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"Institutionalization" as Weapons of the Weak: ASEAN Countries and the South China Sea Disputes

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"Institutionalization" can be understood as a process of norm and law setting to regulate and control individual attitudes. An institutionalized area could be more stable and ordered, then the relationships between the factors can be identified by the predicted signals. Institutions can help to provide a key form of such frameworks, through which all states, but especially the stronger states, can use rules and other normative expectations of conduct in the international relation. Weaker states, in return, gain limits on the action of the leading states and access to the political process, in which they can press their interests. This article analyzes the disputes in the South China Sea[1], particularly between China and ASEAN countries to prove the argument. It is argued that ASEAN, in the situation of power asymmetry between dominant (power-holders) and dominated groups, has used "institution" and "institutionalization" as a countermeasure to constrain the powerful China in the two ways: (1) trying to lock-in China in a rule-based order, in order to restrict its power, and (2) by institutionalizing the way in which the disputes in the South China Sea should be resolved, ASEAN countries want to create a frameworks for setting rules of games, which are shaped by principles and norms instead of balance-of-power.

Keywords: institutionalization, territorial disputes in the South China Sea, ASEAN-China relations.

Introduction

"Institutionalization" can be understood as a process of norm and law setting to regulate and control individual attitudes. An institutionalized area could be more stable and ordered, then the relationship between the factors can be identified by the predicted signals. This rule is similar to the stipulating role of the traffic light colors at intersections or the street signs at public places. In this environment, people are obliged to relinquish their power in order to behave according to regulations and institutions. This code of conduct is an advantage for small and weak nations. Fundamentally, the tendency of weaker nations to accept regulations and prefer to solve conflicts by institutionalization follows three crucial objectives. Firstly, institutionalization creates a discussion platform to express viewpoints. Secondly, it helps protect weak states' legitimacy if the powers unilaterally revoke the rules and create prediction grounds to circumscribe powers' actions. Finally, it is a way to ensure that ongoing conflicts are solved according to regulations and norms, not by army power balance which is apparently disadvantageous for weaker states.

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[1] It should be noted that there are many names depended on each view of the claimant. China calls it "Southern Sea" (Nan Hai), Vietnam calls it the "Eastern Sea" (Biển Đông), and the Philippines calls it the "West Philippines Sea" (Dagat Kanlurang Pilipinas).

This paper analyzes the South China Sea disputes as a case to prove the argument. The essay's three approached issues targeting the South East Asia region whose related states play a role as small nations committing to ASEAN framework can be identified as: (1) the way to conduct "institutionalization" mechanism, (2) the objectives to be pursued; and (3) its efficiency in keeping the balance against powers. South China Sea disputes, theoretically, provides an optimal case due to two reasons. Firstly, in the disputes over Spratly and Paracel Islands, there is a power asymmetry among involving parties. The conflict is a negotiation between the giant power China and four smaller states in the ASEAN Group (Brunei, Malaysia, Philippines, and Vietnam) with a significant disparity in area, population, army capacity and economic power. Secondly, in this case, these smaller nations attempt to utilize institutions (such as regional organizations, multi-national forums or international laws) to constrain and neutralize the dominance of China.

Specifically, the "institutionalization" strategies of ASEAN states in the South China Sea can be generalized through three different channels: (1) They explicitly seek to multilateralize and internationalize the South China Sea disputes throughout the region and the international forums; (2) They promote negotiations with China towards a Code of Conducts at South China Sea (COC) which generates legitimate commitment and replaces the Declaration on the Conduct of Parties in the South China Sea (DOC) signed between China and ASEAN in 2002; and (3) In 2013, another action of "institutionalization" has been taken by the Philippines. The Philippines is the first South East Asia nation to initiated court proceedings at ITLOS (International Tribunal for the Law of the Sea), challenging China's claim, which covers almost the entire South China Sea. Although China has refused to participate in the case, the Philippines has succeeded in drawing attention from the international community and has paved the way for a feasible solution to settle the disputes.

