

**Does ASEAN's Consensus Decision Making
Remain Relevant?**

by

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Abstract

ASEAN is regarded as one of the most successful organizations in the world, contributing to maintaining regional peace and security. However, ASEAN is also criticised for its decision-making process, which is based on consensus. Critics see this as ASEAN's weakness in dealing with security challenges. ASEAN skeptics attribute consensus decision making to ASEAN's failure to unite members on regional issues such as the South China Sea (SCS) dispute. Further, the Free and Open Indo-Pacific (FOIP) strategy adopted by the US and regional allies indicates concern with how ASEAN runs regional frameworks based on the 'ASEAN Way'. According to critics, the ASEAN Way, which prioritizes non-interference, quiet diplomacy, informality, consultation and consensus, makes ASEAN-plus arrangements toothless in addressing conflicts and security issues. It is argued that ASEAN risks becoming irrelevant if it does not embrace reform. Some suggest that ASEAN considers decision making alternatives such as 'ASEAN Minus X' or a simple majority vote.

That said, insufficient regard is given to the merits of consensus building in consolidating ASEAN and strengthening its centrality in regionalism. The aim of this thesis is to explore the value of consensus decision making in ASEAN. It examines how consensus helped ASEAN members hang together despite significant national divergences in almost every aspect. The thesis explores how consensus enabled ASEAN to play a central role in shaping the region's security architecture, maintain regional autonomy and navigate the region through great power competition. Through a case study of the FOIP and SCS, the thesis concludes that consensus remains relevant despite certain limitations. Consensus helps keep ASEAN from breaking apart, prevents the region from being dominated by the major powers, and strengthens ASEAN's centrality to the region's security architecture. These are crucial for maintaining regional peace and order. The thesis reinforces the utility of constructivism for explaining the significance of the 'ASEAN Way' to ASEAN centrality.

Declaration

I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

Signed: 
Saichai Leelianou

Date: 30 December 2020

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List of Acronyms

ADMM Plus	ASEAN Defence Ministers' Meeting Plus
ADHR	ASEAN Declaration on Human Rights
AIIB	Asian Infrastructure Investment Bank
AOIP	ASEAN Outlook on the Indo-Pacific
APT	ASEAN Plus Three
ARF	ASEAN Regional Forum
ASA	Association of Southeast Asia
ASEAN	Association of Southeast Asian Nations
BRI	Belt and Road Initiative
CLMV	Cambodia, Laos, Myanmar and Vietnam
COC	Code of Conduct in the South China Sea
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
CUES	Code for Unplanned Encounters at Sea
DOC	Declaration on the Conduct of Parties in the South China Sea
EAS	East Asia Summit
ECFR	European Council on Foreign Relations
EU	European Union
FOIP	Free and Open Indo-Pacific Strategy
ICJ	International Court of Justice
NSS	National Security Strategy
Maphilindo	Malaysia-Philippines-Indonesia framework
MPAC	ASEAN Master Plan on Connectivity
Quad	Quadrilateral Security Dialogue
RCEP	Regional Comprehensive Economic Partnership
SCS	South China Sea
TAC	Treaty of Amity and Cooperation in Southeast Asia
TPP	Trans-Pacific Partnership
US	United States
ZOPFAN	Zone of Peace, Freedom and Neutrality

Chapter 1: Introduction

1.1. Research background

The Association of Southeast Asian Nations (ASEAN)¹ is considered by many policymakers and academics to be one of the world's most successful regional organizations.² Some scholars argue that ASEAN should have received a Peace Nobel Prize for its contribution to regional peace and stability in Southeast Asia as well as in wider region.³ ASEAN has been able to unite Southeast Asia and manage inter-state tensions, creating a peaceful environment labelled by some as the "long peace".⁴ ASEAN, apart from creating a Community comprising three pillars,⁵ also developed regional platforms for engaging with external states, including the major powers, and to engage one another.⁶ Regional arrangements include ASEAN plus one with dialogue partners,⁷ the ASEAN Regional Forum (ARF), the ASEAN Plus Three (APT), the East Asia Summit (EAS), and the ASEAN Defence Ministers' Meeting Plus (ADMM Plus).⁸ These frameworks contribute to maintaining regional peace and stability as they provide mechanisms for communication and trust building, stabilizing inter-state

¹ ASEAN, an intergovernmental organization in the Southeast Asian region established in 1967, comprises 10 member countries in the Southeast Asian region, namely Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam.

² Frank Frost, "Introduction: ASEAN since 1967," in *ASEAN into the 1990s*, ed. A. Broinowski, London: Palgrave Macmillan Limited, 2016, 28; Lee Jones, *ASEAN, Sovereignty and Intervention in Southeast Asia*. 1st Ed. 2012. ed. Critical Studies of the Asia Pacific Series, 2012, 39; Mark Beeson, "Living with Giants: ASEAN and the Evolution of Asian Regionalism," *TRANS: Trans -Regional and -National Studies of Southeast Asia* 1, no. 2 (2013), 303.

³ Kishore Mahbuban and Jeffery Sng, *The ASEAN Miracle A Catalyst for Peace*, Singapore: Ridge Books, 2017.

⁴ Timo Kivimäki, "Southeast Asia and Conflict Prevention. Is ASEAN Running out of Steam?" *Pacific Review* 25, no. 4 (2012): 403-27.

⁵ Three pillars of the ASEAN Community include, the ASEAN Political-Security Community, the ASEAN Economic Community, and the ASEAN Socio-Cultural Community. These three communities were launched as part of the ASEAN Community in 2015. See the 2015 Kuala Lumpur Declaration on the Establishment of the ASEAN Community.

⁶ For example, the US, according to Evelyn Goh, uses ASEAN Regional Forum (ARF) to engage and test China's intention if the latter would comply with international norms and be a responsible regional power. See Evelyn Goh, "The ASEAN Regional Forum in United States East Asian Strategy," *Pacific Review* 17, no. 1 (2004), 48.

⁷ ASEAN currently has 10 dialogue partners, namely Australia, Canada, China, EU, India, Japan, New Zealand, Republic of Korea, Russia, and US. ASEAN also established partnership with the UN. See Ministry of Foreign Affairs of the Royal Kingdom of Thailand, "ASEAN's External Relations," <http://m.mfa.go.th/asean/en>.

⁸ Kishore Mahbuban and Jeffery Sng, *The ASEAN Miracle A Catalyst for Peace*; Richard Stubbs, "ASEAN's leadership in East Asian region-building: strength in weakness," *The Pacific Review* 27, no. 4 (2014): 523-41; Mely Caballero-Anthony, "Understanding ASEAN's Centrality: Bases and Prospects in an Evolving Regional Architecture," *Pacific Review* 27, no. 4 (2014): 563-84.

relations and reducing the risk of conflict.⁹ “ASEAN Centrality” takes a leading role in regional arrangements.¹⁰

ASEAN is also criticised as a ‘loose’ or ‘soft’ organization which fails to provide tangible benefits for the region. ASEAN regionalism is seen as little more than a state-building activity with marginal influence on shaping the behaviour of ‘outside’ great powers. The balance of power contributes more to regional stability.¹¹ Critics say ‘ASEAN plus’ arrangements are ineffective because they cannot create binding rules capable of resolving key issues.¹²

Critics argue that ASEAN is vulnerable to non-decision making’ on contentious issues.¹³ Most criticisms concentrate on the so-called “ASEAN Way”, especially the principles of non-interference and consensus decision-making.¹⁴ For example, ASEAN’s failure to project a strong, collective voice against China’s aggressive actions in the South China Sea (SCS) in 2012 came under strong scrutiny,¹⁵ questioning the relevance of ASEAN’s decision-making processes and proposing consideration of an alternative approach.¹⁶

The existing literature is concerned with ASEAN’s limited capacity because of its decision-making style. Less attention is paid to identifying its positive contributions to regional order, including the SCS issue.¹⁷ There is also less interest in exploring the viability of alternatives to consensus decision making.

⁹ Alice D. Ba, “Regional Security in East Asia: ASEAN’s Value Added and Limitations,” *Journal of Current Southeast Asian Affairs* 29, no. 3 (2010), 116. Ba, despite agreeing with the criticism on ASEAN’s institutional constraints as well as the consensus decision-making, noted that ASEAN-led frameworks are not only for the sake of process, but they are useful in serving ASEAN’s purposes and values such as national and regional resilience. See Alice D. Ba, “ASEAN’s constructed dichotomies: the ongoing need for complexity-sensitive research agendas,” *The Pacific Review*, 2020, 33(3-4), 588.

¹⁰ Mely Caballero-Anthony, “Understanding ASEAN’s Centrality: Bases and Prospects in an Evolving Regional Architecture”.

¹¹ John Ravenhill, “East Asian regionalism: Much Ado about Nothing,” *Review of International Studies* 35, no. S1 (2009): 215–35.

¹² Evelyn Goh, “Evaluating Southeast Asian response to China’s rise,” In *China’s Power and Asian Security*, eds. Mingjiang Li and Kalyan M. Kemburi, 1st ed, Politics in Asia Ser, 2014.

¹³ Shaun Narine and Linda Quayle, “The New ASEAN in Asia Pacific & Beyond,” *Contemporary Southeast Asia*. 40, no. 3 (2018), 527-29.

¹⁴ Rodolfo Severino, and Institute of Southeast Asian Studies, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-general*, Singapore: Institute of Southeast Asian Studies, 2006, 4.

¹⁵ Shaun Narine, “ASEAN’s Half Century: A Political History of the Association of Southeast Asian Nations,” *Contemporary Southeast Asia* 41, no. 3 (2019), 466-68.

¹⁶ Donald K. Emmerson, “ASEAN between China and America: Is It Time to Try Horsing the Cow?,” *TRaNS: Trans - Regional and -National Studies of Southeast Asia* 5, no. 1 (2017): 1-23; Linda Quayle, “Practicable ASEAN Community-Building,” In *Southeast Asia and the English School of International Relations: A Region-Theory Dialogue*, Palgrave Macmillan, 2013; Richard Javad Heydarian, “Time for ASEAN Minilateralism,” RSIS COMMENTARY (S. Rajaratnam School of International Studies), no. 210, November 7, 2017.

¹⁷ Cheong Kee Cheok and Yong Chen Chen, while noting the criticism on ASEAN’s response to the South China Sea, said that it is uncertain if a united ASEAN stance would do better or worse off the situation in the South China Sea. They

1.2. Research Question

This thesis asks whether ASEAN's consensus decision making remains relevant? It aims to contribute to the literature by developing a better understanding of ASEAN's decision-making processes, and the merits of maintaining ASEAN's centrality to regional security and managing major power rivalry. Specifically, the thesis will assess the relevance of consensus-based decision-making by answering the following questions:

1. Has ASEAN been able to prevent inter-state tensions from escalating into conflict?
2. Has ASEAN been able to maintain regional autonomy vis-à-vis external powers?
3. Has ASEAN been able to navigate Southeast Asia through major power rivalry, which could generate destabilizing effects on regional peace and stability?
4. Is an alternative approach to consensus decision making likely to improve ASEAN's performance or produce the opposite outcome?

Exploring answers to the above questions avoids blaming ASEAN for what it is not and cannot do. As Bilahari Kausikan notes, ASEAN is "a cow, not a horse".¹⁸ What he means is it is an intergovernmental rather than supranational organization. It can only operate by consensus. Pushing for something different, such as majority decision making, risks splitting ASEAN.¹⁹

1.3. Significance of the Research

As ASEAN becomes a significant part of Asia's regional security architecture, ASEAN's possible collapse as a result of radical change risks regional stability in the absence of any other mechanism promoting dialogue and cooperation. This thesis argues that ASEAN's current decision making process, despite shortcomings, remains relevant. Alternative processes, moreover, cannot guarantee better outcomes. As International Relations theories interpret ASEAN differently, the thesis aims to reinforce the utility of a constructivist explanation of Southeast Asian regionalism because it offers a credible defence of consensus decision making in terms of identity-based community building and regional identity.

argue that even if ASEAN adopted a united front against China, it would only do little to change China's determination in the South China Sea. See Cheong Kee Cheok and Yong Chen Chen, "Assessing ASEAN'S Relevance: Have the Right Questions Been Asked,?" *Journal of Southeast Asian Economies* 36, no. 1 (2019), 21-22.

¹⁸ Donald Emmerson, "ASEAN between China and America: Is It Time to Try Horsing the Cow?," 16.

¹⁹ Donald Emmerson, "ASEAN between China and America: Is It Time to Try Horsing the Cow?," 16-17.

1.4. Research Methodology

This thesis pursues a qualitative method based on primary and secondary data collected from relevant peer-reviewed journals, books, and articles. The idea of a Free and Open Indo-Pacific (FOIP) and the South China Sea (SCS) dispute are discussed as case studies to critically assesses whether ASEAN's current decision-making processes produce positive outcomes, or whether better results could be achieved through an alternative process.

The case studies were chosen because they divide ASEAN member states and test ASEAN centrality.²⁰ These issues involve major power rivalry, testing ASEAN's decision making by consensus. As some ASEAN members are more pro-US while others are more pro-China,²¹ building consensus is challenging. The way in which ASEAN deals with the SCS dispute is often taken by observers as an indicator of ASEAN's weakness and ineffectiveness. As Richard Stubbs noted, "the ways in which China undermined ASEAN regionalism became the dominant theme of analyses of the region".²² Examining ASEAN's collective response to the FOIP and SCS is significant to understanding the logic of ASEAN decision making, and whether it remains 'fit for purpose' in achieving ASEAN's goals.

1.5. Research Structure

The thesis is divided into 7 chapters. The first chapter introduces the research background, topic, significance, and methodology. Chapter 2 reviews the theoretical debates about ASEAN, existing literature on the ASEAN Way and consensus decision making, and its assessment of ASEAN's role in regional security architecture. The chapter also briefly reviews literature on alternatives to consensus decision making in ASEAN. Chapter 3 is a brief history of ASEAN's endeavour to build regionalism and to maintain ASEAN's central role. Chapter 4 examines the FOIP and ASEAN's response. Chapter 5 assesses ASEAN's diplomacy in the SCS, and chapter 7 is the conclusion.

1.6. Conclusion

This chapter suggested that ASEAN made significant contributions to peace in Southeast Asia through the creation of its 'community' and regional forums for trust building activities. Though ASEAN is a

²⁰ Mark J. Valencia, "ASEAN Security 'Centrality' and the South China Sea," *The Diplomat*, August 23, 2018, <https://thediplomat.com/2018/08/asean-security-centrality-and-the-south-china-sea/>; William Choong, "The Return of the Indo-Pacific Strategy: An Assessment," *Australian journal of International Affairs* 73, no. 5 (2019), 424-25.

²¹ R.M. Marty M. Natalegawa, "The Expansion of ASEAN and the Changing Dynamics of Southeast Asia," *Contemporary Southeast Asia* 39, no. 2 (2017), 235.

²² Richard Stubbs, "Debating ASEAN: A Response to Commentaries on 'ASEAN Sceptics versus ASEAN Proponents'," *Pacific Review* 33, no. 3-4 (2020), 605.

weak organization in the eyes of some observers when it comes to regional security because of its consensus decision making, there is little study on the merits of consensus decision making related to ASEAN's contributions to regional stability. The next chapter reviews existing literature.

Chapter 2: Literature Review

2.1. Introduction

While the literature on ASEAN is extensive, there is little that focuses specifically on consensus decision making and its alternatives. This chapter first reviews theoretical debates about ASEAN, followed by the literature on the origins of the ASEAN Way and consensus-based decision making. It engages with the literature on how consensus consolidates Southeast Asia and enhances ASEAN centrality to regional economic and security architecture, as well as the shortcomings. The chapter critically assesses alternatives to consensus decision making.

2.2. Theoretical debates about ASEAN

2.2.1. International Relations Theory and ASEAN

Studies of the ASEAN Way started in the 1990s after several significant developments in Southeast Asia. According to Alice Ba, ASEAN expansion, recovery from the Asian Financial Crisis and establishment of regional frameworks beyond Southeast Asia such as the ARF and EAS during the post-Cold War era made the ASEAN Way a topic of interest. She argues that the emergence of constructivism, which emphasizes ideas, norms, and identities, opened new ways of thinking about the ASEAN Way which could not be explained by neo-realism.²³ According to Amitav Acharya and See Seng Tan, realist scholars attached undue importance to the role of the US as the region's power balancer and stabilizer against China and Japan.²⁴

As Eaton and Stubbs point out, neo-realist and constructivist studies of ASEAN emphasize different aspects of the organization. According to neo-realists, ASEAN lacks the power to shape the behavior of member states and, therefore, depends on external powers, mainly the US, to maintain regional order. Constructivism argues that ASEAN has a positive impact on regional order through community building processes. Both IR theories suggest different future directions for ASEAN.²⁵

²³ Alice Ba, "Institutional Divergence and Convergence in the Asia-Pacific? ASEAN in Practice and in Theory," *Cambridge Review of International Affairs* 27, no. 2 (2014), 304.

²⁴ Amitav Acharya and See Seng Tan, "Betwixt Balance and Community: America, ASEAN, and the Security of Southeast Asia," *International Relations of the Asia-Pacific* 6, no. 1 (2006): 37-59.

²⁵ Eaton, S., & Stubbs, R. "Is ASEAN powerful? Neo-realist versus constructivist approaches to power in Southeast Asia." *The Pacific Review* 19, no. 2 (2006), 136-137.

2.2.2. Neo-realist Reading of ASEAN

ASEAN skeptics are inspired by the neo-realist perspective. Michael Leifer's "The ASEAN peace process: A category mistake" is a good example.²⁶ He argues that ASEAN "has never been instrumental, however, in helping to devise and manage a peace process in the substantive sense" and the organization's efforts in dealing with Vietnam's invasion of Cambodia "were ultimately abortive and were superseded by the decisive role of the permanent members of the United Nations Security Council". ASEAN, according to Leifer, is simply an ineffective alternative to the balance of power.²⁷ Most Southeast Asian states depend on defence ties with external countries to assure regional security,²⁸ which is to say that US primacy is the guardian of regional order. ASEAN is a grouping of weak states which prioritises "process" over "progress" driven by consensus building and conflict avoidance diplomacy. This prevents regional integration making ASEAN vulnerable to interference by the outside great powers.²⁹ Consensus preserves the non-interference principle.³⁰ Through consensus, members cannot impose their will on one another.³¹ Viewed in this way, ASEAN member states prioritise sovereignty over collective interest. Leifer argues that Southeast Asian behaviour resembles a realist self-help system, where members "guarded jealously their national sovereignty over any notion that regional co-operation might either render the state-form superfluous or lead to supranationality".³² It remains to be explained how ASEAN continues to thrive and retain its central security role as the so-called "regional conductor."³³ ASEAN does not balance with the US against China³⁴ or vice versa as realists predict. Busse argues that constructivism explains ASEAN regionalism better than realism.³⁵

²⁶ Michael Leifer, "The ASEAN peace process: A category mistake," *The Pacific Review* 12, no. 1 (1999), 25-38.

²⁷ Michael Leifer, "The ASEAN peace process: A category mistake," 26-27.

²⁸ Nikolas Busse, "Constructivism and Southeast Asian Security," *Pacific Review* 12, no. 1 (2007): 39-60.

²⁹ David Martin Jones and Michael L. R. Smith, "Making Process, Not Progress: ASEAN and the Evolving East Asian Regional Order," *International Security* 32, no. 1 (2007): 148-84.

³⁰ Alex J. Bellamy and Catherine Drummond, "The Responsibility to Protect in Southeast Asia: Between Non-interference and Sovereignty as Responsibility." *Pacific Review* 24, no. 2 (2011), 185.

³¹ Hiro Katsumata, "Reconstruction of Diplomatic Norms in Southeast Asia: The Case for Strict Adherence to the "ASEAN Way"," *Contemporary Southeast Asia* 25, no. 1 (2003), 107; Tommaso Visone, "The "ASEAN Way". A Decolonial Path beyond "Asian Values"?" *Perspectives on Federalism* 9, no. 1 (2017), 5.

³² Michael Leifer, "Southeast Asia: Conflicts and Cooperation," in *Michael Leifer: Selected Works on Southeast Asia*, eds. Chin kin Wah and Leo Suryadinata, Singapore: Institute of Southeast Asian Studies, 2005, 35.

³³ Regional conductor represents for ASEAN's role in facilitating dialogue for countries within and outside the region, especially great powers, under various multilateral arrangements created by ASEAN. Further, it also stands for ASEAN's success in role bargaining with great powers such as China and the US from the early Cold War till now, which has contributed to maintaining peace and security in Southeast Asia and in the Asia-Pacific region. See Robert Yates, "ASEAN as the 'regional Conductor': Understanding ASEAN's Role in Asia-Pacific Order," *Pacific Review* 30, no. 4 (2017), 443-61; Alice D. Ba, "Regional Security in East Asia: ASEAN's Value Added and Limitations," 120.

