

11-30-2021

ASEAN Way: Managing Expectation in the Code of Conduct for the South China Sea

Naifa Rizani Lardo

Centre for Strategic and International Studies (CSIS) Indonesia, S. Rajaratnam School of International Studies (RSIS) Singapore, naifa.rizani@gmail.com

Follow this and additional works at: <https://scholarhub.ui.ac.id/global>



Part of the [Defense and Security Studies Commons](#), [International and Area Studies Commons](#), [International Relations Commons](#), [Law Commons](#), and the [Political Theory Commons](#)

Recommended Citation

Lardo, Naifa Rizani (2021) "ASEAN Way: Managing Expectation in the Code of Conduct for the South China Sea," *Global: Jurnal Politik Internasional*: Vol. 23 : No. 2 , Article 3.

DOI: 10.7454/global.v23i2.666

Available at: <https://scholarhub.ui.ac.id/global/vol23/iss2/3>

This Article is brought to you for free and open access by the Faculty of Social and Political Sciences at UI Scholars Hub. It has been accepted for inclusion in Global: Jurnal Politik Internasional by an authorized editor of UI Scholars Hub.

ASEAN WAY: MANAGING EXPECTATION IN THE CODE OF CONDUCT FOR THE SOUTH CHINA SEA

Naifa Rizani Lardo

Centre for Strategic and International Studies (CSIS) Indonesia,
S. Rajaratnam School of International Studies (RSIS) Singapore

Email: naifa.rizani@gmail.com

Submitted: 5 October 2021; accepted: 13 November 2021

Abstrak

Landasan pesimistis proses ASEAN Way seringkali menurunkan kredibilitas dari peran Perhimpunan Bangsa-Bangsa Asia Tenggara (ASEAN) dalam menangani sengketa di Laut Tiongkok Selatan (LTS). Justifikasi tersebut disikapi melalui konsep power balance yang mendiskreditkan struktur norma institusionalisme dalam ASEAN Way. Hal ini mendorong rangkaian diskusi terkait kinerja ASEAN melalui prinsip ASEAN Way dalam proses Code of Conduct for the South China Sea (COC for SCS) yang membuka ruang ekspektasi untuk meningkatkan peran keamanan regionalnya. Melalui permasalahan ini, artikel ini menyuguhkan pandangan peran kemandirian regional ASEAN di proses sengketa LTS dengan merumuskan pertanyaan “Apa yang bisa diharapkan dari norma ASEAN Way dalam proses COC for SCS?” Dengan menggunakan pendekatan norma institusionalisme dalam proses perumusan COC, artikel ini menunjukkan bahwa ASEAN Way tidak dibentuk sebagai solusi penyelesaian konflik LTS, melainkan sebagai penyokong bentuk kerja sama pertahanan dengan asas fleksibel bagi partisipasi konflik di isu LTS. Adapun, kontribusi ASEAN Way dalam COC for SCS terjabarkan dengan memberikan ruang fleksibilitas bagi pemangku kepentingan untuk berdialog secara damai di luar ketidakseimbangan kekuatan yang terjadi dari proses COC. Hal ini dengan proses yang fleksibel dalam membawa Tiongkok dan pemangku kepentingan terkait lainnya menuju kerja sama keamanan kooperatif yang dapat memenuhi kepentingan bersama dalam perdamaian di kawasan Asia Tenggara. Pendekatan norma institusionalisme ini juga menunjukkan limitasi-limitasi dari kemampuan ASEAN yang dapat membatasi ekspektasi dari perumusan COC for SCS ke penyelesaian sengketa di LTS.

Kata kunci:

ASEAN, Laut Tiongkok Selatan, Code of Conduct, Tiongkok, ASEAN Way

Abstract

Pessimistic perspectives on the ASEAN Way process frequently undermine the role of the Association of Southeast Asian Nations (ASEAN) in resolving the South China Sea (SCS) dispute. These justifications are addressed through the notion of power balance, which undermines the norm institutionalism framework that underlines the ASEAN Way's foundation. This drives various conversations on ASEAN capabilities ahead of the ASEAN Way principle throughout the Code of Conduct for the South China Sea (COC for SCS) process, which questioned its expectations as a regional security body. This article offers insight on ASEAN's regional security role in the SCS dispute peace process, guided by the question “What to expect from ASEAN Way in the process of COC for SCS?” Instead of following the power balance approach, this article suggests a norm-based institutionalism perspective through ASEAN Way to the COC process. The ASEAN Way was developed to facilitate security cooperation under flexible participation among relevant parties involved in the conflict. The ASEAN Way on COC for SCS contributes by allowing relevant actors to engage in peaceful dialogue despite the power imbalance that existed on the disputed sea. This flexible participation offered by ASEAN can deliver cooperative security to the Southeast Asia region in the interest of peace. Nonetheless, norm institutionalism also revealed limitations in ASEAN capability that impede the expectation of the formulation of COC for SCS to the resolution of SCS disputes.

