

MASTERARBEIT | MASTER'S THESIS

Titel | Title

The South China Sea Conflict: What are the ASEAN's Tools and Mechanisms to Enhance Regional and Global Security in this Maritime-Territorial Dispute?

verfasst von | submitted by

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angestrebter akademischer Grad | in partial fulfilment of the requirements for the degree of
Master (MA)

Wien | Vienna, 2025

Studienkennzahl lt. Studienblatt |
Degree programme code as it appears on the
student record sheet:

UA 067 805

Studienrichtung lt. Studienblatt | Degree
programme as it appears on the student
record sheet:

Individuelles Masterstudium Globalgeschichte

Betreut von | Supervisor:

ao. Univ.-Prof. Mag. Dr. Friedrich Edelmayer MAS



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Acknowledgements

I would like to express my sincere gratitude to all those who have supported me in various ways, from the early stages of preparation up to the submission of this master's thesis. This work is the outcome of many in-depth self-reflections, discussions, and insights, made possible thanks to the guidance and encouragement of my professors, fellow students, friends, and, above all, my family.

I am especially grateful to Professor Juliane Schiel and Professor Christian De Vito for their strong commitment during the Graduate College I–II seminars. Their highly valuable feedback has greatly shaped the conceptual and methodological planning process of this thesis. I would also like to extend my deepest thanks to my supervisor, Professor Friedrich Edelmayr, who has played an integral role throughout my academic year 2024–2025 at the University of Vienna, both as a professor in a research seminar and as my thesis supervisor. His extensive knowledge of the South China Sea has enriched my research immensely.

Furthermore, my internship experiences over the past two years and the inspiring personalities I had the privilege to meet along the way have greatly contributed to the consolidation of my research interest in international security affairs, particularly in relation to the South China Sea conflict. The exchange of views with high-level experts from different sectors has further sharpened my focus on the pressing geopolitical and global economic issues of our time.

Finally, I dedicate my sincere gratitude and appreciation to my family — Bố, Mẹ, Đức, and Thắng — as well as to Victoria and Joshua, for their endless support throughout the past months, and years of study. Together, we have come a long way, and the journey was not always easy. Thanks to your support, I learned to embrace both foreseen and unforeseen changes along my academic path and, when necessary, to go the extra mile — later looking back with satisfaction at how things turned out. I am deeply grateful for your encouragement to keep going and to reach my full potential, especially on the difficult days. It is this unwavering support network that has always stood by my side and truly believed in my strength to complete my master's degree successfully.

Abstract (deutsch)

Der Konflikt im Südchinesischen Meer (SCS) ist einer der komplexesten maritimen Territorialstreitigkeiten der heutigen Zeit. Er vereint das Problem der historisch ungeklärten Territorialansprüche, strategischen Wettbewerb um Rohstoffe, die Kontrolle über globale Seehandelsrouten und zunehmende Spannungen im Kontext der U.S.-China Rivalität. Die relevanten Akteure in diesem Konflikt sind zahlreich und sind nicht nur regionale oder externe Staaten, sondern auch transnationale Akteure in Form von internationalen und regionalen Organisationen wie der Vereinigung südostasiatischer Staaten (ASEAN). Die vorliegende Arbeit untersucht die Rolle der ASEAN bei der Bewältigung der komplexen Sicherheitslage im SCS. Eine Analyse der institutionellen Rahmenbedingungen und präventiv-diplomatischen Strategien soll die Wirksamkeit und Schwächen vorhandener Mittel und Maßnahmen der ASEAN aufzeigen.

Die ASEAN verfügt über eine Vielzahl bedeutender diplomatischer und institutioneller Instrumente, die auf eine friedliche Konfliktbewältigung abzielen und auf gemeinsamen Normen und Prinzipien basieren. Ihre Fähigkeit, (informelle) Vereinbarungen vollständig durchzusetzen und eine einheitliche Haltung gegenüber den Machtbestrebungen Chinas zu vertreten, ist nur begrenzt wirksam. Dennoch spielt sie eine insgesamt entscheidende Rolle im SCS, indem sie den Dialog zwischen den Konfliktparteien fördert, vertrauensbildende Maßnahmen vorantreibt und externe Akteure einbezieht, um die eigene Handlungsfähigkeit in Sicherheitsfragen zu stärken. Die vorliegende Masterarbeit schließt mit drei politisch-strukturellen Empfehlungen. Erstens muss ASEAN ihre Haltung vereinheitlichen. Die Grundprinzipien müssen so angepasst werden, dass die zehn Mitgliedsstaaten ausschließlich im Interesse der kollektiven Sicherheit abstimmen und handeln. Zweitens müssen konsensbasierte Blockaden innerhalb der relevanten multilateralen Sicherheitsforen unterbunden werden, um zukünftig messbare Fortschritte zur Deeskalation im SCS Streit zu erzielen. Drittens muss ASEAN den Abschluss eines verbindlichen Code of Conduct (COC) entschlossen vorantreiben und diesen Prozess zeitnahe abschließen.

Abstract (English)

The South China Sea (SCS) Conflict is one of the most complex maritime-territorial disputes in contemporary international relations (IR), involving overlapping yet unclear territorial claims, strategic competition over raw materials, and the control of global maritime trade routes running through the region, and rising tensions among regional and global powers. The relevant actors in this conflict are numerous and not only regional or external states, but also transnational players in the form of international and regional organizations, such as the Association of Southeast Asian Nations (ASEAN). This thesis examines the role of the ASEAN in addressing and mitigating the security challenges posed by the dispute. An analysis of ASEAN's institutional frameworks, diplomatic strategies, and multilateral initiatives such as ASEAN-led multilateral dialogue forums will examine the effectiveness and limitations of these instruments and mechanisms.

ASEAN possesses a set of meaningful diplomatic and institutional tools aimed at peaceful conflict management through shared norms and principles. Its capacity to fully enforce (informal) agreements and assert a unified stance against Chinese power aspirations, however, remains constrained. Nevertheless, ASEAN continues to play a crucial and stabilizing role in the SCS by fostering dialogue between conflict parties, promoting confidence-building measures, and engaging external actors to increase its capability to act in security issues overall. This work concludes by formulating three policy recommendations to strengthen ASEAN's position ensuring regional and, therefore, global stability and safety. First, ASEAN needs to unify its stance by modifying its core principles to ensure that its ten members always act in the association's collective security interest. Second, the occurrence of consensus-based deadlocks within the multilateral security forums must be reduced to enable ASEAN's tangible progress in the SCS dispute. Third, there needs to be a clear sign of determination towards China to complete and finalize the Code of Conduct (COC) negotiations, if necessary, without China.

Abbreviations

ADMM-Plus	ASEAN Defense Ministers' Meeting Plus
ADR	Alternative Dispute Resolution
AI	Artificial Intelligence
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
APEC	Asia Pacific Economic Cooperation
ATP	ASEAN Plus Three
BRI	Belt and Road Initiative
CA	Conflict Analysis
CAR	Conflict Analysis and Resolution
CG	Coast guard
CM	Conflict Mapping
COC	Code of Conduct
CR	Conflict Resolution
DOC	Declaration on the Conduct of Parties
EAS	East Asia Summit
EDCA	Enhanced Defense Cooperation Agreement
EEZ	Exclusive Economic Zone
EDL	Eleven Dash-Line
et. al	et alia, and more
EU	European Union
FONOPs	Freedom of Navigation Operations
Ibid.	ibīdem, in the same place
IR	International Relations

ITLOS	International Tribunal for the Law of the Sea
MAD	Mutually Assured Destruction
Mercosur	Common Market of the South
MS	Member States
NATO	North Atlantic Treaty Organization
NDL	Nine Dash-Line
NGO	Non-Governmental Organization
No.	Number
PCA	Permanent Court of Arbitration
PR	Policy Recommendation(s)
PRC	People's Republic of China
RCEP	Regional Comprehensive Economic Partnership
RO	Regional Organization
ROC	Republic of China (Taiwan)
ROK	Republic of Korea, South Korea
SCS	South China Sea
SEA	Southeast Asia, Southeast Asian
SLOC	Sea Lines of Communication
TDL	Ten Dash-Line
TI	Transparency Initiative
TNA	Transnational Actor
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNCLOS	United Nations Convention on the Law of the Sea
UNMAS	United Nations Mine Action Service
UNTS	United Nations Treaty Series

U.S.	United States of America
WTO	World Trade Organization
WWI	World War I, First World War
WWII	World War Two, Second World War
ZOPFAN	Zone of Peace, Freedom, and Neutrality

Chapter 1

1. Introduction

Developments in recent years and decades point to an increasing trend: the maritime sector is increasingly becoming the arena of geopolitical power interests in the struggle for scarce resources, territorial expansion, and (historical legitimized) territorial claims. Recent and still unresolved incidents in the Baltic Sea such as the 2022 explosions of the Nord Stream natural gas pipelines with the ability to deliver 110 billion cubic meters of gas to Europe each year (Chestney & Steitz, 2025), cut undersea fiber-optic cables in late February of this year running between the Latvian city of Ventspils and Gotland linking Lithuania and Sweden and Finland and Germany (Paternoster, 2025), or the Houthi rebels attacks on container ships in the Red Sea in response to Israel's intervention in Gaza since the Hamas attack October 7, 2023 all show that the maritime domain has become the most prominent arena of modern-day great power rivalry due to its strategic immensity and opportunities for covert action (Swistek & Paul, 2023). Moreover, the maritime sphere has become a playing field of geo-economics in the sense that attacks on or blockages of maritime trade (e.g. retaliation acts) of vital shipping lanes (geo-economic account points) by directly or indirectly involved actors shall result in delays and negative consequences in global trade. Disruptions in complex trade structures and dependencies in contemporary global trade are then intended to cause shortages and complications, urging the conflict actors to bring about a certain outcome of the conflict.

Such geostrategic and geo-economic hubs are also located in the Indo-Pacific region, which is increasingly subject to conflicts over resources, hybrid challenges, technological changes, and trade wars given that the Strait of Taiwan, Strait of Malacca, and the sea lanes passing the Spratly Islands in the SCS are among the so called geopolitical “chokepoints” in Southeast Asia (SEA). Chokepoint refers to narrow passages along a waterway that is vital for global trade as the ship lanes located here are often the shortest and thus most efficient routes between major ports or regions (Global Guardian, 2024). These maritime trade routes and chokepoints in SEA used to be the “Early Maritime Silk Roads” (UNESCO, 2025g) transporting a wide range of goods from ports on the Indian sub-continent to SEA and further East. Today, half of

the world's shipping passes through the Sea Lines of Communication (SLOCs) in SEA, and they remain critical chokepoints for trading nations, the regional claimant states, and great powers like China and the U.S. alike. As mentioned before, a blockage of these vital sea lines could have major geo-economic effects and cause a world-wide shipping shortage (Noer, 1996), and at least in the short term, place severe pressure on different interconnected and globalized economies. The SCS is one of the most important SLOCs in the world, strategically positioned in terms of military and trade flow, and replete with marine natural resources, estimates of which are likely to increase exponentially once the studies regarding oil and gas resources in the region are complete and full extraction operations are underway (Simões, 2022). In addition to its geo-economic significance, the SCS is also subject to a long-standing and complex geopolitical dispute involving several countries in SEA as well as external actors such as the U.S. At the heart of the conflict are competing territorial claims over a resource-rich and strategically significant maritime area of approximately 3.500.000 square kilometers extending from the Strait of Malacca in the southwest, to the Strait of Taiwan in the northeast (Guo, 2018). The SCS stretches from Singapore and the Strait of Malacca in the southwest to the Strait of Taiwan in the northeast (EIA, 2024), encompassing hundreds of small islands, rocks, reefs, of which the majority are located in the Paracel and Spratly Island chains (Ibid., 2024). It further covers an area of approximately over 500 million people from several East- and SEA countries due to its borders to China, Vietnam, the Philippines, Indonesia, Malaysia, Singapore, Brunei, and Taiwan.

The SCS is not only a critical world trade route due to its vital shipping lanes as mentioned before but is also abundant fishing grounds, and reserves of oil and natural gas, therefore holding high potential to be a source for hydrocarbons and making it a focal point for economic and military interests by different regional and non-regional actors. As for 2023, ten billion barrels of petroleum and petroleum product and 6.7 trillion cubic feet of liquefied natural gas passed through the SCS (EIA, 2024). On a broader scale, the SCS conflict has serious implications for the freedom of navigation, regional stability and beyond as the multifaceted relevance of this marine area attracts the interest of many regional and external stakeholders. As tensions persist, the SCS remains a “strategic flash point” (Choephel, 2024) between China, the other SEA claimant states, and the U.S. with the potential to impact global trade, security alliances, and the balance of power in the whole Asia-Pacific region.

1.1 Research problem

When trying to resolve the conflict and contributing towards more stability and security in the SCS, it is not only the regional claimant states or traditionally the great power U.S. that should be considered. Instead, it is also worth looking at non-state actors, such as the ASEAN as the relevant Regional Organization (RO) in SEA regarding its potential of conflict minimization and resolution. ASEAN was established in 1967 with the purpose to promote regional peace, stability, and economic growth among its now ten SEA member states through cooperation and mutual respect for sovereignty (ASEAN, 2025a). Having such an RO was necessary after the end of the Cold War in the 1990s. The end of bipolarity led to a more complex and multipolar regional landscape with a great potential of economic expansion and growth in SEA, prompting ASEAN to adapt its approach to regional security and economic cooperation (Shan-Loong, 1999). Three decades after ASEAN's founding, the RO is confronted with several political and security uncertainties in the SEA region, such as the ongoing civil war in Myanmar and particularly the SCS conflict. Even though ASEAN was founded with the primary goal of being an economic alliance, the association also takes positions on conflicts of a security policy nature. This is necessary given the fact that the SCS conflict is taking place right "on the doorstep" of some of its members. Any short- or long-term military escalation in the region would have direct consequences for the trade and prosperity of several ASEAN member states (MS) and the entire region.

Engaging in the SCS to contribute to more stability and security has two major benefits for ASEAN. First, its engagement in the SCS conflict provides another platform for some of its members (Vietnam, the Philippines, Malaysia, and Brunei) to assert their territorial claims and economic rights (in accordance with international maritime law) more effectively against China. Second, implementing and enforcing appropriate conflict prevention measures can guarantee peace, security, and prosperity in the entire ASEAN region, which is home to lots of growing economies in SEA. These economies in the ASEAN region are deeply embedded in global trade because of globalization, decoupling efforts of European companies from China and thus the relocation trend of Western firms from East to SEA. ASEAN is aspiring to ascend as the world's fourth largest economy, a milestone envisioned in the ASEAN Community Vision 2045 (ASEAN, 2025c). Given the several benefits and risks that the

developments in the SCS could have for several ASEAN members in the future, ASEAN is a particularly interesting actor in this conflict, whose interventions as a mediator offer great opportunities for de-escalation in the SCS. This thesis, therefore, focuses on ASEAN's structural and instrumental tools for achieving greater security and stability in the region.

1.2 Research objective and relevance

Some claim that ASEAN largely pursues a hedging strategy and limited alignments to avoid escalating tension in the SCS (De Castro, 2025). Hedging is defined as a comprehensive foreign policy strategy that mixes competitive and cooperative approaches and is used to manage competing national interests in times of an uncertain power distribution (Gonzalez-Pujol, 2024). This paper, therefore, examines specific measures and instruments that ASEAN already put in place to have a de-escalating effect in the SCS. Based on these findings, policy recommendations are being formulated in point 17 of Chapter 6, showcasing to what extent existing measures can be enhanced and expanded for the purpose of greater effectiveness towards more security and stability in the SCS.

Overall, there is a need for a solution-oriented approach that not only ensures security, stability, and ultimately peace in the SCS but is also 'realistic' and 'feasible' in view of the tense (geo-) political circumstances: China does not want any "Western interference" in the SCS and asserts that particularly the U.S. should not take sides in this conflict as this would undermine China's sovereignty and security (ISDP, 2016). The objective should, therefore, be to find an approach/solution where ASEAN as a collective of several regional and directly involved states acts as the leading institution/actor to bring more stability and security to the SCS region. The reasoning behind this idea is that a regional actor functions as the 'driving motor' of a long-lasting and effective solution in this conflict. With the creation and implementation of suitable instruments, tools, and mechanisms towards stability and security in the SCS, ASEAN could not only defy its critics' opinions after which it is often too 'neutral' and inefficient, but ASEAN could also send an important signal on the global level that ROs are indeed capable of enforcing binding rules in accordance with international law and ensuring peace and security in their own region.

Chapter 2

2. State of research

The existing literature on the SCS conflict can be described as both multidisciplinary and extensive, reflecting the conflict's geopolitical, legal, economic, and environmental complexity in its full range. Existing SCS literature can be grouped into five categories, each with their own focus, priorities, and aims. Available literature on the SCS conflict belongs to the domains of strategic analyses, legal scholarship, military studies, environmental analyses, and ASEAN-adjacent reports.

2.1 Geopolitical and strategic analyses

This research and literature category is, to a large part, conducted by national and regional think tanks, research centers, institutes that focus on global issues evolving around security, defense, and development in the global economy. In the SCS conflict, the experts and senior fellows at these specialized institutes aim to understand the underlying power dynamics among claimant states, China, and major external actors (e.g., the U.S.) in the region. The work of these fellows tends to focus on China's maritime expansion, gray zone tactics, and U.S. Freedom of Navigation Operations (FONOPs). This type of existing research and literature seeks first to explore the previous course (historical roots) of the conflict before formulating predictions and likely scenarios for future analysis. The insights and predictions gained from these geopolitical and strategic analyses can therefore also be helpful for other, similar conflicts in the region and beyond.

Within this literature domain, the SCS conflict is generally analyzed on a binary level, with only two selected states or actors used as a case study for generalized simplification. The dynamics and respective tactics observed in this country-specific analysis are then used to derive and conclude much broader implications for the entire SCS conflict. Leading examples for this approach are the analysis of the power dynamics between China and Vietnam, China, and the U.S., and especially China and the Philippines. The U.S.-China competition in the SCS presents a comprehensive “bigger” picture of the power interests of two major powers in the Indo-Pacific. Due to

shifting power dynamics and existing asymmetries in the SCS conflict, the analysis of some SEA middle powers' foreign policy strategies (e.g., the Philippines and Vietnam) can be particularly interesting to use as a lens for greater analysis. For instance, papers, reviews, and scholarly reports on the SCS arbitration case (and its historical background) are particularly abundant in the existing SCS literature. The Philippines set a historic precedent in 2013 by choosing to take legal steps at the International Tribunal for the Law of the Sea (ITLOS) rather than taking military measures. Opening these bilateral tensions up to the international community was a historic event, as no other SEA claimant state has chosen this path before. The 2016 court ruling demonstrated the binding nature and enforceability of international maritime law (UNCLOS) and continues to shape the way international researchers, policy makers, and SCS experts view this conflict today. Literature of this type often analyzes the historical-political relationship between the two actors. This generally takes the form of a balance between historical claims made on each side and the national strategies and tactics derived from these factors. The Philippines, again, provides a good case study for this type of literature within the SCS conflict in view of the longstanding bilateral tensions between the Philippines and China over island chains and maritime territory.

Important literature here is, among others, Robert D. Kaplan's book "Asia's Cauldron" (2015), in which the SCS is being seen as a tense region where the territorial disputes can easily escalate into a broader, global conflict. This book highlights the SCS region's relevance for geopolitics because it embodies a crucial arena whose stability may determine prospects for global war, cooperation, and peace.

2.2 Legal scholarship

The focus of this research domain is on the compliance with or breach of binding international maritime law in the SCS area. Unlike strategic analyses, these documents are published by legal experts in journals specialized in international law. The 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides a comprehensive and legally binding framework for all economic activities as well as the procedure for a peaceful dispute settlement with regard to the international navigation and the use of marine resources. Mensah (1997) highlights the need for such dispute settlement mechanisms in the maritime sphere as differences can always arise with respect to the interpretation or application of the provisions relating to the powers,

rights, and obligations of the coastal states vis-à-vis other states in the maritime zones declared to be within national jurisdiction, or those dealing with the powers and responsibilities of other states engaged in activities in the international waters. UNCLOS was adopted to ensure order and stability in the world's oceans, avoid conflicts on the use of marine resources, manage resources sustainably, and set environmental standards, while respecting the sovereignty of states. In this respect, legal literature on the SCS conflict mainly deals with the legality of China's historical claims on the ownership over certain islands and entire island chains, as well as the unilaterally imposed NDL that claims more than 80 percent of the SCS (Tacujan, 2024). The UNCLOS from December 10, 1982 is published on the UN's website as part of the UN's official document volume and can be found under the signature "A/CONF.62/122"¹. Also, a certified true copy of the 1982 UNCLOS was published in 1994 in the UN's Treaty Collection² as part of the UN Treaty Series (UNTS) under Chapter XXI "Law of the Sea". This legal document is a central component of this master's thesis, particularly in Chapter 5 on the detailed analysis of the SCS arbitration case, given that the Permanent Court of Arbitration (PCA)-led arbitral procedure was based on the UNCLOS provisions.