³⁴ Steve Chan, "An Odd Thing Happened on the Way to Balancing: East Asian States' Reactions to China's Rise," *International Studies Review* 12, no. 3 (2010), 387-412.

³⁵ Busse, Nikolas Busse, "Constructivism and Southeast Asian Security"; Sorpong Peou, "Realism and Constructivism in Southeast Asian Security Studies Today: A Review Essay," *Pacific Review* 15, no. 1 (2002), 119-38.

2.2.3. Constructivist Interpretation of ASEAN: A Regional Identity Building Project

Constructivists argue that ASEAN does not operate with a realist logic, but in accordance with its own norms and principles. Busse asserts that ASEAN's success in dealing with Vietnam's aggression in Cambodia in 1978 was made possible because of its norms of non-intervention and non-use of force rather than forming military alliances. ASEAN established a diplomatic front seeking a solution at the international level, avoiding the traps of realpolitik and great power rivalry³⁶ Constructivists argue that the ASEAN Way of non-interference, non-use of force, and peaceful settlement of disputes contributes to Asia's relative peace and stability,³⁷ giving rise to the development of a collective identity.³⁸

Stressing the significance of culture, ideas, norms and identity, constructivism pays special attention to the norms underpinning the ASEAN Way. Amitav Acharya, one of the most authoritative ASEAN scholars, explains ASEAN regionalism through the ideas of collective identity building and socialization among member states,³⁹ a concept rejected by realists.⁴⁰ According to Rosyidin, "collective identity is synchronized thoughts and feelings between one country and another."⁴¹ Collective identity derives from homogenization, interdependence, common perceptions and the principles of self-restraint and the non-use of force.⁴²

Acharya argues that the "ASEAN Way" is a code of conduct for the grouping.⁴³ The purpose of consensus decision making is to create a common understanding of an issue and strive for compromise among diverse views aimed at maintaining the organization's solidarity. Consensus building is a

³⁶ Nikolas Busse, "Constructivism and Southeast Asian security," 48-50.

³⁷ Sarah Eaton and Richard Stubbs, "Is ASEAN powerful? Neo-realist versus constructivist approaches to power in Southeast Asia," 140.

³⁸ Nikolas Busse, "Constructivism and Southeast Asian Security".

³⁹ Amitav Acharya, "Ideas, Identity, and Institution-building: From the 'ASEAN Way' to the 'Asia-Pacific Way'?" *The Pacific Review* 10, no. 3 (1997), 330-1; Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order, Third Edition*, Taylor and Francis, 2014, 43-4; Sueo Sudo, "The Quest for Identity: International Relations of Southeast Asia," *International Relations of the Asia-Pacific* 3, no. 1 (2003), 156.

⁴⁰ Michael Leifer is sceptical of Southeast Asia's regional identity given its intra-regional diversity and divergence in terms of national interests and threat perceptions. See Michael Leifer, "Regional solutions to regional problems?," In Segal, Gerald and Goodman, David S. G., eds, *Towards Recovery in Pacific Asia*, London and New York: Routledge, 2000, 108-9.

⁴¹ Mohamad Rosyidin, "Why Collective Identity Matters: Constructivism and the Absence of ASEAN's Role in the Rohingya Crisis," *Asia-Pacific Social Science Review* 17, no. 1 (2017), 56.

⁴² Mohamad Rosyidin, "Why Collective Identity Matters: Constructivism and the Absence of ASEAN's Role in the Rohingya Crisis," 57.

⁴³ Amitav Acharya, *The Making of Southeast Asia: International Relations of a Region*, Ithaca: Cornell University Press, 2013, 206.

negotiation between “friends and brothers”. Further, according to Acharya, consensus does not mean unanimity. A proposal might not entirely satisfy all parties to be accepted. Instead, members do not deny the proposal if their fundamental interests are not compromised. ASEAN, by adopting consensus, displays solidarity vis-à-vis external players and not revealing differences to the public.⁴⁴

Apart from cultural factors, Hiro Katsumata observes that historical factors contributed to shaping ASEAN norms, including consensus decision-making. He suggests that Southeast Asia’s experience of colonialization and great power rivalry during the Cold War means the region is acutely aware that national sovereignties are very vulnerable. Non-interference and consensus decision making secures the region from external intervention.⁴⁵

2.3. ASEAN Way and Consensus Decision Making

Consensus decision making is mostly found in literature on the ASEAN Way. According to Acharya, the ASEAN Way comprises a set of norms stemming from legal-rational and socio-cultural variety. The former includes norms commonly seen in most international institutions such as the principle of non-use of force, non-interference, and peaceful settlement of disputes. The latter are norms unique to Southeast Asia such as informality, consensus and consultation.⁴⁶ Hiro asserts that these need to be understood in order to understand ASEAN’s practices.⁴⁷ The ASEAN Way adopts global norms and refines them to suit Southeast Asia’s regional context,⁴⁸ including the environment surrounding the birth of ASEAN, where the region was dominated by mistrust and animosity among the founding members;⁴⁹ external interference in internal affairs; and major power rivalry.⁵⁰ Haacke adds that the ASEAN Way is attentive to the exercise of restraint and respect for sensitive domestic affairs, avoiding the perception that one member is threatening another.⁵¹

⁴⁴ Amitav Acharya, “Culture, Security, Multilateralism: The ‘ASEAN Way’ and Regional Order,” *Contemporary Security Policy: CULTURE AND SECURITY Multilateralism, Arms Control and Security Building* 19, no. 1 (1998), 55-84.

⁴⁵ Hiro Katsumata, “Reconstruction of Diplomatic Norms in Southeast Asia: The Case for Strict Adherence to the ‘ASEAN Way’”.

⁴⁶ Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 43-4.

⁴⁷ Hiro Katsumata, “Reconstruction of Diplomatic Norms in Southeast Asia: The Case for Strict Adherence to the ‘ASEAN Way’,” 110.

⁴⁸ Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 43-4.

⁴⁹ ASEAN founding members includes Indonesia, Malaysia, Philippines, Singapore and Thailand.

⁵⁰ Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 46, 56; Hiro Katsumata, “Reconstruction of Diplomatic Norms in Southeast Asia: The Case for Strict Adherence to the ‘ASEAN Way’”.

⁵¹ Jürgen Haacke, *ASEAN's Diplomatic and Security Culture Origins, Development and Prospects*, London; New York: Routledge, 2005, 50.

Though consensus-based decision-making was officially adopted as ASEAN's *modus operandi* in the 2007 ASEAN Charter,⁵² it was practiced well before. In negotiating the 1967 Bangkok Declaration on the establishment of ASEAN, disagreement occurred between Singapore, the Philippines and Thailand, which were keen to retain foreign bases in Southeast Asia, and Malaysia and Indonesia, which preferred a Southeast Asia free from external influence. As a compromise, a consensus had to be built, resulting in the adoption of a middle-ground statement in the Declaration that "all foreign bases are temporary."⁵³

The 1971 Zone of Peace, Freedom and Neutrality Declaration (ZOPFAN) initiated by Malaysia was another outcome of consensus building. According to Haacke, Malaysia feared that the retreat of Britain and the US from Southeast Asia in the late 1960s and early 1970s would give room for intervention by China and the Soviet Union.⁵⁴ Malaysia wanted major powers' legal guarantee for Southeast Asian neutrality. However, Indonesia, while favoring the idea of regional resilience, had an issue with such an idea given Jakarta's concern that it could instead create space for interference by external powers. Thailand, Singapore and the Philippines wanted to maintain the US in the region for security reasons. Reconciliation between national interests and the overall regional aspiration for autonomy had to be made. The proposal was modified from seeking a legal guarantee to a political commitment.⁵⁵

Consultation and consensus has been practiced from the beginning of ASEAN. Thus, it is commonly held by researchers that such a decision making style has its origin in an Indonesian tradition based on *mufakat* (consultation) and *musjawarah* (consensus).⁵⁶ This could be due to the fact that ASEAN is dominated culturally by Malays and influenced by their culture.⁵⁷ To some observers, codification of consultation and consensus in ASEAN's Charter as its decision-making processes affirmed the grouping's intent to build a regional identity.⁵⁸

⁵² Article 20(1) of the ASEAN Charter reads "As a basic principle, decision-making in ASEAN shall be based on consultation and consensus. See ASEAN Charter.

⁵³ Shaun Narine, "ASEAN and the Management of Regional Security," *Pacific Affairs* 71, no. 2 (1998), 197-8.

⁵⁴ Jürgen Haacke, *ASEAN's Diplomatic and Security Culture Origins, Development and Prospects*, 53; Kei Koga, "Institutional Transformation of ASEAN: ZOPFAN, TAC, and the Bali Concord I in 1968-1976," *Pacific Review* 27, no. 5 (2014), 735.

⁵⁵ Jürgen Haacke, *ASEAN's Diplomatic and Security Culture Origins, Development and Prospects*, 56-7.

⁵⁶ Jürgen Haacke, *ASEAN's Diplomatic and Security Culture Origins, Development and Prospects*, 4.

⁵⁷ Pushpa Thambipillai and Johan Saravanamuttu, *ASEAN Negotiations. Two Insights*, Singapore: ISEAS, 1985, 11.

⁵⁸ Tommaso Visone, "The "ASEAN Way". A Decolonial Path beyond "Asian Values"?", 5.

2.4. Consensus and the Making of ASEAN and its Unity

Defenders of consensus decision making argue that it gives ASEAN strength. Consensus keeps ASEAN members together and prevents intra-group conflict.⁵⁹ Beverley Loke argues that ASEAN's consensus decision making, despite placing emphasis on dialogue and taking time to reach an agreement, helps protect the interests of smaller and weaker states.⁶⁰ This explains why consensus was codified in the ASEAN Charter as the organization's *modus operandi*. It also informs why the most recent members, Laos, Cambodia, Myanmar, and Viet Nam opposed alternatives such as a majority voting system.⁶¹ There is an interesting counterfactual. Would ASEAN be the grouping it is today if it had adopted a different decision-making process? ASEAN policymakers attribute an inclusive ASEAN to the building of a “comfort level” of cooperation acceptable to every member. Marty Natalegawa, Indonesia’s former foreign minister, argues that if the purpose of ASEAN is to rally only like-minded countries, it would not have become the regional grouping it is today.⁶²

Further, consensus building highlights ASEAN unity in the eyes of external countries through an attempt to create a common understanding of a problem and find a way to compromise without publicly blaming one another or allowing disagreement to damage ASEAN’s image.⁶³ Saving face is important to ensure that no party feels disadvantaged in a negotiation.⁶⁴ Provided that a proposal does not threaten the interests of member states, objection is rare given concern for collective solidarity and spirit. Bilahari Kausikan describes ASEAN’s decision-making as “a consensus on always having a consensus”.⁶⁵ A good example of this was ASEAN’s discussion of how to respond to Vietnam’s invasion in Cambodia, where division occurred between Thailand and Indonesia. The former saw Vietnam as a security threat and wanted to expel Vietnam from Cambodia, the latter preferred to use Vietnam as a buffer against China. However, because Thailand might go it alone without ASEAN’s support, Indonesia went along with ASEAN’s common position taking action against Vietnam.⁶⁶

⁵⁹ Donald Emmerson, “ASEAN between China and America: Is It Time to Try Horsing the Cow?,” 2-3.

⁶⁰ Beverley Loke, “The “ASEAN Way”: Towards Regional Order and Security Cooperation?,” *Melbourne Journal of Politics* 30 (2005), 8-38.

⁶¹ Expert Roundtable Discussion on the Road to Ratification Implementation of the ASEAN Charter and Pavin Chachavalpongpun, *The Road to Ratification and Implementation of the ASEAN Charter*, Report / ASEAN Studies Centre, no. 3, 2009, 58.

⁶² R.M. Marty M. Natalegawa, “The Expansion of ASEAN and the Changing Dynamics of Southeast Asia”.

⁶³ Amitav Acharya, “Culture, security, multilateralism: The ‘ASEAN way’ and regional order,” *Contemporary Security Policy* 19, no. 1 (1998), 63.

⁶⁴ Jürgen Haacke, *ASEAN's Diplomatic and Security Culture Origins, Development and Prospects*, 6.

⁶⁵ Bilahari Kausikan, “Consensus, centrality and relevance: ASEAN and the South China Sea,” *The Straits Times*, August 6, 2016, <https://www.straitstimes.com/opinion/consensus-centrality-and-relevance-asean-and-the-south-china-sea>.

⁶⁶ Muthiah Alagappa, “Regionalism and the Quest for Security: ASEAN and the Cambodian Conflict,” *Journal of International Affairs* 46, no. 2 (1993), 452.

2.5. Consensus and ASEAN Centrality in Regional Security Architecture

Consensus enables ASEAN's leading role in regional arrangements vis-à-vis external countries.⁶⁷ This is because consensus consolidates ASEAN and strengthens internal "cohesion and unity" which are, according to Natalegawa, "prerequisites for ASEAN 'Centrality' in the wider Asia-Pacific region".⁶⁸ Otto F. Von Feigenblatt added that consensus enables ASEAN to project a united front and increase diplomatic influence on the international stage.⁶⁹

Consensus sets ASEAN free from major power rivalry through the formation of a neutral position that avoids favoring one country over another.⁷⁰ Acharya argues that ASEAN employs consultation and consensus in wider regional frameworks to project soft power, which is seen in ASEAN-plus forums such as the ARF.⁷¹ ASEAN involves major powers in regional forums by socializing them into its norms and principles. Acharya calls this ASEAN's "norm diffusion".⁷² He asserts that the ASEAN Way maintains the centrality of 'ASEAN-plus' frameworks and makes it comfortable for major powers' participation.⁷³ Min-hyung Kim shares a similar view that ASEAN leads in Asia-Pacific regionalism because of the ASEAN Way, which are non-threatening.⁷⁴ Such a proposition is supported by Mely Caballero-Anthony.⁷⁵

2.6. Consensus and Regional Security Challenges

It is generally assumed that consensus decision making is time-consuming, thus making ASEAN ineffective in dealing with urgent or controversial issues concerning national sovereignty or territorial integrity.⁷⁶ Critics argue that consensus and the principle of non-interference hinder regional

⁶⁷ Min-hyung Kim, "Why Does A Small Power Lead? ASEAN Leadership in Asia-Pacific Regionalism," *Pacific Focus* 27, no. 1 (2012), 111-34; Amitav Acharya, "The Myth of ASEAN Centrality?" *Contemporary Southeast Asia* 39, no. 2 (2017), 276.

⁶⁸ R.M. Marty M. Natalegawa, "The Expansion of ASEAN and the Changing Dynamics of Southeast Asia," 233.

⁶⁹ Otto F. Von Feigenblatt, "Avoidance and Consensus Building in the Association of Southeast Asian States (ASEAN): The Path Towards a New 'ASEAN Way'," *Entelequia: Revista Interdisciplinar*, no. 13 (2011), 130.

⁷⁰ "In full: PM Lee Hsien Loong's speech at the 2019 Shangri-La Dialogue," *Channel News Asia*, June 1, 2019, <https://www.channelnewsasia.com/news/singapore/lee-hsien-loong-speech-2019-shangri-la-dialogue-11585954>.

⁷¹ Amitav Acharya, "Culture, Security, Multilateralism: The 'ASEAN Way' and Regional Order," 65.

⁷² Amitav Acharya, "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism," *International Organization* 58, no. 2 (2004), 239-75.

⁷³ Amitav Acharya, "The Myth of ASEAN Centrality?"

⁷⁴ Min-hyung Kim, "Why Does A Small Power Lead? ASEAN Leadership in Asia-Pacific Regionalism".

⁷⁵ Mely Caballero-Anthony, "Understanding ASEAN's Centrality: Bases and Prospects in an Evolving Regional Architecture".

⁷⁶ Amitav Acharya, "Culture, Security, Multilateralism: The 'ASEAN Way' and Regional Order," 65-6.

integration and efforts to address transboundary issues such as Indonesia's haze pollution which spreads to Malaysia and Singapore.⁷⁷

Further, it is argued that consensus decision making risks division by external powers. For example, Cambodia, as the ASEAN Chair in 2012, depended on economic ties with China to block the joint statement criticising Beijing's aggressive actions in the SCS.⁷⁸ ASEAN-led forums are less effective in dealing with security challenges because consensus decision making allows members to veto discussion on issues which go against their interests. Cambodia did so regarding the SCS.⁷⁹

2.7. Alternatives to ASEAN's Consensus Decision Making: ASEAN Minus X or Majority Voting

Barry Desker argues that the ASEAN Charter is a weak document because it failed to transform ASEAN into a supranational organization with a majority voting system.⁸⁰ ASEAN's occasional failure to make decisions on some of the region's security issues reinforced the sceptics' doubt about the merit of ASEAN's decision-making processes.⁸¹

The idea of majority voting was discussed during the drafting of the ASEAN Charter. Some ASEAN members proposed turning ASEAN into a supranational organization like the European Union (EU). Such an idea was rejected since there was no consensus.⁸² Instead, 'ASEAN Minus X' was codified in the ASEAN Charter⁸³ as a compromise. However, such a formula is only directed at economic relations with a condition that its application requires the acceptance of all ASEAN members.

⁷⁷ Vinod K Aggarwal and Jonathan T Chow, "The Perils of Consensus: How ASEAN's Meta-regime Undermines Economic and Environmental Cooperation," *Review of International Political Economy* 17, no. 2 (2010), 262-90.

⁷⁸ Amitav Acharya, "The Myth of ASEAN Centrality?," 276; Ian Storey, "ASEAN's Failing Grade in the South China Sea," In *International Relations and Asia's Southern Tier ASEAN, Australia, and India*, edited by Gilbert Rozman and Joseph Chinyong Liow, Asan-Palgrave Macmillan Series, 2018.

⁷⁹ Rizal Sukma, "The accidental driver: ASEAN in the ASEAN Regional Forum," in *Cooperative Security in the Asia-Pacific: The ASEAN Regional Forum*, eds. Jurgen Haacke and Noel M. Morada, Routledge, 2010, 111-123; Evelyn Goh, "ASEAN-Led Multilateralism and Regional Order: The Great Power Bargain Deficit," in *International Relations and Asia's Southern Tier ASEAN, Australia, and India*, eds. Gilbert Rozman and Joseph Chinyong Liow, Asan-Palgrave Macmillan Series, 2018.

⁸⁰ Barry Desker, "Is the ASEAN Charter Necessary?," *RSIS COMMENTARIES* (S. Rajaratnam School of International Studies), July 17, 2008.

⁸¹ Richard Javad Heydarian, "Is ASEAN Still Relevant?," *The Diplomat*, March 26, 2015, <http://thediplomat.com/2015/03/is-asean-still-relevant/>; "The Irrelevance of ASEAN," *Manila Standard*, July 27, 2016, <http://thestandard.com.ph/opinion/editorial/211659/the-irrelevance-of-asean.html>.

⁸² Lee Leviter, "The ASEAN Charter: ASEAN Failure or Member Failure?" *New York University Journal of International Law and Politics* 43, no. 2 (2011), 159-210.

⁸³ Article 21(2) of the ASEAN Charter reads "In the implementation of economic commitments, a formula for flexible participation, including the ASEAN Minus X formula, may be applied when there is a consensus to do so. See ASEAN Charter.

Because of ASEAN's failure to agree on issues where members have divergent interests, some scholars recommend extending ASEAN Minus X to security, including the SCS, arguing it would secure ASEAN's united position against China.⁸⁴ Some scholars go further and call for the application of the majority voting system in the SCS issue.⁸⁵

2.8. Conclusion

Neo-realists are skeptical about ASEAN's influence and role in regional peace, believing that it is the major power (US) which keeps Southeast Asia safe from China by acting as a counter-balancer. Neo-realists appear not to be a believer in Southeast Asian identity building. Constructivists tend to attribute peace in Southeast Asia to ASEAN's shared norms and principles. Constructivists reject neorealist accounts of the role of the major powers in pushing Vietnam out of Cambodia, arguing instead that ASEAN's diplomatic endeavors based on its norms produced the outcome. For constructivists, ASEAN is a regional identity building project, giving careful attention to historical and cultural factors underpinning the way members interact. While there appears to be little study on the connection between ASEAN's consensus decision making and what has been achieved, ASEAN unity and centrality owes much to consensus decision making. The next chapter examines how ASEAN came together as a regional organization and played a central role in regional multilateral arrangements.

⁸⁴ Donald Emmerson, "ASEAN between China and America: Is It Time to Try Horsing the Cow?," 18; Christopher B. Roberts, "ASEAN: the challenge of unity in diversity," in *The South China Sea Maritime Dispute: Political, Legal, and Regional Perspectives*, eds. Leszek Buszynski and Christopher B. Roberts, Routledge Security in Asia Pacific Series 28, 2015, 143, See Seng Tan, "Minilateralism: A Way out of ASEAN's Consensus Conundrum?," in *Special Issue on ASEAN's 50th Anniversary*, eds. Tan Chin Tiong, Tang Siew Mun and Hoang Thi Ha, ASEANFocus (ISEAS Yusof Ishak Institute), no. 5 (2017), 9.