Keywords:

ASEAN, South China Sea, Code of Conduct, China, ASEAN Way

INTRODUCTION

The Code of Conduct for the South China Sea (COC for SCS) holds bargaining power for each involved party in the peaceful arrangement. For once, Southeast Asian countries expect that the COC for SCS will restrain China's behaviour in the Sea (Hayton, 2021). China too, hoped that the COC could refrain the United States (U.S.) from pursuing its military objectives in the region. What worrying about these contestations is the apparent power imbalance between Southeast Asian countries and China, which has prompted the COC to grow more favourable for the latter's interests.

The long-overdue progress to the framework of COC has been a tiresome process for Southeast Asian countries. With the Single Draft Negotiation Text of the COC (SDNT) only being formulated in 2018, nothing has yet to develop, reaching the finalisation target in 2021 (Crismundo, 2019). Even more, ASEAN has grappled in a thread to meet both needs of China and other Southeast Asian claimants. As it seems, the COC negotiations cannot do much to compel China to behave appropriately (Beng, 2020).

This pessimistic view towards COC is not without reason. Quang (2019) highlighted that ASEAN's non-binding and non-consensus policy has refrained COC from fully resolving legal positions on the maritime and territorial disputes on SCS. Ha (2020) also noted that "recent developments at sea and in lawfare suggest anything but "harmony" and "calm waters" in the South China Sea," as suggested from COC. With China's reluctance to join a binding agreement and its one-sided territorial redefinition through the nine-dash line, ASEAN members are rendered helpless in the face of China's geopolitical ambitions in SCS.

From the realist perspective, the COC has shifted away from the reality on the sea, and even farther from the territorial rights of the ASEAN claimants. ASEAN has failed in balancing its interests on par with its counterpart in the negotiation process. While it is indeed a fair judgment, this article argues that the pessimistic view rooted in the power-balance notion is misplaced when overviewing the process of COC. Therefore, the article aimed to offer the ASEAN Way view, a norm-based perspective of regional security agreements offered by ASEAN in SCS.

The research question is "What should be expected from the ASEAN Way approach of peaceful arrangements in SCS?" It seeks to claim that the ASEAN Way's normative institutional framework has predetermined how ASEAN negotiates as a regional security institution (RSI). In doing so, this article recognises the development of norm institutional building that shaped the conduct of ASEAN negotiation to COC for

SCS. Through this analytical process, this article is able to identify limitations of COC for SCS that are in line with ASEAN's capacity as an RSI.

To that aim, the article first discusses the concept of norm institutionalism and how it applies to the ASEAN Way to regional security cooperation. It extends to how ASEAN confronts strategic security issues in the region. Through applied induction analysis, this article extends the discussion by identifying the progress of COC and rationalising the approach of the ASEAN Way to the South China sea issues. The conclusion is given by answering the research question by providing limitations to the COC for SCS.

ANALYTICAL FRAMEWORK

Norm-Institutionalism in Southeast Asia

When considering the influence of institutions in accommodating states' interests in a contested international domain, the 'power' of norms is often underestimated. The international system is regarded to shape the behaviour of the self-interested states, which is deemed unforeseeable under the institutionalist view (Mearsheimer, 1994). However, institutionalisation in international regimes has enabled states to distribute gains from cooperation in circumstances when 'power' is not primarily defined by the zero-sum game (Keohane & Martin, 1995). Therefore, states began to consider the benefits of socialisation facilitated by the international institution in order to accommodate wide and peaceful communications between states with competing interests.

The states began to view substantive beliefs as another indicator of negotiating power. Under hegemonic control, norms and values are exercised through socialisation to shape the long-term continuity of interactions between hegemony and secondary states (Ikenberry & Kupchan, 1990). The states' perspective on their interests has also been altered to recognise the significance of 'identity' in a security context (Jepperson & Wendt, 1996). In line with this, institutionalism has the ability to establish "the very essence of the actors: their endowments, utilities—preferences, capacities, resources, and identities" (Krasner, 1983). The indicator of socialising norms offers the door to the discussion beyond coercion and military confrontation.

The institution's role is intertwined with the evolution of East Asia's security dynamics. The regional security order in East Asia, according to Bisley (2019), is built on the interaction between local and international factors where the region is established through a consensus-based structure. To accommodate this structure, the region began to

build an institution to delicately balance external powers such as the U.S. and China (Khong, 2004). This approach is intended to address the security issues that arose as a result of contested multipolarity following the Cold War.

