

ASEAN BRIEFS

China-Philippines Tension in South China Sea: Consequences for Regional Dynamics



Vol. 10/ Issue 1/ June 2024



ASEAN Briefs is a regular publication about current developments on ASEAN regionalism, especially in the Political-Security, Economic as well as Socio-Cultural Pillars.

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Executive Summary

The South China Sea (SCS), a flashpoint in the ASEAN region, has become a complex geopolitical arena where disputes involving claimant states have remained unresolved since 1974. The tensions between China and the Philippines in the SCS are among the most intricate compared to other claimants. Over the past five years, tensions in the SCS have remained high, with clashes at sea involving both state and non-state actors, including law enforcement, military personnel, coast guards, militias, and fishermen.

Given ASEAN's limitations and the power imbalance with China, the Philippines has ramped up its external balancing efforts, focusing on diplomatic, legal, and information-based strategies. This shift reflects the Philippines' growing frustration with ASEAN's slow and inadequate response to the dispute. The Philippines' approach raises concerns about ASEAN's effectiveness in managing regional conflicts and supporting its members. As security threats in the region intensify and ASEAN's response remains sluggish, the prominence of minilateral frameworks such as JAPHUS, AUKUS, and the Quad has grown significantly. Ultimately, tensions between China and the Philippines over disputed territories are likely to persist in the near future. Due to the dispute's complexity, there is no simple or quick resolution in sight. Therefore, exercising mutual restraint could help ease tensions in the South China Sea.



The Overview of the South China Sea Dispute

The South China Sea (SCS), a flashpoint in the ASEAN region, has become a complex geopolitical arena where disputes involving claimant states—China, Taiwan, the Philippines, Vietnam, Malaysia, and Brunei Darussalam—have remained unresolved since 1974. The SCS’s strategic importance as a vital international trade route, along with its economic value due to natural resources such as oil and natural gas, ensures that claimant states continue to assert their national interests in the region.¹ Over the past five years, tensions in the SCS have remained high, with clashes at sea involving both state and non-state actors, including law enforcement, military personnel, coast guards, militias, and fishermen.²

A recent development was China’s political maneuver in releasing its New Standard Map on August 28, 2023, expanding its claims from the “Nine-Dash Line” to the “Ten-Dash Line.” The claimed Chinese territory now

includes disputed areas such as Arunachal Pradesh, Aksai Chin (India), Taiwan, and the Exclusive Economic Zones (EEZ) of several ASEAN countries overlapping with the SCS.³ As a result, Malaysia, the Philippines, Vietnam, India, and Taiwan have rejected the validity of the map and lodged protests against China.⁴ This move by China can be seen as a reaffirmation of its historical claims in the SCS. Despite the territorial dispute involving six parties with overlapping claims, China’s dominant presence, strength, and increasing assertiveness in the region present a unique challenge to its smaller neighbors.⁵

The complexity of the SCS issue has drawn in another great power, the United States (US), which has increased its Freedom of Navigation Operations (FONOPS) to contain China’s influence in the region. The US conducts routine operations in the SCS through patrols and joint military exercises with allies such as Australia, Japan, the Philippines, and Canada.⁶ On one hand, the US Navy’s presence may be intended as a show of support for ASEAN

1 Sulistyani, Y. A., Pertiwi, A. C., & Sari, M. I. (2021). Indonesia’s Responses amidst the Dynamic of the South China Sea Dispute under Jokowi’s Administration [Respons Indonesia di tengah Dinamika Sengketa Laut China Selatan di bawah Pemerintahan Jokowi. *Jurnal Politika Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional*, 12(1), 85–103. <https://doi.org/10.22212/jp.v12i1.2149>

2 Salleh, A., Permal, S., Vergara, P. L., Son, N. H., & Laksmana, E. A. (2021). *The South China Sea: Realities and Responses in Southeast Asia* (E. Noor, Ed.). The Asia Society Policy Institute. https://asiasociety.org/sites/default/files/2021-12/ASPI_SChinaSeareport_fin.pdf

3 Raymond, M., & Welch, D. A. (2023, September 5). China’s New “Standard Map” Does Not Mean What You Think It Means. *The Diplomat*. <https://thediplomat.com/2023/09/chinas-new-standard-map-does-not-mean-what-you-think-it-means/>

4 Reuters. (2023, August 31). Philippines, Taiwan, Malaysia reject China’s latest South China Sea map. *Reuters*. <https://www.reuters.com/world/asia-pacific/philippines-taiwan-malaysia-reject-chinas-latest-south-china-sea-map-2023-08-31/>

5 Salleh, A., Permal, S., Vergara, P. L., Son, N. H., & Laksmana, E. A. *Op. Cit.*

6 Congressional Research Service. (2023). *China Primer: South China Sea Disputes*. <https://crsreports.congress.gov/product/pdf/IF/IF10607>

countries and as a deterrent to Chinese incursions.⁷ On the other hand, US actions and those of its allies may provoke China to respond with similar actions as “retaliation” in the disputed areas. As both sides accuse each other of undermining regional stability, the intensifying US-China rivalry ultimately benefits and complicates ASEAN’s choices and strategies.⁸

