

A sunset over a large body of water, likely the South China Sea. The sun is a bright orange-red orb partially obscured by a dark mountain range in the background. The sky is a gradient of orange and red. The water is a deep teal color. Several large ships, including cargo vessels and tankers, are visible on the water. The overall scene is serene and expansive.

# CHAPTER 08

## The ASEAN Way Towards Conflict Management in the South China Sea

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# INTRODUCTION

The South China Sea plays a critical role in the geopolitics of the Asia-Pacific region, as it has become the theatre of China-US power competition for regional dominance. The US views China's growing regional influence and assertiveness in the South China Sea as "the most pressing threat to existential order in the Indo-Pacific region" (Wu 2021). As a result, geopolitical tension in the Asia-Pacific region is on the rise. The room and possibilities of having effective conflict management and settlement in the South China Sea are being constrained by intensifying US-China competition. The chapter discusses the implications of US-China competition on the geopolitical landscape in the South China Sea, explores the ASEAN Way of conflict management and resolution, and proposes some pathways towards the realisation of lasting peace in the South China Sea.

## US-CHINA COMPETITION

The geopolitical tensions in the South China Sea have been on the rise over the past decade. The unfolding US-China rivalry has further complicated the prospect of having a peaceful settlement of the maritime disputes in the area. The South China Sea is the theatre of the US-China contest for regional dominance. A maritime security expert argues, "The US uses intelligence, surveillance and reconnaissance (ISR) probes in the South China Sea to detect, track and if necessary, target China's nuclear submarines. China's response has been to develop on some of the features it occupies the capability to neutralise the US's ISR probes in time of conflict" (Valencia 2020). As a result, the militarisation of this maritime area has increased. Consequently, regional security and order are at high risk. As a result, regional security is getting more volatile and dangerous.

There are competing strategic narratives regarding the South China Sea. The widespread view, mainly constructed and shaped by the US strategic narrative, is that China intends to build a regional hegemon in East Asia and the Western Pacific by effectively controlling the South China Sea, which is the main strategic gateway for China to realise its ambition. For the US, some of the red lines are the "blatant violations of commercial freedom of navigation or attack on the forces or territory of its ally". For China, the red lines include deploying US military forces and assets that can diminish China's defence capabilities (Valencia 2020).

There are differences between the US and China about the activities in the Exclusive Economic Zone (EEZ). China's stand is that foreign militaries are not allowed to conduct intelligence-gathering activities, including reconnaissance flights, in its EEZ under international law. Furthermore, China requires prior approval or notification concerning the right of innocent passages for military vessels through its territorial sea.

On the other hand, the US posits that under the UN Convention of the Law of the Sea (UNCLOS), it is entitled to have freedom of navigation through EEZs in the sea and does not need to notify claimants of military activities (Colin 2016).

The strategic narratives and counter-narratives have further complicated the regional situation. US policymakers and strategic thinkers largely perceive China as a peer competitor that can challenge the US's supremacy (Bader 2020). The narratives from Washington concentrate on the threats posed by China and the legitimacy and necessity of the US's interventions, including diplomatic and military measures, to prevent China from building a regional hegemon that can overtake the supremacy of the US in the region. These narratives fall into the Cold War mentality in which zero-sum game was characteristic of international relations. Nevertheless, a full-fledged new Cold War, similar to the US-Soviet Cold War, remains relatively remote (Christensen 2021). Even though the US has carried out a 'decoupling' strategy vis-à-vis China, the entangled economic interdependence between China and the allies and key strategic partners of the US will prevent the US from forming a pure, strong alliance or coalition against China.

The over-politicisation and over-securitisation of the South China Sea further complicate the process and prospect of regional cooperation in the South China Sea. China's aggressive behaviour and the construction of artificial islands and military bases in the South China Sea pose serious regional security concerns and power imbalance to the US. To China, the interventions of extra-regional powers, especially the US in the South China Sea, would trigger geopolitical tensions and fault lines. The US's containment strategy against China would only divide and destabilise the region.