However, rather than adhering to the mainstream balance-of-power model, the region instead builds a process-oriented approach through peaceful discourse with the aim of implementing a regional security community (Acharya, 2000). Acharya (2004) went on to explain how this process-oriented approach to security issues in East Asia includes norms localisation. Localising norms examines the function of the state as norm-takers in a congruence-building process to investigate transnational norms and how they shaped regional institutions in Southeast Asia.

ASEAN Way of Regional Security Cooperation

The term “ASEAN Way” refers to a broad variety of norms that define regional behaviour in preserving security. According to Acharya’s (2009) study, the hallmark of ‘ASEAN Way’ is first described through the ability of Southeast Asian nations to maintain their ties with one another by interpersonal approach, which then became the cornerstone of its regional institutionalisation. It exemplifies the nature of informality and communication through dialogue and consensus-building mechanisms. As a whole, an “ASEAN Way” of engagement is seen as a socialisation mechanism in which countries would intertwine on a personal level.

Seeing the ‘ASEAN Way’ as a *process* also implies that the region is not seeking for a rule-based and outcome-oriented agreement. Acharya’s study embodies the ASEAN cooperative security perspective on the adoption of common security norms. It reveals Southeast Asia’s security outlook under social structures whereby regional norms are diffused by localisation. By this, the region engages on security matters with an emphasis on multilateral cooperation.

The establishment of a norm-based institution is intended to preclude the use of the military in security matters. However, this is also attributable to the reality that the region’s political heterogeneity is not to shape a regional military pact (Acharya, 1999). ASEAN countries have never thought of using the institution to bolster regional resilience by amassing adequate military capacity. Southeast Asian countries have long recognised that forging military alliances within ASEAN would jeopardise their national sovereignty, as shown by many intra-state political squabbles in ASEAN’s early years.

As a result, Southeast Asian members are accustomed to forging regional security cooperation under the ASEAN Way that put forward the principle of non-interference. Through the ASEAN Way, the regional cooperative security is built under the elements of informal consultations (*musyawarah*) and consensus (*mufakat*). Instead of a rule-based order type of an institution, the Southeast Asian nations will established a regional peace under multilateral engagements as a core that is driven by the Treaty of Amity and Cooperation (TAC) agreement. As stipulated in Article 2 of the Treaty, signed parties will be guided by several fundamental principles such as:

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;
6. Effective cooperation among themselves.

Another aspect of the ASEAN Way within regional security cooperation effort is the ability for flexible engagement. According to Haacke (2003), the idea of the ‘ASEAN Way’ evolved in order to involve the world’s great powers through norm-building process. ASEAN members, in particular, regarded themselves as members of middle power institutions that seek to preserve regional stability through relations with foreign powers. It was attempted by the Declaration of the Zone of Peace, Freedom, and Neutrality (ZOPFAN) and the TAC, yet the ASEAN Regional Forum (ARF) is much more recognised as the ‘ASEAN Way’ of cooperative security. ARF provides confidence-building and preventive diplomacy mechanisms to regional political and security dialogues (ASEAN Regional Forum, n.d.). As noted by Heller (2005), ARF offers parallel work between track one and track two that would not only accelerate and increase the exchange between both tracks, but also leave the strategic interests of its members unharmed.

Though ASEAN members are generally satisfied with these negotiating arrangements, this norm-based institutionalism enshrined through ASEAN Way does little to explain their regional security strategies. However, the regional security strategies could be further explained with the omni-enmeshment approach to major powers that

aimed to pursue robust and deep engagement by building the sense of belonging to sustain engagement with the long-term aim of integration (Goh, 2008). ASEAN-led initiatives such as ARF and APT that foster constructive dialogue related to security issues have also put ASEAN as the epicentre of engagement in Southeast Asia. Omni-enmeshment takes into account the hierarchical regional order, meaning that ASEAN countries recognise the order of power is essential to balance the regional stability.

Another viewpoint on the 'ASEAN Way' regional security strategies that can be considered is through the eclecticism approach (Katzenstein & Sil, 2004). Their thesis examined the economic and social dimensions of security in East Asia by taking into account studies of power dominance as well as historical accounts of East Asia that influenced the understanding of the regional geopolitical environment. The eclecticism approach suggests that East Asia diplomacy requires 'flexibility' that encompasses the three paradigms' approaches. This 'flexibility' is demonstrated by ASEAN members' diplomatic strategies through the 'ASEAN Way.' The approach offers the view that the ASEAN Way can be seen as institutional balancing factor against the dominance of great powers.

