



# ASEAN in the South China Sea conflict, 2012–2018: A lesson in conflict transformation from normative power Europe

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Published online: 4 July 2020

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## Abstract

*For decades, overlapping territorial claims to the South China Sea have had a destabilizing effect in East and Southeast Asia, with broader implications beyond the region. Four ASEAN countries (Brunei, Malaysia, the Philippines, and Vietnam) are direct claimants in the South China Sea conflict. ASEAN's role, as a regional organization, in facilitating peaceful resolution of these claims and maintaining stability is challenging because the conflict presents potentially divisive rifts among ASEAN members themselves. This paper explores ASEAN's role in managing the South China Sea conflict by examining the actions of two non-claimant states that functioned as country coordinators for ASEAN–China relations from 2012 to 2018: Thailand and Singapore. The efforts of these two countries as honest brokers shed light on how ASEAN can deal with this ongoing crisis so as to ensure the organization's ongoing effectiveness and sustain regional harmony. The concept of normative power is employed to explain the potential role of non-claimant states in conflict transformation.*

**Keywords** ASEAN · South China Sea · Normative power Europe

**JEL codes** Y80

## 1 Introduction

The South China Sea (SCS) has always been one of the biggest regional flashpoints—with Brunei, China, Malaysia, the Philippines, Taiwan, and Vietnam laying their claims over the sea. The source of the SCS tension stems directly from its security and economic implications. Not only is it among the world's busiest waterways with

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a prime geostrategic location, but it is also vital for the preservation of regional resource security—thanks to its abundant fish supplies and potential oil and natural gas reserve (Huang and Jagtiani 2015, p. 1–5). This immense strategic importance has drawn attention, and thus competition, from claimant and non-claimant states alike. The SCS has a long history of overlapping sovereignty claims over its land and maritime features—with the Spratlys and the Paracels being two groups of islands most subjected to disputes. Following the complex and intricate colonial legacy, the fuel of asserted ownership was enflamed under the notion of territorial sovereignty.

In the year 1947, the Republic of China (Taiwan) first published a map featuring a nine-dash line which covers most of the SCS area, including the adjacent waters of Malaysia, the Philippines and Vietnam. This controversial nine-dash line was later utilised by the People’s Republic of China to lay its claim over the sea (Lockett 2016). After the Second World War, Japan was stripped of its rights over the Spratlys and the Paracels as concluded by the 1951 Treaty of San Francisco. With legal ambiguity looming over the lawful ownership of the SCS, Vietnam—basing its argument on a long history of maintaining activities in the area and its successional rights as a former French colony—asserted its claim over the Spratlys and the Paracels. These conflicting territorial claims have led to two violent clashes between Vietnam and China in 1974 and 1988 (Severino 2010, p. 38–40). Other ASEAN members also claimed sovereignty over the disputed territorial features—with the Philippines justifying their claim based on the discovery by a Philippine national in 1947 while Malaysia and Brunei referred to the 1982 Law of the Sea Convention to support their territorial claims (Huang and Jagtiani 2015, p. 3).

The SCS lucrative fisheries businesses further complicated the existing conflicts. Since 2012, there have been numerous cases of confrontations between China, Vietnam and the Philippines that involve capturing and accusing foreign fishing vessels of trespassing and illegal fishing (Lockett 2016). China’s provocative moves in these incidents have especially antagonised Vietnam and the Philippines; leading to soaring anti-Chinese sentiments in both countries (Huang and Jagtiani 2015, p. 5). The tension escalated when the Philippines filed a case against China in the Permanent Court of Arbitration whose ruling in 2016 denied China’s historical claim over the disputed waters. China; however, refused to recognise the PCA’s ruling. Against this backdrop, the situation has been fraught with uncertainties despite numerous attempts at reaching a peaceful settlement.

The paper aims to explore the roles of non-claimant states acting as country coordinators in attempts to manage the conflict in the context of ASEAN. *The main research question revolves around the roles non-claimant states could play in conflict transformation and lessons and implications arisen out of their involvements under the framework of normative power Europe.* As argued by Ian Manners (2002), the EU represents a normative power whose influence over ideas is reflected through its international role. According to Manner, the concept of normative power refers to the ‘ability to shape conceptions of “normal”’ and to persuade others into abiding by what is defined as the appropriate pattern of behaviour (Manners 2002, p. 238–239; Diez and Manners 2007, p. 175). In the case of the EU, this unique position was brought to light by Europe’s post-war historical background, post-Westphalian form of governance, and political-legal constitution in which universal principles such as democracy, rule of law, and respect for human rights are inscribed as the EU’s core norms (Manners 2002, p. 240–242).

