ASEAN's ineffective Response to The South China Sea Disputes

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ABSTRACT

ASEAN’S INEFFECTIVE RESPONSE TO THE SOUTH CHINA SEA DISPUTES

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Since 1992, five ASEAN member states (Brunei, Indonesia, Malaysia, the Philippines, and Vietnam) have been involved in territorial disputes with China at the South China Sea (SCS). China’s presence in the SCS has prevented the populations of the five ASEAN member states from getting safe and productive access to the lucrative natural resources and trade routes to the outside regions. Even though the SCS disputes have caused economic and security problems for at least half of ASEAN member states, it is puzzling that ASEAN has been suboptimal and ineffective in responding to the disputes. To answer this puzzle, I argue that ASEAN has been ineffective in responding to the SCS disputes due to three interrelated reasons. First, China’s economic and emergent power has disrupted ASEAN’s unity. Second, ASEAN member states prefer to practice conflict resolution through the ASEAN Way, which is driven by the norms of informality, consensus and non-interference. ASEAN members have formal conflict resolution mechanisms such as the ASEAN Regional Forum and ASEAN Ministerial Meeting to work on the resolution for the SCS. Instead, they desire to discuss their differences informally and bilaterally. Second, ASEAN member states lack generalized trust amongst themselves and with China. In terms of methodology, this paper relies on the community of practice framework. To do so, the paper begins with a survey of ASEAN’s activities from 1992-2020. Then, it shows the interrelations of the three factors through a snapshot of the 45th AMM in Cambodia. This study relies on primary sources from ASEAN’s documents and publications.
and secondary sources from literature that focuses on norms, trust, conflict management, and dependency. This study also contributes to the literature on trust by explicitly applying, for the first time, the concept of trust to explain ASEAN’s ineffectiveness.
ASEAN’S INEFFECTIVE RESPONSE TO THE SOUTH CHINA SEA DISPUTES

BY

RITHIYA SEREY
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A THESIS SUBMITTED TO THE GRADUATE SCHOOL IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE MASTER OF ARTS

DEPARTMENT OF POLITICAL SCIENCE

Thesis Director:
Aarie Glas
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I. INTRODUCTION

Since 1992, the Association of Southeast Asian Nations (ASEAN) has been involved in territorial disputes with China at the South China Sea (SCS). China’s claim of sovereignty of its nine-dash-line at the SCS has contradicted the territorial claims of many ASEAN member states such as Brunei, Indonesia, Malaysia, the Philippines, and Vietnam. ASEAN officially attempted to manage the disputes at the 25th ASEAN Ministerial Meeting (AMM) when the regional organization released the ASEAN Declaration on the South China Sea in 1992. The declaration called for each claimant to “resolve” the disputes through the respect of sovereignty and peaceful cooperation (ASEAN 1992). From 1992 to 2002, ASEAN states and China engaged in dialogues to produce a framework for the establishing a code of conduct that oversees the management of the disputes. With consensus, ASEAN member states and China signed a non-binding agreement of the Declaration on the Conduct of Parties in South China Sea (DOC) in 2002.

The DOC serves as “the framework of regional rules to manage and control disputes, to deepen practical maritime cooperation, to promote consultation on the code and jointly maintain the peace and stability of the South China Sea” (ASEAN 2002). However, the situation in the disputed areas continued to heighten because China has refused to halt its deployment of vessels and constructions. China’s coercion and militarization at the SCS have prevented the freedom of navigation. Without such freedom, the livelihood and security of the ASEAN population has been affected. The disputes spiraled out of control in 2012 at the 45th AMM, when ASEAN
failed to release the joint communiqué for the first time in its history. The ASEAN Chair, Cambodia, failed to reach a consensus due to disagreements over the mentioning and wording of the SCS disputes. Instead, Indonesia and Singapore led the negotiations to control the problem, resulting in the release of Six-Point Principles instead. In 2013, ASEAN and China agreed to implement the DOC and begin the discussion on a regional Code of Conduct at the South China Sea (COC). It took ASEAN and China another six years in 2019 to finish the first review of the COC draft. In 2021, the second review of the draft is nowhere near finished because ASEAN and China are still negotiating on when the right time to start it.

The long and ineffective ways that ASEAN has dealt with the disputes raised an important question: why has ASEAN been unable to resolve the SCS disputes effectively? It has almost been thirty years since ASEAN officially recognized the disputes, but it seemed unlikely for ASEAN to resolve them any time soon. As long as the disputes have not been resolved, China would continue to unlawfully restrict the freedom of navigation, exploit the natural resources, and put the livelihood of the ASEAN population at risk. I argue that ASEAN has been ineffective in resolving the SCS disputes due to three interrelated reasons. First, ASEAN states have varied two-level (economic and diplomatic) dependence with China. Second, ASEAN’s reliance on ASEAN norms and practices has been ineffective in resolving the regional disputes. Third, there has been a lack of generalized trust within ASEAN and between ASEAN and China. I show that the state-level analysis is helpful in providing a broad explanation of the effect of economic dependence. However, it is limited in giving a satisfactory answer of how power actually works in diplomatic settings. Most importantly, this explanation faces empirical limitations because the state’s behaviors, particularly of the Philippines, contradicts this explanation. The focus on ASEAN through the lens of a community of diplomats who share the
same norms and practices offers insights into how they perceive power and their practices. My other argument is that trust is often mentioned in scholarly works and even by ASEAN diplomats. However, analyses of ASEAN rarely focus on how it matters in managing a multilateral dispute as in the SCS disputes. I argue that focusing on trust in combination with the other two factors, dependency and practices of norms, can provide a complete picture of ASEAN’s ineffectiveness.

This paper is divided into five parts. First, I discuss the puzzle of ASEAN’s role as a regional organization and the process of managing the SCS disputes. Second, I offer a survey of alternative explanations and show their inadequacy in addressing the puzzle of the disputes. Third, I provide my arguments of the three interrelated reasons in more detail. In the last section, I use empirical evidence of ASEAN’s varied dependency with China, ASEAN diplomats’ perception of norms and practices, and the lack of trust to back up my arguments. This is done in three steps. I first survey the case details of ASEAN’s activities in the SCS disputes from 1992-2020. In the second step, I explore the three interrelated factors separately through economics data, scholarly articles, and a survey of ASEAN’s activities. To show the interrelations between the three factors, I zoom into the 45th AMM hosted by Cambodia in the third step. Finally, I conclude with a summary of this paper and point out its limitations, which I will address in a future project.
II. EMPIRICAL PUZZLE

SCS is situated at the heart of Southeast Asia, which encompasses the Strait of Malacca, the Paracel Islands, and the Spratly Islands. The territorial disputes can be divided into four groups of claimants (Stock 2014). First, China argues that it has lawful and historical sovereignty over the “nine-dash-line,” including the Paracel and Spratly Island chains (Stock 2014, 139). The second claimant is Vietnam, which views that the Spratlys and Paracels are their territories and China’s claim over these island chains is unlawful. The Philippines, the third claimant, disagrees with Vietnam and China over their claim on the Spratlys. Although the Philippines has had a disagreement with Vietnam over the Spratlys, it has been relatively small compared to China. The main reason was that China has tried to claim a majority of the Spratly islands, whereas Vietnam’s claim only slightly overlapped the Philippines’s geographical claim. The other claimants are Malaysia and Brunei, who claim that they have the rights to “their economic exclusion zones, as laid out by the United Nations Conference on Law of the Sea (UNCLOS)” (Stock 2014, 139). These competing claims have stemmed from the UNCLOS’s guidelines for economic exclusion zones, which failed to clearly define the zones’ boundaries, especially when the zones were overlapped or near multiple countries (Stock 2014).

The puzzle in ASEAN’s handling of the SCS disputes is that even though the disputes have created economic and security problems for the member states, ASEAN has not effectively managed the disputes. In terms of economics, the SCS is essential for the livelihood of the
Southeast Asian populations in three ways. First, almost two billion Southeast Asians rely on fisheries to support their income at the SCS, making the SCS areas rank as the fourth largest fisheries destination out of the nineteen fisheries around the world (Stock 2014, 140-141). Second, the SCS has one of the busiest shipping lanes in the world, making five of its ports “the top ten shipping ports in the world” (Stock 2014, 142). The third economic importance of the SCS for the populations of ASEAN claimant states is that it has a large reserve of natural resources. The SCS region may contain oil reserves from around eight billion barrels to two-hundred-and-thirteen billion barrels (Vagg 4 Dec. 2012). Like the fisheries and the shipping ports, these natural resources allow smaller economies of the claimant states to industrialize their economies further.

The ASEAN people are threatened by the security concerns at the SCS due to the presence of China’s vessels and constructions. China was responsible for the death of seventy-five Vietnamese soldiers at the Paracel Islands in 1974 (Lipes 13 Mar. 2018). In March 1988, Chinese and Vietnamese vessels again exchanged fire at Johnson South Reef, leading to the death of sixty-four Vietnamese soldiers (Lipes 13 Mar. 2018). The confrontations with Vietnam continued in 2014 when twenty-four Vietnamese boats were damaged during China’s construction of an oil rig at the Paracels (Bloomberg 6 Jun. 2014). The Philippines also experienced some costly confrontations with China. The Scarborough Shoal incident in 2012 was primarily caused by Chinese government vessels blocking “a Philippines naval ship from arresting Chinese fishermen accused of illegally harvesting coral and poaching sharks in the disputed waters” (Zhao 2012, 60). In 2019, China once again caused damage to a Filipino fishing boat around the resource-rich areas, resulting in the sunk of the boat. These incidents between China and Vietnam, and the Philippines show that China has relied on a “cabbage strategy,”
which combined the deployment of “civilian, paramilitary, and military vessels” to compete and coerce against the ASEAN claimants’ population (Cronin and Neuhard 2020, 22). The cabbage strategy allows China to engage in other activities such as military exercise and patrol, weapon tests, and construction of military facilities in the disputed areas (Cronin and Neuhard 2020, 25). Because approximately half a billion people were living near the SCS, the unresolved disputes have prevented the people of ASEAN from peacefully conducting their commercial activities such as fisheries, transportations, and harvesting of natural resources.

The economic and security issues of the SCS disputes contradict the “aims and purposes” of the ASEAN Declaration or Bangkok Declaration in 1967 (ASEAN 1967). The primary purposes of the establishment of ASEAN were to:

[A]ccelerate the economic growth, social progress and cultural development in the region through joint endeavors in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian Nations. (ASEAN 1967)

Furthermore, the declaration also aims to “promote regional peace and stability through abiding respect for justice and the rule of law” (ASEAN 1967).

It is puzzling that despite the objectives set by ASEAN and the importance of the SCS disputes for its populations, ASEAN as a regional organization has been ineffective in resolving the disputes after twenty-nine years. A regional organization is effective when it “produce[s] the desired results and, therefore, move towards stated goals” (Stubbs 2019, 3). The stated goals of ASEAN in the SCS disputes can be further found in the 1995 Bangkok Summit Declaration:

ASEAN shall seek an early, peaceful resolution of the South China Sea dispute and shall continue to explore ways and means to prevent conflict and enhance cooperation in the South China Sea consistent with the provisions of the TAC and the ASEAN Declaration on the South China Sea of 1992 as well as international law including the United Nations Convention on the Law of the Sea. (ASEAN 1995).
First, ASEAN has not successfully found an “early, peaceful resolution” because the negotiations are still ongoing (ASEAN 1995). Second, ASEAN has not been able to “prevent conflict” because China and ASEAN claimant states have repeatedly confronted each other militarily and diplomatically up to 2020 (ASEAN 1995). Third, ASEAN has seemed to “enhance[d] cooperation” mainly in informal forums, but the COC draft has still not been completed. ASEAN has committed its time and resources through formal and informal meetings, highlighting the importance of the disputes, but the disputes has not been resolved. My investigation of this puzzle could help ASEAN practitioners better perceive the limitations of their handling of the disputes, which prevented their people from freely engage in commercial activities at the SCS. It could also bring the attention of ASEAN scholars to understand the SCS disputes as caused by a conjunction of factors instead of individual factors.
III. EXISTING EXPLANATIONS

To explain ASEAN’s inability to resolve the disputes and realize its stated policy aims, IR literature provides three potential sets of explanations. The first draws on neorealist theory and stresses the effects of asymmetries in relative state power between China and ASEAN member states. The second emphasizes the persistence of norms within ASEAN and how these norms affect ASEAN’s process of conflict resolution. This strand of literature tends to come from the constructivist traditions. Relying also on the constructivist framework, the third strand of literature emphasizes the effects of social trust in producing cooperation. In the following subsections, I assess the strengths and weaknesses of the three explanations. My survey of the existing explanations highlights two themes: (1) the practice turn is valuable in complimenting the limited assumptions of dependency and norms in analyzing ASEAN’s ineffectiveness, and (2) IR scholars tend to recognize the importance of social trust, but its definition and the ways it has the effects on ASEAN’s ineffectiveness are rarely explained.

i. Power Asymmetry and Dependency

Proponents of the realist tradition understand power as the state’s ability to coerce others to act against their will (Dahl 1957). As shown by Dahl (1957, 202-203), “A has power over B to the extent that he can get B to do something that B would not otherwise do.” Barnett and Duvall
(2005, 49) identify Dahl’s (1957) conception of power as “compulsory power,” which has three core features: intention, conflict of desires, and material and ideational resources. First, A needs to have the intention to alter the behavior or action of B (49). Second, B needs to be coerced by A to engage in actions against B’s desires (49). Third, A has and uses material and ideational resources to alter B’s action (Barnett and Duvall 2005, 49). For Morgenthau (1948, 13-15), material resources are associated with economic, financial, territorial, and military capabilities such as natural resources, geography, population sizes, and military preparedness. Ideational resource is the “psychological relation” of A and B that comes in the forms of diplomacy and national character (Morgenthau 1948, 14). Morgenthau’s (1948) concept of nonmaterial resources is similar to Carr’s (1946, 132) “power over opinion,” which includes persuasive and propagandistic strategies. Even though states utilize these two types of resources, the material resources, especially military and economic capabilities, are the most important instruments (Carr 1946, 137; Morgenthau 1948, 14). Gilpin (1981) also resonates with this point, emphasizing the importance of military and economic power. Gilpin (1981, 13) defines power as strictly materialistic, which entails the “military, economic and technological capabilities of state.”