ASEAN Way as a factor of institutional balancing can be seen in how the region can negotiate freely within the variety of established regional mechanisms. This 'flexible participation' is shown by the ability of ASEAN to shift balancing strategies in different ASEAN-led mechanisms (Koga, 2018). This flexibility can be seen by co-option engagement on security cooperation under EAS and ADMM/ADMM-Plus provided by ASEAN. Within these different forums, ASEAN members can negotiate its interest with conflicting parties accordingly to the agreed aims in each mechanism.

For instance, Hiro Katsumata's (2009) further investigation showed how ARF, as ASEAN's cooperative security enterprise, provides a norm-building perspective on ASEAN's security position, which offers practical impacts of the ASEAN Way to the security cooperation. First, he re-constructed the talking-shop critique of ARF, which is claimed to be immeasurable in order to attain security. He responded that the criticism stems from the ARF being seen as an "arena" where Southeast Asian countries can exercise their security norms. According to his conclusion, the perception of ASEAN's security role through ARF is based on how members practice cooperative security in the region.

Though ASEAN has assumed a central role under ARF, it does not rule out the possibility that its dialogue partners have a stake in regional security. Katsumata was

aware that this centrality position is often overlooked in great power rivalries. However, ASEAN's effectiveness as a "centre" of multilateral cooperation is contingent on the development of a security atmosphere that is consistent with deliberate efforts to foster cooperative security. As a matter of fact, the significance of major powers does not completely disregard the relevance of ASEAN when Southeast Asian countries are active in the multilateral security framework. ASEAN's determination to act in security issues is primarily based on the continuous improvement of diplomatic conduct in regional security arrangements. It is also shown by ASEAN's two-track diplomacy approach in bridging ASEAN dialogue partners and non-government or domestic players in Southeast Asian countries, such as the ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS) security dialogue. The two-track diplomacy is created in order to broaden the reach of ASEAN security cooperation. Along the way, it supported a shared approach to enhancing regional security dialogue through ASEAN-led initiatives.

From studies mentioned in this section, what indicates an 'ASEAN Way' approach to regional security cooperation is the regional reliance on the activeness of members and involved partners to interact in peaceful and non-militaristic dialogue. The role of ASEAN in security is considered best to perform as an 'arena' in which parties concerned participate cooperatively in solving security issues under established norms. It is also important to recognise that the 'ASEAN Way' is not only normative, but it is also not merely determined by outcomes. Instead, the approach of 'ASEAN Way' in security cooperation should be characterised by preserving and extending regional diplomatic institutions that foster socialisation among parties concerned in order to better understand each other's interests.

RESEARCH METHOD

This article is conducted with a qualitative approach which heavily relies on historical analysis and interpretation of history throughout the process of COC for SCS until the recent date of 2020. Qualitative research is defined as an approach to social research that investigates the relationship between theory and its interpretation of history (Bryman, 2012). The process is outlined as follows:

1. Establish general questions in order to shape the aim of the research
2. Select and collect relevant sources to be interpreted
3. Form a conceptual and theoretical framework to interpret the sources
4. Interpret sources with the theoretical framework

5. Conclude the research by answering the general question.

This research conducts analysis using secondary sources, including a collection of texts and documents that highlight historical accounts of COC for SCS. Documents range from analytical academic articles, official treaties, and articles from media.

This article also considers the use of existing theories or methodologies to make inductive findings linked to the research's goal. Analytic induction is a term used to describe the process of studying a specific case study and developing theories that identify the essential features of these cases as instances of general classes of phenomena (Znaniecki, 1934). It later develops to using a theory on certain cases to classify writer's assumption to the phenomena. As for today, analytic induction showed that limiting cases with the use of theory offers the best logic of social scientific investigation (Becker, 1998).

The way that induction analysis selecting only certain cases to be investigated sparks a concern that it would be a deviant case analysis. Robinson (1951) has noted that the approach fails to distinguish between sufficient prerequisites for the occurrence of a social phenomena and those that are just necessary preconditions. However, it is further rebutted that selective evidence is required to identify those cases that are deviant to the research topic (Bloor & Wood, 2006). They reiterated that when reclassifying deviant cases as outside population of cases being studied and theorised, it is rather identified as irrelevant.

This research has established a hypothetical premise that the view of ASEAN as a failure to the COC process is unwarranted from a realist perspective and the question of what should be expected for the ASEAN Way approach to the COC of SCS. The research then investigates the relationship of norm-institutionalism to the historical account on the development of ASEAN as a regional security institution, specifically in the conduct of COC negotiations. This research will formulate a discussion on the initial hypothesis by considering the theories and histories that underpin the phenomena. The conclusion then provides an answer to the initial question raised during the discussion.