There are other elements that constitute normative power. Beyond the materialistic approaches of the military and economic power, a normative power relies on the ideational tool of “normative justification” to legitimise and to sustainably propel changes in global politics (Manners 2009). Normative powers must ensure that their principles are perceived as legitimate and are promoted with coherence and consistency in order to convince other actors to follow what they have identified as the acceptable course of action (Manners 2009, p. 2–3). The actions of the normative power to promote their principles also need to be persuasive. This includes; for example, active involvement in forging multilateral dialogues and institutionalising relations among related parties (Manners 2009, p. 3). The efforts to exercise normative power would be applied to ASEAN’s attempts to manage the South China Sea disputes via country coordinators’ roles.

## 2 ASEAN’s attempts to manage South China Sea disputes

ASEAN’s efforts to dissipate tensions related to the competing South China Sea (SCS) claims began with the ASEAN Declaration on the South China Sea, issued in July 1992 at the 25th ASEAN Foreign Ministers’ Meeting (AMM). The declaration sought to establish “a code of international conduct over the South China Sea” on the basis of “the principles contained in the Treaty of Amity and Cooperation in Southeast Asia” (Association of Southeast Asian Nations [ASEAN], 1992a). This statement, ASEAN’s first on the SCS issue, emphasized peaceful dispute settlement. The declaration also urged “all parties concerned to exercise restraint with a view to creating a positive climate for the eventual resolution of all disputes” (Association of Southeast Asian Nations [ASEAN], 1992a). The intent was to prevent the escalation of the conflict between China and Vietnam, which was yet to become an ASEAN member (Deogracias 2017). However, the document was ignored by both parties. China objected to its non-inclusion in the drafting of the Declaration, and both China and Vietnam subsequently occupied the Spratly Islands archipelago.

ASEAN then issued several joint communiqués at AMMs from 1992 to 1995, including the 1995 Chairman’s Statement at the second meeting of the ASEAN Regional Forum (ARF). In these documents, ASEAN expressed ongoing concerns regarding the SCS issue and encouraged all claimants to affirm their commitment to the 1992 ASEAN Declaration on the SCS (Association of Southeast Asian Nations [ASEAN], 1992b, 1993, 1994, 1995a; 1995b). This series of statements culminated in the 1995 Bangkok Summit Declaration, which emphasized adherence to the Treaty of Amity and Cooperation, the 1992 ASEAN Declaration on the SCS, and “international law including the United Nations Convention on the Law of the Sea” (Association of Southeast Asian Nations [ASEAN], 1995c).

In 1996, in another joint communiqué, the 29th AMM endorsed “the idea of concluding a regional Code of Conduct in the South China Sea which will lay the foundation for long-term stability in the area and foster understanding among claimant countries” (Association of Southeast Asian Nations [ASEAN], 1996). ASEAN and China later exchanged draft codes of conduct, leading to their adoption of a nonbinding Declaration on the Conduct of Parties in the South China Sea (DOC) in 2002. The DOC still called for the eventual adoption of a code of conduct as being crucial in

promoting peace and stability in the region (Association of Southeast Asian Nations [ASEAN], 2002).

ASEAN and China created a joint working group to implement the DOC in 2005. Six years later, the Guidelines to Implement the DOC were adopted to promote dialog and consultation among the parties and also to quell China's uneasiness regarding ASEAN's practice of holding consultations within the organization before meetings with China (Pitakdumrongkit 2015, p. 413). After the Philippines and China engaged in a standoff in April 2012, ASEAN ministers could not reach a consensus on the issue, and for the first time in ASEAN history, they were unable to issue a joint communiqué (Panda 2016). Cambodia, which was chairing ASEAN during that year, decided that the organization should not become embroiled in what it saw as bilateral disputes between Vietnam and China and between the Philippines and China. However, Indonesia managed to "broker a common ASEAN position a week after," according to Singapore Minister for Foreign Affairs Shanmugam's (2012) reply to questions posed in his country's parliament.

In July 2012, ASEAN's foreign ministers issued a document entitled "Six-Point Principles on the South China Sea." In this statement, they reaffirmed the commitment of the ASEAN member states to the following six items:

- (1) the full implementation of the 2002 DOC;
- (2) the 2011 Guidelines for the Implementation of the Declaration on the Conduct of Parties in the South China Sea;
- (3) the adoption, as quickly as possible, of a regional Code of Conduct in the South China Sea;
- (4) full respect for the universally recognized principles of international law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS);
- (5) the continued exercise of self-restraint and non-use of force by all parties; and
- (6) the peaceful resolution of disputes, in accordance with universally recognized principles of international law, including the UNCLOS (Association of Southeast Asian Nations [ASEAN], 2012).

### **3 ASEAN's non-claimant members as country coordinators for China: Assessing the normative power framework**

China has been adamant that countries that are not direct claimants in the SCS, particularly external powers such as the United States, should stay out of the issue. However, Thailand and Singapore, both nations without any direct territorial claims in the SCS conflict, have pushed actively for the adoption of a code of conduct through multilateral diplomatic forums such as ASEAN. Thai Prime Minister Prayut Chan-ocha declared that Thailand would continue to pursue the implementation of a code of conduct governing China and ASEAN member states (Sabillo 2015). Thailand was the country coordinator assigned to ASEAN–China relations from 2012 to 2015. Indonesia, in contrast, took a more defensive stance, declaring that it would not recognize the nine-dash line (Daiss 2015) because of fears that its Natuna Island would be included within Chinese territorial claims.