In this sense, compulsory power has a “direct control of one actor of the conditions and actions of another” (Barnett and Duvall 2004, 51). Furthermore, the use of power in realism comes in the context of an anarchic international order (Waltz 1979; Grieco 1988). International anarchy refers to a “self-help” system that leads the state to use its power for maintaining and achieving its interests (Waltz 1979, 111). Another feature of the concept of anarchy is “the absence of a common inter-state government” (Grieco 1988, 497). Therefore, realists see the state as rationalist and “principal actors in a world without common government” (Peou 2002,
It is important to note that states’ power in the international system is varied. In other words, the variation of power between the strong and weak states leads to power asymmetry between states. This power asymmetry is the foundation of the dependency theory. In dependency theory, the core or state with a large economy influences their peripheries’ behavior through economic dependency. Dos Santos (1970, 231) defines dependence as when “the economy of certain countries is conditioned by the development and expansion of another economy to which the former is subjected.” Because the peripheries’ economy depends on the core, the peripheries constantly fear that the core will punish them with sanctions if they do not comply.

Assessments of ASEAN’s ineffectiveness in managing regional disputes in the realist camp point to power asymmetry and economic dependence as the main factors. Mastanduno (2014, 40) points out that “regional institutions such as ASEAN, the ASEAN regional forum, or APEC are only as strong as the great power interests behind them.” Realists are not surprised that a regional organization comprised of weak states with dependence on China is “essentially ineffective” in compelling China to change its behaviors (Stubbs 2019, 7). The ASEAN members can be divided into three groups (Cook 2018, 73). The first group consists of “states that are closely aligned with and increasing economically depend on China,” which are Cambodia and Laos. The second group includes Vietnam and the Philippines, the most vocal opposition of China’s claim at the SCS. The third group includes the other six member states that adopt a neutral position. Cambodia and Laos’s strong economic dependence on China has led to the lack of a united stance in remaining neutral. Because ASEAN follows the norms of consensus, consensus on the SCS disputes of a divided ASEAN caused by China can be hardly reached. This divisiveness due to China means that “ASEAN is playing an increasingly
peripheral role in the management of these disputes” (Cook 2018, 74). Majumdar (2015, 82) supports this point by implying that ASEAN lacks unity, and this lack of unity makes it highly challenging for ASEAN to resolve multilateral disputes such as the SCS disputes. Moreover, Jones and Smith (2007) question ASEAN’s effectiveness as a regional organization in constraining China. In an economic sense, China had been sucking away foreign direct investment from the ASEAN members while also increasingly becoming ASEAN’s largest trading partner. For the SCS case, Jones and Smith (2007) assert that ASEAN’s forums have not been effective enough to stop China from “unilaterally” building its military base and using force at the SCS (Jones and Smith 2007, 177). Most importantly, China has not signed any binding agreement with ASEAN, and China has not given up on its historical claim at the SCS (Jones and Smith 2007, 179).

However, the application of power asymmetry and dependence in investigating ASEAN’s effectiveness can also be optimistic. He (2008, 495) argues that both the “distribution of power in the system and the economic interdependence” between ASEAN and external actors determine whether ASEAN engages in “hard power balancing or soft institutional balancing.” Hard balancing refers to the balance of power through military means (He 2008, 492). Institutional balancing is a part of soft balancing, which is related to “non-military balancing behavior” (He 2008, 492). ASEAN engages in institutional balancing against China through its multilateral institutions, ASEAN Plus Three (APT) and ASEAN Regional Forum (ARF). Because ASEAN members are comprised of weak states and economically dependent on China, hard balancing is an unfeasible option. He (2008, 504) claims that ASEAN’s institutional balancing is effective “in terms of constraining China’s assertiveness over the South China Sea.”
This argument contrasts with Jones and Smith’s (2007) argument that the ASEAN forums have not done enough to prevent China’s militarization at the SCS.

Assessing the power asymmetry explains how China has been capable of coercing ASEAN states’ vessels at the maritime space, but it is inadequate in showing how power asymmetry coerces ASEAN states to adopt their policy in favor of China. The China-ASEAN’s relation provides that ASEAN members have depended on China economically. The annual bilateral trade between ASEAN and China accounts for 640 billion USD, making China ASEAN’s biggest trade partner. The dependency argument has some merit when applies to the SCS dispute. States with high dependency on China, such as Cambodia and Laos, largely avoided contradicting China’s position of the SCS at ASEAN forums. Dependency argument became less accurate when applied to other ASEAN states such as the Philippines and Vietnam with a similar level of dependence as their members. These states have shown to be persistent in challenging China’s claim in the SCS. The assumption of dependency theory provides that the Philippines and Vietnam would conform with China in fear of sanctions. During the 45th AMM in 2012, China preferred that ASEAN members avoid releasing any sensitive statements on China and the SCS. However, the Philippines had naval disputes with China at Scarborough Shoal demanded the release of a joint communiqué with statements on the SCS. The Philippines’ behaviors led China to ban the Philippines’ agricultural exports. If dependency worked based on sanctions, it would be expected that the Philippines became less amplified on the SCS disputes. Instead, the Philippines brought the case to International Arbitration against China in 2013 and won decisively in 2016 (Kipgen 2018, 6). However, China refused to recognize the ruling and insisted on resolving the disputes bilaterally with the claimant states (Kipgen 2018, 6).
The inadequacy of the power asymmetry and dependency arguments is rooted in the limited definition of power. This limitation prevents scholars from fully understanding “how global outcomes are produced and how actors are differentially enabled and constrained to their fates” (Barnett and Duvall 2005, 41). Realists assume that the state’s power is drawn from strictly military and economic capabilities. This assumption leads to two problems. First, realists’ assumption of power ignores the diplomatic power that a powerful state like China has used in combination with military and economic power. It is more beneficial to understand power through Nye’s (2009, 160) concept of “hard power” (economics and military) and “soft power” (diplomatic). Soft power refers to strategies related to diplomacy, culture, and medial that the state deploys to persuade and compel other states to engage in actions and behaviors that are not necessarily against their will. State cannot rely on hard power or soft power alone, so it needs to combine these two types of power to achieve the expected outcomes (Nye 2009). Nye (2009, 160) identifies the combination of military, economic, and diplomatic power used by states as “smart power.” If hard power were enough for China to affect the outcomes of the management of the SCS disputes, China would not commit its resources to deeply its diplomats to multilateral and bilateral meetings with other ASEAN states. This implies that China has been using both types of power in serving its interest at the SCS.

The second problem of realists’ restricted definition power is connected to the first point: hard power is unfit to understand how power works in diplomatic settings. The point here is not to reject the importance of hard power, but the point is that hard power is channeled through the competent practices of its diplomats. Adler-Nissen and Pouliot (2014, 891) provide that power is wielded in practice through “emergent power,” which refers to the endogenous resources – social skills or competences – generated within practices.” Competence is a “social skill,” recognized
through the relations with others that is used to convince others in a particular way (Adler-Nissen and Pouliot 2014, 895). Furthermore, practices refer to “patterned, competent performances” acted out through cognitive reflexes or “thoughtless behavior” (Bourbeu 2017, 173; Glas 2017, 835). Using micro-level analysis through diplomatic power allows for a clearer understanding of how ASEAN diplomats perceive China’s handling of the disputes through bilateral negotiations as competent practices. Therefore, analysis on dependency needs to include both the macro (economic) and micro (diplomatic) levels of analysis to make sense of ASEAN’s inability to resolve the SCS disputes.

In summary, realist scholars understand ASEAN’s ineffectiveness in the SCS disputes through the asymmetry of power and economic dependency of China and ASEAN member states. ASEAN, which included relatively ten weak states, has been divided by China’s economic power. Because these states also have economic ties with China, they lack the consensus to compel China to change its behavior at the SCS. However, the persistence of Vietnam and the Philippines in challenging China’s position at the SCS shows the limitation of the realist explanations. The conceptualization of power limits the explanations of ASEAN’s ineffectiveness that rely on the asymmetry of power and economic dependence. In other words, the realist point of view cannot fully explain how China wields its power, especially at a diplomatic level. These limitations provide an opportunity to understand China’s power in diplomatic settings through the lens of competent practices and emergent power.
ii. Persistence of ASEAN Norms

Constructivism opposes neorealism’s structural explanation that material power triumphs over all spheres of world politics. Instead, constructivist scholars focus on nonmaterial elements such as ideas and identities. Ideas are “intersubjective” and “institutionalize,” meaning that they are socially constructed (Hurd 2014, 302). Identities are also intersubjective in the sense that actors within a state develop a “collective sense” of their cultures and politics, which are distinguishable from others. Most importantly, it is the meaning prescribed by “human action and interaction” that shapes the material world (Adler 1997, 332). Constructivists accept that states are driven by their self-interest. However, national interest is shaped by the state’s interaction and their identities. In ASEAN, most states have a similar identity in terms of their weak power and sentiment toward external powers. All Southeast Asian states (except Thailand) had been colonized by European powers. ASEAN’s “imagined community” adopted its cultural and political identities through cooperation to avoid further exploitation by external powers. At the same time, ASEAN states have shown commitment of avoiding confrontation like the one between Indonesia and Malaysia, which was known as “Konfrontasi” (Acharya 2014, 58). As a result, these shared identities have led to the “security community” of ASEAN. The security community refers to “groups of states which have developed a long-term habit of peaceful interactions and ruled out the use of force in settling disputes with other members” (Acharya 2014, 1). However, this does not mean that there is no conflict of interest. In a security community like in ASEAN, states may disagree over policies, but they would generally accept to manage the conflict peacefully (Adler and Barnett 1998, 35).
In ASEAN, the community has a collective expectation or set of norms to maintain a peaceful dispute resolution. ASEAN upholds the norms of non-interference, respect of sovereignty, and peaceful settlement of disputes. Constructivists see institutions as a collection of “behavioral rules” or norms, whereas norms precisely refer to “single standards of behavior” (Finnemore and Sikkink 1998, 891). Norms are mutually constitutive with shared identities. Particularly, ASEAN member states’ shared identities lead to the creation of the “ASEAN Way” (Acharya 2014, 77-78). Although ASEAN scholars and practitioners often contest the definition of the “ASEAN Way,” the most known definition from Acharya (2014, 79) describes it as a “decision-making process” that stresses cooperation through the norms of informality and consensus. For Yukawa (2017, 2), another important characteristic of the “ASEAN Way” is the respect of the member states’ sovereignty. Constructivists credit the ASEAN norms as the main reasons for peaceful conflict resolution in Southeast Asia even though these norms tend to lead to a delayed conflict resolution (Acharya 2014, 155). The ASEAN security community had been tested by border disputes between the members, notably the disputes between Vietnam and Indonesia, and Singapore and Malaysia (Acharya 2014, 151). These disputes rarely led to full-fledged militarized disputes because ASEAN members chose to resolve them through dialogues. Similarly, the Thai-Cambodian border dispute led to some tensions, but the disputes were resolved through informal dialogues (Glas 2017, 850). In some occasions, ASEAN tends to be slow to respond to the disputes and fails to avoid escalating tension. Even when tensions were escalated, ASEAN refused to use its formalized platforms (Glas 2017, 849). Although it is puzzling for external observers, ASEAN diplomats recognize the practices of these norms as meaningful and competent practices.
Constructivist scholars point to the positive effect of the ASEAN Way in socializing China in the SCS disputes. In the SCS, “ASEAN could claim some success in dealing with China” because ASEAN was able to socialize China to “conduct Sino-ASEAN multilateral consultations” (Acharya 2001, 158). The SCS disputes have dented ASEAN’s unity, but it did not mean ASEAN has been completely dysfunctional. ASEAN and China agreed to the DOC in 2002. Most importantly, ASEAN and China have continued to have dialogues on the issues. At the same time, the negotiation process has been “painfully slow,” showing the suboptimality of the ASEAN norms in resolving the SCS disputes (Acharya 2014). However, the slow pace of ASEAN’s conflict resolution in bilateral disputes and the SCS disputes is the alarming trend of ASEAN’s ineffectiveness in managing disputes. Moreover, the “slow, ineffectual informal dialogue” of ASEAN has the potential to heighten the tension of conflicts (Glas 2017, 852). This also shows ASEAN’s persistence of practicing its norms in managing many security disputes whether regional or bilateral. Nevertheless, constructivist scholars remain optimistic about the avoidance of conflict and emphasis of dialogue in the SCS made possible by the “ASEAN Way” (Majumdar 2015, 82). For instance, Townsend-Gault (1998) praises ASEAN for using its forums and workshops to socialize China into resolving the disputes peacefully and multilaterally. More importantly, the informal workshops have served as foundations for the formal negotiations that led to the agreements to pursue the DOC and COC. Johnston (2003, 137) resonates this point by attributing the ARF as the key source of reducing the likelihood of China engaging in militarized disputes over the SCS. ASEAN diplomats managed to persuade Chinese diplomats to respect the ASEAN norms at the multilateral platforms (ARF and AMM) and informal workshops. ASEAN diplomats also managed to slow down China from forcing its historical claims against ASEAN claimant states. Despite the slow negotiation, China had dropped and narrowed the scope of its
claim of the SCS (specifically the claim to Indonesia’s Natuna Islands) (Johnston 2003, 137). The exclusion of the Natuna Islands exemplifies the achievement of ASEAN in socializing China in changing its behavior.

