

# *Textual Analysis of ASEAN's South China Sea Policy—Take the Declaration on the Conduct of Parties in the South China Sea (2002) as an Example*

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**Abstract:** In 1967, the formalization of ASEAN occurred when Thailand, Indonesia, Malaysia, and the Philippines signed the Declaration of the Association of Southeast Asian Nations (ASEAN) in Bangkok. Since its establishment, ASEAN has remained steadfast in its commitment to addressing regional security challenges and advancing economic development and solidarity through the promotion of peace and stability in the region. ASEAN's pivotal role in resolving regional issues cannot be overstated. On November 4, 2002, China and ASEAN inked the Declaration on the Conduct of Parties in the South China Sea (DOC). Although the implementation of the DOC has not produced significant outcomes thus far, it is regarded by ASEAN countries as a pivotal moment in addressing the South China Sea dispute. This paper employs NVivo to analyze the context of the Declaration on the Conduct of Parties in the South China Sea, aiming to delve into ASEAN's approach to the South China Sea issue.

## 1. Introduction

The South China Sea stands out as a hot-spot involving numerous countries. The advent of the International Convention on the Law of the Sea (UNCLOS) and the discovery of substantial oil reserves in the region have transformed what was once a relatively stable situation into a complex issue. As a regional integration body in Southeast Asia, ASEAN has consistently played a significant role in shaping the South China Sea matter and influencing regional security dynamics. Examining ASEAN's perspective on the South China Sea is crucial for understanding the interests of ASEAN member states and offering empirical evidence and policy guidance for China's efforts toward a peaceful resolution of the issue. This study employs textual analysis, focusing on the DECLARATION ON THE CONDUCT OF PARTIES IN THE SOUTH CHINA SEA, utilizing NVivo, a qualitative analysis software, as the analytical tool.

## 2. Perceived Evolution of ASEAN's South China Sea Policy

ASEAN's involvement in the South China Sea is shaped not only by external influences but also by internal dynamics among its member states. Consequently, the "group approach" has emerged as ASEAN's central policy framework for addressing the South China Sea issue[1]. Nonetheless, the

diverse interests among ASEAN members make it challenging for the organization to present a unified front externally. This complexity has resulted in protracted negotiations between ASEAN and China regarding the Code of Conduct in the South China Sea (COC).

## 2.1 The signing of the ASEAN Declaration on the South China Sea

The introduction of the ASEAN Declaration on the South China Sea marks the maturity of ASEAN's South China Sea policy and contributes positively to the peaceful resolution of the South China Sea issue.

### 2.1.1 Emergence and intensification of the South China Sea issue

As the South China Sea issue gains increasing prominence, it has emerged as a factor impacting global stability. Given its strategic geographical location and abundant natural resources, the South China Sea has become a key arena for competition among major powers. From a geopolitical perspective, the South China Sea holds significant strategic importance. Firstly, it serves as a vital security buffer for Southeast Asian nations. Control over the islands and reefs in the South China Sea is crucial for securing maritime boundaries and safeguarding homeland security for Southeast Asian countries[2]. Additionally, the South China Sea functions as a critical maritime artery. According to estimates, over 40,000 large vessels annually traverse the Indian Ocean-Malacca Strait-South China Sea route, facilitating the transportation of more than 80% of global oil imports.

From an economic standpoint, the discovery of substantial oil reserves in the South China Sea region since the 1970s prompted countries like Vietnam, Brunei, and Malaysia, among others, to initiate exploration and exploitation efforts. Throughout the 1990s, these endeavors expanded, accompanied by increased collaboration with Western nations in terms of technical expertise and financial resources. Available data indicates that Vietnam, for instance, has extracted nearly 1.5 trillion cubic meters of natural gas and over 100 million tons of oil from the Spratly Islands alone, resulting in profits exceeding \$25 billion[3].

