

# Inquiry to The Use of ASEAN Way: China Increase Posturing And Indonesia's Role in South China Sea Dispute

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**Ujang Komarudin\***

Al Azhar Indonesia University, Indonesia  
Email: [ujang81@uai.ac.id](mailto:ujang81@uai.ac.id)

**Pitut Pramuji\*\***

University of Indonesia, Indonesia

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## ABSTRACT

As the tension in South China Sea has risen, pundits and scholars quickly forgot how manageable it was once during the period after the Asian Financial Crisis until before the Global Economic Crisis of 2008. This paper will identify and elaborate the reason of South China Sea tension to re-escalate after a decade of sustained peace while trying to assess the effectiveness of ASEAN Way in defusing the conflict and understand the role of Indonesia in South China Sea territorial dispute. The findings of this study explained what motivates China to take tougher stance in this matter. First is the internationalization of South China Sea dispute with the submission through International Court of Justice by Malaysia and Vietnam; second is the growing international power and influence China gained after the global economic crisis of 2008; third, while China's growing naval capabilities since a decade ago has made possible for China to extend its power projection far reaching its coastline; fourth the growing interdependence of regional trade from Southeast Asian countries with China through the full establishment of China-ASEAN Free Trade Area in 2010; fifth, ineffectiveness of the U.S. rebalancing strategy in Asia due to its stance on South China Sea, and sixth, disunity of ASEAN to converge on a common course of action towards China's behavior in South China Sea, this evidence also concurs how ineffectiveness of ASEAN Way to come to agreement what are the Code of Conduct should look like. Meanwhile Indonesia tried hard to push this agenda in various formal and informal meetings in East Asia, although the noise its making still cannot lured parties involved reluctantly revert back to the old balancing power game. Keywords: South China Sea, ASEAN Way, Indonesia

## ABSTRAK

Karena ketegangan di Laut Cina Selatan semakin meningkat, pakar dan ilmuwan dengan cepat melupakan betapa mudahnya pengelolannya selama periode setelah krisis keuangan Asia sampai sebelum krisis ekonomi global tahun 2008. Tulisan ini akan berfokus untuk mengidentifikasi dan menguraikan penyebab Laut Cina Selatan yang kembalimeningkat setelah satu dekade dalam mempertahankan perdamaian dan mencoba menilai keefektifan ASEAN Way dalam meredakan konflik, memahami peran Indonesia dalam perselisihan teritorial Laut Cina Selatan. Temuan penelitian tersebut menjelaskan apa yang memotivasi China untuk mengambil sikap lebih keras: Pertama adalah

internasionalisasi perselisihan Laut Cina Selatan dengan pengajuan melalui Pengadilan Internasional oleh Malaysia dan Vietnam; Kedua, meningkatnya kekuatan dan pengaruh internasional yang didapat China setelah krisis ekonomi global tahun 2008; Ketiga, kemampuan angkatan laut China yang berkembang sejak satu dekade yang lalu memungkinkan China untuk memperluas proyeksi kekuatannya jauh sampai ke garis pantai; Keempat, meningkatnya saling ketergantungan perdagangan regional dari negara-negara Asia Tenggara dengan China melalui pendirian Kawasan Perdagangan Bebas China-ASEAN tahun 2010; Kelima, ketidakefektifan strategi penyeimbang AS di Asia karena pendiriannya di Laut Cina Selatan, dan Keenam, perpecahan ASEAN untuk berkumpul dalam tindakan bersama terhadap tingkah laku China di Laut Cina Selatan, bukti ini juga menyimpulkan bagaimana ketidakefektifan ASEAN Way untuk mencapai kesepakatan seperti apa kode etiknya. Sementara itu Indonesia berusaha keras untuk mendorong agenda ini dalam berbagai pertemuan formal dan informal di Asia Timur, walaupun kebisingan yang dibuatnya tetap tidak dapat dipikat pihak-pihak yang terlibat dengan enggan kembali ke permainan kekuatan keseimbangan lama. Kata Kunci: Laut Cina Selatan, ASEAN Way, Indonesia

## INTRODUCTION

Sino-Southeast Asian history of dispute over South China Sea territorial claim had history since 1970s when countries in Southeast Asia made overlapping claim to the sovereignty of the territory. As of today, six states laid claim to the disputed area of Spratly Islands, while Paracel Islands are claimed by China, Taiwan, and Vietnam. Arguments of the claimants can be separated into historic discovery and occupation claims, in which China, Taiwan, and Vietnam are grounded and claims that the rest on the provisions of the United Nations Conventions on the Law of the Sea (UNCLOS) in which three ASEAN members – Brunei Darussalam, the Philippines, and Malaysia made.

South China Sea has important sea lanes for trade in the region, potentially rich in natural resources, as well as abundance resource for fisheries and marine life. As Emmerson puts it, if China succeeded with its claim of the whole territory, it would be able to extend its jurisdiction over one thousand nautical miles from its mainland and could pose strategic threat for Southeast Asian countries ([Emmerson, 2007:4](#)).

Although claimants have officially declared its jurisdiction over the territory as early as 1947,<sup>1</sup> tension between ASEAN

1 China since 1947 with its 11-Dash Line Map already claimed the whole territory of South China Sea, Taiwan occupied Aba Islands since 1947, Vietnam in 1975 claimed the Spratly, Philippines proclaimed in 1971 and later in 1978 declared as part of its

member and China did not begin until 1990s. In 1970s and 1980s, China and Vietnam had two armed conflicts regarding control over Paracel Islands in 1974 and Spratly Islands in 1988 before Vietnam joined ASEAN. In the early 1990s, both China and ASEAN made South China Sea an important potential source of conflict. First with the passing of China's Law on the Territorial Waters and Contiguous Areas in February of 1992 whereby in article 2 reiterated China's claim of Paracel and Spratly Islands, and article 13 stipulates the authority to exercise powers to prevent any security threat.<sup>2</sup> On July the same year, ASEAN foreign ministers signed an ASEAN Declaration on the South China Sea that urge and commend all parties to apply principles of Treaty of Amity and Cooperation in South-east Asia to be the basis for establishing a code of international conduct over the South China Sea.<sup>3</sup>

In January 1<sup>st</sup> 1995, the first armed conflict between ASEAN members and China took place when the Philippines' gunboat fought three Chinese naval vessels in Mischief Reef. A series of incident then took place between China and the Philippines, mainly with the arresting of Chinese fishermen in the area of Spratly Islands. This tension lasted until the signing of Declaration of Conduct in the South China Sea (DOC) in 2002, that committed all parties to reaffirm their respect for and commitment to the freedom of navigation in and over flight above the South China Sea as provided for by the universally recognized principles of international law and to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force; and for all parties to exercise self-

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territory. Malaysia in 1979 extended its continental shelf to include part of Spratly, then Brunei in 1988 established an Exclusive Economic Zone that extends to the south of the Spratly Islands.

