goh 2012: 105, 112). Other scholars such as David Capie, while recognizing the weaknesses underlying the process and institutionalization of the ASEAN Way of regional cooperation, nevertheless concludes that ASEAN "has proved far more resilient than many could have predicted just a few years ago" (Capie 2012: 179). Amitav Acharya, while agreeing that ASEAN has successfully functioned as the fulcrum of geopolitical stability in Asia, cautions that ASEAN leaders need to retain unity,

strengthen mechanisms for cooperation, and maintain a “neutral broker image among great powers” in order to continue to play that role (2013: 21).

Guided by the principles and norms of the ASEAN Way from its inception in 1967, ASEAN has expanded from a five-member (Indonesia, Malaysia, Philippines, Singapore and Thailand) to a present day ten-member grouping (with the inclusion of Brunei, Cambodia, Laos, Myanmar and Vietnam) with 626 million people and possessing a combined GDP of \$2.4 trillion in 2014, making it the third largest economy in Asia and the seventh largest in the world (East-West Center, “ASEAN Matters for America”). In the founding ASEAN Declaration (also known as the Bangkok Declaration) the five original members explicitly disavowed the goal of security cooperation, seeking instead to focus on economic, social, cultural, technical, scientific and educational cooperation (ASEAN, “The ASEAN Declaration”). Thus, even as the five non-communist founding members came together in establishing ASEAN as a mechanism for war prevention and conflict management – specifically to deal with the security threat posed by Vietnam, which had earlier drawn America into a protracted war in Indochina – the founding leaders did not establish a collective security institution along the lines of the US-sponsored North Atlantic Treaty Organization (NATO, 1949-present) or the short-lived Southeast Asia Treaty Organization (SEATO, 1954-1977) (Acharya 2009a: 54-62). Instead of striving to emulate the European model of integration, the Southeast Asian leaders drew upon regional norms based on “the route of informality, of eschewing legal formulations and legally binding commitments, of avoiding elaborate regional, supranational institutions” (Severino 2006: 4). The Declaration also included an important proviso making membership “open to participation to all States in the South-East Asian Region subscribing to the [declaration’s] aims, principles and purposes”, thus facilitating the grouping’s subsequent expansion and incorporation of Myanmar as well as former adversaries Laos, Cambodia and Vietnam.

The distinctive “ASEAN Way” of community building and regional cooperation is based on four “codes of conduct”: (1) adherence to non-interference, non-use of force and peaceful resolution of conflict; (2) promotion of regional autonomy and collective self-reliance; (3) rejection of multilateral military pacts, but acceptance of bilateral defence cooperation pursued independently by individual member states (such as the Philippines-US and Thai-US security treaties); and (4) preference for social-cultural norms based on informal consultation (*musyawarah*) and consensus (*mufakat*) rather than legal-rational norms in decision-making (Acharya 2009a: 54-98). These principles of sovereignty and non-interference, consensus decision-making and informality were subsequently reaffirmed in the Treaty of Amity and Cooperation (TAC) of 1976 and the ASEAN Charter of 2008.¹ The TAC provided a set of behavioural norms for collective decision-making to regulate inter-governmental relations and manage intra-ASEAN disputes, as well as engage external powers in a low-key, informal and non-confrontational manner.

Unlike the deeply institutionalized, rules-based European Union where member states are governed by a supranational authority with wide powers to regulate, coordinate and enforce compliance whenever deemed necessary, a model eschewed by ASEAN member states, the ASEAN Way provides for a shallowly-institutionalized, informal incrementalist approach to regional integration. The ASEAN norm of upholding national sovereignty and the right of “every State to lead its national existence free from external interference, subversion or coercion” (ASEAN, “Treaty of Amity and Cooperation”) has necessarily confined the role of the ASEAN Secretariat to a coordinating body with no political mandate and authority to implement policies (Severino 2006: 20-22). Established in Jakarta in 1976 nine years after the body’s formation, the Secretariat not surprisingly remains

¹ As codified in the TAC, ASEAN’s foundational norms required member states to: (1) demonstrate mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations, (2) respect the right of every State to lead its national existence free from external interference, subversion or coercion, (3) adhere to non-interference in the internal affairs of one another, (4) settle differences or disputes by peaceful means, (5) renounce the threat or use of force, and (6) practice effective cooperation among themselves (ASEAN, “Treaty of Amity and Cooperation” 1976).

understaffed and underfunded, lacking the bureaucratic and legal capacity to exercise authority independently of the collective will of its member states.

The ASEAN Way norms laid the foundations for a “security community” in Southeast Asia, in contrast to other prevailing frameworks of security cooperation, such as the “collective defence” community of North Atlantic Treaty Alliance and the “collective security” community of the United Nations.² Unlike NATO and the UN, ASEAN does not impose reciprocal obligations of military assistance, and does not require members to carry out collective punishment of aggression against other members or non-member states. ASEAN member states are guided by “strict and observed norms concerning non-use of force; no competitive arms race as well as commitment by all members to “institutions and processes (formal and informal) for the pacific settlement of disputes” and “long-term prospects for war avoidance” (Acharya 2009a: 20, original parentheses). Scholars such as Donald Emmerson argue that while the ASEAN region has historically functioned as a “*thin and pluralistic security community*”, there is insufficient “empirical data on the existence...[of] a genuine cooperative *identity* among its elites” and no real assurance that ASEAN members will not fight one another in the years ahead (Emmerson 2005: 180,182, original italics). Michael Leifer, another prominent ASEAN scholar, has argued that ASEAN was established as an “aspirant security community”, one in which member states held a “shared belief in the positive relationship between economic development and security that served to reinforce the commitment to regional reconciliation as a way of avoiding any diversion of scarce resources” away from the immediate task of providing regional stability and promoting national and regional prosperity (Leifer 1999: 27). Emphasizing the fact that “ASEAN was certainly not conceived as a political community along the lines of the European model”, Leifer stated that security and peace in ASEAN have been addressed “through the development of a culture of intramural dialogue and consultation based on close working relationships between ministers and officials and an adherence to common norms; not through invoking legal mechanisms for dispute settlement” (ibid: 28). In short, ASEAN can at best be described as a “nascent security” community, one that has maintained peace among its members though rivalry and competition still persist. The latter, according to Acharya, would be “muted by converging threat perceptions, expected trade benefits, an evolving common identity, and organizational emulation (learning from the experience of other multilateral organizations)” (2013: 6, original parentheses).

ASEAN member states’ strong resistance to a dilution of their sovereignty stems largely from the region’s unhappy historical experience of western colonial rule, which ranged between some 300 years in Dutch Indonesia, 150 years in British Malaya and 100 years in French Indochina. In the decades after independence was finally achieved (with Brunei becoming independent only in 1984), ASEAN political elites have continued to place high priority on retaining full sovereignty over their respective countries. Arguing that ASEAN’s norms on regional cooperation can only be understood in the light of the region’s history and political culture, Nikolas Busse maintains that, unlike the European nations that were intent on creating a peaceful region in the aftermath of the devastation of the Second World War by “transcending the nation-state, in Southeast Asia it was about preserving it” (1999: 47). ASEAN’s resistance to the dilution of sovereignty, steadfast adherence to non-intervention and insistence on decision-making based on consultation and consensus have resulted in a cumbersome decision-making process and its moving at the pace of its least willing member and implementing decisions at the level of the lowest common denominator – i.e., policies that cause the least division among the member countries.³ ASEAN’s shallow institutionalization and lack of rules-based

² For a discussion of the differences in these models of security cooperation, see Acharya 2009a.

³ It should also be pointed out, however, that total agreement on an action is not always necessary. As described by former ASEAN Secretary General Rodolfo Severino, who held that position from 1992-2002, consensus decision-making does not require unanimity. In many cases ASEAN consensus on a proposal is arrived at when at least six members reach an agreement and the remaining members “do not feel strongly enough about the issue to block action on it”, because that proposal is not perceived to be “sufficiently injurious to their national interests for them to oppose it outright” (Severino 2006: 34)

enforcement mechanisms are faulted for preventing it from implementing effective policies and undertaking activities deemed necessary to bridge the gap between its rhetorical aspirations and actual performance (see, e.g., Capie 2012). Critics such as David Jones and Mark Smith argue that in not dealing with underlying tensions but by simply ignoring them, ASEAN is patently irrelevant to the evolving security order in Southeast Asia” (2006: 71). Perceived shortcomings in other ASEAN-based organizations – namely the ASEAN Regional Forum (ARF), ASEAN Plus Three (APT), the East Asia Summit (EAS) and ASEAN Defence Ministers Meeting Plus (ADMM Plus) – are likewise attributed to the institutional, operational and normative limitations of the ASEAN Way. In all these bodies, only ASEAN states can chair or co-chair all the important meetings, shape the agenda and decide on the content of the chairman’s statements. Yet despite such criticisms of the ASEAN Way of regional cooperation, for reasons elaborated below, “non-ASEAN states, large and small, have acknowledged [ASEAN’s] central role, either explicitly or implicitly, by seeking admission and continuing to participate in these ASEAN-centered institutions” (Capie 2012: 168).