Our findings suggest that ASEAN has attempted to set up a conflict settlement mechanism which involves DOC implementation, signed between China and ASEAN in November 2002, and, thus, binding COC negotiation. Confidence building and conflict settlement, which can alleviate disputes over and power misbalance in South China Sea, are the two fundamental objectives. The Declaration on the Conduct of Parties in the DOC, signed between China and ASEAN in November 2002, solely projects committedly and plays the main role in confidence building, making limited contributions to conflict settlement. Even though the two sides accomplished the DOC agreement after nine-year negotiation in July 2011, the South China Sea issues momentarily dismissed and flared up again during 2012 and 2013. ASEAN's actions taken in compliance with unanimity and peaceful negotiations are turning into a major shortcoming. Internal disparities have restricted ASEAN's actions against China, as well as its abilities to engage other super powers in peaceful South China Sea dispute settlement.

This paper includes four sections. Following the introduction, the second section gives the theoretical framework of "institutionalization" in international relations. In the third section, the paper analyzes the role of "institutionalization" in the South China Sea disputes at the regional and international level. The third session of the paper also evaluates the implementation of the discussed arguments and models by analyzing the weaker nations' applied policies in the two South China Sea disputes. Based on the collected data, the final part of this essay compares the results and points out some conclusions about models, objectives, and efficiency of the "institutionalization" strategy from the stance of weak nations.

"Institutionalization" as Weapons of the Weak States

In general, institutionalization can be identified as the process of constructing norms and rules to govern

certain actors' behaviors, in order to form all social interactions in a laws-based order. In other words, it is an attempt building laws and regulations with an aim to stipulate, control behaviours, and ensure that each social relationship is regulated by legal modalities. Finnemore (2009) added in that institutionalization, which means "to vest power in rational legal authorities such as organizations, rules, and law", is a popular choice of most states to make the best use of power in contemporary world (p. 68). An institutionalized area is theoretically more stable and ordered because the relationships between the factors can be identified by the predicted signals. An ordered region infers that actions and events occuring within its area are controled and managed. The rigid laws is normally considereds as rules, regulations, and constitutions. For instance, at an intersection, the red light means "stop"; the yellow light infers "prepare to stop"; and the green light implies "go". The soft laws, similar to the implicit understading among members in a community; unanimously agreeing, following, and expressing opinions when any individual trespasses the permitted limitations. For example, in the hospital, we are expected to walk silently and keep quiet; at public places, we have to act politely as well as help people with disabilities and pregnant women. The convention of these two viewpoints makes the relationships among members be predictable by expected signals. The distance between order to disorder is merely an inch and marked by the appearance of a reversed action against any common regulations, norms that people comply with. Disorder begets a chaos, due to the lack and divergence of conduct steering signals.

To the hegemon in the unipolar world, or strong states in the international system, institutions can be utilized to gain legitimacy and to show that their power is benign and benevolent, thus can minimize the effort of counterbalancing from secondary states. However, Ikenberry, Mastanduno, and Wohlforth (2009) pointed out that the weaker states have incentives to adopt institutionalization as well. First, they would try to shape stronger power's behaviors in established institutional arrangements in order to constrain or tie it down, conceiving its concern for reputation as a member of the international community or the need for cooperating partners. Second, weaker states may seek to strengthen international institutions that exclude the involvement of stronger states. These institutions can be designated or directed to build up a common identity, foster capacity to tolerate influence attempts by the stronger powers or create the possibility to behave independently.

From the point of view of weak states, they conform to "institutionalization" mechanism with three goals. Firstly, the process of building regulations and joining institutions creates exchange platforms for parties to express their opinions. The shortage of these forums and organizations causes decision making to be unilateral, solely controlled by powers or resolved by power balance. Recent researches about the role of ASEAN in forming South East Asia's security structure reveal that ASEAN, through establishing ASEAN Regional Forum (ARF), has successfully legitimatized a crucial channel for South East Asia nations to actively participate in the regional security management (Goh, 2011). Not leaving the nations to self-arrange, ARF, for instance, attempts to both engage powers in the common security structure and promote "dialogue" spirit among groups of nations in the region. Another research shows that new rising BRIC states (Brazil, Russia, India, and China) are striving to increase their influence through international institutions such as the World Trade Organization (WTO) and the International Monetary Fund (IMF), pursuing the ambition to amend the operation structure of these organizations. These states also take advantages of international forums and organizations to challenge the "appropriateness" or the approved normative regulations of industrialized power (Flemes, 2009).