- 2 Document of Law on the Territorial Sea and the Contiguous Zone of 25 February 1992, accessed from <http://www.documentcloud.org/documents/1341819-prc-law-of-the-territorial-sea-and-the.html> on October, 22 2017.
- 3 Centre for International Law (CIL) – National University of Singapore, accessed from <http://cil.nus.edu.sg/rp/pdf/1992%20ASEAN%20Declaration%20on%20the%20South%20China%20Sea-pdf.pdf> on October, 23 2017.

restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability including, among others, refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner.

There have been several incidents since 2010 involving other parties that have maritime disputes with China:

- a. In September 2010, tensions were raised in the East China Sea near the Senkaku (Diaoyutai) Islands, a territory under the legal administration of Japan, when a Chinese fishing vessel deliberately rammed Japanese Coast Guard patrol boats.
- b. On February 25, 2011, a frigate from China's navy fired shots at 3 fishing boats from the Philippines.
- c. On March 2, 2011, the Government of the Philippines reported that two patrol boats from China attempted to ram one of its surveillance ships.
- d. On May 26, 2011, a maritime security vessel from China cut the cables of an exploration ship from Vietnam, the Binh Minh, in the South China Sea in waters near Cam Ranh Bay in the exclusive economic zone of Vietnam.
- e. On May 31, 2011, three Chinese military vessels used guns to threaten the crews of four Vietnamese fishing boats while they were fishing in the waters of the Truong Sa (Spratly) archipelago.
- f. On June 3, 2011, Vietnam's Foreign Ministry released a statement that "Vietnam is resolutely opposed to these acts by China that seriously violated the sovereign and jurisdiction rights of Viet Nam to its continental shelf and Exclusive Economic Zone (EEZ)".
- g. On June 9, 2011, three vessels from China, including one fishing vessel and two maritime security vessels, ran into and disabled the cables of another exploration ship from Vietnam, the Viking 2, in the exclusive economic zone of Vietnam.

- h. The actions of the Government of the People’s Republic of China in the South China Sea have also affected United States military and maritime vessels and aircraft transiting through international air space and waters, including the collision of a Chinese fighter plane with a United States surveillance plane in 2001, the harassment of the USNS Victorious and the USNS Impeccable in March 2009, and the collision of a Chinese submarine with the sonar cable of the USS John McCain in June 2009.
- i. On April 8 2012, the Philippines Navy ship and two Chinese vessels were locked in a standoff for two days after Chinese vessels position themselves between Chinese illegal fishermen and the Philippine Navy ship.
- j. In June 2012, China’s cabinet, the State Council, approved the establishment of the city of Sansha to oversee the areas claimed by China in the South China Sea.
- k. In July 2012, Chinese military authorities announced that they had established a corresponding Sansha garrison in the new prefecture.
- l. On June 23, 2012, the China National Offshore Oil Corporation invited bids for oil exploration in areas within 200 nautical miles of the continental shelf and within the exclusive economic zone of Vietnam.
- m. Since July 2012, Chinese patrol ships have been spotted near the disputed Senkaku (Diaoyutai) Islands in the East China Sea.
- n. In November 2012, a regulation was approved by the Hainan People’s Congress authorizing Chinese maritime police to “board, search” and even “take over” ships determined to be “illegally entering” South China Sea waters unilaterally claimed by Beijing.<sup>4</sup>
- o. On November 23 2013, China declares Air Defense Iden-

<sup>4</sup> U.S. Congress Bill Draft “To Promote Peaceful and Collaborative Resolution of the South China Sea Dispute, accessed from <https://www.congress.gov/bill/113th-congress/house-bill/772/text> accessed on October, 23 2017.

- tification Zone in the East China Sea. It claims the right to monitor and intercept any aircraft with the zone.
- p. On December 5, 2013 USS Cowpens nearly collide with PLA Navy Amphibious Dock Ship while it was international waters.
  - q. On January 26, 2014 three China vessels patrolled an area dispute by Malaysia, the James Shoal.
  - r. On May 2 2014, China National Petroleum Corporation-owned oil rig is moved to a location 17 nautical miles from Triton Island, southwestern-most feature in Paracels Island.

Furthermore, China has also continued with its massive land reclamation in the Spratly Islands. According to CSIS's Asia Maritime Transparency Initiative, China is almost in completion with its land reclamation project in the Cuarteron, Fiery Cross, Gaven, Hughes, Subi, and the Union Reefs (Johnson South and Johnson North reefs), up to 1500 acres ([Khoo, 2015](#); [Glaser, 2015](#)). Although this action is not a clear violation of any international law, and other claimants have also done the same it certainly disrupt the stability of the region, as China's extend its capability with land expansion enabling them to monitor and potentially control the airspace over South China Sea.<sup>5</sup>

Other claimants see this as leverage over China's further buildup to alter territorial claims over the disputed area. Meanwhile other states in the region feels the threat of China's capability to blockade important Sea Lines of Communication (SLOCs) in South China Sea. Adding to that the event of clashes that have been growing in recent years involving Chinese navy and official ships puts the region in high alert to what the Chinese intention are in South China Sea.

Foreign Ministry Spokeswoman Hua Chunying issued a lengthy statement on April 9. In addition to repeating prior positions that China has "indisputable sovereignty" over the

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5 Vietnam has expanded 200.000 square meters, while Taiwan has also began reclamation project of its Aba Island post in South China Sea.

Spratly Islands and adjacent waters, and that China's construction is "fair, reasonable, and lawful," Hua stated that China's activities are *mainly* for civilian purposes, but also are intended to serve "necessary military defense requirements" ([Glaser, 2015](#)). She maintained that China seeks to improve relevant functions the islands and reefs provide, to better safeguard national territorial sovereignty and maritime rights and interests, to better meet China's international responsibilities and obligations in maritime search and rescue, disaster prevention and mitigation, marine scientific research, weather observation, environmental protection, navigation safety, fishery production services, and other areas.