Formed in 1994, the ASEAN Regional Forum (currently comprising 27 members) was the first ASEAN-based body established to address security cooperation in the Asia-Pacific region. Reflecting the influence of the ASEAN Way, the ARF’s decision-making process is consensus-driven, non-binding and slow-paced. The ARF’s lack of progress in moving beyond its initial goal of undertaking confidence building measures to the next two goals of preventive diplomacy and conflict resolution has particularly frustrated non-Asian members such as the US, Australia and Canada. By contrast, China and most other Northeast Asian states support the underlying normative principles of the ASEAN Way, particularly the principles of sovereignty and non-intervention (Capie 2012: 178). Noting the ARF’s underperformance in promoting security cooperation in the Asia-Pacific, Ralf Emmers and Tan See Seng state: “The ARF has arguably achieved its initial objective of institutionalizing great powers relations within a multilateral cooperative structure and maintaining centrality of ASEAN within that architecture. Beyond that propitious beginning the ARF has lost momentum and is often dismissed as a “talk shop” incapable of addressing regional security affairs”(Emmers & Tan 2012: 95). The authors attribute ARF’s shortcomings to its “large membership and weak institutional structures, its strict adherence to the sovereignty and non-intervention principles as enshrined within the Treaty of Amity and Cooperation (TAC) that contradict any implementation of PD [preventive diplomacy] and contrasting strategic perspectives among its key participants” (ibid: 96).

During the post-Cold War decade of the 1990’s ASEAN expanded to include Cambodia, Laos, Myanmar and Vietnam. With the inclusion of these more authoritarian and economically less developed states (i.e., communist-governed Vietnam and Laos, military-governed Myanmar and a nominally democratic Cambodia, whose membership was postponed due to an internal political coup by strong man Hun Sen), the grouping predictably lost the relative institutional cohesiveness of the original ASEAN-5. While the ASEAN-5 were also authoritarian states when they first joined together in 1967, they have become more politically pluralistic (although Thailand has experienced democratic setbacks since 2006) and economically much more advanced. However, the onset of the 1997-1998 Asian Financial Crisis and its impact on the domestic economies of Indonesia, Malaysia and Thailand caused internal stresses to ASEAN, which to many observers appeared to be adrift and rudderless for several years. After 2000 the grouping regained its footing under the renewed leadership of a revitalized, newly democratizing Indonesia, which in 1998 had freed itself of three decades of authoritarian rule under Suharto. Comprising some 40% of ASEAN’s population and constituting the largest country and economy in Southeast Asia, Indonesia’s democratic transition, its renewed commitment to regional and international cooperation and reinvigorated leadership in ASEAN revitalized the organization (Acharya 2009b). Under Indonesia’s chairmanship in 2003, ASEAN adopted the Bali Concord II (Declaration of ASEAN Concord II), a landmark development that sought to strengthen the institutional foundations of ASEAN through creating an integrated ASEAN Community by 2015 founded upon three “pillars”: the ASEAN Political-Security Community (APSC) to pursue security cooperation and address new transnational security and non-traditional security

challenges through the establishment of the ASEAN Defence Ministers Meeting in 2006;⁴ the ASEAN Economic Community (AEC) to establish a single market and production base; and the ASEAN Socio-Cultural Community (ASCC) to expand political and human rights through a new ASEAN Charter.

The ASEAN Charter, which came into force in 2008, made ASEAN a legal entity with new powers to establish a human rights body and set up dispute settlement and compliance mechanisms. Despite the best efforts of Indonesia and the Philippines to strengthen democratic values, rule of law and human rights promotion, modify the consensus-based decision-making process and “[suspend] any of the rights and privileges of membership” for non-compliance or serious breaches of the Charter” (cited in Heng 2009: 18), the Charter as finally ratified continued to emphasize the principles of “respect for the independence, sovereignty, equality, territorial integrity and national identity” and “non-interference in the internal affairs” of member states. It also required member states to respect the right of every state “to lead its national existence free from external interference, subversion and coercion” and to rely on peaceful settlement of disputes as well as to renounce “aggression and the threat or use of force or any other actions in any manner inconsistent with international law” (ASEAN, “The ASEAN Charter”, Article 2). The key lesson that emerged from the ASEAN Charter ratification process is that ASEAN’s transformation into a rules-based institution backed by a robust secretariat with supranational authority to enforce decisions can be achieved only when all member countries are willing to hand over a meaningful degree of their sovereign power to the Secretariat. At present that seems a very distant prospect, at best.

ASEAN’s shortcomings – manifested by its protracted and cumbersome decision-making mechanism and insistence on upholding of national sovereignty and non-intervention – have undoubtedly prevented the ASEAN Secretariat from having the institutional capacity and authority that is necessary to implement the reforms needed in realizing a fully operational ASEAN Community by 2015, the body’s self-declared date of achieving effective security, economic and socio-cultural cooperation. At the same time, the ASEAN Way has successfully maintained intra-ASEAN stability and prevented wars from breaking out between member states. While it has not prevented the occasional border clashes over disputed territories, such as the on-and-off fighting between Thailand and Cambodia over ownership of the Preah Vihear temple complex, and while cross-border tensions sometimes have erupted when domestic insurgencies (in Indonesia, Philippines, Myanmar and Thailand) have spilled over borders, inter-governmental relations have remained stable and amicable, thus contributing to regional stability and facilitating inflows of foreign investments that continue to fuel the region’s robust economic growth.

ASEAN “Centrality” and Regional Security Cooperation

The theoretical literature on the security order in the region addresses the emergence of a “nascent security community” (Acharya 2009a, 2014)⁵ and “an interim regional order” (Goh 2008), where the hierarchy of power distribution in the region is topped by the US superpower overlay. China occupies the second tier as the regional great power, Japan and India constitute the third tier as major regional powers, and ASEAN, Australia and South Korea occupy the fourth tier (ibid: 149-152). While the interim order is still dominated by preponderant American power, the distribution of power is increasingly reshaped by China’s rise. Acharya’s theorizes that the nascent security community in the region might result in a “consociational security order”, one characterized by “a relationship of mutual

⁴ A security reform proposed by Indonesia, aimed at giving military clout to the ASEAN Political and Security Community through setting up an ASEAN Peace Keeping Force, was, however, rejected by all the other nine members (Acharya 2009b).

⁵ In contrast, a mature security community and robust security order are characterized by the absence of system-destroying conflict, such as major warfare, rather than the absence of competition and low-intensity conflict among nations per se.

accommodation among unequal and culturally diverse groups that preserves each other group's relative autonomy and prevents the hegemony of any particular group" (2014: 159). Utilizing a primarily constructivist approach of "omni-enmeshing", Goh argues that ASEAN has promoted a "complex balance of influence" in which "major power competition and balancing are channeled to take place within the constraints of [ASEAN] norms and institutions" (2012: 116). In the different iterations of the emerging regional security order, ASEAN's "centrality", i.e., its ability to promote security cooperation between ASEAN, the US and regional powers in the various ASEAN-led organizations (namely, ARF, APT, EAS and ADMM Plus) is widely recognized. At the same time, it is noted that ASEAN engagement with external powers relies on the predominantly normative aspect of "moral suasion", since ASEAN lacks the material capacity to constrain any destabilizing behavior of major powers. Herman Kraft, among others, argues that the efficacy of ASEAN's security engagement with external powers is dependent on the extent to which such actors have understood and internalized the ASEAN Way norms (Kraft 2012: 64).

Fundamental to an understanding of the ASEAN mode of security engagement with external powers is its desire to attain regional autonomy, avoid entanglement in major power rivalries in the region, and maximize its margin of freedom to pursue its own economic and security goals, both nationally and regionally. As Kraft observes, the principle of non-interference "had as much to do with maintaining the security of the region by preventing it from getting entangled in great power rivalries as it did with preventing the latter from getting involved in the internal affairs of countries in the region" (Kraft 2012: 63). Alice Ba argues that in ASEAN's constant struggle to maintain autonomy, it has employed a strategy of "diversifying dependence, rather than the more conventional and competitive sense of balancing against different threats...to mitigate dependence and expand choices and space for maneuver" (cited in Goh, 2008: 140). That desire to maintain regional autonomy does not preclude the right of member states to maintain close alliances with major powers, as evidenced in the bilateral treaty alliances of the Philippines and Thailand with the US. While Malaysia's quest for an ASEAN Zone of Peace, Freedom and Neutrality (ZOPFAN) in 1971 (supported by Indonesia) drew only rhetorical commitment from other ASEAN states (Huxley1995), that concept found renewed support when it was revitalized in 1995 as the Southeast Asia Nuclear Weapon Free Zone (SEANWFZ). The latter initiative to obtain a guarantee for a nuclear weapon free zone in the ASEAN neighborhood from the five major nuclear powers (Britain, China, France, Russia and the United States) has gained traction, with China and the US having agreed to accede to SEANWFZ, also known as the Treaty of Bangkok ("Southeast Asia Nuclear-Weapon-Free-Zone Treaty").

