



## **25<sup>th</sup> TALKING ASEAN**

### **In Pursuit of Peaceful Settlement in the South China Sea: The Role of Civil Societies**

**The Habibie Center, Jakarta  
September 29, 2015**

## INTRODUCTION

JAKARTA—On Tuesday, 29 September, 2015, The Habibie Center hosted its 25th Talking ASEAN dialogue entitled, *“In Pursuit of Peaceful Settlement in the South China Sea: The Role of Civil Societies”* at The Habibie Center building in Jakarta. This edition of Talking ASEAN was moderated by Mr. A. Ibrahim Almuttaqi (Head, ASEAN Studies Program, The Habibie Center) and featured an expert panel made up of Dr. Kurnanto Anggoro (Lecturer, Indonesia Defense University), Dr. Kwei-Bo Huang (Secretary General of The Association of Foreign Relations, Taiwan; Associate Professor, Department of Diplomacy, National Chengchi University), and Mr. Muhamad Arif (Researcher, ASEAN Studies Program, The Habibie Center).

The objectives of this Talking ASEAN were to: (a) discuss the recent development in the South China Sea with regards to the territorial disputes as well as other important issues; and (b) identify potential roles and challenges of civil society in its contribution to finding a peaceful settlement in the South China Sea.

This discussion report summarizes the key points of each speaker, as well as the question and answer session that followed.

## SPEAKERS' PRESENTATION

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### — Dr. Kusnanto Anggoro —



Dr. Kusnanto Anggoro - Lecturer, Indonesia Defense University

Dr. Kusnanto Anggoro was the first to speak at the dialogue. He began his presentation by praising the topic of the discussion which emphasized the role of civil society in settling the South China Sea dispute. He considered this as an unusual approach to look at the long-debated issue.

Initially, civil society has been involved heavily in this particular conflict. For example, in the 1990s, many national think-tanks such as CSIS and ISDS—that are basically Non-Governmental Organizations (NGOs) or Civil Society Organizations (CSOs)—have conducted intensive studies about the progress of the dispute. Civil society also played a crucial role in initiating the Declaration on the Conduct of Parties in the South China Sea (DoC) which was adopted by the states in 2002 in Phnom Penh. Therefore, there is no doubt that civil society plays many roles in mitigating conflict in the South China Sea.

However, Dr. Anggoro also noticed that there was no significant progress on the subject. The involved parties would never be on the same page on a DoC and this issue will always remain contentious.

In response to this, he saw that there must be something wrong in ASEAN's approach and that the Association was looking at the wrong direction. ASEAN has been trying to prevent conflict by respecting other member states' sovereignty. He argued that focusing on sovereignty would not solve the dispute in the South China Sea.

Despite the aforementioned situation above, Dr. Anggoro identified some promising developments regarding the issue. There were improved relationships in the form of bilateral approach between Beijing and Manila as well as Hanoi. He went on by predicting that there would not be any open war in the area, although the tension will always be there. The occurrence of an open war would only invite external parties to participate and Mr. Anggoro argued that this was something China was not willing to risk at this moment in time.

Dr. Anggoro continued by elaborating the extent of civil society's roles in this matter. First and foremost, he saw the importance of defining the civil society itself. He explained that there was a

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### — Dr. Kusnanto Anggoro —

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wide range of civil society types. There are GO-NGOs (government organized non-governmental organization), civic organizations, research-based organizations, academicians, and not to mention those profit-oriented type of organizations. Thus it could be said that civil society was far from being a homogeneous grouping and there was no single definitions to cover the whole entity. With each of their own characteristics, civil society has always played some roles since the beginning when the issue of the South China Sea first emerged.

On the other hand, the current dynamics indicates a complicated space for CSOs. Their growth in ASEAN and China is mainly directed in the area of capacity development, monitoring, and policy formulation. Their activity is also restricted to the issue of migrant, health or humanitarian assistance. Dr. Anggoro was expecting the rise of fishermen union in this matter, but it seemed that most CSOs put little concern toward the issue as most of them operate in development sectors.

Dr. Anggoro finally concluded that civil society could play any roles in any stages of the conflict. Since there are many types of civil society with each having their own characteristics, these groups would not play identical roles. There must be division of labors among them. Some government-related CSOs will be able to help influencing the state's policy. Some could help in conflict prevention and others could perform agenda setting, capacity building or monitoring the development of the issue.

