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Association of Southeast Asian States (ASEAN)



Toward an ASEAN code of conduct for states in the South China Sea

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Introduction

The South China Sea is a large region, only slightly smaller than the Mediterranean Sea. China's sweeping claims to authority over the region have inflamed international tensions. The problem is especially serious for ASEAN member states with competing claims.

China directly challenges the maritime authority of four ASEAN member states: Brunei, Malaysia, the Philippines and Viet Nam. Also affected directly is Taiwan. Countries indirectly affected include Australia, Indonesia and Japan. Preserving peace and stability, while ensuring

national territorial authority, is a major problem for ASEAN at ODUMUNC.

China bases its expansive claims to control the waters and islands of the South China Sea on its *Nine Dash Line*, a unilateral claim by China to control over the region dating from 1947. In the early 2000s China launched a program of island-building, constructing military bases and naval patrols across the South China Sea. China uses its coast guard and civilian fishing fleet to intimidate neighboring states and strengthen its control over contested islands.

Countries of Southeast and East Asia have responded, but separately and individually. ASEAN member states Brunei, Malaysia, the Philippines and Viet Nam all claim reefs, shoals and islands in the sea, such as the Paracel and the Spratly Islands. They also control large maritime *Exclusive Economic Zones (EEZs)*, under the United Nations Convention on the Law of the Sea (UNCLOS) from 1982. Economic Exclusion Zones extend 200 nautical miles (230 statute miles or 370 kilometers) into the sea.

But ASEAN member states lack the military means and maybe the political conviction to challenge Chinese actions undermining their authority in their Economic Exclusion Zones.¹

¹ 'What is the South China Sea dispute?' *BBC News*, 7 July 2023, <https://www.bbc.com/news/world-asia-pacific-13748349>

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China's *Nine Dash Line* is a unilateral statement by China, recognized by no other country and rejected under international law, but insisted upon by China. For the member states of ASEAN, the South China Sea is an unwanted issue, but might be one they find increasingly hard to avoid. With their strong preference to avoid international conflict, especially with China, ASEAN member states want to avoid antagonizing the region's fast-growing superpower.

So far they have avoided collective statements and action. But they have turned to outside power for support. Japan, which has no direct stake in the South China Sea, provides ships and military equipment to claimants like Viet Nam and the Philippines, as does the United States.

For ASEAN the issue challenges not just its members' strength and self-interest, but the regional organization's relevance. With so many countries in close quarters to one another, an effort to resolve the disputes through a *code of conduct* has great appeal. But agreeing on a code of conduct may indeed prove challenging.

An agreed general international *Maritime Code of Conduct* for all countries or a specific *Code of Conduct for the South China Sea* might facilitate stable relations in the region and help avoid conflict. But the process of negotiating such an agreement could antagonize China and worsen the situation.



China's *Nine Dash Line* and major island groups and shoals on the South China Sea.

ASEAN members prefer above all to reduce tensions between themselves and especially with China. But China is the disruptive force on the South China Sea. Maintaining their national sovereignty, freedom from foreign interference, is an equally high goal. How to reconcile the deep desire for regional peace and stability with rising pressure from China?

Background

Maritime territory is designated by the 1982 UN Convention on the Law of the Sea (UNCLOS).² This established a legal framework and formal distances for territorial waters, contiguous zones, and Exclusive Economic Zones (EEZ). Each country's sovereign, territorial waters extend twelve nautical miles out from their coastline. This is the area where countries have exclusive sovereignty over the waters, seabed and air space above. Contiguous zones extend a further 12 nautical miles out from the territorial waters, over which nations have authority to enforce all laws and regulations. In their Economic Exclusion Zone, extending 200 nautical miles from the shore, countries have unique rights to exploitation of natural resources, including fisheries, exploration, and management of natural resources.³



China uses its civilian fishing fleet or 'Maritime Militia' to force other countries' fishing ships, coast guards and navies out of contested parts of the South China Sea. Photo: Ian Urbina, 'How China's vast and

aggressive fishing fleet is kept afloat by Beijing', *South China Morning Post*, 21 November 2020.

Foreign navies are not entitled to enter territorial waters, within the 12 miles limits, without permission of the host country. However, international law is usually interpreted such that foreign navies are allowed *safe passage* through Economic Exclusion Zone waters, whether for innocent passage or military surveillance. However, certain nations have stated that foreign naval forces in their Economic Exclusion Zone violate the maritime sovereignty allotted by the 1982 UNCLOS.⁴ While the definition of maritime territories is fairly well-defined, interpretations may be contested.