ASEAN's ability to play a leading role in regional cooperation has been attributed to three causal factors. First, and most importantly, ASEAN, by default, is the beneficiary of the rivalry and divisions among the regional powers that have prevented any one of them from organizing and leading a multilateral security body in the region. Despite the shortcomings in the ASEAN Way of security cooperation, given the inability of China and Japan to provide cooperative leadership in establishing an alternative multilateral security institution, ASEAN will continue to serve as the "default instrumentality" for maintaining multilateral security cooperation in the Asia-Pacific. Second, the ASEAN model of minimalist regionalism provides instruments for informal cooperation rather than venues for institutionalizing and enforcing regional "rules of the game" a *modus operandi* that is acceptable to China, Japan and other regional powers. Third, the ASEAN Way norms fit comfortably with – and in fact were drawn from – pre-existing normative structures of Asian powers, as exemplified by the Five Principles of Peaceful Co-existence (mutual respect for each other's territorial integrity and sovereignty; mutual non-aggression; mutual non-interference in domestic affairs; equality and mutual benefit; and peaceful coexistence), first articulated by China and India in 1953, and which subsequently served as the basis of the Non-Aligned Movement. The convergence of ASEAN norms with those held by China and India both legitimized and facilitated ASEAN's engagement with Asian major powers. In contrast, alternative proposals for regional security cooperation by "outside entrepreneurs", such as the proposal for a Asia Pacific Community in 2008

forwarded by Australian Prime Minister Kevin Rudd in 2007, failed to take off due to lack of support from either ASEAN itself or other Asian powers (Capie 2012).

ASEAN’s engagement with external powers has been carried out since the late 1990s under the aegis of a US-dominated regional order built upon the 1952 San Francisco Treaty system (Sutter 2009). Characterized as a “hub-and-spokes” network of bilateral security treaties between the US hub and its five regional spokes/allies – Japan, South Korea, Philippines, Thailand and Australia – and underpinned by US military power and economic interests, that order is undergoing a paradigm shift with China’s rise. In the face of the region’s shifting power dynamics, ASEAN has continued to support the US-dominated security order – which has provided the political, strategic and economic conditions for ASEAN to evolve from a five- to ten-member body and subsequently to function as the driver of regional cooperation – while accommodating China’s rise. Faced with a security environment in transition, one in which the outcome of the interim order remains in question, ASEAN member states have, according to Goh, “functioned as willing allies and military partners, political ‘middlemen,’ institutional brokers, and suppliers of legitimacy for a variety of major power decisions and positions: the United States to maintain its position; China to demonstrate good neighborliness and assurance through institutional and economic engagement; Japan to continue its important diplomatic and economic involvement in regional affairs” (2008: 156). However, the stability of the interim order remains in question because of uncertainties regarding ASEAN’s ability to manage security cooperation and America’s perceived diminishing capacity to preserve the existing regional equilibrium in the face of China’s increasingly assertive behaviour in the South China Sea.

Territorial Disputes in the South China Sea

Contemporary South China Sea issues reflect the emergence of three key trends in shaping the regional interim order: America’s rebalance or pivot toward East Asia to preserve its preponderance of power, China’s rising power and force projection in the South China Sea, and ASEAN’s commitment to sustaining its central role in shaping the regional security landscape while at the same time steering clear of the growing strategic competition between China and the US. Security analysts see the maritime disputes as posing the “worst-case scenario” threat to peace and security in the ASEAN region and the “most serious challenge to ASEAN’s regional conflict management role” (Acharya 2013: 7).

Chinese maritime activities in the South China Sea date back more than a thousand years to the “tribute trade system” that was characterized by a network of trade flows between a hegemonic Middle Kingdom and its so-called “tributary states” in the period before the establishment of western colonial rule in Southeast Asia (Zhang 2009). From the earliest days, the South China Sea served as conduits for China’s tributary trade with Southeast Asia as well as South Asia, the Middle East and beyond. With the arrival of the European powers in Southeast Asia beginning in the early 16th century, and as China’s maritime power declined in the late Ming period, the South China Sea was no longer a “Chinese lake”. Instead, it became a sea bounded by countries occupied by colonial powers (Portuguese, Spanish, Dutch, British, French and American) and with its waters open to local, regional and international shipping. The South China Sea today constitutes one of the world’s major connecting bodies of water, serving as a key conduit of Asian and global trade. With more than half of the world’s sea-borne commerce and oil tanker shipments passing through its waters, the South China Sea is strategically and economically vital to ASEAN, its key trade partners and the international community.

China’s peaceful rise and successful economic modernization over the past three decades have widely benefited its ASEAN neighbors and has contributed significantly to regional stability and prosperity. However, along with its meteoric economic rise and expanding military capacity China has also begun to assert its claim over most all of the body of water based on the “nine-dash line”, which was first drawn up in May 1947 by the Kuomintang government to delimit China’s maritime territory

(Till 2009: 38). Fully supportive of Beijing's claims, most Chinese believe their country has a "historic, sacred and inviolable right" to all or part of the sea (McHale 2012: 2). That U-shape line reaches 1,500 kilometers south of Hainan Island and covers more than 80% of the South China Sea. Although China acceded to the United Nations Convention on the Law of the Sea (UNCLOS) in 1996, it continues to use the "nine-dash line" delimitation to assert its claim over its "historical" maritime domain, and its desire to control the fisheries, minerals and other maritime resources as well as the potentially vast oil and gas deposits to be found there. Articulating the official line, a Chinese analyst at a state-sponsored think tank stated: "UNCLOS, which came into force in 1994, cannot deny China's 'U-shape line' published almost half a century ago" (Cao 2014).

China's claims are challenged by four ASEAN states: Brunei, Malaysia, Philippines and Vietnam, which are also signatories of UNCLOS. Claimant states seek jurisdiction over land features and exploitation rights over marine and seabed resources in their Exclusive Economic Zones (EEZ), which extends up to 370 kilometers (220 nautical miles) from their respective coastlines. The treaty provides for adjudication of maritime boundary disputes based on competing claims pertaining to internal waters, territorial waters, maritime features such as islands, shoals and rocks within the EEZs and extended continental shelves claimed by the signatory states.⁶ When the Chinese government formally presented its nine-dash line claim to the UN in May 2009, it stated that: "China has indisputable sovereignty over the islands in the South China Sea and their adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof" (Cao 2014). China's lack of clarity on whether it seeks to claim all of the waters of the South China Sea or only certain land features within the area, with subsequent dependent maritime rights based on territorial waters, EEZs and continental shelf claims, is in itself a calculated policy of "intentional ambiguity" to maximize room and flexibility for future negotiations (Sun 2014). Beijing has also ensured that, through its declaration under Article 298 in 2006, it has no legal obligation to settle its claims through UNCLOS adjudication should a rival claimant resort to that mechanism to resolve competing claims.

Of the four major island groups in the South China Sea (the Pratas, Paracels, Spratlys, and Scarborough Shoal), China and Taiwan lay claim to all four groups, Vietnam claims the Paracels and Spratlys, the Philippines claims many of the Spratlys and Scarborough Shoals, while Malaysia and Brunei claim a few of the Spratlys. China's willingness and capacity to back up its claims with military force was displayed as early as 1974 when gunboats from the People's Liberation Army Navy (PLAN) attacked and seized the Paracels, then partially controlled by South Vietnam, and has held them ever since. After the reunification of Vietnam, China has clashed with Hanoi on several occasions. The most serious conflict occurred in 1988 when China dislodged Vietnamese troops from several reefs and atolls in the Spratlys. In 1995 and 1998, China launched naval attacks against the Philippines, successfully seizing control of the Mischief Reef (Ang 1999). Chinese belligerent behavior in this first phase of hostilities ceased in 2000 when it embarked on a "charm offensive" and "good neighbor policy" directed at strengthening relations with ASEAN (Kurlantzick 2007).

Under its New Security Concept of 2002, Beijing sought "common security through beneficial cooperation" based on the principles of the UN Charter and its own "Five Principles of Peaceful Coexistence", which called for the resolution of territorial conflicts through peaceful negotiation, and promotion of common prosperity, mutual benefit and common development ("China's Position Paper on the New Security Concept"). The overarching objective of this foreign policy initiative was to maintain China's political stability, broadly identified as "[first,] the stability of the CCP [Communist Chinese Party] leadership and of the socialist system; second, sovereign security, territorial integrity, and national unification; and third, China's sustainable economic and social development" (Wang 2011). Beijing promoted economic and political ties with ASEAN by signing the China-ASEAN Free Trade Agreement (CAFTA) in 2000 and being the first ASEAN dialogue partner to forge a Strategic

⁶ For informed and balanced studies on the legal aspects of the South China Sea disputes, see, e.g., Beckman et. al. 2013 and Schofield 2012.