Among the starting points of texts belonging to this kind of legal scholarship is China's first publication of the NDL in 2009, which marks the first official rejection of international law in maritime dispute settlement. The "Note Verbale" from the Permanent Mission of China to the UN Secretariat on April 27, 2009 is publicly available in the UN Digital Library³ as a PDF document with the filename "A_63_840". In the submission of notes to the UN Secretary-General, China claimed it had undisputable sovereignty and jurisdiction over its islands and adjacent waters as well as seabed and subsoil thereof in SCS, and that as titleholder, it has the right to decide whether, when and how to utilize these island chains and natural resources therein, to make and maintain physical presence there, and to install military and non-military facilities for the purpose of self-defense and protection of Chinese fishing and other economic and non-economic activities (Shen, 2002).

¹ Link to website:

https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.62_122.pdf

² Link to website: https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en

³ Link to website: https://digitallibrary.un.org/record/653697?utm_source=chatgpt.com&v=pdf

The arbitral proceedings in the Hague from 2013-2016 in the case of the Philippines vs. China are another focus of legal scholarship on the SCS dispute. Guided by the provisions under the 1982 UNCLOS, the PCA Award in 2016 has since served as a legal precedent in the further SCS conflict by declaring Chinese historic and territorial claims in the SCS to be incompatible with the Convention and thus representing a clear victory for the Philippines as a smaller SEA middle power under international law. The published files of the SCS Arbitration (Case No. 2013-19) are accessible on the PCA website⁴ under the section “Cases”. Under the section “Documents” of the respective website, all corresponding case documents are listed consisting of the Rules of Procedure (August 27, 2013), Procedural Order No. 1 – 4 from August 2013 until April 2015, the Award on Jurisdiction and Admissibility (October 29, 2015), and the final Award (July 12, 2016). Adding to this, the entire arbitral proceeding was published as a printed work in 2019 as part of the PCA Award Series, which can be accessed on the PCA website under the section “Resources”⁵. Part 1 of the series contains the Rules of Procedure, the Award on Jurisdiction and Admissibility), and the corresponding press release, whereas part 2 contains the 2016 Award and its press release.

2.3 Security and military studies

Similar to the geo-strategic and geopolitical analyses in the field of IR mentioned in point 2.1, existing research papers and literature of this kind take on a strategic and global perspective and approach regarding the SCS conflict, though with a direct focus on military and security. Besides journals, institutes, and think tanks specialized in defense and strategic studies, this type of research is dominated to a large part by (former) high-ranking military officers/personnel and military experts at U.S. military academies and colleges such as the U.S. Army War College in Pennsylvania and the Military Academy West Point in New York. While writing from this group focuses on aspects of the conflict such as naval modernization, militarization of islands, defense alliances, and joint exercises, China's artificial island bases and U.S. allied military presence and cooperation (e.g., through FONOPs) as means to increase deterrence dynamics and more resilience, regional middle powers are often subject to existing security and military studies literature. One example of important literature in this field

⁴ Link to website: <https://pca-cpa.org/en/cases/7/>

⁵ Link to website: <https://pca-cpa.org/en/resources/publications/>

is Barry R. Posen's book "Restraint" (2014), in which the author argues for U.S. grand strategy by focusing on core national interests and reducing military and costly commitments abroad. Though this book does not focus on the SCS directly, the call for a decline of U.S. global dominance to lower extensive U.S. military engagements in regions like the Indo-Pacific gives a realistic outlook on future engagement of the U.S. military and navy in the SCS conflict. The advocated decline of U.S. engagement (e.g., in the SCS) must be critically assessed in the context of China's growing politico-economic influence in Asia-Pacific. Looking at the SCS conflict through a military lens, therefore, enables a military-strategic way of thinking about the further course of the conflict and the extent to which strategic competition between the great powers (U.S. and China) could affect the further course in the SCS.

2.4 Resource and environmental studies

Existing literature of this kind deals less with the geopolitical or geo-economic implications of this territorial dispute but rather with viewing and analyzing the conflict on the environmental level, emphasizing the ecological impacts in the area which is characterized by great marine biodiversity. The research and literature in this category aim to fill in for what some environmental experts find to be a gap in the discussion of how to properly approach this complex and multi-faceted maritime conflict. Some claim the SCS dispute is mostly viewed through a security policy lens whereas too few scholars recognize that the major and often neglected victims of geopolitical tensions are the region's biodiverse but also extremely fragile ecosystems (Hager & Höra, 2023). These are not only inadequately protected by the competing riparian states but are also actively destroyed in the search for strategic advantages (Ibid., 2023). Resource and Environmental Studies, therefore, shed light on the SCS's marine biodiversity under threat in the face of intense competition over natural resources such as oil, gas, and fisheries as well as the ecological impacts because of overfishing and maritime environmental degradation caused by the claimant states.

Journals focusing on environmental law, national authorities specialized in marine policy, and reports by the UN or Non-Governmental Organizations (NGOs) are the institutions and driving forces behind the environmental-based SCS literature. For example, research on the environmental, territorial, and economic implications of marine pollution in the SCS by Wallner Licence (2024) and the dynamical impact of

the Mekong River plume in the SCS by Zeng et al. (2021) are research projects/papers that represent some of the leading works in the field of resource and environmental research.

2.5 The role of ASEAN in the SCS

Literature of this type is primarily concerned with the ongoing COC negotiations in the SCS as well as the work of specific dialogue platforms such as the ASEAN Regional Forum (ARF), which was established in 1994 and serves as an important platform for the security dialogue regarding the SCS conflict. The ARF does so by providing a setting in which ASEAN MS can discuss current security issues and develop cooperative measures to enhance peace and security in the Indo-Pacific region (Australian Government, 2025b). There are also several existing dialogue platforms that involve only ASEAN MS as well as those including certain external/non-regional actors, e.g., the recent ASEAN-China SOM-DOC in February 2025 to further review and discuss the implementation of the Declaration on the Conduct of Parties in the SCS (ASEAN, 2025d). Negotiations on the COC commenced in March 2018, and the ASEAN MS and China declared themselves "politically committed" to concluding the COC by 2026 (Rocamora, 2025).

Existing documents (resolution papers, concluding remarks, press statements) related to ASEAN's work and activities regarding the SCS conflict are mostly produced and published by the ASEAN Secretariat and its respective dialogue platforms, summits, and forums following up on important meetings and events. Particularly useful for this master's thesis are, therefore, excerpts from the ASEAN Regional Forum (ARF) Annual Security Outlook from 2005 to 2024 and the Chairman's Statement summarizing the respective forums. These official statements as well as annual security outlooks are available online in the ARF publications⁶ under the section "Annual Security Outlook" and "ARF Document Series 1994-2006". As for the ASEAN Defence Ministers' Meeting-Plus (ADMM-Plus) being the crucial security forum of ASEAN, relevant documents for the analysis of ASEAN's tools/ mechanisms in the SCS are Joint Declarations and Joint Statements adopted at meetings, such as the Vientiane Joint Declaration of the 18th ADMM in November 2024. These are high-level documents reflecting the collective decisions and aspirations of the ADMM-Plus

⁶ Link to website: <https://aseanregionalforum.asean.org/librarycat/arf-publications/>

members (ASEAN, 2025e) and are publicly accessible on the ADMM's website under the section "ADMM Plus Joint Declaration"⁷ ranging from declarations from 2002 to 2025. Other sources are found in the official government (press-) statements of ASEAN member states and in research papers of ASEAN/SCS experts working in foreign policy think tanks such as the ISEAS - Yusof Ishak Institute, one of the leading institutes on SEA affairs.

While existing dialogue and cooperation formats/platforms aim to promote regional institution-building, multilateral diplomacy, and confidence-building measures in relation to China and among the SEA claimant states themselves, some scholars express their skepticism concerning ASEAN's effectiveness in managing the SCS conflict. Dominant skeptics of this kind are pessimistic about ASEAN's ability to act and to bring about long-lasting improvement in this dispute. "[I]f ASEAN is not recognized as a legitimate party in dispute management, it must establish recognition as a goal to enhance its ability to act." (Hu, 2021: 3) Skeptics' arguments build on three main aspects. First, ASEAN fails to support its claimant members' interests in the SCS (Ba, 2016b: 104) and to firmly confront China's unilateral claims (Le Thu, 2019: 21). Second, ASEAN is not unified and has been ineffective in managing the disputes or preserving its self-proclaimed leadership and centrality in regional affairs in light of China's superior economic and military power in the region (Cook, 2018: 63-64). Third, China manipulates ASEAN's working mechanism, by concluding trade agreements and conventions with individual ASEAN MS on the bilateral level, therefore indirectly influencing ASEAN's work and its effectiveness in managing the SCS dispute. This perspective emphasizes ASEAN's struggle for unity and against member state divergence, given that its internal working mechanism is characterized by consensus decision-making, face-saving, and informality (Beeson, 2020: 575). Critical positionings in this kind of scholarly work acknowledge that some of the ASEAN MS do have shared interests and a common policy regarding managing SCS disputes but that China's influence on individual members is strong and often undermines ASEAN's internal effectiveness (ability to act) and external effectiveness (goal attainment, e.g., the successful conclusion of a binding COC) (Hu, 2021: 12). Therefore, "ASEAN's

⁷ Link to website: <https://admm.asean.org/index.php/2012-12-05-19-05-19/admm-plus/2013-01-30-04-3102.html#:~:text=Downloads%20%7C%20ADMM%20Plus%20Joint%20Declaration%20%7C%20Public%20Library>

ability to compel China to accept the organization's preferences by utilizing its power resources/instruments is vital for its external effectiveness." (Hu, 2021: 12)

3. Added value

The existing literature on the SCS conflict is broad in terms of the domains that offer different lenses regarding the consequences of this dispute. What is missing in the current state of research is a more comprehensive and overarching perspective (away from the binary perspective, e.g., the Philippines vs. China) on all actors and by extension more research at the transnational level by focusing on ASEAN's potential to handle this conflict effectively. While previous literature on the SCS has primarily focused on the weaknesses and shortcomings in international maritime law and the geopolitical/geo-economic implications of the conflict, this master's thesis aims to identify ASEAN's instruments and mechanisms to bring about more security and thus stability. More regional stability would consequently lower the occurrence of any unlawful activities to change the status quo in the SCS. The work at hand, therefore, builds on the existing research and scholarly work and contributes to this field of SCS literature by providing a conflict resolution-oriented analysis with the focus on ASEAN as a RO with the potential to create more stability (and possibly peace) in the SCS. This ASEAN-focused approach is rather unexplored and missing from the literature compared to other categories of existing SCS works. The benefit of such an approach is twofold. First, it widens ASEAN's 'toolbox' of potential actions/strategies in the SCS conflict. Second, other (external) actors can adapt the way they approach and work with ASEAN as a key actor in this dispute.

Chapter 3 – Theories

Two theories will be used in this master's thesis. This methodological decision shall provide a multidimensional theoretical foundation for 1) the analysis of ASEAN's tools and mechanisms for enhanced stability and security in the SCS and 2) understanding the tactical/strategic behavior of the claimant states in this conflict.

First, liberalism is appropriate as the main theoretical lens for this master's thesis for several key reasons. The liberal theory focuses on the role of international institutions, multilateralism, and cooperation in mitigating conflict and promoting peace. ASEAN itself is a RO built on these liberal principles. Applying liberalism on the thesis topic, therefore, enables an in-depth analysis of existing ASEAN tools. The RO's mechanisms of institutional cooperation aimed at managing tensions and preventing escalation in the SCS can then be assessed in terms of its potential of improvement to reach higher effectivity in enhancing stability and security in this conflict. Also, the liberal theory's expectations of peaceful conflict management through dialogue and economic interdependence to reduce the likelihood of conflict fits the ASEAN's approach in the SCS, which seems to be based primarily on the diplomatic and consensus-based level (peace through dialogue and diplomacy as the *modus operandi*). The self-promoted "ASEAN Way" (Mahaseth & Narain, 2022) further emphasizes the importance of shared norms in SEA, which also fits liberal values emphasizing the power of norms in shaping the behavior between states. The assumption from a liberal point of view holds that a state or non-state actor representing a set of principles should have a defined set of values and principles and must act in accordance with them during both difficult and not-so-difficult times so as to maintain a political order embodying different forms of integration (Deudney & Ikeberry, 2018). Finally, the liberal theory presents a suitable main theory in this research given that it is not only ASEAN but also other relevant legal institutions in this conflict that act in accordance with international law (e.g., arbitral tribunal under UNCLOS) and thus demonstrate the growing importance of non-state actors, transnational organizations, and multilevel governance in IR.

Second, Sir Julian Corbett's Naval Power Theory, outlined in *Some Principles of Maritime Strategy*⁸ (1911), offers strategic insight into military dynamics and the importance of maritime control, especially in contested waters like the SCS. The conceptual idea of this thesis is that the liberal perspective, with its focus and analysis of the institutional level, shall be complemented by the strategic lens of naval warfare. While the liberal theory thus allows to explore ASEAN's options for action as TNA at the regional (and perhaps international) level to reduce/prevent further tensions in the SCS dispute, the naval power theory focuses on the tactical behavior of the several

⁸ Source: Julian Stafford Corbett (1911). *Some Principles of Maritime Strategy*. First Edition. London: Longmans, Green and Co.

claimant states in this (asymmetric) conflict at sea. Corbett's key principles can, for example, explain how the use limited maritime presence and partnerships with external powers like the U.S. can help SEA middle powers to bolster their negotiation position despite existing power asymmetries vis-à-vis the regional superpower China. Also, the naval power theory can help to understand China's use and implementation of certain gray-zone tactics (e.g., artificial islands). Overall, Corbett's theory seeks to explain how naval power is used as a political instrument to gain control (command of the sea) over a contested maritime area and thus to achieve a nation's goals and interests. Altogether, the double-use of the liberalist main theory with the sub-theory on naval power creates a multidimensional theoretical foundation for the analysis of ASEAN's tools and mechanisms for more stability and security in the SCS.

4. Liberalism

The ASEAN's tools and instruments for achieving more security and stability in the SCS shall be analyzed through a liberal lens. Liberalism is one theoretical tradition in IR and the study of international security (Silverstone, 2021). Liberal theories emphasize how rules and institutions can help self-interested states achieve mutual interests; they see economic interdependence as a potent incentive for states to avoid war; and they argue that democracies enjoy more peaceful relations with other democracies (Ibid., 2021). Liberal IR theory stresses the fact that the relationship of states to the domestic and transnational social context, in which they are embedded has a fundamental impact on state behavior in world politics (Moravcsik, 1997). Liberalism thus offers alternative means for states and non-state actors, such as organizations seeking security, alternatives that might break the endless competition and warfare that realists see as inevitable in an anarchic world (Silverstone, 2021). The choice of using liberalism as the main theory for this thesis is therefore grounded first, in its focus on institutions and transnational actors (TNAs) in resolving security-related issues/conflicts (instead of the pure focus on states) and second, in its solution-oriented approach by exploring institutional means to avoid war and minimize conflicts.

Liberalism as a social school of thought in IR theory that can claim a heritage that reaches back at least to the Enlightenment period of the 18th century, when the spirit of rationalism, scientific inquiry, and a belief in the potential for human progress came

to dominate the intellectual climate (Silverstone, 2021). Fully developed in the 1970s (Norwich University, 2025), liberalism has made important contributions to the study of security, the role of military power, as well as the role of organizations in establishing the rule of law and peace. While liberalism holds that the state is not subject to external authority of other states nor is it subject to other internal authorities such as the military, this political concept posits that international law organizations and NGOs are equally important factors in world politics (Ibid., 2025).

Apart from the national and international level, liberalism is ideologically committed to analysis on the individual and societal level, in which individuals can pursue and realize their interests (FNF, 2017). The core values of liberalism hereby include:

- **Individualism:** the belief in the importance of the individual over any social group or collective body.
- **Rationalism:** the belief that the world has a rational structure, and that this can be disclosed through the exercise of human reason and critical inquiry.
- **Freedom:** the ability to think or act as one wishes in accordance with self-determination.
- **Responsibility:** being responsible for oneself and one's own economic and social circumstances.
- **Justice:** morally justifiable distribution of rewards and punishment.
- **Tolerance:** forbearance, a willingness to accept views or actions that one disagrees, or of which one disapproves (Ibid., 2017).

As for the state level, which is more relevant for the field of IR, the liberal theory is comprised of three major components:

1. International law

Countries join forces (especially on the UN-level) and sign international agreements and treaties to achieve greater security, stability, and prosperity through clear legal frameworks and binding rules in various fields and areas. UN (or other international body) member states then work together to ensure that all members adhere to international laws. In the event that any members choose not to follow the agreed-upon laws, for instance, if one state violates the territorial coastal water rights of another, it

is up to the other member states to act as moderators, establishing or enforcing legal agreements to ensure a proper resolution to the issue (Norwich University, 2025).

2. Democracies

Another main assumption in liberal theory is that democratic governments mostly focus on maintaining internal stability, ensuring that their respective populations have all their social, political, and economic needs properly satisfied (Ibid., 2025). The integration into the international legal and economic system and the signing of international treaties, as mentioned above, further make it unlikely, and in fact highly unprofitable, to go to war with one another. While many liberal theorists believe that the spread of democracy will result in greater international peace (Norwich University, 2025), the additional accountability of diplomats and government officials by the people or the parliamentary government they represent is another important monitoring function of democratic systems that contribute to maintaining international peace.

3. International cooperation

The expansion of international economic ties based on common interests helps to promote and strengthen neighborly relations between peoples. Economic ties play a very important part in increasing confidence between states, however different their social and economic systems may be (Diatchenko, 1960: 237). According to this logic, the expansion of free trade and market capitalism offers the state the possibility of peace as it promotes peace by removing an important foundation of domestic privilege, protective barriers to international commerce, that enhances the domestic power of societal groups likely to support war, reduces the capacity of free-trading interests to limit aggression in foreign policy, and simultaneously generates political support for the state often used to build its war machine (McDonald, 2004).

With proper diplomacy and the right governing institutions in place, liberal theorists believe that states can work together in security and global trade to maximize prosperity and minimize conflict, ultimately benefiting state actors overall (Norwich University, 2025). The key assumption of peace through (global) trade and close economic ties was long considered undisputed until the Russian war of aggression against Ukraine, starting in 2022, called this assumption into question.

5. Naval power theory

The usage of the theory on naval power in the context of this master's thesis is suitable and practical for three main reasons. First, Corbett's military observations and basic principles of naval warfare (rather than just the conventional form of land warfare) offer valuable insights into the different strategies and logics of maritime military tactics of naval powers vis-à-vis their enemy. Though Corbett wrote for Britain, his writings contain lessons on maritime warfare that are broadly applicable for understanding the choices available to dominant naval powers of today (McCranie, 2025). The challenge for a state with a dominant navy (e.g., China, U.S.) is to use its power at sea in combination with geographic advantages to obtain the greatest possible strategic effects (Ibid., 2025). An enhanced understanding of a naval power's strategic thinking can, therefore, benefit the further study of the SCS conflict, which in itself is a maritime conflict. Understanding that the land power of a state with a strong navy is only as strong as what can be projected and sustained at distance, and that naval dominance in combination with (natural) favorable geography gives states greater strategic choice about when and how to use force is essential when analyzing and assessing China's gray zone techniques by setting up artificial islands and military bases in the SCS as means to expand its sovereign territory (land) artificially. The key principles of naval power can thus provide relevant decision-makers with a clear view of the advantages, limitations, and mechanics of what a dominant navy can accomplish and why (Ibid., 2025). This can then be used to better understand and classify the behavior of the main actors (especially China) in the SCS more precisely and, based on these findings, to seek appropriate and effective strategies by ASEAN towards more security and stability in the region.