Conflict management and mediation regimes in the South China Sea are affected by the quality and fluctuations of the overall China-US relationship (Oishi 2015). The South China Sea has become a theatre for China and the US to balance against each other (Mehboob 2018). An analyst argues, "The United States views China as challenging its long-standing great-power military dominance in the region, while China sees the United States as an obstacle against its rise to power as it strengthens its national security through its militarisation of the South China Sea" (Cardenas 2020). The risk of military confrontation between the two competing powers is on the rise.

The US has increased military and non-military activities in the South China Sea, especially over the past decade. The US's objective is to check the rising power of China in the region. Speaking at the UN Security Council meeting on maritime security, the US Secretary of State Antony Blinken accused China of threatening regional peace and stability. He said, "Conflict in the South China Sea, or any ocean, would have serious global consequences for security, and commerce. When a state faces no consequences for ignoring these rules, it fuels greater impunity and instability everywhere" (Nicholas 2021). The US actions have created a sense of insecurity for China. China perceives the deployment of US naval ships as a direct security threat.

China accused the US of “stirring up trouble out of nothing, arbitrarily spending advanced military vessels and aircraft into the South China Sea as provocations and publicly trying to drive a wedge into regional countries.” The US itself is “the biggest threat to peace and stability in the South China Sea” (Ibid.). China has taken countermeasures to push back the US’s strategy in the region by increasing its military presence and building artificial islands in the South China Sea. Besides, one of the motives and interests of China in reaching the Code of Conduct (CoC) with ASEAN is to limit the US’s involvement in the issue (Baviera 2018).

## THE ASEAN WAY TO UNLOCK THE PUZZLE

Within such a context of highly contested geopolitical rivalries, it is necessary to invite the wisdom of peace and cooperation. One of the solutions is the need to develop strategic narratives based on the history and wisdom of Asian civilisation, moving beyond the zero-sum game theory. It is important to apply “subjective and culturally specific dimensions” to understand the causes of conflict so that a more effective approach can be explored to prevent and overcome the causes of conflict. National characteristics and agency, largely shaped by history and culture, play a critical role in international relations, war, and peace (Bleiker 2001).

The Asian experiences and wisdom in dispute prevention, management and resolution can provide an alternative view and possible solutions to the complex South China Sea disputes. The problem is when a political agenda is involved, neutral, independent, and objective truth cannot be found. The over-politicisation and securitisation of the issue further complicate the prospect of having amicable solutions to the disputes. Domestic politics hence matter. Internal factors and understanding oneself and others are useful to understand the nature of international politics. International relations need to be understood as “a search for a reasonable boundary between oneself and others, rather than a pursuit of the limitless expansion of one’s space” (Huang 2001). Four key concepts that enrich conflict resolution debates, based on the Japanese experiences, are consensus, dialogue, fairness, and multiplicity (Wasilewski and Namatame 2011). In conflict resolution, other key concepts, drawing from the Chinese and Korean experiences, include harmony (Pan 2011) and justice (Bleiker and Young-ju 2011). These conflict resolution practices contribute to constructing a more cooperative world order.

Looking at the historical trend of the bilateral interactions between China and Southeast Asian countries, the main trend remains peace and development. China and Southeast Asian countries have a long history of peaceful interactions. Despite existing tensions and strategic trust deficit in the South China Sea, China and other claimants have shown their political will to preserve regional peace, stability, and prosperity.

Although there are nationalist sentiments in projecting and protecting their national interests in the South China Sea, the claimant states have exercised their restraint from accelerating the tensions and kept their communication channels open for dialogues and consultation.

The involvement of extra-regional powers or third-party interventions further complicates regional geopolitical dynamics in the South China Sea. Based on their national interest calculation, in addition to lessons learned from the past, Southeast Asian countries are not interested in taking sides or using one major power against the other. Although choosing not to take sides is getting more difficult (Choong 2020), Southeast Asian states are ready to resist any external pressure that forces them to choose sides (China Global Television Network, 2 April 2021). One of the pathways to maintain strategic autonomy is strengthening ASEAN-driven regional architecture while advancing the ASEAN principles and the ASEAN Way.