Chinese Foreign Minister Wang Yi expressed the view that "China's determination to safeguard its sovereignty and territorial integrity is as firm as a rock and is unshakable, we also hope to maintain peace and stability in the region and are committed to international freedom of navigation" ([Khoo, 2015](#)). While China's ambassador to the U.S., Cui Tiankai, laid out Beijing's view in his speech in Washington "First, China will defend its sovereignty and maritime rights, while it exercises restraint. Second, China seeks to resolve disputes through diplomacy. Third, on the specific issue of the upgrading of Chinese facilities in the South China Sea, this activity is "well within China's sovereignty." Finally, China's overall foreign policy is "defensive in nature." Therefore, in seeking to resolve the South China Sea disputes, Beijing seeks to co-operate with all regional states" ([Khoo, 2015](#)).

In the latest Shangri-La Dialogue in May of 2015, two Chinese defense officials, Senior Colonel Zhao Xiaozhuo, Deputy Director-General of China-US Defense Relations Research Center People's Liberation Army and Major General JinYinan Professor at National Defense University, People's Liberation Army had this to say when asked about the possible threat that China is posing to the stability of the region:

“I think the freedom of navigation in the South China Sea is not at all an issue because the freedom has never been affected, and also it is groundless to criticize China for affecting regional peace and stability through construction activities, since China has never taken any proactive measures. In fact, the disputes in the South China Sea has been there for decades, and over the past decades the region has been peaceful and stable just because China’s great restraint. So, I think China’s activities are legitimate, reasonable, and justified.”<sup>6</sup>

“For us, China is always responsible for the safety of navigation in South China Sea lanes, so that is why we say safety navigation is not a problem, it has always been safe, because it is under the protection of all the big countries, including China. As for the construction by China on the reefs in the South China Sea, I feel comparing with the size of South China Sea, ours 2000 acre is very small. And we feel that we are legitimate, and we are not in violation of international law. We are within the scope of international law in doing this construction, including marine assessment and environmental assessment. And if you look at other countries’ construction, we are 30 years late. So many neighboring countries are all doing this. Within those 30 years we proposed joint development, but in the end we were sorry to see oil derricks from other countries everywhere. We are being forced into this situation.”<sup>7</sup>

After series of incident in the 1990s, the decade of 2000s saw tension in South China Sea deescalating, China and ASEAN’s four-member claimants of the South China Sea managed to avoid incident during the period of 2002 until 2010. In 2000,

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6 Beijing’s Attempt to Annex the South China Sea Excerpts from the 2015 Shangri-La in Singapore, accessed from <https://www.youtube.com/watch?v=DL-vwCE2paY> on October, 23 2017.

7 *Ibid.*



[Robert S. Ross \(2000:21-23\)](#) pointed that out of the three most prominent East Asian conflicts: South China Sea, Korea Pen-insula, and Taiwan Straits, conflict in South China Sea is the least significant: "Because the disputed islands are in the U.S. dominated South China Sea, are too small to possess strategic value for power projection, and seem to lack significant energy resources, Beijing has neither the ability nor the strategic interest to challenge the status quo by militarily dislodging the other claimants' forces from the islands. There may be occasional military probes by China or other claimants, but the United States, because of its advantage in naval warfare, does not need to engage in rapid escalation to deter a possible Chinese offensive."

Similarly, Ralf Emmerson in 2007 argued that since the 1995 armed conflict between China and the Philippines, the situation in South China Sea has de-escalated due to several reasons: 1) perceptions of China has gradually changed among Southeast Asian elites resulting from moderation in China's foreign policy of self-restraint and accommodation towards Southeast Asia. 2) The weakness of China's power projection from the lack of extensive increased capability to sustain naval operations away from its mainland bases. 3) The inclusion of Vietnam as member of ASEAN adhering to the TAC principals. 4) Restraining from nationalism card from all claimants towards South China Sea dispute. 5) Limited proven oil reserves of the South China Sea and 6) involvement of the United States as a source of stability ([Emmerson, 2007:12-16](#)). This research focuses to identify and elaborate the cause for tension on the South China Sea dispute to re-escalate after a decade of sustained peace, while assessing the effectiveness of ASEAN Way in managing the conflict, as well identifying how Indonesia plays its role.

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## LITERATURE REVIEW

### China's Rise and Security Construction in East Asia and Southeast Asia: Building a Community

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Post-Cold War theater in East Asia presents a new pattern of power relations in East Asia, while special attention paid into changes in Europe, the impact of the Soviet Union disintegration on East Asia tend to be overlooked. Unlike in Europe, none of the East Asia communist regimes fell, and United States bilateral alliances remains with little changed. However, in ideological terms it spelt the abrupt end of socialism or communism as rallying cry for either the remaining communist regimes or for opposition parties or groups in East Asia. Similarly, command economy model lost its appeal leaving capitalism as the only effective economic model.

As United States became the sole superpower with its global dominance, international politics turned to be more fluid with spaces become available for regional institutions and cooperation to develop. In East Asia, the end of bipolarity also led to a repositioning of the great powers: Japan could now provide effective logistic and rear services support to American forces engaged in conflict within the region serving as the bedrock for the U.S. strategic presence in East Asia.

From a realist perspective, not only could dramatic and unpredictable changes in the distribution of capabilities in East Asia increase uncertainty and mistrust, but the importance of sea-lanes and secure energy supplies to almost all regional actors could encourage a destabilizing competition to develop power-projection capabilities on the sea and in the skies.

The security dilemma theory proposed by John Hertz in 1950 suggests the imperative of self-help guiding the behavior of states under conditions of anarchy could fuel arms race; international relations is a vicious circle of security and power accumulation as states are driven to acquire more and more power in order to escape the power of others ([in Acharya, 2001:1](#)).

Mistrust between two or more potential adversaries can lead each side to take precautionary and defensively motivated measures that are perceived as offensive threats. This can lead to countermeasures, thus ratcheting up regional tensions, reducing security, and creating self-fulfilling prophecies about the danger of one's security environment.

If we look at the variables that might fuel security dilemma and dynamics, East Asia appears quite dangerous, the chance for spirals of tension in East Asia seems great, particularly in the absence of a U.S. military presence in the region. East Asian countries acknowledge the interest of China to be a legitimate great power. While it is not yet a superpower, and its leadership in global issues and institutions are limited, but its leadership in East Asia may satisfy its demand for regional leadership ([Segel, 2000: 238](#)).