China and the Philippines within the South China Sea Dispute

The tensions between China and the Philippines in the SCS have been the most complex compared to other claimants. The tensions have been generally known to start escalating from the 1960s to 1970s. However, in retrospect, the tensions between China and the Philippines might have stemmed from China’s early claim to the Eleven-Dash Line during the 1940s. Before World War II, Japan claimed exclusive rights over several island groups in the SCS in 1937. In 1946, China, under Kuomintang rule, took over the previously Japanese-controlled Xinsha⁹ and Nansha¹⁰ based on the Cairo Declaration and Potsdam Proclamation. China pursued it after the former declaration stated that “*Japan shall be stripped of all the islands in the Pacific that it has seized or occupied since the beginning of World War I.*” At the same time, the latter determined the implementation of the provisions in the Cairo Declaration.¹¹

7 Salleh, A., Permal, S., Vergara, P. L., Son, N. H., & Laksmana, E. A. (2021). *The South China Sea: Realities and Responses in Southeast Asia* (E. Noor, Ed.). The Asia Society Policy Institute. https://asiasociety.org/sites/default/files/2021-12/ASPI_SChinaSeareport_fin.pdf

8 *Ibid.*

9 Also known as Paracel Islands

10 Also known as Spratly Islands

11 Gao, Z., & Jia, B. B. (2013). The Nine-Dash Line in the South China Sea: History, Status, and Implications. *American Journal of International Law*, 107(1), 98–123. <https://doi.org/10.5305/amerjintlaw.107.1.0098>

Following the absence of reaction from other states bordering the waters, China inspected the island groups. Following the maneuver, China circulated a map to indicate its authority over the SCS. It also published a list of about 172 geographical names, both in English and Chinese, for the islands in the SCS, continuing the prior list published in 1935 that enlisted 132 names of the islands in the area.¹² Almost a decade later, and before the declaration of the establishment of the People’s Republic of China in October 1949, China placed the four island groups and other attached islands in the SCS under the authority of the Guangdong Province. The Chinese Communist Party-led administration removed the portion encompassing the Gulf of Tonkin, simplifying the eleven to nine segmented dashes in 1953,¹³ but transforming it to ten in 2023.

Unlike China, the Philippines’ geographical position has given it a relatively robust position within the SCS contestation. As the archipelago lies in the eastern part of the SCS, some significant parts, such as Luzon and Palawan, directly border the disputed waters. Moreover, a portion of the Philippines’ EEZ is within the 200-nautical-mile maritime areas along the western side of the archipelago, covering two significant island features: the northeastern part of the Nansha Islands and Scarborough Shoal. Former President Benigno Aquino III designated the maritime area as the West Philippine Sea through Administrative Order 29 in 2012.

The Philippines’ claim to maritime areas can also be traced historically. As the former Spanish and American colonies, respectively, the Philippines had its territorial boundaries

12 *Ibid.*

13 Council on Foreign Relations. (2020, July 15). Timeline: China’s Maritime Disputes. <https://www.cfr.org/timeline/chinas-maritime-disputes>

explicitly defined by the Treaty of Paris 1898 (Treaty of Paris). Under Article 3 of the treaty, Spain transferred its sovereign rights over the Philippines and the surrounding waters to the US. The Treaty of Washington 1900 (Treaty of Washington) further amended the Treaty of Paris by clarifying and confirming the transfer of additional islands to the US as part of the Philippine territory – including the Spratly Islands and Scarborough Shoal. Ultimately, all these islands covered by the Treaty of Paris and Treaty of Washington, which formed part of the Philippine archipelago, became parts of the Philippines after its independence in 1946.¹⁴ Following its independence, the Philippines began expressing interest in the Spratly Islands. However, the Philippines clarified that its primary concern was safeguarding its fishermen in maritime areas near the islands.¹⁵

The game has forever changed as the Philippines declared possession of the Spratly Islands in the early 1970s. Former President Ferdinand Marcos declared the Spratly Islands part of the Palawan province. As the new Philippine constitution came into effect, it introduced an updated definition of the nation's territory encompassing all areas under the government's jurisdiction.¹⁶ Contestation over the maritime regions of the SCS between the Philippines and China became even more complex after the oil discovery near Palawan in 1976. Moreover, the Philippines enacted the Oil Exploration and Development Act in 1972—exactly two years before the exploration.¹⁷ The law

established the legal framework for exploring and developing petroleum resources. This operation was further supported by the decree issued by the Marcos administration in 1978, outlining essential grounds—proximity to the Philippine archipelago, historical ownership, and the expiration of competing claims—highlighting the Philippines' reasonable claim to the territory.¹⁸

Before the 1990s, direct military engagement between China and the Philippines had never occurred, although the region's contestation had become more delicate, especially with the oil discovery. Following the occupation of Mischief Reef by Chinese troops in late 1994, the Philippines launched an attack on Chinese structures built on the maritime feature. Moreover, three Chinese naval vessels engaged a Philippine navy gunboat. The Mischief Reef Incident escalated tensions in China-Philippines relations yet revitalized US-Philippine military cooperation. Following the incident, the two nations conducted a joint naval exercise on Palawan Island.

The 21st century witnessed the crux of China and the Philippines' South China contestation in the SCS. Following a number of times the Philippine Navy detained or expelled Chinese fishermen from Scarborough Shoal, a Philippine aircraft spotted a group of Chinese fishermen anchored in the area in early April 2012.¹⁹ Consequently, on April 8, the Philippines deployed its largest naval frigate to intervene in illegal fishing activities and reached the shoal in the following days.

14 Integrated Bar of the Philippines. (n.d.). IBP Statement on the West Philippine Sea. <https://www.ibp.ph/announcements/ibpstatement.html>
15 Gao, Z., & Jia, B. B.Op. Cit.