⁸⁵ Richard Javad Heydarian, "Time for ASEAN Minilateralism"; Tang Mun, "Is ASEAN Due for a Makeover?," *Contemporary Southeast Asia* 39, no. 2 (2017), 239-44.

Chapter 3: ASEAN's Strive for Regionalism and Autonomy in Southeast Asia

ASEAN is a mechanism for managing external pressures and preserving the autonomy of its members by ensuring at least a modicum of cohesion, order and civility in our relationships in a region where none of this was to be taken for granted. The Cold War is of course long over. But this remains ASEAN's fundamental and enduring purpose. ASEAN's declared goal of establishing a "Community" across the three pillars of political and security cooperation, economic integration and socio-cultural cooperation are in a sense as important as means towards this fundamental end as they are ends in themselves.⁸⁶

3.1. Introduction

This chapter highlights Southeast Asia's complex geostrategic environment when ASEAN was born. It explains why early attempts at regionalism prior to ASEAN had failed, and why ASEAN succeeded. The afore-mentioned quote by Bilahari Kausikan, a Singaporean veteran diplomat, speaks to the thinking inside ASEAN about how ASEAN views itself and its relations with external powers, which led ASEAN to take a specific course. The chapter aims to address the questions of if consensus enables ASEAN to play a role in keeping Southeast Asia at peace and prevent the region from being destabilized by the competition between great powers through maintaining Southeast Asia's autonomy.

3.2. ASEAN: A Regionalism Born out of Conflicts

Established in 1967, ASEAN was born out of a region embroiled in conflict and hostility as a result of Western colonization and ideological differences between the major powers.⁸⁷ This is why Southeast Asia was called the "Balkans of Asia" or "region of revolt",⁸⁸ signifying cultural divergences and tensions among ASEAN's five founding members.⁸⁹ During the 1960s, Southeast Asia was embroiled in conflict and trust deficits arising out of Indonesia's "*konfrontasi*" with Malaysia and, to a lesser extent, Singapore; Singapore's thorny separation from Malaysia; a dispute between Malaysia and the

⁸⁶ Bilahari Kausikan, "Dealing with an Ambiguous World: ASEAN & US-China Competition in Southeast Asia," IPS-Nathan Lecture, March 30, 2016, 4, https://lkyspp.nus.edu.sg/docs/default-source/ips/mr-bilahari-kausikan-s-speech7d7b0a7b46bc6210a3aaff0100138661.pdf?sfvrsn=cec7680a_0.

⁸⁷ Christopher B. Roberts, *ASEAN Regionalism Cooperation, Values and Institutionalisation*. Routledge Security in Asia Pacific Series 19, London ; New York, NY: Routledge, 2012, 35.

⁸⁸ The title was given by British historian Charles Fisher to explain Southeast Asia's diversity, which saw conflicts breaking out across the region. See Kishore Mahbubani and Jeffery Sng, *The ASEAN Miracle A Catalyst for Peace*, 209; Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 4.

⁸⁹ Kishore Mahbubani describes the tensions among these countries at the time surrounding ASEAN's formation as each was "at the other's throat". See Kishore Mahbubani and Jeffery Sng, *The ASEAN Miracle A Catalyst for Peace*, 4.

Philippines over Sabah; and China-backed communist insurgencies in most ASEAN countries.⁹⁰ These domestic and intraregional conflicts almost scuttled the formation of ASEAN.⁹¹ The Sabah dispute carried over into ASEAN resulting in the near suspension of diplomatic ties between Malaysia and the Philippines when Manila unilaterally took the issue to the International Court of Justice for arbitration. After Indonesian mediation, bilateral relations were restored.⁹²

Southeast Asia's early 1960s environment helps explain why attempts to establish regionalism prior to ASEAN failed, including the Malaysia-Philippines-Indonesia framework (Maphilindo) and the Association of Southeast Asia (ASA) comprising Malaysia, the Philippines and Thailand.⁹³ Christopher argues that ASA failed because of the dispute over Sabah and Indonesia's suspicion of Malaysia's intention to seek to be a regional leader. Maphilindo also faced a similar fate due to Indonesia's opposition to Malaysia's creation of the Federation of Malaysia combining Malaya, Singapore, Sabah and Sarawak.⁹⁴

According to Christopher, the ending of *konfrontasi* and the normalization of bilateral relations between Malaysia and Indonesia opened an opportunity for the formation of ASEAN. While Malaysia preferred an extended version of ASA, Indonesia was opposed, viewing it as anti-Indonesian and inclined towards the West.⁹⁵ The emergence of ASEAN contributed to reducing intra-regional tensions.⁹⁶ As Haacke noted, the fact that the Philippines decided not to raise the Sabah issue in ASEAN not only diffused tensions with Malaysia, but also gave rise to the norm of shelving bilateral issues in ASEAN.⁹⁷ According to Haacke, experiences in handling interstate conflicts resulted in ASEAN recognizing that principles such as respect for national sovereignty, non-interference, non-use of force, shelving disputes, quiet diplomacy and tolerance are crucial for inter-state relations. These were adopted as the so-called 'ASEAN Way',⁹⁸ which has what Acharya calls "important regulatory

⁹⁰ Christopher B. *ASEAN Regionalism Cooperation, Values and Institutionalisation*, 35-6; Jürgen Haacke, *ASEAN's Diplomatic and Security Culture: Origins, Development and Prospects*, pp. 36-40; Yoong Yoong Lee, *Asean Matters! Reflecting On The Association Of Southeast Asian Nations*, World Scientific Publishing Pte, 2011, 284.

⁹¹ Yoong Yoong Lee, *Asean Matters! Reflecting On The Association Of Southeast Asian Nations*, 284.

⁹² Jürgen Haacke, *ASEAN's Diplomatic and Security Culture: Origins, Development and Prospects*, 46.

⁹³ Christopher B. Roberts, *ASEAN Regionalism Cooperation, Values and Institutionalisation*, 39.

⁹⁴ Christopher B. Roberts, *ASEAN Regionalism Cooperation, Values and Institutionalisation*, 40.

⁹⁵ Christopher B. Roberts, *ASEAN Regionalism Cooperation, Values and Institutionalisation*, 42-3.

⁹⁶ Rodolfo Severino and Institute of Southeast Asian Studies, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-general*, 162; Michael Leifer, *ASEAN and the Security of Southeast Asia* Routledge, 1989, 20.

⁹⁷ Jürgen Haacke, *ASEAN's Diplomatic and Security Culture Origins, Development and Prospects*, 46.

⁹⁸ Jürgen Haacke, *ASEAN's Diplomatic and Security Culture Origins, Development and Prospects*, 49-50.

impact”, keeping members compliant, avoiding alienating intramural relations and maintaining regional stability.⁹⁹

ASEAN has been able to accommodate the interests of members eventually bringing 10 countries together. Arguably, this owes much to the ASEAN Way.¹⁰⁰ Marty Natalegawa argues that, without accommodating the diversity of members, ASEAN would not have become an impactful regional institution.¹⁰¹ ASEAN transformed Southeast Asia from a region with a “trust deficit” to “strategic trust”,¹⁰² and from a “like-minded”¹⁰³ organization to an inclusive one comprising all members.¹⁰⁴ Take Myanmar’s membership as an example. When it applied for membership in 1996, Thailand and the Philippines rejected the proposal, citing the country’s poor human rights and democracy records. However, they eventually agreed, leading to Myanmar’s accession in 1997.¹⁰⁵ The same situation happened with Cambodia. Malaysia and Viet Nam supported Cambodia’s proposal, but Singapore, Indonesia and Thailand opposed it. However, after consultation ASEAN agreed to Cambodia’s admission.¹⁰⁶ If ASEAN was not guided by a principle of tolerance for difference it would not be an inclusive organization.

3.3. ASEAN Membership Expansion: An Undue Critique

ASEAN extended membership opportunity to Cambodia, Laos, Myanmar, and Viet Nam (CLMV) during the 1990s. ASEAN expansion became a source of criticism, however, of its ineffective decision making.¹⁰⁷ Critics argue that ASEAN adopted consensus rather than majority voting due to CLMV objections.¹⁰⁸ ASEAN has been criticised regularly for failing to build consensus on critical issues.¹⁰⁹

⁹⁹ Jürgen Haacke, *ASEAN's Diplomatic and Security Culture Origins, Development and Prospects*, 31.

¹⁰⁰ Rodolfo Severino and Institute of Southeast Asian Studies. *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-general*, 35; Bilahari Kausikan, “Dealing with an Ambiguous World: ASEAN & US-China Competition in Southeast Asia”.

¹⁰¹ R.M. Marty M. Natalegawa, “The Expansion of ASEAN and the Changing Dynamics of Southeast Asia”.

¹⁰² R.M. Marty M. Natalegawa, “The Expansion of ASEAN and the Changing Dynamics of Southeast Asia,” 232.

¹⁰³ Like-minded bloc signifies the shared anti-communist sentiment among the ASEAN founding members. It is commonly held that fear of communist expansion was the rationale behind these countries’ rallying together. See Kishore Mahbubani and Jeffery Sng, *The ASEAN Miracle A Catalyst for Peace*, 51.

¹⁰⁴ R.M. Marty M. Natalegawa, “The Expansion of ASEAN and the Changing Dynamics of Southeast Asia,” 235.

¹⁰⁵ Taku Yukawa, “The ASEAN Way as a symbol: an analysis of discourses on the ASEAN Norms,” *The Pacific Review*, 31(3), 306.

¹⁰⁶ Cheong Kee Cheok and Yong Chen Chen, “Assessing ASEAN’S Relevance,” 15.

¹⁰⁷ Alex J. Bellamy and Mark Beeson, “The Responsibility to Protect in Southeast Asia: Can ASEAN Reconcile Humanitarianism and Sovereignty?” *Asian Security (Philadelphia, Pa.)* 6, no. 3 (2010), 270.

¹⁰⁸ Eugene K. B. Tan, “The ASEAN Charter as “Legs to Go Places”: Ideational Norms and Pragmatic Legalism in Community Building in Southeast Asia,” *The Singapore Year Book of International Law* 12 (2008), 171-198.

¹⁰⁹ Jonathan Head, the British Broadcasting Corporation’s Southeast Asia correspondent opined that ASEAN’s consensus decision making hardly makes it possible for the grouping to make any decision against China on the South China Sea. Beeson echoes this point by saying ASEAN has been incapable of addressing difficulty issues, thus failing to make

ASEAN's strongest critics are realists, who argue that membership expansion weakened the ability to forge consensus.¹¹⁰ Realists expected ASEAN to be a cohesive security community capable of balancing against potential threats.¹¹¹ By contrast, constructivists consider ASEAN as regional identity building,¹¹² arguing that ASEAN's expansion derived from the desire to maintain peace and autonomy by extending ASEAN norms. Acharya points to Thailand's Prime Minister, Anand Panyarachun's speech following the settlement of the Cambodian dispute, in which he said that ASEAN would need to create a new regional order comprising all Southeast Asia countries. Indonesia's foreign minister also said that a new era in Southeast Asia had begun, "an era in which for the first time Southeast Asia would be truly peaceful and truly free to deal with its problems in terms of its own aspiration rather than in terms of major power rivalry and competition...".¹¹³ Roberts concludes that ASEAN's expansion derives from Southeast Asia's desire to maintain regional autonomy against external powers such as China, India and Japan, as well as leveraging the grouping's collective diplomatic voice.¹¹⁴

If ASEAN's aim was to create a homogenous bloc, it would not have navigated Southeast Asia's conflict and hostility. Viet Nam was originally doubtful of ASEAN, viewing it as a "political fraud", and "part of an American policy of containment".¹¹⁵ Similarly, Laos viewed it with hostility as an anti-communist bloc.¹¹⁶ The opportunity for Viet Nam and Laos to accede to ASEAN's Treaty of Amity

significant contribution to regional peace. See Richard Stubbs, "Debating ASEAN: A Response to Commentaries on 'ASEAN Sceptics versus ASEAN Proponents'," *Pacific Review* 33, no. 3-4 (2020), 928-9.

¹¹⁰ Neorealists argues that ASEAN's lack of a strong institution makes its role in regional peace marginal compared to major powers, for instance, the US. They added that ASEAN Way's lack of "pooled sovereignty" as seen in the European Union makes it an organization only capable of cooperating on fair issues or the so-called "fair-weather cooperation". Further, David Martin Jones and Nicole Jenne describes ASEAN as the product of 'weak states' regionalism. See Sarah Eaton and Richard Stubbs, "Is ASEAN powerful? Neo-realist versus constructivist approaches to power in Southeast Asia," 136; Markus Hund, "From "Neighbourhood Watch Group" to Community? The case of ASEAN institutions and the pooling of sovereignty," *Australian Journal of International Affairs* 56, no. 1 (2002), 101; David Martin Jones and Nicole Jenne, "Weak States' Regionalism: ASEAN and the Limits of Security Cooperation in Pacific Asia," *International Relations of the Asia-Pacific* 16, no. 2 (2016), 209-40.

¹¹¹ Michael Leifer, a leading critic of ASEAN, admitted that ASEAN's diplomatic coalition against the Vietnamese invasion of Cambodia in 1978 was "the tangible benefit of corporate solidarity". Leifer describes this to be ASEAN's balance-of-power strategy. Busse, however, disproves this argument by pointing out that ASEAN did not depend on a military option, but rather a norm-based approach on the above issue. See Leifer Michael, *ASEAN and the Security of Southeast Asia* Routledge, 119; Michael Leifer, "Southeast Asia: Conflicts and Cooperation," in Chin kin Wah and Leo Suryadinata, eds, *Michael Leifer: Selected Works on Southeast Asia*, Singapore: Institute of Southeast Asian Studies, 25; Nikolas Busse, "Constructivism and Southeast Asian Security," *Pacific Review* 12, no. 1 (1999), 46.

¹¹² Amitav Acharya asserts that ASEAN is a security community based on shared interest and identities. See Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 22.

¹¹³ Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 97.

¹¹⁴ Christopher B. Roberts, *ASEAN Regionalism Cooperation, Values and Institutionalisation*, 61.

¹¹⁵ Ralf Emmers, "The Indochinese Enlargement of ASEAN: Security Expectations and Outcomes," *Australian Journal of International Affairs* 59, no. 1 (2005), 72.

¹¹⁶ Ralf Emmers, "The Indochinese Enlargement of ASEAN: Security Expectations and Outcomes," 73.

and Cooperation in Southeast Asia (TAC) in 1992¹¹⁷ showed ASEAN's willingness to accommodate former ideological opponents. Viet Nam and Laos found the principles of non-interference and respect for national sovereignty acceptable because they felt that they were, as Jones noted, "the historic targets of both ASEAN and superpower intervention".¹¹⁸ With tolerance for diversity, ASEAN managed to hang together. Kishore Mahbubani asserts that ASEAN's approval of Viet Nam's membership was 'geopolitical wisdom' for overcoming the legacy of the Cold War, a better approach compared to the EU and NATO expansion eastwards.¹¹⁹

3.4. ASEAN's Strive for Centrality in the Regional Multilateral Arrangements

ASEAN insists on its centrality to the evolving regional architecture centred on ASEAN-plus arrangements.¹²⁰ Caballero-Anthony argues that ASEAN centrality is the "widening and intensification of ASEAN's leadership role in East Asian regionalism".¹²¹ According to Acharya, it indicates the group's desire to maintain regional autonomy¹²² in the following terms:

ASEAN must keep its seat at the 'driver's table' of the most important existing Asian regional institutions, especially the ARF, and the EAS, and that it should not allow itself to be sidelined, or marginalised by the initiatives from others, especially the great powers, to develop new or competing regional bodies covering Asia as a whole.¹²³

ASEAN needs to control agenda setting and operationalization of regional processes which shape the direction of dialogue.¹²⁴ This is why ASEAN objected to various security concepts proposed by

¹¹⁷ TAC is one of ASEAN's key instruments that guide the inter-state relations among its members, as well as the grouping's engagement with external partners. The Treaty comprises significant principles. Treaty's parties are required to refrain from activities that are harmful to the political and economic stability and national sovereignty of one another; not to interfere in internal affairs; refrain from the threat or use of force; pursue peaceful settlement of disputes through friendly negotiation, etc. See Treaty of Amity and Cooperation in Southeast Asia; Susumu Yamakage, "Evolving ASEAN and Changing Roles of the TAC," Economic Research Institute for ASEAN and East Asia (ERIA), 42, https://www.eria.org/ASEAN_at_50_4A.3_Yamakage_final.pdf.

¹¹⁸ Lee Jones, "ASEAN's Unchanged Melody? The Theory and Practice of 'non-interference' in Southeast Asia," *Pacific Review* 23, no. 4 (2010), 497.

¹¹⁹ Kishore Mahbubani and Jeffery Sng, *The ASEAN Miracle A Catalyst for Peace*, 14.

¹²⁰ For instance, the ASEAN Community Vision 2025 envisages that ASEAN continues to strike for "A community that strengthens our unity, cohesiveness and ASEAN centrality as well as remains the primary driving force in shaping the evolving regional architecture that is built upon ASEAN-led mechanisms". See ASEAN Community Vision 2025, 15.

¹²¹ Mely Caballero-Anthony, "Understanding ASEAN's Centrality: Bases and Prospects in an Evolving Regional Architecture," 564.

¹²² Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 257.

¹²³ Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 266.

¹²⁴ Mely Caballero-Anthony, "Understanding ASEAN's Centrality: Bases and Prospects in an Evolving Regional Architecture".

external partners. At the end of the Cold War, Canada and Australia proposed a multilateral security cooperation framework for the Asia-Pacific resembling the idea of common security in Europe. ASEAN rejected the proposal fearing it could undermine regional identity and autonomy and turn Southeast Asia into a US-based military alliance against adversaries.¹²⁵ The ARF was adopted instead, centred on the ASEAN Way. Shaun Narine, argues that the “ARF was largely an attempt by ASEAN to prevent marginalization as outside powers organized security relations in the Pacific Rim”.¹²⁶ Johnston added that the ARF is inclusive of all great powers because ASEAN prefers a “counter-realpolitik” arrangement.¹²⁷

Another manifestation of ASEAN centrality is the principle guiding engagement with external partners. Outside powers engaging ASEAN must first subscribe to the TAC¹²⁸ as dialogue partners committed to the way regional arrangements are organised. ASEAN sometimes has dialogue partners reaffirm their commitment to the TAC in ASEAN-plus regional engagements.¹²⁹ According to Yamakage, the TAC is “a cornerstone” of ASEAN centrality in the regional architecture.¹³⁰ Thailand’s foreign minister, in a speech commemorating the 40th anniversary of the TAC in 2016, said that the treaty was instrumental in promoting inter-state relations within and outside Southeast Asia by enhancing ASEAN centrality.¹³¹

Critics are not comfortable with the idea of the ASEAN Way in regional mechanisms such as the ARF, EAS, ADMM-Plus and ASEAN-plus one. Goh argues that ASEAN-plus arrangements do not serve ASEAN’s institutional balancing purposes, ending up as the playground for great powers competition. The ASEAN Way does not enable ‘plus mechanisms’ to make rules binding great power behaviour.¹³² From a realist perspective, the ARF is merely a:

¹²⁵ Amitav Acharya, “How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism,” 254-6.

¹²⁶ Shaun Narine, “ASEAN and the ARF: The Limits of the “ASEAN Way”,” *Asian Survey* 37, no. 10 (1997), 978.

¹²⁷ Evelyn Goh, “Institutions and the Great Power Bargain in East Asia: ASEAN’s Limited ‘brokerage’ Role,” *International Relations of the Asia-Pacific* 11, no. 3 (2011), 379.

¹²⁸ Susumu Yamakage, “Evolving ASEAN and Changing Roles of the TAC,” 39.

¹²⁹ For more information, see the Joint Statement of the ASEAN-US Commemorative Summit on the 40th Anniversary of the ASEAN-US Dialogue Relations; Joint Statement of the 19th ASEAN-China Summit to Commemorate the 25th Anniversary of ASEAN-China Dialogue Relations; Joint Statement of the ASEAN-Australia Special Summit: The Sydney Declaration.

¹³⁰ Susumu Yamakage, “Evolving ASEAN and Changing Roles of the TAC,” 39.

¹³¹ “Thailand/ASEAN: ASEAN Foreign Ministers’ Statement on the Occasion of the 40th Anniversary of the Treaty of Amity and Cooperation in Southeast Asia-TAC,” *Asia News Monitor* (Bangkok), 2016.