Territorial claims in the South China Sea (SCS) and neighboring East China Sea (ECS) came under dispute at the end of World War Two, due to the rise of China, the collapse of Japanese conquests and the end of Western imperial rule.

Three archipelagos and island chains are contested: the Paracel and Spratly islands in the South China Sea; and the Senkaku/ Diaoyu (their Japanese and Chinese names) islands in the East China Sea. It is important to note that just two decades ago these islands were all completely uninhabited. Many of these are shoals, tiny islands often the size of a car. Currently there are inhabitants on the Paracel and Spratley islands placed there by China, Viet Nam, Philippines, and Malaysia to legitimize their rival claims. Japan built a Coast Guard

²United Nations, "United Nations Convention on the Law of the Sea," UN Treaty Collection, United Nations, 10 December 1982, https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en

³ NOAA, "U.S. Maritime Limits & Boundaries," National Oceanic and Atmospheric Administration,

Accessed on 8/25/24, <https://nauticalcharts.noaa.gov/data/us-maritime-limits-and-boundaries.html#faq>

⁴Michael D. Swaine, "America's Security Role in the South China Sea," Carnegie Endowment, 23 July 2015, <https://carnegieendowment.org/posts/2015/07/americas-security-role-in-the-south-china-sea?lang=en>

outpost on Senkaku/ Diaoyu in 2023, giving it inhabitants for the first time⁵.

China supported completion in 1982 of the UN Law of the Sea (UNCLOS), and adheres to the treaty to this day. But China also continues to claim control over most of the South China Sea. The claim is based on the Nine Dash Line (sometimes abbreviated 9DL). The line originated in a map published in 1947 by the Chinese government. It has never been accepted by most foreign governments or become part of international law.



Fiery Cross Reef, part of the Spratly Islands in the South China Sea, originally just a sand bar, now showing Chinese land-building, military harbor and airfield construction. Photo: DigitalGlobe via Getty Images.

The contested maritime and island territories of the South China Sea, long a source of soreness between the nations of the region, arose to the forefront of international issues in the past two decades. In 2009, Malaysia and Viet Nam sought to expand their Exclusive Economic Zones in the South China Sea with the UN Commission on the Limits of the Continental Shelf. They argued that the extension of the continental shelf contiguously past the existing EEV should be theirs to administer. The commission did not rule in their favor.⁶

In 2012, Japan purchased the Senkaku/ Diaoyu (their Japanese and Chinese names) islands from a private Japanese citizen, signaling to Taiwan and China their claim to the territory.⁷ This resulted in a decade of tensions in the region between China and Japan, culminating in a 2023 Japanese Coast Guard base being built on the islands on the previously uninhabited island.⁸ In the 2010s, China dredged sand from the sea floor to build seven shoals and reefs into permanent islands in the Spratley archipelago. All became sites for military bases.⁹

In 2016, a UN tribunal ruled that China's claims over contested waters near the Philippines, based on the Nine Dash Line, were in violation of the 1982 UNCLOS treaty on the international law of the sea.¹⁰ China rejected the decision. Clearly,

⁵ Chris Lau, "Japan moves missile capable troops into remote island base as regional tensions rise," CNN, 17 March 2023, <https://www.cnn.com/2023/03/17/asia/japan-new-defense-base-disputed-islands-intl-hnk/index.html>

⁶United Nations, "Commission on the Limits of the Continental Shelf (CLCS)," United Nations Division for Ocean Affairs, 28 June 2024, https://www.un.org/Depts/los/clcs_new/submissions_files/submission_mysvmn_33_2009.htm

⁷Gisela Grieger, "Sino-Japanese controversy over the Senkaku/Diaoyu/Diaoyutai Islands," European Parliament Members' Research Service, July 2021, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/696183/EPRS_BRI\(2021\)696183_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/696183/EPRS_BRI(2021)696183_EN.pdf)

⁸AP, AFP and Bloomberg, "Beijing submits East China Sea claims to the UN," Taipei Times, 16 December 2012,

<https://www.taipetimes.com/News/front/archives/2012/12/16/2003550253>

⁹Sam Ellis, "Why China is Building islands in the South China Sea," Vox, 17 Feb 2017, <https://www.vox.com/videos/2017/2/17/14642818/china-south-china-sea-us-islands>

¹⁰David Rising, Chinese and Philippine ship collision just the latest in a string of South China Sea confrontations," Associated Press News, 17 June 2024, <https://apnews.com/article/china-philippines-south-china-sea-ship-06e9fe0ef440aba09bc650d986d83377>



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many nations in the region have demonstrated a willingness to wrestle over territory in the ECS and SCS, whether through diplomatic or militaristic means.