16 The National Bureau of Asian Research. (2020, July 9). *Country Profile from the Maritime Awareness Project: Philippines*. The National Bureau of Asian Research. <https://www.nbr.org/publication/philippines/>

17 Council on Foreign Relations. (2020, July 15). Timeline: China's Maritime Disputes. <https://www.cfr.org/timeline/chinas-maritime-disputes>

18 The National Bureau of Asian Research. (2020, July 9). *Country Profile from the Maritime Awareness Project: Philippines*. The National Bureau of Asian Research. <https://www.nbr.org/publication/philippines/>

19 Green, M., Hicks, K., Cooper, Z., Schaus, J., & Douglas, J. (2017, June 26). Counter-coercion Series: Scarborough Shoal Standoff. Asia Maritime Transparency Initiative. <https://amti.csis.org/counter-co-scarborough-standoff/>

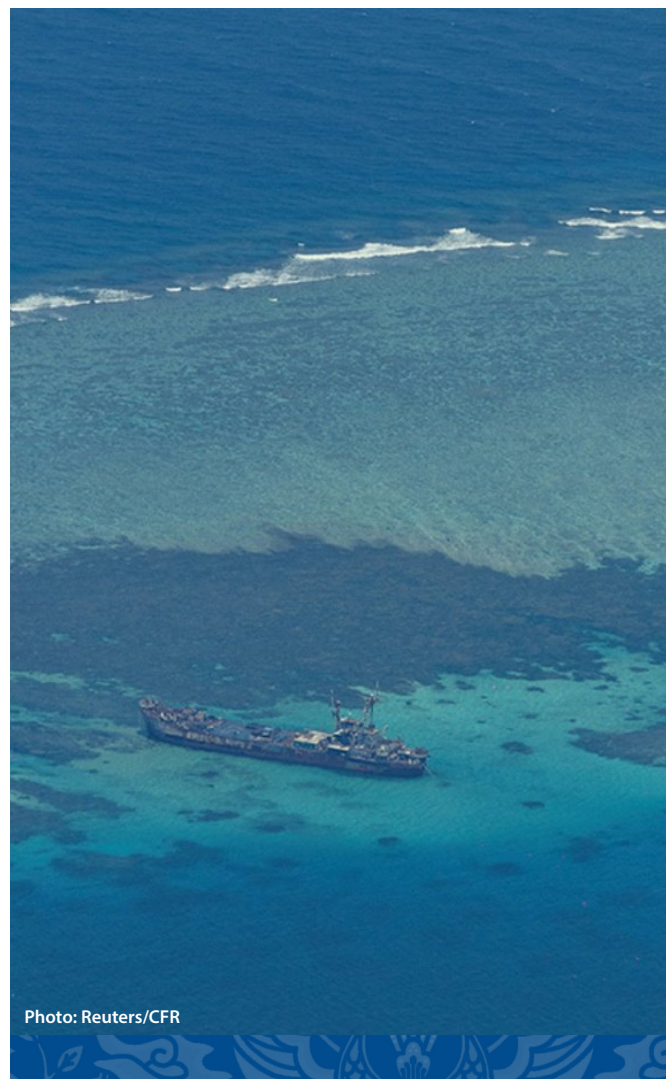
The frigate's arrival led to a tense standoff with two Chinese Marine Surveillance vessels after the Philippine sailors attempted to make arrests. Seeking a diplomatic solution, the Philippines replaced its navy frigate with a coast guard ship on April 12, yet China increased its presence. Initial talks on April 13 seemed promising, as Chinese cutters escorted fishing boats out of the area, leaving one ship from each side. However, negotiations collapsed over disagreements about the fisherman's catch and vessel withdrawal. On April 17, the Philippines shifted to seeking international arbitration and ASEAN support, which Beijing rejected, insisting on a bilateral resolution.

Tensions between China and the Philippines over the Scarborough Shoal continued for the following weeks despite failed negotiations. The negotiations had failed on every level, as when the Philippines sought assurance of ASEAN support, they also failed to issue a joint statement during the ASEAN Summit in Cambodia that year, leading to the settlement by the Philippines pursuing international arbitration the following year. Tensions between the Philippines and China have been steadily increasing up to the present. Incidents involving Chinese coercive actions—such as collisions, the use of water cannons and military-grade lasers, and swarming—are being reported more frequently, with some even resulting in injuries to Philippine naval personnel.

Efforts to Address the South China Sea Dispute

a. ASEAN-driven Approach through Code of Conduct

Based on the shared interests of its members, ASEAN has developed a common policy to manage the SCS disputes through the Code



of Conduct (CoC), a key dispute management mechanism that enables ASEAN members to reach a consensus.²⁰ Since 2002, ASEAN and China have continued to grapple with the negotiations of the CoC, which serves as a guideline to regulate the behavior of countries in the SCS. This process began with the signing of the non-binding Declaration on the Conduct of Parties in the South China Sea (DoC) in November 2002 by ASEAN and China, which laid the foundation for CoC negotiations. However, it was not until 2012 that ASEAN and China agreed on how to begin formalizing the declaration's guidelines into the CoC.²¹

20 Hu, L. (2021). Examining ASEAN's Effectiveness in Managing South China Sea Disputes. *The Pacific Review*, 36(1), 1–29. <https://doi.org/10.1080/09512748.2021.1934519>