¹³² Evelyn Goh, “Evaluating Southeast Asian response to China’s rise,” in *China’s Power and Asian Security*, eds. Mingjiang Li and Kalyan M. Kemburi, Politics in Asia Ser, 2014.

talking shop with no significant impact. It offers no military arrangements between Washington and Asian countries. Nor does it offer any concrete institutional arrangements to deal with security concerns involving countries in the region, including China.¹³³

Acharya argues that, despite lacking material power, “ASEAN has used socialization and persuasion to engage not only other Southeast Asian and East Asian countries, but *all* the great powers of the current international order”.¹³⁴ He questions:

What might be Asia’s security order today had there been no ASEAN? At the very least, there would be a lot less opportunity for dialogue and diplomatic interactions among the major powers with an interest in Asia, and the prospects for a preemptive US containment of China would have been greater.¹³⁵

Bilahari Kausikan argues that the weakness of ASEAN-plus platforms, which makes it easy for manipulation by external powers, is the reason why they are attractive.¹³⁶ At one level, Goh’s argument that ASEAN is trapped in great power play look accurate if one considers the blame game between the US and China over the SCS at various ASEAN frameworks.¹³⁷ At another level, ASEAN controls the direction of ‘plus’ platforms to prevent easy great power manipulation. ASEAN controls agenda setting as well as negotiation procedures,¹³⁸ which is why consultation and consensus are the *modus operandi*. Regardless of how tense discussions are, the final language is moderate and acceptable to all parties. Because of this, critics argue that EAS meeting statements are often “vague” and not reflective of the “full extent and substance of discussion”.¹³⁹

¹³³ Hiro Katsumata, “Establishment of the ASEAN Regional Forum: Constructing a ‘talking Shop’ or a ‘norm Brewery’?,” *Pacific Review* 19, no. 2 (2006), 187.

¹³⁴ Amitav Acharya, “Doomed by Dialogue: Will ASEAN Survive Great Power Rivalry in Asia?” In *International Relations and Asia’s Southern Tier*, 85. Asan-Palgrave Macmillan Series. Singapore: Springer Singapore, 2017.

¹³⁵ Amitav Acharya, “Doomed by Dialogue: Will ASEAN Survive Great Power Rivalry in Asia?,” 85.

¹³⁶ ISEAS – Yusof Ishak Institute, “ART 2017: ASEAN Centrality: Its Dimensions and Implications - Mr Bilahari Kausikan,” YouTube video, 10:40, October 25, 2017, <https://www.youtube.com/watch?v=2vobWaeOHFM>.

¹³⁷ At the virtual EAS foreign ministers’ meeting held in September 2020, China accused the US of being the “biggest driver” of militarization in the SCS, while the US, at another sideline ASEAN-US foreign ministers’ meeting, told ASEAN to stand up against China’s “bullying”, and to not let “the Chinese communist party walk over us and our people”. See Bhavan Jaipragas, “ASEAN treads fine line as US-China rivalry, South China Sea loom over annual forum,” *South China Morning Post*, September 12, 2020, <https://www.scmp.com/week-asia/politics/article/3101328/asean-treads-fine-line-us-china-rivalry-south-china-sea-loom>.

¹³⁸ Mely Caballero-Anthony, “Understanding ASEAN’s Centrality: Bases and Prospects in an Evolving Regional Architecture,” 569.

¹³⁹ Melissa Conley Tyler and Rhiannon Arthur, “What can we expect from this year’s East Asia Summit,” *Asialink* (University of Melbourne), <https://asialink.unimelb.edu.au/asialink-dialogues-and-applied-research/commentary-and-analysis/what-can-we-expect-from-this-years-east-asia-summit>.

The question is why do external powers allow ASEAN to lead in ASEAN-plus frameworks when they are not completely satisfied with the way they operate. Without ASEAN-plus platforms it is difficult for any external power to lead, given mutual suspicions.¹⁴⁰ Kim noted that:

ASEAN leadership seems to be the best and politically safest option upon which all countries in the region sharing the need to regionalize agree. Because of its small size (both militarily and economically), ASEAN is not viewed as a security and economic threat to most states in the region. Also, ASEAN's approach of confidence/trust-building through dialogue and its upholding of the ASEAN Way as a code of conduct function to alleviate major powers' fears about sovereignty costs in the regional cooperation processes.¹⁴¹

Acharya concluded that China would have not participated in the ARF if it was initiated by external powers rather than ASEAN.¹⁴² A good example of mutual suspicion is China's objection to the US' Free and Open Indo-Pacific strategy (FOIP) and the US and Japanese objections to China's Asian Infrastructure Investment Bank (AIIB). Without ASEAN-led platforms, it is difficult to imagine alternatives which are inclusive and welcomed.

Besides seeking centrality in security, ASEAN maintains a central economic role. A good example is the Regional Comprehensive Economic Partnership (RCEP),¹⁴³ which was signed at the 2020 virtual ASEAN Summit after years of negotiations. It is the world's largest multilateral agreement, covering about one-third of gross domestic product and population.¹⁴⁴ Observers note that, apart from a trade agreement, the RCEP strengthens "regional political security and stability and reinforces ASEAN centrality in Southeast Asia and in the Indo-Pacific".¹⁴⁵ Other western commentators argue that the RCEP is a low-quality trade agreement led by China, which is why it is sometimes called a "China-

¹⁴⁰ Evelyn Goh, "Institutions and the Great Power Bargain in East Asia: ASEAN's Limited 'brokerage' Role," 374.

¹⁴¹ Min-hyung Kim, "Why Does A Small Power Lead? ASEAN Leadership in Asia-Pacific Regionalism," 121.

¹⁴² Amitav Acharya, "Arguing about ASEAN: What Do We Disagree About?," *Cambridge Review of International Affairs* 22, no. 3 (2009), 499.

¹⁴³ RCEP original members include 10 ASEAN countries plus 6 dialogue partners, namely Australia, China, India, Japan, New Zealand, and South Korea). However, India dropped out of the negotiation in 2019, citing concern that certain sectors of its economy could be affected by the mega trade agreement.

¹⁴⁴ Eric Johnston, "What does RCEP mean for Japan and its Asian neighbors," *The Japan Times*, November 15, 2020, <https://www.japantimes.co.jp/news/2020/11/15/national/politics-diplomacy/rcep-japan-asia-trade/>.

¹⁴⁵ Blake Berger, "What RCEP Means for the Indo-Pacific," *The Diplomat*, January 1, 2020, <https://thediplomat.com/2019/12/what-rcep-means-for-the-indo-pacific/>.

led” one,¹⁴⁶ compared with the then US-led Trans-Pacific Partnership and now the Comprehensive and Progressive Agreement for Trans-Pacific.¹⁴⁷ *The Economist* described the deal as a “win” for China, but a “setback” for India and the US.¹⁴⁸ Malcom Cook, however, argues that the RCEP is not a Chinese initiative. Instead, it is an ASEAN’s initiative. It consolidates ASEAN’s existing FTAs with non-ASEAN participants. It is a “boost to the idea of East Asia and ASEAN’s central, vital and irreplaceable position”.¹⁴⁹

3.5. Conclusion

The chapter suggests that ASEAN survived because it embraced the principle of consultation and consensus, which serves as an important tool for accommodating differing national interests and the diversity of member states. It is difficult to imagine majority decision making resulting in the current arrangements among 10 members. ASEAN improved inter-state relations, reduced chances of conflict, and gave rise to Southeast Asian regionalism. Although building consensus was more challenging with expanded membership, ASEAN increased its influence and centrality in the regional architecture. By insisting on ASEAN centrality in ASEAN-plus frameworks, it successfully prevented the region from being the great powers’ laboratory for contending security concepts, though the frameworks appear weak. The next chapter explores how ASEAN responds to the newly emerging FOIP and assesses whether consensus decision enables centrality.

¹⁴⁶ Peter A. Petri and Michael Plummer, “RCEP: A new trade agreement that will shape global economics and politics,” *Brookings*, November 16, 2020, <https://www.brookings.edu/blog/order-from-chaos/2020/11/16/rcep-a-new-trade-agreement-that-will-shape-global-economics-and-politics/>.

¹⁴⁷ “RCEP: Asia-Pacific countries form world’s largest trading bloc,” *BBC*, <https://www.bbc.com/news/world-asia-54949260>.

¹⁴⁸ “The meaning of RCEP, the world’s biggest trade agreement,” *The Economist*, November 15, 2020, <https://www.economist.com/finance-and-economics/2020/11/15/the-meaning-of-rcep-the-worlds-biggest-trade-agreement>.

¹⁴⁹ Malcolm Cook, “Affirming ASEAN’s East Asian Centrality,” *ISEAS Commentary*, no. 183(2020), <https://www.iseas.edu.sg/media/commentaries/affirming-aseans-east-asian-centrality/>.

Chapter 4: Case study 1 - Free and Open Indo-Pacific framework (FOIP)

4.1. Introduction

This chapter investigates the background and rationale behind the FOIP and its implications for ASEAN's geostrategic environment. Further, the chapter examines ASEAN's reactions to FOIP and how it positions itself neither for nor against the concept.

4.2. Background of FOIP

The Indo-Pacific is a new geostrategic construct. Generally, its geographical boundaries extend from the West Pacific to the Indian Ocean, though this varies. For the US, the Indo-Pacific stretches to the west coast of India, yet for India and Japan, it includes the entire Indian and Pacific Oceans.¹⁵⁰ Sometimes, the Indo-Pacific concept is extended further to include Africa.¹⁵¹ The concept existed for a decade prior to the FOIP's announcement by the US in 2017. In 2007, Japan proposed to India the idea of combining the Indian and Pacific Oceans citing their intertwined security and in 2016, referred to it in its regional strategy.¹⁵² In 2013, Australia began defining its region in Indo-Pacific terms.¹⁵³ In 2017, Canberra issued the 2017 Foreign Policy White Paper, stressing the importance of defending an "open, inclusive and prosperous Indo-Pacific region".¹⁵⁴ However, only in late 2017 did the concept gain popularity when President Trump started his first Asia tour and referred to the Indo-Pacific at the APEC Summit in Viet Nam.¹⁵⁵ The US formally adopted the term 'Indo-Pacific' in its National Security Strategy (NSS).¹⁵⁶ The idea circulated among leaders at the ASEAN-plus meetings.¹⁵⁷

The FOIP emerged as a common platform for the US and its allies such as Australia, Japan, and India to coordinate policies and action. in the Indo-Pacific region. All four democracies express a strategic interest in the Indo-Pacific¹⁵⁸ and develop their own Indo-Pacific strategies.¹⁵⁹ This thesis focusses on the FOIP.

¹⁵⁰ Ministry of External Affairs, "India's concept of Indo-Pacific is inclusive and across oceans," November 8, 2019, <https://www.mea.gov.in/articles-in-indian-media.htm?dtl/32015/>.

¹⁵¹ Griffith University, "Four reasons why the Indo-Pacific matters in 2020," Griffith Asia Insights, February 10, 2020. <https://blogs.griffith.edu.au/asiainsights/four-reasons-why-the-indo-pacific-matters-in-2020/>.

¹⁵² Robert A. Manning, "U.S. Indo-Pacific Strategy." *Russia in Global Affairs* 16, no. 4 (2018), 170.

¹⁵³ Rory Medcalf, "Indo-Pacific Visions: Giving Solidarity a Chance." *Asia Policy* 14, no. 3 (2019), 80.

¹⁵⁴ Department of Foreign Affairs and Trade, "2017 Foreign Policy White Paper," <https://www.fpwhitepaper.gov.au/>.

¹⁵⁵ William Choong, "The Return of the Indo-Pacific Strategy: An Assessment," 420.

¹⁵⁶ White House, National Security Strategy of the United States of America (Washington, D.C., 2017), 45–7.

¹⁵⁷ Robert A. Manning, "U.S. Indo-Pacific Strategy," 165.

¹⁵⁸ Rory Medcalf, "Indo-Pacific Visions: Giving Solidarity a Chance," 81-2.

¹⁵⁹ Hiroyuki Suzuki, "Japan's Leadership Role in a Multipolar Indo-Pacific," *Center for Strategic and International Studies* (Report), October, 2020, p. 5, <https://www.csis.org/analysis/japans-leadership-role-multipolar-indo-pacific>.

4.3. Strategic Purpose of the FOIP: A China Containment Strategy

It is argued by some that the US drew inspiration for the FOIP from Japan,¹⁶⁰ which had proposed the idea in 2016.¹⁶¹ While the Indo-Pacific strategy is new, observers believe the concept is not a complete shift, but rather a continuation of the US policy towards Asia.¹⁶² If there is anything new or different about the FOIP, it is an open announcement about confronting China. The US labels China as a “revisionist” state and “strategic” competitor of the US because it challenges “American power, influence, and interest, attempting to erode American security and prosperity.”¹⁶³ A report on Indo-Pacific strategy published by the US Defense Department stated that: “As China continues its economic and military ascendance, it seeks Indo-Pacific regional hegemony in the near-term and, ultimately global preeminence in the long-term”.¹⁶⁴ As such, the FOIP is widely seen as an anti-China strategy pursued by the Trump administration and its allies.

For others, the FOIP is not about containing China. Medcalf acknowledges that the Indo-Pacific strategy dilutes China’s regional influence, yet it is “not about shutting China out of its own region but rather about incorporating it in a large and multipolar region”.¹⁶⁵ Former US Secretary of State Mike Pompeo also argued in 2018 that the strategy is not directed at containing China.¹⁶⁶ However, his position hardened in 2019/20. At the quadrilateral meeting with Japan, Australia, and India, in October 2020 in Tokyo, he stated that “it is more critical now than ever that we collaborate to protect our people and partners from the CCP’s exploitation, corruption and coercion”, a comment which triggered resentment from the Chinese embassy in Tokyo.¹⁶⁷

Secretary Pompeo once explained the meaning of “free and open” Indo-Pacific as follows:

¹⁶⁰ Hiroyuki Suzuki, “Japan’s Leadership Role in a Multipolar Indo-Pacific,” *Center for Strategic and International Studies* (Report), 1.

¹⁶¹ Rory Medcalf, “Indo-Pacific Visions: Giving Solidarity a Chance,” 88.

¹⁶² Robert Manning posits that the Indo-Pacific strategy renews the US’ regional policy in terms of rule of law, open market, maritime security, and countering rising hegemony. See Robert A. Manning, “U.S. Indo-Pacific Strategy,” 166; John Lee, “The “Free and Open Indo-Pacific” and Implications for ASEAN, *Trends in Southeast Asia*, 2018, no. 13 (2019), 5.

¹⁶³ Kai He and Mingjiang Li, “Understanding the Dynamics of the Indo-Pacific: US-China Strategic Competition, Regional Actors, and beyond,” *International Affairs* 96, no. 1 (2020), 2.

¹⁶⁴ US Department of Defense, Indo-Pacific Strategy Report, 8, <https://media.defense.gov/2019/Jul/01/2002152311/-1/-1/1/DEPARTMENT-OF-DEFENSE-INDO-PACIFIC-STRATEGY-REPORT-2019.PDF>.

¹⁶⁵ Rory Medcalf, “Indo-Pacific Visions: Giving Solidarity a Chance,” *Asia Policy* 14, no. 3 (2019), 90.

¹⁶⁶ Andrew Tillet, “Mike Pompeo outlines Indo-Pacific alternative to China’s Belt and Road Initiative,” *Financial Review*, July 30, 2018, <https://www.afr.com/politics/mike-pompeo-outlines-indopacific-alternative-to-chinas-belt-and-road-initiative-20180730-h13azt>.

¹⁶⁷ “US Secretary of State Mike Pompeo called for a united front against China. Then China hit back,” *SBS News*, October 7, 2020, <https://www.sbs.com.au/news/us-secretary-of-state-mike-pompeo-called-for-a-united-front-against-china-then-china-hit-back>.

When we say 'free' Indo-Pacific, it means we all want all nations ... to be able to protect their sovereignty from coercion ... at the national level, 'free' means good governance and the assurance that citizens can enjoy their fundamental rights. When we say 'open' in the Indo-Pacific, it means we want all nations to enjoy open access to seas and airways, peaceful resolution of territorial and maritime disputes. Economically, 'open' means fair and reciprocal trade, open investment environments, transparent agreements between nations, and improved connectivity...¹⁶⁸

For some observers, the above explanation is directed at China's activities in the SCS, its trade surplus with the US, and the Belt and Road Initiative (BRI), which, according to critics, is a 'debt trap' strategy aiming to bolster China's regional influence.¹⁶⁹ Speaking at the 2018 APEC and EAS meetings, Vice-President Mike Pence appeared to target China by contrasting the FOIP with Beijing's BRI: "We don't drown our partners in a sea of debt, we don't coerce, compromise your independence ... We do not offer a constricting belt or a one-way road".¹⁷⁰

4.4. Quadrilateral Security Dialogue (Quad): A Corollary of the FOIP

Coinciding with the FOIP is the revival of the Quadrilateral Security Dialogue (Quad) between the US, Australia, Japan, and India in November 2017.¹⁷¹ The NSS emphasizes "increased quadrilateral cooperation with Japan, Australia and India".¹⁷² All Quad countries share similar concerns regarding China's maritime activities in the East and South China Seas. It is believed in diplomatic circles that the Quad is a strategy to implement the FOIP,¹⁷³ which triggered China's dissatisfaction. China's foreign minister Wang Yi called these concepts "an attention-grabbing idea" that will "dissipate like ocean foam".¹⁷⁴

¹⁶⁸ Brian Harding, "The Trump Administration's Free and Open Indo-Pacific Approach," *Southeast Asian Affairs*, 2019, 64.

¹⁶⁹ H. H. Le, "America's Free and Open Indo-Pacific Strategy: A Vietnamese perspective," *ISEAS Perspective* 2018, no. 43.

¹⁷⁰ John Calabrese, "Assuring a Free and Open Indo-Pacific - Rebalancing the US Approach," *Asian Affairs (London)* 51, no. 2 (2020), 310.

¹⁷¹ The Quad was first established in 2007 to coordinate naval exercises among its proponents. However, it was short-lived following Australia's withdrawal, presumably due to fear of alienating China. See Ashok Rai, "Quadrilateral Security Dialogue 2 (Quad 2.0)—a Credible Strategic Construct or Mere "foam in the Ocean"?", *Maritime Affairs* 14, no. 2 (2018), 139.

¹⁷² White House, National Security Strategy of the United States of America, 46.

¹⁷³ John Lee, "The "Free and Open Indo-Pacific" and Implications for ASEAN," 23-4.

¹⁷⁴ Rory Medcalf, "Indo-Pacific Visions: Giving Solidarity a Chance," 81.

The FOIP is built around three pillars, namely economics, security, and governance,¹⁷⁵ which also appear within the Quad framework. On the economic aspect, the US announced US\$113m for projects related to technology, energy, and infrastructure in the Indo-Pacific.¹⁷⁶ In 2018, the US, Australia and Japan established a Trilateral Infrastructure Partnership to fund projects in Papua New Guinea, which, according to observers, is in clear competition with China's growing influence in the Pacific islands.¹⁷⁷

Regarding security, the Indo-Pacific Strategy Report calls for action in:

enhancing preparedness by developing new operational concepts and capabilities, expanding and deepening US partnerships in the region, and “networking” the existing system of alliances and partnerships into a broader, more cohesive whole.¹⁷⁸

The Quad is a good example of the US' commitment to regional allies and partners. This can be seen in Section 207 of the 2018 Asia Reassurance Initiative Act, a bill outlining the US security and economic strategies for the FOIP, which considers the Quad as “vital to address pressing security challenges in the Indo-Pacific region”.¹⁷⁹

4.5. ASEAN's Response to the FOIP: AOIP - A Strategy to Maintain ASEAN Centrality

Initially, ASEAN appeared to be reluctant to take position on the FOIP. ASEAN feared it could undermine its centrality and relevance in the region's architecture. FOIP's anti-China connotation also amplified ASEAN's concerns.¹⁸⁰ Members were divided over the FOIP. According to Lee, Singapore, Viet Nam, Thailand, and Indonesia were not strongly opposed to the concept despite concern about antagonizing China. Indonesia appeared to be the most supportive of the concept on condition that it should enhance ASEAN centrality. Malaysia, the Philippines, Cambodia, and Laos seemed to hold their positions on the issue. Divergent reactions derive from their complex relations with the US and China. That said, ASEAN was concerned that the FOIP could undermine its leading role in regionalism,¹⁸¹ even though the US affirmed support for ASEAN centrality to the FOIP.¹⁸² This is why

¹⁷⁵ Hiroyuki Suzuki, “Japan's Leadership Role in a Multipolar Indo-Pacific,” 5.

¹⁷⁶ Brian Harding, “The Trump Administration's Free and Open Indo-Pacific Approach,” 64.

¹⁷⁷ Grant Wyeth, “Australia, Japan, US Start Down Their Own Indo-Pacific Road in PNG,” *The Diplomat*, June 26, 2019, <https://thediplomat.com/2019/06/australia-japan-us-start-down-their-own-indo-pacific-road-in-png/>.

¹⁷⁸ John Calabrese, “Assuring a Free and Open Indo-Pacific - Rebalancing the US Approach,” 313.

¹⁷⁹ John Calabrese, “Assuring a Free and Open Indo-Pacific - Rebalancing the US Approach,” 314.

¹⁸⁰ John Lee, “*The “Free and Open Indo-Pacific” and Implications for ASEAN*, 3.