DISCUSSION

An 'ASEAN Way' In COC For SCS

In the case of the South China Sea, developing an 'ASEAN Way' negotiation entails getting China into the related ASEAN-led mechanism. It was first signed by the

Declaration on the Conduct of Parties in the South China Sea (DOC) in 2002. This declaration showed the desire and determination to come together to accomplish regional peace and security, specifically in fostering trust and confidence among disputing claimants (ASEAN, 2002). But more importantly, this agreement marked a multilateral, peaceful, and non-military engagement to resolve the conflict between ASEAN and China under the ASEAN Way approach in SCS.

The most concerning matter for ASEAN with regard to China's position in SCS is its dismissal to abide by the agreed-upon international laws, specifically the United Nations Convention on the Law of the Sea (UNCLOS) (Severino, 2010). In SCS, China has consistently expanded its territorial claims which go against the maritime sovereignty of some Southeast Asian countries. ASEAN aims to bring China to adhere to UNCLOS as its claims have breached the jurisdiction of Southeast Asian claimants through the nine-dash line. However, China's shifted strategies to align with ASEAN through DOC come with interest to assert its influence in an imbalanced power situation (Buszynski, 2003).

Increasing military assertion on the sea eventually influenced the COC process. The DOC has become a shimmering hope for ASEAN claimants' states to negotiate. The declaration calls for self-restraint, freedom of navigation, confidence-building and cooperative measures (Severino, 2010, p. 45). However, by 2012, China had begun to construct artificial islands and set up military bases, escalating the military assertiveness ever further (Council Foreign Relations, 2020). Southeast Asian claimants continue to face standoffs with Chinese warships across their contested territories after that. Southeast Asian claimants have begun to be concerned that China would not cooperate with the COC process as a consequence of their claims to the South China Sea. Simply put, Chinese assertiveness has been interpreted as a violation of the DOC agreement, particularly with regard to the adherence to UNCLOS (Roberts, 2018). It implies that the Chinese government did not cooperate with ASEAN in the negotiation and that it failed to sign the 'ASEAN Way' COC.

After years of developing the DOC to COC, this power gap eventually prevails. According to Ankit Panda (2017), the framework only relies on general principles without assurance on the legal binding process. Panda also observed observers' expectation that making the COC a binding provision would be impossible considering the insurmountable power disparity between ASEAN claimant states. This negative assessment is justified because ASEAN's institutional prestige has been eroding due to China's influence. This situation comes after ASEAN leaders failed to issue a joint

statement on the South China Sea dispute during a summit in Cambodia in 2012, owing to Cambodia's favouring its alliance with China (Hunt, 2012). Another factor contributing to the decline in regional prestige is the diminution of Indonesia's status as a regional leader. As the assumed *de facto* leader of ASEAN (Emmers, 2014), Indonesia has faced problems in the Natuna Sea, where China's fishing vessels continue to violate the Exclusive Economic Zone (EEZ). This situation has harmed ASEAN members' unity and centrality in decision-making.

Given these issues, the COC process has persisted unfavourably for ASEAN members. Storey (2017) observed that ASEAN claimants such as Vietnam are dissatisfied with the framework's "general provisions." Vietnam criticised the agreement for failing to include key issues such as the territorial scope of the COC and the lack of enforcement mechanisms to ensure adherence to the code. Following that, Thayer (2018) made a clear assertion that the first single draft negotiation text of the COC does not cover a legal enforcement mechanism to the territorial dispute. Instead, it is decided that conflict resolution will be handled properly in accordance with the TAC. Despite the draft's rejection of UNCLOS enforcement, it references the Duty to Cooperate norm, which is based on UNCLOS requirements for protecting the marine environment.

Nonetheless, the first single draft of COC has shown that it has struggled to yield significant improvement from the agreed-upon DOC clauses. Following Thayer's article, Minh Quang (2019) observed that the disagreement on the COC process resulted in a frail and unsuccessful negotiation. The draft version consensus revealed a weak bargain between ASEAN members and China. It is proposed that ASEAN leaders seek alternate options, such as proposing "ASEAN Minus X" during ASEAN-China COC consultations.

Following Vietnam's leadership in 2020, its strong strategic maritime relations with the US strengthens the possibility of taking the great power to the COC negotiating table. Wu Shicun (2019) forecasted that the US would likely conduct joint exercises in the contested waters to create a *fait accompli* before the COC takes effect. China does not take the US' participation lightly. ASEAN is in a tough situation as a result of growing US-China tensions in the region. As Southeast Asian claimants actively participate in military action in the South China Sea with the US, China has consistently denied the claimants' possibility of COC talks. According to Ha (2019), this situation demonstrates that the interests of ASEAN and China in the finalisation of the COC have diverged.

While China is reluctant to recognise the UNCLOS status, the remaining claimants retort that they would work with other great powers to balance the scales.