The role of non-claimant states in this dispute has received relatively little attention; however, states with no territorial claims can often perform a transformative function in a conflict situation. Accordingly, in this paper, I explore the role of two ASEAN non-claimant states, Thailand and Singapore, which successively assumed the country coordinator position for ASEAN–China relations.

Both Thailand and Singapore benefited, in their role as country coordinators, from possessing normative power. The concept of normative power originated in an academic debate concerning the European Union’s role in world politics. Pace (2007, p. 1043) used the term to describe “what the EU does in the international system to pursue the spread of particular norms.” The construction of normative power itself poses some limits to the range of actions that an actor can take and political roles that they can assume.

The content of normative power can be viewed as incorporating core norms that an actor or a group of actors see as being appropriate to be followed. In the case of the EU, the content of normative power includes the rule of law, democratic principles, and human rights (Manners 2006, p. 187), which are often treated as inviolable essentials in the conduct of foreign policy. These principles translate into a position of “impartiality, a common reference point for conflict parties which creates obligations” (Pace 2007, p. 1045) for the actor exercising normative power as well as for other parties to the conflict.

The construction of normative power can be manifested through tangible or intangible rewards and punishments (Pace 2007, p. 1045). With regard to this, actors working through multilateral organizations such as ASEAN are often perceived as being severely constrained, particularly when the organization (ASEAN in this case) cannot agree on a common foreign-policy stance. The process of constructing normative power is open-ended (Pace 2006, p. 1047). The construction of normative power anticipates the future and can carry with it the potential to produce conflict transformation. In the EU’s case, the construction of normative power is made possible largely through dialogue with the parties in conflict (Ropers 2004). The goals or desired outcomes of normative power, both in the EU and in Southeast Asia, typically involve peaceful dispute resolution, stability, security, and safeguarding the rule of law. Normative power lies in the ability to shape that which is considered normal (Manners 2002).

#### **4 Thailand as country coordinator for ASEAN–China relations**

In this section, I discuss how Thailand worked toward arranging consultations on a code of conduct for the SCS through the regional multilateral diplomatic forum provided by the ASEAN and its instruments, particularly as country coordinator for ASEAN–China relations from July 2012 to August 2015. I divide Thailand’s efforts into two time periods because of the change of government that occurred in May 2014.

First, it is important to understand the implications of an ASEAN member’s assignment as country coordinator. The relevant governing document is the ASEAN Charter, which discusses “dialogue coordinators” in Article 42, is as follows:

1. Member States, acting as country coordinators, shall take turns to take overall responsibility in coordinating and promoting the interests of ASEAN in its

relations with the relevant Dialogue Partners, regional and international organizations and institutions.

2. In relations with the external partners, the country coordinators shall, *inter alia*:

(a) represent ASEAN and enhance relations on the basis of mutual respect and equality, in conformity with ASEAN's principles;

(b) co-chair relevant meetings between ASEAN and external partners; and

(c) be supported by the relevant ASEAN Committees in Third Countries and International Organizations. (ASEAN 2008).

According to Walter Woon (2016, p. 227), Article 42, paragraph 1 formalizes the preexisting practice regarding dialogue coordinators. Each member state remains a dialogue coordinator with a particular dialogue partner for three years, and the positions rotate among countries in reverse alphabetical order (Pitakdumrongkit 2015, p. 406).

China became ASEAN's first dialogue partner in 1996 (Weatherbee 2009, p. 109). Ever since, ASEAN and China have agreed on eleven priority areas of cooperation, mainly for the purpose of enhancing economic prosperity. These priority areas have included information and communication technology, human resource development, Mekong Basin development, investment, energy, and transport (Association of South-east Asian Nations [ASEAN], 2016).

Thailand, in its role as country coordinator for ASEAN–China relations helped to arrange the first official consultation on a code of conduct (COC) in the South China Sea (Pitakdumrongkit 2015, 2016). This consultation took place at the 6th Senior Officials Meeting and 9th Joint Working Group on Implementation of the Declaration on the Conduct (DOC) of Parties in the South China Sea, held in Suzhou, China, during September 14–15, 2013 (Republic of Philippines, Department of Foreign Affairs, 2013).

The year prior to Thailand assuming the position of country coordinator was characterized by significant tensions. Responding to Chinese actions within Vietnamese waters, Vietnam held live-fire exercises in the SCS in June 2011 (Global Security 2011). In September 2011, ASEAN legal experts concluded that “there was a legal basis for a proposal by the Philippines for joint economic development in disputed parts of the South China Sea” (Global Security 2011). China was not happy with this conclusion, which it viewed as potentially opening up further exploitation of disputed waters. With ASEAN failing to achieve any consensus or issue a joint communiqué during the 45th AMM in July 2012, Thailand, as country coordinator, carried the responsibility for keeping lines of communication open and facilitating continued engagement with China.