¹⁸¹ John Lee, “*The “Free and Open Indo-Pacific” and Implications for ASEAN*, 27-8.

¹⁸² John Calabrese, “Assuring a Free and Open Indo-Pacific - Rebalancing the US Approach,” 315.

Singapore's Prime Minister said that ASEAN does not want "to end up with rival blocs forming or countries having to take one side or the other".¹⁸³ ASEAN, therefore, worked on the Indo-Pacific concept based on consensus to reduce open discord and arrive at a position to represent the whole bloc.¹⁸⁴ This is the rationale behind development of the ASEAN Outlook on the Indo-Pacific (AOIP) adopted in June 2019.¹⁸⁵

According to Simon Tay, the AOIP aims to navigate ASEAN through US-China competition.¹⁸⁶ This view is echoed by See Seng Tan, who argues that ASEAN's approach is designed to hedge against both the US and China through selectively working with them to maintain ASEAN centrality and avoid being caught in great power competition.¹⁸⁷ Other observers provide similar comments. Calabrese observes that the AOIP "does not flatly contradict America's vision of the Indo-Pacific but does diverge from it" and "seeks to steer the conversation away from a message of containment towards one of cooperation".¹⁸⁸ Huong Le Thu added that:

ASEAN Outlook reaffirms "long-standing norms present in the diplomatic life of this regional institution, such as ASEAN centrality, the value of dialogue and cooperation for the sake of development and prosperity", and it "rejects and opposes zero-sum great power competition as detrimental to both the prosperity and the multilateralism of the region. Interestingly, the AOIP rejects the Indo-Pacific as a continuous territorial space, instead it is made up of two distinct regions: the Asia-Pacific and the Indian Ocean".¹⁸⁹

According to Acharya, ASEAN Outlook stresses 'open' and 'inclusive' over 'free' and 'open' because it is aware that China rejects the Indo-Pacific concept.¹⁹⁰ ASEAN is trying to avoid taking sides.

¹⁸³ John Lee, "The "Free and Open Indo-Pacific" and Implications for ASEAN, 29.

¹⁸⁴ John Lee, "The "Free and Open Indo-Pacific" and Implications for ASEAN, 29.

¹⁸⁵ John Calabrese, "Assuring a Free and Open Indo-Pacific - Rebalancing the US Approach," 315.

¹⁸⁶ Simon Tay and Jessica Wau, "The Indo-Pacific Outlook: A New Lens for ASEAN," *East Asia Forum Quarterly* 12, no. 1 (2020), 3.

¹⁸⁷ See Seng Tan, "Consigned to Hedge: South-east Asia and America's 'free and Open Indo-Pacific' Strategy," *International Affairs* 96, no. 1 (2020), 131-148.

¹⁸⁸ John Calabrese, "Assuring a Free and Open Indo-Pacific - Rebalancing the US Approach," 316.

¹⁸⁹ Huong Le Thu, "Southeast Asia and Indo-Pacific Concepts: From Resistance to Reticence to Reaction," *Security Challenges* 16, no. 3 (2020), 56.

¹⁹⁰ Amitav Acharya, "Why ASEAN's Indo-Pacific outlook matters," *Financial Review*, August 11, 2019, <https://www.afr.com/world/asia/why-asean-s-indo-pacific-outlook-matters-20190811-p52fz2>.

Other observers argue that the AOIP is neither innovative nor substantive as it only reiterates ASEAN's principles.¹⁹¹ Therefore, it is simply like "old wine in a new bottle".¹⁹² Further, AOIP is "unclear and lacking in specifics that could advance an ASEAN agenda",¹⁹³ making implementation challenging. Critics doubt whether FOIP proponents will buy the AOIP.¹⁹⁴ However, as Huong Le Thu noted, ASEAN's purpose is simply to have its voice heard.¹⁹⁵ All this is to confirm ASEAN's consistent adherence to its centrality in the evolving regional architecture.

The AOIP emphasizes the utilization of the EAS for pursuing cooperation within an Indo-Pacific framework, and that it be guided by the TAC.¹⁹⁶ It is not in ASEAN's interest to replace regional arrangements with any initiative spearheaded by external powers, because FOIP has the potential to marginalize ASEAN and undermine regional stability.

ASEAN members have bilateral security ties with Quad members. For example, Viet Nam established a strategic partnership with Australia in 2018, agreeing to expand defense ties, including high-level dialogue, training, port visits, etc. Observe believes upgraded ties partly reflect shared concerns over China's assertiveness in the SCS, promoting freedom of navigation.¹⁹⁷ ASEAN support for the Quad risks alienating ties with China and contradicts its aspiration to maintain centrality in the regional security architecture.

4.6. Conclusion

It appears that the FOIP is aimed at competing with China. FOIP's focus on freedom of navigation and infrastructure standards are good indicators of this. While there is no evidence to show a direct connection between the FOIP and the Quad, the latter is perceived to be an implementation strategy. The US revealed an intention to use the Quad to implement FOIP security initiatives. Being wary of the US attempts to rally Quad support for countering China, ASEAN developed the AOIP. ASEAN fears being sidelined, is concerned about its regional centrality and fears being trapped in great power rivalry. Critics are correct that the AOIP offers nothing new to complement existing frameworks,

¹⁹¹ Huong Le Thu, "Southeast Asia and Indo-Pacific Concepts: From Resistance to Reticence to Reaction," 56.

¹⁹² Bhubhindar Singh and Henrick Z Tsjeng, "ASEAN Outlook on Indo-Pacific: Seizing the Narrative," *RSIS Commentary* (S. Rajaratnam School of International Studies), no. 016 (2020).

¹⁹³ Simon Tay and Jessica Wau, "The Indo-Pacific Outlook: A New Lens for ASEAN," 4.

¹⁹⁴ Huong Le Thu, "Southeast Asia and Indo-Pacific Concepts: From Resistance to Reticence to Reaction," 57.

¹⁹⁵ Huong Le Thu, "ASEAN's Long and Winding Way to the Indo-Pacific," *The Strategist*, Australian Strategic Policy Institute, June, 29, 2019, www.aspistrategist.org.au/the-long-and-winding-way-to-the-indo-pacific/.

¹⁹⁶ See ASEAN Outlook on the Indo-Pacific, 2-3.

¹⁹⁷ Thi Thuy Hang Nguyen, "Examining Vietnam-Australia Political and Economic Relations," *Asian Affairs, an American Review* (New York) 46, no. 2-3 (2019), 73.

which also confirms ASEAN's aspiration to maintain centrality in existing ASEAN-plus arrangements, survive great power geopolitical games and maintain peace in Southeast Asia. Consensus decision making serves well ASEAN's purpose because it allows space for consultation and compromise through which members adopt the AOIP, carefully considering the views of both FOIP proponents and China. The next chapter explores ASEAN's diplomacy in the SCS, which is the fulcrum of the Indo-Pacific region.

Chapter 5: Case study 2 – South China Sea (SCS)

5.1. Introduction

The SCS is long assumed to be an indicator of ASEAN ineffectiveness. In the eyes of skeptics, an ASEAN that fails to unite and strongly condemn China's action in the SCS, and the ASEAN Way type multilateral dialogue which fails to make decisions and rules that bind China all make ASEAN a toothless organization. Critics are right in a sense that a disunified ASEAN will make the organization irrelevant because it will not be taken seriously by external powers. However, hoping for China to change its course on the SCS through ASEAN adopting a tough stance or developing binding rules is not realistic. This is because it is unlikely that China will succumb to ASEAN if it pursues a hardline policy. This chapter considers the complexity of the SCS dispute and its broader regional implications to consider whether a different approach is preferred.

5.2. Background of the SCS Dispute

The SCS is an important region because of the richness of marine resources and strategic location. Sitting at the fulcrum of the Indian and Pacific Oceans, The SCS provides the shortest routes for commercial transit. It is estimated that over US\$5tr trade volume flows through the SCS annually.¹⁹⁸ This is why countries inside and outside the region all emphasize the importance of SCS freedom of navigation and overflight.

Tensions in the SCS rose in the 1990s when China adopted a more assertive policy. The temperature, however, was eased in the first half of the 2000s when China adopted a more benign stance towards Southeast Asia through its so-called "Charm Offensive"¹⁹⁹ strategy. Tensions restarted to increase in the late 2000s as China reiterated an assertive posture.²⁰⁰ Observers posit that the SCS dispute became heated after President Xi Jinping assumed power in late 2012, who advocates a more assertive China's foreign policy.²⁰¹ A good example of this is the deployment of oil driller HYSY-981 in 2014, which triggered strong oppositions from Viet Nam and the Philippines.²⁰² For China, tension rose because

¹⁹⁸ Sarah Raine and Christian Le Mière, *Regional Disorder: The South China Sea Disputes*, Adelphi, 2017, 12.

¹⁹⁹ Charm Offensive or China's soft power refers to Beijing's effort to forge diplomatic and economic engagement with Southeast Asian countries so that China is not seen as a threat to the region. See Todd Hall, "Reviewed Work: *Charm Offensive: How China's Soft Power Is Transforming the World* by Joshua Kurlantzick," *Journal of East Asian Studies* 10, no. 3 (2010), 509-12.

²⁰⁰ Cheng-Yi Lin and Ian Storey, *The South China Sea Dispute: Navigating Diplomatic and Strategic Tensions*, 2016, 8.

²⁰¹ Hoang Thi Ha, *From Declaration to Code: Continuity and Change in China's Engagement with ASEAN on the South China Sea*, *Trends in Southeast Asia* 2019, no. 5, 11.

²⁰² Cheng-Yi Lin and Ian Storey, *The South China Sea Dispute: Navigating Diplomatic and Strategic Tensions*, 9.

countries colluded with the US.²⁰³ For some, China's assertiveness in the SCS is driven by its desire to compete with the US for regional primacy.²⁰⁴

The most controversial issue in the SCS is China's nine-dash line. In 2009, China introduced a map claiming sovereignty over the SCS based on the nine-dash line in response to Malaysia-Viet Nam's joint submission on the extended continental shelf to the Commission on the Limits of the Continental Shelf (CLCS). All ASEAN claimants objected to China's nine-dash line claim. Viet Nam countered that the Paracel and Spratly islands were within its undisputable sovereignty.²⁰⁵ Subsequently, in 2013 the Philippines unilaterally submitted the SCS case to the International Court of Justice (ICJ), asking for legal clarification of China's nine-dash line. As a result, the ICJ issued a ruling in 2016 that objected to China's claim. The ruling became a source of tension between ASEAN and China due to the Philippines and Viet Nam, insisting that the ruling is referred to in ASEAN-China related documents, which China opposes.

5.3. Which States Are Involved in the SCS Dispute?

Of the ten states surrounding the SCS, six are claimants: China, Taiwan, Brunei, Malaysia, the Philippines, and Viet Nam. Key features in the SCS are the Paracel islands, Pratas islands, Scarborough Shoal, Macclesfield Bank, the Spratly islands and the Natuna islands. All are under overlapping claims, except for the Natuna islands, which fall under undisputed sovereignty of Indonesia.²⁰⁶ Among the features China claims more than 80% based on historical discovery and usage.²⁰⁷

Adding to the complexity is the involvement of external powers, especially the US.²⁰⁸ This makes the SCS a focal point of US-China rivalry, resulting in tit-for-tat warnings. For example, following China's building of artificial islands from 2013, the US accused China of militarizing the SCS, and sent warship

²⁰³ Mingjiang Li, "China debates the South China Sea dispute," in *The South China Sea Dispute: Navigating Diplomatic and Strategic Tensions*, eds. Cheng-Yi Lin and Ian Storey, 2016, 49.

²⁰⁴ Jian Zhang, "China's South China Sea policy: evolution, claims and challenges," in *The South China Sea Maritime Dispute: Political, Legal, and Regional Perspectives*, eds. Leszek Buszynski and Christopher B. Robert, Routledge Security in Asia Pacific Series 28, 2015, 60.

²⁰⁵ Clive Schofield, "Untangling a complex web: Understanding competing maritime claims in the South China Sea," in *The South China Sea Dispute: Navigating Diplomatic and Strategic Tensions*, eds. Cheng-Yi Lin and Ian Storey, 2016, 32.

²⁰⁶ Clive Schofield, "Untangling a complex web: Understanding competing maritime claims in the South China Sea," 23.

²⁰⁷ Cheng-Yi Lin and Ian Storey, *The South China Sea Dispute: Navigating Diplomatic and Strategic Tensions*, 2.

²⁰⁸ Aileen S.P. Baviera, "An ASEAN Perspective on the South China Sea: China-ASEAN Collusion or China-U.S. Hegemonic Competition?," in Pavin Chachavalpongpun, ed, *Entering Uncharted Waters?: ASEAN and the South China Sea*, 2014, 90.

to the area. China blamed the US for militarizing the SCS instead.²⁰⁹ The US is not a party in the SCS but consistently claims strategic interest in the region. Competition began to rise with the US' pivot to Asia in 2011. At the 2010 ARF meeting, then State Secretary Hillary Clinton said the SCS is "pivotal" to regional security and that the US had an interest in freedom of navigation and open sea lines of communication.²¹⁰ The US subsequently objected to China's activities.

Australia, Japan, India, and New Zealand have shown interest in the SCS at ASEAN-Plus meetings. Japan is most vocal about the SCS after the US. Japan's concern is driven not only by its strategic interest but also by the SCS' link with the Senkaku/Diaoyu islands dispute.²¹¹ That is why Japan has supported ASEAN in maritime capacity building since the late 2000s. Japan also attempts to multilateralise the SCS via the Quad.²¹² Japan's 2013 White Paper noted that the South China Sea is a "common matter of concern for the whole international community". Japan has consistently expressed its concern at various ASEAN meetings.²¹³

5.4. ASEAN Members' Divergent Views on the SCS

It is often held that the reason why ASEAN appears to be weak on the SCS is because of members' different interests. Viet Nam and the Philippines hold stronger views as they perceive the SCS disputes to be an immediate threat to their national security; Malaysia and Brunei are often seen to prefer a low-key approach; Singapore and Indonesia who have no disputes with China but significant interest in the SCS always call on China to base its claims on international law; Myanmar, Thailand and Laos usually avoid strong views; and Cambodia is China's staunch ally.²¹⁴ Wesley describes the divergent positions in ASEAN as follows:

The Philippines and Viet Nam demand that the organization supports them in standing up to Beijing. On the other side are Cambodia, Laos, and Myanmar, with no direct stake in the conflict and which refuse to endorse the Philippines' and Viet Nam's confrontational stance.

²⁰⁹ "China hits back at US in rows over South China Sea," *BBC*, October 14, 2015, <https://www.bbc.com/news/world-australia-34529863>; Tom Phillips, "Beijing summons US ambassador over warship in South China Sea," *The Guardian*, October 28, 2015, <https://www.theguardian.com/world/2015/oct/27/us-warship-lassen-defies-beijing-sail-disputed-south-china-sea-islands>.

²¹⁰ Hillary Rodham Clinton, Remarks at Press Availability, Hanoi, Vietnam, July 23, 2010, <https://2009-2017.state.gov/secretary/20092013clinton/rm/2010/07/145095.htm>.

²¹¹ Ian Storey, "Japan's Maritime Security Interests in Southeast Asia and the South China Sea Dispute," *Political Science* 65, no. 2 (2013), 135.

²¹² Jesse Johnson and Satoshi Sugiyama, "Japan looks to balance China concerns as the "Quad" comes to Tokyo, October 5, 2020, <https://www.japantimes.co.jp/news/2020/10/05/national/politics-diplomacy/japan-china-quad-tokyo/>.

²¹³ Ian Storey, "Japan's Maritime Security Interests in Southeast Asia and the South China Sea Dispute," 151.

²¹⁴ Christopher B. Roberts, "ASEAN: the challenge of unity in diversity," 136.

Indonesia, Malaysia, and Singapore are concerned about the dispute, but believe that avoiding confrontation with China would improve the prospects for productive negotiations.²¹⁵

Kipgen argues that ASEAN cannot form a united position on the SCS because not all members are claimants. Moreover, China is using economic leverage to influence Laos and Cambodia to support its position in the SCS.²¹⁶ ASEAN's lack of consensus, resulting in the failure to issue an ASEAN statement in 2012, is a textbook example. The deadlock resulted from Cambodia's refusal as chair to accept the Philippines and Viet Nam's insistence of including a reference to China's actions in the SCS. This incident was a dent to ASEAN's credibility and called into question its central role. Marty Natalegawa, then Indonesian foreign minister had to conduct shuttle diplomacy to secure ASEAN's internal unity agreeing ultimately to "six-points". The principles reaffirm ASEAN's commitment to the Declaration on the Conduct of Parties in the South China Sea (DOC) and an early conclusion of the Code of Conduct in the South China Sea (COC). Critics say the 'points' were nothing new serving only to shelve SCS disputes.²¹⁷

Cambodia and Laos are seen as the weakest links in ASEAN's stance on the SCS, which sometimes causes frustration, as seen in a speech by the Singaporean diplomat, Bilahari Kausikan, at a think-tank event in October 2020 in Singapore. He stated that ASEAN neutrality does not mean "lying low and hoping for the best", but "knowing your own interest, taking positions based on your own interests and not allowing others to define your interests for you by default". He added: "Cambodia and Laos teetering precariously on the edge of making a parallel mistake as that which led to very tragic results for their countries in the late 1960s and 1970s", and: "We shall see. They have some difficult choices to make. And if they should make wrong choices, they will confront ASEAN as a whole with difficult choices." He concluded that: "We may have to cut loose the two to save the eight".²¹⁸ These observations triggered strong opposition from Laos and Cambodia.²¹⁹ Such comments by an ASEAN

²¹⁵ Michael Wesley, "What's at stake in the South China Sea," *Lowy Institute Strategic Snapshots*, July 2012, <http://archive.lowyinstitute.org/publications/what-stake-south-china-sea>.

²¹⁶ Nehginpao Kipgen, "ASEAN and China in the South China Sea Disputes," *Asian Affairs (London)* 49, no. 3 (2018), 445.

²¹⁷ Christopher B. Roberts, "ASEAN: the challenge of unity in diversity," 136.

²¹⁸ "Bilahari Kausikan: ASEAN may have to cut members if they continue to be led by an external power," *Mothership*, October 24, 2020, <https://mothership.sg/2020/10/bilahari-asean-china/>.

²¹⁹ Cambodia and Laos both wrote an open letter questioning the comment of Bilahari Kausikan. Laos' state media published an article titled "A single Singaporean's attempt to divide ASEAN won't succeed, while an excerpt from Cambodia's letter reads "What we find repulsive is his arrogant and condescending tone, not just about our country, Cambodia, and Laos, but even towards our current ASEAN leaders, a behaviour unbecoming of a former diplomat". See "A single Singaporean's attempt to divide Asean won't succeed", *Vientiane Times*, November 2, 2020, http://www.vientianetimes.org.la/freeContent/FreeContent_A_single_213.php; Anna Maria Romero, "Bilahari Kausikan says he's no 'agent' after accusations in open letter from Cambodian diplomats", *The Independent*, October

official are rare. Journalists quickly turned to attention-grabbing headlines such as “could ASEAN really cut Laos and Cambodia loose?” and “the test of ASEAN centrality”.²²⁰ However, Kausikan’s comments were misunderstood. While preferring a united ASEAN, he acknowledged that ASEAN can only run on consensus. He admitted that “decision-making by consensus degrades ASEAN’s ability to act on controversial issues”, but “alternatives to the consensus principle are only theoretical propositions, advocated by those with no responsibility for where they may lead ASEAN.”²²¹

Besides different views in ASEAN, the foreign policies of claimant states towards China also vary. The Philippines, under President Benigno Aquino, was very critical of China as he once compared its actions with Nazi Germany.²²² It was under Aquino that the Philippines brought the SCS case under the ICJ. However, under President Duterte, the Philippines prefers a non-confrontational policy for economic returns, and downplays the arbitral tribunal’s ruling, as well as the security alliance with the US.²²³ Duterte made a historic visit to China right after he became President in 2016. On China’s part, Beijing is also supportive of Duterte’s drug war, a campaign that is opposed by the US.

5.5. ASEAN’s Diplomacy in the SCS

While not all ASEAN members are parties to the SCS dispute, and despite their divergent views, ASEAN as a group has maintained a collective response to China, starting with the 1992 ASEAN Declaration on the South China Sea and the 1995 ASEAN statement on Recent Developments in the South China Sea. Both were in response to China’s promulgation of the Law on Territorial Sea and Contiguous Zone, which lays out Beijing’s claims, and activities around Mischief Reef which is claimed by the Philippines.²²⁴

In 1996, ASEAN and China agreed to negotiate a framework document to guide behaviour, resulting in the adoption of the DOC in 2002. According to Majumdar, consensus between ASEAN and China was the result of discussions in the ARF, after a suggestion that the Philippines and Viet Nam develop

2019, <https://theindependent.sg/bilahari-kausikan-says-hes-no-agent-after-accusations-in-open-letter-from-cambodian-diplomats/>.