21 Sacks, B. J. (2022, October 19). *The Political Geography of the South*



Photo: Ted Aljibe/AFP/Getty Images

Negotiations have since progressed slowly and intermittently. Under its ASEAN Chairmanship in 2023, Indonesia hosted CoC negotiations to accelerate the process. The negotiations have progressed through three stages, including reading the draft CoC, with the second draft negotiation text now completed. The target for CoC completion is set for three years by 2026, so the developments remain to be seen. In addition to accelerating the negotiations, Indonesia took the initiative to establish Guidelines as practical instructions containing substantive material to ensure that the CoC remains effective and actionable.²²

Two key factors can be highlighted to explain why the CoC negotiations have been slow. First, ASEAN member states favor an ASEAN-driven approach to addressing the SCS dispute, while China prefers bilateral negotiation with each claimant state. Second, ASEAN seeks a legally binding CoC, while

China prefers the CoC to be non-binding.²³ However, not all the blame lies with China. Some ASEAN member states are seen as lagging in the negotiations, not fully committed to the process, or not perceiving the disputes as a significant concern.²⁴ This situation means that China and ASEAN claimant states will continue struggling to reconcile their divergent interests in the SCS.²⁵ The delay in negotiations also allows China to conduct political maneuvers and strengthen its control over the features in the disputed area.²⁶ For instance, China's issuing of the New Standard Map contradicts the agreements made with ASEAN to expedite the CoC negotiations. On the one hand, China claims to support the acceleration of the CoC talks, but on the other hand, its actions increase tensions in the region.

China Sea Disputes: A RAND Research Primer. RAND. <https://www.rand.org/pubs/perspectives/PEA2021-1.html>

22 Bhwana, P. G. (Ed.). (2023, September 3). ASEAN: Indonesia's Initiative Accelerates South China Sea Code of Conduct Negotiations. *Tempo*. <https://en.tempo.co/read/1767566/asean-indonesias-initiative-accelerates-south-china-sea-code-of-conduct-negotiations>

23 Sacks, B. J. *Op. Cit.*

24 Yaacob, R. (2024, May 15). *A code of conduct won't solve the South China Sea crisis* | *Lowy Institute*. The Interpreter; Lowy Institute. <https://www.lowyinstitute.org/the-interpreter/code-conduct-won-t-solve-south-china-sea-crisis>

25 Sacks, B. J. *Op. Cit.*

26 *Ibid.*

b. The Philippines' Approach to China

The Philippines' approach to the SCS dispute has changed under Presidents Rodrigo Duterte and Ferdinand Marcos Jr. Duterte's administration initially adopted a strategy of appeasing China to strengthen economic ties and avoid military conflict. This involved distancing the Philippines from the US, limiting regional engagement with ASEAN, and endorsing a bilateral negotiation with China. However, Duterte's softer strategy to court China failed to achieve its objectives, as China continued its assertiveness in the SCS, and the promised investments have yet to materialize.²⁷

Upon taking office in 2022, President Marcos Jr. shifted away from his predecessor's conciliatory approach, implementing a more comprehensive strategy that encompasses unilateral, bilateral, minilateral, and multilateral efforts to address the dispute. Unilaterally, Marcos' administration filed over 150 diplomatic protests, invoked the 2016 South China Sea Arbitral Award, and took various actions—including military, bureaucratic, legislative, and operational measures—to assert the Philippines' territorial claims. For instance, the Philippine Coast Guard has intensified sovereignty patrols and escort missions in the region.²⁸

Bilaterally, the Philippines has reinforced its defense ties with the US, which is evident in the expanded presence of US troops through the Enhanced Defense Cooperation Agreement (EDCA), alongside a significant increase in joint military exercises between both states. At the minilateral level, the Philippines has joined

the Japan-Philippines-US (JAPHUS) alliance to counterbalance China's influence in the region. Multilaterally, the Philippines remains vocal within ASEAN about the SCS issue and strongly advocates for a legally binding CoC.²⁹

Recognizing ASEAN's limitations and power imbalance with China, the Philippines has intensified its external balancing efforts, focusing on diplomatic, legal, and information-based strategies.³⁰ This shift reflects the Philippines' growing frustration with ASEAN's slow and inadequate response to the dispute. The Philippines' reliance on its own approach raises concerns about ASEAN's effectiveness in managing regional disputes and supporting its members. The individual actions taken by the Philippines should also be a concern for ASEAN, as they could lead to divisions within ASEAN's unity and position, as well as undermine the bloc's collective efforts to resolve the dispute.

Implication of China-Philippine Clash in the South China Sea for Regional Stability

The Philippines v. China arbitration case and the 2016 South China Sea Arbitral rulings have provided a more recent view and ground for the heightened tension in the SCS. The arbitration case saw the Philippines challenging China's territorial claims in the SCS and seeking legitimacy for its claims under international law. With China's absence in the court proceedings, the 2016 South China Sea Arbitral rulings have invalidated China's extensive claims under the United Nations Convention on the Law of the Sea (UNCLOS).³¹ However, China disregarded

27 Salleh, A., Permal, S., Vergara, P. L., Son, N. H., & Laksmana, E. A. *Op. Cit.*

28 Rabena, A. J. (2024, July 16). *The Philippines' Four-Pronged South China Sea Strategy - Australian Institute of International Affairs*. Australian Institute of International Affairs. <https://www.internationalaffairs.org.au/australianoutlook/the-philippines-four-pronged-south-china-sea-strategy/>

29 *Ibid.*

30 *Ibid.*

31 Zimmermann, A., & Bäuml, J. (2013). *Navigating Through Narrow Jurisdictional Straits: The Philippines – PRC South China Sea Dispute and*

the rulings and maintained its claims based on historical assertions that pre-dated the world wars. Moreover, with its preference for an easy and non-binding CoC, China has challenged the rules-based structure and further contributed to the stagnation of rules-based dispute settlements as a major power with immense influence in the region.