Second, the theory, which emphasizes the strategic use of maritime forces to influence desired political outcomes in a limited war without necessarily achieving a large-scale battle, offers a valuable framework for analyzing how ASEAN can leverage maritime cooperation, presence, and legal mechanisms to enhance regional security in the SCS.

Third, Corbett's focus on communication lines as a strategic "lifeline" (Corbett, 1911: 335) for naval powers and therefore their necessity to control free passage in a contested area offers great potential to develop enhanced protection measures for safeguarding global trade routes and SLOCs running through the SCS more strategically and effectively. When applying this theory, however, it is important to

consider the context in which Corbett formulated the principles of the naval power theory. Understanding the context is an essential part of interpreting his theory and will allow for a better understanding of which among his principles apply most effectively in the contemporary security environment in the SCS. With regards to having the command of the sea and controlling maritime communications for instance, it is much more required today – such as leveraging informational, legal, diplomatic, and financial levers of power (McCranie, 2025).

5.1 Context of the theory

A second relevant theory in the framework of this thesis is the conceptualization of naval power by Sir Julian Corbett who was a British naval historian of the late 19th and early 20th century. As the relationship between Britain and Germany shifted from competition to aggression in the First World War (WWI), Corbett emerged as a key historian and strategic thinker - one whose writings sought to provide British leaders with a more complete understanding of what their dominant navy could accomplish in a changing international environment (McCranie, 2025). He based his theory on the observations he made during the Seven Years War that took place between 1756 and 1763. This war was a global contest between the three superpowers of 18th century Europe, France, Spain, and Britain (Baugh, 2011). Especially Britain and Spain are considered the 18th century's leading naval superpowers by many historians. It was also a colonial conflict in which the great powers battled for global colonial dominance, especially in North America and India, which is why the Seven Years War is sometimes also referred to as the 'French and Indian War' (Schumann & Schweizer, 2010). By the end, British power in North America and India had been consolidated and the foundations of its Empire laid, yet at the time both sides saw it primarily as a struggle for security, power, and influence within Europe (Baugh, 2011).

Overall, this war had three major implications for the future world order. First, Britain demonstrated its naval supremacy by achieving dominance at sea, which was crucial for its colonial victories. Second, the 1763 Treaty of Paris ended the war and decided upon a division of the contested territories. Britain therefore gained Canada, Florida, and dominance in India, while France lost most of its North American territories. Third, the Seven Years War had a significant long-term effect on the global scale as the war set the stage for British imperial expansion and financial strains that later contributed to the American and French Revolutions. Not only did Britain emerge as the world's

dominant colonial power, gaining vast territories in North America and increased control in India, but also was the war expensive, leading to a debt crisis and the government seeking for new sources of revenue such as imposing new taxes and trade restrictions on its American colonies (Anderson, 2005).

5.2 Key ideas

Based on Corbett's work, *"Some Principles of Maritime Strategy"* (1911), five key ideas can be identified.

1. Command of the sea

"Command of the sea exists only in a state of war. If we say we have command of the sea in time of peace it is a rhetorical expression meaning that we have (a) adequate Naval positions; (b) an adequate Fleet to secure the command when war breaks out." (Corbett, 1911: 318)

The naval strategy to reach command of the sea is not identical to the military idea of occupying territory. Corbett, therefore, emphasizes that command of the sea is not the same as the "conquest" of a chosen territory, as the sea cannot be the subject of political dominion or ownership (Ibid., 1911: 317). This false understanding is based on a false analogy, which is consequently not a secure basis for a theory of war (Ibid., 1911: 93). This analogy bears the risk of nations entering the conduct of naval war, which can only lead to error, since a sea "[...] is not susceptible of ownership, at least outside territorial waters." (Ibid., 1911: 93) The value of the sea in the political system of the world is to be understood as a means of communication between states so that the "command of the sea" means the control of communications in which the belligerents are adversely concerned (Ibid., 1911: 317). Given that maritime territories cannot be reduced into possession by one party, one cannot subsist their armed force upon it. Apart from this frequent misunderstanding of the command of the sea, Corbett instead views the key objective of a state's naval warfare as follows:

"The [primary] object of naval warfare must always be directly or indirectly either to secure the command of the sea or to prevent the enemy from securing it." (Corbett, 1911: 92)

2. Free passage and communication

The essential question a naval must ask itself is thus what can be secured for itself and what it is that it can deny the counterpart by command of the sea (e.g., the right of passage) and to its own (strategic) benefits. Corbett notes that the high seas play a crucial role in the “active life of a nation” (Ibid., 1911: 93) as a means of communication. Being granted the right of free passage in a maritime area, therefore, has an enormous “positive value” for the national life of coastal states in times of naval warfare and peace. Even for those nations that do not have a natural sea border and may or may not be involved in a naval war, the free passage through (occupied) high seas is of great economic and military-strategic importance, e.g., for the transportation of goods, the positioning, and supply of military troops. The lines of communication vital for a nation’s life are defined as follows:

- (1) *Lines of supply*, running from the base of operations to the point which the operating force has reached.
- (2) *Lines of lateral communication* by which several forces engaged in one theatre of operations can communicate with each other and move to each other's support.
- (3) *Lines of retreat*, which are lines of supply reversed, i.e., leading back to the base.

These three ideas are best described by the term “lines of passage and communication”, which were mainly used at the end of the 18th century (Ibid., 1911: 316). With a specific look at maritime communications, trade routes are of particular importance in naval strategy. They are the routes of communication upon which the national resources and the supply of the main bases, as well as the “lateral” or connecting communications between various parts of belligerents’ possessions depend (Ibid., 1911: 316).

“Consequently by denying an enemy this means of passage we check the movement of his national life at sea in the same kind of way that we check it on land by occupying his territory.” (Corbett, 1911: 93)

Gaining control is about securing key maritime zones to protect one's interests and disrupt the enemy’s infrastructure and pathways. In this regard, Corbett speaks of “Commerce destruction” and “Commerce prevention” as old conceptions of war aiming at enforcing control of commercial communications at sea (Ibid., 1911: 95). This strategic thought is governed by a general notion of doing your enemy as much

damage as possible and making reprisal for wrongs he had done you (Ibid., 1911: 96). He further notes that the denial of certain rights (such as free passage) to the enemy and commerce prevention does not have to be absolute but can be permanent, temporary, or local, depending on the objectives of the respective dominating naval power (Ibid., 1911: 96-97).

Besides the aforementioned positive value that the command of the sea can have for a (naval) power, Corbett adds the negative value that comes along with the command of the sea. By winning command of the sea in a certain area, the dominating nation thus creates another “barrier” and exerts direct military pressure upon the life of its enemy ashore to prevent the exertion of direct military pressure upon itself.

“Command of the sea does not mean that the enemy can do absolutely nothing, but that he cannot seriously interfere with the undertakings by which we seek to secure the object of the war and to force our will upon him.” (Corbett, 1911: 338)

3. Naval warfare, in addition to conventional land warfare

Corbett defines naval strategy as a “section of the Art of War” (Ibid., 1911: 326), whereas war in general is the “application of force to the attainment of political ends” (Ibid., 1911: 326). This shows that the sea as a conflict venue is, therefore, just a medium of movement rather than an end in itself. Since naval warfare as a branch of war serves certain political ends, it must be undertaken in coordination with land strategy to achieve the desired outcome (command of the sea and destruction of the enemy fleet). Warfare at sea has the practical value based upon the fact that in conventional land warfare it is, in theory, always possible to strike the enemy's army if all risks and obstacles can be overcome (Ibid., 1911: 157). At sea, however, the war parties are much more flexible in terms of their movement and tactics, e.g., the enemy removes his fleet over long distances or even into a defended port, making it difficult or impossible for the other to reach it and conduct its military operations. Depending on whether these dynamic displacements of fleets are temporary or permanent, and whether they are localized or extend over long nautical miles, this unpredictable and highly flexible behavior of a fleet can shift or even override existing power relations (such as asymmetries in available manpower or financial resources) between the

conflict parties at sea. In contrast to land warfare, naval warfare thus allows a (new) assessment of the question of superiority and inferiority in a naval conflict.

Corbett describes his observation of an increasing trend in naval warfare after which one nation's attempts to seek the enemy at sea can get frustrating as the enemy can easily avoid his planned decisive action by retiring back to his own coast, where either he cannot be reached, or his retreat facilities made a decisive result impossible (Ibid., 1911: 212). This sort of defensive behavior would then occur now and then until the opportunity of a counterstroke emerges. Naval warfare thus considerably expands the scope of action and the geographical radius of the conflict parties in which their military actions and tactics take place.

Moreover, Corbett acknowledges that unlike land warfare in which natural obstacles (e.g., mountains, rivers) or other indicators (e.g., roads) can determine and demonstrate the enemy's movement precisely, naval warfare does not have these physical obstacles and visually clear borders, which might restrict the mobility of fleets (Ibid., 1911: 103).

"There is nothing of the kind on the face of the sea to assist us in locating [the enemy] and determining his movements." (Corbett, 1911: 159)

In the face of this seemingly unlimited freedom of movement at sea, which could only be limited and influenced by fuel or external/natural factors such as storms, it becomes increasingly difficult to strike one's enemy at sea than on land. Instead, Corbett notes that the chances of being eluded by the enemy becomes a serious threat. An early, precise, and sufficient scouting system at sea is therefore crucial in modern naval warfare. In essence, Corbett's theory highlights that naval power supports national policy best when used strategically - to control sea lanes, enable or deny maritime movement, and act in concert with land operations (McCranie, 2025) as a means to compensate for deficits, risks, and dangers of the other form of warfare respectively.

4. Strategic and effective constitution of fleets

"The object of naval warfare is to control maritime communications. In order to exercise that control effectively we must have a numerous class of vessels specially adapted for pursuit. But their power of exercising control is in proportion

to our degree of command, that is, to our power of preventing their operations being interfered with by the enemy.” (Corbett, 1911: 117)

Besides the previously mentioned importance of a naval power's military strategy and tactics, the 'material' through which the warfare is conducted presents another key aspect that underlies naval warfare. The classification of different ships according to their primary functions into differentiated groups/classes has a long history in strategic military planning and follows the principle that battleships should be as powerful as possible (Ibid., 1911: 112). The exact constellation of the (classified) vessels in the maritime battlefield is thus a crucial starting point when entering a naval war and aiming to control maritime communications. Therefore, the possession of numerous vessels, a well-equipped and strategically arranged battle-fleet are required for the exercise of control in a contested area, while the battle-fleet's success depends on the security of control (Ibid., 1911: 115). This key belief is based on the maxim that the command of the sea depends on the battle-fleet and that destroying the enemy's armed forces is the paramount object in war. The true function of one's own battle-fleet is to protect cruisers and flotilla by destroying the enemy's power of interference (Ibid., 1911: 115).

However, Corbett notes that the more fighting power a conflict party possesses with its battle-fleets, the less scouting power (essential to their effective operation) there is. It has become common practice in modern naval warfare to withdraw a sufficient number of units to enable the battle-fleet to effectively cover the operations of those that remain (Ibid., 1911: 117). In the case of a weaker power with a permanently or temporarily insufficient fighting power, the fleet can still play a crucial role in the warfare by existing as “A fleet in being” (Ibid., 1911: 165), forcing the stronger power to remain cautious and defensive. “For a maritime Power, then, a naval defensive means nothing but keeping the fleet actively in being-not merely in existence, but in active and vigorous life.” (Ibid., 1911: 212) Overall, this stresses the importance of military vessels to 1) control maritime communications, 2) deter its enemy, and 3) control strategic mobility in a contested area.

5. Limited and unlimited wars

A classification of wars can be made based on the nature of a war's ulterior object (overarching goal). Such an object can be limited or unlimited. The difference lies in the fact that in a limited war naval powers support short-term goals such as blockades,

amphibious operations, and economic disruption whereas the unlimited war seeks one climactic battle with the full elimination of the enemy. In this case, the enemy shall – in order to save himself from destruction - become subservient (Ibid., 1911: 313).

Especially blockades have proven to be a frequently used method and strategy in limited (naval) wars throughout history. Corbett defines and explains blockades in a maritime and military context more precisely as follows:

“Under the term blockade we include operations which vary widely in character and in strategical intention. In the first place, blockade may be either naval or commercial. By naval blockade we seek either to prevent an enemy's armed force leaving port, or to make certain it shall be brought to action before it can carry out the ulterior purpose for which it puts to sea. That armed force may be purely naval, or it may consist wholly or in part of a military expedition. If it be purely naval, then our blockade is a method of securing command. If it be purely military, it is a method of exercising command, and as such will be dealt with when we come to consider defence against invasion.” (Corbett, 1911: 184)

Corbett, therefore, differentiates between a naval and a commercial blockade. The former serves as a method of securing command at sea, whereas the latter acts as a method of exercising command and is mainly an affair of cruisers whose aim is to stop the flow of the enemy's sea-borne trade by denying him the use of vital trade communications (Ibid., 1911: 183-184). The two types of blockades also differ in nature depending on the ulterior object. So-called “close blockades” are supposed to prevent the enemy from putting to sea and thus to secure local or temporary control over a contested maritime area (Ibid., 1911: 321). “Observation blockades”, however, are undertaken to force the enemy to put to sea by occupying the common lines of communications (Ibid., 1911: 321).

5.3 Main takeaways for ASEAN in the SCS

To conclude, the strategic theory of Corbett provides significant historical guidance for military experts, defense planners, and relevant decision-makers in today's world. This guidance provides a path for the development of a coherent maritime approach to national security, increased regional influence, management of great power competition, improved force design, and preparation for future wars (Zimmerlie, 2023), as well as restructuring ongoing naval wars. His theory is not only increasingly debated within the U.S. Navy, which is grappling with naval strategy in an age of great power competition against China in the Indo-Pacific region (Ibid., 2023), but also serves

smaller states such as the Philippines and Vietnam with rather modest navies and an absence of any maritime tradition. Overall, using the naval power theory for this thesis offers meaningful findings and insights to into the Indo-Pacific region, which in the 21st century is characterized by emerging disruptive technologies; contested and crowded seas; interconnected security guarantees among littoral and non-regional states; complex diplomacy; political sensitivities; and great powers with hegemonic ambitions (Ibid., 2023). With regards to the technological progress in the last century and decade, it must be said that Corbett's assumptions and principles on the seemingly "unlimited freedom" of (enemy) fleets at sea compared to land warfare are only partially valid in the 21st century due to new technologies and means in scouting power of navies and more possibilities for aerial security by using helicopters, drones etc. at sea.

Given these diverse and increasingly complex factors nowadays, Corbett's theory can provide helpful explanations for ASEAN to develop and/or enhance existing stabilizing instruments and mechanisms in the SCS conflict. Understanding the chances, limits, and risks of naval warfare is crucial given that today's geostrategic realities are often maritime in nature (Zimmerlie, 2023). Corbett's principles initially written with the perspective of an island maritime power, can offer much to other maritime nations and ASEAN in the SCS seeking to redefine their strategies in what many scholars and policy and security experts refer to as the "Asian century" (Mahbubani, 2022), suggesting and predicting the rise of Asian nations and a general shift in the world's (geo-)political and economic center of gravity towards the Asian continent.

Chapter 4 – Methodology

6. Conflict analysis

Conflict analysis (CA) provides a comprehensive framework in this thesis to examine the dynamics, root causes, and key actors involved in the conflict in a structured manner. Conflict analysis and resolution (CAR) is an extended version by adding a solution-oriented dimension to the CA framework. Applying the CAR approach in the context of the thesis, therefore, aims at exploring ASEAN's existing tools in the SCS conflict and (based on the findings) formulating new/modified approaches in the sense

of conflict management in the region. Before going more into detail on CAR as the guiding methodological concept in this paper, the term and concept of 'conflict' must first be defined.

6.1 Definition

In D. H. Yarn's book, *Dictionary of Conflict Resolution* (1999: 115), he brings forward two meanings of conflict: disagreement and incompatibility on the one hand, and the rather prevailing meaning of a disagreement that involves overt hostility between two or more parties on the other hand. In the latter, such a state of hostility is generated by an incompatibility perceived by the involved parties (Morasso, 2008). According to this second definition, conflict should be considered "the broader state of incompatibility that may or may not give rise to a dispute" (Yarn, 1999: 115), e.g., an incompatibility between two parties' goals or perceptions. In some cases, such an incompatibility degenerates into a proper dispute, which involves "hostile action and the potential destruction of people and institutions" (Burton, 1969). The concept of conflict has a long history of considerable analysis and pursuit in traditional fields of study such as social sciences, IR, and military-strategic studies. What the understanding of conflict has in common across these diverse disciplines is the fact that it can arise in different contexts, and occurs at the intrapersonal, interpersonal, intergroup, organizational, (trans-)national, and international levels (Byrne et. al, 2009: xii). Conflict can, therefore, occur in social interactions of all sorts and in various contexts (Ibid., 2009: xii). A conflict exists when incompatible goals develop between persons, groups, or nations (Deutsch & Coleman, 2000).

It is important to pay attention to the origins and development of conflict as well as the factors that lead to conflict escalation and the attitudes, behaviors, situations, goals, and values that influence individuals' interaction and intervention styles (Byrne et. al, 2009: 9). Detecting these important factors and finding appropriate solutions is the task of the CAR. Moffitt and Bordone (2005) note that all studies in Conflict Resolution (CR) identify the existence of a conflict as a general precondition of the resolution intervention. The analysis of conflict is necessary for effective intervention and management (Morasso, 2008). The origins and objectives of CAR as a multidisciplinary academic field can be found in more explicit detail in Chapter 7.

On a more general level, however, the concept of conflict can be divided into four components, all of which are equally indispensable for understanding how a conflict arises and how it can be resolved effectively. These factors essential for consideration are incompatibility, actors, solvability, and action, and (a)symmetry.

1. Incompatibility

Given the diverse meanings attributed to it and its use across different academic fields and disciplines, conflict can be described as a “general feature of human activity” (Nicholson, 1970: 3) fueled by incompatible interests, values, and hostilities (Jeong, 2008: 3). Jeong (2008: 3) further notes that while interstate or civil wars are the most destructive type of conflict, which consist of a coercive, violent mode of confrontation among adversaries, the many features of such conflict are not limited to physical violence. Non-violent (either stable or increasing) and indirect forms of struggle are also prevalent in the pursuit of opposing objectives in such a conflict. These include scarce resources, political/economic influence, information, etc. “A conflict must be defined in terms of the wants and needs of the parties involved, for it is through the perceived structure of what the respective powers want that the conflict comes about.” (Nicholson, 1970: 16). A great divergence of the interests within a conflict can have serious implications for the relationship and dynamics between the respective parties and thus the conflict’s course overall: a general lack of trust, misinterpreted intentions, and the perception or actual existence of threats can “[...] reproduce incompatibility among social units.” (Jeong, 2008: 3).

2. Actors

Consideration of actors or parties is fundamental to the analysis of conflicts because their definition as such allows for analysis of each actor’s role, resources, and the needs for survival (Wallensteen, 2007: 39). These elements are essential in successful CA. Understanding the history of each actor (especially in reference to each other) while examining the actors’ motivation and perception is essential to exploring the dynamics of violence, crises, and thus developing suitable strategies of to enter negotiation talks and possibly resolving a conflict (Jeong, 2008: 4). Truly understanding a conflict thus means to examining the sources of discontent and animosity, identifying the phases of evolving relationships between adversaries, and illuminating the

escalation of their struggles and the eventual recession of violent cycles to the peaceful CR (Jeong, 2008: 4).

The method of “conflict mapping” (CM), which will be explained in more detail in Chapter 9, shall serve as a suitable method and “guide” for identifying the individual components of a conflict (conflict items) in a targeted manner and formulating appropriate proposals for conflict solutions based on the items.

