

ASEAN'S Long March to a Code of Conduct in the South China Sea

If the past is prologue, China's disregard for the Award and its continual militarization of its features in the South China Sea means that ASEAN's Long March for a COC will remain a protracted one.

Introduction

For the past quarter of a century member states of the Association of South East Asian Nations (ASEAN) have been embarked on a "Long March" to secure a legally binding Code of Conduct in the South China Sea (COC) with China. Progress has been painfully slow but momentum has built up over the past eighteen months. In May 2017, China and ASEAN members reached agreement on a draft Framework COC at their 14th Senior Officials' Meeting (SOM) on the Implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC) held in Guiyang, Guizhou province. The next stage will be to open formal consultations on the text and timeline for completing the COC.

At the same time as these positive diplomatic initiatives are developing, there are ominous signs that China's commitment to "self-restraint" is in reality a green light for further militarization of its artificial islands in the Spratly archipelago and military presence in the South China Sea.

The [Asia Maritime Transparency Initiative](#) (AMTI) reported on 29 June 2017, for example:

New imagery shows that while China is keeping attention focused on its negotiations [sic] with Southeast Asian countries over basic principles to manage South China Sea disputes, its construction of military and dual-use facilities on the Spratly Islands continued. New missile shelters, radar/communications facilities, and other infrastructure are going in on Fiery Cross, Mischief and Subi Reefs, suggesting that while the region is engaged in peaceful discussion, China remains committed to developing its power projection capabilities.

ASEAN Commences its Long March, 1992-2011

ASEAN first became involved in South China Sea issues in July 1992 when China and Vietnam became embroiled in a dispute over oil exploration activities near Vanguard bank. ASEAN issued [a declaration](#) that urged unnamed parties “to exercise restraint” and for the first time called on “all parties concerned to apply the principles contained in the Treaty of Amity and Cooperation in Southeast Asia as the basis for establishing a code of international conduct over the South China Sea.”

ASEAN’s call for self-restraint went unheeded. In late 1994/early 1995 China occupied Mischief Reef - a feature in the Spratly Islands claimed by the Philippines. ASEAN foreign ministers now [expressed](#) their “serious concern” and urged the parties involved “to refrain from taking actions that de-stabilize the situation.” The Philippines lobbied its fellow members to adopt a code of conduct that would constrain China from further encroachment.

Five years later, in March 2000, [ASEAN and China](#) exchanged their respective draft Code of Conduct and agreed to consolidate them into a final text. However, four major areas of disagreement proved insurmountable: the geographic scope, restrictions on construction on occupied and unoccupied features, military activities in waters adjacent to the Spratly islands, and whether or not fishermen found in disputed waters could be detained and arrested.

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Carlyle A. Thayer is Emeritus Professor, The University of New South Wales at the Australian Defence Force Academy, Canberra and Director of Thayer Consultancy.

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