## 3. Signing of the ASEAN Declaration on the South China Sea

In response to the gradual escalation of tensions in the South China Sea region and the imperative to address disputes among claimant countries while ensuring regional stability, ASEAN utilized the 25th ASEAN Foreign Ministers' Meeting in July 1992 to urge member nations to prioritize matters concerning the South China Sea. Subsequently, ASEAN adopted the ASEAN Declaration on the South China Sea.

The main spirit of the Declaration is:

**Emphasis on Peaceful Resolution of Disputes:** The declaration underscores the importance of resolving disputes in the South China Sea through peaceful means. It encourages parties to engage in dialogue, negotiation, and cooperation to settle any potential disputes, avoiding the use of force or exacerbating tensions.

**Adherence to International Law:** The declaration articulates the commitment of all parties to abide by international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS is a pivotal document that delineates maritime rights and responsibilities, including principles for delimiting territorial seas, exclusive economic zones, and continental shelves.

**Promotion of Cooperation and Dialogue:** The declaration promotes cooperation and dialogue among parties to address differences. This may involve collaborative efforts in areas such as joint development of marine resources, preservation of the marine environment, and enhancement of

maritime security measures. Through dialogue and cooperation, parties can build trust and identify avenues for long-term resolution of disputes.

**Building Trust and Confidence:** A key objective of the declaration is to alleviate tensions by fostering trust and confidence. By committing to uphold international law, seeking peaceful dispute resolution, and enhancing cooperation, parties can establish a foundation of mutual trust, thereby reducing misunderstandings and tensions.

**Reaffirmation of ASEAN's Importance:** The declaration reiterates the significance of ASEAN as a mechanism for regional cooperation. ASEAN, as one of the key platforms for addressing South China Sea disputes, can facilitate dialogue and cooperation among parties while providing a framework and platform for resolving issues in the South China Sea.

The signing of this declaration garnered recognition from several heads of state, including China's Foreign Minister Qian Qichen, who affirmed, "The fundamental principles outlined in the declaration align closely with or resemble the positions of the Chinese government. China has consistently maintained a positive stance towards fostering mutually beneficial cooperation in the South China Sea region."

## 4. Declaration on the Conduct of Parties in the South China Sea, 2002

### 4.1 Intensification of conflict in the South China Sea

In 1995, tensions flared between China and the Philippines over Meiji Reef in the South China Sea. This conflict escalated, and in 1998, the Philippines reignited the Meiji Reef Incident by accusing China of constructing "military buildings" in the area. Prompted by the Philippines' advocacy, ASEAN commenced discussions on establishing a binding "regional code of conduct". By December 1999, ASEAN achieved consensus on a preliminary draft of the "Code of Conduct in the South China Sea", jointly prepared by the Philippines and Vietnam.

This code serves as a crucial international agreement between China and ASEAN, aiming to manage disputes over maritime rights and interests, regulate the conduct of claimant countries in areas with overlapping sovereignty claims, and foster regional peace and cooperation. The negotiation process for the Code of Conduct in the South China Sea (COC) is recognized as the longest-running diplomatic negotiation globally. It involved two rounds of negotiations initiated by ASEAN and China in the 1990s. The initial round lasted from 1999 to 2002, culminating in the signing of the Declaration on the Conduct of Parties in the South China Sea in October 2002, preceding the formal commencement of negotiations[4].

### 4.2 Signing of the Code of Conduct for the South China Sea Region

On November 4, 2002, during the 8th ASEAN Summit, ASEAN Foreign Ministers and their representatives formally signed the Declaration on the Conduct of Parties in the South China Sea. This declaration represents an enhanced iteration of the previously signed "Code of Conduct in the South China Sea" by China and ASEAN, encompassing nearly all the principles and agreements established in the original "Code".