The growing security dilemma is another consequential impact of China and the Philippines' tensions in the SCS. While measuring the effects of the heightened tension in the SCS, one should consider that any strategic security action one takes entails a consequence of another security action, potentially leading to a cycle of action where consequent conflict is possible—known as a security dilemma.³² While China is assertive and has not ceased its engagement in land reclamation and artificial islands construction with military facilities, as well as conducting regular naval exercises and deploying its coast guard and maritime militia in the SCS – carried out amidst the ongoing and taken measures on many levels to address the prolonged contestation, including the Philippines' pursuit of international arbitration, the ASEAN-led efforts, and several unilateral approaches – the Philippines has also increased its diplomatic efforts to garner international support and its military presence around the area,³³ including the EDCA, which has been critical for the Philippines to guarantee the US' proactive response to assist the Philippines in achieving credible defense capability.

The Philippines and the US revitalizing their alliance has manifested a concerted effort that the Philippines built amidst the heightened tension in the SCS. EDCA has allowed the US to access five military bases – including Antonio Bautista Air Base in Palawan. Moreover, the Philippines also granted the US access to four additional military bases during the visit of US Defense Secretary Lloyd J. Austin III to Manila in 2023 – including the Naval Station Narciso del Rosario in Balabac, Palawan. The Philippines' maneuver worried China because the EDCA provided the US access to the SCS, even Taiwan's southern maritime region.

Parallel with the shortcomings of multilateral platforms in answering the SCS questions, growing minilateralism quickly takes center stage. JAPHUS has been an example of how minilateralism is growing amidst the increasing security threats in the region, such as AUKUS and Quad. At the same time, ASEAN's slow pace has become less relevant to disputes involving China and the Philippines in the SCS.

The JAPHUS highlights a new way of balancing power for the Philippines as a relatively small player while the major powers deepen reciprocal security ties to address escalating regional threats. Moreover, the Philippines' involvement in such frameworks has become an example of how smaller players influence agenda-setting by integrating security concerns with areas like economic security.³⁴ With the urgency rising for the smaller players in the region to promote national interests for both security and welfare purposes, minilateralism has also been seen

UNCLOS. *The Law & Practice of International Courts and Tribunals*, 12(3), 431–461. <https://doi.org/10.1163/15718034-12341266>

32 Herz, J. H. (2003). The Security Dilemma in International Relations: Background and Present Problems. *International Relations*, 17(4), 411–416. <https://doi.org/10.1177/0047117803174001>

33 Wong, E. (2024, July 30). *Nytimes.com*. The New York Times - Breaking News, US News, World News and Videos. <https://www.nytimes.com/2024/07/30/world/asia/us-philippines-military-aid-china.html>

34 Piasentini, M. (2024, October 31). Development for Alignment: JAPHUS and the Philippines' Role in Linking Traditional and Economic Security. Australian Institute of International Affairs. <https://www.internationalaffairs.org.au/australianoutlook/development-for-alignment-japhus-and-the-philippines-role-in-linking-traditional-and-economic-security/>

by the bigger powers—such as the US—as a more efficient way of regional arrangement. Unsurprisingly, other claimants would diversify their security strategies by adopting smaller circle arrangements, particularly in response to the growing trend of minilateral frameworks and the anticipated minilateral approach in the Indo-Pacific of the upcoming US administration.

Conclusion

The ongoing developments in the SCS dispute and tensions between China and the Philippines over disputed territories are likely to persist in the near future. While the likelihood of an open war between the two sides remains low, the deepening alliance between the Philippines and the US, particularly through the expansion of the EDCA, increases the possibility of US involvement in any potential clashes to assist the Philippines if necessary. Aside from the deepening Philippine-US alliance, growing minilateralism, such as JAPHUS, can impact regional stability, for better or worse. On a more positive note, minilateralism allows smaller powers, like the Philippines, to set the economic and security agenda. Yet, engaging with the major powers may also increase the wariness of other claimant states in the dispute. The establishment of AUKUS has been a cautionary tale for the region regarding how China reacted with its wariness.

The SCS dispute has no simple or quick resolutions due to its complexity. Setting a deadline for reaching an agreement does not necessarily expedite the process, as there are concerns that the deadline might push ASEAN members to dilute the agreement's substance.³⁵ Therefore, ASEAN's key challenge is not only

to accelerate the CoC negotiations to finalize the document but also to ensure that the guidelines within it are effective, substantive, and actionable and that they are adhered to by all parties in the SCS region.

In addition to the CoC, another recommendation is to leverage further Track 1 diplomacy within ASEAN frameworks, such as the ASEAN Defense Ministers Meeting (ADMM) and ADMM Plus, as well as Track 1.5 diplomacy like the Shangri-La Dialogue. These forums provide ASEAN claimant states and China with a platform to engage in discussions, allowing them to negotiate with each other and to be heard by the wider international community, an opportunity that should not be overlooked or dismissed.³⁶

It is vital for the Philippines to assert moral and regional leadership. Apart from utilizing bilateral and minilateral approaches, the Philippines needs to pursue more defining and leading strategies within the ASEAN framework. Using its diplomatic nature, the Philippines can actively push for a cohesive and united ASEAN stance on the SCS by emphasizing the importance of adherence to international law and the conclusion of a substantive and legally binding CoC to manage disputes and prevent escalation. Moreover, the Philippines can utilize the ASEAN modalities to foster internal and external engagement for stronger coordination and confidence-building measures (CBM). Although the ongoing dispute in SCS has put ASEAN's unity into cliché, somehow, ASEAN unity is the reason for the ASEAN claimants to join forces and diligently lead for the resolution.