Partnership for Peace and Prosperity with ASEAN and to accede to the TAC in 2003. China’s “common security” initiative led to its accession to the ASEAN-sponsored Declaration on the Conduct of Parties in the South China Sea (DoC) in November 2002. That landmark document represented, for the first time, China’s agreement to taking a multilateral approach in addressing South China Sea-related tensions in joint discussion with ASEAN to seek a peaceful resolution of competing claims. Under the non-binding DoC, ASEAN and China agreed to (1) affirm their respect for freedom of navigation and overflight above the South China Sea in accordance with universally recognized principles of international law, including UNCLOS; (2) resolve territorial and jurisdictional disputes through peaceful means, without resorting to the threat or use of force; (3) refrain from inhabiting presently uninhabited islands, reefs and other features; (4) undertake cooperative activities that include safety of navigation and communication at sea, search and rescue operation and combating transnational crime (ASEAN, “Declaration of the Conduct of Parties in the South China Sea 2002”). China also agreed to shelve disputes and undertake joint development of energy resources in the South China Sea.

China’s spectacular economic advances have provided the basis for its rapid military modernization and growing capacity to extend its naval reach beyond its so-called “first island chain”, an arc covering the Yellow Sea, East Sea and South China Sea, extending from the Kuril Islands, the Japanese Archipelago, the Ryukyu Islands, Taiwan, the Philippines, Borneo and the Malay Peninsula. Concomitantly, it is developing its “counter intervention capabilities”, termed by the Pentagon as an “anti-access/area-denial” (A2/AD) strategy. (Thayer 2013d: 7). Large increases in defence spending have enabled the Chinese navy to develop six lines of offensive/defensive capabilities: i.e., blockade, anti-sea lines of communication (SLOC), maritime-land attack, anti-ship, anti-protection of maritime transportation, and naval base defence (ibid: 6), all of which would inhibit the deployment of the US Seventh Fleet and related US military assets throughout the South China Sea and the East Sea where China is actively contesting Japan’s jurisdiction of the Senkaku/Diaoyu islands.

China’s economic rise, expanding political influence and military modernization in the region have led to an appreciable *relative* decline in US power. While Washington maintained its leading position when China was waging its charm offensive, symbolically important US non-actions such as the “no-show” by Secretary of State Condoleezza Rice at the ASEAN Regional Forum (ARF) annual meetings in 2005 and 2007 – due to Washington’s preoccupation with the wars in Iraq and Afghanistan – greatly disheartened the ASEAN hosts. Washington’s standing in the region, particularly among the Muslim populations, declined dramatically in the wake of its war against Islamist violence carried out following the al-Qaeda 9/11 attacks against the US in 2001. In short, China’s dramatic ascent in the region and its diplomatic courtship of ASEAN took place at the same time that America was perceived to have been inattentive and neglectful of ASEAN.

America’s Rebalance to Asia and Enhanced Engagement with ASEAN

The American rebalance or pivot to Asia signified both Washington’s intent to shore up and consolidate its strategic, political and economic standing in the face of expanding Chinese influence in the region as well as a recognition of the growing economic and strategic importance of ASEAN to American interests. Washington’s diplomatic, economic and strategic rebalance toward Asia comprises six key lines of action aimed at strengthening its bilateral security alliances; deepening relationships with emerging powers, including with China; engaging with regional multilateral institutions; expanding trade and investment; forging a broad-based military presence; and advancing democracy and human rights (Clinton 2011). Kurt Campbell, former Assistant Secretary of State for East Asian and Pacific Affairs (2009 - 2013) and a leading architect of the pivot policy, explained that US foreign policy in Asia was recalibrated to meet the “new reality” of the Asia-Pacific, a region that generates nearly half of the world’s GDP and contains over half of the world’s population and which increasingly drives global economic growth (Campbell & Ely 2014). He elaborated: “Indeed, the US pivot to Asia has been accompanied by a *pivot within Asia*. Washington is balancing its historical

emphasis on the countries of Northeast Asia with new attention to countries, such as Indonesia, Philippines, and Vietnam, seeking to augment two-way trade and investment with some of the world's most vibrant economies" (ibid: 110, italics added)⁷. In noting that the pivot sought to place greater emphasis on US security cooperation in Southeast Asia, Campbell stated that although US military bases in Northeast Asia remain central to Washington's ability to project power and fight wars, "they are increasingly vulnerable to disabling missile attacks, and they lie relatively far from potential disasters and crisis in the South China Sea and the Indian Ocean" (ibid: 110).

Signalling the increased salience of ASEAN's role in Washington's Asia rebalance policy, Secretary of State Clinton described ASEAN as the "fulcrum of the region's emerging regional architecture" and "indispensable on a host of political, economic and strategic matters" (Clinton 2010). America acceded to ASEAN's Treaty of Amity and Cooperation in July 2009, joined in the ASEAN-sponsored East Asia Summit (EAS) in 2012, established a new Jakarta-based US mission to ASEAN, and created a new office of Multilateral Affairs in the State Department's Bureau of East Asia and Pacific Affairs in 2011 to coordinate its policies with ASEAN and ASEAN-related institutions in which the US is a member, i.e., ARF, EAS and ADMM Plus. In deepening security cooperation with ASEAN, Washington has made the ADMM Plus the primary venue of engagement to pursue cooperation in five designated areas: maritime security, humanitarian assistance and disaster relief, military medicine, counterterrorism, and peacekeeping (Harding 2013). US-ASEAN security relations were further boosted in 2014 when the US-ASEAN Defence Minister's Forum was hosted by the US in Hawaii. It was the first ever meeting of its kind not hosted by an ASEAN country.

Constrained by its burgeoning budget deficit, caused by two costly wars in Iraq and Afghanistan as well as the sharp and protracted economic downturn following the Global Financial Crisis of 2008-2009, the US has increasingly sought burden sharing by allies, friends and partners to help advance its global security objectives, including those embraced in the Obama Administration's "pivot" to Asia. As the US has sought to reassert a commanding presence in the region at a time of increased concern about China's capabilities and motivations, its re-engagement has been welcomed in Southeast Asia, not only by existing bilateral allies and partners but also ASEAN itself, which has helped shape the current regional security architecture in a manner congenial to US interests. Daniel Russel, who succeeded Kurt Campbell as the US Assistant Secretary of State for East Asian and the Pacific Affairs, described ASEAN as "driving real accomplishments", whether negotiating jointly a code of conduct for claimants in the South China Sea, improving management of shared resources, or addressing transnational challenges (Russel 2014). By strengthening ASEAN and making the body a more important part of the international system of the 21st century, it would continue to provide long terms benefits to the US. The high value the US places on its political, security and economic relations with ASEAN is a theme consistently stressed by President Barack Obama and his secretaries of state and defence during their frequent visits to the region to attend ASEAN-organized events in recent years.

While expanding multilateral and bilateral cooperation with ASEAN and specific member countries, the US has also been mindful to simultaneously maintain a positive and constructive relationship with China. Aware that China regards America's rebalance as a new form of containment policy to curb its rise, senior US officials have repeatedly assured Beijing that Washington's pivot actively supports a role for China in regional and global economic and security institutions and welcomes a "prosperous and successful China that contributes to regional and global problem solving" (Hagel 2013). Washington continues to pursue deeper engagement with China at all levels primarily through the high-level biannual Strategic and Economic Dialogue in order to prevent a drift toward strategic rivalry and to reduce the risk of miscalculation that would undermine the bilateral

⁷ At the 2nd US-ASEAN-EAS Strategic Dialogue Symposium organized by the ASEAN Studies Center at American University (of which the paper's author is Director) held on 26 September 2012, Kurt Campbell, then Assistant Secretary of State for East Asian and Pacific Affairs, emphasized ASEAN centrality in advancing US interests in the region, adding that the US would "lead from behind" in promoting regional cooperation.

relationship. In 2013, China was invited for the first time to observe the US-Philippines Balikatan exercise and to participate in RIMPAC (Rim of the Pacific), the world’s largest multilateral naval exercise (ibid.).

Renewed Tensions in the South China Sea

China’s charm offensive and good neighbour policy in South East Asia effectively ended in April 2010 when Beijing reasserted its “indisputable claim” by declaring that the South China Sea was a “core interest” of China’s on a par with its claims to Taiwan, Tibet and Xinjiang (Landler 2010). Chinese reassertion of its maritime claims is seen by some observers as a proactive response to the moves of other claimant states acting to solidify their claims vis-à-vis Beijing (Ji 2013). Malaysia and Vietnam’s joint submission to the UN Commission on the Limits of the Continental Shelf in May 2009, requesting information pertaining to their respective extended continental shelf claims, triggered off the current round of renewed tensions. Chinese analysts argue that the US pivot to Asia had emboldened ASEAN claimants to advance their claims at a time when political succession in China made it “impossible for the leadership to continue its passivity toward sovereignty issues” (ibid: 4). President Xi Jinping established and personally headed a central crisis response leadership group to coordinate the policies and actions of all government agencies, including the People’s Liberation Army Navy, to implement China’s new coercive diplomacy in the East and South China Sea.

