

ASEAN's Position in Training Peace in the South China Sea



Assoc. Prof, Dr. Nguyen Van Hiep¹, Assoc. Prof, Dr. Pham Ngoc Tram²

^{1,2} Thu Dau Mot University (TDMU), Binh Duong, Vietnam

ABSTRACT: In the present context, there are many different approaches and assessments of ASEAN'S position in maintaining peace in the South China Sea. The article with a positive view and approach from a historical perspective, the author analyzes the position and effective activities of this organization in maintaining peace in the South China Sea.

Accordingly, ASEAN'S outstanding position in maintaining peace in the South China Sea is promoting Asean's central values, flexibility in handling issues and challenges related to peace, security, and regional developments, including the South China Sea issue. This is a fairly active organization in promoting confidence building measures, creating mechanisms for regional cooperation that can engage external partners, especially all major countries to achieve common regional goals.

KEYWORDS: ASEAN, South China Sea, sovereignty over sea and islands, disputes over islands

INTRODUCTION

The Association of Southeast Asian Nations (ASEAN) plays an increasingly important role in stabilizing and developing the Asia-Pacific region and around the world. Although, over the years, according to the stances of the countries in the disputing bloc in the South China Sea, ASEAN has not yet been successful in resolving disputes in this region, revealing some signs of division, but not so that ASEAN's position in maintaining peace in the South China Sea has declined. On the contrary, in the context of increasing tensions in the South China Sea that threaten regional peace and stability, it requires ASEAN to make more efforts in resolving the South China Sea disputes, stabilizing the regional political situation. Asia-Pacific, reducing tensions and confrontation between giants like China and the US.

ASEAN's prominent position in maintaining peace in the South China Sea is promoting ASEAN's central values, flexibility in handling issues and challenges related to peace, security and development in the region, including the South China Sea issue. This is a fairly active organization in promoting confidence building measures, creating mechanisms for regional cooperation that can engage external partners, especially all major countries to achieve common regional goals.

ASEAN's position in maintaining peace in the South China Sea has been studied and approached by a number of domestic and foreign scholars from different angles. For example, Tang Siew Mun, Director of the ASEAN Research Center at the Iseas-Yusof Ishak Research Institute, Singapore with a series of articles Assessing the role of ASEAN in the South China Sea disputes, China's dangerous "divide and rule" with ASEAN, ASEAN must review its "consensus" mechanism (Tang Siew Mun, 2016); ASEAN's role in the South China Sea dispute (Gary & Christopher, 2013); Patrick Cronin (2015) with Southeast Asian Nations before China's hegemonic effort; Nguyen Hong Quan with China's scheme to monopolize the South China Sea and ASEAN's countermeasures (Nguyen, 2015); Tran Thi Bao Huong with Strengthening ASEAN's central position in the context of TPP (Tran, 2014).

Most of the researches mentioned above affirm that ASEAN plays a major role in maintaining peace in the South China Sea. But, according to Gary Collinson & Christopher B. Roberts in the article The role of ASEAN in the South China Sea dispute, that today ASEAN's role has "shifted from unity to disintegration" (Gary & Christopher, 2013). Meanwhile, Tang Siew Mun (2016) noted that ASEAN failed to settle disputes at sea because it had members in the bloc that "the South China Sea is not an ASEAN problem, from which the author came to comment. ASEAN is clearly divided and the split on the South China Sea issue is a warning to ASEAN to reconsider its working methods to make it more effective and practical.

Meanwhile, Nguyen Hong Quan (2015) said that the division of ASEAN was made by China to divide ASEAN countries, especially to divide ASEAN with Vietnam, in order to disperse the unity power of ASEAN and China advocates using synergy to intimidate ASEAN, forcing ASEAN countries to make concessions on the South China Sea issue; policy of controlling reality at sea, causing the world to admit that the South China Sea is within the interests of China. The author calls for "ASEAN needs to negotiate and sign the COC as soon as possible with China" (Nguyen, 2015).

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Also discussing the role of ASEAN, Tran Thi Bao Huong (2014) said that ASEAN held a central position in regional cooperation, but due to lax cooperation regulations, the issue of competition for regional leadership of the large countries weaken the role of this organization.

Although we fundamentally agree with the aforementioned assessments, we feel that it is still inadequate and think that it is necessary to consider ASEAN's position in the maintenance of peace in the South China Sea comprehensively from historical, legal and practical grounds.