Control over the SCS and ECS has economic implications as well. The SCS is confirmed to have 3.5 billion barrels of crude oil, 40 trillion cubic feet of natural gas, 10 percent of global fishing supply, and the passage of 30 percent of global shipping. Crude oil and natural gas reserves are thought to be high, with underexplored areas likely to contain additional resources.¹¹ The East China Sea also is largely underexplored, but it may contain up to 1.7 billion barrels of crude oil and 7.3 trillion cubic feet of natural gas.¹²

Current Situation for ASEAN

Tensions in the region continue to worsen. China has constructed seven islands in shallow areas of the Spratley archipelago and built military bases. In 2023, China and Philippines engaged in naval skirmish with non-lethal weapons like water cannons, without casualties on either side. Around the same time, Japan built a base on its uninhabited Senkaku/ Diaoyu islands, angering China and Taiwan. Japan also sells arms to the Philippines and Viet Nam to deter China.¹³ The U.S. has mutual defense treaties with Japan, the Philippines and South Korea, and has developed better military relations with Viet Nam.

Perhaps the quietest, most cautious response comes from ASEAN. Instead of responding

directly, ASEAN has left its member states free to deal with the situation individually. There is a strong consensus within ASEAN that a strong resolution on any issue of the South China Sea would only antagonize China and worsen tensions. The member states, in other words, would not benefit, would not be better off.

The nations in the region, their allies, and their adversaries have all taken keen interest in the security of the region's waters. No nations want to see combat over the contested areas, but they also are not willing to weaken their territorial claims. There is clearly an interest in diplomatic solutions. The ASEAN members would like to collectively bargain with China, so they have more weight to throw around. China prefers bilateral agreements with each individual nation.¹⁴

While military confrontations have been avoided in the South China Sea, China and ASEAN member states have fought with civilian forces such as their coast guards, and less-lethal weapons such as water cannon and ship ramming. Fear of escalation is widespread. No side seems willing to relent or compromise.

Beyond the immediate region, the conflict has spread. Pacific Island nations have taken advantage of rising tensions, exploiting their status to be more concerned with using their location to play China and Chinese allies against the United States and its allies. China and the United States, as well as regionally active nations Australia, France and New Zealand, seek to hold a sphere of influence in the Pacific, regardless of maritime territorial claims. The nations placed between these pressures can

¹¹EIA, "South China Sea," Energy Information Administration, 21 March 2024, https://www.eia.gov/international/analysis/regions-of-interest/South_China_Sea

¹²EIA, "East China Sea," Energy Information Administration, 1 July 2024, https://www.eia.gov/international/analysis/regions-of-interest/East_China_Sea

¹³ Center for Preventative Action, "Territorial Disputes in the South China Sea," CFR Global Conflict Tracker, 29 July 2024, <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>

¹⁴ BBC, "What is the South China Sea Dispute?" BBC, 7 July 2023, <https://www.bbc.com/news/world-asia-pacific-13748349>



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therefore levy this to gain foreign aid, military defense, direct investment, etc.¹⁵

Landmark ASEAN and UN Action

United Nations Convention on the Law of the Sea (1982): This convention created formal definitions for all maritime territory under international law. Territorial waters extend 12 nautical miles out from a nation's coastline, over which nations have ultimate sovereignty from the seabed to the air space above. Contiguous zones extend a further 12 nautical miles out from the territorial waters, over which nations have authority to enforce all laws and regulations. Under UNCLOS, Economic Exclusion Zones extend 200 nautical miles from a nation's coast. In their Economic Exclusion Zone, nations do not have total sovereign control—the ships of any country can transit through anyone's EEZ—but they have sovereign rights to the exploitation, exploration, and management of the area's natural resources both living and nonliving.¹⁶