3. Solvability and action

Conflicts are fundamentally solvable. Contrary to the frequent statements on the inevitability of conflict, violence, and war, the focus should rather be put on the difficulty on finding solutions, which often arise out of political constraints, a lack of insight or imagination, according to Wallensteen (2007: 39). Paradoxically, the results of war often negate the hope for a better future that may have initially motivated the war. Only a few conflicts in history have followed the paths anticipated by the actors (Ibid., 2007: 39). The longer a conflict proceeds, the less likely it becomes possible to obtain ideal option for resolution. Also, in case of war and destruction as the results of a conflict, there may be other options and alternative paths (Ibid., 2007: 39-40), which are then subject to negotiations. Before entering the process of negotiation (if applicable), the primary actors generally pursue victory rather than a joint solution. Victory is always the preferred outcome by most actors in a conflict (Ibid., 2007: 40). Bargaining, threats, and pressures are used to influence the other party's decisions and behaviors, and either escalate or, through third-party intervention, de-escalate the conflict (Pearson, 2001: 275). While Wallensteen (2007: 7) emphasizes that all conflicts will come to an end at some point, it must be noted that a conflict is only to be considered ‘resolved’ when some mutually consistent set of actions is worked out between the actors (Jeong, 2008: 7).

The UNCLOS is one relevant example of such a comprehensive agreement for CR in the SCS conflict. Even though its provisions have not been fully recognized and followed by all the initial signatory states for some years now, this international legal set of maritime rules represented an effective solution (set of legal action) at the time of signature through its peaceful dispute settlement mechanism. The creation and entry into force of UNCLOS in 1982 is an important example of what can be achieved

through the regulation of conflict dynamics by using diplomacy to reach agreements. In this context, Wallenstein (2007: 7) points to the importance of (legal) procedures for changing conflict dynamics by affecting and steering the conflict in ways that lead to the conclusion of agreements on substance. These agreements may be either informal, as in the case of disputes of everyday life between individuals, or formal, as in the case of UNCLOS which provides a binding legal framework to govern any activities related to the global oceans (Keating-Bitonti, 2024) and the peaceful settlement of maritime disputes between littoral states (WCL, 2025). The case of UNCLOS, therefore, demonstrates that finding a “mutually acceptable process” (Wallenstein, 2007: 8) and a final agreement through diplomatic/ legal means is crucial to change the conflict dynamics.

4. (A)Symmetry

Conflicts can arise between either relatively similar parties (symmetric conflicts) and or dissimilar parties (asymmetric conflicts) (Ramsbotham et. al, 2016). The latter could, for instance, be the case when a conflict arises between a political opposition and an established government, a religious/ethnic majority and a minority within a country, or any other number of options. The underlying asymmetry in a conflict manifests itself in terms of the available (im-)material resources of a party. These resources take the form of natural resources, political-economic power and influence, demographics/manpower, and other individual characteristics, strengths, and assets that an actor can use to his advantage in the course of the conflict. Therefore, asymmetrical conflicts are those in which conflict parties are unequal in power, either quantitatively (e.g., strong vs. weak states) or qualitatively (e.g., state vs. non-state actors) or both (Ibid., 2016). Problem-solving approaches such as negotiation, dialogue, and mediation are address this asymmetry by aiming to balance out the “predominance of one state over its peers” (Stiles, 2009: 2-3). In an asymmetric conflict, the ‘hegemon’ is thus understood as an actor holding the most power (Dirzauskaite & Ilinca, 2017: 18) in this constellation. “[H]egemony depends on a certain kind of asymmetrical cooperation, which successful hegemons support and maintain.” (Keohane, 1984: 49) Adding to this, Ramsbotham et. al (2016) further differentiate between quantitatively asymmetric conflicts, in which conflict parties are dissimilar in resources (e.g., nation A has a bigger army than nation B) and qualitatively asymmetric conflicts, where the parties differ in type (e.g., one is a state whereas the other is a rebel faction). Given that classic approaches to CR are designed to solve

symmetric conflicts, asymmetric conflicts are typically structured in such a manner that the dominating power wins while the inferior conflict party always loses (Ramsbotham et. al, 2016). Substantive CR must therefore aim to change analysis of the conflict's structure to more accurately levels of the playing field between both sides of the conflict. Because this type of resolution is definitionally not in the interest of the dominating conflict party, the third party has to join forces with the inferior conflict party to bring about a resolution in a more equitable manner (Ibid., 2016).

Historical contextualization of past events can help to understand the (a)symmetry of present conflicts. Examination of the past can provide valuable insight into the power constellations of today. Besides geographical conditions, which are generally unchangeable for a state and its population, there are external factors that have made the initial situation in a conflict (a)symmetrical for a respective conflict party. One of these factors includes, among other things, engagement in the period of industrialization which, since the end of the 18th century, has led to a far-reaching modernization process of all areas of life (Meyer et. al, 2022). This overall "technical-industrial development of Western societies" (Dülffer, 2016) has then contributed to a shift from previously conventional instruments and war methods to modern warfare on air, land, and water as early as during WWI (Ulrich, 2013). The increasing destructive power and the development of appropriate protective measures led to a permanent material escalation of the means of warfare (Dülffer, 2016). Furthermore, the process of globalization, a movement whose start is still actively contested among leading scholars, has contributed enormously to the diversification of trade agreements, economic dependencies, strategic partnerships, and generally political-diplomatic relations worldwide in the sense of multilateralism. Recent years have shown that economic dependencies, trade, and therefore the question of loyalty of third parties (e.g., in trade or ideology) play a crucial role in an asymmetrical conflict, in which the "inferior" conflict party must compete for alliances and resources, attempting to balance out their existing weaknesses and asymmetries to a certain extent. One could speak of so-called "economic warfare" in this context, which describes a rather new form of armed conflict that combines the spheres of violence and economy and prioritizes the economic dimension (Oermann & Wolf, 2020). While wars have always had an economic component (upfront investment, resupply, maintenance, and opportunity costs), economic warfare is, besides the demonstration of military strength and

deterrence, about expanding the economic and financial power of an actor (Oermann & Wolf, 2020).

7. Conflict analysis and resolution

Conflict Analysis and Resolution (CAR) is a multidisciplinary field that has its early foundations in the philosophy focused on the difficult relationship between freedom, peace, and security, for example, by Thomas Hobbes and Immanuel Kant (Pauer-Studer, 2022) during the Enlightenment period of the 18th century. On the one hand, Hobbes viewed the state of nature as a condition of passions and desires where everyone enjoys equal rights and there are no constraints on an individual's behavior (Shatara, 2016). This state of nature, in turn, creates conflict and distrust among individuals where no rule or justice exists. This condition inevitably leads to conflicts (Ibid., 2016). Hobbes, therefore, argues that a strong central authority (the sovereign) is necessary and must hold absolute authority to prevent chaos and disorder in society. For Kant, on the other hand, the existence of law is essential to resolve public conflicts of interest (Ibid., 2016). According to his understanding, there is no peaceful co-existence in the natural state of man and therefore a permanent threat of war is experienced if not properly mitigated (Pauer-Studer, 2022). Therefore, one must establish and preserve the legal state to achieve a status of “perpetual peace”.

Furthermore, CAR as a discipline developed during a series of socio-political changes after World War Two (WWII) and the Cold War. Early CAR worked to prevent global conflicts in the future through diplomacy and international institutions. Looking at the historical context, three preliminary stages of CAR can roughly be identified. First, Alternative Dispute Resolution (ADR) emerged in the 1960s when people opposed their governments and sought for participatory democracy and social change. This stage included the “power to the people” counterculture revolution of the 1960s, and a number of movements that strove to expand freedom and equality in the U.S. (anti-war, civil rights, women's rights, anti-nuclear movements). These far-reaching societal challenges then led to a gradual professionalization of ADR as an academic field in the following years and decades. This process was driven by the formation of research associations, societies, institutes, and university research centers across the U.S.

dedicated to peace and security on the national and international scale (Stephenson, 2022).

Nuclear deterrence, and the threat of Mutually Assured Destruction (MAD), provided a balance of power between the rival political and military superpowers in an anarchical international system during the Cold War (Parrington, 1997). According to this doctrine, making use of nuclear weaponry by one superpower (e.g., the U.S.) against the other (e.g. Soviet Union) would be enough to cause great damage and eventually destroy the opponent (Sokolski, 2004: 137). To achieve the full effect of the MAD strategy, a superpower's nuclear ability for strategic nuclear exchange must be conducted with a surprise first strike (Parrington, 1997). As an original product of the U.S.' massive retaliation doctrine against the Soviets in the 1950s, MAD continues to be one major component of contemporary U.S. defense policy (Ibid., 1997).

8. Analytical method

The SCS conflict can be studied in several ways, meaning that the phenomena under study may be "sorted and arranged for purposes of systemic analysis" (Singer, 1961: 77). Singer (1961: 77-78) describes the researcher as an 'observer' in the context of CAR who chooses to focus upon certain parts and components, or upon the system as a whole. The choice of focus on the micro- or macro-level of analysis is a mere matter of methodological or conceptual convenience. The process of such a level-of-analysis decision can, depending on the potential controversies in the discipline concerned, be difficult given the complexity of the respective phenomena under study. As the scholar is always confronted with a system, its sub-systems, and their respective environments, the challenge in this level-of-analysis decision is to evaluate the relative utility (conceptual and methodological) of the various alternatives open to them, and to appraise the manifold implications of the level of analysis finally selected (Singer, 1961: 78).

By focusing on ASEAN's role and stabilizing influence in this dispute, the thesis benefits from the methodological convenience of being able to identify and formulate some modifications regarding ASEAN's structures, instruments, and mechanisms instead of demanding major geopolitical or geo-economic changes/strategies on the

macro-level (e.g., far-reaching policy recommendations concerning the U.S.-China power competition) to achieve more stability and peace in the SCS.

9. Conflict mapping

The visual tool and framework used in this thesis is conflict mapping (CM.) It identifies the major actors in the conflict, their relationships to each other, conflict issues, and competing interests. Together, CM allows the researcher to highlight the conflict situation in a clearly and concisely manner (Pollack, 2025). By mapping the conflict situation, a conflict resolution manager obtains a structured analysis about the who, what, why, when, and how of a conflict so that resolutions can be found naturally and through rigidly structured analysis (Ibid., 2025). This analytical method by the conflict theorist Paul Wehr for the field of IR serves as a comprehensive approach to resolving large-scale social disputes. In the present, CM has evolved into a graphical tool that helps organizations and non-profit entities to conduct their conflict resolution and peacebuilding efforts.

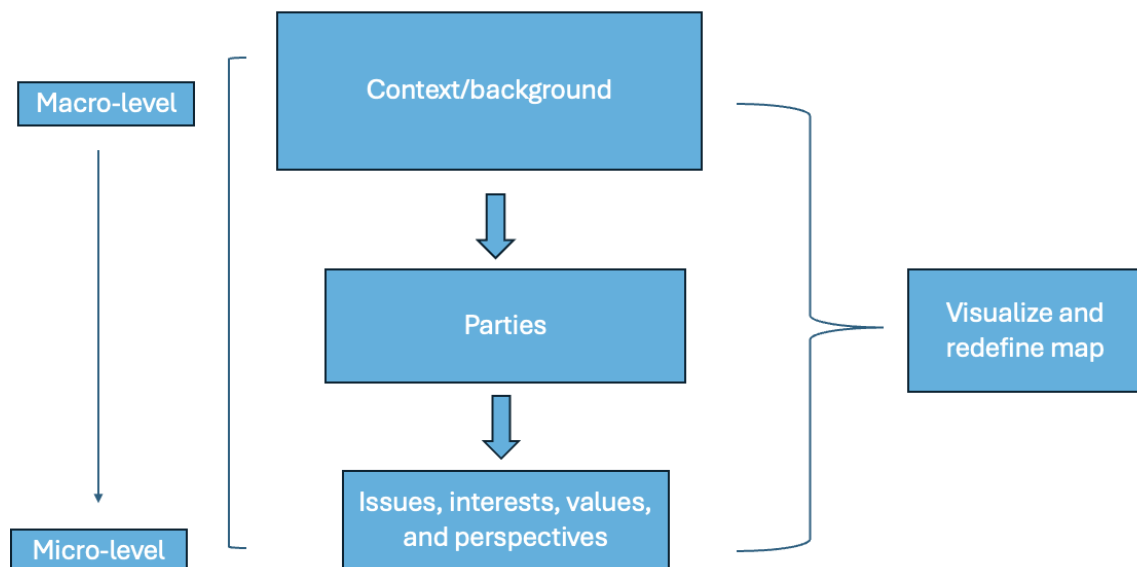


Figure 1: Logic of CM⁹

⁹ Source: Author's own visualization.

The CM tool thus allows this thesis to analyze and 'dissect' the SCS conflict regarding its sub-systems of international maritime law under the 1982 UNCLOS provisions as well as ASEAN's internal structures and work system in a targeted manner concerning its relevant instruments/mechanisms towards more security, stability, and peace in the SCS conflict. The selection of the CM method in the context of this master's thesis can be assessed and explained by the following three criteria: utility, alternatives, and implications.

Utility: CM bears the conceptual convenience of (visual) clarity and transparency in terms of the number of involved actors including their specific goals and interests in this conflict as well as the utility regarding the clear examination and presentation of ASEAN-specific positions and means in this conflict. To effectively intervene in a conflict to resolve it, one must be able to analyze it properly (Wehr, 1979a). The CM guide thus represents a suitable tool for analyzing the context and dynamics of the specific conflict that the practitioner faces (Morasso, 2008). By looking at the numerous individual actors and motives at the micro level with the help of CM, a larger and more holistic 'picture' of the SCS regarding its context and dynamics emerges, enabling this thesis to combine and, if necessary, to come up with new approaches and ideas for ASEAN in the sense of finding meaningful and realistic strategies and resolutions to the SCS conflict.

Alternatives: The use of other methods in qualitative research, such as comparisons of specific case studies or the conducting of interviews, would have raised the risk of, depending on the observation or interview of a specific SCS actor, obtaining too one-sided perceptions and positions on the conflict, which would consequently affect the research results. These other techniques also run the risk of unnecessarily biasing the discussion in this thesis, thus defeating one of its major goals. It makes sense to examine possible ASEAN instruments and mechanisms towards more security and stability in the SCS conflict on a holistic level instead of looking at or interviewing countries on a nation-state level, which would be too subjective within the framework and research objective of this master's thesis. Adding to this, a possible comparison of ASEAN with other ROs like the European Union (EU) or other trade bloc agreements like the Common Market of the South (Mercosur) in Latin America, would be an insufficient analytical method in terms of fully considering the geographical

circumstances and particularities of each world region and thus its structural/organizational means to contribute to more security and stability in a conflict.

Implications: The CM method enables a clear and graphical way to identify and ‘dissect’ the SCS conflict regarding its multiple parties, large numbers of people, and entities/organizations in conflicts, which become increasingly complex and complicated in their internal structure and mode of operation (Wehr, 2006b). By dissecting and understanding the conflict regarding its context, parties, causes, consequences, conflicting beliefs and values, goals, and interests, function(s), dynamics, and regulation potential, the researcher succeeds in understanding both sides’ view on the conflict (Wehr, 2006b). Having such a map as a visual presentation of a conflict further opens the floor to a third party (mediator) that could negotiate with the conflict parties asking them to modify/redraft certain components of the map and present it as a first joint step toward cooperative resolution (Wehr, 2006b). Alternatively, Wehr (2006b) points out that this step could be done by parties on one side who would solicit cooperation from their opponents in creating an accurate conflict map. In the context of this thesis, therefore, a detailed examination of the SCS conflict by using Wehr’s CM method makes it possible to identify appropriate and suitable mediation options of ASEAN to achieve heightened security, stability, and peace in the region.

The method consists of eight components (“conflict items”) making up the “roadmap” (Wehr, 2006b): conflict context, parties, causes and consequences, contrasting beliefs and values, goals and interests, dynamics, functions, and regulation potential.

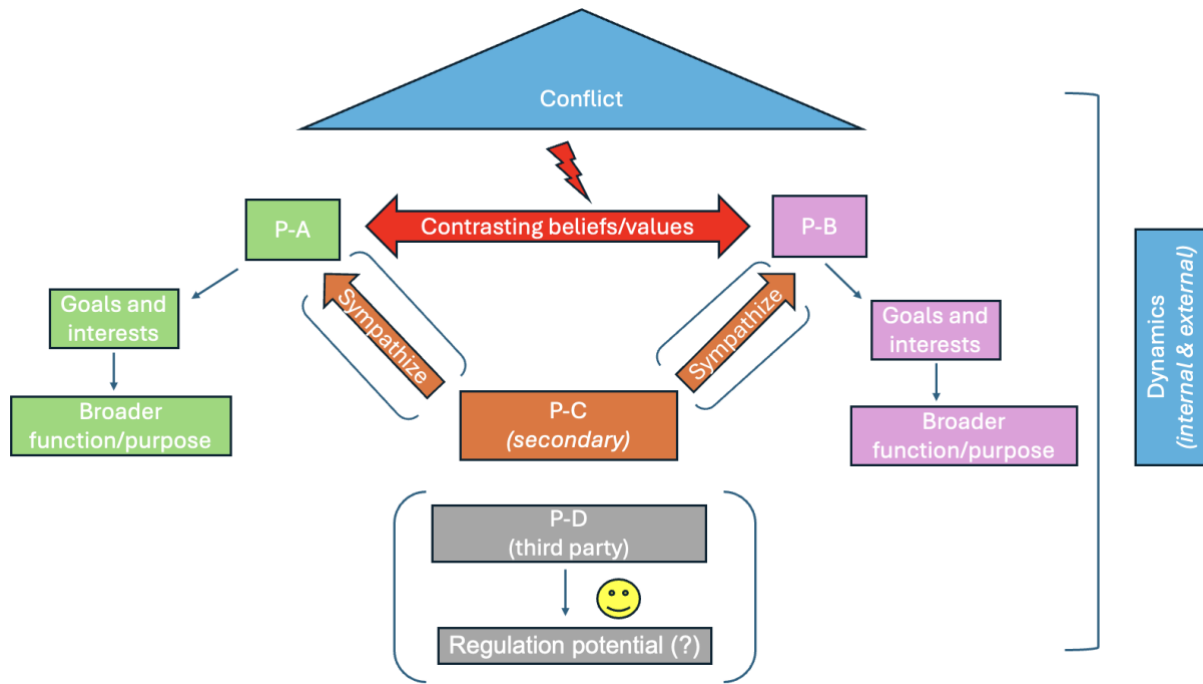


Figure 2: Conflict items¹⁰

1. Conflict context

By gathering information about the history of the conflict and its physical and organizational settings, the researcher/mapper shall see that the facts are not always simple and quick to recognize and find. Conflict never emerges in a vacuum (Ibid., 2006b) and is sometimes more or less nested within other conflicts and can be embedded within a smaller or larger context, community, or society at large.

2. Parties

Conflicts can involve multiple parties with common and/or diverging interests, which makes a clear differentiation and comparison of their stances and intentions in the “roadmap” necessary. Wehr distinguishes between primary, secondary, and tertiary parties. Primary parties are those who oppose one another, use fighting behavior, and have a direct stake in the outcome of the conflict, whereas secondary parties have an indirect stake in the outcome (Ibid., 2006b). Secondary parties can sympathize and cooperate with primary parties for historical, financial, ideological, or political reasons, but are not direct adversaries in the conflict concerned. Taking the ongoing Russia-Ukraine war as an example, Russia and Ukraine are identified as the primary parties

¹⁰ Source: Author’s own visualization.

(direct adversaries) while the U.S. acts as a secondary party with political and ideological reasons (Cold War mentality) to support the Ukraine financially and materialistically in this conflict. Third parties are mediators in the form of selected individuals such as diplomats, states, or organizations and peacekeeping forces, which might intervene to facilitate resolution and, depending on the effectiveness of their intervention, may or may not have a direct stake in the conflict outcome (Wehr, 2006b).

3. Causes and consequences

Wehr recognizes that distinguishing the cause of a conflict from its consequence is not always straightforward. He also recognizes that causes and consequences often become intertwined as a conflict unfolds (Ibid., 2006b). He further identifies interest incompatibility, identity defense, and cultural differences as three perhaps most fundamental causes of social conflict. In today's world, there is heightened awareness of group identity, rights, and cultural differences, particularly those rooted in language. These differences are often used to foster a sense of separation and otherness and contribute to the formation of identity and a need for self-protection, which Wehr finds to be the most basic driving force behind conflict.

4. Contrasting beliefs and values

Many social conflicts are driven by opposing beliefs and values. These can range from viewing the other side in a negative light due to historical tensions, what Wehr describes as an "enemy image" (Wehr, 2006b), to ideologically differing views about a "Supreme Being" (Ibid., 2006b). While disagreements over historical or scientific facts are common and rather easy to resolve, Wehr further mentions the instance where conflict occurs out of the mere desire to fight by one or both parties, regardless of the issue. Then, the conflict is a goal in and of itself (Ibid., 2006b). In other cases, the root cause of a conflict may be a limited ability of one party to engage in cooperative conflict resolution within the given context.