Although constructivist scholars highlight the importance of the pacifying effect of ASEAN and its norms in conflict resolution, it tends to suffer from two main criticisms. The first criticism from ASEAN skeptics questions the empirical accuracy of the pacifying effect of the ASEAN norms (Stubbs 2020, 5). For instance, Glas (2017) provides that ASEAN states had 105 militarized interstate disputes (MID) from 1946 to 2010. This evidence contradicts the narrative that “while the organization has existed, intra-regional conflict has been a rarity” (Beeson 2019, 33). Even if other evidence shows that conflicts between member states are reduced, the skeptics see the reduction of conflicts as a pacifying effect of the end of the Cold War instead of ASEAN norms (Stubbs 2020, 5). It is important to stress that the proponent of ASEAN, Acharya (2001) accepts that conflicts in Southeast Asia has not completely stopped from occurring. However, the caveat is that these conflicts are resolved with dialogues. This argument has empirical merit because it has been shown that the fatalities number is low (Glas 2017). The same argument can be extended to the SCS disputes. China had many militarized confrontations at the disputed sea with Vietnam, the Philippines, and Indonesia, but the confrontations have never led to a large number of fatalities. Then, this criticism is unfair because it is the misperception of ASEAN skeptics of what ASEAN proponents’ meaning of peace and stability.

The second set of criticisms is that its proponents exaggerate the power of norms in persuading other actors. This criticism tends to come from the realist camp. Jones and Smith (2007, 187) argue that ASEAN has not successfully transformed itself into a security community because of its commitment toward non-interference and state sovereignty norms. In reality, the
SCS disputes show that socialization and norms are not effective enough to get ASEAN member states to have more common interests and support for one another as a community. Moreover, the lack of unity and the non-interference norms cannot compel China to change its policy and actions toward the SCS disputes. This leads Jones and Smith (2002, 94) to argue that “ASEAN scholarship promote[s] regional delusion rather than proper analysis.” The regional delusion they refer to is the inaccurate identification of ASEAN as a security community. Instead, ASEAN is an “imitation community” comprised of states that lack shared identities and interest disguising as a security community (Jones and Smith 2002, 108). Jones and Smith (2002, 104) back up this argument by referring to ASEAN’s “ineffectiveness” in handling ethnic conflicts between the ASEAN states because of the “ASEAN Way.” This example indicates that ASEAN is not effective in resolving bilateral disputes internally, let alone the multilateral disputes between ASEAN members and China.

To sum up, constructivist scholars emphasize the effect of the ASEAN Way in socializing China to resolve the SCS disputes. Scholars such as Acharya (2014) and Johnston (2003) understand that the negotiation has been slow. However, ASEAN has shown its centrality in using its platforms to push out key initiatives and socialize China. On the other hand, skeptics of the ASEAN Way questions its peaceful effect and the effect of ASEAN’s socialization on China. In terms of socialization, it is evident that it has a limited effect. China has become more acceptance of formal and informal multilateral negotiations with ASEAN, but China has continued to deploy its vessels at the SCS. Furthermore, China has also socialized ASEAN to accept China’s rise as benevolent (Ba 2006, 169). This indicates that socialization “works both ways” (Ba 2006, 170). The constructivist tradition’s reliance on identity and norms become problematic when explaining the change and persistence of ASEAN norms (Davies 2015).
Constructivists assume that ASEAN’s persisting norms have been due to the transformation of its identity and regional interest (Davies 2015, 6). This assumption implies that diplomats can perceive a clear understanding of ASEAN’s changing norms constituted by its changing identity. Consequently, diplomats make decisions based on their perception of norms “each time an actor faces a decision.” Similarly, the rationalist account viewed that the “continuity” of norms in ASEAN has been due to the constant pursuit of material interest (Davies 2015, 8). Davies (2015, 10-11) points out that these accounts provide an “inaccurate” analysis of diplomatic practices in ASEAN because “[t]he ASEAN rationality was unthinking and reflexive.” ASEAN rationality refers to “the practical sense,” which Pouliot (2008, 275) defines as “socially constituted sense of the game,” that has routinized and conditioned ASEAN diplomats to automatically apply it in decision-making processes (Davies 2015, 12). The limitations of neorealist and constructivist’s structural account of ASEAN’s ineffectiveness mean that we need to bring the analysis to the practice turn and micro-level analysis. The practice turn is especially valuable to understand ASEAN norms because norms are “stable” but also “fluid constructs” (Glas and Balogun 2020, 6). Norms are fluid because diplomats perceive them differently and “remain open to interpretation across settings” (Glas and Balogun 2020, 6). In other words, only through practices can we see how ASEAN diplomats contest and apply ASEAN norms and how they are limited by the norms as well, which affect the resolution of the SCS disputes.

iii. Trust in ASEAN’s Conflict Resolution

IR scholars tend to implicitly attribute the lack of trust as an essential factor in preventing an effective conflict resolution. Trust refers to “an actor’s willingness to place its interests under
control of others based on the belief that those actors will honor their obligation to avoid using their discretion in a harmful manner” (Hoffman 2002, 394). This definition points out the importance of reciprocity in a trusting relationship. The sense of reciprocity is built by years of repeated interactions and experience (Adler and Barnett 1998, 46). This point is reiterated by Ba (2006, 169) that the relationships that lack trust demand “consistency of interaction over time.” When trust exists between actors, trust helps to “cognitively reduce or eliminate the overall amount of risk and uncertainty they face in making decisions” (Keating and Ruzicka 2014, 755).

For realism, trust is a product of international anarchy. As shown by Shore (1998, 334), “international anarchy generally precludes trust because there is no international government … which can ensure the physical safety of states.” This means that states constantly fear being “punished” or “exterminated” when they put trust on each other in the anarchic system (Shore 1998, 334). To avoid the lack of trust, states rely on international institutions to rely on international institutions to monitor and provide “dependable expectations of peaceful change” (Adler and Barnett 1998, 46). When there is a trusting relationship, states use their knowledge and belief of others to engage to peacefully resolve disputes instead of relying so much on international institutions.

Despite the importance of trust in conflict resolution, the study that shows the connection between trust and ASEAN’s effectiveness in resolving the SCS disputes is rare. Two pieces that specifically attempt to show this connection are found in Weissmann (2010) and Emmer’s (2016) articles. For instance, Emmers (2016, 76) argues that “residual mistrust” has been the main factor that explains “the lack of progress made towards conflict resolution under ASEAN auspices.” For Weissman (2010, 54), the informal workshops for the SCS disputes between ASEAN and Chinese diplomats have helped ASEAN to build “trust and confidence-building
mechanisms.” Consequently, the increase in the level of trust between ASEAN and Chinese diplomats has allowed them to avoid miscalculation and confrontation (Weissman 2010, 55). The evidence of this transformation is shown in ASEAN’s processes in the forms of workshops and forums in socializing China to build trust through multilateralism. Weissman (2010, 59) perceives these processes as positive because China’s acceptance of multilateral engagement with ASEAN led to the regional code of conduct in 2002. Other than these two pieces, much attention is focused on showing how trust affects the creation of ASEAN instead of how it impacts ASEAN’s effectiveness. For instance, Acharya (2014, 58) asserts that the rationale behind the five members to create ASEAN in 1967 was due to “the reefs of intra-regional mistrust and animosity.” This animosity included the tension between Singapore and Malaysia and Konfrontasi, which involved the use of force between Indonesia and Malaysia. Similarly, Edwards (2018) argues that ASEAN leaders engaged in rational trust that emphasizes cost-benefit calculation when ASEAN was established. This argument is supported by the former ASEAN diplomat Marty Natalegawa (2017, 233), who posits that “ASEAN members” have gradually transformed “trust deficits to strategic trust.” The recognition of the role of trust in ASEAN was highlighted by ASEAN scholars and diplomats, but the effect it has had on conflict resolution in the SCS disputes was unclear.

On top of the limited understanding of how trust affects the SCS disputes, trust tends to be mentioned casually without a proper operationalization. Emmer’s (2016) piece exemplifies such a problem. The paper becomes problematic when Emmers (2016, 76) admitted that he had no intention to “measure” residual mistrust. Then, it is unclear to track the effect of residual mistrust on ASEAN’s response to the SCS disputes. A similar problem is shown in Weismann’s article, in which the effect of trust building lacks clarity because of the lack of operationalization.
Also, Acharya (2014) never defines trust and clearly shows how it is important for ASEAN to resolve interstate disputes. Another problem with operationalizing trust is to misunderstand it as confidence. Keating and Ruzicka make a distinction between these two concepts:

The fundamental difference between confidence and trust is that trust is an intersubjective social structure that cognitively reduces or eliminates the overall amount of risk and uncertainty that an actor faces, while confidence is simply the calculation that an actor will reciprocate cooperation or follow an agreement or social norm. (Keating and Ruzicka 2014, 756)

The interchange of these two terms is exemplified in Edward’s (2018) piece. Edwards made the claim that trust is “a multi-dimensional and temporal phenomenon.” However, it is puzzling that he refers to rational trust as the “most significance, and necessary element” in the formation of ASEAN. If trust is multi-dimensional and temporal, rational trust cannot capture these two terms. Rational trust is built upon the understanding that actors engage in a cost-benefit calculation, and with this calculation, they expect immediate reciprocity. The immediateness of reciprocity is empirically challenging given that ASEAN leaders were unsure of what the reciprocity entails and when the reciprocation occurs when ASEAN was created. Most importantly, rational trust assumes that ASEAN leaders and diplomats engage in a cost-benefit calculation every time they make a decision. This notion deviates from the practices of ASEAN diplomats, which unconsciously draw from their collective background knowledge. The ways that trust become embedded and habituated in this background knowledge of ASEAN provide insights into ASEAN’s ineffectiveness.

In short, trust is hinted at as an important factor in ASEAN’s management of the SCS disputes. ASEAN and Chinese diplomats lack a trusting relationship, but this relationship has been facilitated by ASEAN dialogue processes and China’s gradual acceptance of multilateralism. However, the trusting relationship remains limited because the disputes have not
been resolved. Furthermore, it is still unclear how we see the effect of the lack of trust. The main reason for this is the limited operationalization of trust. The remedy to this limitation is to provide a clearer operationalization of trust. Because research on trust lacks operationalization and application in the SCS case, it provides an opportunity to make meaningful contribution by focus on the operationalization of trust and apply it on the SCS case.

Based on the survey from the existing explanations (dependency, practices of norms, and trust), the analysis of the ineffectiveness of ASEAN in the SCS disputes is insufficient when any of the factors are excluded. Instead of separating the three factors, a clear understanding of ASEAN’s ineffectiveness can be achieved by seeing these factors as interrelated. Sil and Katzenstein (2010, 10) call this research strategy of combining different factors from different traditions “analytic eclecticism.” As defined by Sil and Katzenstein (2010, 10), eclecticism refers to “any approach that seeks to extricate, translate, and selectively integrate analytic elements” provided by separate traditions. The rationale behind using this eclectic approach is to use the analytical strength of one tradition to complement the shortcomings of other traditions (Sil and Katzenstein 2010, 11). For instance, the realist tradition’s limited definition of power in explaining ASEAN’s ineffectiveness is supplemented by the constructivist’s ideational understanding of emergent power. Moreover, the constructivist tradition also helps to shows how ASEAN states in the material world are constraint by their practices of norms and the lack of trust. Consequently, the analysis is not limited to just one level of analysis. The ineffectiveness of ASEAN has been hamstrung by both its material relation with China (in macro level) and the suboptimality of its diplomatic practices (in micro level). In other words, ASEAN’s ineffectiveness at the SCS is the story of both the external and internal factors. The intention here is precisely to capture the dynamics of these two sources. Therefore, investigating ASEAN’s
ineffectiveness through the interrelations of dependency and emergent power, practices of ASEAN norms, and the lack of trust provides insights on the complexity and nuances of the SCS disputes.
IV. ARGUMENTS

I argue that ASEAN has been ineffective in resolving the SCS disputes due to three interrelated reasons. First, China has projected its economic power through competent practices and emergent power. Second, ASEAN community of practice (CoP) relies on ASEAN norms and practices that are ineffective in resolving regional disputes. Third, there is a lack of generalized trust not only between ASEAN and China but also between ASEAN members. I argue that generalized trust is an essential component of the background knowledge that constitutes the ASEAN CoP’s reflexive behaviors and practices toward conflict resolution.