This study uses historical methods combined with several methods of analysis, comparison and comparison, we base on the history of formation - development of ASEAN in the past half century (1967 - 2017) and development trend of this organization to assess ASEAN's position in maintaining peace in the South China Sea.

RESEARCH RUSULTS AND DISCUSSION

Overview of ASEAN position

ASEAN is a political, economic, cultural and social alliance of countries in Southeast Asia, established on 8/8/1967 with the first 5 members: Thailand, Indonesia, Malaysia, Singapore and the Philippines aim to cope with regional and international upheavals, to show solidarity among countries in the same region, and to cooperate in combating violence and instability in member countries. The ASEAN Declaration affirms the principle and purpose: "Promote regional peace and stability by respecting justice and the principles of law in relations between countries in the region and by adhering to the principles of the Charter. United Nations" (ASEAN, 1967).

Thus, from the beginning, the goal of maintaining regional peace was a top priority. According to the Charter and Community-Building Goals, ASEAN by 2015 will remain an intergovernmental organization and equal sovereignty among member countries. ASEAN operates on the principle of consensus and always strives to ensure unity in diversity on the basis of increasing common fundamental interests.

Over a half century of establishment and development (1967 - 2017), ASEAN has made remarkable progress. ASEAN countries have built up intra-regional cooperation mechanisms on a bilateral and multilateral basis in terms of economy, politics-security, culture-society, and other specialized areas of cooperation. Multifaceted cooperation within the same organization has linked and linked the member countries together, thereby contributing to consolidating and maintaining a peaceful and stable regional environment, building a strong ASEAN, and such as creating favorable conditions for the development of each member country. At the same time, ASEAN is playing an increasingly important role in maintaining peace in the region and in the South China Sea, contributing to stabilizing the security situation and developing the Asia-Pacific region and the world.

ASEAN is an important factor in maintaining peace in the South China Sea. Mutual understanding and trust among ASEAN member countries is increasing through a variety of activities, including maintaining regular contact at all levels, especially among senior leaders. ASEAN proactively initiates and actively promotes the effects of many mechanisms to ensure regional peace and security such as: Declaration of Southeast Asia as a Zone of Peace, Free and Neutral (ZOPFAN) in 1971; The Treaty of Amity and Cooperation in Southeast Asia (TAC) was signed in 1976 and has now become a Code of Conduct directing relations not only between Southeast Asian countries but also between ASEAN countries and other outside cooperation; Nuclear-Free Southeast Asia Regional Treaty (SEANWSZ) 1995; The Declaration of the parties involved in the conduct of the South China Sea (DOC) in 2002, is an important step towards the Code of Conduct in the South China Sea (COC) to maintain peace and stability in the South China Sea...

ASEAN initiates the establishment of the ASEAN Regional Forum (ARF) to create an appropriate framework for ASEAN and its external partners to conduct dialogue and cooperation on political security issues in the Asia-Pacific. ASEAN is also actively promoting cooperation with each other and with external partners through a variety of frameworks, forms and measures, in response to traditional and non-traditional security challenges such as international terrorism, transnational crime, natural disasters...

ASEAN plays a major role in resolving disputes in the South China Sea, stabilizing the political situation in the Asia-Pacific region, reducing tensions and confrontations between major powers such as China and the US. In recent events, when there were disputes in the East China Sea and South China Sea, ASEAN has clearly shown its stance and ways to resolve the conflict according to the agreements that ASEAN and China have committed to.

Currently, although ASEAN's position in maintaining peace in the South China Sea has been affirmed, the countries in the bloc have cooperated to develop on the basis of respect for independence, sovereignty and territorial integrity. The inevitable direction that countries choose. But the increase in international cooperation has the potential to risk conflicts and disagreements in the process of establishing international cooperation relationships. Even within the ASEAN coalition, how disputes must arise to ensure the legitimate interests of the disputing parties in particular and not prejudice regional peace and security is generally a basic problem.

In addition to its successes in maintaining peace in The South China Sea in recent years, ASEAN has exposed a number of issues that affect its position in maintaining peace in the region. ASEAN is still a looser organization with low regional connectivity.