Secondly, "institutionalization" sets grounds for predictions and restricts possible actions of stronger states. Moreover, this legal frame bestows weaker nations with legitimate foundations to voice their opposition and resistance. In other words, laws and institutions protect the legitimacy of the weaker states' conduct if the

strong states unilaterally flout the game rules. Walt (1997) also provided supplementary explanation why secondary states opt for institutionalization, "The greater the level of institutionalization within an alliance, the more likely it is to endure despite an extensive change in the array of external threats" (p. 166). In addition, by looking at how the weak(er) states respond to the US's use of power in the post 11/9 world, Walt (2005) introduced the concept of "delegitimation". Since the US prioritizes unilateral policies, ignoring international law and global public opinion, the secondary states prone to de-legitimate the leadership of Washington over the international community. Since then, their resistance behaviors can gain more legitimation and thus be more acceptable to the others. This strategy can only be adapted if there exists a "contract", defining rules, regulations, to-do or not-to-do list of behaviors, in other words, a code of conduct among involving parties.

Finally, the term institution does not act as an omnipotent solution for every problem, yet for small states, it is the minimum modality to ensure that ongoing disputes are resolved by laws and regulations, not solely by the balance of power or weapon capacity. Sitting in negotiations, regardless of outcomes, faces fewer risks than directly confronting with stronger states does. One solution is to cling to the dominance of the powers, which expectedly maintain the authority as well as enjoy sharing the common interests and security with the weaker nations. The other solution is to find external counter-balanced forces to protect weaker states' security and interest from the threats of the powers. External counter-balance can be formed through military alliances. These two solutions whose efficiency are not revealed possibly lead states to security dilemmas of constant anxiety pressed from disputing states that they are forced to choose between the arm race tendency and military alliancing with other states, in order to ensure their own security. "institutionalization"-approach provides the third policy choice.

In sum, weaker states pursuing the use of institutional frameworks might target at three goals: (1) the constructing process of rules and regulations offers them a forum to raise their voices, which is more likely to be nonexistent or inefficient in bilateral relations with stronger state; (2) rules-based mechanisms of institutions can be seen as a weapon of "delegitimation" aiming at stronger states if they unilaterally go against the founded principles; and (3) institutionalization can at least assure to resolve the disputed matters under rules and norms, rather than based solely on the balance of power, which is obviously the detriment of weaker states. Constructed on these insights, institutionalization strategies of ASEAN in the SCS dispute will be further examined.

ASEAN Countries, Institutionalization Strategies and the Case of the South China Sea Disputes

Since the 1990s, institutionalization has remained one of the core strategies of ASEAN in dealing with China in the South China Sea dispute. Notably, after the Mischief Reef incident in 1995, the Philippines and Vietnam have jointly proposed a code of conduct pertaining legal ties to adjust behaviors of all related parties. This initiative has obtained strong support from ASEAN members, for instance, the 29th ASEAN Foreign Ministers' Meeting in July 1996 praised that the code "would lay the foundation for long-term stability in the area and foster understanding among claimant countries" (Thao, 2001). In November 1999, the draft of the ASEAN code of conduct submitted by the Philippines and Vietnam was adopted unanimously by the ARF. The ASEAN Code of Conduct was later sent to China in 1999. The ASEAN Code was based on previous ASEAN documents such as: the five principles of peaceful coexistence, the Treaty of Amity and Cooperation, the Declaration on the South China Sea of 1992, the ASEAN-China Joint Statement of 16 December 1997, the

Joint Statement between the Philippines and the PRC on the South China Sea and Other Areas of Cooperation of August 1995, the code of conduct agreed upon between Vietnam and the Philippines in November 1995, and the Hanoi Plan of Action at the Sixth ASEAN Summit 1998 (Thao & Amer, 2009).

In the first three years, with the reason the signed Joint Statement towards the 21st Century in December 1997 between President JIANG Ze-min and ASEAN leaders, China refused to negotiate the COC. It was not until 1999 China agreed to start discussing the COC. In November 2002, China and ASEAN members released an agreement on the ASEAN-China DOC. However, some criticized that the 2002 DOC is just a semi-political and semi-juridical document, does not show strong obligatory ties and merely relies on the subjective willingness of involving states (Ha & Thang, 2011). Consequently, its effectiveness in the regulation of behaviors will only remain as encouraging, rather than legal. Moreover, the DOC content is too general, not going into any specific issues; this may end up with conflicting interpretation, depending on the perspective or approaches of related parties. Although being considered as a compromise document without binding legal force, as a legal scholar comments "(DOC is) not a legal instrument and thus is technically not legally binding and is even less persuasive than the code of conduct that many countries in the region had desired" (Thao, 2003, p. 281), the DOC was designed as an intern measure with the ultimate goal of forming a more formal binding COC. In fact, ASEAN and China have both confirmed the 2002 DOC is only one step towards the final destination of the full COC, which is covered by the following main pillars: peaceful settlement of international disputes, prohibition against use of force and threats of force, exercise of self-restraint, search for and adoption of Confidence-Building Measures (CBMs), cooperation, consultation, respect for the freedom of international air and maritime navigation (Thao, 2001).