Background knowledge is a “set of collectively shared dispositions and expectations embedded in practices” (Adler 2019, 72-73). Moreover, background knowledge is subjective and intersubjective because it transcends individual expectations of collective actions to a community level. In a CoP, diplomats draw on background knowledge to make sense of the world. Through the routinized translation of background knowledge that led to “habitual practices,” repetitive practices lack a reflection (Glas 2017, 838). Trust is a significant component of such background knowledge because it provides the expectation of cooperation. At first, the development of trust of diplomats begins through reflexive rational calculation of the cost and meanings of putting trust in others. When trust becomes institutionalized or habituated, individuals no longer make rational decisions based on the consequence of trust. Their experience becomes a background knowledge that reflexively informs them of the generalized trust shared within the community. I
argue that since the SCS disputes was first officially recognized by ASEAN in 1992, the level of generalized trust has been inadequate between ASEAN and Chinese diplomats, which can be seen in the limited nonbinding agreements. The lack of generalized trust embedded in diplomats’ practices has prevented ASEAN and Chinese diplomats from having meaningful commitment to resolve the disputes. As a result, the lack of binding commitment due to the lack of generalized trust has caused ASEAN to be ineffective.

In this paper, I show that China’s economic dependency manifests in ASEAN forums and workshops. Economic dependency refers to when the ASEAN states’ (periphery) economy relies on China’s (core) trade, aid, and foreign direct investment (FDI). Economic dependency provides a broad understanding of how state relations work between powerful and less powerful states. This macro-level analysis of state relations in ASEAN is problematic in two ways. First, it is a misconception that economic dependency is enough to compel claimant states to give up their territorial claims. Claimant states such as Vietnam and the Philippines have contested with China on the SCS even though China repeatedly threatened and banned their exports to China. Second, it cannot tell us how power actually works in practice or diplomatic environments. The inadequacy of the two shortcomings of economic dependency led me to narrow down the level of analysis from state level to diplomatic community level.

China relies on its material power as much as the emergent power of its diplomats through competent practices to resolve the disputes. China’s strategies on the SCS disputes are to avoid interference from external actors and delay the resolution of the disputes. The latter strategy allows China to buy more time to strengthen its military and economic power at the SCS. For the former, it prevents other actors, especially the US, from having influence at the SCS and helping ASEAN to resolve the disputes that will be not in China’s favor. In order to
shield external factors from involving in the disputes, China has started to involve its diplomats in ASEAN forums. Notably, the ASEAN Regional Forum (ARF) has become the platform for Chinese diplomats to show that their practices are competent in resolving the disputes. Practices refer to “socially meaningful performances that generate patterns of interaction” (Glas and Balogun 2020, 3). Then, Chinese diplomats’ practices are competent when ASEAN diplomats recognize them. This competence is not given because it is contested between Chinese and US diplomats at the ARF. Because Chinese diplomats manage to frame their position that receives support by ASEAN diplomats skillfully, I argue that China won the contest over competent practices in dealing with the disputes. This is not to say that all ASEAN diplomats recognize China as competent actors. Filipino and Vietnamese diplomats are the examples of the dissidents against China’s emergent power. Particularly, the Philippines has been vocal in trying to bring the US to support its position at the SCS.

Because ASEAN CoP practiced the norms of consensus in resolving the SCS disputes, the disagreement on the competent on China from the Philippines and Vietnam has not received enough support. At the same time, ASEAN’s norm of interference provides that the SCS disputes need to be managed directly with the actors involved. These two norms show that ASEAN has divisive positions. Furthermore, these norms are in favor of China’s strategy to avoid interference while delaying the resolution of the disputes. Not having a clear position means that ASEAN needs to take time to build trust to forge a stronger cohesion, leading to slow negotiations. China has seen limited success in taking advantage of the norm of consensus to divide ASEAN. The failed joint communiqué in the 2012 AMM exemplifies such success. ASEAN could not reach a consensus to mention China’s illegal activities at the SCS. However, it has not always been a success because ASEAN has managed to form a consensus and release
statements that show concerns over the SCS. Still, the consensus on these statements was limited because it has never mentioned China directly. The implication here points to China’s compatibility with the ASEAN norms, resulting in the delay of the negation process. At the same time, it is inadequate to blame China alone for the suboptimal negotiations at the SCS. Looking at the ASEAN norms and practices provide a contour of the limitations of the internal interaction between ASEAN members.

I argue that another norm of the ASEAN Way, the norm of informality, is ill-equipped for resolving the SCS disputes. The norm of informality refers to the way ASEAN diplomats insist on discussing sensitive subjects at informal meetings instead of formal meetings. ASEAN’s focus on the Indonesian-led workshops of the SCS exemplifies the problem of the practices of this norm. Instead of using this workshop to resolve the SCS disputes, the purpose of this workshop has been to build trust between ASEAN and China (Townsend-Gault 1998). Nevertheless, the workshops have not improved the lack of generalized trust because they have not produced any binding agreement. Furthermore, the purpose of the workshop implies that even in informal settings, ASEAN diplomats have had a limited discussion on resolving the SCS because the focus is on trust-building measures. This raises the concern over ASEAN’s reliance on its informality norm to resolve interstate disputes. Because ASEAN diplomats have not been able to have a substantial discussion on the SCS in neither formal nor informal settings, ASEAN could not swiftly respond to the disputes.

By analyzing these three factors together, my next argument is that dependency and emergent power, ASEAN norms and practices, and the lack of generalized trust have an interrelated effect in causing the ineffectiveness of ASEAN’s management of SCS disputes. My concern is not so much on the order of these factors or what factors come before another.
Instead, my focus is on the simultaneous occurrence and the mutual interactions between these three interrelated factors. The varied dependency between China and ASEAN members has led to the limited generalized trust within ASEAN and between ASEAN and China. For instance, claimants such as the Philippines and Vietnam, who are less dependent on China, doubt the impartiality of non-claimant states who are more dependent on China, such as Cambodia and Laos. When there is a lack of generalized trust, the practices of ASEAN norms are also expected to be persistent. The ASEAN norms (informality, non-interference, and consensus) were built upon the lack of generalized trust. The main motive of these norms has been to allow ASEAN member states to cooperate at their wills through consultations. In other words, the interactions between ASEAN diplomats through their norms are informed by the background knowledge, which is the lack of generalized trust. Because generalized trust has been hindered by the continuation of ASEAN’s varied dependence on China, ASEAN was stuck with ineffective norms, unsuited for resolving territorial disputes.
V. RESEARCH DESIGN

To understand the effects of dependency, norms, and trust on ASEAN’s response to the SCS disputes, this paper analyzes ASEAN as “a community of practice” (CoP) (Adler-Nissen and Pouliot 2014; Glas and Balogun 2020). As defined by Glas and Balogun (2020, 2), CoP refers to “a discrete group of officials bound together by common enterprise, dense interaction, and shared tools and resources with which they pursue their goals.” Then, CoP is commonly defined by three interrelated qualities: dense interactions, common repertoires, and a collective enterprise (Glas and Balogun 2020, 7). The ASEAN’s CoP includes ASEAN Secretariats, foreign ministers, staff in the working groups, and technocrats who share the collective enterprise on resolving SCS disputes. Chinese diplomats should not be confused as part of the ASEAN CoP. They have some interactions with other ASEAN diplomats, and they do not practice ASEAN norms on all ASEAN platforms. The ASEAN Ministerial Meetings (AMM) is an example of this because of the simple reason that they are exclusive to ASEAN members. However, these norms are imposed on China in the working group meetings and the ASEAN Regional Forum (ARF). For these reasons, China is not a part of the ASEAN CoP. Therefore, the CoP concept is useful in showing how norms are transferred from the CoP to the external actor.

In terms of dependency, the benefit of using the CoP framework is it shows how power works at the micro-level and diplomatic settings, which the limited material explanation of economic dependency lacks. The point of showing evidence that contradicts existing
explanations is to follow Bennett and Checkel’s (2001, 23) suggestion of casting “the net widely for alternative explanations.” It is during the ARF where I show Chinese diplomat’s emergent power through the skillful frame of their position. Then, through diplomatic meetings between diplomats, it allows us to see the effect of economic power. Being opened to discussing alternative explanations also supports the concept of “equifinality,” which means there could be multiple factors affecting the outcome (Bennett and Checkel 2001, 23). ASEAN’s response to the SCS disputes presents an opportunity to show case such equifinality because it is driven by both material and social aspects. Furthermore, the CoP framework is useful in elaborating how ASEAN diplomats practice ASEAN norms. Norms are open to interpretation, and their ambiguity allows diplomats to have deviated interpretations and practices within the ASEAN CoP (Glas and Balogun 2020, 6). Again, this is where state-level analysis of the SCS disputes is lacking because the lack of attention on these diplomatic practices related to the interpretation and contestation of norms. Using the CoP, I am able to track the thinking of the representatives of the ASEAN member states from the meetings. This framework also allows for distinguishing between statements and behaviors. This means that diplomatic statements are not equal to how they perceive and trust each other and Chinese diplomats. Because ASEAN diplomats typically try to save face, it is more accurate to investigate their thinking and behaviors. Furthermore, I show that ASEAN diplomats’ practices of the norms of interference, consensus, and informality are one of the explanations of their suboptimal response to the disputes. As stated by Bennett and Checkel (2001, 34), arguments and theories related to norms “need to show that norms prevented actors from doing things they otherwise would have done.” Without these norms, ASEAN diplomats would have been more motivated in allowing for external assistance and pushing for more binding and formal process in resolving the disputes. A similar logic was applied to
generalized trust because more generalized trust would have resulted in more binding agreements, resulting in more commitment from China and ASEAN diplomats in reaching a resolution.

I analyze the interrelated effects of China’s power in diplomacy, practices of norms, and the lack of generalized trust from 1992-2020. My analysis begins in 1992 because this was when ASEAN officially recognized the disputes with consensus and put out a statement of trying to resolve the disputes. I survey the ASEAN and China’s activities during this timeframe, such as the negotiation at the working groups, negotiation at the AMMs, and bilateral meetings. Mainly, I investigate ASEAN’s diplomatic practices in drafting and negotiating the non-binding DOC and the ongoing COC that have been suboptimal and slow. The purpose of the survey is to provide a balance analysis of ASEAN’s failures and accomplishments in the SCS disputes. It highlights ASEAN’s accomplishments, such as the signing of the DOC and the first reading of the COC draft. Still, the theme of this survey is that ASEAN has been consistently slow and suboptimal in dealing with the disputes.

Before showing the interrelations of the three factors, I discuss and show evidence of each factor separately. I measure economic dependency in terms of the level of trade, foreign direct investment, and aid between China and ASEAN member states. Data on economic dependency is mainly quantitative, and it widely available from the World Bank, International Monetary Funds, and Aiddata. I show that economic dependency on China has limited effects the policy preference of ASEAN’s response. I illustrate such limited effect based on the behaviors of the Filipino diplomats to push ASEAN on two separate occasions in 2012 and 2016 in releasing statements against Chinese diplomats’ wishes despite China’s threat and use of sanctions. After discussing this limitation, I move to show China’s emergent power in the ASEAN forums. First,
I show this by relying on secondary sources that discuss how Chinese diplomats socialized ASEAN diplomats into believing that China was a benign rising power. I find that Chinese diplomats have seen limited success in socializing ASEAN into believing this because of China’s perpetual use of coercion at the SCS. This leads to the second point: China has been more effective through the expression of competent of its diplomats during the ARF. For this point, I draw from a leaked discussion at the ARF that comprises of ASEAN and American diplomats. I look at the way China’s Foreign Minister Yang Jiechi skillfully framed his position that received applause from many ASEAN diplomats during the meeting. The framing of the response was precisely the type of competent practices that led ASEAN diplomats to recognize Chinese diplomats as competent actors. The implication here is that such a social-oriented perception of power from ASEAN diplomats has also been ideational, instead of strictly materialist.

To support my arguments of the limitation of ASEAN’s practices of norms, I analyze the principles from The Treaty of Amity and Cooperation (TAC) that emphasize peaceful dispute settlement, non-interference and consensus. These principles become embedded in the ASEAN CoP’s practices and develop into norms. Then, I rely on secondary sources that include observations and interviews of the practices of these norms. To show the ineffectiveness of these norms, I focus on ASEAN diplomats’ insistence on moving the discussion of the SCS to the Indonesian-led working groups. I judge the effectiveness of the norms based on the outcomes produced by these workshops and their processes. I find these workshops ill-suited for resolving the disputes because their purpose is not to do so. I show that the outcome is limited, as seen in the watered-down DOC in 2002. Moreover, I provide that the slow drafting processes of drafting the DOC and COC have been due to ASEAN’s obsession with the practices of forming a consensus. More recent evidence of the norm of consensus is shown in the 2016 AMM in Laos.
that resulted in no mention of the Philippines’ victory at the international arbitrations against China. The lack of consensus in this AMM also shows the CoP’s practices of the norm of non-interference.