China’s assertive behaviour resulted in numerous though minor acts of aggression in the South China Sea, aimed principally at Vietnam and the Philippines. This maritime offensive has been characterized by policy analysts as “salami-slicing”, a strategy of slow accumulation of small actions, “none of which is a casus belli, but which add up over time to a major strategic change” with the purpose of establishing China’s enduring presence in its claimed territory (Haddick 2012). Such actions included the harassment and arrests of Vietnamese fishermen; unilaterally declaring a fishing moratorium, such as the one imposed between 16 May and 1 August in 2013, in an area that covers Vietnamese waters. China has also confiscated foreign fishing vessels and cut off the cables of a Vietnamese state-owned Petro Vietnam vessel conducting seismic surveys within Vietnam’s EEZ. Its national oil company, the China National Offshore Oil Corporation (CNOOC), has awarded offshore blocks for bidding by foreign oil exploration companies in EEZ waters claimed by Vietnam. In June 2012, responding to Vietnam’s passage of its Maritime Law declaring sovereignty and jurisdiction over its claimed territories in the Paracels and Spratly Islands, Beijing established Sansha City on Woody Island in the Paracels, which it had seized from South Vietnam in 1974. Sansha now serves as the administrative center for China’s expansive claims in the South China Sea. Beijing also deployed a garrison of PLAN combat ready troops to Sansha (Haddick 2012; Storey 2012). Other unsettling actions included the expulsion of Philippines vessels from the fishing waters of the Scarborough Shoal in 2011 and deployment of a deep-water oil exploration rig in waters claimed by Hanoi, an act that provoked anti-Chinese riots in Vietnam in May-June 2014 (*BBC News*, 15 May 2014). By contrast, the other two ASEAN claimant states, Malaysia and Brunei, located geographically further south from China, have been largely undisturbed by China but recent developments there point to the possibility of more assertive Chinese behaviour. In February 2014 China sent a three-ship PLAN flotilla to patrol the waters around James Shoal located within Malaysia’s EEZ. Although Malaysia’s response was low key and conciliatory (*Reuters*, 29 February 2014) a Malaysian analyst warned that such unprecedented Chinese military intrusions into Malaysia’s claimed EEZ were, in fact, the “prelude to the old Chinese game of ‘creeping assertiveness’ by testing Malaysia’s resolve” (Tang 2014).

China’s strident reassertion of control over the South China Sea poses the most serious challenge to date to ASEAN member countries’ ability to maintain intra-ASEAN unity in the face of Chinese pressures on the non-claimant states, particularly Laos, Cambodia and Myanmar to take a pro-China stance. ASEAN’s inability to withstand Beijing’s divide and rule tactics was publicly exposed at the 45th ASEAN Ministerial Meeting (AMM) chaired by Cambodia in July 2012. At that time, Cambodia, deferring to China’s objections to including references proposed by Vietnam and the Philippines about

China's behavior in the South China Sea, resulted in a standoff that prevented the release of a joint communiqué for the first time since the grouping's formation (Thayer 2012). Concerned to restore ASEAN's reputation and good standing after its debacle in Cambodia, Indonesia acted swiftly and decisively to reestablish a common ASEAN position on the South China Sea. Labeling ASEAN's failure to reach agreement as "irresponsible" behavior, which put the grouping's central role in the building of the regional security architecture at risk (cited in Storey 2012: 3), Indonesian Foreign Minister Marty Natalegawa conducted a 36-hour shuttle diplomacy mission to four other ASEAN capitals (Singapore, Hanoi, Manila and Phnom Penh) and succeeded in reviving an ASEAN consensus on China and the South China Sea. On 20 July 2012 ASEAN unveiled its Six-Point Principles on the South China Sea, signed by all members including Cambodia. The document reaffirmed and reiterated the principles of the non-binding 2002 Declaration of the Code of Conduct of Parties in the South China Sea and called for an early conclusion of a binding Code of Conduct between ASEAN and China. ASEAN has maintained its consensus on the South China Sea since 2012. At the 24th ASEAN Summit in Myanmar in May 2014, the Chairman's statement voiced "serious concerns over on-going developments in the South China Sea" and urged all parties concerned to exercise self-restraint and to resolve disputes by peaceful means in accordance with universally recognized principles of international law, including UNCLOS (ASEAN, "Chairman's Statement of the 24th ASEAN Summit).

Washington first articulated its position on the growing tensions in the South China Sea at the ARF annual meeting in Hanoi in July 2010 when Secretary of State Hillary Clinton declared that the US had a "national interest" in that body of water, and laid out the following principles guiding US policy: freedom of navigation and unimpeded lawful commerce; respect for international law; adherence to neutrality regarding conflicting sovereignty claims; recognition of maritime rights based on sovereignty over land features and delineated in conformity with UNCLOS; support for collaborative diplomatic process by all claimants in resolving their disputes; and active backing for negotiation of a Code of Conduct between ASEAN and China (Bader et al. 2014: 5) In February 2014, Assistant Secretary of State Daniel Russel stated that "the U.S. takes no position on competing claims to sovereignty over disputed land features in the East and South China Seas". While asserting US "neutrality" on the issue of competing claims to sovereignty, Russel roundly criticized China for creating "uncertainty, insecurity and instability in the region" and urged Beijing to demonstrate "respect for international law by clarifying or adjusting its claim to bring it into accordance with international law of the sea" (Russel 2014).

While the US clearly opposes Chinese actions aimed at securing Beijing's long term strategic objectives in the South China Sea, it also does not wish to take the side of a claimant state against China, since that would make the South China Sea a key divisive issue in the all-important US-China relationship. For example, while President Obama gave an "iron-clad" assurance to Manila that the US would defend the Philippines if the latter faced an armed attack, he left it unclear if disputed territories like Scarborough Shoal and Mischief Reef would be considered part of the island territories under Manila's jurisdiction, and thus be covered by the 1951 US-Philippines Mutual Defense Treaty (*ABC-CBN News*, 30 April 2014). On another occasion, when asked how the US would respond to China's occupation of features within the EEZ claimed by the Philippines, US Chief of Naval Operations Admiral Jonathan Greenert equivocated: "We have an obligation [to help the Philippines] because we have a treaty. But, I don't know in what capacity that help is" (cited in Tiezzi 2014). Such carefully modulated official articulations of US treaty obligation to Manila with regard to its South China Sea claims stand in sharp contrast to Washington's citation of the US-Japan Security Treaty in expressing a clear commitment to protect Japan with respect to the latter's territorial dispute with China over the Senkaku/Diaoyu Islands.

Although Washington continues to maintain it takes no position on territorial claims in the South China Sea, it has strengthened political, economic and security cooperation with the ASEAN claimant states with new agreements, notably the US-Vietnam Comprehensive Partnership Agreement of 2013, and the US-Philippines Enhanced Defense Cooperation Agreement and the US-Malaysia