5. Goals and interests

According to Wehr, an important distinction is to be made between the concepts of goals and interests. Goals are the (more or less) acknowledged objectives of conflict parties (Ibid., 2006b) and are often articulated clearly. Goals can also be referred to as "positions", meaning (more or less) specific demands being made by one side. They

are typically put in an “if x, then y” sentence structure (Wehr, 2006b). By applying this onto the Russia-Ukraine war again as another example to demonstrate Wehr’s distinction, a possible demand made by Russia the aggressor might be: *“If the Ukraine promises to not join NATO in the near future, then Russia can agree to stop the heavy attacks on major Ukrainian cities immediately.”* In contrast, interests are the underlying motivations of a party. These are fundamental needs that drive the respective party, such as justice, security, and respect. One of the main purposes of mapping a conflict is to help the parties distinguish between their expressed goals or positions and their deeper interests or needs, and to align these as closely as possible (Ibid., 2006b).

6. Dynamics

A conflict is constantly evolving, even if parties are at a stalemate, other internal or external aspects of the conflict context might be changing (Ibid., 2006b). Depending on the conflict development, dynamics can be very sudden and ad-hoc. For instance, polarization and escalation can carry the conflict parties away from cooperative resolution. These dynamics, which Wehr describes as immediate “runaway responses” of parties to one another, shall be made visible through CM. Runaway responses can lead in the following course of the conflict to a series of perception changes, which again reinforce the underlying runaway responses.

7. Functions

A conflict can have one or multiple functions as it is about (at least) one positive and rather favorable effect (consequence) that a conflict could have for one of the parties involved. It is, therefore, important to understand the very purpose of a conflict and to view it from both sides to gain a comprehensive “bigger picture” for the conflict roadmap. Knowing the consequences of such functions may reveal ways other than the conflict to produce them and thus move the conflict toward cooperative resolution (Ibid., 2006b).

8. Regulation potential

In principle, anything can serve and function as a conflict-limiting element. They can take place on a material, interpersonal/communicative, or institutional/legal level. For instance, there may be an intervention by a third party, the wish by one party to

maintain or re-establish their relationship as an internal limiting factor, or an external limiting factor such as the introduction of law or a higher authority (Wehr, 2006b).

9.1 Benefits, limitations, and challenges of CM

As previously described, having a visualized representation of a conflict can create a shared understanding (Pollack, 2025). The actors involved can move beyond their own stance and expand their views on the conflict. As a result, mutual understanding and potentially trust may be built by CM, revealing blind spots, and shining light on previous misunderstandings (Ibid., 2025). In this manner solutions may be reached, and further escalation can be prevented. Understanding each party's role, influence, and interests can further allow better strategic decisions by one of the conflict parties or even a third party (mediator) in terms of forming effective alliances, choosing a mediator, or allocating resources where they will have the most impact (Amason & Schweiger, 1997).

However, the positive effects of CM can, in certain circumstances, be limited. This is the case when at least one conflict party demonstrates a high degree of emotional or ideological resistance to self-disclosure; the data available is either incomplete or biased; all relevant parties are difficult to be identified due a conflict's complex structure/constellation; or when there is a lack of internal capacity and will to facilitate the process towards a meaningful conflict resolution and peacebuilding measures. Understanding both the strengths and limitations of CM in the context of the SCS conflict will be essential in this thesis to establish a groundwork on which real change may be build.

Chapter 5 – Analysis

10. Overview of the conflict

The SCS is a large, semi-enclosed sea surrounded by the littoral states of Vietnam, China, Indonesia, Malaysia, Brunei, Singapore, the Philippines, and Taiwan. There are many small land forms in the SCS, including several contested groups of islands, land features, and reefs. In their natural state, these SCS islands have a total land area of

only about 15 square kilometers (U.S. Department of State Bureau of Oceans and International Environmental and Scientific Affairs, 2022). There are also numerous low-tide elevations and entirely submerged features in the SCS, which are not “islands” as defined by UNCLOS (Ibid., 2022). The most heavily disputed area in the SCS, located at its approximate center, is the Spratly and Paracel Island chains, which are claimed by Malaysia, the Philippines, Vietnam, and China (Cai, 2017). Because different littoral states lay claims to parts of, or the entirety of the Spratly and Paracel Islands, clashes between coast guard (CG) and navy ships have become a common occurrence. These frequent tensions have raised international concerns that the area is becoming a flashpoint, with potentially global consequences (Martin, 2024).

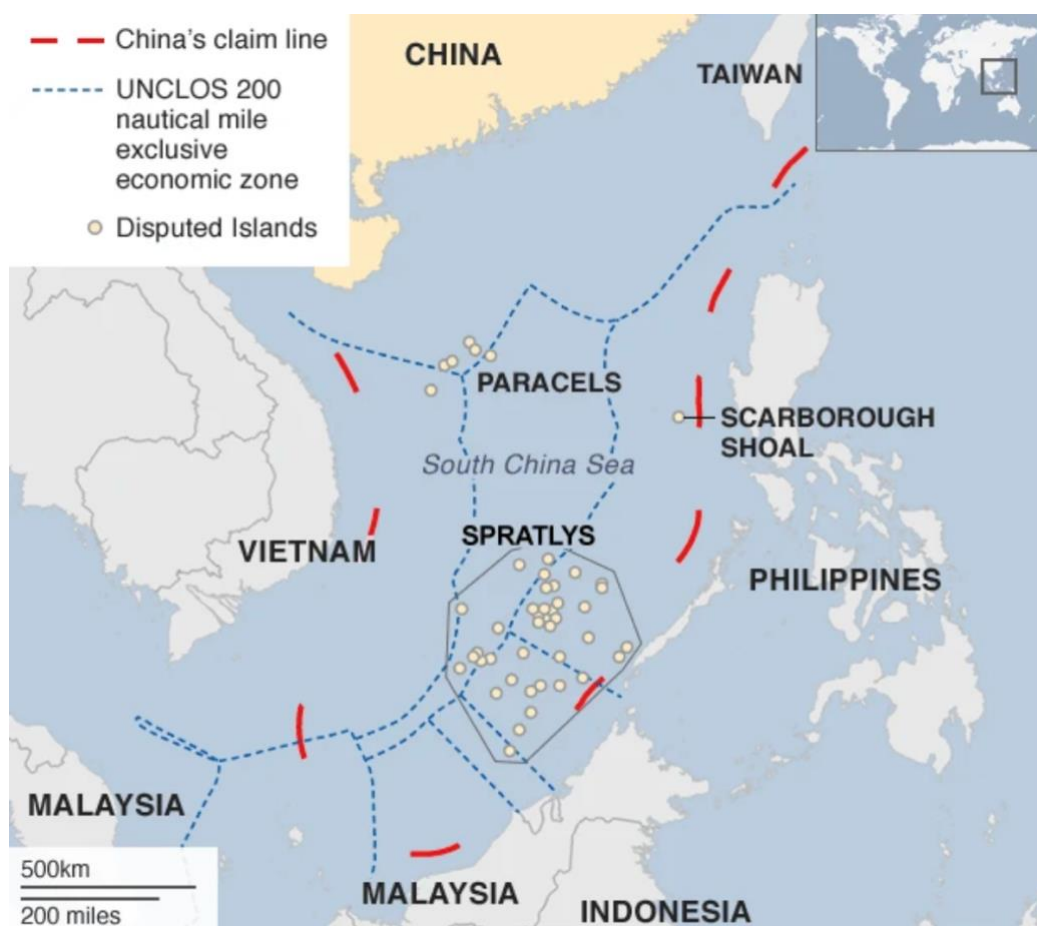


Figure 3: Spratly and Paracel Island chains in the SCS¹¹

¹¹ Source: BBC (2023). *What is the South China Sea dispute?* URL: <https://www.bbc.com/news/world-asia-pacific-13748349>.

The SCS has become one of world's most dynamic regions in recent years due to the historically and legally complex question of who legitimately "owns" what in this contested maritime area. The geographic locations of the Paracel and Spratly Island chains (see figure 3) are of especially great military and geopolitical interest for the regional actors and are thus often subject to bilateral tensions. These have led to military confrontation at sea and litigation in the Philippine- Chinese SCS arbitration case, which will be later discussed in point 10.3). The competing claims over maritime features and entitlements by the multiple claimant states thus make the SCS a place of complex sovereignty disputes. The SCS conflict should not only to be understood as a maritime-territorial conflict between several regional states but also in the wider context of the U.S.-China rivalry and the struggle for global hegemony. As China continues to rise as a major superpower, it challenges the U.S.' hegemony, especially in Asia (Mearsheimer, 2010). In particular, the Chinese attitude towards and aspirations for the Indo-Pacific region in recent years can serve as significant indicators of its future behavior on a global level (Johnston, 2019). Some experts claim that the SCS conflict illustrates the dwindling influence of the U.S. in the international system. This perception/prediction is in line with a lively debate among analysts and scholars about the long-term durability of the U.S. hegemony, or whether it was simply a temporary phenomenon (Goh, 2019). Indeed, Teixeira (2021) observes that there is a vast literature that makes up debates regarding the SCS and the contest between the U.S. and China for regional dominance. According to Gilpin (1981: 50), a state needs to dominate the world system and have superiority in all components of power, geopolitical, technological, economic, and military, to ascend to a hegemony. They, therefore, need to have massive and expanding economies whereby unparalleled supremacy in technological and financial sectors is essential (Teixeira, 2021). While economy, and military capabilities generally enable a nation to enforce rules in an international system, the major challenge hegemonies face is how to remain one (Keohane, 1984: 49). Constantly changing power distributions in an international system occur as other states' power rapidly grows relative to the hegemony (Teixeira, 2021). Therefore, a hegemony needs to constantly assess the power ratios and determine how to preserve its dominant position (Chomsky, 2004: 18).

Both superpowers (China and the U.S.) understand that whoever dominates the SCS will have permanent geographic power at their disposal (Teixeira, 2021). The two

superpowers thus find themselves in the constant web of tension created by transient dynamics of economic and security-related factors in the SCS. This applies particularly to the military-security dimension due to security agreements with several SEA claimants (e.g., the 1951 U.S.-Philippines Mutual Defense Treaty) and the economic sphere due to the conclusion of bi- and multilateral trade agreements with countries in the region. For instance, China signed the world's largest trade agreement in 2010, the Regional Comprehensive Economic Partnership (RCEP), with the ten ASEAN MS and four U.S. allies, South Korea (ROK), New Zealand, Japan, and Australia (Teixeira, 2021). China then entitled itself the "champion of globalization and cooperation" (Ibid., 2021) as a clear signal to the U.S. as well as other external actors with interests in the SCS. Given that most U.S. allies such as the Philippines and Vietnam fear being caught up in between the great power struggle of the SCS, there has been the increased efforts by SEA middle powers to develop their own national strategies that divert focus from the U.S.' protection guarantees to the creation of balance through the upholding of stable diplomatic and trade relationships. Tensions with China in recent years have created the need for smaller SEA states to (re-)adapt national strategies in efforts to maintain peace and stability in the region. As for Vietnam, this approach is often called the "bamboo strategy" (Do, 2025) in an era defined by multipolarity and shifting global alignments, whereas the Philippines pursues a similar "balancing act" (Balboa, 2023) in its foreign policy. To understand the struggle for dominance in the SCS, one must understand the multiple advantages and challenges of the region, not only for great powers but for all involved actors. As for the advantages, the SCS provides a deposit of natural energy and fishing reserves. Many states in the region show interest in the management and use of these resources. A major point of contention in the SCS is the area's wealth in natural resources. Among the core interests is the right to exploit the extensive oil and gas deposits that are assumed to be under the ground and would present great financial gains for the claimants' national economies.

Besides this regional interest in controlling the rich natural reserves, it is also the maritime trade volume that makes the SCS an area of global interests, given that the region makes up a third of global trade (Raine, 2017). In SEA, the sea is the main mode of transportation and communication. Waterways are thus the most efficient route to get around and accomplish objectives (Teixeira, 2021). The sea lanes passing through the SCS are considered some of the world's busiest waterways. For the U.S.

in particular, the same sea-lanes have long been an important military artery with its Seventh Fleet traveling between the Indian and the Pacific Oceans (Teixeira, 2021). It is of strategic importance to keep the entire SCS a peaceful region free to passage and trade because about a third of global maritime trade passes through the 3.5 million square kilometer seaway annually, according to the UN Conference on Trade and Development (UNCTAD) and around 40 percent of petroleum products traded globally are delivered via the SCS every year (Martin, 2024). The volume of trade that transits through the Strait of Malacca (see figure 4) alone amounts to 3.5 trillion USD per year (Dent, 2023). This means that any disruption of maritime trade routes running through the SCS (e.g., in case of a military blockade as explained in Corbett's 'On Tactics in Naval Warfare') would have severe effects on the supply chains between Asia and the West. China, for example, channeled about 80 percent of its oil imports through the Strait of Malacca in 2023, representing 60 percent of its entire oil supply (Dent, 2023). The protection of trade through patrolling over the sea lanes is, therefore, advantageous and, in fact, crucial to uphold the freedom of international navigation. Rising tensions between China and its SEA counterparts are threatening maritime security, peace, and cooperation in the region overall (Loi & Le, 2023).



Figure 4: Geographical location of the Strait of Malacca¹²

Another core challenge in the SCS is that the aforementioned, overlapping territorial claims by the regional claimants result in an authentic challenge in the sphere of international law. While the UNCLOS from 1982 provides the legal framework for all aspects of the use and governance of the world's oceans and seas (definition of maritime zones; ensuring freedom of navigation; protection of the marine environment; regulation of the resource use; and dispute resolution), several claimant states are grounding their views and actions in the SCS on historical rights geographically represented in the form of ancient maps. Particularly China has caused regional and international discontent and protest in the last years with the publication of several SCS 'standard maps' whose depictions of territorial claims do not comply with the regulations in international law. The following sections deal with China's publication of

¹² Source: Martin, N. (2024). *How South China Sea tensions threaten global trade*. URL: <https://www.dw.com/en/south-china-sea-tensions-pose-threat-to-international-trade/a-69926497>.

standard maps containing various degrees of territorial claims in the SCS ranging from nine to eleven dash lines.

10.1 Disagreements over historic rights: China (re-)mapping the SCS

In 2009, China submitted a map to the UN in a Note Verbale (see figure 5) responding to claims by Vietnam and Malaysia. Their joint submission to the UN Commission on the Limits of the Continental Shelf followed the UN Commission's deadline (May 2009) and aimed at extending both nations' continental shelves between their coastlines (Jennings, 2021). Though Vietnam and Malaysia intended to clarify their maritime boundaries with this step, it was perceived as an offensive action by China and resulted in China's sovereignty claim notice to the responsible UN Commission. While Franck & Benatar (2011: 61) assert that a state's attempt to consolidate control and jurisdiction over insular features and the barrage of cartographic materials often go hand in hand, the crafting of maps can be made for different motifs and intentions of a respective claimant state. On the one hand, carefully crafted maps can be key in resolving international disputes, indicating the intention of the parties, and providing precise geographic data (Ibid., 2011: 61). On the other hand, certain displayed features, data, or relevant statistics can be modified to fit and back up a conflict party's contentions. Because of this, cartographic materials can be used as a means to undermine maritime claims and can vary in substance and technical quality (Ibid., 2011: 61). China's 2009 map marked the first major international presentation of its (large-scale) claim. It triggered significant regional and legal disputes in the months and years to come because the NDL marks over 90 percent of the SCS to be sovereign Chinese territory. The forceful reassertion of this Chinese document triggered a host of questions about its origins, what it means and ultimately what its value is in the ongoing maritime rows (Ibid., 2011: 62).

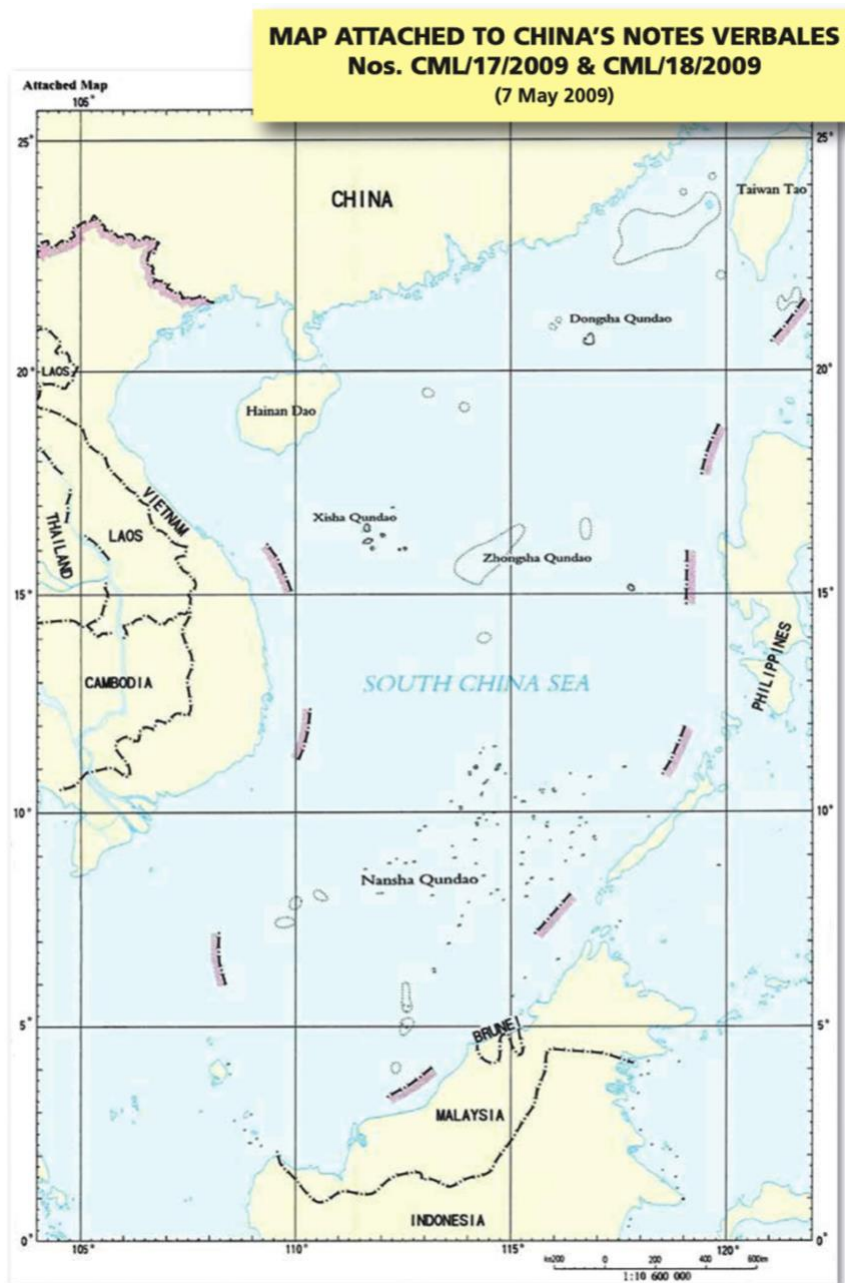


Figure 5: First appearance of NDL in China's Note Verbale, 2009¹³

In its 2009 note, China claimed (and continues to claim) islands in the SCS and adjacent waters within an area bounded by the NDL, asserting that “China has indisputable sovereignty over the islands and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof. The above position is consistently held by the Chinese government

¹³ Source: Republic of the Philippines (2014). *Arbitration under Annex VII of the United Nations Convention on the Law of the Sea. Republic of the Philippines v. People's Republic of China. Memorial of the Philippines*. URL: <https://files.pca-cpa.org/pcadocs/Memorial%20of%20the%20Philippines%20Volume%20I.pdf>.

and is widely known by the international community.” (UN, 2009c) The Note Verbale explicitly mentions the following Chinese assertions:

- Sovereignty over the SCS islands and their adjacent waters (the attached map indicates the following maritime features within the interrupted line by name: Xisha Qundao (Paracel Islands); Nansha Qundao (Spratly Islands); Zhongsha Qundao (Macclesfield Bank); and Dongsha Qundao (Pratas Islands).
- Sovereign rights and jurisdiction over the relevant waters including their seabed and subsoil.
- Consistency of the PRC’s official position on maritime and territorial claims in the SCS.
- Knowledge of third states as regards the PRC’s maritime and territorial claims in the SCS.
- The U-line delineates the Chinese claims of sovereignty, sovereign rights, and jurisdiction (Franckx & Benetar, 2011: 66).