²²⁰ Sebastian Strangio, “Could ASEAN Really Cut Laos and Cambodia Loose?”, *The Diplomat*, October 29, 2020, <https://thediplomat.com/2020/10/could-asean-really-cut-laos-and-cambodia-loose/>; Jarryd de Haan, “The Test of ASEAN Centrality,” *Future Directions*, October 28, 2020, <https://www.futuredirections.org.au/publication/the-test-of-asean-centrality/>.

²²¹ Bilahari Kausikan, “Consensus, centrality and relevance: ASEAN and the South China Sea”.

²²² Cheng-Yi Lin and Ian Storey, *The South China Sea Dispute : Navigating Diplomatic and Strategic Tensions*, 105.

²²³ Hoang Thi Ha, *From Declaration to Code: Continuity and Change in China’s Engagement with ASEAN on the South China Sea*, 32, 34.

²²⁴ Rodolfo Severino and Institute of Southeast Asian Studies, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-general*, 184-7.

a draft Code of Conduct (COC) was rejected by China which wished to produce its own draft. As a compromise, both sides agreed to work together.²²⁵

ASEAN and China engage through various ASEAN-led mechanisms, in which various working groups are created to manage the operationalization of the DOC, such as the ASEAN-China Senior Officials' Meeting on DOC and the ASEAN Joint Working Group to Implement the DOC.²²⁶ The SCS is also discussed at regional meetings, which always come up with statements containing references to the SCS.

The DOC commits China and ASEAN countries to norms and principles under the 1982 United Nations Convention on the Law of the Seas (UNCLOS) such as freedom of navigation and overflight, peaceful settlement of disputes and self-restraint. The DOC also sets the foundation for cooperation on marine environment protection, search and rescue operations and combating transnational crime.²²⁷ However, the DOC failed to meet the expectation of the Philippines and Viet Nam, which expected DOC to be a legally binding document. Due to opposition from China, backed by Malaysia,²²⁸ DOC ended up non-binding.

In 2013, ASEAN and China agreed to start negotiating a Code of Conduct in the South China Sea (COC). Delays derived from mutual accusations between Viet Nam and the Philippines, and China, including the 2012 standoff between China and the Philippines over Scarborough Shoal, in which the Philippines' vessels were prevented from accessing the shoal. China's insistence on first implementing the DOC before negotiating the COC also slowed the process.²²⁹ ASEAN and China finally agreed on a framework for negotiating the substance of the COC in 2017, and a draft text in 2018. Critics are suspicious that China has slowed negotiations of the COC text as happened with the framework for negotiating the COC.²³⁰ Ha observes that the COC might end up being a political document like the DOC given the different views on the legal status of the COC between ASEAN and China, and within

²²⁵ Munmun Majumdar, "The ASEAN Way of Conflict Management in the South China Sea," *Strategic Analysis*. 39, no. 1 (2015), 78.

²²⁶ Munmun Majumdar, "The ASEAN Way of Conflict Management in the South China Sea," 76, 81.

²²⁷ Nehginpao Kipgen, "ASEAN and China in the South China Sea Disputes," 439.

²²⁸ Robert posits that discord between Malaysia and Vietnam themselves also posed challenges to the negotiation process. See Christopher B. Roberts, "ASEAN: the challenge of unity in diversity," 133.

²²⁹ Christopher B. Roberts, "ASEAN: the challenge of unity in diversity," 135.

²³⁰ Hoang Thi Ha, *From Declaration to Code: Continuity and Change in China's Engagement with ASEAN on the South China Sea*, 21-22.

ASEAN itself.²³¹ Some observers posit that China's motivation is driven simply by Beijing's desire to keep the SCS within ASEAN's framework, and avoid third party involvement, particularly the US.²³² As a result, the COC is dismissed as a tool for China to buy time for the materialization of its ambitions in the SCS.²³³ Further, the COC cannot restraint China's activities on the ground.²³⁴

Together with implementation of the DOC and negotiating the COC, ASEAN and China implement other conflict management measures such as the emergency hot line and the Code for Unplanned Encounters at Sea (CUES), which were adopted in 2016.²³⁵ The CUES aims to reduce misunderstanding and unexpected confrontation in the SCS. Subsequently, ASEAN and China conducted the first ASEAN-China maritime exercise in 2018 putting the CUES into operation. To skeptics, the exercise had nothing to do with addressing actual problems in the SCS. However, according to Collin Koh Swee Lean, a maritime expert at Singapore's S Rajaratnam School of International Studies, the exercise demonstrates the political will of ASEAN and China to manage peace and stability in the SCS. He argued that:

The inaugural, CUES-based ASEAN–China maritime exercise, if seen more from the humanitarian than from the geopolitical perspective, will kickstart new practical measures that ASEAN and Chinese navies can adopt to build confidence and promote maritime safety in the South China Sea.²³⁶

5.6. Is the SCS the only Issue between ASEAN and China?

ASEAN-China relations were complicated during the Cold War period. China's support for communist insurgencies across Southeast Asian countries soured the relations. No ASEAN countries had good relations with China when ASEAN was established. Thanks to the end of the Cold War,

²³¹ Hoang Thi Ha, *From Declaration to Code: Continuity and Change in China's Engagement with ASEAN on the South China Sea*.

²³² Hoang Thi Ha, *From Declaration to Code: Continuity and Change in China's Engagement with ASEAN on the South China Sea*, 3.

²³³ YingHui Lee, "A South China Sea Code of Conduct: Is Real Progress Possible?",

The Diplomat, November 18, 2017, [https://thediplomat.com/2017/11/a-](https://thediplomat.com/2017/11/a-south-china-sea-code-of-conduct-is-real-progress-possible/)

[south-china-sea-code-of-conduct-is-real-progress-possible/](https://thediplomat.com/2017/11/a-south-china-sea-code-of-conduct-is-real-progress-possible/); Carlyle A. Thayer,

"ASEAN's Long March to a Code of Conduct in the South China Sea," *Maritime Issues*, July 18, 2017.

<http://www.maritimeissues.com/politics/aseans-long-march-to-a-code-of-conduct-in-the-south-china-sea.html>.

²³⁴ Hoang Thi Ha, *From Declaration to Code: Continuity and Change in China's Engagement with ASEAN on the South China Sea*, 28.

²³⁵ Kor Kian Beng, "China, ASEAN to launch hot line, adopt code on encounters at sea," *The Straits Times*, August 17, 2016, <https://www.straitstimes.com/asia/china-and-asean-to-launch-hotline-adopt-code-on-encounters-at-sea>.

²³⁶ Collin Koh Swee Lean, "ASEAN–China Maritime Exercise CUES greater SCS stability", *East Asia Forum*, August 18, 2018, <https://www.eastasiaforum.org/2018/08/18/asean-china-maritime-exercise-cues-greater-scs-stability/>.

bilateral relations gradually improved, leading to the establishment of ASEAN-China Dialogue in 1996.²³⁷ China demonstrated its goodwill towards ASEAN by acceding to the TAC in 2003, joining the ARF in 1994, and creating a free trade agreement with ASEAN in 2010. China is an active participant in all ASEAN-plus meetings pursuing cooperation across political, economic and socio-cultural areas. ASEAN and China elevated their partnership to a strategic level in 2003, the highest in ASEAN's designed category for dialogue partners. In 2018, both sides commemorated its 15th anniversary and adopted the so-called ASEAN-China Strategic Partnership Vision 2030, laying out measures to enhance cooperation, including reaffirming mutual commitment to peace and security in the SCS.²³⁸ ASEAN-China economic ties are intertwined closely. In 2018, trade between ASEAN and China was \$US479.4b, making China ASEAN's largest trading partner.²³⁹

ASEAN members also participate in the BRI's AIIB, which respond well to Southeast Asia's huge demand for infrastructure development, which is carried out through ASEAN's Master Plan on Connectivity (MPAC). It recognizes the significance of seeking funding from external sources, including the AIIB, to support regional projects.²⁴⁰ China invests in Southeast Asia's major infrastructure projects,²⁴¹ and Singapore also entered into agreements with China for joint ventures in third-party markets.²⁴² According to Simon Tay, despite warnings from the US that the BRI results in 'debt traps', and undermines national sovereignty, ASEAN members remain receptive to BRI projects. This signifies ASEAN's preference for neutrality between competing initiatives among the major powers.²⁴³

Given the overall picture of ASEAN-China relations, Singapore's Prime Minister Lee Hsien Loong once said the SCS is the only one among many aspects of ASEAN-China relations, and therefore it should not be allowed to destroy positive bilateral ties.²⁴⁴ Mikael Weissmann agrees, arguing that

²³⁷ Lai Yew Meng, "'Sea of Cooperation' or 'Sea of Conflict'?": The South China Sea in the Context of China-ASEAN Maritime Cooperation." *International Journal of China Studies* 8, no. 3 (2017), 324.

²³⁸ ASEAN Secretariat, "ASEAN-China Strategic Partnership Vision 2030," <https://asean.org/storage/2018/11/ASEAN-China-Strategic-Partnership-Vision-2030.pdf>.

²³⁹ ASEAN Secretariat, "Overview of ASEAN-China Dialogue Relations", ASEAN Secretariat Information Paper, April 2020, <https://asean.org/storage/2012/05/Overview-of-ASEAN-China-Relations-22-Apr-2020-00000002.pdf>.

²⁴⁰ See ASEAN Master Plan on Connectivity 2025, 31.

²⁴¹ Xue Gong, "The Belt & Road Initiative and China's Influence in Southeast Asia," *The Pacific Review*. 32, no. 4 (2018), 1-31.

²⁴² Tan Dawn Wei, "Singapore, China ink deals on trade, Belt and Road projects," *The Straits Times*, April 30, 2019, <https://www.straitstimes.com/asia/east-asia/singapore-china-ink-deals-on-trade-belt-and-road-projects>.

²⁴³ Simon Tay and Jessica Wau, "ASEAN fights to stay neutral in the US-China contest," *East Asia Forum*, December 3, 2019, <https://www.eastasiaforum.org/2019/12/03/asean-fights-to-stay-neutral-in-the-us-china-contest/>.

²⁴⁴ "ASEAN-China Ties "Multi-faceted", Not Just About Sea Spat, *The Straits Times*, May 21, 2014, <https://www.straitstimes.com/asia/south-asia/asean-china-ties-multi-faceted-not-just-about-sea-spat-singapore-prime-minister>.

peace in the SCS should be seen in the broader context of cooperative relations between ASEAN and China.²⁴⁵

5.7. Has ASEAN's Diplomacy Failed in the SCS?

Building consensus is challenging, particularly within an organization of diverse members. Critics are not wrong to attribute ASEAN's lack of consensus to new members, for instance, Cambodia and, to a lesser extent, Laos. Indeed, Cambodia's decision to block an ASEAN statement on the SCS in 2012 was a blow to ASEAN unity and credibility. It would have been better for ASEAN's profile had Cambodia better managed disagreements. However, blaming Cambodia fails to grasp ASEAN's overall stance on the SCS. A statement targeting China does not appear to be the interest of most member countries,²⁴⁶ bearing in mind that such a statement could also affect bilateral relations.²⁴⁷ Ian Storey attributes ASEAN's weak posture on the SCS to its membership expansion, saying that new members, due to "close ties with China" and "without a direct stake in the dispute, are unlikely to "rock the boat with Beijing".²⁴⁸ However, as Yee Kuang Heng noted, the 1992 ASEAN Declaration

²⁴⁵ Mikael Weissmann, "Why is There a Relative Peace in the South China Sea," in *Entering Uncharted Waters?: ASEAN and the South China Sea*, ed. Pavin Chachavalpongpun, 2014, 39.

²⁴⁶ The Philippines and Vietnam insisted that the joint statement of the ASEAN Foreign Ministers' Meeting should refer to the incidents related to the Chinese vessels blocking the two countries' fisher boats from accessing to islands and waters over which they claim sovereignty. While certain members such as the Philippines, Malaysia, Thailand, Singapore, Malaysia, Indonesia, and Vietnam were reportedly believed to support the idea that ASEAN should speak with one voice on the SCS, Brunei, Laos, Myanmar, and Cambodia were seen to be silent. However, there was a rumor that Thailand, Malaysia, Singapore, and Brunei all quietly shared Cambodia's position of maintaining a general statement without naming specific incidents. This rumor was then denied by the Philippines. See Sheldon W. Simon, "Conflict and Diplomacy in the South China Sea," *Asian Survey* 52, no. 6 (2012), 1015-7; Official Gazette, "Why there was no joint ASEAN communique," July 18, 2012, <https://www.officialgazette.gov.ph/2012/07/18/why-there-was-no-asean-joint-communique/>.

²⁴⁷ Take for example the ICJ's ruling on the SCS. It could be difficult to include a reference on the ruling into certain types of ASEAN documents such as the 'joint communique' (issued by ASEAN foreign ministers) because it is a negotiated document, which means objection from certain members could be expected. However, with other types of documents, for example, the Chairman's statement (statement issued by ASEAN Chair), inserting a reference relating to the ruling should not be problematic because the Chairman's statement is exclusively within the prerogative of the member country holding the ASEAN Chair. Therefore, if ASEAN members wish to mention the ruling in their Chairman's statements, they could do so without having much difficulty. However, this does not seem to be the case thus far. Following the issuance of the ruling in 2016, there has not been a single ASEAN country referring to ruling when they chaired ASEAN. The Chairman's Statements of the past ASEAN Summits hosted by various ASEAN Chairs such as Laos in 2016, Philippines in 2017, Singapore in 2018, Thailand in 2019, and Vietnam in 2020 all made no reference to the ruling. See Chairman's Statement of the 28th and 29th ASEAN Summits, Chairman's Statement of the 31st ASEAN Summit, Chairman's Statement of the 32nd ASEAN Summit, Chairman's Statement of the 33rd ASEAN Summit, Chairman's Statement of the 34th ASEAN Summit, Chairman's Statement of the 35th ASEAN Summit, Chairman's Statement of the 36th ASEAN Summit, and Chairman's Statement of the 37th ASEAN Summit. This is because not only due to different views among ASEAN members, but also the awareness of the whole grouping that mentioning the ruling in ASEAN documents could risk deteriorating their relations with China.

²⁴⁸ Yee Kuang Heng, "ASEAN's Position on the South China Sea and Implications for Regional Peace and Security," in *Territorial Disputes in the South China Sea: Navigating Rough Waters*, eds. Jing Huang and Andrew Billo, Palgrave Macmillan, 2014, 74.

on the South China Sea, adopted before CLMV joined ASEAN, simply “took no sides and instead emphasised the non-use of force and urged all parties...to exercise restraint in order to create a positive climate for eventual resolution”.²⁴⁹ This indicates that ASEAN as a whole never intended to strongly condemn China.

It is no surprise that the 2012 six-point principles obtained through Indonesia’s shuttle diplomacy made only general reference to what was agreed among ASEAN members and with China. Cambodian governmental officials said that these principles were no different from what all members had agreed to at the Cambodian meeting.²⁵⁰ Phoak Kung, co-president of the Cambodian Institute for Strategic Studies, noted that while Cambodia could have handled the matter more effectively, it is doubtful if the situation would have been different under the chairmanship of another ASEAN member”.²⁵¹ While this sounds like an excuse from Cambodia, it is worth thinking if it would be acceptable to ASEAN if certain members insist on using language which embarrasses China.

Following ASEAN’s failure in 2012, it managed to maintain unity and credibility. This can be seen through Laos’ ASEAN chairmanship in 2016. Observers wondered whether Laos would repeat Cambodia’s history given its close ties with China.²⁵² Before hosting the ASEAN foreign ministers’ meeting and after the arbitral tribunal’s ruling, China’s foreign minister visited Brunei, Cambodia and Laos, to court their support for its position in the SCS.²⁵³ Laos managed to issue a joint ASEAN communique with a reference to the SCS. According to Endy Bayuni, Editor-in-Chief of *The Jakarta Post*, the skeptics were proven wrong.²⁵⁴ The statement includes language not seen in previous statements: “land reclamation” and “non-militarization”,²⁵⁵ though the statement avoided naming specific countries, because this was not, as Bayuni noted, ASEAN’s style of diplomacy.²⁵⁶

²⁴⁹ Yee Kuang Heng, “ASEAN’s Position on the South China Sea and Implications for Regional Peace and Security,” 71; also see the 1992 ASEAN Declaration on the South China Sea.

²⁵⁰ Monirath Hor, “Clarification from Cambodia,” *The Japan Times*, August 2, 2012,

<https://www.japantimes.co.jp/opinion/2012/08/02/reader-mail/clarification-from-cambodia/>.

²⁵¹ Phoak Kung, “Don’t blame Cambodia for ASEAN inaction in South China Sea,” *East Asia Forum*, April 3, 2015, <https://www.eastasiaforum.org/2015/04/03/dont-blame-cambodia-for-asean-inaction-on-south-china-sea/>.

²⁵² Prasanth Parameswaran, “What Really Happened at the ASEAN-China Special Kunming Meeting,” *The Diplomat*, June 21, 2016, <https://thediplomat.com/2016/06/what-really-happened-at-the-asean-china-special-kunming-meeting/>.

²⁵³ Sampa Kundu, “China divides ASEAN in the South China Sea,” *East Asia Forum*, May 21, 2016, <https://www.eastasiaforum.org/2016/05/21/china-divides-asean-in-the-south-china-sea/>.

²⁵⁴ Endy Bayuni, “Fighting the odds to show ASEAN unity in South China Sea dispute,” *The Straits Times*, July 30, 2016, <https://www.straitstimes.com/opinion/fighting-the-odds-to-show-asean-unity-in-south-china-sea-dispute>.

²⁵⁵ See Joint Communique of the 49th ASEAN Foreign Ministers’ Meeting, 29; Joint Communique of the 48th ASEAN Foreign Ministers’ Meeting, 25; Joint Communique of the 47th ASEAN Foreign Ministers’ Meeting, 48.

²⁵⁶ Endy Bayuni, “Fighting the odds to show ASEAN unity in South China Sea dispute”.

ASEAN cannot develop strong statements due to consensus decision making. However, underestimating ASEAN's role in managing the SCS dispute is also misleading. As Ha noted, ASEAN is the only forum in which China is willing to discuss the SCS dispute.²⁵⁷ Without ASEAN, the SCS will be managed only bilaterally which is less effective and to China's advantage. ASEAN, despite being unable to resolve the SCS dispute, contributed to confidence building and managing tensions from escalating into conflict. The conclusion of the DOC in 2002, the COC framework in 2017, and other conflict management measures such as the emergency hotline and code for unplanned encounters at sea are all the result of negotiations between ASEAN and China. Mingjiang Li, a Singaporean scholar, noted that China's approach in the SCS reflects Beijing's overall foreign policy towards Southeast Asia. He added that the establishment of dialogue with ASEAN under the banner of good neighborliness and mutual trust, accession to the TAC and the establishment of ASEAN-China Free Trade Agreement, gradually moderated China's policy on the SCS, and shifted Beijing's preferred solution from bilateral talks with individual claimants to ASEAN as a group. This was crucial for the DOC talks and cooperative projects which China was not previously interested in.²⁵⁸ This argument is also echoed by Goh, who argues that China's participation "in the multilateral negotiations of the South China Sea territorial disputes with ASEAN leading to the 2002 Declaration of Conduct all suggested that China was responding to being socially and morally bound to some degree to peaceful modes of interaction".²⁵⁹

Resolving the SCS is not a simple task. Former ASEAN Secretary-General, Rodolfo C. Severino, said the reason why ASEAN platforms such as ARF cannot solve the SCS is:

"because each of the claimants considers and projects its position as its national strategic interest — one of its "core interests", if you will. Criticism of ASEAN or of the ARF for their inability to remove the South China Sea flashpoint by resolving the sovereignty and jurisdictional disputes flies in the face of this reality."²⁶⁰

²⁵⁷ Hoang Thi Ha, *From Declaration to Code: Continuity and Change in China's Engagement with ASEAN on the South China Sea*, 16.

²⁵⁸ Mingjiang Li, "Reconciling Assertiveness and Cooperation? China's Changing Approach to the South China Sea Dispute," *Security Challenges* 6, no. 2 (2010), 55-7.

²⁵⁹ Evelyn Goh, "Institutions and the Great Power Bargain in East Asia: ASEAN's Limited 'brokerage' Role," 383.

²⁶⁰ Rodolfo C. Severino, "Preventing Conflicts in the South China Sea," in Pavin Chachavalpongpun, ed, *Entering Uncharted Waters?: ASEAN and the South China Sea*, 2014, 3.