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Maintaining ASEAN solidarity and unity often encounters many difficulties and challenges, due to the impact of many different factors. The internal situation of some countries as well as the relations between the member countries are often complicated problems, affecting the solidarity, cooperation and reputation of ASEAN in maintaining peace in The South China Sea. , especially in the rapidly changing regional geostrategic context, with many complicated developments deeply affecting the environment of peace, security, stability and development in the region. Major countries are increasingly involved in regional cooperation with changes and adjustments in strategy and in the interactions between major countries and with ASEAN, posing not only opportunities but also many challenges for maintaining ASEAN's position in maintaining peace in the South China Sea.

Final Stage ASEAN's position in maintaining peace in the South China Sea

Sovereignty disputes in the South China Sea are complicated issues. Meanwhile, ASEAN's activities are based on the principles of consensus and neutrality, not on either side. Therefore, over the past years, although the four member states of the organization (Vietnam, Malaysia, the Philippines, and Indonesia) are claimants, ASEAN has never supported any member country.

Since then, there are many opinions that ASEAN has failed to maintain peace in The South China Sea because it has not made a joint statement and resolved disputes in the South China Sea. Will this affect ASEAN's position in maintaining peace in the South China Sea?

Pursuant to the ASEAN Charter, this organization has no authority to resolve disputes such as sovereignty disputes in the South China Sea. This responsibility belongs to the disputing parties. According to the principle of Consultation and Consensus (consultation & concensus), all ASEAN issues must consult all ASEAN member countries and the decision can only be passed when all member countries agree or disagree. This practice has long been applied and has become an "unwritten" principle respected by countries.

However, the ASEAN Charter, an important legal document of ASEAN (December 15, 2009) reaffirms the basic principles of ASEAN (including 13 principles) on: Respect for independence, sovereignty, territorial integrity, equality, national identity; Do not invade or threaten to use force; peaceful settlement of disputes; not interfering in each other's internal affairs... while continuing to affirm the Association's mission and purpose: "Maintaining and promoting peace, security and stability and further strengthening to peace in the region" (ASEAN, 2020).

In fact, between ASEAN's principle of consensus and responsibility for maintaining and promoting regional peace, there has so far not been any antagonistic, but even highly reciprocal, contradiction. Maintaining the principle of consensus makes the involved parties forced to restrain and increase diplomatic contacts, negotiate and settle disputes with peaceful solutions. ASEAN's consensus principle, on its loose, non-binding form, but from a different perspective from the (ASEAN +) partners' side finds here a space for them to exist (use, take advantage) to pursue the realization of your interests. Therefore, it was ASEAN that created its value with that attraction, in a world always interdependent.

Promoting these values, ASEAN would establish its own position in "maintaining and promoting peace, security and stability and further enhancing the values towards regional peace" and "ensuring asserting that the people and member countries of ASEAN can live peacefully with the whole world in general in an environment of fairness, democracy and harmony" (ASEAN, 2020). This is the basis for ASEAN to fulfill its responsibility in maintaining peace in The South China Sea.

In order to maintain peace in the South China Sea, ASEAN also builds a mechanism with major countries and outside partners to sit together to build trust, strengthen dialogue and manage conflicts; resolve international issues through dialogue, cooperation with each other, while looking for ways to create appropriate frameworks for engagement with external partners, together to discuss and handle security issues and development may affect the South China Sea and the region.

Since 1994, ASEAN has formed the ARF - ASEAN Regional Forum (ARF) with the slogan "Promoting peace and security through dialogue and cooperation in the Asia Pacific" to promote dialogue and consultation mechanisms on regional political and security issues, build trust, and develop preventive diplomacy.

The ARF enables major countries to have a voice, to express their views, stances and promote in issues, including the issue of maintaining peace in the South China Sea and the region. As a result, ASEAN has attracted the attention and participation of all major countries inside and outside the region, as well as from many regional and global organizations and has become an indispensable partner of many partners in the world.

In addition, since 2010, ASEAN has also built the mechanism of the ASEAN Defense Ministers Meeting (ADMM +) with the invitation of Defense Ministers from inside and outside the region to Southeast Asia to discuss international and regional issues of mutual interest. If ARF is a security - political mechanism, ADMM + is a security - defense mechanism that contributes to shaping the main multilateral mechanism in the region with ASEAN playing a central role.