³⁵ Yaacob, R. *Op. Cit.*

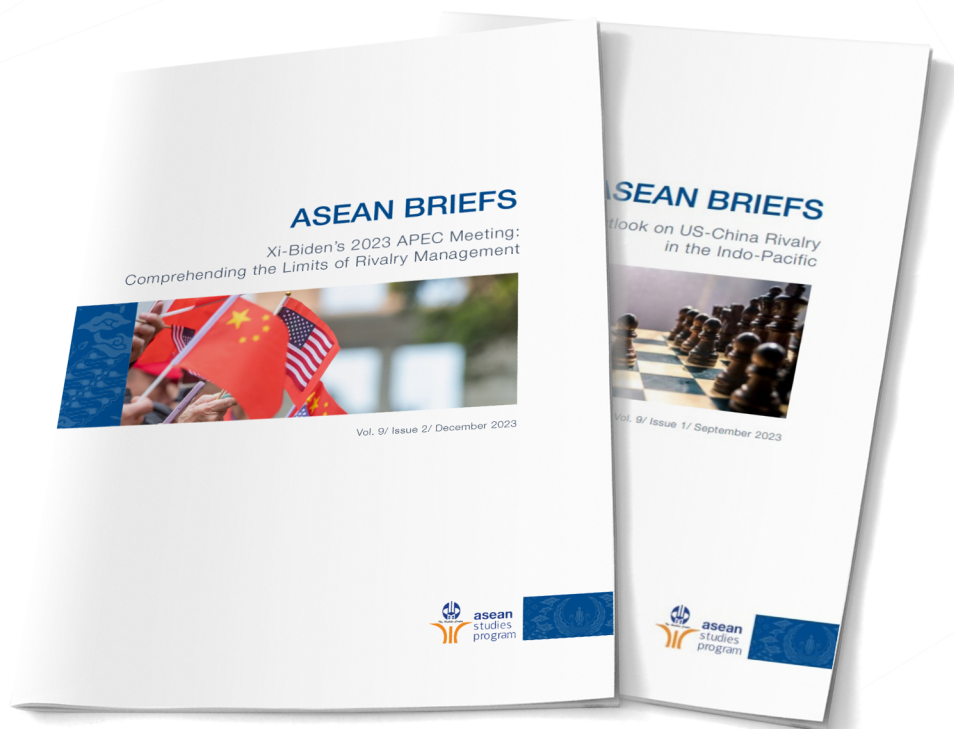
³⁶ Salleh, A., Permal, S., Vergara, P. L., Son, N. H., & Laksmana, E. A. *Op. Cit.*

The role of non-ASEAN claimants such as China and Taiwan is essential in pushing for effective dispute resolution measures and stability in the SCS. As for China, it must work with ASEAN to finalize the CoC to ensure peaceful conflict management. In addition to committing to rules-based dispute resolutions, China must promote CBM and reduce aggressive behaviors. It must avoid coercive measures, reduce its military activities in the disputed areas, and consider being more transparent in its maritime activities in the SCS. Taiwan's Ministry of Foreign Affairs stated that the dispute should be resolved peacefully in accordance with international law and UNCLOS. Additionally, it should be included in related multilateral dialogue and dispute settlement mechanisms. All in all, exercising mutual restraint can help ease the tensions in the South China Sea.

References

- Bhwana, P. G. (Ed.). (2023, September 3). ASEAN: Indonesia's Initiative Accelerates South China Sea Code of Conduct Negotiations. *Tempo*. <https://en.tempo.co/read/1767566/asean-indonesias-initiative-accelerates-south-china-sea-code-of-conduct-negotiations>
- Congressional Research Service. (2023). *China Primer: South China Sea Disputes*. <https://crsreports.congress.gov/product/pdf/IF/IF10607>
- Council on Foreign Relations. (2020, July 15). Timeline: China's maritime disputes. <https://www.cfr.org/timeline/chinas-maritime-disputes>
- Gao, Z., & Jia, B. B. (2013). The Nine-Dash Line in the South China Sea: History, Status, and Implications. *American Journal of International Law*, 107(1), 98–123. <https://doi.org/10.5305/amerjintlaw.107.1.0098>
- Green, M., Hicks, K., Cooper, Z., Schaus, J., & Douglas, J. (2017, May 22). Counter-coercion Series: Scarborough Shoal Standoff. Asia Maritime Transparency Initiative. <https://amti.csis.org/counter-co-scarborough-standoff/>
- Hu, L. (2021). Examining ASEAN's Effectiveness in Managing South China Sea Disputes. *The Pacific Review*, 36(1), 1–29. <https://doi.org/10.1080/09512748.2021.1934519>
- Integrated Bar of the Philippines. (n.d.). IBP Statement on the West Philippine Sea. <https://www.ibp.ph/announcements/ibpstatement.html>
- National Bureau of Asian Research. (2020, July 9). Philippines [Country profile]. Maritime Awareness Project. <https://www.nbr.org/publication/philippines/>
- Rabena, A. J. (2024, July 16). *The Philippines'*