For the lack of generalized trust, I follow Rathbun’s (2011, 254) two indicators of generalized trust: fear of entrapment and fear of abandonment. The first indicator, fear of entrapment, refers to diplomats’ uncertainty of following the group’s actions, statements and agreements that contradict their own interest. Fear of abandonment means diplomats’ uncertainty that others abandon the norms and process of consensus and peaceful settlement. To show these two indicators of the lack of generalized trust, I compare the deviation of ASEAN and Chinese diplomat’s statements with their behaviors and practices. The diplomats rarely come out and express their lack of generalized trust with each other. Even if they provided statements of trust publicly, these statements “almost certainly be strategic language” that intended to save the face of each other (Keating and Ruzicka 2014, 758-759). However, they have the habit of calling for trust building, highlighting their perception of the importance of trust. I see the lack of binding agreement as the support for the two indicators because a trusting relationship is shown through written agreements (Hoffman 2002, 400). Patterns of the lack of generalized trust have become a background knowledge that ASEAN and Chinese diplomats unthinkingly draw from, which made binding agreements to resolve the disputes difficult.

After discussing the three factors separately from 1992-2020, I focus on the case study of the 45th AMM in 2012. The longitudinal study of the three factors in this period provides a limited understanding of how the factors are interrelated. The main reason is that these factors vary from year to year. For instance, the economic ties between China and the Philippines have gradually increased during Duterte’s administration in 2016. This shows that material interests
can effectively slow down the Philippines’ claim at the SCS. One piece of evidence is that after the Hague ruling in 2016, in which the Philippines pushed ASEAN to mention the ruling in the joint communiqué in Laos, the Philippines has stopped to pushed for such a statement. In terms of the practices of ASEAN norms, there has also been variations of the effect of these norms on the joint communiqué. Although ASEAN failed to release a joint communiqué in the 45th AMM, ASEAN has gained some consensus in releasing joint communiqué in the former and later years that mentioned the SCS. Similarly, the signing of the DOC in 2002 shows that generalized trust has not been entirely lacking, leading to such an agreement. The significance of the 45th AMM is that these three factors are at their peak, resulting in an accumulated effect that devastated diplomatic relations and prevented the release of joint communiqué for the first time. This method follows the case study analysis, which is defined as an “intensive study of a single unit for the purpose of understanding a larger class of units” (Gerring 2004, 342). The focus of using this case study is not to merely provide descriptions. Instead, I show the causal relation of the three interrelated factors in preventing ASEAN from being effective in resolving the SCS disputes. To show the effect of the interrelated factors, I rely on Chinese and ASEAN diplomat’s statements and behaviors during the meetings based on news reports and scholarly articles.
VI. SURVEY OF ASEAN’S ACTIVITIES AT THE SCS, 1992-2020

ASEAN’s official involvement with the SCS disputes that began in 1992 is attributed to China and Vietnam’s dispute over oil exploitation in the SCS since 1974, which led to the death of seventy-five Vietnamese soldiers. (Severino 2010, 41; Thayer 2013, 76; Lipes 13 Mar. 2018). In March 1988, Chinese vessels were responsible for another incident at Johnson South Reef, leading to the death of sixty-four Vietnamese soldiers (Lipes 13 Mar. 2018). As the conflict heightened in 1992, ASEAN released the ASEAN Declaration on the South China Sea at the 25th ASEAN Ministerial Meeting in Manila. The declaration marked the first joint multilateral effort of ASEAN member states to explore the “possibility of cooperation in the South China Sea” (ASEAN 1992). Most importantly, the declaration called for all parties to “resolve all sovereignty and jurisdictional issues pertaining to the South China Sea by peaceful means” and to “exercise restraint” (ASEAN 1992). ASEAN diplomats tried to persuade China’s foreign minister Qian Qichen to sign the declaration (Severino 2010, 42). Qian hesitated at first but later agreed on the principles of the Declaration (Severino 2010, 42). However, the declaration was not signed, and it went “unheeded” as both China and Vietnam continued to contest and capture overlapping areas causing further tension (Thayer 2013, 76). Before the 1992 declaration, Indonesia also saw China’s conflict with Vietnam as a threat to regional order when it established an informal workshop to manage the conflicts since 1990 (Severino 2010, 42). The Workshops on Managing Potential Conflicts in the South China Sea initiated by Indonesia began
since 1990 until today. Even though the Workshops focus on the SCS and include all the claimant states, it was the products of the unilateral effort of Indonesia instead of the multilateral effort of ASEAN.

As the SCS disputes grew and worsened, ASEAN diplomats have continued to release joint communiqués in every AMM, except for the 45\textsuperscript{th} AMM. Occasionally, ASEAN diplomats also issued statements on the SCS after their meetings at the ARF, ASEAN Summits, and informal ASEAN Heads of Government Meeting. The territorial disputes at the SCS gradually became more regional two years later, in 1994, when China was in dispute at the SCS with another ASEAN member state, the Philippines. This time China occupied and built structures at the “Philippine claimed Mischief Reef” (Thayer 2013, 76). The area claimed by the Philippines also happened to overlap with Malaysia’s claimed territory (Buszynski 2003, 351). Similar to the previous joint communiqués and statements, the 1994 joint communiqué reiterated the goals and principles of the declaration in 1992 “by peaceful means and to exercise self-restraint” (ASEAN 1994).

Furthermore, the 1994 joint communiqué offered a glimpse of the ASEAN norms and practices of managing the SCS disputes. It recognizes that “some countries concerned were already having bilateral consultations” (ASEAN 1994). With a similar result to the previous statement, the joint communiqué failed to stop the dispute between China and the Philippines. In 1996, ASEAN continued to manage the disputes by endorsing the idea of establishing a Code of Conduct (COC) (Buszynski 2003, 354; Severino 2010, 44). The COC followed the “2\textsuperscript{nd} track diplomatic interactions,” which comprised ASEAN and Chinese diplomats and scholars to find solutions through peaceful means (Jones and Smith 2002; Buszynski 2003, 350). These interactions appeared to be a growing strategy in ASEAN to include scholars and civil societies.
in tackling regional conflicts (Glas and Balogun 2020, 2). More specifically, one of the purposes of the COC was to unite ASEAN officials to deal with the disputes multilaterally (Buszynski 2003, 350). The other purpose was to engage in dialogue and foster cooperation with China (Buszynski 2003, 351). ASEAN has been largely effective in persuading China to continue its participation in dialogue and consultation since 1992. However, China still has not abandoned its military expansion at the SCS.

On top of the ineffective statements, the COC’s drafting processes signified another ineffective and lengthy way of ASEAN’s handling of the disputes. The drafting process took almost five years just amongst ASEAN officials to agree on the language and the contents (Thayer 2013, 76). The important reason that took ASEAN officials so long for the drafting process was the disagreement over the geographical scope and language that encompassed the geographical areas. For instance, ASEAN requested Vietnam and the Philippines to draft an agenda to be discussed at the 1996 AMM. The combined draft of the agenda between Vietnam and the Philippines was never accepted because the draft demanded two specific territories to be added to the COC. Vietnam wanted the term “disputed area” to include the Paracel Islands, while the Philippines pushed for the Scarborough Shoal to be included in the term (Hoang 29 Sep. 2020).

After frustrated by the rejection of the combined drafted agenda, the Philippines decided to work on its draft of the COC, which led Vietnam to the Philippines by drafting its document soon after (Buszynski 2003, 354). In the ASEAN Senior Officials’ Meeting (SOM) in 1999, both Vietnam and the Philippines submitted their own version of the drafts (Buszynski 2003, 354). The two drafts further led to more time-wasting and disunity because ASEAN diplomats failed to make a decision of how to combine the draft or which draft to choose over another. Once again,
the main reason for combining or choosing between these two drafts stemmed from the fact that these two drafts propose different geographical scopes to be included in the COC. To reconcile this problem, ASEAN diplomats decided to send the two drafts of the COC to the Indonesia working group. The working group led to a combined draft that included the Paracels and Spratlys, spearheading by Vietnam and the Philippines. The endorsement of the combined draft from the ASEAN working groups means that the draft was ready to present to China. The combined ASEAN draft of the COC, which was the product of the counterproductive negotiations between ASEAN officials, was proven ineffective. After the Chinese officials were briefed of the combined draft of the COC in 1999, China already finished its version of the draft (Thayer 2013). China’s version of the draft demanded that the territorial disputes, especially the Paracels and Spratlys, be handled bilaterally rather than multilaterally. ASEAN officials had to once again work among themselves to weaken the languages in the drafts to meet the demand of China. The Philippines and Vietnam chose to let go of the terms “Paracels” and “Spratlys,” and the term for the “disputed areas” become vaguely stated (Buszynski 2003). The Heads of government from each ASEAN country approved the changes and the new drafts. The Philippines officials had to “lobbied” other ASEAN officials to move the COC forward (Thayer 2013, 76).

ASEAN and Chinese diplomats met in 2000 to discuss the possibility of combining their respective drafts. However, both parties disagreed regarding the geographic scope, military activities, constructions, and detainment in the area of dispute (Thayer 2013, 77). Consequently, ASEAN and China signed a “non-binding political statement known as the Declaration of Conduct of Parties in the South China Sea (DOC)” instead of in 2002, which had even more vague wordings than the drafts of the COC (Buszynski 2003; Thayer 2013, 55). It took both
parties over two more years to establish a Working Group to implement the DOC. ASEAN’s reliance on informality as seen in the Working Group marks another trend of ASEAN’s commitment to the norm of informality and process of consultation. Most importantly, the language of the DOC shows that ASEAN has maintained its centrality in terms of reaffirming the commitment of managing the disputes based on the TAC (ASEAN 2002). Instead of allowing China to dominate the direction of the DOC, the commitment to international law, particularly UNCLOS, is included in the agreement. The DOC represents a limited effect of China’s hard power in coercing and persuading ASEAN states to have an agreement entirely in favor of China. In 2011, ASEAN and China signed an agreement on the Guidelines of the DOC. Like the DOC, the guidelines contain vague languages, but the languages are not dominated by China’s position. The guidelines reaffirm ASEAN and China’s commitment to the “carried out in a step-by-step approach in line with the provisions of the DOC” (ASEAN 2011). This means that ASEAN and China should follow the emphasis of the TAC and international law mentioned in the 2002 DOC. Another similarity between the DOC and the guidelines points to the ASEAN’s norm of consensus. The consensus needs to be built on a “voluntary” basis through consultation and dialogues. Both the DOC and the guidelines also highlight the commitment of “confidence-building measures” and trust-building. The focus on trust reveals the limited generalized trust between the two parties. It also shows ASEAN and China’s perception of improving generalized trust as a key factor in resolving the disputes. These two documents offer that ASEAN’s effectiveness in the SCS disputes cannot entirely be explained by power asymmetry. Instead, it is the case of power combined with diplomacy, norms, and trust.

The next major event was the 2012 AMM in Cambodia, which eroded the trust between ASEAN and Chinese diplomats. ASEAN and China’s failed to reach an agreement for a
combined COC was the. For the first time in ASEAN’s history, ASEAN diplomats failed to release a joint communiqué due to the disagreement between ASEAN diplomats over mentioning the SCS disputes. China had dedicated its resources and time to visit Cambodian and other diplomats before the meeting in the hope of blocking languages in the joint communiqué that specifically mentions China and the disputed areas. China’s interest and commitment to ASEAN’s documents and forums showed that ASEAN could be effective if left alone despite the security threat posed by a more powerful actor, China, at the SCS.

From 2014-2020, ASEAN’s response to the SCS disputes had become more promising but still limited. ASEAN diplomats had enjoyed inconsistent unity in terms of joint statements. At the 2014 AMM, Cambodia and Laos agreed to release a “standalone statement,” raising concerns over China’s dispatch of vessels into Vietnam’s EZZ (Storey 2018, 117). Then, ASEAN diplomats agreed to release the Chairman’s statement at the 26th ASEAN Summit, expressing more concerns over the “eroded trust and confidence” which destabilize the region. For Storey (2018, 117-118), the second statement is “ASEAN’s strongest statement to date on the dispute. However, these instances also show the limitation of ASEAN’s unity and response to the SCS disputes because China was not mentioned in any of the statements (Storey 2018, 118).

While this may appear to be an improvement in terms of a more united ASEAN, ASEAN saw another setback at the 2016 AMM. The Philippines demanded that the ASEAN Chair, Laos, released a joint communiqué that recognize China’s loss at the international arbitration in 2016 (Parameswaran 25 Jul. 2016). By practicing the norms of consensus, the Philippines’ demand went unmet, resulting in another typical vague joint communiqué that stresses the commitment for trust-building. Again, the sources of ASEAN’s limitation was rooted in ASEAN norms and the lack of generalized trust. Regardless, ASEAN and China continued to have productive but
limited engagement going forward. In 2019, his first reading was considered as a major
development of the disputes as both parties finally agreed for the first time, the COC draft. After
the failed joint communiqué in 2012, ASEAN and China agreed to have a consultation to
establish the COC in 2013. It took them around six years from the year that they agreed to start
the consultation to finish with the first reading of the draft. The time of the second reading has
not been discussed since then. Brunei’s Second minister of foreign affairs blames the COVID-19
pandemic on slowing down the negotiation process (Bandial 26 Jan. 2021). However, the trend
of ASEAN’s initiatives and engagements with China indicates that ASEAN continues to have
limited effect regardless of the pandemic because of the role of China, ASEAN’s norms, and the
lack of generalized trust.