Although the COC was intended to be finalised by 2021, the current progress seems to offer little effect to the situations in the SCS. A power imbalance that favours China would inevitably overturn ASEAN's normative game in COC. The 'ASEAN Way' mechanism has been amplified by the COC, but it is still hampered by the state of power superiority. The mechanism that prevailed and may result from COC negotiation demonstrated contributions and restrictions from adhering to the 'ASEAN Way.' For the contributions, it has led to a robust peaceful engagement for China with all Southeast Asian claimants together. Another contribution is getting a strategic partner involved in advancing ASEAN agendas, primarily the US in fostering the UNCLOS. However, the status of the power gap between ASEAN and China persists, limiting an 'ASEAN Way' to meet the interests of ASEAN members. Even if China follows the COC procedures according to the context of the 'ASEAN Way' of negotiation, it does not lead to China recognising the importance of normative values as much as it does for ASEAN members.

Expectations and Limitations for COC for SCS

What emerges from the COC process is that the intervention of greater power has damaged the norm-infused process of the 'ASEAN Way.' The construction of ASEAN embodied factors of constructivist study, which may clarify the need for each member to have a normative structure such as the 'ASEAN Way' rather than a traditional rule-based institutional order. Although the current position of ASEAN members in COC negotiations suggests that it would be difficult for ASEAN to stick to their 'ASEAN Way' strategy, this essay considers a critical perspective on how this normative value does not inherently disregard the possibility of great powers' shifting power affects downturn to a regional institution.

What has been left out of the analysis of ASEAN in COC are expectations of the 'ASEAN Way' itself. The security role described in the first half of this article demonstrated that ASEAN's success is evidenced by its ability to extend and broaden consultations and negotiations that promote engagement among parties involved. It is undeniably seen through years of engagement with China in developing DOC to a COC. Through the 'ASEAN Way,' ASEAN has been active in acquainting China with ASEAN-led mechanisms, most notably that the country considers TAC as a dispute resolution mechanism.

The 'ASEAN Way' security role, on the other hand, does not go so far as to allow the regional institution to balance against China. As a matter of fact, during ASEAN's formation, the members have fully recognised their limited resources in the face of great powers' interests. It is to be anticipated that the negotiation process will remain as a process. The norm-institutionalised RSI enshrined in ASEAN was never designed to balance the region against China.

Another aspect of what can be expected from the 'ASEAN Way' in the COC is China's willingness to participate in other regional forums related to maritime security. According to Bateman (2011), ASEAN regional dialogue mechanisms such as the ARF and the Shangri-La Dialogue have successfully discussed "Wicked Problems" in maritime security issues. These are exemplified by the ASEAN Maritime Forum, in which the region was able to get China and the US to the ASEAN negotiating table. While it is down to bringing a talk-shop to a function, the process can be noted as bringing a more cooperative mentality to the parties involved.

Finally, an 'ASEAN Way' approach can be found useful in non-traditional maritime security challenges. Herrmann (2015) studied how ASEAN nations benefited from bringing great powers to handle the operations in dealing with non-traditional security (NTS) issues to improve regional resilience. This initiative is sustained by the ASEAN Socio-Cultural Community (ASCC), which is based on national ideas and goals based on traditional values. Focusing on NTS issues is important because it requires ASEAN's external partners to participate under the umbrella of the ASEAN Community to cooperate.

CONCLUSION

This article examines what indicates the ASEAN Way's function in the South China Sea dispute. Many have said that the ASEAN Way is inadequate in dealing with the region's significant power imbalance, which is the focus of this article. The norm-institutionalism approach that underpins the 'ASEAN Way' only serves the regional security role as an 'arena' for concerted attempts for consultation and consensus-building. Although it is clear that this does not serve the member's interests against the interests of great powers, the ASEAN Way should not be approached solely by its balancing outcome. Instead, this approach served its aim by taking China to a robust negotiation process that strengthened regional engagement with the country.

By this analysis, ASEAN's role in the COC negotiation should not be heavily influenced by its inability to balance its interests in the negotiation. ASEAN, in its current form, will contribute to its security role by providing flexibility in determining balancing strategies through negotiation and consultation processes. It is a process of substantial progress, as shown by the expansion of other regional forums related to their interest in COC, as well as increased support from relevant partners. The ASEAN Way provides extensive dialogue that bonded two conflicting parties to engage in RSI.

Given the status as a middle-power RSI, it is expected for ASEAN to encounter limitations in their effort to preserve peace facing the great-power rivalry in the region. The regional security approach entailed in the ASEAN Way acknowledged that the regional institution is not adept to balance against great powers. The ASEAN Way alone cannot serve a rule-based order in the South China Sea to be adopted within the COC as it is never built to accommodate that aim. Apart from providing more room for ASEAN-China regional security cooperation related to SCS, ASEAN's capacity is emasculated by its norm-building.