China’s NDL overlaps with the claimed territories of the other conflict parties and was, therefore, immediately rejected by many claimant states, notably Vietnam, Malaysia, and the Philippines (Loi & Le, 2023). These countries have their own maritime-territorial claims in the SCS, which are based on territories and waters controlled by their former colonial powers, which existed before the 1982 UNCLOS (Rustandi, 2015). The UNCLOS framework is generally regarded as the applicable legal framework for assessing maritime claims. One point of note is that the PCA ruled in the SCS arbitration case that all sorts of previous economic activity before the UNCLOS’ entry into force does not amount to permanent inhabitation by a stable community, and therefore generates no historical rights to any prior inhabited feature. This key aspect, as well as the other significant findings of this court ruling, will be further explained in the later under point 10.5.

With regard to the 1982 UNCLOS, China’s claims appear to be in clear violation of the provisions. Article 16 in Part II of UNCLOS requires that coastal states should provide a chart and list of geographical coordinates in support of their claim (UNCLOS, 1982a), which China has not fulfilled. Additionally, Part V of the Convention sets forth provisions related to the Exclusive Economic Zone (EEZ), which may extend to a maximum of

200 nautical miles from established baselines (UNCLOS, 1982a). China's claims, however, do not designate any fixed positions or coordinates; its parameters are unclear and open to different interpretations and challenges by the adjacent regional states (Rustandi, 2015). Adding to this, Rustandi (2015) notes that it is generally agreed among military and policy experts that China has never controlled the sea lanes or impaired the freedom of navigation in the SCS in the same sense as European states understand and apply these terms, concluding that there is no legal basis for the NDL claim. In their report on Vietnam's East Sea strategy in this conflict, Loi & Le (2023) highlight that China's claim infringes on Vietnam's maritime area because it encroaches deeply into the sovereign zones of Vietnam (as well as those of coastal countries in SEA) and by doing so, has 1) caused many obstacles to Vietnam's economic activities in the area under Vietnam's sovereignty, and 2) frequently used its navy and CG force to threaten Vietnam's economic activities in the contested area. Under its NDL as the legitimation for all its actions, China has continuously acted to hinder the fishing activities of Vietnamese fishermen, and pressures Vietnamese and foreign oil and gas companies to terminate their oil and gas exploration and production activities in Vietnam's continental shelf while regularly sending Chinese oil and gas exploration ships into Vietnamese sovereign waters at the same time (Ibid., 2023).

While the majority view among legal and political scholars and experts is that China should be bound to the UNCLOS provisions, given that it is on the list of ratifying states, Qiang and Zong (2015) highlight that China was not the creator of UNCLOS. They assert that its provisions are thus not the legal basis for deciding China's claim. As research fellows at the Institute for China-America Studies, Qiang & Zong (2015) back China's NDL claim, explaining that the international community's confusion emerged following the U.S. government's "misunderstanding due to its "perennial anxiety" in the SCS dispute. The misunderstanding originates from the fundamentally different thoughts over territorial and maritime legal matters between China and the West (Ibid., 2015). In the debate over the NDL's legal basis, Qiang & Zong (2015) have further argued that the issue is not about the exercise of maritime jurisdiction, but that China's NDL claim relates to the sovereignty of features within the area depicted in the very first standard map of the Chinese government released in 1947 (see figure 8). Qiang & Zong (2015) thus argue that the international community should accept the NDL

claim as it must be interpreted in the light of the location of islands claimed in the initial 1947 map.

On August 28, 2023, China published another map of what it considers the indisputable standard representation of the SCS area. This map still covers more than 90 percent of the SCS, particularly the contested Spratly Islands. The SCS standard map was 'updated' during the so-called National Mapping Awareness Publicity Week (EIA, 2024). On this occasion, China's Ministry of Natural Resources posted the revised map on the website of its cartographic service. This map includes a ten-dash line (henceforth, TDL) close to Taiwan (The Geostrata, 2024). According to the Chinese government, the TDL map is to be understood as the unchanged representation of China's sovereign territories and is, therefore, not meant to be authoritative (Ibid., 2024). In order to avoid any potential confusion in the course of this thesis in the face of several updates of the standard map, the thesis continues to refer to it as the "NDL" (from 2009) as the focal point of the SCS conflict.

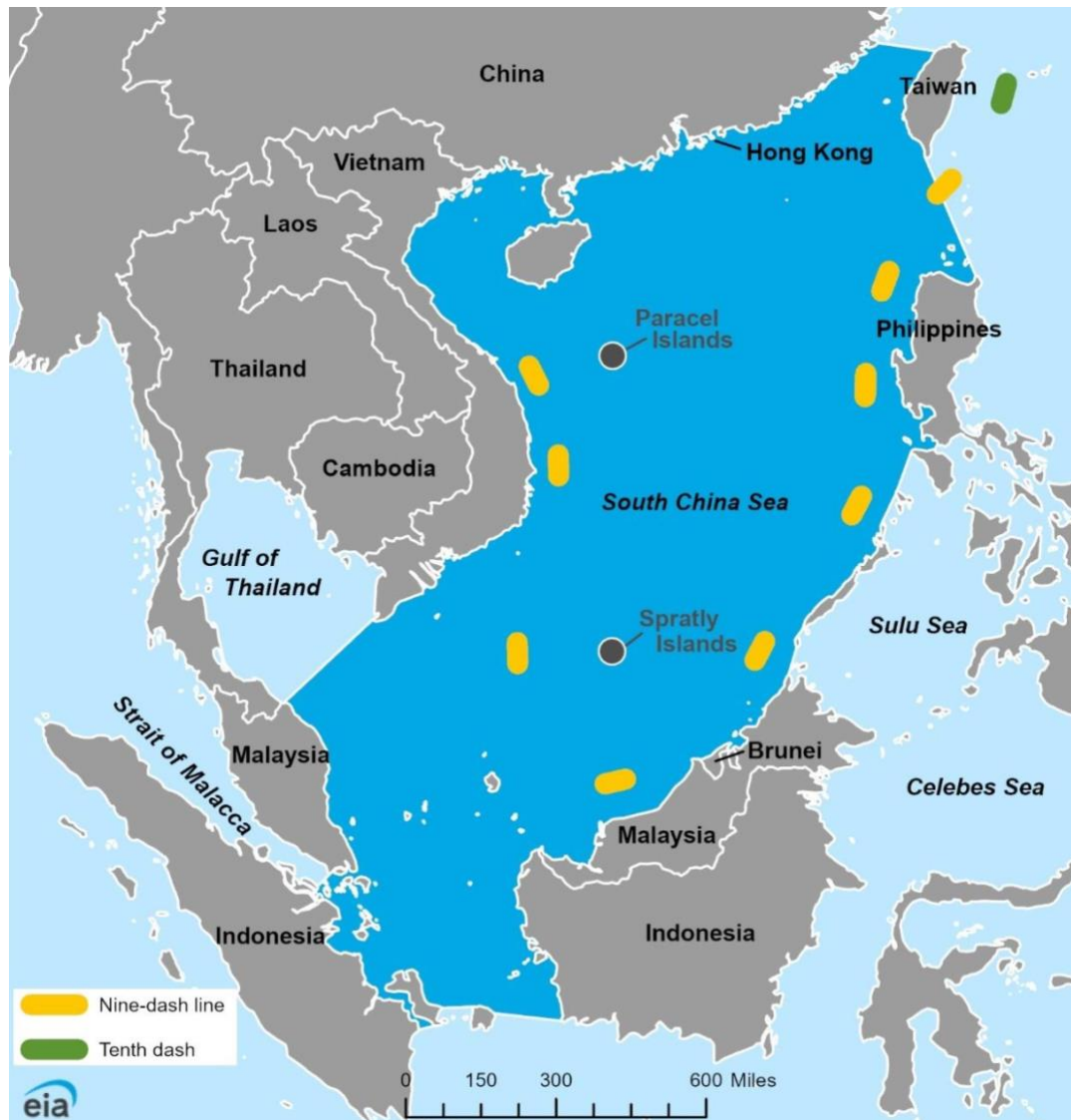


Figure 6: China's TDL map, 2023¹⁴

The changes in the 2023 map are twofold: the first change concerns China's western frontier with India. In this version, the map includes both the Indian state of Arunachal Pradesh and the parched northern extension of Ladakh, known as Aksai Chin. China has long claimed the former as the southern section of Tibet, as well as the latter, which China has occupied since the conclusion of the 1962 Sino-Indian War (Hutagalung, 2023). Second, the tenth line was added east of the Taiwanese coast so that the island state is fully incorporated into Chinese sovereign territory in this updated map. Some experts refer to it as the additional "geopolitical line" (The Geostrata, 2024), given its (new) geopolitical dimension. The act of adding another line in addition to the already contested NDL is, therefore, to be read as having added a new geopolitical and

¹⁴ Source: EIA (2024). *Regional Analysis Brief: South China Sea*. URL: https://www.eia.gov/international/analysis/regions-of-interest/South_China_Sea.

geostrategic dimension to China's assertive claims in the entire SCS. The TDL map suggests an island attribution in addition to China's existing claims concerning historical rights to the SCS (Sakamoto, 2023).

The Chinese-Taiwanese tensions are rooted in the Chinese civil war from 1927-1949. Today, there are ongoing discussions about separation vs. reunification efforts between the People's Republic of China (PRC) and the Republic of China (ROC). Taiwan's incorporation in the PRC's territory in the updated map of 2023 makes sense from a military-strategic perspective: as long as Taiwan claims to be an independent state, any military escalation between the PRC and ROC would be seen as an international armed conflict leading to U.S. involvement - the ROC's most important security ally. However, if Taiwan is seen as a part of China, as on the 2023 standard map, escalation would be seen as a non-international armed conflict. In this case, China could gain full control of Taiwan's EEZ and could, for instance, impose a maritime blockade against third-country vessels and aircraft entering or leaving Taiwan's (or in this case: China's) sovereign waters (Ibid.,2023). Military blockades are an important method used in naval warfare, which was elaborated on under point 5.2 on the key ideas of the naval power theory. The tenth line could, therefore, give China much more power in the already tense conflict and create new dynamics in the region by shifting maritime borders even further in contrast to the freedom and rights of the other SCS claimants.



Figure 7: The geopolitical dimension since 2023¹⁵

According to Hutagalung (2023), this revised map reflects China's increased exercise of its 'geopolitical muscle' in the 21st century. The map is a reflection of attempts to justify repeated military clashes with India along their shared border, and their campaigns to seize control of areas of the contested SCS, in disregard of other SEA claimants' overlapping claims. Other regional states, namely the Philippines, India, and Malaysia, have lodged a strong protest through diplomatic channels with China (Sakamoto, 2023). While condemning China's continued unilateral claims in the 2023 map, spokespeople of their foreign ministries have also stressed that neither the newly added line nor the new standard map has a legal basis under international law.

What must be noted is that both the standards map from 2009 and 2023 are based on a much older Chinese map released in 1947. The cartographic piece in question was produced by the ROC's Department of the Territories and Boundaries of the Ministry

¹⁵ Source: Sakamoto (2023). *What are China's Aims with the Ten-Dash Line in the South China Sea?* URL: https://www.cas.go.jp/jp/ryodo_eg/kenkyu/senkaku/chapter04_column_04.html.

of the Interior in December 1946 (Zou, 1999: 33). The eleven dash-line (EDL) with its U-shape covers most of the area, including the Pratas Islands, the Macclesfield Bank, and the Paracel and Spratly Islands, which China regained from Japan after WWII as a sequel to the Sino-Japanese War that ended in 1895 (Council on Foreign Relations, 2024). The EDL in this first standard map is geographically composed as follows: starting at the Sino-Vietnamese boundary in the Northwest of the EDL, the first dash lines pass through the Gulf of Tonkin; the third and fourth parts of the line separate the Vietnamese coastline from the Paracel Islands (Hoàng Sa) and Spratly Islands (Trường Sa) respectively (Franckx & Benetar, 2011: 63). The fifth and sixth dashes at the tip of the U-shape then go past the James Shoal. Moving further towards the East, the seventh and eighth dashes are located between the Spratly Islands on one side and Indonesia, Malaysia, and Brunei, and the Philippines on the other (Ibid., 2011: 63). The ninth, tenth, and eleventh segments in the Northeast of the SCS separate the Philippines from China (Wang, 2010).

*Note that for a better visibility of the EDL, each line of the following map is highlighted in red:

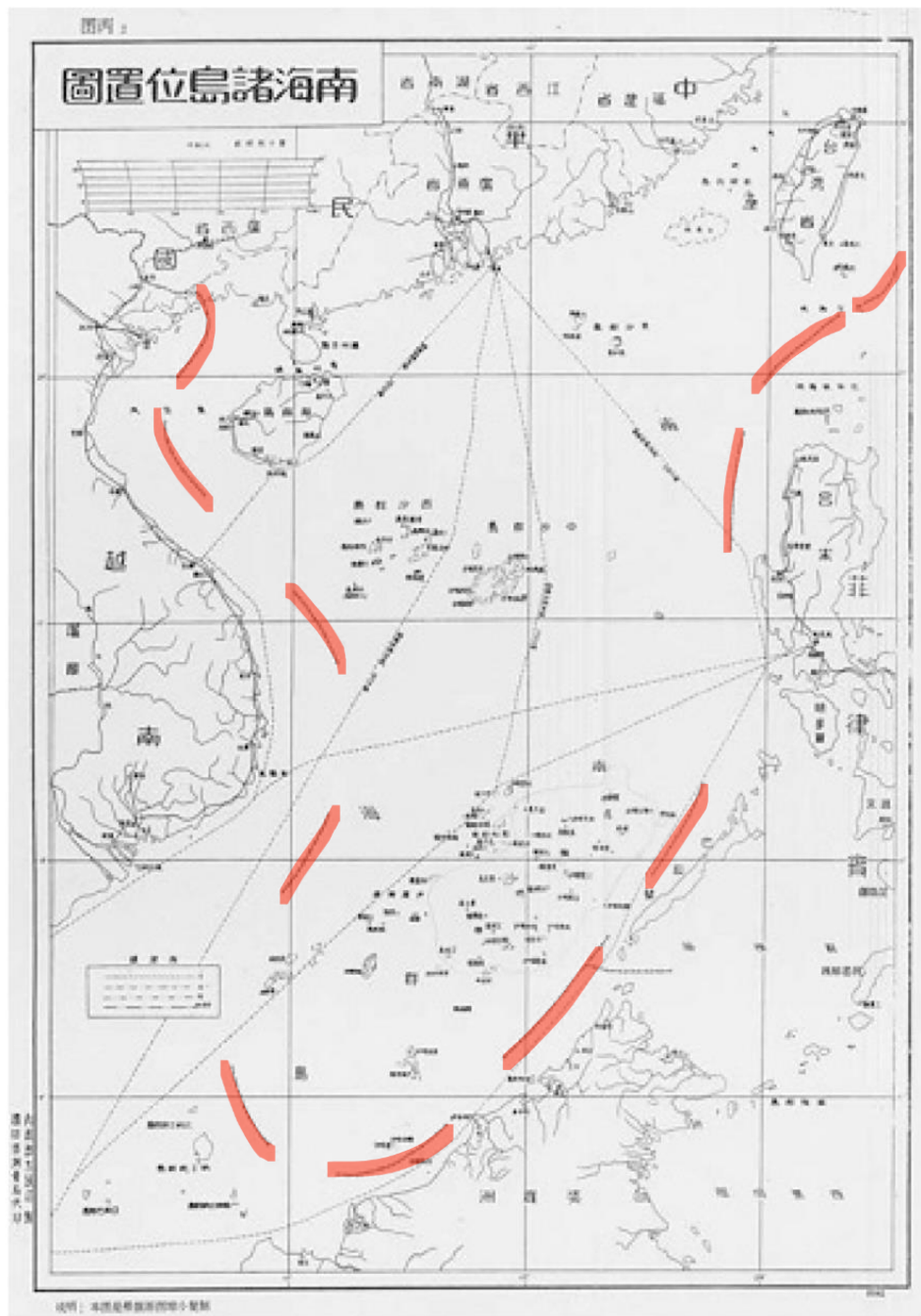


Figure 8: China's EDL map, 1947¹⁶

The origins of the EDL map date back to the 1930s when the ROC's Land and Water Maps Inspection Committee, formed in 1933, took the first steps towards a linear representation of China's claims in response to the unilateral annexation of the Spratly Islands by French Indochina (Caruana, 2023). The committee's works included the survey and naming of islands in the SCS, and the production of maps showing these

¹⁶ Source: U.S. Department of State Bureau of Oceans and International Environmental and Scientific Affairs (2022). *Limits in the Seas. No. 150. People's Republic of China: Maritime Claims in the South China Sea*. URL: <https://www.state.gov/wp-content/uploads/2022/01/LIS150-SCS.pdf>.

islands within Chinese territory (Francks & Benetar, 2011: 77). The dissolution of French Indochina after WWII led to the new independence of several states, leaving the question of lawful claims. Even the establishment of UNCLOS in 1982, a resolution that defines the rights and responsibilities of nations in their use of surrounding waters based on EEZs and continental shelves (Council on Foreign Relations, 2024), has not been able to resolve the ongoing territorial disputes among all claimant states. Part of the reason why the disagreements over territorial claims and sovereignty rights continue to exist is that UNCLOS does not address sovereignty issues related to the South- and East China Seas, and its vague wording has prevented it from serving as a credible body of law in the Indo-Pacific region (Ibid., 2024).

After the Chinese civil war, the PRC inherited the ROC's claims in the SCS but reduced the number of dashes to nine following a negotiation with Vietnam over the Gulf of Tonkin in 1952. Since then, China has maintained the NDL as the visual perimeter of its claims in the SCS (Caruana, 2023). Despite criticism from the international community as well as the redrawing of the map to ten dashes in 2023, each version of China's standard map from 1947 to 2023 remains a symbol and hallmark of China's enduring interests in the region (Ibid., 2023). The EDL was based on what China has always considered to be their indisputable "historic rights" in the SCS. According to the Chinese narrative, the SCS was first discovered during China's Han Dynasty (The Geostrata, 2024). China further argues that a Chinese mission in the 3rd century C.E. to Cambodia and later official and unofficial accounts during the period of the Song and Yuan dynasties prove that the SCS is within China's historical national boundaries (Ibid., 2024), which therefore legitimize the 1947 boundary printed in the standard map. Maps dating back to past Chinese dynasties, such as the often-mentioned Han Dynasty of Ancient China, however, remain vague in their display of the large territory of the empire. These maps make it difficult to derive a detailed attribution of maritime areas, islands, and reefs today. Adding to this, an independent verification of these historic claims is hardly possible due to the insufficient data available from ancient China.

10.2 Sino-Filipino relations reflecting the complex SCS dispute

The post-colonial era in East Asia and SEA after WWII is an important period for the SCS conflict's roots. When the former occupying power, Japan, withdrew from its

former colonies in SEA at the conclusion of the war in 1945, the islands and land features were left with no official control under any country. This left this region highly contested with claims from all surrounding countries (Meyer, 1996). The islands remained officially unoccupied for the years after 1945/46 and are subject to disputes until today. Given their geographic proximity, China and the Philippines continue to have disagreements over the 'rightful' ownership of all (or at least parts) of nearby island chains.

The Philippines' most contentious disputes with China are centered on the Second Thomas Shoal of the Spratly Islands, which lies within the Philippines' 200-mile EEZ (Center for Preventive Action, 2024). In 1999, the Philippines intentionally grounded the (former) war ship "BRP Sierra Madre LST-57" on Second Thomas Shoal as a means of reinforcing its territorial claims on the area, which they call the 'West Philippine Sea'. Since then, the Philippine CG has conducted monthly resupply missions to its military contingent on this ship, leading to repeated clashes due to blockages of Chinese navy and CG ships.