Beside the effort to attain the complete COC, institutionalization strategy of ASEAN is also carried out through the call for practice of international law, in this case is the 1982 UNCLOS. In 2009 when China included the nine-dash line map in notes verbal to the United Nations' Commission on the Limit of the Continental Shelf (CLCS) to assert its maritime claim, the ASEAN community has strongly reacted by using the 1982 UNCLOS to accuse China's unreasonable declaration. The Philippines filed a formal protest document to the UN, stating that "the claim (by China) [...] would have no basis under international law, specifically UNCLOS" (Esplanada, 2011). Vietnam condemned that China's claimed line "has no legal, historical or factual basis, therefore is null and void". Indonesia blamed the nine-dash line map for "clearly lacks international legal basis and is tantamount to upset the UNCLOS 1982" (Huy, 2011). In August 2011, the Philippines once again suggested to seek for international arbitration, however, China neglected the idea with the preference to arrange the dispute bilaterally. It should be noticed that Manila had earlier proposed to bring the dispute before the International Tribunal for the Law of the Sea, an independent judicial body set up by UNCLOS, but the intention failed due to China's refusal (Agence-France-Presse, 2011). In August 2012, the Pacific Forum of the Center for Strategic and International Studies (CSIS) and Indonesia's Habibie Center co-organized an international conference on "Maritime Security in Southeast Asia" in Jakarta. The participating scholars all agreed that conflict resolution must be reached through legal platforms, including the 1982 UNCLOS and the DOC, to guarantee maritime security in the region (VOVworld, 2012). Most recently, in the Six-Point Principles on the SCS, the ASEAN's Foreign Ministers have reinforced the commitment of member states to go after "the peaceful resolution of disputes, in accordance with universally recognized principles of International Law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS)" (ASEAN-Foreign-Ministers, 2012).

One more channel of institutionalization is to make use of ASEAN countries' combined voices to create diplomatic pressure upon China in regional forum. In a nutshell, this strategy reflects ASEAN's effort to insert the South China Sea disputes as the main concern in multilateral dialogue, or to invite extra-regional players to discuss and deliver their opinions. Although these actors do not have direct territorial involvement in the dispute, their interests would be considerably influenced if the South China Sea conflict escalates. To name just a few examples, in the 17th ASEAN Forum (ARF) 2010 held in Hanoi, Vietnam-the rotating chair member, called all the participants to find out proper measures based on the UNCLOS and the DOC. In 2011 at the East Asia Summit (EAS) in Bali, the South China Sea disputes appear in the conference's agenda in spite of vehement opposition from the Chinese delegates. This marks the trend of "internationalization" of the South China Sea disputes is broadly backed by ASEAN member states and external actors, except for China. The joint Declaration of the EAS on the Principles for Mutually Beneficial Relations also highlighted that participating countries will respect International Law and settle differences and disputes by peaceful means (Heads-of-states-of-ASEAN, 2011).

In January, 2013, Philippines officially sued China to a UN Court in the Hague. Right after that, Philippines Foreign Minister Albert del Rosario announced the move with the media and recalled Chinese Ambassador in Manila. In April, 2013, Filipino government officially opposed China's claim before the UN. According to the Philippines, the China's U-shaped line, which is based on "historic rights" has violated its territory under international law and is not consistent with the UNCLOS. Foreign Minister del Rosario said that Manila will brought the case against China to Arbitration under UNCLOS, a treaty that both sides signed in 1982. In a press conference, he said, "The Philippines has exhausted almost all political and diplomatic avenues for a peaceful negotiated settlement of its maritime dispute with China […] we hope that the arbitral proceedings shall bring this dispute to a durable solution" (Rt news, January 22, 2013). The Philippines has taken steady steps to follow the case. In January, 2014, the country asked a UN's Permanent Court to consider its case. In February, 2014, it amended its arbitration pleading to "get a favorable decision soonest" (Bloomberg, March 30, 2014). In March, 2014, it submitted 40 maps and a 4,000-page document to the court.