Comprehensive Partnership, both signed during Obama's visit to Manila and Kuala Lumpur in April 2014. Beijing has predictably taken issue with US enhanced multilateral and bilateral security cooperation with ASEAN and ASEAN claimant states. It has insisted that the US has no legitimate role to play in a dispute that should be resolved only between Beijing and the ASEAN claimant states, as reflected in a Chinese Ministry of Foreign Affairs statement: "China's rights and interests in the South China Sea are formed in history and protected by international law. China stays committed to resolving maritime disputes with countries directly-concerned [sic] through negotiation and consultation" ("Chinese Foreign Ministry Spokesperson Hong Lei's Remarks" 2014). However, when faced with a reunified ASEAN and Washington's backing for ASEAN's Six-Point Principles, Beijing moved quickly to repair its standing with ASEAN by agreeing to commence discussions on a CoC and implement the 2001 DoC's guidelines on China-ASEAN cooperation in the South China Sea (Thayer 2013a). As a counterpoint to ASEAN's Six-Point Principles, Beijing introduced China's "Four New Points" to provide the parameters of Beijing's participation in the CoC. These included: "reasonable expectations", "consensus through negotiations", "elimination of interference", and "step-by-step approach" to a conclusion of the CoC (ibid: 5-6). China's conditions pertaining to the CoC were a clear warning to ASEAN that Beijing would veto any measures it did not agree to and would not tolerate the "internationalization" of the negotiations through the involvement of the US and other outside powers. Moving to counter America's Asia pivot, Beijing announced new initiatives aimed at strengthening China's political and economic ties with individual ASEAN member states while "firmly [supporting] ASEAN centrality in regional cooperation" (Ma 2013). New cooperative initiatives include the China-ASEAN Treaty of Good Neighborliness and Cooperation and the China-ASEAN Community of Common Destiny. At a high profile visit to Jakarta in October 2013, President Xi Jinping announced his "Maritime Silk Road" as part of China's Grand Indo-Pacific Strategy, which seeks to bind surrounding regions more closely to China through a network of roads, railways, ports and pipelines (Shekhar 2014). That far-reaching initiative seeks to advance China's geopolitical position in a "New Asian Order" by strengthening maritime and overland connectivity and promoting multilateral naval cooperation between China, ASEAN and India (Page 2014). Emphasizing that "China has the capability and the will to provide more public goods to the Asia-Pacific and the whole world", Xi announced the establishment of the Asian Infrastructure Investment Bank (with Beijing providing an initial \$50 billion out of a total projected \$100 billion capitalization), and China's plans for an Asia-Pacific free trade deal (the Free Trade Area of the Asia Pacific, FTAAP) at the 21-member APEC Summit that Beijing hosted on November 18, 2014 (Goodman & Ratner 2014). As part of its grand strategy for building a reconfigured Asian order, China has pledged to provide an additional \$40 billion Silk Road Fund. As envisaged by Xi, the locus of power of the new Asian Order in the 21st century will shift from Washington to Beijing. To reflect the new order, China seeks to recalibrate the rules and norms of the neoliberal international order that were set by the US, starting with those governing maritime security and disputed territories in the South China Sea. In contrast to America's and ASEAN's assertion that any territorial quarrels should be settled according to international law, and not by force or intimidation, China has declined to participate in UN-mediated arbitration.

It remains to be seen if Beijing's Maritime Silk Road initiative will be effective in advancing China's political and strategic influence in Muslim-majority maritime Southeast Asia, an area where Chinese influence has historically lagged behind its political and economic standing in mainland Southeast Asia. So long as China continues to pursue its "salami-slicing" strategy in the South China Sea – most recently through attempts to enforce new requirements for all non-Chinese fishing vessels to apply for permission to fish in waters claimed by China, by moving an oil rig into Vietnam's claimed EEZ in May 2014 and by building new structures on five reefs in Johnson South Reef in the Spratlys claimed by the Philippines, including an airfield (BBC News, 10 September 2014; Perlez 2014) – it is questionable that Beijing's Maritime Silk Road will find regional support any time soon.

Efficacy of the ASEAN Way and Security Cooperation in the South China Sea

From 1976 when ASEAN ratified the Treaty of Amity and Cooperation and established the ASEAN Way of security cooperation based on sovereignty, non-interference, peaceful resolution of conflict and consensus decision-making, ASEAN leaders have explicitly stated that they have no intention of forming a deeply institutionalized rules-based security alliance. Any proposal to transform the ASEAN security community into a NATO-style collective security pact is recognized by its leaders as highly unrealistic, given the fact that the ten disparate countries are divided by wide gaps in economic development, different political systems and divergent strategic outlooks. Lacking the capacity individually and collectively to assert themselves in any kind of military confrontation with China, ASEAN has to rely on its diplomatic and political skills, as well as support from the international community to protect its economic and strategic interests in the South China Sea. Lacking the necessary offensive power to deter China from unilaterally occupying territories and features in the South China Sea, ASEAN has adopted a strategy of “defensive realpolitik” and “proactive engagement”, the first by expanding security cooperation with the US, and the second by deepening economic and diplomatic engagement with China.

ASEAN’s carefully handled defensive realpolitik and proactive engagement of China as well as other regional powers have to date proven successful. The “enmeshment” of major powers, particularly the US and China, in the network of ASEAN-led organizations has resulted in ASEAN’s central role in facilitating economic and security cooperation, and promoting regional integration. ASEAN’s leading role in the emerging regional architecture of the Asia-Pacific region has produced formal and informal processes that allow the US and China, each with their own complicated and sometimes contesting agendas, to constructively address major regional issues at the ARF, EAS, ADMM Plus and other ASEAN-hosted platforms. ASEAN’s instrumentality in facilitating America’s interests in the face of a rapidly rising China’s has led to unprecedented US endorsement for the grouping, as exemplified by Secretary of State John Kerry’s formal remarks at the US-ASEAN Ministerial Meeting in September 2014: “ASEAN and its centrality is essential to upholding the rules-based system throughout the Asia Pacific, and it is the best way to ensure that all countries big and small have a voice as we work together to address the challenges and take advantage of the opportunities. That’s why the United States continues to invest so much in the relationship” (Kerry 2014).

Dealing with an assertive China in the South China Sea, ASEAN has essentially three policy options. The first is, as China clearly prefers, to interact with China on its own, while at the same time maintaining ASEAN solidarity and unity to prevent a repeat of the 2012 Cambodia debacle, and negotiate the best possible CoC outcome. The second, seen by most ASEAN leaders as probably the most promising, is to continue negotiating with China on the CoC but also rely on US political leverage and military muscle to deter Chinese aggressive behavior. The third is primarily to take the legal route and seek international arbitration under UNCLOS. This approach, endorsed by the US and many others in the international community, is articulated in ASEAN’s DoC as well as the proposed CoC. However, though to date all four claimant states have pursued the first and second option, only the Philippines has acted on the third approach. In January 2013, Manila submitted a *Notification and Statement of Claims* to UNCLOS to seek adjudication by the International Tribunal of the Law of the Seas (ITLOS) on four distinct claims: that the China nine-dash line is invalid; that China’s claims to the Scarborough Reef are not based on significant land features; that China’s structures on submerged features are illegal; and that Chinese harassment of Philippine nationals at sea is also illegal (Dutton 2013). The Philippines’ legal action against China has predictably strained bilateral ties between the two countries, and Manila has been disappointed that no other ASEAN claimant state has joined it in seeking legal redress under international law. Faced with China’s refusal to take part in the UNCLOS proceedings or recognize judgments handed down in its absence, Malaysia, Brunei, and even Vietnam, have thus far not followed Manila’s example in seeking legal adjudication.

Given China’s persistence in asserting its claims through coercive diplomacy and refusal to submit to adjudication under UNCLOS, the South China Sea disputes are unlikely to be resolved in the foreseeable future. Thus, the US-backed Philippine “Triple Action Plan”, proposed in August 2014, which calls for a moratorium on unilateral activities in disputed EEZs, for timely completion of the CoC, and for disputes to be resolved under UNCLOS arbitration (Tweed 2014) is unlikely to see the light of day. Until or unless ASEAN succeeds in negotiating a binding CoC with China, the immediate task for all parties concerned is to establish cooperative mechanisms that will prevent incidents from escalating into armed conflict. In order to bolster its capability in developing effective risk reduction procedures, ASEAN would need to fashion a diplomatic strategy and work with the US, China, Japan and other EAS partners in strengthening maritime cooperation through increased military exchanges and training, expanded ship visits, bilateral and multilateral exercises, and enhanced coordination in anti-piracy and humanitarian assistance and disaster relief measures. Strengthened cooperation in such functional areas – preferably under the aegis of the ADMM Plus and the Expanded ASEAN Maritime Forum (established in 2012) – would create the “positive atmospherics” that would make the conclusion of CoC negotiations more likely to happen than not. For its part, by relying on civilian patrol vessels and coast guard (funded by the State Oceanic Administration and China Marine Surveillance Fleet) rather than PLA naval combat ships to enforce its will in disputed waters, China has thus far avoided “militarizing” the dispute, thus reducing the risk of a confrontation from spinning out of control (Rajagopalan & Torode 2014). Washington, for its part, should ratify UNCLOS. That move would greatly enhance US credibility as it continues to exhort China and other claimant states to resolve their differences on the basis of relevant international law (Bader et.al. 2014)

Conclusion

ASEAN’s Treaty of Amity and Cooperation establishes the principles, the non-binding mechanism and the informal processes for regional cooperation on both traditional and non-traditional security issues. However, due to its emphasis on norms of sovereignty and non-interference, ASEAN remains at best a “nascent security community” with no common defence policy, no peacekeeping force and no vigorous conflict resolution mechanisms. At the same time, the grouping’s low key, informal and inclusive approach to multilateral security cooperation has brought in external major partners as key stakeholders in an overlapping network of ASEAN-led groupings, ranging from the 27-member ASEAN Regional Forum, with its expansive geographic footprint, to the regionally-based and more action-oriented 18-member East Asia Summit and ASEAN Defence Ministers Meeting Plus and its own 10-member ASEAN Political and Security Community. Security cooperation within ASEAN and between ASEAN and its external partners is multilayered and multidimensional; all key players in the international community are represented in ARF while all major powers in the Asia-Pacific region are represented in the EAS and ADMM Plus.