Thailand's Ministry of Foreign Affairs adopted a “three Cs” strategy: community building, connectivity, and code of conduct (2015). First, Thailand took the position that China should have an increasing role in ASEAN's people-centered community-building process as a basis for building a stronger East Asian community. Moreover, China's government and private sector would be welcome to participate in developing aspects of regional connectivity, such as infrastructure, rules and regulations, and people-to-people exchanges. Thailand's work resulted in the establishment of the Chinese Working Committee on Connectivity (CWCC) and the Asian Infrastructure Investment Bank (AIIB).

Regarding the proposed COC, Thailand emphasized building confidence and trust between ASEAN and China so as to create an environment conducive to further

negotiations on the issue. Yingluck Shinawatra, Thailand's Prime Minister at the time, stated, "As ASEAN–China coordinator for the next three years, Thailand will make every effort to help build trust and confidence among the parties, to move things back on track through quiet diplomacy and enhance cooperation" (Shinawatra 2012). Thailand pursued this goal by introducing confidence-building measures related to marine environmental protection and marine scientific research, which are cooperative activities that are encompassed by the framework of the DOC. In particular, it put forward proposals on maritime conservation and tuna stock studies in the SCS (Chongkittavorn 2013).

Thailand chaired the ASEAN–China Senior Officials Retreat, held in October 2012 in Pattaya. It relied on this informal meeting as a vehicle to rebuild trust between ASEAN and China, seeking to normalize relations after the divisions that had emerged at the 45th AMM and to discern and address areas of discomfiture that could slow down the development of a COC.

On the tenth anniversary of the ASEAN–China strategic partnership, in August 2013, Thailand hosted a high-level forum in Bangkok (Kingdom of Thailand, Ministry of Foreign Affairs, 2015). The opening remarks by Thailand's Deputy Prime Minister and Minister of Foreign Affairs, Tovichakchaikul (2013), indicated how his nation would approach its responsibility as a country coordinator. Referring to "new and non-traditional security challenges arising in the region" and "shifting strategic relationships," he stated:

As for the South China Sea, we should not let this one issue be a barometer of ASEAN–China relations. We have a common responsibility to ensure that this will not be the case. We need to transform the area from a sea of uncertainty and mistrust into a sea of shared interests and cooperation. We need to think, not in terms of "maritime claims," but in terms of "maritime cooperation" and "maritime connectivity," and of enhancing shared interests.

Tovichakchaikul concluded, "We are very pleased that ASEAN and China have agreed to start official consultations at the Senior Officials' level this September aimed at developing a Code of Conduct in the South China Sea" (2013).

The progress achieved in the official consultations could be attributed to Thailand's effectiveness as country coordinator because of its neutrality and its cordial ties with China (Pitakdumrongkit 2015, p. 419). Even though China was less than happy with the Philippines' initiation of arbitration in early 2013, it still considered ASEAN to be a sufficiently friendly theater in which to sort things out multilaterally when the bilateral talks that it preferred could not produce the desired outcomes.

One key reason for China's comfort level with ASEAN was that ASEAN did not overtly support the Philippines' action. The organization made no direct statement supporting Manila's request for legal arbitration (Roberts 2017, p. 5). Rather, ASEAN foreign ministers expressed "serious concerns over the ongoing developments in the South China Sea, which have increased tensions in the area" in a May 2014 statement. They alluded to "universally recognized principles of international law, including the ... UNCLOS" without mentioning the Philippines' pursuit of a tribunal award (Kingdom of Thailand, Ministry of Foreign Affairs, 2014a). Instead, the statement reiterated norms and principles on which ASEAN and China already agreed, such as the non-use of force, peaceful settlement of disputes, and adherence to the DOC, as well as "the need for expeditiously working towards an early conclusion of the COC" (Kingdom of Thailand, Ministry of Foreign Affairs, 2014a).

Thailand enabled formal discussions on the COC in part by extending the core norms in the ASEAN Way—namely, sovereign equality, non-recourse to the use of force, the peaceful settlement of conflicts, and non-interference and non-intervention by ASEAN—to address an unresolved bilateral conflict with an important non-ASEAN state through tactful diplomacy, mutual respect, and tolerance (Haacke 2005). Thailand was careful to build on positions that China had already agreed to in principle, such as the DOC. It did not push immediately for a legally binding COC but only for the initiation of formal consultations, alluding to the COC itself as a possible long-term outcome.

ASEAN did not act directly as mediator or facilitator while Thailand took the lead as country coordinator. Rather, it served as a forum where positions could be floated and negotiated. Thailand also tried to contain discussions on the SCS between ASEAN and China (Pitakdumrongkit 2015, p. 423), thereby allaying China's uneasiness about intervention by external powers.