In the nineteenth century, the key to ensuring a balance against a strong adversary was developing a sufficient commonality of interests to hold together a coalition. The strategy also depended on there being a core of relatively strong states that were prepared to articulate and then act upon such a commonality of interests. In East Asia and especially from Southeast Asia perspective, such direction would be unwelcome. Although one would argue that East Asian countries are lacking the will to articulate and act upon such common interest, however creating stability with means a balance of power is of little interest for ASEAN regional security construction.

One possible way to ameliorate the security dilemma is through multilateral regimes and forums designed to increase transparency and build confidence. Given that China both fears and has little influence over various aspects of current U.S. bilateral diplomacy - such as strengthening the U.S.-Japan alliance or the U.S.-Australia alliance - accepting a bigger multilateral dialogue, if not the creation of formal multilateral security institutions, may be the method of reducing the threat that U.S. bilateralism poses.

After seeing the examples of Soviet Union – a military giant yet economically weak – and Japan – economically strong but a bystander in military and diplomatic matters – China’s objectives are to set both military and economic power, with the addition of intellectual might. “Any grand strategy of China must be based on comprehensive security or domestic and external security, not only military security but also political, economic, and cultural security.” ([Deng and Wang, 2005:2](#)).

Beijing’s priority is sustained, rapid economic growth, because growth is fundamental to the regime’s legitimacy. Three aspects dominate the daunting task of the CCP’s political preservation. First, overall sociopolitical stability and the status quo must be preserved. Revolutions, social uprisings, radical political changes, and social disturbances and chaos must not happen. Second, political preservation in the PRC means the CCP’s continuous monopoly of political power. Third, provide effective and rational governance in a country that is growing and changing so rapidly. ([Lampton, 2007: 118](#))

It has become a consensus of the Chinese leadership and foreign policy elite that economic globalization, and the global issues that arise from it has made the interests of various countries increasingly interdependent. No single nation or regional group alone can handle these global issues. Interdependence among nations is not just limited to economic issues; interdependence in security among nations is also deepening.

China often calls its Asian neighbors ‘periphery countries’ (*zhoubianguojia*). Although China was always aware of the importance in maintaining stable relations with these periphery countries for its national security, Beijing however, was never able to make an integral policy toward neighboring countries. One reason for the absence of China’s regional policy was the frequent domestic turmoil and policy change, which severely limited China’s ability to make any coherent foreign policy, including regional one. The second was China’s traditional cultural complacency and the legacy of Sino-centrism, which took

China as the center of Asia for granted. The third was China's ambiguous position in the region "more than merely a regional actor, but still less than a global power," which left China in an uncertain relationship with its Asian neighbors. The fourth was China's unique position in the bipolar Cold War setting, which forced Beijing to see its security in global rather than regional terms. Most of these factors began to change after China launched market-oriented economy and began opening up to the outside world in the early 1980s. ([Zhao, 2004: 256](#)).

You Ji and JiaQingguo ([in Zhao, 2004: 259](#)) provided some arguments that three new trends in Asia has made Chinese leaders noticed the importance to give attention to its periphery: the first was the prospect of a pacific century, which Beijing embraced with the hope that fast economic growth in the Asia-Pacific region could offer new energy to China's economic prosperity. Taking the opportunities created by restructuring of the world economy, China was determine to integrate its economy with the rest of the region. The second was the emergence of 'new Asianism,' claimed that success of Asian modernization was based on its unique values. This concept resonated in the hearts of many Chinese leaders because it challenged Western ideological and economic centrality. Chinese leaders wanted to help drive this evolving trend of Asianism by working closely with its Asian neighbors. The third was the development of regional and sub-regional blocs following the collapse of the bipolar system. Beijing decided to take advantage of the collectivism that might provide new mechanism useful for China to face the West.

Jianwei [Wang \(2005:163\)](#) also put forward three arguments that can identify China's change of course in pursuing multilateral approaches in 2000s: first, China is shifting from passive response to active participation and even initiation. Multilateral diplomacy has increasingly become an integral part of Chinese foreign policy in general and regional diplomacy in particular. Second, China no longer perceives security multilateralism as

taboo; rather, it has gradually recognized the legitimacy of the multilateral approach in resolving international and regional security issues, and it has actively explored new forms of multilateralism in security relations with other countries. Third, China's multilateral diplomacy does not merely serve the traditional function of external balancing or utility generating, it also indicates Beijing's growing interest in establishing a less-instrumental, more rule and norm-based international order, particularly around its periphery.

It is important to note that Beijing's periphery policy is closely related with the objective of economic modernization. In order to achieve a high rate of economic growth, the leaders looked for common ground in cooperation with neighboring countries, in order to take a share of the rapid economic growth in the region. As a result of this policy, China traded more and more with Asian countries.

Although South China Sea issue have subjected to nationalism and pride from the CCP's perspective, Erica Strecker Downs and Philip C. [Saunders \(2000:43-44\)](#) argued that current aggressive Chinese nationalism are overstated or at least pre-mature. Several evidences are presented to suggest this notion. In examining the Chinese behavior in two territorial disputes with Japan over the Diayou (Senkaku) islands, the Chinese government proved willing to incur significant damage to its nationalist credentials by following restrained policies and cooperating with the Japanese government to prevent the territorial disputes from harming bilateral relations. When forced to choose, Chinese leaders pursued economic development at the expense of nationalist goals.

China's political leaders have sought to restore the regime's legitimacy following the Tiananmen incident by appealing to nationalism and by raising living standards. Both are potentially important sources of legitimacy, but economic performance matters to a wider segment of the population. Ideally, the CCP would like to maximize its legitimacy by making strong appeals

to nationalism while simultaneously raising living standards, but power constraints and the contradictions between domestic appeals to nationalism and a development strategy relies heavily on foreigners mean trade-offs exist between nationalism and economic performance. Both also provided some constraints that Beijing is facing to prevent them from leaning heavily on either nationalism or economic performance. The first (and firmest) constraint is China's international power position, which limits its ability to attain nationalist objectives. Excessive nationalism can stir up demands for assertive international policies that Chinese leaders cannot presently satisfy. Conversely, maximizing economic growth to create new jobs requires China to make economic concessions and to accept a politically uncomfortable degree of economic dependence on foreigners. The second constraint is international reactions to Chinese behavior and rhetoric. Excessive nationalism may affect the willingness of other states to trade with and invest in China or even stimulate military reactions. On the other hand, pushing towards economic development will likely require accepting foreign demands for restraint in China's military buildup. The third constraint is domestic reactions, if Chinese leaders push nationalism so far that it interferes with economic growth, they are likely to increase unemployment and popular discontent. For that matter, any severe external shock that affects Chinese economy could hurt the government's legitimacy. Conversely, if Chinese leaders pursue economic development at the expense of nationalism, the government will be vulnerable to criticism from economic nationalists on the ground that they are selling out China's interest to foreigners.