Further, He Kai posits that since territorial disputes are sensitive issues because of state sovereignty, it is not easily resolved through regional mechanisms. It is unfair to use the SCS to discredit ASEAN.²⁶¹

According to Ba, successfully managing the SCS depends on major power relations.²⁶² This is because, as Kausikan noted, the “SCS has become a proxy for US-China competition, ASEAN is only a secondary player; as much arena as actor”.²⁶³ It is more helpful that ASEAN plays a neutral or ‘honest broker’ role to avoid exacerbating tensions. Consensus building is key to ensuring that ASEAN adopted a compromised position that did not favour one major power over another. Bilahari Kausikan said the diversity of ASEAN member states make it difficult for a single major power to dominate ASEAN. As such, “incoherence is not always a bad thing”.²⁶⁴

5.8. Conclusion

The SCS is a complex issue. This is because not all ASEAN members are claimants in the dispute. Different levels of ties between individual ASEAN members and China are the source of divergent views, resulting in difficulty in consensus building. China’s use of economic influence on Cambodia and Laos contributed to consensus deadlock. The fact that the SCS is a geopolitical contest between major powers is a further complication. Despite this, ASEAN managed to maintain a collective approach. ASEAN gradually shifted China’s focus from bilateral talks to multilateral mechanisms. ASEAN consistently engaged China to develop behavioral guidelines, trust building and conflict management measures such as the DOC and ongoing dialogue to conclude the COC. Such initiatives will not solve SCS dispute because it is an issue of territorial integrity and national sovereignty, and is not easily compromised by competing claimants. Developing a binding instrument is desirable as it could at least shape behaviour. This has to be done on a gradual basis taking into account ASEAN and China’s overall views and relations. Adopting a confrontational approach risks escalating SCS tensions and damaging hard-won relations. Consensus-based decision making, therefore, allows for ASEAN to consult different views and strive for a balanced approach. The next chapter explores the merits of alternatives to consensus decision making with regard to improving ASEAN’s performance.

²⁶¹ Kai He, “A Strategic Functional Theory of Institutions and Rethinking Asian Regionalism: When Do Institutions Matter?,” *Asian Survey* 54, no. 6 (2014), 1205.

²⁶² Alice D. Ba, “The South China Sea: Primary Contradictions in China-Southeast Asia relations,” in Cheng-Yi Lin and Ian Storey, eds, *The South China Sea Dispute: Navigating Diplomatic and Strategic Tensions*, 2016, 105.

²⁶³ Kausikan, Bilahari, “Consensus, centrality and relevance: ASEAN and the South China Sea”.

²⁶⁴ ISEAS – Yusof Ishak Institute, “ART 2017: ASEAN Centrality: Its Dimensions and Implications - Mr Bilahari Kausikan”.

Chapter 6: Will ‘ASEAN-Minus X’/Majority Voting Make ASEAN Stronger?

It cannot be denied that decision-making by consensus degrades ASEAN's ability to act on controversial issues. It is sub-optimal. But alternatives to the consensus principle are only theoretical propositions, advocated by those with no responsibility for where they may lead ASEAN.²⁶⁵

As an interstate organisation with a very diverse membership with different national interests, in practice ASEAN can only operate by consensus. Any other mode of decision-making could escalate even minor differences into major splits and risks the organisation breaking up entirely.²⁶⁶

6.1. Introduction

The chapter asks the counterfactual question ‘will ASEAN likely be stronger adopting alternative decision-making approaches?’ The chapter examines two possible decision making alternatives, namely ASEAN Minus X and majority voting, drawing conclusions about their implications for ASEAN, its stance on the SCS, and ASEAN centrality in ASEAN-plus arrangements.

6.2. Is ASEAN Minus X a ‘One-Size-Fits-All’ Formula?

ASEAN Minus X is codified in the ASEAN Charter to expedite regional integration. Article 21(2) states that: “In the implementation of economic commitments, a formula or flexible participation, including the ASEAN Minus X formula, may be applied where there is a consensus to do so.”²⁶⁷ While ASEAN Minus X is conditional decision making, majority voting is not. It was one of the recommendations of the eminent persons’ group, which drafted the Charter. The group warned that “while decision-making by consultation and consensus should be kept for all important decisions, majority voting can be used in less sensitive and non-controversial areas”.²⁶⁸ The idea of majority vote, however, was dropped after being reviewed by a high-level task force, which was represented by senior officials from member states.²⁶⁹ Severino argues that:

²⁶⁵ Kausikan, Bilahari, “Consensus, centrality and relevance: ASEAN and the South China Sea”.

²⁶⁶ Kausikan, Bilahari, “Consensus, centrality and relevance: ASEAN and the South China Sea”.

²⁶⁷ ASEAN Charter, 23.

²⁶⁸ ASEAN Secretariat, Report of the Eminent Persons’ Group on the ASEAN Charter, 17, <https://www.asean.org/wp-content/uploads/images/archive/19247.pdf>.

²⁶⁹ Kishore Mahbuban and Jeffery Sng, *The ASEAN Miracle A Catalyst for Peace*, 181.

ASEAN preference for consensus as opposed to voting is the desire to avoid exposing the minority as having “lost” and the majority as having “won”. With only ten Members, ASEAN is rather small as numbers go, and voting 7–3 or 6–4 would be inherently divisive.²⁷⁰

Run by consensus, ASEAN is an inter-governmental organization rather than a supranational one like the EU. Severino famously stated that: “This seems obvious; but on the basis of what is often said or written, one can say that it is often forgotten,” which is why he thinks it is necessary to emphasize what ASEAN is and is not, and what it can and cannot do.²⁷¹

With ASEAN’s difficulty in building consensus on the SCS, scholars and commentators suggested alternatives as a solution to ASEAN political deadlock. Robert argues that ASEAN could avoid the difficulty of consensus building on the SCS by developing sub-working groups and applying the ASEAN Minus X. He believes this would minimize ASEAN disunity and enhance its regional credibility and centrality.²⁷² Emmerson opines that claimant states such as Brunei, Malaysia, the Philippines and Viet Nam could apply ASEAN Minus X by jointly welcoming the arbitral tribunal’s ruling, as well as negotiating the COC with China by first agreeing among themselves, then opening it to accession by other states.²⁷³ This idea is also supported by ASEAN diplomats such as Rizal Sukma, former Indonesian Ambassador to the UK.²⁷⁴ Tan Siew Mun argues that insisting on consensus to maintain unity is false, and only makes ASEAN irrelevant. Consensus building needs to be replaced by a majority voting to enable ASEAN’s collective voice on the SCS.²⁷⁵

In the past, ASEAN Minus X was applied in the negotiation and implementation of the ASEAN Free Trade Agreement.²⁷⁶ However, there has been no attempt to apply the formula to security, except for the 2007 ASEAN Convention on Counter Terrorism which may enter into force following ratification by six members.²⁷⁷ However, this point requires clarification to avoid confusion. While the Convention may enter into force, it is not applicable to members who did not ratify it. It simply means that the

²⁷⁰ Rodolfo C. Severino, “ASEAN: What It Cannot Do, What It Can and Should Do,” in Lee Yoong Yoong, ed, *ASEAN Matters!: Reflecting on the Association of Southeast Asian Nations*, World Scientific Publishing, 2011, 5.

²⁷¹ Rodolfo C. Severino, “ASEAN: What It Cannot Do, What It Can and Should Do,” 3.

²⁷² Christopher B. Roberts, “ASEAN: the challenge of unity in diversity,” 143.

²⁷³ Donald Emmerson, “ASEAN between China and America: Is It Time to Try Horsing the Cow?,” 18.

²⁷⁴ Rizal Sukma, “ASEAN Beyond 2015: The Imperatives for Further Institutional Changes,” Working Papers PB-2014-05, Economic Research Institute for ASEAN and East Asia (ERIA), 2014.

²⁷⁵ Tang Siew Mun, “Is ASEAN Due for a Makeover?,” *Contemporary Southeast Asia* 39, no. 2 (2017), 241.

²⁷⁶ Rodolfo Severino and Institute of Southeast Asian Studies, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-general*, 31.

²⁷⁷ See Seng Tan, “Is ASEAN Finally Getting Multilateralism Right? From ARF to ADMM,” *Asian Studies Review* 44, no. 1 (2020), 30.

Convention may be implemented without their objection and members may ratify and implement it when ready. The essence of ASEAN Minus X in this context is to ease pressure on members, not the opposite. Its application to the sensitive security arena invokes a different impression. As Severino noted, “if used indiscriminately, it could undermine the fragile sense of community in ASEAN.”²⁷⁸ Emmers, while recognizing the need for ASEAN to adjust so that it could address emerging security challenges, warns that any attempt to replace consensus-based decision making needs thorough consideration as it risks breaking ASEAN apart.²⁷⁹ Loke asserts that a departure from or radical change to the ASEAN Way fails to appreciate the complex historical dynamics shaping ASEAN and its norms, and thus risks damaging the regional grouping.²⁸⁰

6.3. Majority Voting System: Is It a Viable Approach?

While consensus building aims to explore different views to build an understanding of the problem, majority voting is less interested in “understanding, responding, and incorporating each other’s ideas.”²⁸¹ Under majority voting, participants are keener to win, show that their views are the best and win over others. Tjosvold and Field argue that consensus works best under cooperative conditions, and that majority voting works better within a competitive environment.²⁸² A textbook example of regional organization embracing majority vote is the EU. The 1987 Single European Act made qualified majority voting the basis for decision making. The EU Council which is represented by heads of state makes most decisions based on a qualified majority vote,²⁸³ except for issues concerning the vital interest of members in foreign and security policies.²⁸⁴

Frustrated over the difficulty in reaching consensus on the SCS, observers tend to refer to the advantage of the EU’s majority vote decision making. For example, Heydarian, a Filipino professor, said that without majority voting, the EU would have not been able to advance economic integration and maintain peace.²⁸⁵

²⁷⁸ Rodolfo Severino and Institute of Southeast Asian Studies, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-general*, 353; Ralf Emmers, “ASEAN minus X: Should This Formula Be Extended?,” *RSIS Commentary* (S. Rajaratnam School of International Studies), no. 199 (2017).

²⁷⁹ Ralf Emmers, “ASEAN minus X: Should This Formula Be Extended?”.

²⁸⁰ Beverley Loke, “The “ASEAN Way”: Towards Regional Order and Security Cooperation?”.

²⁸¹ Dean Tjosvold and Richard H. G. Field, “Effects of Social Context on Consensus and Majority Vote Decision Making,” *The Academy of Management Journal* 26, no. 3 (1983), 501.

²⁸² Dean Tjosvold and Richard H. G. Field, “Effects of Social Context on Consensus and Majority Vote Decision Making,” 501.

²⁸³ John Peterson and Elizabeth Bomberg, *Decision-Making in the European Union*, 1st Ed, 1999, ed, The European Union Series, 1999, 32, 47.

²⁸⁴ John Peterson and Elizabeth Bomberg, *Decision-Making in the European Union*, 47.

²⁸⁵ Richard Javad Heydarian, “The ASEAN Way needs modifying,” *The Straits Times*, January 25, 2018, <https://www.straitstimes.com/opinion/the-asean-way-needs-modifying>.

However, it should not be forgotten that EU and ASEAN are hugely different. Kishore Mahbubani identified the difference as follows:

In the European Union, there is only one form of government. All EU members are democracies. Indeed, it is a condition of EU membership that an EU member state must be a democracy. Spain and Portugal could only join the EU in 1986, after they abandoned the Franco and Salazar dictatorships. By contrast, there is a great diversity of governments in the ten ASEAN countries: from democracies to military rule, from an absolute monarchy to Communist Party rule. This diversity of governance systems could make meaningful regional cooperation difficult, but the pragmatic working culture of ASEAN has overcome the differences.²⁸⁶

It is because of these differences that ASEAN adopted consensus decision making. Its codification in the ASEAN Charter legitimizes ASEAN's intergovernmental status. To opt for majority voting means that ASEAN will need to change its legal status in the Charter to supranational.

The idea of consensus decision making is closely connected to the principle of non-interference. Majority voting simply means that a majority of members can make decisions which may involve the internal affairs of other members. Whether ASEAN members are ready to adopt EU-like bargaining and negotiating is questionable because ASEAN is, as Kausikan famously stated, "a mechanism for managing external pressures and preserving the autonomy of its members",²⁸⁷ and the "Cold War is of course long over. But this remains ASEAN's fundamental and enduring purpose."²⁸⁸ According to Acharya, institutional change is not only an issue between old and new members, but also among the old members themselves. Singapore, while strongly supporting institutionalization in the economic sphere, objects to it in the political-security area.²⁸⁹ This is why Singapore was seen to be siding with Viet Nam, Myanmar, and Malaysia against Thailand's so-called "flexible engagement" proposal, which was backed by the Philippines, to seek ways to intervene in Myanmar following its accession to ASEAN.²⁹⁰ If majority voting was adopted, ASEAN would likely to be divided given the diversity of members. One of the issues dividing ASEAN is human rights because of diverse political systems,

²⁸⁶ Kishore Mahbubani and Jeffery Sng, *The ASEAN Miracle A Catalyst for Peace*, 138.

²⁸⁷ Bilahari Kausikan, "Dealing with an Ambiguous World: ASEAN & US-China Competition in Southeast Asia," 3.

²⁸⁸ Bilahari Kausikan, "Dealing with an Ambiguous World: ASEAN & US-China Competition in Southeast Asia," 4.

²⁸⁹ Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 259.

²⁹⁰ Lee Jones, *ASEAN, Sovereignty and Intervention in Southeast Asia*, 190; Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 263.

differing views on democracy. Davies, in examining the negotiation of the ASEAN Declaration on Human Rights (ADHR), categorizes ASEAN members as follows:

The first, the progressives, comprises Indonesia and the Philippines, which to varying degrees have embraced democratic liberal norms domestically and whose political systems are defined by political pluralism. The second, termed the cautious, includes Singapore, Malaysia, and Thailand which, whilst ensuring the rule of law, consistently show considerably more reluctance to embrace global standards, especially of the civil and political variety. The third, the recalcitrant, comprises the four newer members, Cambodia, Laos, Myanmar, and Vietnam, along with Brunei.²⁹¹

With such diversity, Kevin H.R. Villanueva and Rosario G. Manalo, the Philippines' human rights experts who engaged in negotiating the ADHR, said that it is because of consultation and consensus that ASEAN members conciliated each other's views and arrived at an agreement.²⁹²

6.4. Can the ASEAN Minus X/Majority Voting Improve ASEAN's Performance on the SCS?

It is relatively obvious that having certain ASEAN members such as claimants form a position on the SCS is far easier than having all members. Members wishing to form a collective front could strive for a compromise in exchange for confronting China. It is unlikely that members who prefers not to join the process (Minus X) will object because they are not likely to bear any consequences arising out of such an agreement. It is, however, likely that if the ASEAN Minus X was applied in the SCS, the 'Minus X' members would demand that any agreed statement or framework be titled 'ASEAN member states' rather than 'ASEAN'. It would be irrational for the 'Minus X' members to be bound by a decision they did not participate in. Without ASEAN's collective weight, what would the diplomatic or political meaning be of an 'ASEAN Minus X' agreement? As former ASEAN Secretary-General Severino noted, "In practical terms, no one can stop two or more countries from embarking on arrangements on their own."²⁹³

²⁹¹ Mathew Davies, "An Agreement to Disagree: The ASEAN Human Rights Declaration and the Absence of Regional Identity in Southeast Asia," *Journal of Current Southeast Asian Affairs* 33, no. 3 (2014), 112.

²⁹² Kevin H.R. Villanueva and Rosario G. Manalo, "ASEAN Consensus: The Intangible Heritage of Southeast Asian Diplomacy," Economic Research Institute for ASEAN and East Asia (ERIA), https://www.eria.org/ASEAN_at_50_4A.6_Villanueva_final.pdf.

²⁹³ Rodolfo Severino and Institute of Southeast Asian Studies, *Southeast Asia in Search of an ASEAN Community : Insights from the Former ASEAN Secretary-general*, 353.

As discussed in Chapter 5, ASEAN members are all cautious in their relations with China. This is because China is a neighboring great power, with which they have close economic ties as each other's largest trading partner.²⁹⁴ Ruining ASEAN-China relations over the SCS would not be in the interest of members. Thailand, when taking the rotating role of country coordinator for ASEAN-China relations for 2012-2015, insisted that "we should not let this one issue (SCS) be a barometer of ASEAN-China relations".²⁹⁵ Similarly, Singapore, after taking over from Thailand for 2015-2018, stated that "the specific territorial disputes in the South China Sea can only be settled by parties directly concerned", and that "ASEAN as a grouping cannot and does not take sides on the merits of a particular claim or claims. Nor do we attempt to resolve the disputes."²⁹⁶ Seeking to solve bilateral disputes, including those among ASEAN members, was not ASEAN's goal from the beginning, which is why it is well known for "shelving of bilateral disputes".²⁹⁷

The SCS issue is also unlikely to be addressed by the application of majority voting because it would divide ASEAN into sub-groups and risk breaking it apart. ASEAN is seen to be weak compared with the EU. However, even a supranational organization like the EU also has divisions on certain issues, especially over foreign and security policies which require the consent of all EU members.²⁹⁸ Sjørnsen argues that the "EU is only capable of collective action on issues of low salience in international politics, and that any cohesion will evaporate in the face of major crises".²⁹⁹ Orenstein and Kelemen describes the EU's approach to Russia as follows:

While the EU's Common Foreign and Security Policy has increased its capacities over time, the EU still lacks the power to prevent Member States from pursuing their own independent policies. In the face of the Ukraine crisis, for instance, the EU marshaled a surprisingly strong sanctions regime, but could not prevent Member States from pursuing divergent pro-Russia policies, such as signing new energy deals or granting port access for Russian naval forces. As

²⁹⁴ ASEAN has just managed to become China's largest trading partner in the first quarter of 2020, surpassing the EU and the US. See ASEAN Briefing, "ASEAN Overtakes EU to Become China's Top Trading Partner in Q1 2020," May 15, 2020, <https://www.aseanbriefing.com/news/asean-overtakes-eu-become-chinas-top-trading-partner-q1-2020/>.

²⁹⁵ K. Cheeppensook, "ASEAN in the South China Sea Conflict, 2012–2018: A Lesson in Conflict Transformation from Normative Power Europe," *International Economics and Economic Policy* 17, no. 3 (2020), 753.

²⁹⁶ K. Cheeppensook, "ASEAN in the South China Sea Conflict, 2012–2018: A Lesson in Conflict Transformation from Normative Power Europe," 756.

²⁹⁷ Jürgen Haacke, *ASEANs Diplomatic and Security Culture: Origins, Development and Prospects*, 49.

²⁹⁸ European Union, "Foreign and Security Policy," https://europa.eu/european-union/topics/foreign-security-policy_en.

²⁹⁹ Helene Sjørnsen and Guri Rosén, "Arguing Sanctions. On the EU's Response to the Crisis in Ukraine," *Journal of Common Market Studies* 55, no. 1 (2017), 20.

EU foreign and security powers grow, foreign powers face increasing incentives to cultivate Trojan horses among the EU Member States.³⁰⁰

EU members are divided over the China issue. Some believe they gain more from bilateral relations rather than depending on EU's integrated policy.³⁰¹ In 2009, the European Council on Foreign Relations (ECFR) conducted a survey, which revealed that while Germany, Poland and the Czech Republic were more vocal about China's poor human rights record, and support restrictive trading relations with China, Denmark, Sweden, The Netherland, and the UK were less enthusiastic. Bulgaria, Romania, Spain, Slovakia, Slovenia, Italy, Malta, Portugal, Cyprus, Greece, and Hungary were inclined to develop economic ties rather than confrontation on political issues.³⁰² In 2017, the ECFR conducted a similar survey which showed that divisions remained although there were shifts in bilateral policies. That is why former German Foreign Minister Sigmar Gabriel warned that "if we do not succeed in developing a single strategy towards China, then China will succeed in dividing Europe."³⁰³ Italy's decision to join China's BRI and receive Beijing's assistance on COVID-19 amidst objections from other EU countries is also a clear manifestation of inconsistent policies towards China. Against this, there were discussions in the EU on applying majority voting in foreign and security policy. Challenges remain as not only are smaller states concerned about their national interests and sovereignty,³⁰⁴ but also powerful country like Britain,³⁰⁵ which was one of the motivations for Brexit in 2016.³⁰⁵

The EU's problems suggest that divisions among members are inevitable, especially on critical issues concerning national interests. Forcing members to abide by rules made by the majority risks breaking the organization. Applying this scenario to ASEAN's approach on the SCS, it is likely that ASEAN would break apart and collapse. ASEAN appears to remind itself all the time about the lessons of Brexit. Prime Minister Lee Hsien Loong, when asked about the possibility of such a similar case in

³⁰⁰ Mitchell A. Orenstein and R. Daniel Kelemen, "Trojan Horses in EU Foreign Policy," *JCMS: Journal of Common Market Studies* 55, no. 1 (2017), 87.

³⁰¹ John Fox and François Godement, "Europe's unconditional engagement," in *A Power Audit of EU-China Relations*, 2009, 21.

³⁰² John Fox and François Godement, "Europe's unconditional engagement," 24-6.

³⁰³ François Godement and Abigaël Vasselier, "China inside Europe," in *China at the Gates: A New Power Audit of EE-China Relations*. European Council on Foreign Relations, 2017, 17.