Figure 9: Second Thomas Shoal¹⁷

The location of Second Thomas Shoal (174 nautical miles from Puerto Princesa) allows China to keep dozens of maritime units in the vicinity while the Philippine navy and CG struggle to visit the grounded vessel more than on a periodic basis (Herzinger, 2023). In the past, China's irregular forces have delayed food deliveries to this Philippine outpost for extended periods (Ibid., 2023). This quasi-blockade is particularly dangerous, given that the ship remains a flagged vessel of the Philippine navy and, as such, falls within the publicly recognized protection of the 1951 U.S.-Philippines Mutual Defense Treaty. Having initially been an improvised solution in 1999 to physically demarcate Philippine maritime sovereignty over islands and atolls that many nations claim, the BRP Sierra Madre has been rusting and rotting ever since. Its physical disintegration is creating a significant risk for regional security, with the steadily eroding hull remaining as a stark representation of the tenuous situation in the SCS (Ibid.,

¹⁷ Source: Dyami (2024). *Second Thomas Shoal: an emerging flashpoint in the South China Sea?* URL: <https://www.dyami.services/post/second-thomas-shoal-an-emerging-flashpoint-in-the-south-china-sea>.

2023). Despite the establishment of diplomatic relations since 1975, Sino-Filipino relations have continued to be strained ever since.

In addition to the bilateral disputes surrounding the Second Thomas Shoal, there are ongoing Chinese-Filipino disputes concerning the Mischief Reef (a low-tide elevation located in the Spratly Islands) and Scarborough Reef (a series of small rocks and islands located near the Philippine Island of Luzon). Serious clashes over these reefs happened in the 1990s. Until today, both reefs have proved to be a “flashpoint in Sino-Filipino relations” (Zou, 1999: 32) as fishermen from both sides continuously collide around the reefs while trying to access the abundant living and non-living resources. The Mischief Reef incident (1995) and Scarborough Reef incident (1997) represent some of the most serious events in the development of Sino-Filipino relations in the past decades. Both also dealt with the detention of Chinese boats/ fishermen by Philippine armed forces with the charge of “illegal entry” (Ng, 2022) into sovereign Philippine waters, leading to further acts of revenge by the Chinese counterparts and a spiral of bilateral escalations in the following years. Unless one side someday decides to recognize the validity of the other’s claim concerning this reef, the conflict is likely to continue (Zou, 1999: 32). China’s interest in the Scarborough Shoal is based on ensuring the security and control of access to the Pacific Ocean (Teixeira, 2021). This strategic importance of the chain of islands becomes visible through the 2009 standard map. After the Mischief and Scarborough Reef incidents, China and the Philippines had been working towards better conflict management and cooperation until 2008. 2009 witnessed the increase of tension in their bilateral relation with regards to the principles of interpretation of the ‘limits of the continental shelf’ and ‘straight baselines’ (Li, 2014: 2) in the SCS according to the UNCLOS. Claims over sovereignty rights and ownership over Second Thomas Shoal, Mischief Reef, and Scarborough Reef have, therefore, significantly impacted, and shaped the bilateral relations prior to the legal proceedings at the ITLOS in 2013. The court’s arbitration award, which followed three years later, gave the Philippines a “landslide victory over China regarding SCS dispute claims.” (Hu, 2021: 6)

The relationship between the Philippines and China, however, has also heavily depended on the Philippine regime in power over the last few years. In 2016, for instance, the Philippines’ Duterte administration decided to put aside the tribunal award

as a way to de-escalate the heightened tensions in the SCS and to improve the relationship with China (Hu, 2021: 6). One remarkable statement in this regard was made by the former Philippine Foreign Secretary Alan Peter Cayetano in 2018, who stated that to achieve development, conflicts must end and that the Philippines should not allow the dispute to define their overall relationship with China (Jaipragas, 2018). Duterte's handling of the Philippines-China SCS disputes shows continuity with some of his predecessors (Ibid., 2021: 7). After China seized the Mischief Reef in 1995, while strengthening military ties with the U.S., the Philippines' then-President Fidel Valdez Ramos continued engaging with China to de-escalate tensions and maintain a benign relationship (Heydarian, 2017b: 220). Also, the Philippine administration under the 14th President, Gloria Macapagal Arroyo, pursued a rather 'modest' approach in handling the SCS conflict. The interest in maintaining a stable relationship with China and avoiding an escalation at sea, therefore, led to the Philippines' decline to participate in Vietnam and Malaysia's joint submission of extended continental shelf claims in the SCS to the UN in 2009 (Ibid., 2017: 221).

The Philippines does not always adopt such a de-escalation and amelioration strategy towards China. Duterte's predecessor, former President Benigno Aquino III, for example, was more confrontational in the way he dealt with the disputes (Hu, 2021: 7). The current President, President Ferdinand Romualdez Marcos Jr., who has been leading the country since the summer of 2022, pursues an approach, somewhere between the previous strategies. First, he has been steering the country away from Duterte's previous appeasement strategy, e.g., by downplaying the 2016 PCA ruling, by publicly stating that he will not surrender Philippine territory to any foreign power, and will use the arbitration ruling to assert the Philippines' territorial rights (Balboa, 2023). This aspiration is further backed by the cooperation with other regional allies, particularly Australia and Japan, as well as the U.S., as a major partner whose defense commitment to the Philippines is considered by many to be "ironclad" (Robles, 2024). So far, the approach of strengthening ties with the U.S. and regional allies as a means to counter Chinese intimidation works well for the current President, given that the Philippines' security interests and territorial integrity in the SCS align with the interests of other regional powers in times of an increased power competition against China in all spheres. Second, the Marcos Jr. administration seeks to safeguard the country's economic interests through the upholding of stable diplomatic ties with China at the same

time (Balboa, 2023). This strategy is frequently referenced as the Philippines' "balancing act" between China and the U.S. (Ibid., 2023) and has wide implications. While the President aims to preserve economic stability and make economic gains without having to compromise on the Philippines' security and territorial interests, this balancing strategy also prevents the country from being dragged into a bigger military conflict with China (Robles, 2024).

10.2 The Philippines' approach

The Sino-Filipino tensions in the SCS are characterized by an asymmetry in terms of the military, economic, and political capabilities of the great power China in comparison to the Philippines as a smaller SEA middle power. Instead of choosing direct military confrontation, the Philippines has resorted to other means and strategies to balance out the unequal conditions in the SCS conflict. The lack of a credible defense force continuously requires the Philippines to negotiate with China from a "position of weakness" (Storey, 1999: 96) that has resulted in little concrete progress so far. Despite the substantial financial outlay for the Philippine military force modernization program under President Ferdinand Marcos, the current administration is under no illusion that the Philippine armed forces could ever achieve strategic parity with China's People's Liberation Army (De Castro, 2025). President Marcos has thus been prioritizing the fostering of dynamic and close security relationships with the U.S., the country's long-time and only formal treaty ally, while pursuing a policy of hard balancing toward China (De Castro, 2025).

Despite the asymmetry between the Chinese vs. Philippine military armed forces, the Philippines has found its own way to assert itself against China. In addition to choosing the legal path with the 2013 appeal on the international scene, the Philippines has adopted an approach of increased assertiveness (Koh, 2023). By promoting "assertive transparency" (Glosserman, 2024) through the strategic use of domestic and foreign media, the Philippines aims to shape the media landscape, regain control over the narrative in this conflict, and to publicly "name and shame" China (Gerstl, 2022: 66) for its coercive actions and hybrid warfare tactics against the Philippine CG and civilian vessels. In the eyes of the international community, China shall be condemned for its unlawful and coercive actions in the SCS (De Castro, 2025). The publication of documented and thus undeniable violations of international maritime law in domestic

and foreign media is at the heart of this transparency approach. The Philippine government's effort is to expose what is considered Chinese 'gray zone operations' in the SCS that involve a variety of coercive measures, such as:

- the blockage through Chinese CG ships to deny Philippine public vessels the access to its own EEZ;
- dangerous maneuvers by Chinese ships against Philippine navy ships;
- bullying behavior at sea, e.g., by using water cannons;
- outright ship collisions against Philippine public vessels; and
- applying swarming land features with Chinese CG vessels (Ibid., 2025).

The Philippines' approach to counter these forms of maritime harassment is labeled as the 'Transparency Initiative' (TI) and aims at putting China on the back foot through this public name and shame-tactic (Koh, 2023). The initiative's objectives are clear and straightforward: to strengthen the Filipino national resolve and resilience against China's maritime expansion by shaping public opinion; to generate and sustain international support from like-minded states that are determined to defend the rules-based international order; and to increase the reputational cost of Chinese expansion and aggression in the SCS (De Castro, 2025).

There are mixed opinions among international observers on the TI's overall effectiveness in terms of securing and enforcing the Philippines' territorial claims, i.e., Mischief and Scarborough Reef, as well as Second Thomas Shoal vis-à-vis China. While the TI has raised more awareness and generated international support, and thus provides suitable strategy to deal with China, it has not succeeded to dissuade China from continuing efforts to exercise control over the SCS (Glosserman, 2024). Some scholars argue that the reason that neither the TI of the Philippines, nor the similar "Opacity Initiative" of Vietnam have been effective lies in the nature of the Chinese regime (Grossmann, 2024). The Chinese government is sticking firmly to its contemporary course, no matter the reputational cost (Ibid., 2024). Some might therefore find that the Philippine and Vietnamese reputation-focused strategies are inefficient and not designed for a regime that, under the leadership of President Xi Jinping, has become more authoritarian and suspicious of the West and cares less

about its international reputation, binding international law, and norms of behavior (Grossmann, 2024).

However, there is large consensus about the fact that the Philippine TI has so far achieved six major points:

- 1) exposing China's expansionist, coercive, and unlawful behavior towards the Philippines, effectively debunking China's national self-image and official narrative that it is a benevolent and responsible emergent power in the Indo-Pacific region (De Castro, 2025);
- 2) publicly challenging China's official mantra that its approach to the dispute is peaceful, just, and consensual to all the claimant states (Ibid., 2025);
- 3) revealing the underlying agenda behind China's assertion that territorial and maritime disputes in the SCS should be managed exclusively by the claimant states without any intervention from external powers (Ibid., 2025);
- 4) shedding light on the reality that China's activities to assert its maritime rights and interests in the SCS are facilitated by the Chinese CG and maritime militia crackdowns, harassment, and intimidation of the weaker and smaller claimant states from using their resources in their EEZs (Massaki & Shinji, 2022);
- 5) using the shaming of China on the global stage to convince like-minded powers to provide diplomatic and even material support to the Philippines (Parada 2024); and
- 6) on a more symbolic level, the Marcos administration's assertive strategy continues to set an example of how a smaller, weaker country can stand up to a larger, stronger one in the SCS (Koh, 2023).

Besides the TI, the 2013 appeal against China at the ITLOS has had another great (symbolic) impact on the SCS conflict. The 2016 judicial award in favor of the Philippines invalidated China's unilateral claim in the SCS based on the NDL (De Castro, 2025) and directly confronted China with the binding nature of international law (UNCLOS). The arbitral tribunal has further led to an internationalization of a conflict, which had been perceived as a purely bilateral or regional dispute in the past. Ever since the active implementation of the TI after maritime clashes with China combined with the international attention since the 2016 judicial award, the Philippines has garnered widespread international backing, with countries from North America, Europe, South Asia, and Northeast Asia rallying behind its "David vs. Goliath" struggle

against China (De Castro, 2025). This bigger support on the international stage further enabled the Philippines to sign several cooperative defense agreements with like-minded states such as the U.S., Japan, France, ROK, India, Germany, and Vietnam (Parada, 2024).

10.3 The SCS arbitration case

Another significant aspect of Sino-Philippine relations, with far-reaching implications for the SCS dispute overall, is the arbitration case that has already been mentioned in previous chapters. On January 22, 2013, the Philippines formally notified China that it was initiating arbitration proceedings under Annex VII of the UNCLOS. This day marks the beginning of legal proceedings against China, in scholarly debates commonly known as the “SCS arbitration case”. The Philippines’ appeal in 2013 considering the ‘unlawfulness’ of certain Chinese activities and incidents at sea under Annex VII to the 1982 UNCLOS and the final PCA ruling in 2016 continue to represent a landmark decision in the SCS conflict up until today (PCA, 2016b). The court ruled in favor of the Philippines and rejected China's historical, territorial claims, ruling that China's NDL had no legal basis. China did not participate in the entire proceedings, nor does it recognize the PCA Award as legally valid or binding to this day, further intensifying the dispute. In general, this maritime conflict illustrates the difficulty of fully implementing international law, with special regards to the 1982 UNCLOS and its, in theory, binding nature.

The ITLOS was the responsible institution in this dispute as it is an independent judicial body established by the 1982 UNCLOS that has jurisdiction over any dispute concerning the interpretation or application of the (UNCLOS) Convention, and over any disputes concerning the delimitation of maritime zones, navigation, conservation, and management of the living resources of the sea, protection and preservation of the marine environment and marine scientific research (ITLOS, 2025). The PCA came into play as responsible Registry in the SCS arbitration case. As such, the PCA functioned as an independent international organization that provided the administrative, logistical, and procedural support for the arbitration (PCA, 2016a). Some might say that the Philippines had little choice other than to appeal to the ITLOS given that the country is economically and militarily outmatched by China. Both parties, therefore, needed to clarify their potential maritime rights in the SCS under UNCLOS. Another

main reason of this appeal was to initiate a ruling over the Scarborough Shoal, hoping that the final ruling would turn out in the Philippines' favor (British Sea Fishing, 2014). Choosing the legal path over military confrontation or escalation proved to be a safer approach for the Philippines because the court appeal was backed under the UNCLOS' compulsory dispute settlement provisions. Under Part XV "Settlement of Disputes", "Section 1. General Provisions" and Article 279 – "Obligation to settle disputes by peaceful means" it is explicitly stated that "States Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with Article 2, paragraph 3, of the Charter of the United Nations and, to this end, shall seek a solution by the means indicated in Article 33, paragraph 1, of the Charter." (UNCLOS, 1982b)

10.4 Summary of the Philippines' submission

The Philippines' submission to the PCA under Annex VII of UNCLOS in 2013 first only included a copy of the note to China and a year later an extensive legal document called "Memorial" entailing numerous volumes, annexes, and supplemental written submissions in addition to main text of around 200-300 pages (PCA, 2016b). The Philippines's Memorial was in total around 4000 pages long and was submitted on March 20, 2014. An in-depth analysis of each legal document that the Philippines submitted to the PCA between 2013 and 2014 would be too extensive and, therefore, go beyond the scope of the master's thesis. For this thesis, the Philippines' claims are, therefore, summarized in 15 submissions. Each of them falls within the Tribunal's jurisdiction, which is the interpretation and application of UNCLOS. Four broad areas are covered in the Philippines' submissions: the legality under UNCLOS of China's NDL; maritime entitlements generated under UNCLOS by specific geographic features (most of them currently controlled by China); legality of China's alleged harassment of Philippines vessels; and China's alleged violations of an UNCLOS provision requiring parties to protect the marine environment (Dolven et. al, 2016). Within these areas, the Philippines asked the court to declare the following issues, which presented key principles of their security interests and sovereignty claims:

- seeking a declaration concerning China's assertion of "historic rights" (Republic of the Philippines, 2014);
- whether China's claims based on the NDL are invalid under UNCLOS;

- seeking a determination from the Tribunal as to the status and maritime entitlements (if any) of nine maritime features located in the SCS; namely: Scarborough Shoal, Mischief Reef, McKennan Reef, Gaven Reef, Subi Reef, Second Thomas Shoal, Johnson Reef, Cuarteron Reef and Fiery Cross Reef (Republic of the Philippines, 2014);
- whether, in accordance with Article 121 “Regime of Islands” in Part II of UNCLOS on “Territorial Sea and Contiguous Zone”, certain land features in the SCS are rocks, islands, or low-tide elevations; and
- whether China has interfered with the Philippines’ right to exploit resources within the Philippines’ claimed waters in accordance with Part V of UNCLOS on the EEZ (Campbell, 2016).



Figure 10: China's claims in the SCS¹⁸

¹⁸ Source: Loi & Le (2023). *Vietnam's East Sea Strategy*. URL: https://shop.freiheit.org/?fbclid=IwQ0xDSwLjBCpleHRuA2FibQlxMQABHqOIHEfjwmHtz-d1pglqY_rI8r8QFzVYUPlj4yvzu48hj8lQkK8VraUN9-xa_aem_S5sDJWGioxk0UhU2K39R_w#!/Publikation/1665.

In the appeal, the Philippines specifically requested the Tribunal to find that:

(1) China's maritime entitlements in the SCS, like those of the Philippines, may not extend beyond those permitted by the UNCLOS.

(2) China's claims to sovereign rights and jurisdiction, and to 'historic rights', with respect to the maritime areas of the SCS encompassed by the so-called NDL are contrary to the Convention and without lawful effect to the extent that they exceed the geographic and substantive limits of China's maritime entitlements under UNCLOS.

(3) Scarborough Shoal generates no entitlement to an EEZ or continental shelf.

(4) Mischief Reef, Second Thomas Shoal and Subi Reef are low-tide elevations that do not generate entitlement to a territorial sea, EEZ, or continental shelf, and are not features that are capable of appropriation by occupation or otherwise.

(5) Mischief Reef and Second Thomas Shoal are part of the EEZ and continental shelf of the Philippines

(6) Gaven Reef and McKennan Reef (including Hughes Reef) are low-tide elevations that do not generate entitlement to a territorial sea, EEZ, or continental shelf.

(7) Johnson Reef, Cuarteron Reef and Fiery Cross Reef generate no entitlement to an EEZ or continental shelf.

(8) China has unlawfully interfered with the enjoyment and exercise of the sovereign rights of the Philippines with respect to the living and non-living resources of its EEZ and continental shelf.

(9) China has unlawfully failed to prevent its nationals and vessels from exploiting the living resources in the Philippines' EEZ.

(10) China has unlawfully prevented Philippine fishermen from pursuing their livelihoods by interfering with traditional fishing activities at Scarborough Shoal.

(11) China has violated its obligations under the Convention to protect and preserve the marine environment at Scarborough Shoal and Second Thomas Shoal.

(12) China's occupation and construction activities on Mischief Reef:

- (a) violate the provisions of the Convention concerning artificial islands, installations and structures;
- (b) violate China's duties to protect and preserve the marine environment under the Convention; and
- (e) constitute unlawful acts of attempted appropriation in violation of the Convention.

(13) China has breached its obligations under the Convention by operating its law enforcement vessels in a dangerous manner causing serious risk of collision to Philippine vessels navigating in the vicinity of Scarborough Shoal.

(14) Since the commencement of this arbitration in January 2013, China has unlawfully aggravated and extended the dispute by:

- (a) interfering with the Philippines' rights of navigation in the waters at, and adjacent to, Second Thomas Shoal;
- (b) preventing the rotation and resupply of Philippine personnel stationed at Second Thomas Shoal; and
- (c) endangering the health and well-being of Philippine personnel stationed at Second Thomas Shoal.

(15) China shall desist from further unlawful claims and activities (Dolven et. al, 2016).

It is important to note that in no instance did the Philippines explicitly ask the Tribunal to rule on whether China, the Philippines, or some other SEA state holds sovereignty over any of the disputed, geological features, or maritime zones of the SCS. In its Memorial document from March 30, 2014, as part of the 4000-pages submission to the court, the Philippines stated that "[f]or the avoidance of all doubt, the Philippines does *not* seek any determination by the Tribunal as to any question of sovereignty over islands, rocks or any other maritime features. The Tribunal is not invited, directly or indirectly, to adjudicate on the competing sovereignty claims to any of the features at issue (or any others)." UNCLOS has indeed no authority to make such judgments on the question of sovereignty (Swaine, 2016). The ITLOS' task is rather to provide a legal order with clear definitions, to identify the characteristics of the marine environment

with the help of the defined rights and responsibilities of nations in accordance with the UNCLOS principles. Nevertheless, it became clear throughout the arbitration proceedings that the question of which features, reefs and shoals legally belong to which claimant state is closely linked to a conflict party's sovereignty over a specific feature and maritime zone.

10.5 Outcome of the arbitration case

A unanimous Award has been issued by the Tribunal constituted under Annex VII to the UNCLOS on July 12, 2016 (PCA, 2016b). The 479-page ruling was overwhelmingly favorable to the Philippines' position, ruling several elements of China's claims in the SCS unlawful. Although the Tribunal did not address the issue of a party's sovereignty over land territories or the delimitation of maritime boundaries, the award made several important decisions that are summarized in five categories in this master's thesis. Taken together, these decisions effectively invalidate any Chinese claim within the debated NDL to more than the disputed islets themselves and the territorial seas they generate (AMTI, 2016).