The most important inter-governmental organisation, ASEAN plays a critical role in providing strategic space and economic opportunities for the member states to manoeuvre. ASEAN, as a collective agency, can shape the future direction of the regional order. Regional order refers to common interests, values, rules, norms, and institutions that govern state behaviour and international relations. Conflicts are reduced if states are bound by these shared interests, rules, and norms. Dialogue mechanisms can help resolve states' uncertainties and concerns by signalling intentions and promoting mutual understanding.

## **ASEAN DISPUTE SETTLEMENT MECHANISMS**

The Bangkok Declaration of 1967, the Treaty of Amity and Cooperation, and the ASEAN Charter are the three key documents outlining the core principles of ASEAN in conflict prevention and management. The Bangkok Declaration stressed, "The spirit of equality and partnership" and "justice and [the] rule of law". The references to conflict management in the Declaration are general political aspirations expressing the desire to "establish a firm foundation for common action to promote regional cooperation in South-East Asia in the spirit of equality and partnership and thereby contribute towards peace, progress and prosperity in the region". And the main purpose of ASEAN is to "promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter".

In 1971, ASEAN adopted the Zone of Peace, Freedom and Neutrality (ZOPFAN) to affirm the neutrality of ASEAN. It asserts the right of every state to lead its national existence and development "free from any form or manner of interference by outside powers". In 1976, the Treaty of Amity and Cooperation (TAC) was adopted.

TAC outlines the following six principles, namely (1) mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations; (2) the right of every state to lead its national existence free from external interference, subversion or coercion; (3) non-interference in the internal affairs of one another; (4) settlement of differences or disputes by peaceful means; (5) renunciation of the threat or use of force; and (6) effective cooperation among themselves.

TAC sets principles as well as mechanisms to manage and resolve the dispute. Chapter IV of the TAC, which consists of 5 articles, devotes itself to the pacific settlement of disputes. Article 13 stipulates:

*The High Contracting Parties shall have the determination and good faith to prevent disputes from arising. [Nevertheless, in] case disputes on matters directly affecting them should arise, especially disputes likely to disturb regional peace and harmony, they shall refrain from the threat or use of force and shall at all times settle such disputes among themselves through friendly negotiations.*

In terms of dispute settlement mechanism, a High Council consisting of representatives at the ministerial level from each High Contracting Parties can be formed. Article 15 states that the High Council is tasked to take cognisance, assess the situation, and recommend appropriate means of settlement to the parties in dispute such as good offices, mediation, inquiry, or conciliation. The High Council may offer its offices, or upon agreement of the parties in dispute, constitute itself into a committee of mediation, inquiry, or conciliation. When deemed necessary, the High Council shall recommend appropriate measures to prevent a deterioration of the dispute or the situation. However, Article 16 sets some limitations. The High Council can only be formed and assume its role of mediator in a dispute if the parties involved agree on bringing the case to the Council. It reads:

*The foregoing provision of this Chapter shall not apply to a dispute unless all the parties to the dispute agree to their application to that dispute. However, this shall not preclude the other High Contracting Parties, not [a] party to the dispute, from offering all possible assistance to settle the said dispute. Parties to the dispute should be well disposed towards such offers of assistance.*

The ASEAN Charter adopted in 2008 incorporates and expands on the key principles enshrined in the Bangkok Declaration and the TAC. These principles relating to conflict management and dispute settlement include: (1) respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States; (2) shared commitment and collective responsibility in enhancing regional peace, security and prosperity; (3) renunciation of aggression and the threat or use of force or other actions in any manner inconsistent with international law; (4) reliance on peaceful settlement of disputes; (5) non-interference into the internal affairs of ASEAN Member States; (6) respect for the right of every Member State to lead its national existence free from external interference, subversion and coercion; (7) enhanced consultations on matters seriously affecting the common interest of ASEAN; and (8) adherence to the rule of law, good governance, the principles of democracy and constitutional government.

Initiated by Indonesia in 2020, ASEAN Foreign Ministers issued a joint statement to affirm ASEAN commitment to the driving force for peace, security, and prosperity in Southeast Asia. It includes eight points.