"Declaration on the Conduct of Parties in the South China Sea" (2002): This action sought to promote peaceful collaboration between ASEAN and China by resolving disputes diplomatically. This declaration encouraged signatories to notify one another of military

exercises. It also encouraged collaboration in marine conservation, research, safety, search and rescue, and combating transnational crime. This declaration sought to eventually lead to a formal code of conduct. Despite the high hopes of this declaration, the ensuing decades did not prove to promote peace or resolve territorial disputes.¹⁷

UN South China Sea Arbitration Ruling on the Nine Dash Line (2016): In an effort to respond to Chinese aggression in the region, especially building up and controlling land on reefs and shoals in international waters of the South China Sea, the Philippines took the issue to an international tribunal. The result was a momentous ruling in 2016 against China's unilateral actions seizing territory. A UN Tribunal ruled in favor of the Philippines and against China's claims, ruling the Nine Dash Line violated the Law of the Sea Treaty. This weakened the diplomatic claim by China, but did not weaken China's insistence of their territorial claim. China has disregarded the ruling. It has had no practical effect.¹⁸

Agree to Create "Code of Conduct in the South China Sea." (2023): Twenty years after the landmark ASEAN-China declaration, a code of conduct for the region has still not been formalized. In 2023, ASEAN and China agreed to try and formalize a nonaggression pact within

¹⁵ Evan Hadfield, "I Overheard a Secret Chinese Meeting in Micronesia on Vacation," *Rare Earth*, 18 November 2023, [I Overheard a Secret Chinese Meeting in Micronesia on Vacation](https://www.rareearth.com/2023/11/18/i-overheard-a-secret-chinese-meeting-in-micronesia-on-vacation/)

¹⁶ NOAA, "U.S. Maritime Limits & Boundaries," National Oceanic and Atmospheric Administration, Accessed on 8/25/24, <https://nauticalcharts.noaa.gov/data/us-maritime-limits-and-boundaries.html#faq>

¹⁷ ASEAN, "Declaration on the Conduct of Parties in the South China Sea," ASEAN, 14 May 2012,

<https://asean.org/declaration-on-the-conduct-of-parties-in-the-south-china-sea-2/>

¹⁸ 'South China Sea Arbitration Ruling: What Happened and What's Next?' *U.S.-China Economic and Security Review Commission*, 2016, <https://www.uscc.gov/research/south-china-sea-arbitration-ruling-what-happened-and-whats-next>; 'Beijing rejects tribunal's ruling in South China Sea case' *Guardian*, 12 July 2016, <https://www.theguardian.com/world/2016/jul/12/p-hilippines-wins-south-china-sea-case-against-china>



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three years (2026).¹⁹ There has been little if any progress since then.

Bloc Positions

Chinese allies: China seeks control over the majority of the SCS according to the Nine Dash Line. In the neighboring East China Sea, they have historically been less aggressive in their claim to the Senkaku/ Diaoyu islands. Chinese messaging revolves around the historic basis of the Nine Dash Line. However, true interests are likely more about their sphere of influence, military strategy, and access to natural resources. In the Pacific, China is interested in expanding its sphere of influence as the U.S. still holds tremendous influence across the Pacific.

U.S. allies: Australia, Japan, Philippines, and Taiwan all have military treaties with the United States. While these nations may disagree on a few territorial disagreements, they collaborate under the collective national security desire to oppose the Chinese sphere of influence. When it comes to thwarting Chinese expansion, these nations work with each other and often the United States.

Core ASEAN members: The core ASEAN members are Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam. Similar to the U.S. allies, these nations work together through ASEAN to strengthen their diplomatic bargaining power with China. All of these nations except landlocked Laos have coastal territory on or near the South China Sea. Their interests will converge with action relating to the South China Sea, but they may have diverging

interests related to the neighboring East China Sea and the Pacific.

Pacific islands: This bloc is comprised of Fiji, French Polynesia, Indonesia, Kiribati, Marshall Islands, Micronesia, New Caledonia, Papua New Guinea, Samoa, Solomon Islands, and Timor-Leste. These nations are characterized by their ability to play two powers off of each other: China and the United States. If the U.S. wants a surveillance outpost on an island, one can be sure China wants one also. A Pacific island nation may then use this leverage to resist the influence of both entirely, but more likely they will use this leverage to gain foreign aid, military defense, etc.

Country Positions

Australia: A strong United States ally and strategic location for U.S. military and intelligence, Australia can represent U.S. interests in the region while also desiring security in the regional waters for economic stability. Australia has close intelligence cooperation with Washington and is party to an agreement to buy nuclear-powered submarines from the United States.