The main lesson from the survey of ASEAN’s activities from 1992-2020 shows that
ASEAN has not done enough to end the SCS disputes. ASEAN has pushed out key agreements
(DOC and Guidelines of DOC) and statements in ASEAN’s defense. ASEAN diplomats also
have managed to persuade China not to just rely on its military and economic power. China has
been socialized to perceive ASEAN as a central actor who is capable of practicing its norms and
compel China to follow the norms. Despite these achievements, the processes of reaching the
agreements on the DOC and the guidelines have been slow. ASEAN’s engagement with China
for almost thirty years has not resulted in completing the COC yet. The lack of the COC means
that the SCS disputes have not been resolved yet. China continues to strengthen its military and
economic power at the SCS while people in the ASEAN countries are deprived of their freedom
to pursue their economic interests. The contour of ASEAN’s activities provides a hint that
China’s power in ASEAN forums, ASEAN’s practices of its norms, and the lack of generalized
trust are the three interrelated factors of ASEAN’s ineffectiveness in resolving the SCS disputes.
In the following sections, I explain the effects of these factors separately and analyze their interrelation with a case study of the 45th AMM, where we can see their interrelations.

i. **Dependency and China’s Emergent Power**

The deviation of China and ASEAN member states’ economic and military power exemplifies the comparison of big and minor powers. Globally, China had the second largest economy with the total Growth Domestic Products (GDP) of eighty-eight-trillion USD in 2019 (World Bank 2021). Meanwhile, the ten ASEAN states’ GDP combined was around three-trillion USD in the same year, ranking at the fifth place of world economy (Stromseth 2020). China also possesses a strong “maritime power” relative to ASEAN states, which can be seen in China’s “state-of-the-art” infrastructures and military vessels and equipment at the SCS (Cronin and Neuhard 2020, 21). Furthermore, China is amongst the top five trading partners with more developed ASEAN members. For instance, Indonesia and Burma are known for exporting natural resources to China. Singapore, which has the highest level of GDP in Southeast Asia, is China’s major FDI partner (Salidjanova and Koch-Weser 2015). Another ASEAN member state, the Philippines, has also developed more ties with China. The JDA between the Philippines and China has led China to reward the Philippines with large foreign direct investment (Heydarian 7 Apr. 2018). In 2016, President Rodrigo Duterte’s visit to China led to a twenty-four-billion-dollar worth of Chinese foreign direct investment and overseas development aid (Camba 5 Aug. 2018). However, investment and development aid has never reached that amount. Like Cambodia, most of these investments have come in the form of Chinese offshore gambling investments (Camba 5 Aug. 2018). In 2019, China showed effort to fulfill the promise and even
increase the funding to 169 billion USD for infrastructure renewal (Jennings 6 Sep. 2019). Whether China’s pledge to help the Philippines will be fulfilled is remained to be seen.

The inconsistency of China’s promises to the Philippines provides two implications. First, China attempts to tell these states that China is willing and capable of assisting them, but this help comes with a caveat: member states must relax their positions in the SCS dispute. Secondly, the member states will be punished by China through the withdrawal of assistance if they dare to oppose China. These conditions are less problematic for Cambodia since it has been shown to be considered as a “devoted” and “stable client state” that was eager “to repay assistance partly through reliable diplomatic support” (Ciorciari 2014, 3). Cambodia’s diplomatic support of China was explicit during the forty-fifth AMM in Phnom Penh in 2012. Not only Cambodia got China into the AMM, but Cambodia also refused to release a joint statement on the SCS.

The main shortcoming of looking at ASEAN-China relations through the macro-lens of economic dependency is that it does not always lead to the consistent effect of dependency on outcomes that realists would generally expect. The assumption of dependency theory provides that the Philippines and Vietnam would conform with China in fear of sanctions. During the 45th AMM in 2012, China preferred that ASEAN members avoid releasing sensitive statements on China and the SCS. However, the Philippines had naval disputes with China at Scarborough Shoal and demanded the release of a joint communiqué with statements on the SCS. The Philippines’ behaviors led China to ban the Philippines’ agricultural exports. If dependency worked based on sanctions, it would be expected that the Philippines became less amplified on the SCS disputes. Instead, the Philippines brought the case to International Arbitration against China in 2013 and won decisively in 2016 (Kipgen 2018, 6). However, China refused to
recognize the ruling and insisted on resolving the disputes bilaterally with the claimant states (Kipgen 2018, 6). The next event that further shows the flaw of economic power is when the Philippines demanded ASEAN to release the joint communiqué by citing the Hague ruling in the 2016 AMM. Because of the lack of consensus, the ruling was not mentioned in the joint communiqué. Once again, it would be expected that China would put more sanctions on the Philippines. China instead lifted the ban on the Philippines’s banana export a few months later, which shows the inaccurate realist assumption of the linkage between security and economics. The linkage here is that economic power and gains are transferred into military power. Because the Philippines China’s most significant security threat, as seen in the Scarborough shoal incidents, trading with the Philippines means giving power to China’s biggest adversary. It does not mean that economic power is useless because it can be effective as seen in Cambodia’s case. However, it is empirically incorrect to cite China’s material power broadly as the only source of ASEAN’s ineffectiveness at the SCS.

To express its power and economic power and divide ASEAN, China channels its material power through diplomatic practices. If economic power is all China needs, China would not dedicate its time and resources to ASEAN-China forums and Indonesian-led workshops. ASEAN CoP has used its forums to push out key initiatives such as the Declaration in 1992, DOC in 2002, and the ongoing draft of the COC. Because economic power is not enough to stop these initiatives from taking place, China’s objective is to use its diplomats to make ineffective the ASEAN forums. From China’s perspective, there is no debate that China prefers bilateral negotiations with the claimant states instead of multilateral negotiations such as the ASEAN Regional Forum (ARF). However, China’s coercive strategy at the SCS that makes ASEAN states perceive China as a threat instead of a benign rising power (Ba 2016). ASEAN created the
ARF) in 1994 to address security issues with the members within the organization and its partners (China, European Union, India, Japan, Pakistan, Russia, and the United States) (Astarita 2008, 81-82). However, China’s position on the ARF has changed because ASEAN had been pushed out joint statements and initiatives on the SCS disputes. In the 1990s, China then sees the ARF as a tool to socialize and reaffirm ASEAN states of its friendly rise to power (De Castro 2017, 37). China has seen a mixture of success and failure in socializing ASEAN. China has failed to prevent ASEAN diplomats from releasing joint statements concerning the SCS disputes (except the one in 2012). However, China’s success has been enough in painting itself as a victim and delayed the negotiation process while continuing to exert its assertiveness at the SCS. For instance, the ARF has not managed to gain much approval from China because of China’s perception of this forum as a tool for the US to interfere with the domestic politics of the ASEAN countries (Goh 2007). This leads to two outcomes. First, ASEAN has generally accepted China’s wish that the disputes must be handled directly with the states involved. ASEAN, as a group of weak states who had a history of being bullied by big power, become more understanding of China’s concern. ASEAN’s sentiment on China can be seen from the pressure of the US in the areas of “human rights, trade, labor laws, and the environments” (Foot 1998, 438). As a result, ASEAN has tried to prevent the involvement of external powers in the ARF and solve the disputes with China. This leads to the second outcome, which is that the ARF “has lost its potential for active conflict resolution and has been relegated to mere confidence building” (Astarita 2008, 82). ASEAN missed the opportunity to use its forum to internationalize the disputes while calling for China’s accountability with the backing of external powers. China successfully convinced ASEAN that discussing the SCS disputes at the ARF and soliciting help from external actors will lead to instability in the region.
Consequently, ASEAN perceives China as a competent actor capable of practicing and resolving the disputes through peaceful means. In other words, the struggle for competence has been won by China. Then, power no longer strictly means the ability to coerce ASEAN to do things it would not do. In this context, power means that it “involves a socially recognized competence” by ASEAN on China’s ability to resolve the dispute (Adler-Nissen and Pouliot 2014, 894). At the losing end is the US’s proposed practices of “rule-based setting” that favors intentional law. ASEAN diplomats perceived the US’s proposal as a danger to the resolution of the disputes and a danger to themselves. ASEAN diplomats have generally committed to preserving ASEAN’s informality because international law would invite uncalled interference in their domestic politics. This was problematic for ASEAN’s effectiveness in resolving the disputes because ASEAN has succumbed to China’s way of conflict resolution, which China designed delay the negotiation process while strengthen its assertiveness at the SCS. For instance, China refused to negotiate on the COC until the condition is “ripe” (Buszynski 2003, 350). China managed to avoid ASEAN diplomats to mention them directly in joint communiqués. In terms of the agreement, ASEAN managed only to have a non-binding agreement that involves vague languages of solving the disputes through peaceful means, as seen in the DOC in 2002. This is exactly the power China holds in diplomatic settings, which tends to convey ASEAN diplomats to adhere to its practices. As a result, ASEAN’s recognition of China’s competence led to slow and ineffective conflict resolution at the SCS.

An example of China’s power in diplomatic settings can be seen in the 2010 ARF in Hanoi. During the meeting, a Vietnamese diplomat raised concern over China’s coercive activities at the SCS. The US diplomat supported the Vietnamese by reiterating with the then Secretary of State Hillary Rodham Clinton’s statement that China’s claim at the SCS is “invalid”
and violate international law, and the US will offer to help facilitating “moves to create a code of conduct in the region” (Pomfret 30 Jul. 2010). China’s Foreign Minister Yang Jiechi immediately left the meeting for an hour but returned with a “30-minute response” (Pomfret 30 Jul. 2010). He said, “China is a big country and other countries are small countries, and that’s just a fact” (Pomfret 30 Jul. 2010). Later, Yang issued a statement that “there was no need to internationalize the issue, that China was still intent on solving all of the disputes bilaterally and that China’s view represented the interests of ‘fellow Asians’” (Pomfret 30 Jul. 2010). The way Yang skillfully framed the response and statement was perceived as effective and skillful, which led “a dozen Asian delegates” to “express their congratulation to the Chinese side” after the meeting. The expression of approval from ASEAN diplomats is significant in showing that many of them recognize China’s competence. For the US, the mention of the international law during the meeting further revealed to the ASEAN diplomats (except the Filipino and Vietnamese diplomats) that the US lacks the competence in understanding ASEAN’s insistence on avoiding external interference and the use of international law in the SCS disputes. This is not to say that ASEAN uniformly agrees on relying on international law. As mentioned, the Philippines and Vietnam had expressed their commitment for the UNCLOS as seen in the Philippines case against China at the International Arbitration.

The analysis of China’s power in diplomacy provides three implications. First, it shows that material power cannot be automatically translated into diplomatic settings. Chinese diplomats had to skillfully frame their position at ARF to emerge as competent actors. When they are perceived as competent, they were given the power to structure the SCS disputes negotiation that favors their interest. The recognition of China’s competence was not given because it needs to be recognized by ASEAN and contested against the US. This point leads to
the second implication, which is that socialization goes both ways (Ba 2016). While ASEAN diplomats have used their forums to socialize China to accept their norms in conflict resolution, they are also subjected to socialization by Chinese diplomats. Third, even though China has been somewhat successful in delaying the negotiation process, part of the success is due to China’s compatibility with ASEAN forums and norms. The ARF is designed for flexible engagement, which is attractive to China. At the same time, ASEAN norms of informality, consensus, and non-interference are preferred by Chinese diplomats. Therefore, assessing the ineffectiveness of ASEAN in resolving the SCS disputes requires an understanding of how ASEAN perceives and practices meaningful norms that are not necessarily effective.

ii. Limitations of the “ASEAN WAY” at the SCS Disputes

ASEAN’s response to the SCS disputes has been informed by the diplomatic and governance norms of the organization, the so-called “ASEAN Way” (Acharya 2001). The ASEAN way refers to the “decision-making process that features a high degree of consultation and consensus” (Acharya 2014, 79). It stresses the conflict resolution process through dialogue and consultation. Then, the ASEAN way can be understood as the “set of prescriptive norms that signal what regional states, or their representatives, ought to do,” which manifests itself in the Treaty of Amity and Cooperation’s principles and through the repeated interactions of ASEAN diplomats (Glas and Balogun 2020, 4-5). The TAC offers five main principles: 1) Mutual respect for state sovereignty, 2) The right of non-interference, 3) Settlement of disputes through peaceful means, 4) Renunciation of the threat or the use of force, and 5) Effective regional cooperation (ASEAN 2, 1976). The TAC provides that the ASEAN way goes beyond the norms of
informality and consensus. The ASEAN way also includes the principle and norm of non-interference. Assessing ASEAN’s ineffectiveness in the SCS disputes requires the consideration of all three of these norms because ASEAN’s practices of these norms prevent the SCS disputes from being resolved. In terms of the norm of informality, the Indonesia-led Working Group exemplifies the practices of this norm. This initiative is a track-2 diplomacy or informal diplomacy, which has not intended to “resolve questions of sovereignty over the Spratly Island.” Instead, it has been used as a trust and confidence-building measure (Townsend-Gault 1998, 182). The workshop also shows ASEAN’s practices of the norms of consensus. ASEAN’s delay in the finalization of the COC between the Philippines and Vietnam from 1996 to 2002 was due to the lack of consensus of on the conflicted claim over the disputed sea. Another example of the practices of norm of consensus includes the failed joint communiqué in Cambodia in 2012, and the exclusion of any mention of the Philippines’s victory at the tribunal attribution in the joint communiqué in 2016. ASEAN diplomats, especially Cambodian diplomats, regularly warn against the interference of external actors. Cambodian Prime Minister Hun Sen said. “The South China Sea disputes are not between ASEAN and China, and they are between the direct claimant states” (Vannarith 22 Jun. 2016). These show that ASEAN norms exist in ASEAN and the ASEAN CoP practices these norms regularly in the SCS disputes.