- Reiterating the commitment to maintaining Southeast Asia as a region of peace, security, neutrality, and stability.
- Remaining united, cohesive, and resilient in promoting ASEAN principles as enshrined in the ASEAN Charter.
- Upholding the purposes and principles of the TAC (Treaty of Amity and Cooperation), the ZOPFAN (Zone of Peace, Freedom, and Neutrality Declaration) and the Bali Principles.
- Calling on all countries to exercise self-restraint from conducting activities that could escalate disputes in the region.
- Seeking to continuously build strategic trust in the Region through peaceful dialogue and cooperation.
- Affirming ASEAN centrality and encouraging the engagement with ASEAN's external partners through ASEAN-led mechanisms.
- Confirming the principles of the ASEAN Outlook on the Indo-Pacific (AOIP).
- Asserting the commitment to support multilateralism as stated on the principles of the UN Charter.

ASEAN principles mainly serve as confidence-building measures and preventive diplomacy. While the ASEAN principles and frameworks have been exercised to prevent and resolve inter-state disputes, judicial arbitration is a measure of last resort in dealing with territorial sovereignty disputes. For instance, Malaysia and Singapore agreed to send their dispute over Pulau Batu/Pedra Blanca for arbitration at the International Court of Justice. Cambodia and Thailand submitted their case over the Preah Vihear Temple to the International Court of Justice in 1961 and again in 2011 to interpret the 1962 Judgment.

## THE ASEAN WAY

The ASEAN Way—which refers to the art of conflict prevention and management via consultation and consensus, mutual understanding and trust, mutual respect, and quiet diplomacy—has enjoyed legitimacy in regional conduct (Acharya 2001). It has even become the norm of intramural relations between ASEAN Member States and between ASEAN and external dialogue partners, including China. ASEAN's institutional design emphasises an informal, flexible decision-making process based on consultation and consensus, with a low appetite for judicial arbitration (Acharya 1997). ASEAN stresses confidence-building measures, preventive diplomacy, and dispute management rather than dispute resolution.

The non-interference principle has been the strength and weakness of ASEAN in providing effective solutions to regional problems. For instance, ASEAN has limited roles in preventing and managing the border war between Cambodia and Thailand during 2008–2011. Cambodia sought support from ASEAN and the UN Security Council to mediate the dispute. Indonesia took the initiative to facilitate the dialogue and even agreed to send peacekeeping forces to the conflict zones. The United Nations Security Council, for the first time, called upon ASEAN to promote dialogues in search of a lasting solution to the dispute. However, Thailand did not support the involvement of any third party in the dispute. As a measure of last resort, Cambodia brought the case to the International Court of Justice.

Although ASEAN does not aim to build a strong rules-oriented regime, some ASEAN countries have sought legal means and third-party arbitration and adjudication. International bodies, not ASEAN, have been sought to be the venue for dispute settlement, such as the International Court of Justice (Tan 2017). This legal approach deviates from the traditional ASEAN Way of conflict resolution based on bilateral consultations and negotiations. The negotiation on the Code of Conduct between China and ASEAN is the process of rules-based regime building. From the ASEAN's perspective, the CoC is expected to be a legally binding document that will include a dispute settlement mechanism.

## IMAGINING REGIONAL ORDER

Building a stable and peaceful regional order in the South China Sea is the common interest of all claimants and other regional and extra-regional stakeholders. However, it seems, as discussed earlier, that the unfolding China-US geopolitical rivalries pose a significant threat to regional peace and stability. The US and China have accused each other of destabilising the region. Hence, regional order in the South China Sea largely depends on the evolution of the bilateral relations between China and the US. A stable and healthy competition between China and the US will create favourable conditions for dialogues, trust-building and better conflict prevention and management in the region.