Prominent constructivist scholar, Amitav Acharya believe that security structure of Southeast Asia adopted by ASEAN is best understood as a form of security community defined as "a group that has become 'become integrated' where integration is defined as the attainment of a sense of community, accompanied by formal or informal institutions or practices, sufficiently

strong and widespread to assure peaceful change among members of a group with 'reasonable' certainty over a 'long period of time'. Such communities could either be 'amalgamated' through the formal political merger of the participating units, or remain 'pluralistic,' in which case the members retain their independence and sovereignty." (Deutsch in [Acharya, 2001:16](#)).

[Emmerson \(2005:171\)](#) argued that the notion that security does come from the sense of belonging in a community fails to explain the fact that there can be 1) neither an assurance of security nor a prior sense of community, 2) an assurance of security but no prior sense of community, or 3) no assurance of security despite a prior sense of community, only the presence of 4) both an assurance of security and prior sense of community would enable a regional organization to fit the 'thick' description of security community by Deutsch. He then proposed a 'thinly' pluralistic security community definition as "a group of sovereign states that share both an expectation of intramural security and a sense of intramural community. Security is the presence of a durable peace among the states, reflecting a lasting prior absence of war among them. Community is the presence of a cooperative identity among these states, including a commitment to abstain from using force against each other" and that ASEAN resembles the characteristic of this explanation, albeit community of the elites.

Rizal Sukma, argued that ASEAN was not a security community at all, and merely a security regime and suggested for ASEAN to become a 'comprehensive security community' an arrangement that would go beyond military security and move beyond war-prevention 'to prevent and resolve conflicts and disorder' as well (Sukma in Emmerson:178). To understand further on these terms of security arrangement, [Acharya \(2001:21-22\)](#) provided typology of security shown below.



**TABLE 1. SECURITY COMMUNITIES AND OTHER FRAMEWORKS OF SECURITY COOPERATION**

<b>Security regime</b>	<ul style="list-style-type: none"> <li>Principles, rules and norms that restrain the behavior states on a reciprocal basis.</li> <li>Competitive arms acquisitions and contingency planning usually continue within the regime, although specific regimes might be created to limit the spread of weapons and military capabilities.</li> <li>The absence of war within the community may be due to short-term factors and considerations such as the economic and political weakness of actors otherwise prone to violence or to the existence of a balance of power or mutual deterrence situation. In either case, the interests of the actors in peace are not fundamental, unambiguous or long-term in nature.</li> </ul>
<b>Security community</b>	<ul style="list-style-type: none"> <li>Strict and observed norms concerning non-use of force; no competitive arms acquisitions and contingency-planning against each other within the grouping.</li> <li>Institutions and processes (formal or informal) for the pacific settlement of disputes.</li> <li>Long-term prospects for war avoidance.</li> <li>Significant functional cooperation and integration.</li> <li>A sense of collective identity.</li> </ul>
<b>Collective defense</b>	<ul style="list-style-type: none"> <li>Common perception of external threat(s) among or by the members of the community; such a threat might be another state or states within the region or an extra-regional power, but not from a member.</li> <li>An exclusionary arrangement of like-minded states.</li> <li>Reciprocal obligations of assistance during military contingencies.</li> <li>Significant military interoperability and integration.</li> <li>The conditions of a security community may or may not exist among the members.</li> </ul>
<b>Collective security</b>	<ul style="list-style-type: none"> <li>Prior agreement on the willingness of all parties to participate in the collective punishment of aggression against any member state.</li> <li>No prior identification of enemy or threat.</li> <li>No expectation of and requirement for economic or other functional cooperation.</li> <li>A collective physical capacity to punish aggression</li> </ul>

Source: Acharya, 2001: 19-21

He then distinguished the difference between neo-liberal and constructivism views on the role of institutions in the creation of security.

**TABLE 2. INSTITUTIONS' ROLE IN SECURITY CREATION**

<b>Neoliberal</b>	<b>Constructivist</b>
<ul style="list-style-type: none"> <li>Institutions can mitigate anarchy and facilitate cooperation by providing information, reducing transaction costs, helping to settle distributional conflicts and, most importantly, reducing the likelihood of cheating.</li> <li>state interests are shaped by material forces and concerns, such as power and wealth; perceptual, ideational and cultural factors derive from a material base</li> <li>Focuses on how existing state interests are pursued by rational state actors through cost-benefit calculations and choice of actions which offer maximum gain</li> <li>Norms contribute to international order by forbidding actions which are subversive of collective goals, by providing a framework for dispute settlement, and by creating the basis for cooperative schemes and action for mutual benefit</li> </ul>	<ul style="list-style-type: none"> <li>Institutions do not merely 'regulate' state behavior, they can also 'constitute' state identities and interests.</li> <li>State interests are not a 'given, but themselves emerge from a process of interaction and socialization</li> <li>Agents (states) and structures (international norms) are mutually reinforcing and mutually constituted.</li> <li>An exercise in identity building, defined as 'some degree of generalized common identity or loyalty' reflecting an advanced level of mutual identification producing a 'we feeling'</li> <li>War avoidance becomes a social habit, rather than a mere legal obligation backed by sanctions.</li> </ul>

Source: Acharya, 2001: 22-30

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## RESULTS

### The Origin of ASEAN Way

Formally established at Bangkok on 8 August 1967, ASEAN brought together five countries - Indonesia, Malaysia, Thailand, Singapore and the Philippines - of remarkably divergent group of states. Not only were its members very dissimilar in terms of their physical size, ethnic composition, socio-cultural heritage and identity, colonial experience and postcolonial politics, they also lacked any significant experience in multilateral cooperation. Since cultural and political homogeneity could not serve as an adequate basis for regionalism, the latter had to be constructed through interaction. Such interactions could only be purposeful if they were consistent and rule based, employing those rules which would ensure peaceful conduct among the member states.