**“Civil society played a crucial role in initiating the Declaration on the Conduct of Parties in the South China Sea (DoC) which was adopted by the states in 2002 in Phnom Penh. There is no doubt that civil society plays many roles in mitigating conflict in the South China Sea.”**

- Dr. Kusnanto Anggoro -

## SPEAKERS' PRESENTATION

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### — Dr. Kwei-Bo Huang



**Dr. Kwei-Bo Huang** - Secretary General of The Association of Foreign Relations, Taiwan; Associate Professor, Department of Diplomacy, National Chengchi University

The second to speak was Dr. Kwei-Bo Huang who started his presentation by spelling out the current state of the dispute in the South China Sea. He mentioned some claimants on the disputed area including China, Taiwan, the Philippines, Vietnam, Brunei Darussalam and Malaysia and noted the Spratly and Paracel islands as the most contested ones. While all claimants but Taiwan had been given a forum to discuss the matter through the ASEAN-China or ARF mechanism, Dr. Huang argued that the possibility of an arms build-up, regardless of the scale, seems possible since most claimants have already started modernizing their militaries. Therefore, it opens up more potential risk of engaging in conflict.

This power play gets even more intense with the participation of external parties, such as the United States and Japan who called for freedom of navigation based on international law. The US is particularly helping some of the claimants against China in order to strengthen their military strategy across Asia and Middle East as well as to protect commercial interests in East Asian region. Dr. Huang

mentioned this as a complicated web, involving many national interests and it would take a huge effort to reconcile one another.

On the next part of his presentation, Dr. Huang explained Taiwan's view and position in this dispute. Based on the South China Sea Peace Initiative declared on May 2015, Taiwan holds the principles of: (1) safeguarding sovereignty, (2) shelving the disputes, (3) pursuing peace and reciprocity, and (4) promoting joint exploration. Accordingly, all parties should be invited to talk in an attempt to create cooperation mechanism. Although Taiwan is not a part of any agreements nor has signed any documents, the country is committed to externalize peaceful settlement by respecting the relevant international law, such as the UN Charter and UNCLOS.

He further emphasized non-traditional security issues—such as maritime crime, environmental protection, humanitarian assistance and disaster relief—that required immediate action and attention. The parties involved need to work for

## SPEAKERS' PRESENTATION

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### — Dr. Kwei-Bo Huang

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the benefit of the people and they need to start to shift the focus which was solely concentrated on sovereignty issues.

In regards to the roles of civil society, Dr. Huang echoed Dr. Anggoro's previous statement that civil society was not homogeneous. Therefore, coordinating their roles is quite a risky business as we could not tell them what to do and where to go. CSOs' presence can only be effective in helping to manage interstate conflicts if they remain neutral or fair to the conflicting parties. Civil society has also proved to be effective if they are equipped with strong expertise or practical skills; not to mention their capability of reputational power in order to create a sense of moral high ground in mediating the dispute.

Dr. Huang went on by identifying some possible roles that CSOs can contribute in the South China Sea sovereignty dispute. First of all, CSOs can play the role of witness. They are the early warning system and they can speak out when conflict starts to escalate. The second role of CSOs is as a referee. They help by establishing rules or limits for a fair conflict. By setting the limits, CSOs can push governments to use less violent approaches in responding to other claimants. The next role is that CSOs can act as mediator in reconciling incompatible interests and finding durable solutions. CSOs are also effective as healers in repairing the relationship among parties by encouraging apology.

The next CSOs' role mentioned by Dr. Huang is that CSOs can be bridge builders in order to accelerate relations by fostering genuine dialog and developing joint projects. As a teacher, CSOs can also educate countries in understanding legal framework and also to teach them tolerance and problem-solving skills. The last one is that CSOs have a role as a provider in enabling parties to meet their needs. Dr. Huang then continued his presentation by giving some actual examples of CSOs' roles in solving the South China Sea dispute.

As the conclusion, Dr. Huang stressed that it is necessary to have various CSOs working on the issue. However, there is too little coordination among them to cooperate in a more integrated way. Therefore, the intervention from national governments is still very much important in order to provide leadership. In this context, CSOs are the facilitator in helping governments to find possible solutions.

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- Dr. Kwei-Bo Huang -

## SPEAKERS' PRESENTATION

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### — Mr. Muhamad Arif



Mr. Muhamad Arif - Researcher, ASEAN Studies Program, The Habibie Center

Mr. Arif focused his talk on the extensive and rapid land reclamation projects carried out by China in the Spratly Islands, their strategic implications on ASEAN and the broader region as well as the potential role of Track II diplomacy in managing the conflict.

