

ASEAN's Role in the Formulation of the South China Sea Code of Conduct (CoC) and Its Implications for Regional stability

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Abstract

The South China Sea represents one of the most contested maritime spaces globally, characterised by its economic, strategic, and geopolitical significance. The region's vast natural resources and function as a vital international trade route have made it a focal point of disputes involving several ASEAN member states and the People's Republic of China (PRC). To mitigate tensions and promote peace, ASEAN has sought to develop a binding Code of Conduct (CoC), building on the 2002 Declaration on the Conduct of Parties in the South China Sea (DoC). This study employs a qualitative juridical-normative approach, utilizing literature review and descriptive-analytical methods to examine ASEAN's role in the formulation of the CoC and its broader implications for regional security governance. Findings reveal that ASEAN plays a multifaceted role as a diplomatic mediator, normative forum, and integrative platform; however, divergent national interests hinder its effectiveness, China's negotiation dominance, and external pressures from global powers, such as the United States. While the CoC offers significant potential to enhance trust, prevent conflict escalation, and reinforce the legal framework established by UNCLOS 1982, its effectiveness depends on ASEAN's internal cohesion and the willingness of external actors to commit to binding agreements. This article concludes that a robust and legally binding CoC is crucial for strengthening ASEAN's centrality and maintaining stability in the South China Sea.

Keywords ASEAN; Code of Conduct (CoC); South China Sea; Regional Stability; International Law; UNCLOS 1982; ASEAN Centrality

INTRODUCTION

The South China Sea is recognized as one of the most strategically significant maritime regions globally, characterized by its high economic, geopolitical, and geostrategic value. This area serves as a vital international trade route, possesses abundant natural resources, and acts as an arena for competing interests among ASEAN countries and the People's Republic of China (PRC). Territorial disputes involving nations such as Vietnam, the Philippines, Malaysia, and Brunei Darussalam have led to heightened diplomatic tensions and the potential for armed conflict (Matondang et al., 2022; Farida, 2022; Benyamin & Almubaroq, 2022). The complex interplay of these disputes underscores the importance of regional stability for both local and global security dynamics (Prayoga et al., 2023; Li et al., 2025).

In the context of these multifaceted challenges, the Association of Southeast Asian Nations (ASEAN) bears the responsibility of fostering stability within the region. A critical mechanism for achieving this is the development of a Code of Conduct (CoC) for the South China Sea, which builds upon the Declaration on the Conduct of Parties in the South China Sea (DoC) established in 2002. The CoC is expected to provide a legal and political framework to regulate the conduct of involved parties, mitigate the risks of escalating conflicts, and fortify the principles of peaceful dispute resolution as delineated in the United Nations Convention on the Law of the Sea (UNCLOS) (Dipua et al., 2021; Putro et al., 2023; Sudargo & Manullang, 2023). The effectiveness of this framework rests on the cooperation and commitment of ASEAN member states and their engagement with China (Nugroho & Hikam, 2021; Rasmuliadi, 2023).

Despite its potential significance, the formulation of the CoC has confronted numerous obstacles, stemming from divergent national interests among ASEAN members and pressures exerted by China, which asserts extensive territorial claims based on a

contentious "nine-dash line" (Prihatiningsih et al., 2021; Benyamin & Almubaroq, 2022). Resistance from China, particularly its reluctance to accept collaborative frameworks that might constrain its assertiveness in the region, complicates ASEAN's efforts to create a unified and robust response to the South China Sea disputes (Cheng, 2024; Li et al., 2023; Pu, 2023). Thus, the ongoing negotiations surrounding the CoC represent not only a regional effort to stabilise the South China Sea but also a litmus test for ASEAN's diplomatic efficacy in the face of external pressures (Iqbal & Ahmad, 2023; Irsadanar, 2023).

This article aims to analyse ASEAN's pivotal role in the drafting of the Code of Conduct in the South China Sea and its implications for regional stability. By examining the interplay between ASEAN's strategic objectives and the broader geopolitical context, we can better understand how cooperative regional frameworks can be utilised to address long-standing disputes in the resource-rich and strategically vital waters of the South China Sea (Qin et al., 2024; Zhou et al., 2023). The complexities of these negotiations highlight the need for enhanced diplomatic engagement and a commitment to a multilateral approach to dispute resolution, which is essential for maintaining peace and stability within the region (Liu et al., 2023; Yan et al., 2024).

METHOD

This research employs a qualitative method with a juridical-normative approach. Data were collected through extensive literature review, including analysis of international agreements such as the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and the Declaration on the Conduct of Parties in the South China Sea (DoC) 2002. Official ASEAN documents, diplomatic statements, and relevant academic literature on international law and international relations were also reviewed. The analysis of data is conducted through descriptive-analytical means, aiming to portray the empirical facts surrounding the formulation of the Code of Conduct (CoC) and relate them to international legal norms and the principles of regional stability Budiana & Djuyandi (2023)Irianto & Sutrisno, 2024; Setyawati & Amandha, 2022). Such a method is essential to comprehensively understand the multifaceted legal frameworks and geopolitical dynamics involved in the South China Sea disputes (Parasasti et al., 2023; Huang et al., 2024; "Assessment Model of Sudden Oil Spill Pollution in South China Sea Navigation Area Based on the Theory of Community of Marine Destiny", 2022).