Instead, the COC as a product of norm-institutionalism, offers a longevity of dialogue and consultation process for both claimants that has been proven existing until today. Despite the imbalance of power and contestation existing in the South China Sea, both ASEAN claimants and China still peacefully communicate on the negotiation table with aligning interest toward peace. Moreover, ASEAN member countries can still forge cooperation with other external strategic partners, such as the US, Japan, and Australia, apart from its alignment with China in COC either bilaterally or in other ASEAN-led platforms. This persistence and flexibility are what emasculated from ASEAN strategy amidst the continuity of contested regional security order.

Evaluating regional security conduct in Southeast Asia should be done with the understanding that ASEAN is not designed to balance, but rather to socialise. Growing pessimism and depletion of trust to ASEAN-led security cooperation should be looked through lack of ASEAN's capacity building as a RSI, rather than simply unable to balance against great powers. ASEAN as a regional institution in Southeast Asia has brought major powers to engage in alleviating security threats in the region. With more actors involved in the SCS, an 'ASEAN Way' approach is fairly essential to not be dismissed.

ACKNOWLEDGEMENTS

I sincerely thank Dr. Sarah Teo who provided consultation and comments during the writing process of the article.

BIBLIOGRAPHY

Acharya, A. (1999). Developing Countries and the Emerging World Order: Security and Institutions. In L. Fawcett, & Y. Sayigh, *The Third World beyond the Cold War* (pp. 78-98). Oxford University Press.

Acharya, A. (2000). *Constructing a Security Community in Southeast Asia*. Routledge.

Acharya, A. (2004). How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism. *International Organization* 58, 239-275.

Acharya, A. (2009). The Evolution of ASEAN norms and the emergence of the 'ASEAN Way'. In A. Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the problem of regional order* (pp. 54-98). Routledge.

ASEAN Regional Forum. (n.d.). *ASEAN Regional Forum*. ASEAN Regional Forum. <https://aseanregionalforum.asean.org/about-arf/>

ASEAN. (2002, November 4). *DECLARATION ON THE CONDUCT OF PARTIES IN THE SOUTH CHINA SEA*. ISN Zurich. https://www.files.ethz.ch/isn/125380/5066_South_China_Sea.pdf

Association of Southeast Asian Nations (ASEAN). (1976). *Treaty of Amity and Cooperation in Southeast Asia*. ASEAN. <https://asean.org/wp-content/uploads/2021/01/20131230235433.pdf>

Bateman, S. (2011, April). Solving the "Wicked Problems" of Maritime Security: Are Regional Forums up to the Task? *Contemporary Southeast Asia*, 33(1), 1-28.

Becker, H. (1998). *Tricks of the trade*. University of Chicago Press.

- Beng, P. K. (2020, October 26). *ASEAN Is Failing On The South China Sea Issue*. The Diplomat. <https://thediplomat.com/2020/10/asean-is-failing-on-the-south-china-sea-issue/>
- Bisley, N. (2019). Asia's Regional Security Order: Rules, Power and Status. *Australian Journal of Politics and History: Volume 65, Number 3*, 361-376.
- Bloor, M., & Wood, F. (2006). Analytic Induction. In M. Bloor, & F. Wood, *Keywords in Qualitative Method* (pp. 14-16). SAGE Publications Ltd.,
- Bryman, A. (2012). The nature of qualitative research. In A. Bryman, *Social Research Methods 4th Edition* (pp. 380-413). Oxford University Press.
- Buszynski, L. (2003). ASEAN, the Declaration on Conduct and the South China Sea. *Contemporary Southeast Asia* 25 no. 3, 343-362.
- Council of Foreign Relations. (2020). China's Maritime Disputes Timeline. <https://www.cfr.org/timeline/chinas-maritime-disputes>
- Crismundo, K. (2019, March 8). *China eyes completion of SCS Code of Conduct by 2021*. Philippine News Agency. <https://www.pna.gov.ph/articles/1064027>
- Emmers, R. (2014). Indonesia's role in ASEAN: A case of incomplete and sectorial leadership. *The Pacific Review* Vol.27 No.4, 543-562.
- Goh, E. (2008). Great Powers and Hierarchical Order in Southeast Asia: Analysing Regional Security Strategies. *International Security, Vol. 32, No. 3 (Winter 2007/08)*, 113–157.
- Ha, H. T. (2020, September 21). *ASEAN and the South China Sea Code of Conduct: Raising the Aegis of International Law*. ISEAS Yusof-Ishak Institute. <https://www.iseas.edu.sg/media/commentaries/asean-and-the-south-china-sea-code-of-conduct-raising-the-aegis-of-international-law/>
- Haacke, J. (2003). ASEAN's diplomatic and security culture: a constructivist assessment. *International Relations of the Asia-Pacific Volume 3*, 57-87.