Over the past 53 years (1967 - 2020), through many different mechanisms and forums, ASEAN has successfully handled relations with major countries by approaching and handling relations very nicely, especially managing relations with major countries and partners in many different forms, at the same time seeking to steer relations with major countries in the most beneficial direction for ASEAN and maintaining peace in the South China Sea.. To achieve this goal, ASEAN has created many kinds of "dialogue regulations" to give to major countries, partners inside and outside the region, based on the capacity and circumstances of each

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partner as well as needs of ASEAN. This is a method of dealing with relationships with major countries and partners through dialogue and cooperation at different levels to enhance trust building, avoid misunderstanding, promote mutually beneficial cooperation, for the use of force or the threat of force.

Currently, ASEAN has 10 official dialogue partners, including 8 countries and 2 international organizations, the United Nations and the European Union (EU). There are 6 dialogue partners established since the 1970s, including: Australia (1974), New Zealand (1975), Canada, EU, Japan, the US and the United Nations (1977). Particularly, the dialogue relationship with the UN was later replaced by a comprehensive partnership. After the end of the Cold War, ASEAN established more dialogue relations with four partners, namely Korea (1991), India (1995), China and Russia (1996).

Thanks to the good implementation of the aforementioned mechanisms, ASEAN has received the respect of major countries, promoting its position in maintaining peace in the South China Sea. It is ASEAN's successes that have attracted a deep American interest in this region. In November 2017, the presence of US President Donald Trump's visit to Vietnam and the Philippines was an important indication of US policy in maintaining peace in the South China Sea. From the perspective of longtime regional observer Professor Carl Thayer, the Australian Academy of Defense, University of New South Wales, Trump's trip shows that the US will remain committed to engaging in Asia - Pacific and continues to support important frameworks, including APEC, ASEAN and the East Asia Summit (EAS). Professor John Karaagac, Indiana University, said that Trump's Asia trip was the most important one regarding Washington's foreign policy and said that the US President always connects bilateral military cooperation with regional security agreements (Viet Anh, 2017). In 2020, as the President of ASEAN, Vietnam has played a leading role, mobilizing the bloc's collective action capacity, creating a mechanism to promote the common might of member countries, maintaining an intra-ASEAN consensus in the face of China's challenges on territorial sovereignty in the South China Sea.

From the above facts, it shows that ASEAN's relations with major countries and partners have a very important role in maintaining peace in the South China Sea Analyzing in terms of the interests of ASEAN partners in relation to maintaining peace in the South China Sea, the Association's position is not limited to confidence building measures and efforts to limit tension between the disputing parties, but also subject to the participation of related parties. If, the Declaration on the Code of Conduct of the Parties in the South China Sea (DOC) is only considered as a political document towards a binding agreement to stabilize relations, maintain peace. In the South China Sea, this is a prelude to a new statement heavier than the DOC, the COC. And after the COC, there may be a certain X-declaration, but it will inevitably lead to a negotiation process, often by peaceful solutions, not by armed or violent intervention. So far, we still believe that ASEAN has fulfilled its responsibility of maintaining peace in the South China Sea. Knowing that, that has not brought results as expected for the parties concerned, especially the countries in the Association that are participating in sovereignty disputes in the South China Sea.

According to some researchers, "some ASEAN countries still have economic and strategic interests depending strongly on China" (Gary Collinson & Christopher B. Roberts, 2013), since the DOC was signed in 2002 There have been 17 joint working groups and 12 high-level official meetings on DOC implementation, but these efforts have not yielded the expected results. This fact also gives us a different approach, although it is a big country, but China is looking for support from some ASEAN member countries, which proves that China is not strong enough to lay down the law in the South China Sea, but many factors depend on ASEAN. It proves that at present and in the near future, ASEAN is still able to control a number of partners (ASEAN +), including China, to maintain peace in the South China Sea.

Although in the view of China, in order to seek the support of some ASEAN countries, they always believe that the South China Sea is not an ASEAN problem, however, in reality, the South China Sea is always a hot topic, because it concerns the peace and stability of the region, as well as freedom of navigation and overflight. Therefore, maintaining peace in the South China Sea is not only the responsibility of ASEAN but also the responsibility of the world community, especially for developed countries with strong maritime advantages such as the US, India and Russia. ... With this dual responsibility unseen the need to maintain peace in the South China Sea, forcing ASEAN to be caught by foreign countries in the region, and security in the South China Sea, especially maritime security in particular has become a major international problem.