Before getting into the other two norms, I show here ASEAN CoP’s practices of the norm of informality in the SCS disputes. The norm of informality refers to the emphasis of resolving disputes through dialogue and consultation in informal settings (Achayra 2014, 80). Even though this norm allows for looseness and informality in the early years of ASEAN, it has been suboptimal in helping ASEAN to resolve the SCS disputes. When the discussion of the SCS disputes came up, ASEAN diplomats often asked to move the discussion to informal meetings.
and the working group. Because the format of the working group follows informal process and dialogue, the discussion on the SCS disputes “is studiously avoided” (Townsend-Gault 1998, 182). The reason for the lack of attention to the SCS disputes in this informal workshop is because the purpose of the workshop is supposed to be for the “promotion of cooperation” instead of resolving the disputes (Townsend-Gault 1998, 183). This is problematic because ASEAN diplomats put much emphasis on the informal process. In other words, the norm of informality means that the informal workshop is where substantial progress and decision is made. Because both the formal and informal meetings led to a limited discussion on the jurisdiction of the SCS, it implies that ASEAN diplomats have largely ignored the SCS disputes. The proponent of the ASEAN’s workshop highlights two achievements. These include the joint projects and proposals of “biodiversity protection, sea-level rise monitoring, and marine scientific research and data exchange,” and China’s participation in ASEAN forums (Townsend-Gault 1998, 186). This may have been a good achievement on the surface level because it seemed that China and ASEAN engage in dialogue and cooperation. However, as long as the problems of SCS disputes are not resolved, these projects will be ineffective. The reason is that the lack of free navigation of the SCS due to China means that China’s activities such as illegal fishing and island-building continue to put risk on the sea. This so-called “achievement” masks the limited progress of the issue that really matters, which is the resolution of the jurisdiction of the SCS.

Both the norms of informality and consensus practiced by ASEAN diplomats have slowed down the negotiation and drafting process of the COC and DOC. The norm of consensus refers to the decision-making process that forges a considerable support that emphasizes a majority-rules-based process and leaves no one out. ASEAN diplomats perceive this norm as “a
pragmatic way of advancing regional economic and political cooperation” (Acharya 2001, 83). However, it runs the risk of the lack of consensus in divisive issues as the SCS disputes. From the perspective of the Philippines and Vietnam, who are the claimant states, China’s claim of the SCS violates their interest. From the perspective of Cambodia, who is closed to China and not a claimant, going against China could mean that Cambodia’s relationship with China is at stake. Then, the norm of consensus is counter-intuitive given that the SCS disputes affect ASEAN member states’ national interests distinctively. Instead of drafting the COC multilaterally as a regional organization, ASEAN officials draft the COC unilaterally, leading to different versions of the draft. At first, ASEAN requested the officials of the Philippines and Vietnam to submit a draft to the ARF Senior Officials Meeting (SOM) in 1996. Both Filipino and Vietnamese officials failed to come up with a combined draft due to the lack of consensus, resulting in ASEAN urging both parties to resolve the disagreement at informal workshops in 1997 (Buszynski 2003). Another piece of evidence is the draft of the DOC from 1996-2002. It “was redrafted four times” at the working group, showing ASEAN and Chinese diplomats’ commitment to the principle of consensus (Nischalke 2000, 99). The original drafts had strong wordings criticizing China and favor the Philippines. However, the DOC became a watered-down version of the original drafts, which excluded the Philippines’s demand for the inclusion of the United Nations conference.

A more recent example of the effect of the practices of the norm of consensus and non-interference on the progress of the SCS disputes was Cambodia and Laos’s successful attempt in blocking sensitive wordings on the SCS disputes in the joint communiqué in 2016 (Campbell 25 Jul. 2016). ASEAN and Chinese diplomats met at the ASEAN-China forum to discuss on the SCS disputes. The Philippines demand that the joint communiqué includes words that recognize
the Philippine’ victory at the International Arbitration against China. However, the Cambodian diplomat “blocked” the wordings related to the international arbitration, resulting in another vague and indirect statement that reads:

We remain seriously concerns about the recent ongoing developments and took not of the concerns expressed by some ministers on the land reclamations and escalations of activities in the area, which have eroded trust and confidence, increased tensions and may undermine peace, security and stability in the region. (ASEAN 2016)

On top of the norm of consensus, the norm of non-interference also played a role in delaying the negotiation process. In the SCS disputes, the norm of interference means that the disputes need to be resolved regionally with China, which excludes external actors. Cambodian and Laos diplomats perceived the ruling as an external tool that interfered in the ASEAN way of resolving the disputes. If the US was jointly welcomed by ASEAN in helping to resolve the dispute, the US could have intimidated China in to following the international law. Cambodia and Laos’s success in blocking the statement in 2016 means that ASEAN has been stuck with its current conflict resolution tools of informal dialogue instead of using an international instrument to carve its way out of the disputes.

To sum up, ASEAN diplomats’ practices of the norm of informality, consensus, and non-interference are shown to be the factors that have hamstrung ASEAN’s effectiveness at the SCS. ASEAN diplomat’s insistence on practicing the norm of informality has distracted the diplomats away from reaching a resolution with China at the SCS disputes. Because of this norm, ASEAN has had a limited discussion in formal proceedings. Furthermore, the norm of consensus has been counterproductive for ASEAN because it has slowed down the agreements. The agreements were also vague and non-binding because the norm of consensus needs to take into account of all actors. At times, this norm has prevented ASEAN from pushing out strong joint statements that
China’s position, showing the lack of cohesion of ASEAN diplomats. ASEAN diplomats also insist on practicing the norm of non-interference, avoiding the help of external actors and international law. Consequently, ASEAN diplomats have been stuck with its limited norms and China’s way of dealing with the disputes. The analysis of the informal workshops provides that ASEAN and Chinese diplomats have tried to focus on trust-building measures. The focus on building trust indicates that ASEAN and Chinese diplomats perceive generalized trust as a steppingstone into reaching a resolution. Then, it is important to assess the level of generalized trust between these two parties in the next section.

iii. Lack of Generalized Trust within ASEAN and ASEAN-China Relations

Generalized trust can be understood as trusting without expecting any reciprocation, at least in the short term. Actors engaging in generalized trust understand that they are vulnerable to others because others may not reciprocate. Generalized trust occurs when this possibility of defection is known, but the generalized trusters chose to trust them anyway. When dealing with a multilateral dispute that include claimant and non-claimant states as in the SCS disputes, generalized trust is a crucial factor. For instance, a generalized truster who was a claimant state would expect those other states claimant or non-claimant would approach the disputes with fairness and without self-interest. In a broad sense, ASEAN and Chinese diplomats understand the importance of generalized trust in resolving the regional disputes. Such a statement can be seen from the remarks of the Secretary-General of ASEAN Le Luong Minh in 2015. The statement raised concern over the activities at the SCS, which “eroded trust and confidence,
increased tensions and may undermine peace, security and stability in the region” (ASEAN 2015, 2). The remarks also called for “all parties concerned to enhance mutual trust, and confidence, exercise self-restraint, refrain from unilateral act which may complicate or escalate tensions at sea” (ASEAN 2015, 2). The foreign ministers highlighted that trust is an important factor in implementing the DOC and COC. Another evidence of such a statement of trust can be found in a “Joint Statement on East Asia Cooperation” on 27 November 1999 (ASEAN 1999). The statement provides that ASEAN and its partners (China, Japan, and South Korea) “agreed to promote dialogue and to depend on consolidate collectives’ efforts with a view to advancing mutual understanding, trust, good, neighborliness and friendly relations, peace, stability, and prosperity in East and the world” (ASEAN 1999). Once again, trust is mentioned in the statement, which shows the relevance of its underpinning quality in forging cooperation.

Since the official recognition of the SCS disputes by ASEAN since 1992, the statements and behaviors between ASEAN and Chinese diplomats have implied a lack of generalized trust. The first example of the lack of generalized trust can be seen from the ASEAN Declaration on the South China Sea at the 25th ASEAN Ministerial Meeting. When ASEAN diplomats proposed a Chinese diplomat to sign the Declaration, Qian Qichen initially refused to do so on the ground that “China had not been involved in the declaration’s drafting” (Severino 2010, 42). This view from Qichen shows the lack of generalized trust from the Chinese side. If there was generalized trust, the Chinese diplomat would sign the declaration on good faith by believing that the ASEAN diplomat’s draft was not trying to exploit his trust. Even though Qian later “subscribed” to the principles of the declaration through either bilateral or multilateral means, China only engaged in negotiations “when the conditions are ripe” (Buszynski 2003, 350). As pointed out by Buszynski (2003, 350), it was “equivocal” as to know when the disputes become ripen. The
vagueness of Qian’s agreement to the principles of the declaration shows the lack of commitment to a binding agreement. It is important to note that after the declaration in 1992, ASEAN member states have become more cautious with future agreements and drafts.

Chinese diplomats’ unwillingness to binding agreements highlight two important indicators of the lack of generalized trust: fear of entrapment and fear of abandonment. First, the fear of entrapment arises when an actor engages in actions that other actors do not necessarily support. Second, the fear of abandonment is an indicator of the lack of generalized trust because it refers to the doubt of abandoning commitments and agreements. These two indicators of the lack of generalized trust from China represent the recurring themes of the development of the COC. China feared that the draft of the COC that ASEAN was developing from 1994 to 1999 include clauses that favored ASEAN member states instead of China. The factors of concern include the geographical scope, joint military exercises, construction activities, and detainment policy. If China agreed to the ASEAN draft, they are entrapped and limited to engage within the boundary of the four conditions set by ASEAN. This fear of entrapment caused China to draft its own COC that favored China’s interest. Even though the Chinese and ASEAN’s draft were later combined, the contents of the combined draft were watered-down, leaning toward China. It is important to note that the COC still have not been signed by China up to today. Instead, China and ASEAN signed the DOC in 2002.

The two indicators of the lack of generalized trust are the fear of entrapment, and abandonment are high within the ASEAN CoP itself. The drafting process took almost five years just amongst ASEAN officials to agree on the language and the contents (Thayer 2013, 76). The important reason that took ASEAN officials so long for the drafting process is due to the disagreement over the geographical scope and language that encompassed the geographical
areas. For instance, ASEAN requested Vietnam and the Philippines to draft an agenda to be discussed at the 1996 AMM. The combined draft of the agenda between Vietnam and the Philippines was never accepted because the draft demanded two specific territories to be added to the COC. Vietnam wanted the term “disputed area” to include the Paracel Islands, while the Philippines pushed for the Scarborough Shoal to be included in the term (Hoang Sep. 28, 2020). Frustrated by the rejection of the combined drafted agenda, the Philippines decided to work on its draft of the COC, which led Vietnam to the Philippines by drafting its own document soon after (Buzsynski 2003, 354). In the ASEAN Senior Officials’ Meeting (SOM) in 1999, both Vietnam and the Philippines diplomats submitted their own version of the drafts (Buszynski 2003, 354). The two drafts further led to more time-wasting and confusion because ASEAN officials fail to make a decision of how to combine the draft or which draft to choose over another. The problem here is that claimant and non-claimant states fear being entrapped in producing a draft that angers China, which does not necessarily represent their interest.

At the same time, Vietnam and the Philippines’ persistence to get the COC signed is to make it harder for all parties to abandon the binding agreement. For instance, the Philippines’ Undersecretary Erlinda F. Basilio expressed the frustration over the ASEAN member states’ abandonment of agreements in a statement in 2012. He stated:

The Philippines forged an agreement with a neighboring country for the simultaneous pullout of all vessels inside the shoal, which we undertook in good faith on June 4. Furthermore, the neighboring country agreed to remove its barrier at the entrance of the shoal. Yet to this day, the neighboring country has not fulfilled its obligations under the agreement. (Basilio 18 Jul. 2012)

The evidence of ASEAN and Chinese diplomats’ statements and behaviors show that their relations have a severe lack of generalized trust. Diplomats have a fear of accepting multilateral agreements that contradict their national interests. They also fear that their colleagues would
abandon the already limited agreements. The lack of generalized trust leads to a lack of clear
binding agreement and position to resolve the disputes, making ASEAN as a regional
organization ineffective.
VII. INTERRELATIONS OF DEPENDENCY, ASEAN NORMS AND PRACTICES, AND GENERALIZED TRUST AT 45TH AMM

To understand the interrelations between the two-level dependency, lack of generalized trust, and ASEAN norms and practices, this section provides a snapshot of 45th AMM in 2012 that took place in Cambodia. This AMM was the focal point that showed ASEAN’s vulnerability in engaging in effective means to reach an agreement with China on the COC. ASEAN, for the first time in its then forty-five-year history, failed to issue a joint communiqué. This case study shows that dependency works in two ways: economic and diplomatic. Dependency also led to the failure to release the joint communiqué not just by itself but through China’s involvement in the ASEAN forum, the lack of generalized trust, and ASEAN norms and practices. A glance at the development of the disputes since it was first recognized in 1992 may not be a major surprise because these factors had plagued ASEAN since then. However, it is during the 45th AMM that these three interrelated factors explicitly came into play. For ASEAN, the aftermath of the 45th AMM resulted in a devastating effect on the centrality of the ASEAN CoP. The Philippine Foreign Undersecretary released a statement that “[n]ever seen before has our relations in the regional association been as strained as it is today” (Basilio 2012).