Unfortunately, the current state of the US-China competition is not healthy. Some have called the nature of the rivalry a new Cold War or Cold War 2.0. Notwithstanding, we can always imagine the possibilities. There are three pathways toward building a peaceful regional order. First, it is important to promote trust-based cooperation and relationship consistently and constantly. It is easier said than done, however. The parties directly concerned must refrain from taking any unilateral actions that might lead to distrust and tensions. They should openly exchange views based on mutual respect, mutual interest, and a positive-sum game. Transparency, dialogue, mutual respect, and mutual understanding are the key elements of trust-based relationship building. Trust is built by repeated compliance with rules and norms and established expectations for behaviour.



Strategic narratives are critical in promoting and socialising cooperation spirit and trust-based relationships. By reducing the narratives influenced by the Cold War mentality, regional countries can enlarge the space for frank and constructive dialogues. In this respect, the US should refrain from making statements or taking actions that are perceived to contain China. Containing China is not realistic, and it will stir growing nationalism in China. Washington needs to recognise that China is a proud nation with more than five thousand years of history, and China is not the Soviet Union. Currently, China is the world's second-largest economy that will overtake the US to become the world's largest economic power in the coming years. Most of the US's allies have strong economic ties with China. It is unrealistic to form an anti-China global alliance system like the anti-Soviet Union alliance during the Cold War because China is inextricably intertwined in the world system.

In addition, preventive diplomacy needs to be constantly developed and nurtured to reduce misunderstanding, misperception, and miscalculation, and forestall a military incident or crisis. It is in the interests of the parties concerned to actively seek solutions based on political and diplomatic means. Preventive diplomacy refers to diplomatic measures taken to prevent the disputes or conflicts from arising between parties, prevent existing disputes from escalating into conflicts while developing mechanisms, institutional preparedness, and policy frameworks to mitigate the risks and consequences of the conflicts if they occur. The existing ASEAN-led regional mechanisms such as the ASEAN-China Summit, East Asia Summit, ASEAN Regional Forum, and ASEAN Defence Ministers' Meeting Plus can play a critical role in deescalating the tensions and conflicts. ASEAN used to fulfil such a role in cooling down the border skirmishes between Cambodia and Thailand in 2008 and 2011. Although ASEAN does not have an effective conflict resolution mechanism due to its stringent non-interference principle, it provides platforms for dialogues to prevent and manage conflicts.

The viable and practical way to solve disputes and differences is through dialogues and political settlement. Things need to be changed from a zero-sum game to a positive-sum game or win-win for all parties; from blame game to frank dialogues and negotiations; from sticking to position to understanding motivations; from strategic competition to strategic and economic integration; and from nationalism to regional cooperation. Both bilateral and multilateral dialogues and cooperation need to be sustained and strengthened at multiple levels or layers. Full coordination and crisis management between concerned parties are necessary. Finally, the claimants must have a political will to come to a negotiation for a lasting settlement.

Second, building a rules-based regional order is a long-term process. International Law is the foundation of international cooperation, development, management, and the solution of the South China Sea disputes. As far as the regional legal framework is concerned, the Code of Conduct built upon the Declaration on the Conduct of Parties in the South China Sea (DOC) is necessary, since it can provide more binding legal principles to shape the behaviour of the state parties to the South China Sea disputes.

ASEAN has consistently called for diplomatic and legal processes in dealing with the South China Sea issue. Vietnam, for instance, tries to put the 1982 UNCLOS as supremacy over other international legal instruments relating to maritime affairs. In the Chairman's Statement of the 36th ASEAN Summit in June 2020, Vietnam as the rotating chair of ASEAN managed to insert the phrase stressing the importance of the 1982 UNCLOS as "the basis for determining maritime entitlements, sovereign rights, jurisdiction and legitimate interests over maritime zones, and the 1982 UNCLOS sets out the legal framework within which all activities in the oceans and seas must be carried out".

It is fundamental for the claimant states to have a common definition and understanding of the rules-based international order. China has been reluctant to use the term "rules-based international order" because the term originated in and is advocated by the West. China prefers to use international order based on international law or the international order centring on the UN Charter. In the ASEAN Outlook on the Indo-Pacific adopted in 2019, ASEAN uses the term "rules-based framework". Regardless of the differences between ASEAN and China about using the term 'rules-based', both sides have agreed on certain norms and rules to control and shape their behaviour in addressing the South China Sea issue.