The establishment of ASEAN was the product of a desire by its five original member states to create a mechanism for war prevention and conflict management. The need for such a mechanism was made salient by the fact that ASEAN's predecessor had foundered on the reefs of intra-regional mistrust and animosity. An earlier attempt on regional association with Association of Southeast Asia (ASA) ended when the Philippines claim to the former British colony of North Borneo (Sabah). ASA was followed by MAPHILINDO, an acronym for a loose confederation of Malaysia, the Philippines, and Indonesia, which once again had to be abandoned during the coercive diplomacy applied by Indonesia known as confrontation towards Malaysia. President Sukarno's confrontation had been a prime example of the use of force, however limited, by a postcolonial state in Southeast Asia against a neighbor. In wrecking the prospects for MAPHILINDO, confrontation had pinpointed the importance of regionalism by demonstrating the high cost of the use of force to settle intra-regional conflicts. The idea of ASEAN itself was conceived in the course of intra-regional negotiation leading to the end of confrontation between Indonesia and Malaysia

([Haacke, 2003:66](#)) ([Severino, 2006:15](#)).

The difficulties leading to its formation has led ASEAN to approach a diplomatic culture of six norms: sovereign equality; the non-recourse to the use of force and the peaceful settlement of conflict; non-interference and non-intervention; the non-involvement of ASEAN to address unresolved bilateral conflict between members; quiet diplomacy; and mutual respect and tolerance. David Capie and Paul Evans explained the approach of ASEAN Way among their characteristics to be noted is a “sovereignty-enhancing regionalism”, where most decision making powers stay in the various national capital; in a sense that the member states does not seek to create a supranational authority nor a political union. ([Capie and Evans, 2003: 46](#)).

ASEAN’s institutional resources reflects in its preference for informality. To point out this penchant, ASEAN would avoid some formal term such as “multilateral security mechanism” in the ASEAN Regional Forum (ARF), rather opted to use a “dialogue forum.” The preference of the ASEAN Way for informality can also be seen in the Association’s use of consul-tative processes such as “habits of dialogue” and non-binding commitments rather than legalistic formula and codified rules. According to Khong Yuen Foong, “ASEAN officials have con-trasted their approach to that emphasizes legal contracts, formal declarations, majoritarian rules, and confrontational tactics ([in Capie and Paul Evans:46](#)).

Advocate of the ASEAN Way also stress the importance of patience. Former Malaysian Prime Minister, Mahathir Moham-mad ([in Capie and Evans: 46](#)), described the first task of any dialogue process as “tedious business of getting to know one another.” Some Asian leaders have referred to the need for mul-tilateral institutions to “mature” before robust dialogue can take place.

A third and perhaps the most important element of the ASEAN Way is its particular of consensus. Some accounts trace the origins of ASEAN’s deeply preference for consensus to Java-

nese village culture, in particular its twin notions of *musyawarah* and *mufakat*. Herb Faith ([in Acharcya, 2001: 48](#)) has described *musyawarah* as a “psychological disposition on the part of the members to give due regard to larger interests.” It is a process of discussion and consultation, which at the village level meant the leader should not act arbitrarily or impose his will, but rather “should make gentle suggestions of the path the community should follow, being careful always to consult all other participants fully and to take their views and feelings into consideration before deliver his synthesis conclusion.” *Mufakat* is the consensus reached through the process of *musyawarah*. It is important to note that ASEAN’s approach to consensus should not be confused with unanimity. Where there is “broad” support for a specific measure, the objections of a dissenting participant can sometimes be discounted, provided the proposal does not threaten that member’s most basic interests.

### **Leadership in ASEAN**

In terms of the leadership of the association, ASEAN members have alternated taking leader’s position depending on the issue. In the early days, it was ThanatKhoman, the Foreign Minister of Thailand who was trying to broker reconciliation among Indonesia, Malaysia, and the Philippines in April and May 1966. ASEAN’s founding document, the Bangkok Declaration of 8 August 1967, was drafted largely by Thai diplomats, in this sense, Thailand was the leader in ASEAN’s founding. However, Indonesia could be said to be ASEAN’s leader too, it was Adam Malik and other Indonesian diplomats who went around Southeast Asian capitals to sell the idea of ASEAN, Adam Malik gave ASEAN its name, and other countries looked to Indonesia for leadership ([Rodolfo C. Severino, 28](#)).

Indonesian transformation - in the late 1960s - domestically and in its foreign policy made ASEAN possible. ASEAN would not have been formed with Indonesia in it had Suharto not decided to end the Sukarno’s regime confrontational stance

in foreign affairs and instead seek good relations with the rest of the world, particularly its neighbors. Another important factor in ASEAN's success was another Suharto decision not to throw Indonesia's weight around, not to be seen as seeking to dominate the region.

Malaysia too has had moments of leadership. The declaration on the Zone of Peace, Freedom and Neutrality was adopted upon Malaysia's initiative and under its chairmanship of an ASEAN's Foreign Ministers' meeting in 1971. The term ASEAN Vision 2020, adopted at the ASEAN Summit in Kuala Lumpur in 1997, is an echo of Malaysia's Vision 2020. The East Asia Economic Group proposal, later softened to East Asia Economic Caucus and metamorphosed into ASEAN+3 was also Malaysia's idea.

On the economic front, with economic integration rising in the ASEAN agenda, Singapore, particularly after the fourth summit in 1992 seems to have steadily taken leadership in the association. Almost all major initiatives in ASEAN since then have come from Singapore. It initiated the Asia-Europe meeting, the Forum for East Asia-Latin America Cooperation, and the ASEAN-India Summit. Singapore also spearheaded the positive ASEAN response to the proposal for a free trade area between ASEAN and China. It also proposed the ASEAN Economic Community as the envisioned next stage of regional economic integration. With leadership test seemingly lies in the move towards regional economic integration, Singapore has been at the forefront of this - with ideas, drive, determination, and interest. But it is deliberately taking a low profile for fear its leadership be seen as blatantly self-serving.