Leading up to the 45th AMM, China had been a major contributor of financial aid and loan to the Chair of the AMM, Cambodia. After the AMM, China rewarded Cambodia with a promised sum of 600 million USD in aid and loan, which showed the magnitude of economic
dependency China had on Cambodia (Hutt Sep 1, 2016). Between May and August 2012, Chinese Vice President Xi Jinping and other officials engaged in bilateral meetings with not just Cambodian diplomats but also with the Filipino, Vietnamese, Singapore, Laotian and Burmese diplomats (Sutter and Huang 2012). The agenda of these meetings focused on joint developments and political and military cooperation. However, the meetings between Chinese and Vietnamese diplomats could not stop Vietnam from passing the “Vietnamese Law of the Sea” on June 21, which was a response to China’s announcement on its increasing presence at the SCS (Sutter and Huang 2012). Similarly, the Philippines also increases the deployment of ships to prepare for Chinese fishing boats in July. The passing of the law and deployment of ships from Vietnam, and the Philippines showed that ASEAN had no collective voice in the SCS and the level of effectiveness of economic dependency with China varied within ASEAN. While Cambodia became an obedient proxy to China, Vietnam and the Philippines took actions that pushed back against China’s aggression. However, the Philippines was still cautious in pointing a finger at China when the joint communiqué collapsed. Instead, the blame was put on Cambodia and other ASEAN members:

The “souring of the mood” was attributed by everyone who was there to the failure of ASEAN to issue a joint communiqué, resulting from the ASEAN chair’s firm position not to reflect the recent developments in South China Sea despite the view of the majority of the member states that these developments impinge on the overall security of the region. (Basilio 2012)

This diplomatic response to the failed joint communiqué shows China’s, somewhat, effectiveness in its reward and punishment strategy. The standoff between Chinese and Filipino vessels in April 2012 led China to punish the Philippines with a ban on banana imports. The Philippines would risk facing more economic sanctions from China if the criticisms on SCS persisted.
Regardless, the banana ban did not stop the Philippines from contesting against China, revealing the limitation of economic dependency. Frustrated by the ineffectiveness of ASEAN practices and fearing the abandonment of the completion of the COC, the Philippines filed the disputes against China outside of its CoP. The case against China were brought to the Permanent Court of Arbitration under Annex VII of the 1982 Convention on the Law of the Sea (UNCLOS). The court ruled a “nearly across-the-board win for the Philippines” (Williams 12 Jul. 2016). The decision reached by the court is not the concern here. The focus is that there is a connection between the fallout in the 45th AMM and the Philippines’ decision to bring the case outside of its CoP. The lack of generalized trust and persistence of ASEAN practices manifested in the 45th AMM that led the Philippines to follow this course of action. Notably, the case illustrates that China needed to do more instead of just relying on its economic power to stall the negotiation of the SCS disputes.

ASEAN diplomats came into the 45th AMM with a low level of generalized trust in each other and Chinese diplomats. Generalized trust is a type of background knowledge that is habituated by repeated interactions in the past. The effort of China to foster ties with Cambodia while threatening the Philippines with export bans created mistrust between ASEAN diplomats. The reason was that it was hard for the Philippines to be convinced that the Cambodian chair had an impartial view on the SCS because there were promises of aid and private meetings between Chinese and Cambodian diplomats. At the same time, the Filipino diplomats would be doubtful of China’s intention in using Cambodia’s chairmanship as a proxy to avoid harmful statements against China. Although economic dependency was not enough in coercing the Philippines to take a softer stance at the AMM, it worsened the level of generalized trust. During the actual meeting, the ASEAN CoP operated under the lack of generalized trust by showing commitments
to the norms of informality, consensus, and non-interference. Remarkably, this commitment toward consensus-building led to no joint communiqué. The connection I try to draw here is that the level of generalized trust between ASEAN members and Chinese diplomats was not improved before the meeting because of China’s diverse actions on Cambodia and the Philippines. It is expected to be so because it has been institutionalized as background knowledge from prior interactions throughout the years. Because the level of generalized trust had not improved, the practices of norms represented the habitual practices of ASEAN as informed by the lack of generalized trust.

Through the perceived diplomatic power and competence of Chinese diplomats, we can see the use of power at the 45th AMM. The presence of Chinese diplomats in Cambodia during the 45th AMM made it hard for even pro-Chinese officials to bring their concerns over China and the disputes. China violated the CoP of ASEAN officials, which was supposed to be a safe space for ASEAN to formulate a cohesive position. ASEAN diplomats’ ability to negotiate with external actors as a collective actor were undermined by China. China’s infiltration in the ASEAN CoP showed how power worked in practice, which was to insert its diplomats into formal and informal settings. Even worse, it led to the further erosion of generalized trust within the ASEAN CoP. For instance, ASEAN diplomats allegedly accused “Cambodian officials” in sharing “drafts of the proposed joint statement with Chinese interlocutors” (Bower 2012). Even though this accusation has not been verified, the presence of China made ASEAN diplomats doubting each other, leading further to the lack of generalized trust.

Applying the first indicator of the lack of generalized trust showed that Hor Namhong had fear of being entrapped in releasing the joint communiqué that is not a representation of his country’s position toward China and the SCS. Chinese diplomats also had a similar fear that they
are stuck with the joint communiqué favoring the Philippines and Vietnam. For the perspective of the Philippines and Vietnam, the second indicator, which is the fear of abandonment, also arises during the meeting. The Filipino diplomat doubted that the Chair would abandon the agreement to bring up the discussion on the COC at the meeting. As stated by the Filipino Undersecretary:

ASEAN had already agreed on the key elements of the proposed code of conduct on the South China Sea for discussion with China. The Philippines was successful in having its suggested main elements included to give the code the substance it requires. (Basilio 2012)

The Undersecretary fear became a reality when the Chair proceeded to abandon this agreed agenda. The agenda for the 45th AMM was agreed to include the discussion on the SCS. However, the Chair refused to discuss this topic at the formal meeting. Leading to the 2012 meeting, Cambodian and Philippines representatives in ASEAN also broke down in ties and snubbed each other for a month (Nair 2019, 19). Since Cambodia considered the Philippines and Vietnam’s complaints as bilateral issues, it could mean that discussing the matter at the formal forum would risk violating ASEAN’s non-interference policy.

Because the ASEAN upholds the norm of consensus in its CoP of practice, Cambodia’s refusal to include statements on the SCS was enough to prevent the pressure from the Philippines and Vietnam. The norm of consensus was stressed by the Philippines Foreign Undersecretary in response to the failure to release the joint communique: “The strain being felt by ASEAN is not attributable on the Philippines, but it was reportedly due to the failure of the ASEAN chair (Cambodia) to gain a consensus” (Basilio 2012). The stress on consensus revealed the importance of the ASEAN norms, and how China took advantage of these norms by using diplomatic power. Before ASEAN failed to release the joint statement, ASEAN’s draft of the
COC was also not published. ASEAN diplomats almost had a consensus during the meeting (Sato 2013). However, the private meeting between Cambodian diplomats and Chinese Foreign Minister Yang Jiechi three days before the end of the 45th AMM led Hor Namhong to reject the ASEAN’s draft (Sato 2013). The private meeting caused doubts in the ASEAN CoP, and “a diplomat” was reported to “had the impression that China asked Cambodia to avoid using sensitive words” that were uncomfortable for China (Sato 2013, 105). Another implication from the Filipino diplomat’s statement on the failure of the Chair to reach consensus shows a contestation of face-saving diplomacy. Here, the Filipino diplomat engaged in shaming and blaming the Chair, which negatively affected the Cambodia diplomat’s face. This shows the internal contestation of the ASEAN norm of informality and the possible erosion of this norm within the CoP. Cambodian diplomat, Hos Sereytonh, responded to this statement by accusing the Philippines and Vietnam of “playing dirty politics” and “hijacking the joint communiqué” (BBC 1 Aug. 2012).

On top of the importance of consensus, this statement reveals that face-saving practices only occur during the ASEAN CoP’s setting. When the undersecretary stepped outside of the community and asked separately, he no longer engaged in trying to save the face of his colleagues. At the same time, it reveals the institutionalization of the TAC’s principle of non-interference. Defending Cambodia’s chairmanship power not to release the joint communiqué, Hor Namhong stated:

I requested that we issue the joint communique without mention of the South China Sea dispute… but some members countries repeatedly insisted to put the issue of the Scarborough Shoal… I have told my colleagues that the meeting of the ASEAN foreign ministers is not a court, a place to give a verdict about the dispute. (BBC 1 Aug. 2012)
In an attempt to save face, ASEAN diplomats released the Statement of the ASEAN Foreign Ministers after failing to release the joint communiqué. This statement includes the “ASEAN’s Six-Point Principles on the South China Sea” (ASEAN 2012). These principles were not so different from the previous joint communiqué. Vague languages such as “ASEAN Foreign Ministers reiterate and reaffirm the commitment of ASEAN member states to” full implementation of the DOC and full respect of international law and self-restraint are repetitive of previous statements. These repetitive vague principles are not surprising given that ASEAN CoP has been riddle with the lack of generalized trust. The statement failed to provide the actual steps and processes of how the DOC should be implemented and how the COC will be agreed upon. It is important to note that the six principles are another product of the informal practices of the ASEAN CoP. Once again, it was Indonesia, with the help of Singapore, to serve as mediators after the fallout of the 45th AMM. Indonesia’s Foreign Minister Marty Natalegawa had to take trips to have bilateral meetings with other ASEAN diplomats and come up with the missing joint communique (Thayer 2013, 78). The minister tried to engage in “shuttle diplomacy” by flying to Manila, Hanoi, Bangkok, Phnom Penh, and Singapore in two days (Thayer 2013, 79). These bilateral consultations were inefficient, and this could have been achieved through the official AMM. Without the joint communiqué, ASEAN was exposed as a ASEAN diplomats could have used this opportunity to show that they have their own agency despite of their variation of dependency on China. It also could have proved that ASEAN speaks with once voice and had not fear of being entrapped in releasing statements that may have upset China. However, the persistence of the interrelated factors of two level of dependency, lack of generalized trust and ASEAN practices greatly limited ASEAN’s ability to effectively manage the SCS disputes
VIII. CONCLUSION

The ineffectiveness of ASEAN’s response to the SCS disputes has been due to both internal and external factors. Externally, China plays a part in using its material and diplomatic power in creating a dependence on ASEAN member states. Because the level of dependence is varied, it also leads to a lack of generalized trust between ASEAN and China. Nevertheless, the lack of generalized trust also exists within the ASEAN CoP, which is a part of the internal issue affecting ASEAN’s effectiveness. The other internal problem is the practices of ASEAN norms, such as the norms of informality, consensus, and non-interference. In this paper, I show that ASEAN norms and practices, and the lack of generalized trust have an interrelated effect in causing the ineffectiveness of ASEAN’s management of SCS disputes. I explain each of these factors by analyzing ASEAN’s activities from 1992-2020 and relying on the CoP framework. In terms of dependency, the ASEAN-China economic and diplomatic relationship shows that it needs to be understood through two levels. First, economic dependency is proven to be an effective tool in Cambodian’s chairmanship of the 2012 AMM. However, it is shown to be drastically ineffective against the Philippines’. The banning of Philippines’ export to China did not stop the Philippines from pursuing the release of the joint communiqué in the 45th AMM. More importantly, the Philippines brought the case to the international arbitration and won, further upsetting China. I propose that the micro-level of dependency through the practices of Chinese diplomats is essential in showing how power actually works in the diplomatic
environment. I show that the lack of generalized trust and ASEAN’s CoP practices of consensus and informality norms were the other connected factors that helped to render the effectiveness of these two levels of dependency between China and ASEAN states. ASEAN diplomats’ practices of its norms have persisted due to the lack of generalized trust, which was a part of background knowledge that diplomats in the CoP reflexively drew from. These norms have been ill-suited for a swift and decisive resolution of the SCS disputes because they emphasized the processes of interactions between diplomats but not the outcomes of resolving the disputes.

This paper has two main limitations: methodology and scope of actors involved in the SCS disputes. This paper intends to investigate the dependency, generalized trust, and practices of ASEAN norms. The data on China’s emergent power during meetings between ASEAN and Chinese diplomats has found to be limited due to the privacy of these meetings. The evidence on generalized trust could have been even more robust by conducting elite interviews. Similarly, elite interviews can provide more depth to the analysis of ASEAN as a community of practice and how norms are practiced in ASEAN. The second limitation is the omission of external actors such as the United States, Japan, and Australia, who have been directly and indirectly involved during the disputes. Similarly, analysis of Taiwan could yield interesting results of how they deal with ASEAN’s ineffectiveness. I will integrate these ideas of doing elite interviews and including other actors into my analysis for future work.
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