ASEAN and China have reached several consensuses on promoting rules-based cooperation frameworks, including implementing the DOC, the negotiation on the CoC, and the peaceful settlement of disputes based on international law, including the 1982 UNCLOS. In addition to the UN Charter, the Treaty of Amity and Cooperation and the ASEAN Charter are critical mechanisms for rules-based regional order in the South China Sea. However, to effectively implement the rules, the claimant states must depoliticise sea boundary demarcation, and legal and technical experts should be empowered to find appropriate solutions to the issue.

The DOC provides: "The Parties Concerned reaffirm commitment to the purposes and principles of the Charter of the United Nations, the 1982 U.N. Convention on the Law of the Sea, the Treaty of Amity and Cooperation in Southeast Asia, the Five Principles of Peaceful Coexistence, and other universally recognised principles of international law which shall serve as the basic norms governing state-to-state relations." The CoC is expected to add more legal value and substance to the DOC. To some, the CoC should be a legally binding regional code embodying effective enforcement measures to prevent, manage and settle the disputes. The Chairman's Statement of the 36th ASEAN Summit in June 2020, despite lacking a consensus among ASEAN Member States, hints that Vietnam and several other ASEAN member countries are pushing for the legal narrative and acceptance that the UNCLOS is "the basis for determining maritime entitlements, sovereign rights, jurisdiction and legitimate interests over maritime zones".

There are some differences among the ASEAN Member States about the primacy of the 1982 UNCLOS in solving maritime sovereignty disputes. Cambodia, for instance, is not a party to the 1982 UNCLOS and has not yet demarcated maritime boundaries with neighbouring countries.

Cambodia is not interested in constraining itself to the 1982 UNCLOS, meaning other international legal instruments should also be applied in maritime boundary demarcation. Cambodia relies on the maritime boundary lines drawn during the French Protectorate in its sovereignty negotiation with neighbouring countries. Concerning the South China Sea issue, Cambodia's position has been consistent that the claimants are responsible for finding solutions to their territorial sovereignty disputes. The early conclusion of the CoC is essential in confidence building, preventive diplomacy, and conflict management.

Third, functional cooperation is essential in nurturing a trust-based relationship and rules-based order. Some practical cooperation areas include joint research and exploration, joint development, joint exercises on Non-Traditional Security issues, and collective responses to NTS issues such as search and rescue collaboration, humanitarian assistance and disaster relief, and marine environment protection. However, functional cooperation cannot be realised without good faith, which means all parties concerned agree to sincerely work together on issues of common interests (targeting low-hanging fruits) and build a mechanism that can materialise functional cooperation. State and non-state actors must work together to materialise functional cooperation, especially in concretising joint development projects in overlapping claims. It is vital that the parties concerned need to negotiate in good faith and take a conciliatory approach in which they are ready to make concessions.

The DOC stresses the spirit of cooperation and understanding. Paragraph 5 of the DOC states, "Pending the peaceful settlement of territorial and jurisdictional disputes, the Parties concerned undertake to intensify efforts to seek ways, in the spirit of cooperation and understanding, to build trust and confidence." Besides, Article 19(1) of the ASEAN Agreement on the Conservation of Nature and Natural Resources reads: "Contracting Parties that share natural resources shall co-operate concerning their conservation and harmonious utilisation, taking into account the sovereignty, rights and interests of the Contracting Parties concerned following generally accepted principles of international law."

Regional order construction needs several binding elements, including deepened regional integration, connectivity, and interdependence. Greater economic integration, shared values and principles, and the projection of a shared future or common destiny are critical sources of building a regional order. The COVID-19 pandemic has made regional leaders realise complex interdependence between countries and the necessity of working together to resolve transboundary issues and threats. Notably, economic integration and connectivity between China and ASEAN are getting more complex and intertwined. Notwithstanding the challenges and obstacles caused by the pandemic, ASEAN and China could maintain their economic ties. As a result, ASEAN replaced the EU and became, for the first time, the top trading partner of China. The bilateral trade volume reached more than USD 685 billion. In the first half of 2021, China-ASEAN trade hit USD 410.75 billion, up by 38.2% yearly. Therefore, maintaining an open and inclusive regionalism and deepening economic integration provide a conducive regional dialogue on the South China Sea issue.