After the May 2014 coup that resulted in a change of government, Thailand did not alter its stance toward China significantly. The new Prime Minister, Prayut Chan-o-cha, declared that Thailand would continue to pursue the implementation of a COC between China and ASEAN member states (Sabillo 2015). However, Thailand also continued to proceed slowly and cautiously on the topic, lest they would run the risk of offending China.

Undeniably, post-coup Thailand tended to increasingly look inward because of heightened concern for domestic political stability, and thus, its role as country coordinator for ASEAN–China relations took a lower priority. Nonetheless, the Thai Ministry of Foreign Affairs remained active on the issue. In the inaugural address at the “International Conference on China: Connectivity with the ASEAN Economic Community” in August 2014, Puangketkeow (2014), Permanent Secretary of the Ministry of Foreign Affairs, reflected on Thailand's prior work as country coordinator and reaffirmed the country's role vis-à-vis China: “We set out to lessen tension, ensure progress in talks on the creation of a code of conduct ... and move forward overall ASEAN–China relations.” To that end, the Permanent Secretary (who had been involved in the previous talks on the COC) stated, ASEAN and China were “building a habit of dialogue and confidence” and “finding common ground, such as ... commitment to the peaceful settlement of disputes under international law” (Puangketkeow 2014).

Not long before this statement, China had dismissed the Philippines' proposed triple-action plan (TAP), which consisted of a freeze on all activities in disputed waters, implementation of a COC, and the use of arbitration to settle disputes (Majumdar 2015, p. 81). The Philippines sought UN support for the TAP in September 2014, and its components were reiterated when Philippine Foreign Affairs Secretary Albert F. del Rosario spoke in the general debate at the 69th session of the UN General Assembly. However, it was clear that China would not accept the TAP. Thus, it fell once again upon Thailand as country coordinator to reassure China and maintain a viable environment for dialogue, when in October 2014 it hosted the 8th ASEAN–China Senior Officials' Meeting on the Implementation of the Declaration on the Conduct of Parties in the South China Sea and the 12th ASEAN–China Joint Working Group on the Implementation of the DOC (Kingdom of Thailand, Ministry of Foreign Affairs, 2014e). The Senior Officials welcomed the Work Plan on the Implementation of the DOC for 2014–2015, declaring that “the process of consultation between ASEAN and China is as important as the substance of the COC itself” (Kingdom of Thailand, Ministry of Foreign Affairs, 2014b).

The 17th ASEAN–China Summit in November 2014 centered largely on principles that Thailand had already been emphasizing: the peaceful settlement of disputes, the full and effective implementation of the DOC and “substantive consultations on the COC with a view to arriving at its early conclusion” (Kingdom of Thailand, Ministry of Foreign Affairs, 2014c). The leaders endorsed preliminary measures on joint search and rescue, as well as on hotline platforms among maritime agencies and foreign ministries, as means of promoting trust and confidence so as to avert unwanted incidents (Kingdom of Thailand, Ministry of Foreign Affairs, 2014c).

Prayut reaffirmed Thailand’s commitment as country coordinator for ASEAN–China relations and proposed three areas for further action:

- (1) promoting sustainable economic development through trade liberalization, with emphasis on the agricultural sector;
- (2) enhancing regional connectivity in all dimensions by developing a connectivity network and increasing economic capabilities; and
- (3) strengthening ASEAN–China relations and resolving pending issues to realize the strength of this strategic partnership (Kingdom of Thailand, Ministry of Foreign Affairs, 2014c).

Thailand never departed very far from its original “three Cs” in its efforts to promote ASEAN–China relations. In fact, Thailand viewed economic cooperation as a way of further normalizing the environment and ensuring that talks on a COC would continue. The joint communiqué released after Prayut paid an official visit to China in December 2014, at the invitation of Chinese Premier Li Keqiang, included this statement:

The Chinese side appreciated the active and constructive role of Thailand, as Country Coordinator for ASEAN–China Dialogue Relations. ... Both sides also agreed to work closely on the full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC) in its entirety, [and to] promote practical cooperation and consultations on a Code of Conduct in the South China Sea (COC), with a view to arriving at an early conclusion of the COC on the basis of consensus. (Kingdom of Thailand, Ministry of Foreign Affairs, 2014d).

It seemed that Thailand was making only very slow progress, as it had still not achieved much more than the initiation of formal consultations in September 2013. The statements reiterated in this joint communiqué were the same as those on which ASEAN and China had already agreed under Thailand’s coordinatorship. However, Thailand was successfully keeping communication channels open and ensuring that China would not abandon ASEAN as a viable sphere for negotiation despite the Philippines’ unilateral initiation of arbitration proceedings. It was important for Thailand to keep sustaining China’s confidence and trust as a basis for talks on the proposed COC with China, so that the diplomatic situation would not deteriorate.