- Four-Pronged South China Sea Strategy - Australian Institute of International Affairs.* Australian Institute of International Affairs. <https://www.internationalaffairs.org.au/australianoutlook/the-philippines-four-pronged-south-china-sea-strategy/>
- Raymond, M., & Welch, D. A. (2023, September 5). China's New 'Standard Map' Does Not Mean What You Think It Means. *The Diplomat*. <https://thediplomat.com/2023/09/chinas-new-standard-map-does-not-mean-what-you-think-it-means/>
- Reuters. (2023, August 31). Philippines, Taiwan, Malaysia Reject China's Latest South China Sea map. *Reuters*. <https://www.reuters.com/world/asia-pacific/philippines-taiwan-malaysia-reject-chinas-latest-south-china-sea-map-2023-08-31/>
- Sacks, B. J. (2022, October 19). *The Political Geography of the South China Sea Disputes: A RAND Research Primer*. RAND. <https://www.rand.org/pubs/perspectives/PEA2021-1.html>
- Salleh, A., Permal, S., Vergara, P. L., Son, N. H., & Laksmana, E. A. (2021). *The South China Sea: Realities and Responses in Southeast Asia* (E. Noor, Ed.). The Asia Society Policy Institute. https://asiasociety.org/sites/default/files/2021-12/ASPI_SChinaSeareport_fin.pdf
- Sulistiyani, Y. A., Pertiwi, A. C., & Sari, M. I. (2021). Indonesia's Responses amidst the Dynamic of the South China Sea Dispute under Jokowi's Administration [Respons Indonesia di tengah Dinamika Sengketa Laut China Selatan di bawah Pemerintahan Jokowi. *Jurnal Politika Dinamika Masalah Politik Dalam Negeri dan Hubungan Internasional*, 12(1), 85–103. <https://doi.org/10.22212/jp.v12i1.2149>
- Yaacob, R. (2024, May 15). *A Code of Conduct Won't Solve the South China Sea Crisis* | *Lowy Institute*. The Interpreter; Lowy Institute. <https://www.lowyinstitute.org/the-interpreter/code-conduct-won-t-solve-south-china-sea-crisis>



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About The Habibie Center

The Habibie Center was founded by Bacharuddin Jusuf Habibie and family in 1999 as an independent, non-governmental, non-profit organisation. The vision of The Habibie Center is to create a structurally democratic society founded on the morality and integrity of cultural and religious values. The mission of The Habibie Center are first, to establish a structurally and culturally democratic society that recognizes, respects, and promotes human rights by undertaking study and advocacy of issues related to democratization and human rights, and second, to increase the effectiveness of the management of human resources and the spread of technology.

About ASEAN Studies Program

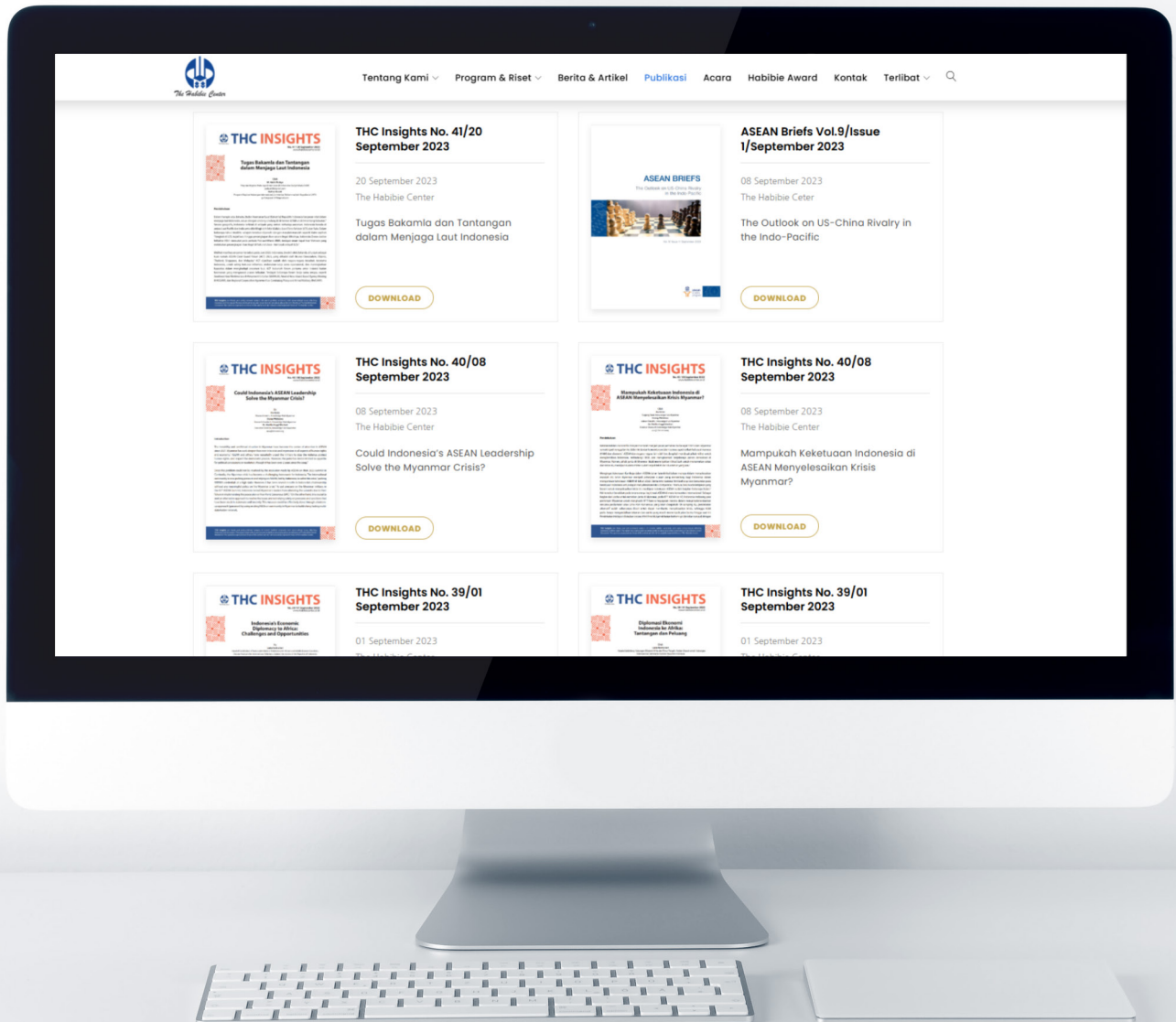
The ASEAN Studies Program was established on February 24, 2010, to become a center of excellence on ASEAN related issues, which can assist in the development of the ASEAN Community by 2015. The Habibie Center through its ASEAN Studies Program, alongside other institutions working towards the same goal, hopes to contribute to the realization of a more people-oriented ASEAN that puts a high value on democracy and human rights. The objective of the ASEAN Studies Program is not merely only to conduct research and discussion within academic and government circles, but also to strengthen public awareness by forming a strong network of civil society in the region that will be able to help spread the ASEAN message. With the establishment of ASEAN Studies Program, The Habibie Center aims to play its part within our capabilities to the ASEAN regional development.