# OUTLOOK

The South China Sea issue presents critical challenges and threats to regional peace and stability. The unfolding competition between China and the US in the region further complicates the prospect of having a peaceful settlement to the dispute. This chapter argues that US-China competition is the defining feature of the geopolitical development in the South China Sea. It suggests that the ASEAN principles and the ASEAN Way can become the sources of inspiration in confidence-building measures, preventive diplomacy, and conflict resolution. Three possible pathways are proposed here, including promoting trust-based cooperation, functional cooperation, and rules-based regional order. The conclusion of the CoC negotiation will be a significant step towards trust and confidence building, conflict prevention, conflict management, and dispute settlement in the South China Sea. As the Chair of ASEAN in 2022, Cambodia can further facilitate dialogues and, if possible, conclude the CoC to mark the 30th anniversary of the DOC, which will be another critical milestone in promoting peace and stability in the South China Sea.

As the Chair of ASEAN next year, Cambodia will stress the importance of acting together, not just talking. The responsibility to implement it has become even more urgent in the pandemic and post-pandemic era. Under the theme “ASEAN A.C.T. Address Challenges Together”, Cambodia wishes to inspire ASEAN Member States to uphold the spirit of unity and solidarity, to be free from division and discrimination, to uphold common interests, and to join hands in addressing challenges with perseverance, agility, and ingenuity, towards realising an ASEAN Community where our people live in harmony, peace, stability, and prosperity. In his address at the handover ceremony of the ASEAN Chairmanship in October 2021, Prime Minister Hun Sen said:

*Cambodia will focus on strengthening the ASEAN Centrality and ASEAN Unity, for both regional mechanism and external partners' cooperation, based on ASEAN Way and Principles stipulated in the ASEAN Charter, Treaty of Amity and Cooperation in Southeast Asia, and ASEAN Outlook on the Indo-Pacific. Also, ASEAN must be resilient and strong against the pressure and influence stemming from rising geopolitical competition, transnational-crime, terrorism, climate change and infectious diseases, etc., to ensure our way forward in peace, security, and prosperity. (Hun 2021)*

Under the political-security cooperation pillar, Cambodia will continue to (1) strengthen regional consensus and promote collective political commitment to strengthening ASEAN centrality and relevance in shaping evolving regional architecture in maintaining peace and promoting peace, stability and harmony and prosperity in the region and beyond; (2) promote the core principles of peaceful co-existence, non-interference, and mutual respect of independence, sovereignty, equality and territorial integrity as enshrined in the ASEAN Charter and the Treaty of Amity and Cooperation in Southeast Asia (TAC); and (3) enhance multilateralism and multilateral processes through ASEAN-led mechanisms to ensure that they remain open, transparent, inclusive, and rules-based.

Furthermore, concerning the South China Sea issue, Cambodia will continue to promote a peaceful and stable environment in the South China Sea by encouraging the parties concerned to effectively implement the DOC and the early conclusion of an effective and substantive CoC consistent with international law, including the 1982 UNCLOS. This reflects the common position of ASEAN Member States at the 38th and 39th Summits in October that stressed “the need to maintain and promote an environment conducive to the CoC negotiations, and thus welcomed practical measures that could reduce tensions and the risk of accidents, misunderstandings and miscalculation”, “the importance of undertaking confidence-building and preventive measures to enhance, among others, trust and confidence amongst parties, and the importance of upholding international law, including the 1982 UNCLOS.”