In response to Philippines' moves, China said that it had sufficient historic and legal evidence for its sovereignty over Scarborough Shoal. Chinese Ambassador in Manila, MA Ke-qing reiterated Beijing's position and stressed that China has indisputable sovereignty over islands in South China Sea and its adjacent waters. The Ambassador said "the Chinese side strongly holds that the disputes on the South China Sea should be settled by parties concerned through negotiations" (BBC, January 22, 2013). Therefore, China refused to join the arbitration case and warned that it can damage the bilateral relations. Chinese Foreign Ministry spokesman Hong Lei reaffirmed Bejing's stance on March 30, 2014. He said, "China cannot accept the international arbitration sought by the Philippines, and the Philippines occupies some islands in the South China Sea "illegally". Moreover, the Philippines should be on the "right track" of using bilateral talks to resolve territorial disputes, Hong said in the statement (Bloomberg, March 30, 2014). Despites China's rejection, the arbitration court is still carrying out the procedures. In response to the first procedural order by the Arbitration dated August 17, 2013, Philippines submitted the Memorial on March 30, 2014. In its second procedural order, the tribunal issued a note fixing December 15 as the deadline for China to submit its counter-memorial.

Philippines's arbitration case against China in the International Court sets a good precedent for other

ASEAN claimants in seeking solution to the prolonged South China Sea disputes. The first benefit that the case would bring about is that both China and the Philippines have to explain their ways of interpretation and application of the UNCLOS 1982. Although China refused to take part in the tribunal as said above, it still has to clarify its claim of U-shaped line. Understanding China's interpretation would give another claimant a big advantage in the legal struggle against Beijing's baseless arguments. In addition, not only China but the Philippines also has to make its position clear concerning the way of interpreting Article 121, Paragraph 3 of UNCLOS 1982 on regime of islands and applying it to disputed features in Spratly islands.

The main trouble challenging ASEAN as a harmonized group to successfully employ institutionalization is its internal division. July 2012 marks the very first time during its forty-five-year history, ASEAN's foreign ministers failed to issue a joint communiqué after their annual meeting in Phnom Penh. Analysts have implied internal conflict within ASEAN as explanatory reasons for the failure, particularly between Cambodia and the Philippines. They emphasize the hand of China over the ASEAN unity. China "seems to have used its growing economic power to press Cambodia into the awkward position of rebuffing its ASEAN neighbors on one of the association's most important security concerns" (Bower, 2012). Southeast Asia expert Carl Thayer commented "Cambodia is showing itself as China's stalking horse. This will make negotiating a final code of conduct with China more difficult" (Thayer, 2012)[2]. Ba (2003) revealed that "few in ASEAN believed that China posed an immediate territorial threat to ASEAN" (p. 628). In addition to the point, McDevitt (2013) shed light on this phenomenon that individual members of ASEAN have varied in their priorities of choosing between nurturing relations with China and the protection of their benefits in the South China Sea.

Once more time, the division among ASEAN reflects in different views on the Philippines' arbitration case against China. Some member states think that the Philippines decided to "go-it-alone" without prior consultation within ASEAN. Although the Philippines' approach is regarded as a bold and innovative one, there is not broad consensus within the bloc. Vietnam is one of ASEAN members strongly supporting the Philippines' solution. According to source from the Vietnamese Government Office, the Prime Minister has ordered competent agencies to prepare legal documents to sue China and then submit them to the Central Committee of the Communist Party for further decision. During the visit to Vietnam by the Philippines Foreign Minister's in early July, 2014, the two sides agreed that China is flagrantly violating international law, especially its illegal operation of HYSY 981 drilling rig in Vietnam's EEZ and continental shelf.