After the 2015 ASEAN–China Ministerial Meeting, General Tanasak Patimapragorn, Thailand’s Deputy Prime Minister and Minister of Foreign Affairs, and Wang Yi, China’s Minister of Foreign Affairs, held a joint press briefing. At this meeting, Thailand had

handed over the position of country coordinator for ASEAN–China relations to Singapore. The Thai and Chinese officials made the following joint statement:

Throughout the past three years, Thailand as the country coordinator for ASEAN–China dialogue relations has strived to be an honest broker. ... ASEAN and China have now agreed upon the Second List of Commonalities. Both sides have agreed to enter a “new phase” of consultations on the COC, which would include discussions of a structure for the COC as well as other areas of cooperation. This would pave the way for the early conclusion of the COC. (Kingdom of Thailand, Ministry of Foreign Affairs, 2015).

This statement effectively summed up Thailand’s priorities during its coordinatorship: the implementation of the DOC, consultations on the COC, the freedom of navigation and overflight, and the peaceful settlement of disputes. Most importantly, it had diligently maintained China’s comfort level at the negotiating table. Thailand left further discussions of what the COC could entail to Singapore, which became country coordinator in early August 2015. Patimapragorn attributed Thailand’s “success” in the coordinator role to “the close and cordial bilateral relations between Thailand and China” (Kingdom of Thailand, Ministry of Foreign Affairs, 2015).

## 5 Singapore as country coordinator for ASEAN–China relations

Singapore, which held the position of country coordinator from August 2015 to August 2018, has continued to move the ball forward in ASEAN–China relations, working toward achieving the framework of a COC in the South China Sea in August 2017 and later a single negotiating text for the COC in August 2018.

After ASEAN failed to issue a joint communiqué in 2012, Singapore’s Minister for Foreign Affairs, K. Shanmugam, clarified in his reply to numerous concerns raised in Singapore’s parliament that “the specific territorial disputes in the South China Sea can only be settled by the parties directly concerned” (Shanmugam 2012). He further emphasized that “ASEAN as a grouping cannot and does not take sides on the merits of a particular claim or claims. Nor do we attempt to resolve the disputes.” Singapore maintained this neutral status when it became country coordinator, along with its commitment to the peaceful settlement of disputes in accordance with the UNCLOS.

During the 2014 ASEAN Summit, Shanmugam described Singapore as an “honest broker” in media interviews (Chua 2014). In remarks to Singapore’s parliament during deliberations in March 2015, he again mentioned Singapore’s potential as an “honest broker” (Shanmugam et al. 2015).

Before Singapore took on country coordinatorship, its policy on the SCS had been quite consistent (Li and Zhang 2013, p. 171). Even when it urged China to clarify its SCS claims following confrontations with Vietnam and the Philippines in 2011, the statement maintained Singapore’s neutrality. Singapore recognized that its critical interest concerned the freedom of navigation in international sea lanes, which would be preserved if all involved parties exercised self-restraint and adhered to the principles

of international law. Singapore would not take sides but would seek to be relevant in maintaining stability in the SCS (Li and Zhang 2013, p. 175).

Singapore's Prime Minister Lee Hsien Loong said in July 2015, regarding Singapore's upcoming role as country coordinator, "We hope to try and find common ground among members of ASEAN and facilitate the discussion between ASEAN and China. ... We also hope to help ASEAN hammer out more cooperative projects with China. ... These projects need not all be economic ones but could include cooperation in human resource development and education" (Ho 2016). It seemed that Singapore would also continue what Thailand had done as country coordinator, namely, fostering cooperation in low-tension areas so as to maintain an atmosphere conducive to negotiation in more sensitive areas.

In November 2015, a few months into its country coordinatorship, the Prime Minister restated similar views: "Singapore will be a fair and objective coordinator, in order to help China and ASEAN reach a consensus, and continue supporting peaceful development in the region" (Lee 2015).

Singapore has always advocated a rules-based solution regarding SCS issues in part because it is a small nation that must maintain firm stances for them to go with its national interests. As Lee Hsien Loong observed in August 2016, "We cannot afford to have international relations work on the basis that might is right. If rules do not matter, then small states like Singapore have no chance of survival" (Liang 2016). This statement came after the arbitral tribunal rejected China's claims to historic rights in the SCS in July 2016. Lee also commented that Singapore was "doing our best to be an honest broker, dealing straight with all parties" and outlined three key principles: upholding international law, maintaining freedom of navigation, and promoting a united ASEAN (Liang 2016).