As Mr. Arif noted, China had completed its land reclamation projects in a number of sites in the South China Sea. Above the artificial islands, China had been building a number of facilities including airstrips, ports, radar systems and missile launchers. These facilities could improve day-to-day operations of Chinese ships and aircrafts, increase its maritime domain awareness, deny access of other militaries to the area and serve as the outposts for the Air Defense Identification Zone (ADIZ) should China declare one in South China Sea.

China's maneuver, according to Mr. Arif, had instigated diplomatic as well as military responses from around the region. Countries like the United States, the Philippines, Vietnam and Indonesia had speeded up their military build-up and followed suit to deploy more military assets in South China Sea. As a result, the region had become even more militarized with more warships and aircrafts deployed. Consequently, there was an increased chance of miscalculated and misunderstood

encounters. Given the level of hostility and the lack of code for unplanned encounters, even the smallest incidents could escalate rapidly and trigger open, large-scale conflict in the region.

Mr. Arif warned that the recent development brought damaging implication on ASEAN. He argued that the failure to respond to the developments would severely damage ASEAN's institutional credibility. Thus, after touching on the limited diplomatic approach that had been taken by ASEAN, Mr. Arif explored the non-state-centric approach towards the conflict in South China Sea through broader engagement of Track II diplomacy. He continued by emphasizing that non-state actors' diplomacy had been helpful in resolving major regional crisis and strengthening regional integration.

With their special expertise and opportunity to discuss more openly, Mr. Arif believed that second-trackers could potentially provide a better solution with regard to the conflict in South China Sea. There should be, therefore, more space for non-state actors' engagement in the effort to find peaceful settlement in the South China Sea.

**“With their special expertise and opportunity to discuss more openly, second-track diplomacy could potentially provide a better solution with regard to the conflict in South China Sea.”**

- Mr. Muhamad Arif -

## Q&A SESSION



A. Ibrahim Al Muttaqi - Head of ASEAN Studies Program The Habibie Center, moderates the Q&A session.

### Comment No.1

How necessary is ASEAN integration in responding to the issue that we're discussing today?

### Mr. Muhamad Arif

It depends on how you define the word 'integration.' China is currently roaming across the region because the cost of doing so is really low for them. If ASEAN member states have similar stance toward the issue, China is going to think twice about it.

### Dr. Kusananto Anggoro

There will be no unity among ASEAN member states. But yes, there are policymakers meeting around ASEAN. Take for instance when ASEAN failed to make agreement on the South China Sea during the ASEAN Foreign Ministers Meeting in 2012, although there was some improvement in the following years. There were just too many different interests among the member states. Related to this, I'm very skeptical and pessimistic that there will be any progressive developments.

### Dr. Kwei-Bo Huang

From the external region's perspective, the integration is more in terms of economic relations and it is noted as a huge project among ASEAN member states. But ASEAN integration will not solve the South China Sea issue.

### Comment No.2

One of the highlights from Dr. Anggoro's presentation is the lack homogeneity of civil society. What would you recommend to overcome that challenge?

### Dr. Kusananto Anggoro

It's completely fine not to have homogeneity. Each of the civil society has its own roles. Different capacity will complement their future goals. Civil society's identity is important for them to take some roles. My main critique is that civil society is too concerned about the issue of sovereignty, that most types of civil society who pay attention to this kind of issues are mostly academicians or think-tanks. There are many CSOs who can contribute further in this matter, including fisherman groups. The most important thing to do in dealing with this heterogenic type of CSOs is to set division of labor, so that CSOs need to have their own roles.

### Comment No.3

How can we get national government to listen to the output of CSOs?

### Dr. Kwei-Bo Huang

First of all, this situation would be very conducive in a more democratic countries where CSOs can be heard and that they can exercise influence. There needs to be ways to help CSOs in less democratic countries grow safely.

## Q&A SESSION

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Second of all, it is very important to empower CSOs. The local ones are probably lacking in capability compared to the international ones. Therefore, these CSOs deserve more attention.

### **Comment No. 4**

Related to the progress of the South China Sea case, is it possible for Track II to discuss sensitive issues? Do we want to talk about sensitive issues like sovereignty or avoid it to make any progress?

### **Mr. Muhamad Arif**

The opportunity for Track II to discuss sensitive issues, as in sovereignty, is very much welcomed. We as academicians for instance, are capable to discuss this kind of issues frankly, openly and objectively. This is something that needs to be promoted. Also, there has to be good communications with governments if CSOs want to involve further.

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