All in all, member states of ASEAN can be generally divided into three groups regarding their behaviors in the South China Sea dispute: those on the front lines of the sovereignty issue (Vietnam and the Philippines); those with significant interests in the ultimate consequence of the conflict (Indonesia, Malaysia, Singapore, and Brunei); and those tilted towards to accommodate China (Cambodia, Laos, Myanmar, and Thailand) (McDevitt,

[2] Although both China and ASEAN have signed the DOC since 2002, little progress has been made in the 10 years on establishing and maintaining joint development solution. The non-binding declaration states that the claimants should be complied with the spirit of pursuing comprehensive settlement and cooperative solutions by agreeing the legal commitment. But China has not accepted to bind itself through a COC. Only an agreement on the Guidelines for the Implementation the DOC was reached by the ASEAN and Chinese foreign ministers 2011, which clearly is tentative and nonbinding (Thayer, 2009, p. 91). China also opposed the Zone of Peace, Freedom, Friendship and Cooperation (ZoPFF/C) proposed by the Philippines recently, which has been in agreement with other ASEAN states. In early 2013, a positive indicator appeared when China was reported to proactively propose the COC negotiations with ASEAN countries. However, when the negotiations will be concluded and whether they meet ASEAN's expectation about finishing within this year have raised other concerns. The new Foreign Minister of China, Wang Yi, recently in his official visit to ASEAN countries stated that ASEAN should have "realistic expectations" and take "a gradual approach" searching for a COC consensus (Chiu, 2013).

2013, p. 181). This division signifies a major problem of ASEAN as a single bloc to react unanimously vis-à-vis China in the South China Sea territorial disputes.

Conclusion

Following the assumption about an anarchic world, without the existence of an authoritative force as a "supreme governement" to manipulate, organize and sanction, the question why states agree to organize, participate in international institutions, and conform to action limitations, is an inextricable query. The "institutionalism" term proposes three answers based on three issues: (1) cost reduction, (2) value pervasion, and (3) power control. The South China Sea case supports the third issue: If the power assymetry continues to rise, the tendency for small ASEAN nations to choose "institationalization", aiming to constrain the power of the giant neightbour, will rise. This paper argues that, for weak nations, utilizing "institutionalization" is a possible solution to sovereignty dispute settlement with stronger states. "Institutionalization" can be defined as using laws, regulations or international, regional multilateral organizations to stipulate and control attitudes in the disputes. Besides "balancing power" through armament or coalition establishing, taking advantage of regional organizations, forums or international laws is one of the most auspicious policies for weak nations. Therefore, a thorough analysis of the model and efficiency of "institutions" will play a significant role in policy proposing.

Researches on the conflicts at the South China Sea point out that the power asymetry of ASEAN countries against China implies the disproportion of vulnerability level if the two parties directly confront. Therefore, from the stance of ASEAN states, the concern regards how to engage the powers in the disputes; and especially, how to determine a limit on force involvement or power balance inclination emanating from the eminence of military power. Ensuring the engagement of multinational institutions and settling conflicts according to the global community's undetaken laws build a certain foundation which helps legitimatize appropriate actions as well as illegitimatize attitudes reversing the comon commitment. This approach brought success to ASEAN states during 1999-2002 period, pressing China to accept the DOC in 2002, which helps restrict and predict actions of each party. However, due to the lack of commitment and detailed sanction measures of a binding treaty or document, the DOC has failed to handle the violations of the involving parties in the disputes, particularly the noticeable military power intensification of China in the past two years which rigorously vexed the regional security situation. The DOC guideline in mid-2011 marked a significant progress in palliating the tensed relationships among nations, prior to the establishment of a more binding treaty, the COC. Besides the regulative framework controlling attitudes of the relating parties in the South China Sea disputes, a connection between the COC and the UNCLOS is necessary that the COC requires UNCLOS adoption among involving states, which stipulates the modalities to identify claimed islands, rocks, and economic exclusive zones. China has an antecedent of misinterpreting the international treaties that it joins. Even the UNCLOS, the United Nations Convention on the Law of the Sea, obtaining the highest legal utility, was misinterpreted and disobeyed. There's no guarantee that China will completely comply with COC regulations. Then, the necessary step to take is to bind China in an institution whose members have signed in UNCLOS agreement, in order to preempt China from misinterpreting or disobeying, not to increase the binding level of a new legal institution (like the COC) or to expect China to conform to the rules.

The progress of the South China disputes confounds any prediction, yet there remains one affirmation

exist at the present that the outcome depends on the policy determination of involving parties who need to decide between two main tracks: favoring power or favoring institutions. Apparently, the road to the order, in which the relations among parties revolve around not only cooperation, but also conflict settlement, steered by legitimately binding wills or regulated by international organizations, takes longer time and much more efforts. Nonetheless, when the power asymmetry still remains among disputing states, "institutions" or "institutionalization" strategy always acts as the most feasible solution for small nations in dialogues and negotiations with stronger nations.

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