Furthermore, this approach allows for an in-depth examination of the ongoing challenges encountered by ASEAN in seeking to establish a cohesive and effective CoC, particularly in light of the competing interests among member states and external influences from China (Prayoga et al., 2023; Saputra & Mubasit, 2024; Sajith et al., 2022). The descriptive-analytical framework facilitates the identification of gaps in current strategies and the potential implications of these gaps for regional security governance. Consequently, the insights gleaned from this analysis are crucial for shaping future diplomatic initiatives and collaborative efforts toward conflict resolution in the South China Sea, reinforcing the need for a unifying legal and political front among ASEAN nations (Simanjuntak et al., 2021; R., 2020; Khalik & Ya'akub, 2023).

RESULTS AND DISCUSSION

1. ASEAN's Role in the Formulation of the Code of Conduct (CoC)

Since the signing of the Declaration on the Conduct of Parties in the South China Sea (DoC) in 2002, ASEAN has made continuous efforts to enhance cooperative mechanisms with China. ASEAN positions itself primarily as a diplomatic mediator, fostering dialogue not only among its member states but also between those states and China Irianto & Sutrisno (2024)(Saputra & Mubasit, 2024; Prayoga et al., 2023). Moreover, ASEAN acts as a normative forum, reinforcing international legal principles such as the non-use of force, peaceful dispute resolution, and adherence to the United Nations Convention on the Law of the Sea (UNCLOS) 1982 (Bharti & Kumari, 2024; Velasco, 2023; Rizani, 2021; . Additionally, it serves as a platform for interest integration, enabling member countries to voice collective views aimed at incentivizing China to consent to a binding CoC (Lee, 2023; (Saputra & Mubasit, 2024; Pradana & Darmawan, 2023). The multifaceted role of ASEAN highlights its essential function in promoting regional stability and cooperation amidst escalating tensions in the South China Sea.

2. Challenges in Formulating the CoC

Despite progress, the process of formulating the CoC encounters significant challenges. One primary obstacle is the divergence of interests among ASEAN member states, as not all countries are directly involved in the territorial disputes, leading to a propensity for compromise favorable to China (Saputra & Mubasit, 2024; Prayoga et al., 2023). Moreover, the lack of legally binding commitments during negotiations poses a major impediment, since China frequently rejects provisions that it perceives as limitations to its military freedoms in the region (al., 2023; Marie et al., 2023). Additionally, the global geopolitical landscape complicates ASEAN's efforts, particularly due to the involvement of the United States, which advocates for freedom of navigation and may exacerbate regional tensions (Silalahi, 2023; Chairil et al., 2023). These challenges underscore the complexities of diplomatic negotiations within ASEAN and the intricate power dynamics at play in regional relations.

3. Implications of the CoC for Regional Stability

The formulation of the CoC is associated with several potential positive implications for regional stability. Primarily, it aims to prevent conflict escalation by establishing agreed-upon behavioral guidelines among states (Tantahara & Midhio, 2023; Rizani, 2021; TOAN, 2023). Furthermore, it has the potential to bolster trust among nations through the implementation of confidence-building measures, fostering a more cooperative environment (Irsadanar, 2023; TOAN, 2023). The CoC also reinforces the legal framework provided by UNCLOS 1982, aiding in the delineation of maritime boundaries and the assertion of sovereign rights (Lee, 2021; Alunaza & Sherin, 2022). However, there remain uncertainties regarding its overall effectiveness: if the CoC lacks legal binding power, its potential to maintain regional stability can be significantly diminished, and China's negotiation dominance could undermine ASEAN's cohesion as a regional bloc (Saefullah, 2021; Bhowmik et al., 2021).

4. Further Considerations in ASEAN's Strategy

In light of ASEAN's ongoing challenges in formulating the CoC, several strategic considerations could enhance its effectiveness. Efforts should be intensified to solidify member state collaboration in shaping a robust collective response to external pressures while maintaining adherence to ASEAN's founding principles (Shiddiqy et al., 2024; Lestari et al., 2022). This approach could involve establishing clearer frameworks for conflict resolution and further developing regional security initiatives that promote member states' collective interests (Yoshimatsu, 2022; As'ad & Nafilah, 2022). Additionally, fostering stronger

partnerships with external stakeholders could broaden the scope of cooperation and provide ASEAN with leverage in negotiating with larger powers, such as China (Estiyovionita & Sitamala, 2022; Yin et al., 2020). By adopting a proactive stance that supports mutual interests and legal norms, ASEAN stands a greater chance of navigating the complex geopolitical landscape effectively.