The Declaration underscores key principles such as adherence to international law, the prohibition of force or coercion, the pursuit of peaceful dispute resolution through negotiation, the commitment to self-restraint, and the promotion of regional cooperation. By signing the Declaration, ASEAN and China demonstrate to the international community their collective consensus on addressing South China Sea matters and establish a framework for resolving maritime disputes. Subsequently, there has been a discernible reduction in tensions surrounding the South China Sea, with the Declaration earning a reputation as a "divine needle", symbolizing its ability to alleviate

tensions and foster cooperation among neighboring countries in the region.

## 5. Textual Analysis of ASEAN's Perceived Policy on the South China Sea

### 5.1 Research Objects

The focus of this paper centers on ASEAN's official perspective regarding the South China Sea. "Cognition" originates from the Latin term *cognoscere*, denoting the mental process of acquiring and applying knowledge, encompassing the absorption and processing of information from diverse sources. Cognition encompasses various aspects such as learning, attention, language, memory, reasoning, and decision-making. Consequently, cognition can manifest through discourse, serving as a form of social influence. While cognition remains subjective, with individuals often perceiving the same phenomenon differently, ASEAN's foreign policy serves as a valuable lens through which to comprehend its cognition[5].

### 5.2 Research tools

NVivo, a synthesis of Nudist and Vivo, stands as a potent and adaptable suite of qualitative analysis software crafted by the Australian QSR (Qualitative Solutions & Research) company. Tailored for extensive qualitative research projects, NVivo is engineered to streamline the process of data input and output, offering ease and efficiency. Its capabilities span from meticulous document interpretation to the analysis of pattern information within survey responses. NVivo facilitates a comprehensive approach, supporting detailed document analysis and survey response pattern exploration alike.

The Declaration comprises 10 points, encompassing articles 1 and 3, articles 4 and 7, as well as article 5 and article 6 (Table 1), which can be categorized under "Joint efforts of ASEAN and China for the maintenance of peace and stability in the South China Sea."

Articles 1 and 3 are designated as "Negotiations in accordance with international law," where the UN Charter, the 1982 UN Convention on the Law of the Sea, the Treaty of Amity and Cooperation in Southeast Asia (TAC), the Five Principles of Peaceful Coexistence (PCP), and other universally recognized principles of international law serve as fundamental norms for inter-country relations. Particularly, adherence to the United Nations Convention on the Law of the Sea governs the conduct of freedom of navigation and flight in the South China Sea[6].

Article 4 and article 7 are encoded as "a commitment to resolve disputes over territory and jurisdiction by the sovereign states directly concerned through peaceful negotiation rather than resorting to force." This underscores the peace-centric principle inherited from the ASEAN Declaration on the South China Sea. Moreover, article 7 underscores the significance of consultation in addressing the South China Sea issue, with the aim of fostering a transparent and harmonious environment conducive to mutual understanding and cooperation[7].

Article 5 is designated as "exercising self-restraint," embodying two specific implications. Firstly, it emphasizes that "exercising self-restraint" serves as a pivotal measure to prevent the escalation of tensions in the South China Sea. It adopts an approach of avoiding and setting aside territorial disputes over islands and reefs, refraining from direct application of the Declaration solely to the Nansha or Nansha and Xisha regions. Instead, it articulates specifically as "corresponding islands and reefs and geological formations." Secondly, in fostering mutual trust within the region, it is grounded on the principles of suggestion, openness, and voluntariness, devoid of mandatory provisions on the specific behaviors of countries surrounding the South China Sea. Article 5 upholds the essence of restraint, primarily urging disputing countries in the South China Sea to eschew the use of force in conflict resolution, prevent the exacerbation of disputes, and cease

artificial construction on uninhabited islands and reefs. Concurrently, it advocates for enhanced collaboration founded on mutual respect, facilitating dialogues for information exchange and intelligence, as well as bolstering cooperation in international rescue operations and joint military exercises. This article advocates for the disputing parties to set aside their differences and collaborate in addressing non-traditional security challenges in the South China Sea[8].