Brunei Darussalam: Bordering the South China Sea, this nation's only ports could be restricted by an antagonist in the region, such as China. This nation will collaborate with the core ASEAN members to gain bargaining power against other powers in the region.

Cambodia: Among ASEAN member states, Cambodia and Thailand are most sympathetic to

¹⁹ Niniek Karmini and Jim Gomez, "China and ASEAN agree to try to conclude nonaggression pact on sea feud in 3 years," Associated Press News, 13 July

2023, <https://apnews.com/article/asean-south-china-sea-disputes-7ec76375646cd692c525be7ab2a6290b>

Chinese demand in the South China Sea. Neither country has a sea claim contested by China. But they have coastlines on the gulf of Thailand, and require cooperation with neighboring ASEAN members, making everything about this issue sensitive and difficult. Both countries will strive to avoid the issue, keep it off the ASEAN agenda, and minimize discussion. If it must be addressed, they will try to limit it to scientific and technical issues only.

China seeks control over the majority of the South China Sea according to the Nine Dash Line. In the East China Sea, they have historically been less aggressive in their claim to the Senkaku/ Diaoyu islands. Chinese messaging revolves around the historic basis of the Nine Dash Line. However, true interests are likely more about their sphere of influence, military strategy, and access to natural resources. In the Pacific, China is interested in expanding its sphere of influence as the U.S. still holds tremendous influence across the Pacific since World War Two.

Fiji: A Pacific island, Fiji will use their position to play China and the United States off one another.

French Polynesia: A Pacific island archipelago, French Polynesia is governed by Paris and strongly supports efforts to restrain Chinese influence in the South Pacific.

Indonesia: A country comprising tens of thousands of distinct islands, a strong maritime territory agreement and stable South China Sea is strongly in Indonesia's interest. Working with the other core ASEAN members, this nation will use collective bargaining to get what they want from the powers involved.

Japan: A strong U.S. ally, Japan contests the Chinese claim to the Senkaku/ Diaoyu islands. Japan has been strengthening their own military (the Japanese Self Defense Force or JSDF), strengthening U.S. mutual defense treaties, and showing a willingness to act. While increased

Chinese influence in the Pacific and China Sea does not serve Japan's national interest, neither does over-enthusiastic aggression on the matter.

Laos: The only landlocked core ASEAN member, Laos prizes good relations with China, its most important trading and investment partner.

Malaysia claims a section of the Spratly islands within their Economic Exclusion Zone. Along with the Philippines and the United States, Malaysia has to contend with China's military shows of force in the region. Malaysia may work with not just the core ASEAN members, but also the U.S. and its allies.

Marshall Islands: Comprised of Pacific islands, the Marshall Islands will use their position to play China and the U.S. off one another.

Micronesia: Comprised of Pacific islands, Micronesia is a steadfast United States ally, consistently supporting American positions, including in conflicts involving China.

Myanmar: Although further from the SCS than other core ASEAN members, Myanmar still aims to use collective bargaining with China to stabilize trade routes.

New Caledonia: Comprised of Pacific islands, New Caledonia will use their position to play China and the United States off one another.

Papua New Guinea: A neighbor to Indonesia and only slightly removed from the action in the South China Sea, Papua New Guinea relies on Australian assistance for its economic development and humanitarian needs. will value stability in the region for economic security.

Philippines: The South and East China Sea is referred to as the "West Philippine Sea" by officials. The Philippines has mutual defense treaties with the United States and has engaged in skirmishes with China and multiple occasions in the South China Sea. Due to the geographic positioning and its strong U.S. alliance, the



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Philippines opposes any strengthening of Chinese influence in the South and East China Sea, and the Pacific Ocean. Philippines claims a portion of the Spratly islands, within their 200 nautical mile Economic Exclusion Zone.

Samoa: Comprised of Pacific islands, Samoa is closely aligned with Washington. The U.S. currently supports a U.S. Peace Corps program, for example, a sign of close cooperation.

Singapore: Geographically the smallest member of ASEAN and bordering the South China Sea, Singapore will use collective bargaining to improve stability in the region.

Solomon Islands: Comprised of Pacific islands, the Solomon Islands have used their position to play China and the United States off one another. It has welcomed military assistance from China, but welcomes American aid, too. The U.S. gives millions in foreign aid. China established diplomatic relations in 2019.