In sum, leadership changes, and through ASEAN Way, leadership should not be seen as a motivation to lead other nation. In a region where sovereignty is highly regarded, nations could feel threaten to have an obvious player who has strong intention to be considered as a leader. We have seen and probably will not see in ASEAN equivalent of the Franco-German leadership of

European integration in its early days, since that is not an ASEAN's style, but the lack of clear and vigorous leader whether by individual member country, group of countries, or statesmen could explain the slow pace of ASEAN Way development.

### **Tough Posturing of China**

In the wake of Asian Financial crises in the late 1990s, East Asia has gone through major step in conducting cooperation throughout the region. Several frameworks of regional institutions and cooperation established in the decade of 2000s, mostly in the economic sphere, but lately also included some type of non-traditional military joint cooperation, such as humanitarian assistance and disaster relief in the wake of several natural disasters in East Asia. Security dialogue forums and military diplomacy also burgeoning with issues ranging from traditional and non-traditional security are being discussed.

China's track record during the 1990s in pressing its claim in South China Sea and undermined the region's effort at building international institution to dampen security conflicts through ASEAN Regional Forum did not continue in the 2000s. While South China Sea remains a potential flashpoint, Several China's actions and leadership in 2000s such as the signing of Declaration of Code of Conduct on South China Sea, establishment of ASEAN-China Free Trade Area, and Chiang Mai Initiatives, have built trust among countries in East Asia and ease down political tension towards its rising intention.

This restraint of behavior however is changing in the decade of 2010s, many spates and incidents involving the disputed areas of East China Sea and South China Sea, provided reason for regional concern. Pointing out several incidents mentioned, China has even erected an Air Defense Identification Zone (ADIZ) in November 2013 in the area of East China Sea that includes Senkaku Islands, and overlapped with established Japanese, South Korea, and Taiwan zones.

This study analyzes that there are several accounts that led

China to restore its posturing after the 2010s: First is the internationalization of South China Sea dispute through Malaysia and Vietnam on May 2009, extending the continental shelves of Malaysia and Vietnam beyond the UNCLOS 200 nautical miles. This then made China for the first time filed a claim re-garding its 9 Dash-Line internationally known. Why this would made China become more aggressive? In the case of ownerless Islands such as the case ruled in the Sipadan-Ligitan ICJ, effect-tivities or effective occupation does matters. Malaysia won its claimed simply because it had done more than what Indonesian did.<sup>8</sup> For China, internationalization of the disputed area has always been rejected which is one of the reasons why the issue was never discussed in the official ASEAN Regional Forum, until Hillary Clinton threw criticism in 2011.

Second is the growing international power and influence it gained after the global economic crisis of 2008. How would this make South China Sea a priority or why clashes be abundance following this phenomenon one may ask? China may not increase their posturing with its growing international power, however, it did make them less incline from international pressure to reduce its power presence in the disputed areas. China GDP by purchasing power in 2014 of 10 trillion USD is more than doubled the GDP of its closest rival in Asia, Japan, compared with ten years ago, in 2005, Japan had 4.5 trillion USD while China has a mere 2.2 trillion USD and in 2009, China accounted for a little more than 5 trillion USD.<sup>9</sup> At the same time, its total reserve in 2014 reaches 3.9 trillion USD, while in 2005 and 2009 is 831 billion USD and 2.4 trillion USD respectively. While the U.S contracted with -0.3% and -2.3 %

8 I Made Andi Arsana, Are We Losing More Island After Sipadan-Ligitan Dispute?, accessed from <http://www.thejakartapost.com/news/2013/01/30/are-we-losing-more-islands-after-sipadan-ligitan-dispute.html> on October 25, 2017.

9 The World Bank, While MaintainingGrowthRate of 10 percent from 2005-2014 accessed from <http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG/countries> and from <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD/countries?page=1> on October, 24 2017.

of growth in 2008-2009, China still maintain an almost double-digit growth since 1980 with 9.6% and 9.2% from 2008-2009.

Third the growing naval capabilities since a decade ago has made possible for China to extend its power projection far reaching its coastline. PLA Navy now has the largest force of combatants, submarines, and amphibious warfare ships in Asia, occupying some 77 principal surface combatants, more than 60 submarines, 55 medium and large amphibious ships, and roughly 85 missile-equipped small combatants (DOD China Report 2014:7). PLA Navy in 2013 also enjoys availability of its first aircraft carrier, the Liaoning. These new capabilities made China eager to explore more possibilities through maritime presence, policing and safeguarding its national interest and sovereignty in South China Sea. As Major General JinYinan puts it, China has been 30 years behind in its development of South China Sea and the rest of the claimants have also ongoing reclamation projects in the area. With concern to the sheer volume of reclamation that the Chinese has, it would be at par with the economic and military might it possesses.

Fourth the growing interdependence of regional trade from Southeast Asian countries with China through the full establishment of China-ASEAN Free Trade Area in 2010. From interdependence theory, this would contradict with the growing animosity directed towards China by claimants of South China Sea. However, growing interdependence also increases security vulnerability against the weaker states, in this case other South-east Asia's claimants. Since 2003-2013, the bilateral trade between China and ASEAN has jumped more than fivefold from 77 billion USD to 450 billion USD ([Salidjanova and Koch-We-ser, 2015:5](#)).



**TABLE 3. CHINA'S TRADE VOLUME, SHARE AND RANK WITH ASEAN COUNTRIES IN 2013**

ASEAN Country	Export (million USD – share% - rank)	Import
Brunei Darussalam*	1,704	406 – 11.2 - 4th
Singapore	48,369 – 11.8 - 2nd	43,689 – 11.7 - 1st
Indonesia	22,601 – 12.4 - 2nd	29,849 – 16 - 1st
Malaysia	30,785 – 13.5 - 2nd	33,774 – 16.4 - 1st
Thailand	27,238 – 11.9 - 1st	33,726 – 15 - 2nd
The Philippines	6,583 – 12.2 - 3rd	8,554 – 13.1 - 1st
Cambodia*	361	3,411 – 32.6 - 1st
Vietnam	12,835 – 11.2 - 3rd	29,034 – 25.5 - 1st
Laos	788 – 33.5 - 1st	461 – 11.2 - 2nd
Myanmar	2,857 – 26.9 - 2nd	7,339 – 39.9 - 1st

\* China is in top 5 export destination for Brunei Darussalam and Cambodia

Source World Bank in Salidjanova and Koch-Weser, 2015:12-37

Imported goods from China has become the primary source for all ASEAN countries except for Brunei Darussalam, Thailand, and Laos, and the top 3 destination of export for all ASEAN countries except Brunei Darussalam and Cambodia.