Article 6 is categorized as "Areas of Cooperation," delineating specific realms of collaboration among nations in the South China Sea region while setting aside territorial disputes. These encompass marine environmental preservation and scientific exploration, maritime search and rescue operations, safeguarding the freedom of maritime navigation and transportation, and combating transnational crime. The remaining articles of the declaration are categorized as "Expected Objectives of the Guidelines." Article 2 is designated as "Equality and mutual respect," emphasizing the principle of equal treatment and mutual regard among involved parties. Article 8 is coded as "All parties undertake to respect the provisions of this declaration and to take actions consistent with the declaration," highlighting the commitment of all parties to adhere to the declaration's stipulations. Article 9 is classified as "The Parties encourage other States to respect the principles contained in this Declaration," indicating the cooperative stance towards promoting adherence to the declaration's principles by external states. Lastly, Article 10 is coded as "The parties concerned reaffirm that the formulation of a code of conduct in the South China Sea will further promote peace and stability in the region, and agree to work on the basis of consensus among the parties towards the eventual achievement of this goal," underscoring the joint commitment to crafting a code of conduct to enhance regional stability. This illustrates both ASEAN and China's shared desire to resolve disputes through peaceful means and their hope that the declaration will pave the way for appropriate regulations to address the South China Sea issue. However, it's acknowledged that the declaration marks only the initial stage of consultation between China and ASEAN in the South China Sea. Subsequent negotiations may encounter obstacles, with resistance growing as discussions progress. While ASEAN plays a significant role in the South China Sea matter, it's important to recognize that not all ASEAN member states are involved in disputes over the area. Additionally, divergent interests among disputing countries and varying perspectives on China within ASEAN pose challenges. These factors collectively constrain ASEAN's effectiveness in addressing the South China Sea issue. Consequently, China must employ comprehensive strategies to navigate and resolve the complexities surrounding the matter[9].

Table 1: Coding and analysis of the Declaration on the Conduct of Parties in the South China Sea (DOC)

Selective coding stage	Open coding stage	Corresponding reference number	Corresponding to the location of the original text
Joint efforts of ASEAN and China to maintain peace and stability in the South China Sea	Negotiations under international law	6	Artical 1 and Artical 3
	Settlement by peaceful means of disputes over their respective territories and jurisdictions		Artical 4 and Artical 7
	exercise restraint		Artiacl 5
	Areas of cooperation		Artical 6
Expected objectives of the code of conduct	Emphasizing the role of the South China Sea Code of Conduct in maintaining peace and stability in the South China Sea region	4	Artcial 10
	Encouraging other States to follow the Guidelines		Artical 9
	word and actions coincide		Artical 8
	Equality and mutual respect		Artical 2

## 6. Conclusion

Throughout the ASEAN documents on the South China Sea issue, it can be felt that ASEAN tends to use peace and dialogue to solve the South China Sea issue in order to maintain the stability of the region, and the ability and willingness of the regional countries to jointly shape a new order is increasing, and the discourse power of the South China Sea regional affairs has begun to shift to the regional countries. ASEAN has access to institutional and normative resources to deal with the South China Sea issue, and the Declaration on the Conduct of Parties in the South China Sea (DOC), as an institutional resource, is able to play a certain role, but from the point of view of ASEAN's decision-making capacity, as well as from the point of view of the internal resources and external support it has access to, its implementation power in the South China Sea issue is subject to great limitations. The Declaration on the Conduct of Parties in the South China Sea (DOC), which lacks mandatory binding force, only maintains basic stability and can hardly play the role of preventing some countries from trying to challenge the bottom line of other countries, plus the extra-territorial countries are fanning the flames of the South China Sea, stirring up trouble, ganging up and showing off their force, which makes the evolution of the regional order in the South China Sea full of uncertainties. Therefore, China should deal with the South China Sea issue with both "softness and hardness" and "firmness and gentleness", on the one hand, it should actively negotiate with the disputing countries, conduct bilateral consultations on an equal footing, and strive to solve the disputes in a peaceful way. However, it should also strengthen its naval construction and increase its investment in military forces in the South China Sea.

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