Soon after the July 2016 ruling, a Joint Statement of the Foreign Ministers of ASEAN Member States and China on the Full and Effective Implementation of the Declaration on the Conduct of Parties in the South China Sea and a Joint Statement of the Foreign Ministers of ASEAN Member States on the Maintenance of Peace, Security and Stability in the Region were adopted (Deogracias 2017). In September 2016, ASEAN leaders also adopted the ASEAN–China Joint Statement on the Application of the Code of Unplanned Encounters at Sea (CUES) in the South China Sea, along with the Guidelines for Hotline Communications among Senior Officials of the Ministries of Foreign Affairs of ASEAN Member States and China in Response to Maritime Emergencies in the Implementation of the Declaration on Conduct of Parties in the South China Sea (Deogracias 2017).

CUES itself is not legally binding, but the ASEAN leaders and their Chinese counterparts agreed to adopt it on a voluntary basis. Some saw the Joint Statement on CUES as a political gesture (Bateman 2016), particularly after the tribunal award. Earlier in 2016, Singapore Foreign Minister Vivian Balakrishnan suggested during a visit to China that CUES should be expanded to include coast guard ships. Balakrishnan said China agreed to explore Singapore's proposal (Beng 2016). China was reluctant at first but warmed toward the code as it is not legally binding. Singapore's main focus was to achieve some level of confidence-building to facilitate future talks concerning a COC. Again, Balakrishnan stressed Singapore's objective of serving as an honest broker (Beng 2016).

In its role as ASEAN–China country coordinator, Singapore also supported China's proposal for maritime exercises. Apart from extending CUES to cover coast guard

ships, Singapore also proposed that it be expanded to cover all ASEAN Defense Ministers' Meeting (ADMM)-Plus members and to regulate underwater and air-to-air encounters (Oong 2017). (The eight ADMM-Plus members are Australia, China, India, Japan, New Zealand, Russia, South Korea, and the United States.) These proposals reflected Singapore's continuing efforts to reduce uncertainty and prevent conflict. As Ong Ye Kung (2017), Singapore's Senior Minister of State for Defense, said, "An honest broker does not take sides but is always a positive, optimistic force."

The inaugural ASEAN–China maritime exercise did not occur until August 2018. It was believed that the exercise would "enhance practical cooperation through focusing on useful and substantive areas such as the Code for Unplanned Encounters at Sea (CUES), Search and Rescue (SAR) operations, and medical evacuation (MEDEVAC)" (Republic of Singapore, Ministry of Defence, 2018).

China welcomed Singapore's accession as country coordinator but expressed its desire that Singapore would play a lesser role after the tribunal award was issued. According to Vice-Foreign Minister Liu Zhenmin, Singapore could seek to facilitate cooperation between China and ASEAN without interfering in SCS issues (Wong 2018).

Singapore also sought to fortify relations with China through economic initiatives as an alternative means to mitigate conflict. Deputy Prime Minister Teo Chee Hean, in a written interview with Xinhuanet in February 2017, stated:

At the multilateral level, as the country coordinator of ASEAN–China dialogue relations, we will continue to work closely with China to advance multilateral liberalization initiatives such as the Regional Comprehensive Economic Partnership (RCEP), with the aim of eventually achieving a Free Trade Area of the Asia-Pacific that will bring together countries around the Asia-Pacific for mutual collaboration and development.

China reiterated its emphasis on solving SCS issues bilaterally in mid-2016, pointing out that the disputes were not between China and ASEAN as a whole (Ho 2016). In contrast, Singapore, building on Thailand's work as country coordinator, tried to establish a multilateral approach as normal and appropriate for peaceful settlement of disputes between ASEAN member countries and non-members, which would be backed by common economic interests and international law.

Although China reacted negatively to the tribunal award (and to Singapore's position), some argued that the award made ASEAN's position stronger (Chongkittavorn 2016). Singapore's consistent and relentless position of adhering to principles of international law also contributed to strengthening multilateralism in the region. Its efforts resulted in the adoption of guidelines for a hotline for use during maritime emergencies, the application of CUES to the SCS, and a commitment to the completion of a draft framework for the COC by mid-2017 (Thayer 2016).

After the COC framework was approved by the ASEAN–China Senior Officials Meeting on the Implementation of the Declaration on the Conduct of Parties in the South China Sea in May 2017, Chinese and ASEAN foreign ministers adopted the framework with Singapore's facilitation on August 6 (Storey 2017). The following day, China's Foreign Minister, Wang Yi, attended the 7th East Asia Summit Foreign

Ministers' Meeting and stated that "the situation in the South China Sea this year is different from that of the past" because it was more stable (2017). Wang viewed the adoption of the COC framework as representing "exactly the mainstream opinion in the region."

China's commitment to the principles enshrined in international law was still framed within its historical claims to SCS waters. However, China also conformed to the principle of peaceful settlement of disputes although it preferred to negotiate with direct claimant countries and opposed intervention from outside the region. The negotiations in ASEAN's multilateral forum also continued as Singapore's actions as country coordinator contributed to the maintenance of a rule-based regime.