In addition, with the economic downturn which the rest of the world experienced during the period of 2008-2011, China has become the source of growth for the rest of the world, and East Asia specifically. China has shown that it would not hesi-tate to use its economic prowess as means of coercion with pu-nitive trade policies erected towards Japan after Japanese coast guard vessels arrested a PRC fishing trawler captain in 2010 ([DOD Congress Report, 2014:15](#)).

Fifthineffectiveness of the U.S. rebalancing strategy in Asia due to its stance on South China Sea. While it is targeting to deploy 60 percent of naval assets in the Pacific by 2020 and proposed of economic cooperation of TPP are in the direction of securing its interest of the future, this action is seen as of-fensive and threatening in the eyes of the Chinese. This falls into the security dilemma game the region has been trying to avoid in the first place. To say that the U.S. military presence is not needed is entirely not making any sense, but to publicize its intention to deploy most of its naval powers into the area could

also be perceived as if there are imminent disruptive powers that needs to be handled. All the while, Southeast Asian countries are beginning to trust China's peaceful rise and benign intention in the region.

Sixth, the disunity of ASEAN to converge on a common course of action towards China's behavior in South China Sea. Would a unity of ASEAN help in diffusing China's posturing? Perhaps not in terms of power projection, but when it comes to forging stronger alliance with the U.S. it may make China rethink of its behavior in the disputed area. The problem is that divergence of interests is visible in the ASEAN members. For claimants, not only the patrolling and policing of the area, but also reclamation projects are seen as changing the structure of claims of the disputed area. While for Indonesia and Singapore, the importance of open international SLOCs are what concern them, with preference of joint patrol of the area, instead of a party dominating and create mistrust into its intention. Others in the Mekong River-Basin region except Vietnam simply enjoys more infrastructure development, thus preferring for the status quo to remain.

## **CONCLUSION**

### **ASEAN Way and Indonesia's Role in South China Sea Dispute**

ASEAN and its many ways of dealing with dispute settlements have been trying to reach an agreement with China, specifically with the Code of Conduct on South China Sea under the 2012 negotiation. However, the talks have been stalled due to China's inclination to continue its negotiation. There seems to be an irony into this, since the first initial proposal by the Chinese was more binding in the form of treaty was rejected by ASEAN members who instead opted for a loosely Code of Conduct.

From Chinese perspective, it has become more assertive towards the ASEAN Way and style of dealing with disputes,

as it has been signatory of the TAC and member of ASEAN Regional Forum, while the first to agree to form regionalism with ASEAN in 2002. As Emmerson puts it, Southeast Asia was comfortable in the benign direction of China's rise in that period, to some extent this shows the successful application of the ASEAN Way. But to what extent would you consider this as ASEAN Way's role instead of perhaps other factors, say China's foreign policy of restraint at that time?

To answer this question, we would have to observe China's relations with ASEAN in the beginning of the 1990s. During that time, just when it had the Tiananmen incident, the West and the rest of liberal democracies were alienating China, and nationalism was high on their agenda, as political elites were defensive towards the way they have dealt internal politics. Came in ASEAN with its non-interference and non-intervention principles that were instrumental in bringing back China into the international fora.

As Indonesia and others began to normalize diplomatic relations with China in the early 90s, Brunei became the last member of ASEAN to normalize its diplomatic relations in 1991. The early 90s also marked the beginning of U.S.'s absence in Southeast Asia due to its abandonment of the Subic Bay U.S military base in 1992.<sup>10</sup> These actions favors China regardless of the domestic incident and the threat of communism expansion it once considered.

The ASEAN Way has proved its indecisiveness in recent years of dealing with China. Is it the feeling of community that is lacking or just China's interest that is far greater than its perceived community? As the theory suggested that there would not be any competitive arms acquisitions and contingency planning against each other within the grouping, in the case of China, for several years, its intention and transparency has not been clear in regards with its military buildup. As mentioned above,

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10 Although China would not had occupied Mischief Reef had there were still U.S. presence in Subic.

disunity of ASEAN's response towards China's behavior have undermined its lack of "we feeling".

In terms of South China Sea, Indonesia had begun a series of annual workshop to start its informal dialogue forum to discuss this issue since 1990. The workshop series was in itself an important confidence-building measure, offering the participants a chance to develop a certain level of transparency regarding national positions on the complex dispute. The series has instead concentrated on issues of joint development and functional cooperation, producing agreements on specific projects such as combating marine environmental pollution, which may also have a confidence-building effect.

The Workshops have also undertaken, albeit unsuccessfully, the task of developing a code of conduct for states of the South China Sea region, with a view to reducing the risk of military conflict among them. Proposals for CBMs, such as non-expansion of military presences in the disputed areas, and exchanges of visits by military commanders in the disputed areas, have been discussed, but have proven to be elusive with China opposing any discussion of military issues in this forum.

Ideas about joint development of resources have not made much headway either. Obstacles include Beijing's objection to any negotiations involving Taiwan, the unlikely prospect that any of the claimants which already had a military presence on the islands would agree to a withdrawal, and problems in deciding the principles for fair allocation of rights and profit.

Indonesia is now being considered as one of ASEAN leader in support of setting a joint cooperation of countries with proposed South China Sea International Operations Center located in Indonesia. Indonesia has experience with joint patrol of the Malacca Straits with Malaysia and Singapore, while its new positioning to be the hub for maritime lanes in Asia Pacific is also concurrent with growing capabilities to hold such center and coordination with the help and collaboration of all involving parties.

Seeing the development of Chinese recent behaviors in the region has made ASEAN perceive its rise as both opportunity and threat. When China questioned U.S. rebalancing strategy, the same can be asked towards China's military buildup, and especially recent spates with neighboring countries. Perception of threat has made ASEAN member states to maintain involvement of major powers in the region, moreover increase cooperation has also been developed with other countries such as Japan, India, and Australia regarding military and navy as a strategic instrument of hedging.

Hedging is a political maneuver taken by relatively weak countries to maintain their interests vis-a-vis major powers, in facing uncertain political changes. The hedging strategy as pursued by ASEAN is shown in the willingness of ASEAN to implement regional cooperation with China in realizing political stability, security and prosperity, but at the same time maintaining US presence in the region.

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