Taiwan is not in ASEAN (all ASEAN member states diplomatically recognize only China, not Taiwan) often seen as the first domino in any large-scale military conflict involving China in the region. Taiwan opposes anything that would strengthen Chinese influence. Territorial claims by China in the South and East China Seas are resisted by Taiwan. The Senkaku/Diaoyu islands are claimed by Taiwan as well. Although Taiwan does not support China's claim, they also do not support the current Japanese occupation.

Thailand: Among ASEAN member states, Cambodia and Thailand are most sympathetic to Chinese demand in the South China Sea. Neither country has a sea claim contested by China. But they have coastlines on the gulf of Thailand, and require cooperation with neighboring ASEAN members, making everything about this issue sensitive and difficult. Both countries will strive to avoid the issue, keep it off the ASEAN agenda, and minimize discussion. If it must be

addressed, they will try to limit it to scientific and technical issues only.

Timor-Leste: could seek collaboration with neighboring Australia or neighboring core ASEAN members. The instability in the region is not desired by this nation.

Viet Nam: A member of ASEAN and claimant to a portion of the Paracel and Spratly islands, Viet Nam opposes China's Nine Dash Line claim. A neighbor to China, armed conflict is especially undesirable, especially considering the nation's reluctance to work with the U.S. military. Viet Nam could choose to pick a side between two superpowers, but this seems highly unlikely. Above all else, Viet Nam seeks peaceful solutions to territorial disputes.

Some Possible Proposals for Action

Controversies over the South China Sea are painful for the member states of ASEAN at ODUMUNC. The member states all want their borders respected, including maritime borders and Economic Exclusion Zones. But they also need good relations with China to ensure their own economic development. ASEAN generally avoids confrontation, preferring to work through *consensus* between its members and with other countries, including China.

The expectation of consensus often makes it difficult or even impossible for ASEAN to act decisively. The organization's preference is to avoid hard decisions rather than make wrong decisions. Consequently, its member states often are left alone to pursue disputes such as the South China Sea by themselves, or in cooperation with external allies such as Australia, Japan and the United States. Alternatively, the member states of ASEAN may decide their interests are best served by accepting Chinese dominance and better



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coordinating their policies to serve China's goals:

ASEAN can state its support for the sovereignty of its member states and call for international respect for their land borders, maritime borders and Economic Exclusion Zones. Such a statement would gain the most support if it were addressed to the entire international community and did not target any particular country, issue or location.

Finally, a more divisive proposal, likely to lose the support of some ASEAN member states—would **name particular countries or organizations** involved in attacks on the sovereignty and territorial integrity of ASEAN member states. Because naming China is almost certain to result in heavy retaliation, such as trade sanctions from China or even military or quasi-military action, many member states will resist such proposals, or find ways to dilute them to reduce the danger of raising tensions.

ASEAN can recommend or even draft a new **Maritime Code of Conduct** from all countries in the South China Sea. This would start with international law, under the UN Convention on the Law of the Sea, and invited the international community to reaffirm their commitment to these principles. The document could be written by ASEAN at ODUMUNC, or just requested to be written later.

A Maritime Code of Conduct could be addressed to the entire international community, avoiding controversy by not naming a specific

region or countries. It might ask the international community to assure the right of free transit for all shipping, civilian and military everywhere. It could ask all countries to respect all maritime borders and all Economic Exclusion Zones.

As part of a **Maritime Code of Conduct**, ASEAN could call on all its member states and neighboring countries to **reduce their naval and coast guard presence** in the region, or even to disarm their forces. This would be resisted by member states who want to improve their military preparedness to match the challenge from China and cooperate with outside allies like Australia, Japan and the United States. This would be challenging to find agreement on but could pave the way for greater regional security.

More provocatively, and least likely perhaps, a Maritime Code of Conduct could specifically call on countries to ensure equal access to territories beyond the twelve nautical mile limit, maybe even specifying territories such as the reefs, shoals and artificial islands of the South China Sea.

Finally, ASEAN member states could move in the opposite direction, avoiding confrontation with China by accepting China's leadership and military presence in the region. ASEAN could welcome Chinese power and ability to ensure stability for trade and prosperity. ASEAN could urge its members to give up their connections to external allies such as the United States, in order to strengthen regional stability, even at the expense of loss of national independence and sovereignty.



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Toward an ASEAN code of conduct for states in the South China Sea



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