- Hayton, B. (2021, July 21). *After 25 Years, There's Still No South China Sea Code of Conduct*. Foreign Policy. <https://foreignpolicy.com/2021/07/21/south-china-sea-code-of-conduct-asean/>
- Heller, D. (2005). The Relevance of the ASEAN Regional Forum (ARF) for Regional Security in the Asia-Pacific. *Contemporary Southeast Asia* 27, No. 1, 123-145.
- Herrmann, W. A. (2015). ASEAN Perspective on Challenges and Opportunities of Partnerships across the Seas. *Maritime Affairs: Journal of the National Maritime Foundation of India* 11:2, 58-71.
- Hunt, L. (2012, July 20). *ASEAN Summit Fallout Continues*. The Diplomat: <https://thediplomat.com/2012/07/asean-summit-fallout-continues-on/>
- Ikenberry, G. J., & Kupchan, C. A. (1990). Socialisation and Hegemonic Power. *International Organizations, Vol. 44, No. 3*, 288-355.
- Jepperson, R. J., & Wendt, A. (1996). Norms, Identity, and Culture in National Security. In P. J. Katzenstein, *The Culture of National Security* (pp. 33-75). Columbia University Press.
- Katsumata, H. (2009). *ASEAN's Cooperative Security Enterprise: Norms and Interests in the ASEAN Regional Forum*. Palgrave Macmillan.
- Katzenstein, P. J., & Sil, R. (2004). Rethinking Asian Security: A Case for Analytical Eclecticism. In J. J. Suh, P. J. Katzenstein, & A. Carlson, *Rethinking Security in East Asia: Identity, Power, and Efficiency* (pp. 1-33). Stanford University Press.
- Keohane, R. O., & Martin, L. L. (1995). The Promise of Institutional Theory. *International Security*, Summer, 1995, Vol. 20, No. 1, 39-51.
- Khong, Y. F. (2004). Coping with Strategic Uncertainty: The Role of Institutions and Soft Balancing in Southeast Asia's Post-Cold War Strategy. In J. J. Suh, J. Katzenstein, & A. Carlson, *Rethinking Security in East Asia: Identity, Power, and Efficiency* (pp. 172-208). Stanford University Press.

- Koga, K. (2018). ASEAN's Evolving Institutional Strategy: Managing Great Power Politics in South China Sea Disputes. *The Chinese Journal of International Politics*, 49-80.
- Krasner, S. D. (1983). *International Regimes*. Cornell University Press.
- Mearsheimer, J. J. (1994). The False Promise of International Institutions. *International Security, Winter, Vol. 19, No. 3*, 5-49.
- Panda, Ankit. (2017, May 19). *China, ASEAN Come to Agreement on a Framework South China Sea Code of Conduct*. The Diplomat. <https://thediplomat.com/2017/05/china-asean-come-to-agreement-on-a-framework-south-china-sea-code-of-conduct/>
- Quang, N. M. (2019, June 29). *Saving the China-ASEAN South China Sea Code of Conduct*. The Diplomat. <https://thediplomat.com/2019/06/saving-the-china-asean-south-china-sea-code-of-conduct/>
- Roberts, Christopher B. (2018). ASEAN, the "South China Sea" Arbitral Award, and the Code of Conduct: New Challenges, New Approaches. *Asian Politics and Policy, Vol. 10, Issue 2*. 190-218
- Robinson, W. S. (1951). The Logical Structure of Analytic Induction. *American Sociological Review Vol. 16, No. 6* , 812-818.
- Severino, R. (2010). ASEAN and the South China Sea. *Security Challenges, Vol. 6, No. 2*, 37-47.
- Shichun, & Wu. (2019, August 01). *What's Next for the South China Sea?* The Diplomat. <https://thediplomat.com/2019/08/whats-next-for-the-south-china-sea/>
- Storey, Ian. (2017, August 08). *Assessing the ASEAN-China Framework for the Code of Conduct for the South China Sea*. ISEAS Yusof-Ishak Institute. https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2017_62.pdf
- Thayer, C. (2018). *A Closer Look at the ASEAN-China Single Draft South China Sea Code of Conduct: A sneak peak at the ASEAN-China Single Draft Code of*

Conduct in the South China Sea Negotiating. The Diplomat.

<https://thediplomat.com/2018/08/a-closer-look-at-the-asean-china-single-draft-south-china-sea-code-of-conduct/>

Znaniecki, F. (1934). *The Method of Sociology.* Farrar and Rinehart.