## 6 Implications of the role of non-claimant states in conflict transformation

Thailand received mixed reviews from experts for its performance as country coordinator. Some viewed its actions positively as contributing toward development of a COC. Although a COC was not adopted under Thailand's tenure, Pitakdumrongkit regarded Thailand as an "effective" country coordinator, stating that it "played a significant role in the negotiation process leading up to the launch of the first official COC consultation" (2015, p. 422). Chongkittavorn (2013) contended that "no other ASEAN country has taken the role of coordinating ASEAN–China relations as seriously as Thailand." Emmers (2018) argued that Thailand should receive more credit for helping to create and maintain a stable environment in which China felt comfortable negotiating. On the other hand, Hogan (2015) felt that Thailand ended its country coordinator role "having missed a real opportunity to press ahead on COC negotiations."

Singapore consistently adhered to rules-based reasoning and displayed norm-conforming behavior when dealing with the SCS issue. Although China was initially wary of Singapore's work, particularly after its reaction to the tribunal award, Singapore's efforts in economic as well as security initiatives, such as CUES expansion and overflight guidelines, helped to assuage China's concerns and keep China engaged in multilateralism. In addition, joint maritime exercises and other maritime security measures contributed to regional peace and stability. Singapore also helped to lay the groundwork for further negotiations on the COC.

One key to mitigating tensions has been the reduction of unilateral actions, which was once China's go-to strategy in the region. Singapore has put considerable effort into sustaining multilateral forums. Undoubtedly, a legally binding COC would be more effective, but the progress attained by Singapore has been substantial.

We can see that shared core principles, such as the rule of law and the peaceful settlement of disputes, play a crucial role in conflict transformation. However, the apparent neutrality of non-claimant states (as they have no direct territorial claims) does not constitute an impartiality that creates obligations for the claimants as can be seen from the considerable delaying tactics that have prevented the final approval of a COC. One problem in this situation is perhaps that the parties in conflict do not share a clear common reference point. The construction of normative power should ideally be backed by a solid multilateral organization, and ASEAN cannot fulfill this

role as some of its members are themselves parties to the conflict with core interests in the issue.

Nonetheless, the non-claimant players should be given credit for defusing tensions and stabilizing communication channels. Both Thailand and Singapore attempted to be honest brokers in SCS conflict resolution. In the EU, where the normative power framework is applied most thoroughly and with the greatest sophistication, normative power is constructed through dialogue with conflict parties. A similar pattern is not readily evident in the SCS case, as China made it clear from the very beginning that the conflict should be managed by the parties directly concerned. However, normative power construction can also occur through the maintenance of dialogue with conflict parties in less sensitive areas such as maritime conservation and economic development. Without explicit consent and invitation, non-claimants have no role in territorial mediation; however, this does not mean that they have to sit on their hands. Through less sensitive channels, non-claimants can send signals regarding the appropriate standard of behavior.

Although Thailand and Singapore approached their country coordinators differently, elements of normative power efforts were manifested through their roles. Both Thailand and Singapore fell back to the rule of law and peaceful settlement of dispute as legitimate principles and tried to promote the principles coherently and consistently to persuade others to follow what they deemed appropriate courses of action. They actively engaged the main stakeholders in multilateral dialogues, exercising their roles as honest brokers to institutionalise the relations further so that it would become more difficult for the parties to deviate.

Finally, we must consider whether norm construction in this case could shape what the parties considered to be normal. Most significantly, the non-claimants attempted to establish that unilateral actions, such as constructing artificial islands in the SCS, should not be seen as normal. They upheld concepts of cooperative security while trying to create habits of cooperation in multilateral venues, which are governed by the rule of law and by reciprocity, and which are not designed to accommodate a particular state's interests. Hence, non-claimants also attempted to establish a shared understanding that international law is not about picking and choosing the rules that will best serve any particular state.

Because of the limitations of resources, institutional design, and political will, the non-claimants could not achieve their multilateral goals by raising the stakes of noncompliance. Their power did not lie in their ability to reward or punish, which was virtually nonexistent as they were dealing with a regional superpower. Rather, they maintained engagement and trust-building measures. China is averse to legally binding international agreements that would constrain its scope of action; however, it is quite cooperative on other maritime issues that do not involve territorial claims. The lesson to be learned from Thailand and Singapore's engagement with China is to operate with good will, bearing in mind that norm construction is an ongoing process. Engaging the conflict parties, keeping communication channels open, fostering cooperation on maritime conservation and development issues, and taking trust-building actions to stabilize a region, while balancing the concerns of external powers outside of the region, are all meaningful steps when legally binding agreements are not readily accepted. All the while, the principles which are normatively justified must continue to be promoted to guide all the parties involved towards norm-conforming behaviour so that violent conflicts would ultimately be avoided.

**Acknowledgments** This research was supported by a grant from the Korea Foundation to Chulalongkorn University (2017–2018) for a project entitled “The Role of Thailand and South Korea in the South China Sea Conflict: A Comparative Perspective.”

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