About Talking ASEAN

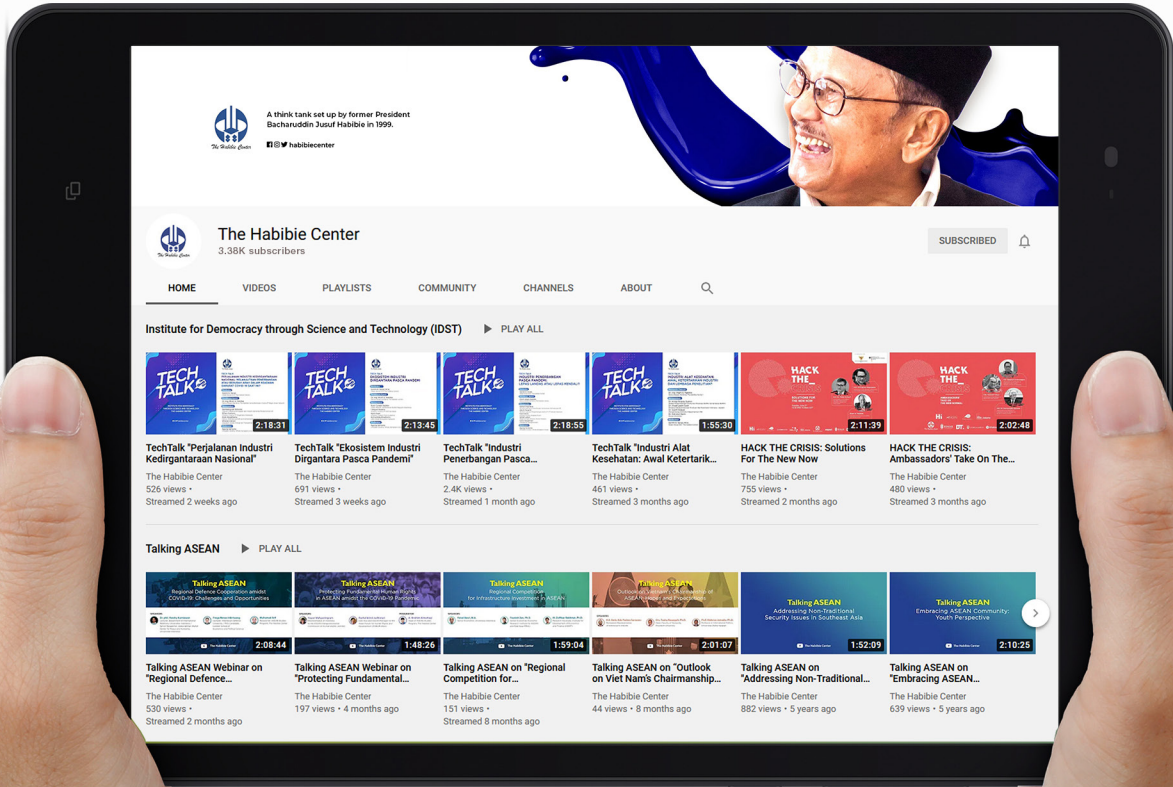
Talking ASEAN is a monthly public dialogue held at The Habibie Center in Jakarta. Covering a wide array of issues related to ASEAN, Talking ASEAN addresses topics of: Economic Integration, Socio-cultural, & Democracy, human rights and regional peace, among others. Featuring local and visiting experts, Talking ASEAN is one of a series of twelve dialogues regularly held each month and open to a target audience consisting of ASEAN officials, foreign ambassadors & diplomats, academics, university students, businesses, and the media.

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