## REFERENCES

- Acharya, Amitav. 1997. “Ideas, identity, institution-building: From the ‘ASEAN Way’ to the ‘Asia-Pacific Way’”. *The Pacific Review* 10 (3): 319–46.
- \_\_\_\_\_. 2001. “Constructing a security community in Southeast Asia: ASEAN and the problem of regional order.” London: Routledge.
- Bader, Jeffrey. 2020. “Meeting the China challenge: A strategic competitor, not an enemy.” <https://www.brookings.edu/wp-content/uploads/2020/11/Jeffrey-Bader.pdf>
- Baviera, Aileen. 2018. “Building confidence in the South China Sea.” *East Asia Forum*.  
<https://www.eastasiaforum.org/2018/07/28/building-confidence-in-the-south-china-sea/>
- Bleiker, Roland and Young-ju, Hoang. 2011. “Korean sources of conflict resolution: An inquiry into the concept of Han”, in Morgan Brigg and Roland Bleiker (eds.) *Mediating across difference*, Honolulu: University of Hawaii Press: 205–220.
- Bleiker, Roland. 2001. “East-West stories of war and peace: Neorealist claims in light of ancient Chinese philosophy” in Stephen Chan, Peter Mandaville, Roland Bleiker (eds.) *The Zen of International Relations*, New York: Palgrave: 177–201.
- Cardenas, Nicky. 2020. “Military competition between the United States and China in the South China Sea.” *Expeditions with MCUP*, p. 1. <https://www.usmcu.edu/Portals/218/EXP%20South%20China%20Sea%20PDF.pdf>
- Choong, William. 2020. “Can small states continue to avoid choosing between China and the US?” <https://www.thinkchina.sg/can-small-states-continue-avoid-choosing-between-china-and-us>
- Christensen, Thomas J. 2021. “No New Cold War- Why US-China Strategic Competition will not be like the US-Soviet Cold War.” *ASAN Report*. <https://www.jstor.org/stable/resrep26078>
- Colin, Sebastien. 2016. “China, the US, and the Law of the Sea.” *Current Affairs*, no. 2016/2. <https://journals.openedition.org/chinaperspectives/6994?file=1>
- Huang, Xiaoming. 2001. “The Zen Master’s Story and an anatomy of international relations theory”, in Stephen Chan, Peter Mandaville, Roland Bleiker (eds.) *The Zen of International Relations*, New York: Palgrave.

- Hun, Sen. 2021. "Remarks at the handover ceremony of ASEAN's rotating chairmanship on 28 October 2021."
- Mehboob, Shazia. 2018. "Sino-US geostrategic competition in the South China Sea: Contextualising rivalries, interests, and strategies." *Orient Research Journal of Social Sciences* 3 (2): 204–218.
- Nichols, Michelle. 2021. "U.S., China trade barbs at U.N. over South China Sea." *South China Morning Post*. <https://www.reuters.com/world/china/us-china-trade-barbs-un-over-south-china-sea-2021-08-09/>
- Oishi, Mikio. 2015. "The South China Sea dispute: Formation of a mediation regime and challenges for management", in Mikio Oishi (ed.) *Contemporary conflicts in Southeast Asia*, pp. 157-180.
- Pan, Chengxin. 2011. "Shu and the Chinese quest for harmony: A Confucian approach to mediating across difference" in Morgan Brigg and Roland Bleiker (eds.) *Mediating across difference*, Honolulu: University of Hawaii Press: 205–220.
- Tan, See Seng. 2017. "Not quite beyond the "ASEAN Way"? Southeast Asia's evolution to rules-based management of intra-ASEAN differences." [https://www.eria.org/ASEAN\\_at\\_50\\_4A.5\\_Tan\\_final.pdf](https://www.eria.org/ASEAN_at_50_4A.5_Tan_final.pdf)
- Valencia, Mark J. 2020 "How China and the U.S. can avoid a clash in the South China Sea." <https://ari.nus.edu.sg/app-essay-mark-valencia/>
- Wasilewski, Jackqueline and Namatame, Norifumi. 2011. "Mediating difference in Uchi space: Conflict management lessons from Japan", in Morgan Brigg and Roland Bleiker (eds.) *Mediating across difference*. Honolulu: University of Hawaii Press: 205–220.
- Wu, Shicun. 2021. "US-China rivalry in South China Sea must not turn into a great power game." *South China Morning Post*. <https://www.scmp.com/comment/opinion/article/3129895/us-china-rivalry-south-china-sea-must-not-turn-great-power-game>