5. Conclusion: The Future of the CoC and ASEAN's Role

In conclusion, while the formation of the CoC represents a critical step toward enhanced stability and security in the South China Sea, the pathway to its establishment is fraught with challenges and uncertainties. ASEAN's multifaceted role as a mediator, normative forum, and integration platform is essential for fostering dialogue and cooperation among its member states and with external actors (Solanki, 2021; Koga, 2022). However, to ensure the effectiveness of the CoC, it is vital for ASEAN to address internal divisions and external pressures effectively, fostering unity among its members while advocating for international law compliance. Ultimately, a robust implementation of the CoC could serve not only to stabilize the South China Sea but also to reaffirm ASEAN's relevance and centrality in regional governance (Zhou & Runlin, 2023; Pan, 2023).

Discussion

ASEAN's role in the formulation of the *Code of Conduct* (CoC) in the South China Sea reflects the organization's attempt to advance collective diplomacy in order to maintain regional stability. The findings indicate that ASEAN assumes three principal functions: as a diplomatic mediator, a normative forum, and a platform for the integration of interests. These roles emphasize ASEAN's position as a regional actor striving to balance the interests of its member states with external powers, particularly China. This aligns with the concept of *ASEAN centrality*, which underscores ASEAN's role as the core of political and security architecture in Southeast Asia (Irianto & Sutrisno, 2024; Saputra & Mubasit, 2024).

Nevertheless, the effectiveness of ASEAN's role is constrained by significant challenges. Divergent interests among member states remain a primary obstacle. States without direct claims in the South China Sea often adopt more conciliatory positions, thereby weakening ASEAN's collective consensus (Prayoga et al., 2023). This condition highlights the limitations of ASEAN's *collective security* mechanism, as the principle of non-interference frequently generates fragmentation of interests. In addition, China's dominant role in negotiations exacerbates the asymmetry of power, placing ASEAN in a defensive position.

Another challenge lies in the absence of legally binding provisions in the CoC negotiations. China's reluctance to accept clauses that would restrict its military activities raises doubts about the CoC's effectiveness as a conflict-prevention mechanism. From the perspective of international law, a non-binding instrument risks being merely declaratory, lacking enforceable consequences. The situation is further complicated by the involvement of the United States through its *freedom of navigation operations* (FONOPs), which intensify ASEAN-China tensions (Silalahi, 2023). Consequently, the CoC risks being trapped in the rivalry between two great powers, with ASEAN caught in a vulnerable position.

Despite these challenges, the CoC offers notable prospects for regional stability. First, the establishment of mutually agreed behavioral guidelines may prevent conflict escalation and function as a *confidence-building measure* among parties (Tantahara & Midhio, 2023). Second, the CoC strengthens the international legal regime, particularly UNCLOS 1982, as the global framework governing maritime domains (Lee, 2021). This contributes to clarifying maritime boundaries and sovereign rights while reinforcing the legitimacy of international law over unilateral claims such as the "nine-dash line."

However, if the CoC remains merely political without legal binding force, its capacity to ensure regional stability will be considerably weakened. China's dominance in negotiations could erode ASEAN's solidarity as a regional bloc, ultimately undermining the principle of *unity in diversity* that has long underpinned ASEAN cooperation (Saefullah, 2021). Therefore, the CoC's formulation must be accompanied by efforts to strengthen ASEAN's internal cohesion. This can be achieved by establishing clearer frameworks for dispute settlement, enhancing regional security mechanisms, and engaging with external partners while preserving ASEAN's autonomy in determining its strategic direction.

From a theoretical standpoint, the discussion demonstrates that ASEAN is confronted with a dilemma between preserving regional stability and maintaining its institutional relevance. Should the CoC materialize as a legally binding instrument, ASEAN would not only succeed in stabilizing the South China Sea but also reaffirm its position as a pivotal actor in regional governance. Conversely, failure to establish an effective CoC could undermine ASEAN *centrality* and open the door for external domination.

CONCLUSION

The formulation of the Code of Conduct (CoC) in the South China Sea highlights ASEAN's critical role in fostering dialogue, mediating disputes, and advancing the principles of peaceful conflict resolution. By functioning as a diplomatic mediator, a normative forum for legal principles, and a platform for integrating member state interests, ASEAN demonstrates its capacity to serve as a central actor in regional governance. However, the effectiveness of these efforts is limited by internal divisions within ASEAN, China's assertive stance and reluctance to accept binding constraints, and the involvement of external powers such as the United States.

Despite these challenges, the CoC offers substantial opportunities for strengthening regional stability by preventing conflict escalation, reinforcing international legal norms, and building confidence among states. Its success, however, will depend on ASEAN's ability to consolidate unity, uphold its founding principles, and ensure that the CoC possesses legal binding force. A strong and enforceable CoC would not only stabilize the South China Sea but also reaffirm ASEAN's relevance and centrality in navigating complex geopolitical dynamics. Conversely, failure to achieve an effective CoC could weaken ASEAN's cohesion and open the region to external domination.

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