³⁰⁴ Leonard Schuette, "Should the EU make foreign policy decisions by majority voting," Policy Brief, Centre for European Reform, May 15, 2019.

³⁰⁵ John Curtice, "Why Leave Won the UK's EU Referendum," *JCMS: Journal of Common Market Studies* 55, no. S1 (2017), 27; Lay Hwee H. Yeo, "The Lessons from Brexit and Its Impact on Singapore and ASEAN," In *The Implications of Brexit for East Asia*, Springer Singapore, 2018, 8.

ASEAN, said that it is unlikely because ASEAN abides by the principle of consensus, whereby members are not overruled by the majority.³⁰⁶

6.5. ASEAN Minus X/Majority Voting: Reinforce Major Power Rivalry and Dilute ASEAN Centrality

Advocates of ASEAN Minus X and majority voting neglect the implications for ASEAN centrality. Consensus is applied in ASEAN-plus frameworks because it is used in ASEAN. There is no difference with ASEAN Minus X or majority voting. If one of these two approaches is applied in ASEAN, it would also be applied in ASEAN-plus arrangements. ASEAN could not limit their application to members. Therefore, it is likely that ASEAN's multilateral arrangements will become platforms where external powers divide ASEAN members and create like-minded groupings opposing one another. ASEAN-plus discussions would be beyond ASEAN's control, shaking ASEAN unity and centrality. As Marty Natalegawa noted, if ASEAN loses centrality, "Southeast Asia would have continued to be a theatre for competition, and even conflict, between extra-regional powers, with the potential to sharpen existing tensions and tear the region apart".³⁰⁷ It is in this regard that ASEAN avoids strong institutionalism. Kim noted:

In designing ARF ASEAN leaders deliberately chose to avoid the creation of well-defined and rigid institutional structures that would require strong commitments and obligations. Because of the huge power gap between ASEAN states and other major powers, ASEAN leaders feared that such an institution would function as a mechanism to enforce the rules that great powers make and to leave the voice of the weak unheard in the regional security policy-making process".³⁰⁸

Kausikan stated that "ASEAN-led forums work best only when they do not work too well,"³⁰⁹ which is to say that regional arrangements are only attractive when they are not too strong and threatening to any state. This makes ASEAN regionalism acceptable to all participants. Kausikan's argument makes good sense when one considers that even an isolated country like North Korea participates in the ARF. Besides the United Nations, ASEAN could be the only regional platform with which North Korea

³⁰⁶ Prime Minister's Office, Singapore, "Q3: Could Brexit happen to ASEAN? (ISEAS 50th Anniversary Lecture)," YouTube, March 13, 2018, <https://www.youtube.com/watch?v=EBmc9N8Li18>.

³⁰⁷ Marty Natalegawa, "ASEAN and the Region: From Cold War Pawn to ASEAN Centrality," in *Does ASEAN Matter?* 1st ed. SG: ISEAS-Yusof Ishak Institute, 2018, 72.

³⁰⁸ Min-hyung Kim, "Why Does A Small Power Lead? ASEAN Leadership in Asia-Pacific Regionalism," 128.

³⁰⁹ Bilahari Kausikan's speech on ASEAN & US-China Competition in Southeast Asia", *Today*, March 31, 2016, <https://www.todayonline.com/world/bilahari-speech-us-china>.

engages. This is because ASEAN-plus forums are neutral. The purpose of ASEAN's regional arrangements, according to Emmers, is to maintain ASEAN's neutrality and autonomy from major power competition.³¹⁰ As discussed in Chapter 3, ASEAN centrality and autonomy is well maintained by the ASEAN Way. A change to decision making means ASEAN centrality is also affected. ASEAN Minus X or majority voting will allow space for adversarial negotiations and a hard bargaining style to dominate ASEAN platforms, thus diluting ASEAN centrality. As Bisley noted, EAS has long been divided by US and China, and as strategic competition sharpens, EAS capacity to advance regional collaboration is diluted.³¹¹

ASEAN's dialogue partners have tried to develop new competing security initiatives within ASEAN frameworks. In 2013, China proposed to create a treaty on good neighborliness and friendly cooperation.³¹² Russia proposed an "overarching security architecture" initiative, stressing the principles of "indivisible security". Russia was opposed to a security architecture based on the US hub-and-spokes system, arguing that regional security should move beyond the security networks of the US and its allies.³¹³ Subsequently, Beijing and Moscow jointly proposed "the establishment of the security cooperation framework in the Asia-Pacific region" at the 8th East Asia Summit in 2013. According to Ren Yuanzhe, an international relations expert at the Singapore-based Institute of Southeast Asia Studies, Russia and China's joint effort indicated their closer strategic interaction and collective desire to increase influence in the region.³¹⁴ Nonetheless, the proposal was dropped because there was no consensus among EAS participants. The emergence of the FOIP creates pressure on ASEAN-plus frameworks. With the US' intension to exclude China from the FOIP, as well as China's opposition to the concept, the application of ASEAN Minus X or majority voting would be a perfect tool for major powers to rally ASEAN members' support for their positions, creating sub-groupings within ASEAN frameworks.

³¹⁰ Ralf Emmers, "Unpacking ASEAN Neutrality," *Contemporary Southeast Asia* 40, no. 3 (2018): 349-70.

³¹¹ Nick Bisley, "The East Asia Summit and ASEAN: Potential and Problems," *Contemporary Southeast Asia* 39, no. 2 (2017), 269.

³¹² ASEAN Secretariat, 'Chairman's Statement of the ASEAN-China Summit', 10 October 2013, p. 2, <https://asean.org/chairman-s-statement-copy-copy/>.

³¹³ Dmitry Streltsov, Anna Kireeva, and Ilya Dyachkov, "Russia's View on the International Security in Northeast Asia," *The Korean Journal of Defense Analysis* 30, no. 1 (2018), 17.

³¹⁴ Ren Yuanzhe, "Competitive Regional Security Architecture and the Value of ASEM," Konrad Adenauer Stiftung, Foundation Office Cambodia, September 26, 2019, <https://www.kas.de/en/web/kambodscha/single-title/-/content/competitive-regional-security-architecture-and-the-value-of-asem>.

6.6. Conclusion

While applying ASEAN Minus X' to the economic aspect provides flexibility, it adds pressure on member states in security and foreign policy. Applying such formula in the SCS adds nothing. If a position is adopted by only some members, it lacks ASEAN's collective weight. If the four ASEAN claimants to the SCS dispute wished to develop a common stance, they would have already done so. Further, this would only receive support from the rest because ASEAN does not have any issue with claimant states solving the SCS dispute themselves. The question is if it is not a collective ASEAN position, what is the purpose of 'ASEAN Minus X'?

On majority voting, ASEAN is not ready because it questions ASEAN's legal status as a governmental organization. Majority voting means that ASEAN would have to revise its Charter. The issue is whether majority voting is certain to improve ASEAN's stance on the SCS dispute. The group remains cautious about taking a tough stance which directly confronts China. Majority voting is likely to break ASEAN apart because it violates the non-interference principle which is being maintained by consensus decision making.

Applying ASEAN Minus X or majority voting into ASEAN-plus frameworks will weaken ASEAN centrality because the great powers will divide and rule for their own interests, increasing major power rivalry and destabilizing regional stability.

The next chapter wraps up the findings of the thesis, providing observations and suggestions for future study.

Chapter 7: Conclusion

Even though ASEAN is an intergovernmental organization, it is, as Acharya noted, often judged from a Eurocentric point of view.³¹⁵ ASEAN regionalism is seen to be weak when facing regional security challenges. ASEAN-led frameworks are viewed as prioritizing process over tangible progress. The ASEAN Way, especially ASEAN's decision-making processes based on consultation and consensus are blamed for its failure to form a united front on critical issues such as the SCS disputes. This is the rationale behind calls for decision-making alternatives such as the ASEAN Minus X and majority voting.

This thesis examined the merits of consensus-based decision making by assessing its contribution to consolidating ASEAN, enhancing its central role in regional architecture, and managing major power rivalry and regional tensions. The thesis argued that the ASEAN Way and its associated norms and principles such as non-interference, non-use of force, informality and quiet diplomacy sustained ASEAN, ended intraregional conflicts, and promoted a peaceful environment in Southeast Asia. Depending on consensus to make decisions enabled ASEAN members to strike a balance between national and regional interests and maintained unity. The tolerance for differences in terms of political systems and values was central to ASEAN expansion to include CLMV countries, thus ending hostility among Southeast Asian states. It demonstrated ASEAN's aspiration to build a community that will control its destiny free from external interference. As ASEAN grew in membership, increasing diversity, building consensus becomes more challenging. Difficulties forming ASEAN's collective position on the SCS dispute is a good example. Consensus decision making is convenient for China to interfere in ASEAN through members over whom Beijing has influence.

Nevertheless, the expansion of ASEAN membership enabled it to become an inclusive and impactful organization, attracting external powers from across the region, including the major powers. Consensus united ASEAN and enabled it to maintain a central role in regional security architecture. ASEAN-plus platforms run according to the ASEAN Way made ASEAN important to the external powers as they could participate in these frameworks without being concerned about undermining their national sovereignty. As Ba noted, "ASEAN's processes are not just for process' sake",³¹⁶ but they "serve ASEAN's prioritized outcomes and shared political values – namely, national autonomy,

³¹⁵ Amitav Acharya, "Arguing about ASEAN: What Do We Disagree About?," 495.

³¹⁶ Alice D. Ba, "ASEAN's Constructed Dichotomies: The Ongoing Need for Complexity-sensitive Research Agendas," 588.

regime security, national resilience, and regional unity”.³¹⁷ Further, insisting ASEAN centrality in ASEAN-plus frameworks prevents these arrangements from being a theatre for great power competition. The thesis also argued that the drawback of ASEAN-plus arrangements is they cannot make binding rules that enforce compliance. This is why ASEAN-centred platforms are called ‘talk shops’.

The FOIP case study reveals that ASEAN is vulnerable to great powers competition. The US and regional allies are working on the FOIP as well as within the Quad to compete against China for regional influence. Being conscious of great powers’ geopolitical games was the rationale behind ASEAN’s development of the AOIP. The AOIP reaffirms ASEAN centrality in regional security architecture by modifying elements of the FOIP into ASEAN’s own version and grounding them in ASEAN-led mechanisms such as the EAS. This indicates that ASEAN’s aspiration is to remain neutral and central to Southeast Asia’s regionalism.

From the examination of ASEAN’s response to the SCS dispute, it could be concluded that ASEAN, despite divergent interests of members, managed to maintain unity in approaching China. While observers tend to criticise ASEAN for the delay and weakness in its diplomacy on the SCS, ASEAN exercises overall influence on the dispute. ASEAN involves China in regional arrangements and builds habits of dialogue and consultation, which led to gradual progress on conflict management measures such as the DOC, CUES, and framework for COC text negotiations. These achievements do nothing to prevent sovereignty claims, especially China’s. They, however, serve as groundwork for ASEAN and China to continue their engagement, maintain the overall peace, and find appropriate ways to manage disputes. Consensus, though time consuming, enabled ASEAN members to accommodate each other’s views and develop a common position that is acceptable to all claimants. The SCS dispute is a complex issue. As neighbours, ASEAN and China are connected closely in terms of trade and political engagement. This is why overall ASEAN-China relations are part of ASEAN’s calculation on the SCS. As the dispute involves great power competition, ASEAN’s handling of the issue deserves thorough consideration because it avoids taking sides and adding fuel to fire, and consequently avoiding undermining ASEAN centrality and destabilizing the already peaceful environment.

³¹⁷ Alice D. Ba, “ASEAN's Constructed Dichotomies: The Ongoing Need for Complexity-sensitive Research Agendas,” 588.

The findings also suggest that ASEAN Minus X/majority voting is unlikely to improve ASEAN's prospects as well as its performance on the SCS issue. They will more likely divide ASEAN, undermine its centrality, and reinforce great power competition. ASEAN-plus frameworks risk being turned into a theatre for major power rivalry going beyond ASEAN's control. Applying ASEAN Minus X/majority voting to the FOIP and SCS, the thesis concludes that it will be easier for external powers to rally countries and move forward with their own agendas. It is concluded that the US and China would form blocs within ASEAN-plus frameworks, challenging ASEAN centrality. The regional environment would be different.

That said, depending on counterfactual reasoning to draw conclusion about the merits of ASEAN Minus X/majority voting has its limitations. Without an actual outcome, it is difficult to verify the level of accuracy of the assessment.³¹⁸ Moreover, the lack of academic research on the issue makes it challenging for analysis. However, that ASEAN members are diverse in almost every aspect makes it clear that, without decision making which provides flexibility for compromise and accommodation, the grouping would likely break apart.

If critics assert that ASEAN's irrelevance comes from disunity and the absence of consensus on many issues, the consequences of ASEAN Minus X/majority voting would likely be similar. The thesis argued that ASEAN would be divided by these alternatives. Despite shortcomings, consensus decision making served ASEAN's purposes well over previous decades. Former Malaysian Prime Minister Abdullah Ahmad Badawi, who proposed the ASEAN Charter, reflected on ASEAN's success at its 50th anniversary, stated that the ASEAN Way had kept ASEAN alive and relevant and, in moving forward, it needs to be central to the region.³¹⁹ Consensus decision making is the only approach suitable for ASEAN.

ASEAN skeptics warn that the grouping risks becoming irrelevant if there are no reforms to the way it runs Southeast Asian regionalism. As Sarah Teo noted, critics point to the emergence of new minilateral frameworks such as the Quad to indicate external powers' dissatisfaction with the

³¹⁸ Jay Ulfelder, 'Beware the Confident Counterfactual', Dart-Throwing Chimp blog, June, 15, 2014, <http://dartthrowingchimp.wordpress.com/2014/06/15/beware-the-confident-counterfactual>.

³¹⁹ Abdullah Ahmad Badawi, "Thoughts on ASEAN's Success," in *The ASEAN Journey: Reflections of ASEAN Leaders and Officials*, eds. Surin Pitsuwan, Hidetoshi Nishimura, Ponciano Intal, Jr., Kavi Chongkittavorn, and Larry Maramis, Economic Research Institute for ASEAN and East Asia (ERIA), 2017, 75, <https://www.eria.org/publications/asean-50-volume-1-the-asean-journey-reflections-of-asean-leaders-and-officials/>.

ineffectiveness of ASEAN-plus mechanisms.³²⁰ Acharya argues that the challenge for ASEAN comes from its internal cohesion.³²¹ This is to say that ASEAN will only become irrelevant if it fails to unite. For the present, ASEAN continues to receive good credibility. For example, Canada and the EU, as ASEAN dialogue partners, for years expressed a desire to be admitted to the EAS.³²² Britain proposed to be a dialogue partner of ASEAN following Brexit.³²³ External states also joined ASEAN's TAC, which had 43 signatories in 2019. The latest signatories were Germany, Bahrain, South Africa, Columbia, and Cuba.³²⁴ Accession to the TAC demonstrates a desire to subscribe to ASEAN norms and principles and become dialogue partners.

ASEAN's response to the FOIP and the SCS dispute affirms its preference to stay united and, while engaging external powers for the sake of ASEAN's collective interests and credibility, to seek to maintain ASEAN centrality. This is maintained through insisting that the ASEAN Way is adopted to handle issues. For realists, this does not mean anything much because as long as ASEAN is committed to a loose form of regionalism, it remains a weak and toothless organization. Constructivists, however, take ASEAN regionalism more seriously. Slaughter argues that in a globalized world, the concept of power moves from realist obsession with material capacity to centrality, which is capacity to mobilize, create networks and solve problems.³²⁵ ASEAN's ability to gather countries and ground them within ASEAN-led multilateral platforms to, as Goh described, "shape and frame regional perceptions and approaches to security cooperation in ways beneficial to itself",³²⁶ is also a source of power. Further, ASEAN understands that the only way it could lead is to maintain central and be attractive to all

³²⁰ Sarah Teo, "Strengthening the ASEAN-centric multilateral security architecture," *East Asia Forum*, January 7, 2020, <https://www.eastasiaforum.org/2020/01/07/strengthening-the-asean-centric-multilateral-security-architecture/>.

³²¹ Amitav Acharya, "Will ASEAN Survive Great-power Rivalry in Asia?," *East Asia Forum Quarterly* 7, no. 3 (2015), 18.

³²² EAS is the only forum in the Indo-Pacific region that is represented at the leaders' level (leader-led forum), and dedicated to discussion on strategic, security and economic issues. Current EAS participating countries include 10 ASEAN countries and 8 dialogue partners, namely Australia, China, India, Japan, New Zealand, Republic of Korea, Russia, and the US. Canada and the EU have not yet been admitted in EAS. See Department of Foreign Affairs and Trade, "East Asia Summit (EAS)," <https://www.dfat.gov.au/international-relations/regional-architecture/eas/east-asia-summit-eas>; Department of Foreign Affairs, "Philippine Statement at the 6th East Asia Summit Foreign Ministers Meeting," <https://dfa.gov.ph/dfa-news/dfa-releasesupdate/10005-philippine-statement-at-the-6th-east-asia-summit-foreign-ministers-meeting>.

³²³ Dian Septiari, "UK hopeful on joining ASEAN as dialogue partner," *The Jakarta Post*, November 13, 2020, <https://www.thejakartapost.com/news/2020/11/13/uk-hopeful-on-joining-asean-as-dialogue-partner.html>.

³²⁴ ASEAN Thailand 2019, "Signing Ceremony of the Instrument of Accession to the Treaty of Amity and Cooperation (TAC)," November 2, 2019, <https://www.asean2019.go.th/en/news/signing-ceremony-of-the-instrument-of-accession-to-the-treaty-of-amity-and-cooperation-tac/>; "Colombia, Cuba, South Africa join Treaty of Amity and Cooperation in Southeast Asia", *The Nation*, November 11, 2020, https://www.nationthailand.com/ann/30397730?utm_source=bottom_relate&utm_medium=internal_referral.

³²⁵ Mely Caballero-Anthony, "Understanding ASEAN's Centrality: Bases and Prospects in an Evolving Regional Architecture," 566.

³²⁶ Evelyn Goh, "Institutions and the Great Power Bargain in East Asia: ASEAN's Limited 'brokerage' Role," 383.

participants. This common perception creates what constructivists called “collective identity”. It is not based on cultural similarity, but a shared diplomatic culture, which is the ASEAN Way.

It is hard to cultivate a culture-based shared identity within ASEAN since members are diverse in terms of culture, religion, and political values. This is why Acharya argued:

The sheer diversity among the ASEAN members in terms of size, populations, cultural and linguistic differences, and political systems predisposes Southeast Asia against a viable form of regionalism. In this context, ASEAN could thrive only by developing a practical approach to socialisation, normative development and a conscious process of identity building.³²⁷

Building a sense of ASEAN identity among citizens is crucial to strengthening ASEAN. Severino argues that a sense of identity and ownership to ASEAN among its people would significantly contribute to “the building of a security community in Southeast Asia. They would be necessary for common norms to be adopted and common values to be shared. They would make regional cooperation easier on a broad range of security concerns.”³²⁸ That sense of belonging remains relatively low in ASEAN, which is, according to Mahbubani, an alarming weakness.³²⁹ It might need to redouble efforts to raise awareness and bonds among all sectors to increase a sense of regionalism and narrow differences in national interests. This helps increase ASEAN’s consensus on addressing security challenges confronting the region, including those posed by major power rivalry.

ASEAN is the battle ground for rivalry between great powers, most particularly, the US and China, and will continue to be so. ASEAN experienced enormous pressure under the Trump administration, which pursued direct confrontation with China. This placed ASEAN in a difficult position on wide-ranging major power proxies, ranging from the SCS to FOIP, from infrastructure standards to Huawei, and from trade war to COVID-19. It is widely agreed among scholars and commentators that the US policy under President Biden will not change significantly.³³⁰ He is unlikely to return US-China relationship to an “engage but hedge” status but is more likely to continue the US’ tough stance on security and economic issues. This is because an unprecedented tough policy on China is not just a

³²⁷ Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, 254.

³²⁸ Rodolfo Severino and Institute of Southeast Asian Studies, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-general*, 366.

³²⁹ Kishore Mahbubani and Jeffery Sng, *The ASEAN Miracle A Catalyst for Peace*, 190.

³³⁰ United States Studies Centre, “US-China relations under a Biden administration,” YouTube video, 9:57, November 25, 2020, https://www.youtube.com/watch?v=yPntohtlGmE&feature=emb_logo.

product of the Trump Administration. It is the result of bipartisan support.³³¹ It remains to be seen if ASEAN's consensus building culture will be able to endure the continuation and perhaps intensification of competition between China and the US. Therefore, a dedicated and in-depth research on this matter is worth pursuing.

³³¹ Nick Bisley, "Joe Biden and the US-China relationship," La Trobe University, November 11, 2020, <https://www.latrobe.edu.au/news/articles/2020/opinion/joe-biden-and-the-us-china-relationship>.

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