Despite the voluntary and loosely structured nature of security cooperation in ASEAN, that modus operandi has maintained intra-ASEAN peace and stability, beginning in 1967 among the ASEAN-5 founding members, then among the ASEAN-6 (when Brunei joined in 1984) and finally among the expanded ASEAN-10. In maintaining stability within the wider Asia-Pacific region, ASEAN is dependent on the major powers, particularly the US and China, to provide a peaceful neighborhood to promote economic development and unimpeded transnational flows of people, goods, investments and services. So long as ASEAN and its more powerful neighbors share a common interest in upholding regional peace and stability, South East Asia will continue to thrive as an economically dynamic region, where political liberalization and expansion of civil society are proceeding slowly but steadily; or sometimes with surprising speed, as has been seen in Myanmar since 2010.

The efficacy of the ASEAN Way of security cooperation in the South China Sea is being tested at a time when the Asia Pacific is undergoing a historic power transition, one in which rapidly rising Chinese economic and political influence is eroding the United States’ long-held position as the unchallenged and sole superpower. The regional security order is in flux, and the stability of the

interim hierarchy will be determined by how effectively ASEAN manages the uncertainties regarding Washington's Asia rebalance commitments and Chinese expansionist intentions. ASEAN seeks to counterbalance China's growing strategic influence by enhancing security cooperation with the US without simultaneously alienating Beijing to the point where a new Cold War could emerge, one in which ASEAN itself is divided between a pro-Washington and a pro-Beijing camp. The US-backed 21st century international order is a continuation of the status quo, which reflects a system of Westphalian neoliberal norms and international law that ensures, among other attributes, that the sovereignty of small states is protected from predatory actions by larger states and dispute resolution procedures allow for buy-in from all affected parties. The Chinese revisionist international order, on the other hand, envisages the restoration of China's historical hegemony, diminished US influence and less reliance on the letter of international law. Its unilateral expansionist claims in the South China Sea and articulation of a Maritime Silk Road under its Grand Indo-Pacific Strategy appear to be a prelude toward realizing such a new "Middle Kingdom" regional order.

As China presses its South China Sea challenge to the claims of four ASEAN member states, as well as to broader international maritime interests, and as it seeks to reset the balance of naval power in the Asia-Pacific region, ASEAN's role will be central in determining which vision of international order – Washington's or Beijing's – will prevail in East and Southeast Asia. To maximize its influence as a militarily weak but strategically crucial player in this scenario, it is vital that ASEAN maintains intra-ASEAN unity to serve as the only multilateral mechanism for security cooperation that is acceptable to all major powers in the region. In the final analysis, the efficacy of the ASEAN Way of security cooperation in the region depends on the ability of ASEAN to continue to function as the default security instrumentality and, thus, the key driving force of security cooperation in the Asia-Pacific. So long as China and Japan are unable to provide cooperative leadership in establishing an alternative instrumentality for security cooperation, and so long as ASEAN itself remains cohesive, neutral and inclusive, the US, China and other regional powers will continue to support and utilize ASEAN as they – and ASEAN member states themselves – recalibrate and synchronize their respective bilateral-multilateral dynamics in response to the new security metrics produced by China's rise.

References

- ABS-CBS News. 2014. “DFA: Treaty ensures US will come to PH defense in disputed seas”, 30 April.
- Acharya, A. 2014. “Power Shift or Power Paradigm Shift? China’s Rise and Asia’s Emerging Security Order”, *International Studies Quarterly*, 58, pp. 158-173.
- Acharya, A. 2013. “ASEAN 2030: Challenges of Building a Mature Political and Security Community”, ADBI Working Paper Series #44, Tokyo: Asian Development Bank Institute, October 2013.
- Acharya, A. 2009a. *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, Redwood City: Stanford University Press.
- Acharya, A. 2009b. “Indonesia: Asia’s Emerging Democratic Power?”, *Canada-Asia Viewpoints*, 16 October.
- Ang, C. G. 1999. “The South China Sea Dispute Re-visited”, IDSS Working Paper 4, Singapore: Institute of Defence and Diplomacy Studies, August.
- Association of Southeast Asian Nations. 2014. “Chairman’s Statement of the 24th ASEAN Summit”, 11 May, available on: <http://www.asean.org/news/asean-statement-communicues/item/chairman-s-statement-of-the-24th-asean-summit-moving-forward-in-unity-to-a-peaceful-and-prosperous-community> [accessed on June 22, 2014].
- Association of Southeast Asian Nations. 2012. “ASEAN’s Six-Point Principles on the South China Sea”, 20 July, available on: <http://www.cfr.org/asia-and-pacific/aseans-six-point-principles-south-china-sea/p28915> [accessed on 16 January 2014].
- Association of Southeast Asian Nations. 2008. “The ASEAN Charter”, available on: <http://www.asean.org/archive/publications/ASEAN-Charter.pdf> [accessed on 10 January 2014].
- Association of Southeast Asian Nations. 2007. “ASEAN Leaders Sign ASEAN Charter”, Media Release, 20 November, available on: <http://www.asean.org/news/item/media-release-asean-leaders-sign-asean-charter-singapore-20-november-2007> [assessed on 22 February 2014].
- Association of Southeast Asian Nations. 2002. “Declaration of the Conduct of Parties in the South China Sea 2002”, available on: <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea> [accessed on 8 January 2014].
- Association of Southeast Asian Nations. 1976. “Treaty of Amity and Cooperation”, available on: <http://www.asean.org/news/item/treaty-of-amity-and-cooperation-in-southeast-asia-indonesia-24-february-1976-3> [accessed on 8 January 2014].
- Association of Southeast Asian Nations. 1967. “The ASEAN Declaration (Bangkok Declaration)”, available on: <http://www.asean.org/news/item/the-asean-declaration-bangkok-declaration> [accessed on 15 January 2014].
- Ba, A. 2012. “ASEAN centrality imperiled?: ASEAN institutionalism and the challenges of major power institutionalization”, Emmers, R. ed., *ASEAN and the Institutionalization of East Asia*, London & New York: Routledge, pp. 122-137.
- Ba, A. 2009. *(Re)Negotiating East and Southeast Asia: Region, Regionalism and the Association of Southeast Asian Nations*, Redwood City: Stanford University Press.
- Bader, J. et al. 2014. “Keeping the South China Sea in Perspective”, *The Foreign Policy Brief*, Washington, DC: Brookings, August.

- Beckman, et al. 2013. *Beyond Territorial Disputes in the South China Sea: Legal Frameworks for the Joint Development of Hydrocarbon Resources*, Cheltenham: Edward Elgar Publishing.
- Busse, N. 1999. "Constructivism and Southeast Asian Security", *The Pacific Review*, 12, (1), pp. 39-60.
- BBC News*. 2014. "Vietnam anti-China Protest: Factories Burnt", 15 May.
- BBC News*. 2014. "China says South China Sea land reclamation 'justified'", 10 September.
- Campbell, K & R. Ely. 2014. "Far Eastern Promises: Why Washington Should Focus on Asia", *Foreign Affairs*, 93 (3), May/June, pp. 106-116.
- Cao, Q. 2014. "A Sea of False Accusations: The Philippines' legal challenge over South China Sea disputes is untenable", China Institute of International Studies, 22 April, available on: http://www.ciis.org.cn/english/2014-04/22/content_6839866.htm [accessed on 10 June 2014].
- Capie, D. 2012. "Explaining ASEAN's resilience: Institutions, path dependency, and Asia's emerging architecture", Emmers, R. ed., *ASEAN and the Institutionalization of East Asia*, London & New York: Routledge, pp.168-179.
- "China's Position Paper on the New Security Concept", available on: <http://www.china-un.org/eng/xw/t27742.htm> [accessed on July 20, 2014].
- "Chinese Foreign Ministry Spokesperson Hong Lei's Remarks on Comments by the US State Department Official on the South China Sea", 8 February 2014, available on: <http://brisbane.chineseconsulate.org/eng/fyrth/t1127014.htm> [accessed on 16 June 2014].
- Clinton, H. 2011. "America's Pacific Century", *Foreign Policy*, 11 October.
- Clinton, H. 2010. "America's Engagement in the Asia-Pacific", 28 October, available on: <http://www.cfr.org/asia-and-pacific/clintons-speech-americas-engagement-asia-pacific-october-2010/p23280> [accessed on 28 January 2014].
- Dutton, P. 2013. "The Sino-Philippine Maritime Row: International Arbitration and the South China Sea", *East and South China Seas Bulletin*, Center for a New American Security, #10, 15 March.
- East-West Center, Institute of Southeast Asian Studies & US-ASEAN Business Council. 2014. ASEAN Matters for America, America Matters for ASEAN, available on: <http://www.slideshare.net/andrewwilliamsjr/asean-matters-for-america-and-america-matters-to-asean-2014> [accessed on 2 October 2014].
- Emmers, R. ed. 2012. *ASEAN and Institutionalization of East Asia*, London & New York: Routledge.
- Emmers, R. & S. S. Tan. 2012. "The ASEAN Regional Forum and preventive diplomacy: A review essay", Emmers, R. ed. 2012. *ASEAN and Institutionalization of East Asia*, London & New York: Routledge, pp. 89-102.
- Emmerson, D. 2005. "Security, Community, and Democracy in Southeast Asia: Analyzing ASEAN", *Japanese Journal of Political Science*, 6, (2), pp.165-185.
- Goh, E. 2012. "Institutions and the great power bargain in East Asia: ASEAN's limited 'brokerage role'", Emmers, R. ed., *ASEAN and the Institutionalization of East Asia*, London & New York: Routledge, pp. 105-121.
- Goh, E. 2008. "Great Powers and Hierarchical Order in Southeast Asia: Analyzing Regional Security Strategies", *International Security*, 32 (3), pp.113-157.
- Goodman, M. & E. Ratner. 2014. "China Scores and What the United States Should Do Next", *Foreign Affairs*, 23 November, available on:

- <http://www.foreignaffairs.com/articles/142384/matthew-goodman-and-ely-ratner/china-scores> [accessed on 30 November 2014].
- Haddick, R. 2012. "Salami Slicing in the South China Sea: China's slow patient approach to dominating Asia," *Foreign Policy*, 3 August.
- Hagel, C. 2013. "Remarks by Secretary Hagel at the IISS Asia Security Summit", Shangri-La Hotel, Singapore, 1 June, available on: <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=5251> [accessed on 5 January 2014].
- Harding, B. 2013. "Don't Underestimate the ADMM+", PacNet #65R, 19 August, available on: <http://csis.org/publication/pacnet-65r-dont-underestimate-admm> [accessed on February 2].
- Heng, P.K. 2009. "A Constructivist Perspective of the Regional Order in Southeast Asia: Norms Transformation in ASEAN and the ASEAN Charter", *Tamkang Journal of International Affairs*, 13 (2), October, pp. 1-32.
- Ho, B. 2012. *ASEAN centrality in a rising Asia*, RSIS Working Paper #249, Singapore: S. Rajaratnam School of International Studies, 13 September.
- Huxley, T. 1995. *Insecurity in the ASEAN Region*, London: Royal United Services Institute for Defence Studies.
- Ji, Y. 2013. "Deciphering Beijing's Maritime Security policy and Strategy in Managing Sovereignty Disputes in the South China Seas," *RSIS Policy Brief*, Singapore, October.
- Jones, M.J. & M.L.R. Smith. 2006. *ASEAN and East Asian International Relations: Regional Delusion*, Cheltenham: Edward Elgar Publishing.
- Kerry, J. 2014. "Remarks at US-ASEAN Ministerial Meeting", 26 September, available on: <http://www.state.gov/secretary/remarks/2014/09/232229.htm> [accessed on 28 September 2014].
- Kraft, H. 2012. "Driving East Asian regionalism: The reconstruction of ASEAN's identity", Emmers, R. ed., *ASEAN and the Institutionalization of East Asia*, London & New York: Routledge, pp. 61-73.
- Kurlantzick, J. 2007. *Charm Offensive: How China's Soft Power is Transforming the World*, New Haven: Yale University Press.
- Landler, M. 2010. "Offering to Aid Talks, U.S. Challenges China on Disputed Islands", *New York Times*, 24 July.
- Leifer, M. 1999. "The ASEAN peace process: a category mistake", *Pacific Review*, 12 (1), pp. 25-38.
- Ma, Z. 2013. "The Evolving Security Situation in Asia and the Role of China", 3 December, available on: <http://lv.china-embassy.org/eng/zgyw/t1105034.htm> [accessed on June 11, 2014].
- McHale, S. 2012. "Conflict Over the South China Sea: Identity Politics Meets History", *Policy Commentary*, Washington DC: Sigur Center for Asian Studies, March.
- Nischalke, T. I. 2000. "Insights from ASEAN's Foreign Policy Co-operation: The 'ASEAN Way', a Real Spirit or a Phantom", *Contemporary Southeast Asia*, 22, (1) pp. 89-113.
- Page, J. 2014. "China Sees Itself as Center of New Asian Order", *Wall Street Journal*, 9 November, available on: <http://online.wsj.com/articles/chinas-new-trade-routes-center-it-on-geopolitical-map-1415559290?mod=ST1> [accessed on 12 November 2014].
- Rajagopalan M. & G. Torode. 2014. "China's civilian fleet a potent force in Asia's disputed seas", *Reuters*, 5 March.
- Ravenhill, J. 2013. "Economics and Security in the Asia-Pacific Region", *The Pacific Review*, 26 (1), pp. 1-15.

- Reuters. 2014. "Malaysia navy chief denies Chinese incursion", 29 January
- Russel, D. 2014. "Maritime Disputes in the South China Sea", Testimony before the House Committee on Foreign Affairs Subcommittee on Asia and the Pacific, Washington, DC, 5 February, available on: <http://www.state.gov/p/eap/rls/rm/2014/02/221293.htm> [accessed on 10 February 2014].
- Schofield, C. 2012. "Parting the Waves: Claims to Maritime Jurisdiction and the Division on Ocean Space", *Penn State Journal of Law & International Affairs*, 1 (1), April, pp. 40-58.
- Severino, R. 2006. *Southeast Asia in Search of an ASEAN Community*, Singapore: Institute of Southeast Asian Studies.
- Shekhar, V. 2014. "Maritime Silk Route: China's foothold in the Indian Ocean?", *Jakarta Post*, 25 February.
- Sheldon, S. 2014. "ASEAN and Southeast Asia", Shambaugh D. & M. Yahuda, eds. *International Relations of Asia*, 2nd edition, Lanham MD: Rowman & Littlefield, pp. 225-245.
- "Southeast Asia Nuclear-Weapon-Free-Zone Treaty (Treaty of Bangkok)" 2013. Inventory of International Nonproliferation Organizations and Regimes, James Martin Center for Nonproliferation Studies, available on: <http://cns.miis.edu/inventory/pdfs/seanwzf.pdf> [accessed on July 10, 2014].
- Storey, I. 2012. "China Pushes on the South China Sea, ASEAN Unity Collapses", *China Brief*, 12 (5), 3 August.
- Storey, I. 2011. *Southeast Asia and the Rise of China: The Search for Security*, London: Routledge.
- Sun, Y. 2014. "China's New Calculations in the South China Sea", *Asia Pacific Bulletin*, # 267, 10 June.
- Sutter, R. 2009. *The United States in Asia*, Lanham: Rowman & Littlefield.
- Tang, S. M. 2014. "A Test of Friendship", *New Straits Times*, 18 February.
- Thayer, C. 2013a. *New Commitment to a Code of Conduct in the South China Sea?*, Washington DC: National Bureau of Asian Research, 9 October.
- Thayer, C. 2013b. *South China Sea in Regional Politics: Indonesia's Efforts to Forge ASEAN Unity on a Code of Conduct*, Paper presented to 3rd Annual Conference on managing Tensions in the South China Sea, Center for Strategic and International Studies, Washington, DC, June 5-6.
- Thayer, C. 2013c. *Deference/Defiance: Southeast Asia, China, and the South China Sea*, Paper presented at workshop, "The Deer and the Dragon: Southeast Asia and China in the 21st Century," co-sponsored by Southeast Asia Forum, Shorenstein Asia-Pacific Research Center, Stanford University and the China Program, Institute of Defence and Security Studies, S. Rajaratnam School of International Studies, November.
- Thayer, C. 2013d. *Chinese Assertiveness and the U.S. Rebalancing: Confrontation in the South China Sea?*, Paper presented to the Panel on the South China Sea: The New Crucible in U.S.-China Relations? Annual Conference of the Association for Asian Studies, San Diego, 22 March.
- Thayer, C. 2012. "ASEAN'S Code of Conduct in the South China Sea: A Litmus Test for Community-Building?", *The Asia-Pacific Journal*, 10 (34), 4, 20 August.
- Tiezzi, S. 2014. "US Admiral: 'We would help' Philippines against China", *The Diplomat*, 14 February.
- Till, G. 2009. "The South China Sea Dispute: an international history", Bateman S. & R. Emmers, eds., *Security and International Politics in the South China Sea: Toward a cooperative management regime*, London & New York: Routledge.

- Tweed, D. 2014. "South China Sea Tensions Seen Dominating ASEAN Ministers Meeting", *Bloomberg Businessweek*, 8 August.
- Wang, J. 2011. "China's Search for a Grand Strategy: A Rising Great Power Finds Its Way", *Foreign Affairs*, 90 (2), pp. 68-27.
- Zhang, F. 2009. "Rethinking the 'Tribute System': Broadening the Conceptual Horizon of Historical East Asian Politics", *Chinese Journal of International Politics*, vol. 2, pp. 545-574.

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