Since 2012 - after the ASEAN Summit in Phnom Penh, for the first time ASEAN failed to issue a joint communiqué after the meeting - ASEAN has had to contend with a rapidly emerging regional power, China. The situation of the South China Sea is facing a series of waves because China is increasingly aggressive in the region and loosens, reinforces and expands islands, rocks, reefs ... previously illegally occupied. Through the South China Sea, Washington and Beijing will continue to compete for influence in the region. ASEAN's position in maintaining peace in the South China Sea is under doubt for its prospects. The reality in 2017 shows that, when the Philippines as the rotating chair of ASEAN showed signs of leaning towards China, tensions in the South China Sea this year have escalated due to the US-China confrontation in the region. China's aggressive actions, including the militarization of artificial islands in disputed waters, and the announcement by President-elect Trump that he will take tougher actions against China will surely influence "regional stability and change in military calculations" (Tang Siew Mun, 2016).

However, from 2017 until now, the escalating tensions in the South China Sea are still held back by the ties of strategic interests between stakeholders. Asean's position shines even more when a number of member states that have sovereignty disputes in the

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South China Sea appear to be weak in bilateral negotiations with China. In that climate, the US and some other powers such as India and Russia are still seeing ASEAN's role as a center in promoting diplomatic activities in the region to maintain peace in the South China Sea.

ASEAN's consensus principle demonstrates its neutrality in resolving disputes in the South China Sea. That situation unseen the effect of transforming tension in the South China Sea into conflict between the US and China. Historically, the conflict between the US and China in the South China Sea has not just emerged in recent years. When the United States waged war in the Asia-Pacific region, the presence of the Seventh Fleet in the South China Sea in the mid-20th century was a terror to China. Recently, relations between these two countries have become more strained, and compounded by China's illegal island-building and militarization activities in the South China Sea. The United States has responded by increasing its presence in the region and conducting patrols to protect freedom of navigation in the area, challenging China's unilateral claims.

The above events show that ASEAN does not want and cannot confront China in the South China Sea. Because of that, some researchers believe that ASEAN's unity is being broken, "Asean will shoot itself in the foot if it loses its unity" (Today online, 2017). Is this opinion really objective when assessing ASEAN's position in maintaining peace in the South China Sea?

ASEAN is witnessing fierce conflicts in the South China Sea - regional geopolitical troubles. As a regional organization responsible for maintaining and promoting peace and security in the region, it is clear that ASEAN neutrality is essential. Furthermore, ASEAN is also incapable of confronting China in the South China Sea. ASEAN's "halfway" is understandable. History will find a replacement. And there is no better alternative organization or country that is the United States, capable of curbing China's aggression in the South China Sea.

In short, the process of maintaining peace in the South China Sea is no longer an internal issue of ASEAN, even though China has been working hard to curb internationalization. This situation is also a warning lesson for Beijing to harm itself if it continues to block ASEAN's responsibility for maintaining peace in the South China Sea.

CONCLUSION

Maintaining peace in the South China Sea is an issue of concern to all countries in the region and internationally because of the importance of peace, security, safety and freedom of navigation in this region. ASEAN's position in maintaining peace in the South China Sea is increasingly asserted in practice. The first step can draw some experiences:

First, ASEAN's position in maintaining peace in the South China Sea is affirmed in practice because ASEAN always promotes its central role in solving regional problems, maintaining peace in the Sea. ASEAN has handled problems and challenges related to peace, security and development of the region, including the South China Sea issue in a flexible and skillful manner.

Second, in order to maintain peace in the South China Sea, peacefully resolve conflicts and disputes, comply with the International Law, the ASEAN has handled problems and challenges related to peace, security and development of the region, including the South China Sea issue in a flexible and skillful manner.

Third, the reason that ASEAN has an important position in maintaining peace in the South China Sea is because it is a fairly active organization in promoting confidence-building measures. Creating mechanisms for regional cooperation that can engage external partners, especially all major countries, to achieve common regional goals.

Currently, the South China Sea situation is still complicated, requiring ASEAN to promote its position in maintaining peace, managing non-use conflicts or threatening to use force, and disputes by peaceful means, fully implementing existing commitments, complying with international law, especially the 1982 Convention on the Law of the Sea, fully implementing the DOC, proceeding to negotiate and promulgate the Code conduct in the South China Sea (COC).

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