1. China's claim to historic rights in the maritime areas of the SCS

After a careful consideration and examination on the question of pre-existing rights to (fishing) resources even prior to the Convention in 1982, this position was rejected. Under the UNCLOS, every state is given a limited right of access to fisheries in the respective EEZ (in the event the coastal state cannot harvest the full allowable catch) and with no natural/ historical right to petroleum or mineral resources. The Tribunal thus found that China's claim to historic rights to resources to be incompatible with the detailed allocation of rights and maritime zones in the Convention and ruled that even to the extent that China had historic rights to resources in the SCS waters in the past, such rights were extinguished by the entry into force of UNCLOS in 1982 to the extent they were incompatible with the UNCLOS' system of maritime zones. Despite the historical evidence of Chinese fishermen making use of islands prior to the introduction of UNCLOS, the Tribunal also found that the SCS waters go beyond China's territorial sea and have, therefore, always been legally part of the high seas, in which vessels from any state can freely navigate and fish.

Regarding the NDL, the Tribunal came to the conclusion that, as between the Philippines and China, there was no legal basis for China to claim historic rights to

resources, in excess of the rights provided for by the Convention, within the sea areas falling within China's NDL.

2. Status of features in the SCS

The Tribunal noted that many of the reefs in the SCS have been heavily modified by recent land reclamation and construction and recalled, in this respect, that the Convention classifies features on the basis of their natural condition. Of the seven Spratlys occupied by China, the court ruled that Johnson Reef, Cuarteron Reef, Fiery Cross Reef, and Gaven Reef are rocks, while Hughes Reef and Mischief Reef are below water at high-tide and therefore generate no maritime entitlements of their own. It also ruled that Kennan Reef is a low-tide elevation, while Second Thomas Shoal and Reed Bank are submerged and belong to the Philippine continental shelf (AMTI, 2016). This is relevant because under the UNCLOS Articles 13 and 121, features that are above water at high tide generate an entitlement to at least a twelve nautical mile territorial sea, whereas features that are submerged at high tide generate no entitlement to maritime zone (PCA, 2016b).

Regarding the status of the Spratly Islands with many of its features being highly disputed between China and the Philippines, the Tribunal surprised many observers of the case by ruling on the legal status of every feature in the Spratly Islands raised by the Philippines. It found that none of the Spratlys, including the largest natural features (Itu Aba, Thitu Island, Spratly Island, Northeast Cay, and Southwest Cay) are legally islands because they cannot sustain a stable human community or independent economic life (Ibid., 2016b). The Tribunal noted the frequent control and constructed installations for personnel on the features with the goal to improve infrastructure and habitability on these contested island features but that their presence does not establish their capacity to sustain a stable community of people on them. Also, all sorts of previous economic activity before the UNCLOS' entry into force does not amount to permanent inhabitation by a stable community, and therefore generating no historical rights to any prior inhabited feature. The Tribunal further concluded that all the high-tide features in the Spratly Islands are legally "rocks" that do not generate a 200 nautical mile EEZ or continental shelf.

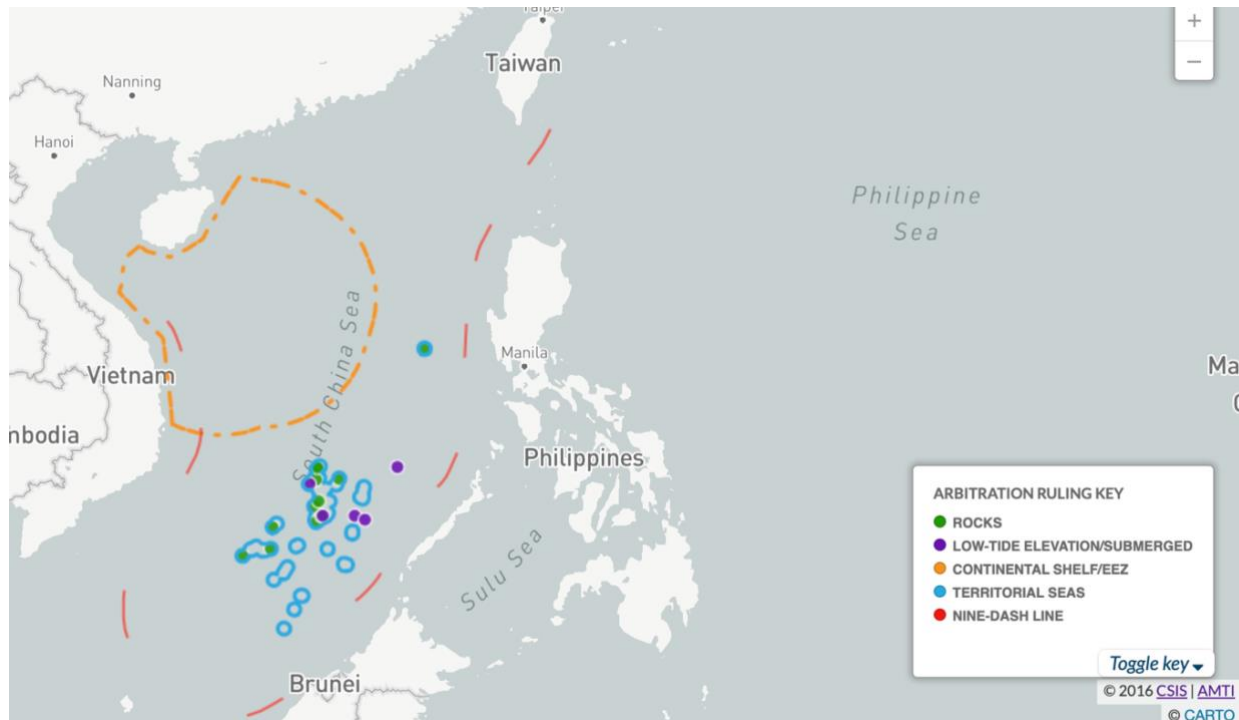


Figure 11: Key rulings of the PCA Award¹⁹

3. Unlawfulness of Chinese activities

The Tribunal found as a matter of fact that China had:

- (a) interfered with Philippine petroleum exploration at Reed Bank;
- (b) purported to prohibit fishing by Philippine vessels within the Philippines' EEZ;
- (e) protected and failed to prevent Chinese fishermen from fishing within the Philippines' EEZ at Mischief Reef and Second Thomas Shoal; and
- (d) constructed installations and artificial islands at Mischief Reef without the authorization of the Philippines. The Tribunal therefore concluded that China had violated the Philippines' sovereign rights with respect to its EEZ and continental shelf;
- (e) violated the Philippine's EEZ by halting Filipino fishermen's access to Scarborough Shoal after May 2012. While affirming that both Filipino and Chinese fishermen have traditional fishing rights at Scarborough Shoal, the area in question was confirmed by the Tribunal to be part of the Philippines' EEZ

¹⁹ Source: AMTI (2016). Philippines v. China: Arbitration Outcomes. URL: <https://amti.csis.org/arbitration-map/>.

given that the Shoal is above water at high tide and thus generates an entitlement to the Philippines' territorial sea;

(f) caused severe harm to the coral reef and maritime environment through its large scale land reclamation and construction of artificial islands at seven features in the Spratly Islands, violating its obligation under the UNCLOS Articles 192 and 194 (preserve and protect the marine environment with respect to fragile ecosystems and the habitat of depleted, threatened, or endangered species); and

(g) breached its obligations under the Convention on the International Regulations for Preventing Collisions at Sea from 1972 as well as UNCLOS Article 94 concerning the upholding maritime safety by creating serious risk of collision and danger to Philippine ships and personnel on two occasions in April and May 2012 when Chinese vessels had sought to physically obstruct Philippine vessels from approaching or gaining entrance to Scarborough Shoal (PCA, 2016a).

4. Aggravation of the dispute between the parties

In consideration of the existing duty after which parties engaged in a dispute settlement procedure to refrain from aggravating or extending the dispute or disputes at issue during the pendency of the settlement process, the Tribunal noted that China did not refrain but further contributed to the tightening of the dispute during the pendency of the arbitration proceedings by:

- (a) building a large artificial island on Mischief Reef and thus within the Philippines' EEZ;
- (b) causing permanent, irreparable harm to the coral reef ecosystem; and
- (c) permanently destroying the natural conditions of the features in question.

5. Future conduct of the parties

The Tribunal believed the root of the disputes lies not in any intention on the part of China or the Philippines to infringe on the legal rights of the other, but rather in fundamentally different understandings of their respective rights under UNCLOS in the SCS waters. Therefore, by recalling the compliance to the fundamental principle of international law under Article 11 of Annex VII, the Tribunal expected both parties from

now on to respect each other freedoms and rights under the Convention and to comply with the jurisdiction of the 2016 Award.

10.6. After the arbitration case

China's non-participation in the entire arbitration proceedings did not affect the final ruling given that under Article 9 of Annex VII ("Arbitration") UNCLOS, it is stated that the absence or failure of a party to defend its case shall not constitute a bar to the proceedings (PCA, 2016b). Annex VII also provides that, in the event that a party does not participate in the proceedings, a Tribunal must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law (Ibid., 2016b).

It is worth noting that technically speaking, China is obliged to faithfully implement UNCLOS provisions because it is a state party to UNCLOS that signed the Convention in December 1982 and ratified it later in 1996, "giving a strong boost to its conclusion and entry-into-force." (Ministry of Foreign Affairs of the PRC, 2022) Being a UNCLOS signatory state means to be an active participant, builder, and contributor to the Convention and its mechanisms (Ibid., 2022). As such, the judgement by the PCA cannot be appealed and is, at least in theory, legally binding until today. With the knowledge that the Tribunal's ruling might be legally binding but is by no means enforceable, China tightened its language against the court ruling shortly after by using different channels such as white papers, statements of the foreign minister, state-led newspapers, and the state newswire "Xinhua" to publicly degrade the judicial decision in various ways including a "political farce under the pretext of law", a "pack of lies", and "the arbitral tribunal acting as a lackey of some outside forces that will be remembered as a laughing stock in human history" (Beech, 2016). China's refusal to participate in the arbitration process and its later declaration of the final ruling to be "null and void" (PCA, 2016a) demonstrates the need for a more effective solution in the SCS conflict. As mentioned above in the section on research relevance, it is, therefore, important in this conflict to find a solution that cannot be undermined by China. What is needed is an approach by an actor/institution that has not been brought about by a (Western) institution whose existence and work is not recognized by China. This is where ASEAN comes into play, representing a multilateral and overall different

type of actor in the SCS conflict – an institution with an extended repertoire of tools and mechanisms to establish more stability and security in the region.

11. ASEAN as transnational actor

Besides the consideration of resolutions to the SCS conflict on a national and/ or intergovernmental level, the transnational community of the ASEAN must also be included as a relevant regional actor in the conflict analysis when considering possible CR mechanisms. TNAs such as the ASEAN in SEA are gaining importance and the level of responsibility in terms of dealing with the increasingly complex and global issues they are facing in a respective region. This trend comes with the power shift away from the U.S. as there are increased “[...] stories of international cooperation at the expense of the United States.” (Schweller, 2014: 93). It thus opens the way for a more diversified and complex mix of actors on the (sub-)state, regional, and transnational level. In a relatively new phase of emerging challenges with added layers of complexity due to rapid developments of Artificial Intelligence (AI) and technology, TNAs like ASEAN play a significant role on the world scene as they are by definition political, social, cultural, and economic agents or groups, which have trans-societal relations across borders in pursuit of their goals, to a certain degree independently from domestic governmental considerations (Risse-Kappen, 1995). Given that this form of organization works beyond state boundaries and acts independently from traditional state authorities (Thiel & Maslanik, 2017), TNAs spawn new opportunities to promote multilateral dialogue and to strengthen international capacities for engaging and managing change without the use of violence (Ramsbotham et. al, 2016). As for the SCS conflict, this will become clear in the later parts of this chapter (points 13 and 14) where the ASEAN’s conflict management tools and mechanisms focused on dialogue, diplomacy, and cooperation are dealt with in detail.

Four of the ten ASEAN MS (the Philippines, Brunei, Vietnam, and Malaysia) are primary claimants in the SCS and share similar territorial counterclaims against China. The remaining members (Laos, Cambodia, Myanmar, Thailand, Indonesia, and Singapore) are not directly involved in overlapping territorial claims but may engage diplomatically on the issue in some of the ASEAN’s multilateral security forums. Being

the association of several SEA states, ASEAN has a certain “voting weight” (Strand & Rapkin, 2005: 15) in direct dealings with China as a powerful actor on the Asian continent. This merger of several smaller states into a one community thus creates the concept of “nesting” (Aggarwal, 1983a: 617), in which one regional organization can nest vertically or horizontally with other related regimes and thus influence trade and security-related matters. In this context, Aggarwal (2024b) speaks of “minilateralism” to describe a rise in Asia-Pacific, in which small groupings of countries come together on both trade and security. The benefits and advantages of such an arrangement are to better promote trade and enhance the security situation for the individual countries and thus the entire region. The trend towards minilateralism, however, does not stand in direct opposition to multilateralism. Regarding international trade, countries in SEA increasingly fear that multilateral trade forums such as the World Trade Organization (WTO) and the Asia Pacific Economic Cooperation (APEC) forum cannot always effectively hammer out the terms of global trade liberalization (Aggarwal & Urata, 2006). The trend towards minilateralism does not stand in direct opposition to multilateralism but rather serves as a complementary approach to tackle existing weaknesses of multilateral institutions. Therefore, SEA minilateralism follows the logic of balancing out the partial ineffectiveness of global institutions

As for the security realm, the UN, for example, has never been a prominent actor for mediating, managing, or resolving some of the major conflicts that have wracked the Asian region. Nonetheless, it has often provided vital support, sometimes as a third-party facilitator or neutral mediator, sometimes intervening in important ways behind the scenes (Aggarwal, 2024b). The importance of having a third party to mediate and facilitate conflict management efforts will become more evident in a later section (point 16.3) on the CM method, where the SCS conflict is broken down into its components.

An example of the UN's supportive function in SEA is the United Nations Mine Action Service (UNMAS) operation in Laos (UN, 2023d). Even if the ongoing problem of soil contamination caused by cluster bombs, which were massively dropped during the U.S.-Vietnam War, is not completely solved by this UNMAS operation, it plays a significant role in supporting mine action and reducing danger zones for the local population. In contrast to the extensive work of such multilateral organizations, one advantage of minilateral arrangements is that they can develop tailored approaches

and solutions to specific local/regional problems, without disregarding the transnational approach to action (Aggarwal, 2024b). In the areas of trade and security, ASEAN thus allows the facilitation of geographically concentrated minilateral agreements as well as geographically dispersed bilateral transregionalism (Ibid., 2024b). While the conclusion of bilateral (trade/ security) agreements among two neighboring countries are the most common agreement form within Asia, geographically dispersed bilateral transregionalism refers to cooperative relationships between two countries located in different world regions. Thereby, a new network of cross-regional ties can be formed in times of increasingly complex dependency relationships in the global market and geopolitical landscape.

11.1 Cross-ASEAN and intra-ASEAN partnerships

In the SCS conflict, ASEAN thus facilitates exchange and dialogue between regional and external powers, as demonstrated by the ARF. The ARF plays a key role in promoting regional peace and security in the Asia-Pacific. It is the leading multilateral security dialogue in the region to address security issues and undertake preventive diplomacy (ARF, 2025b). The forum involves 27 participants, including the ASEAN MS and key external partners like the U.S., China, Russia, Japan, and the EU. At the 31st ARF meeting in Laos in July 2024, the SCS dispute was a key topic of discussion, and all participants emphasized the importance of maintaining a free and open international order based on the rule of law in this region. In the official Chairman Statement of this 31st ARF meeting, the participants reaffirmed the commitment to maintain the ARF as an effective and relevant forum for constructive political security dialogue, consultation, and cooperation in the region on political and security issues of common interest and concern and reiterated their support for ASEAN unity and centrality in this process (ARF, 2024a).

The ARF complements several security partnerships on the bilateral level among individual ASEAN MS as well as with external powers like the U.S., Japan, and Australia. The U.S.-Philippines Mutual Defense Treaty from 1951 or the Defense and Maritime Cooperation between Malaysia and Australia for joint exercises and shared intelligence on maritime domain awareness (Australian Government, 2024a) are both examples of cross-ASEAN bilateral efforts through which an ASEAN member and external partner aim to bolster maritime security, defense cooperation, and diplomatic

leverage in the SCS. Intra-ASEAN bilateral efforts (bilateral partnerships between ASEAN MS) are rather limited in number but nonetheless important. These include the strategic partnership between the Philippines and Vietnam with an occasional naval cooperation and coordinated stances (Embassy of Viet Nam, 2015) given their shared interest in countering China's assertiveness, as well as a partnership between Malaysia and Indonesia regarding coordinated patrols and intelligence-sharing to better monitor maritime boundaries and manage fishery issues (Strangio, 2023a). While ASEAN as a group promotes unity and peaceful resolution, these bilateral ties complement ASEAN's collective stance but also reflect differing national interests and threat perceptions. The pursuit of strategic bilateral partnerships, therefore, serves as a means to safeguard a country's specific interests in the SCS with the help of like-minded partners within ASEAN and beyond. From a security perspective, this divergence in interests weakens ASEAN's collective bargaining power to a certain degree but allows flexibility in handling external threats (Peng & Ngeow, 2022: 3). This 'balancing act' of safeguarding the members' national interests while ensuring the effectiveness of the association's security mechanisms (multilateral security forums) is discussed in more detail under point 15 on the limitations of the ASEAN tools and mechanisms analyzed in this thesis. It already becomes apparent though that the effort in reaching ASEAN's collective stance is an important aspect of the RO's general capacity to act in the SCS conflict. This would, in the wider context, enhance regional and global security.

12. The ASEAN Way

ASEAN was created in the 1960 as the result of some SEA nations' devotion to transnationalism as an alternative type of regionalism, bringing peace to a troubled region after the end of colonialism in SEA and transforming the region into a de facto security community, where preventive diplomacy and cooperative security make it impossible for any member to wage war against another (Simões, 2022). The step toward institutionalization in SEA was aided by the emergence of new ways of thinking about concepts such as nationalism and regionalism (Ba, 2009a: 61). The search to end the conflicts between SEA nations, therefore, led to the coalition within ASEAN. The association has been the driver of regional institution building in the Indo-Pacific

ever since (Caballero-Anthony, 2022). ASEAN's fundamental principles since its founding in 1967 are:

- Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations;
- the right of every state to lead its national existence free from external interference, subversion or coercion;
- non-interference in the internal affairs of one another;
- settlement of differences or disputes by peaceful manner;
- renunciation of the threat or use of force; and
- effective cooperation among themselves (European Parliament, 2025).

Since their adoption, these key principles constitute the so-called “ASEAN Way”. The MS promoted trust and confidence and conflict prevention to foster peace and stability (Chye, 2016: 10). ASEAN-level cooperation must not be affected by the member countries' bilateral cooperation with external powers (Ibid., 2016: 10). This principle has helped to facilitate cooperation in ASEAN and build better relations among the members.

The informality of ASEAN arrangements is another key feature of the ASEAN Way. In the face of 21st century security challenges in the form of an increasingly belligerent Chinese position on the SCS issue, informality entrenched in the ASEAN Way seems to remain the preferred modality in regional security governance (Caballero-Anthony, 2022). This way has, therefore, not only allowed the association to have a loose enough framework to accommodate countries with old rivalries so as not to threaten their continued sovereignty but is also responsible for hampering any emphatic action from the group in the SCS conflict (Simões, 2022). The ASEAN members' position in the SCS conflict are quite different based on three main factors: 1) their geographical position and 2) the balance of security/defense and economic concerns) and thus 3) the type of relationship they need to have with China (Ibid., 2022). Rustandi (2015) argues that these culturally sensitive approaches have produced long-term attitudes and habits in managing conflicts and issues between ASEAN MS as well as ‘ground rules of conduct’, exhibited as non-interference, the principle of pacific settlement of disputes, respect for each other's independence, and strict respect for the territorial integrity of each ASEAN member. The divergence in politico-economic conditions and

interests within ASEAN consequently impacts the ASEAN's overall ability to address the SCS conflict in favor of its members. The nature of the ASEAN Way thus leads to a reinforcement of individual interests over collective or supranational ones (Simões, 2022). The geographical position of the ASEAN MS also plays a role in the association's inconsistent stance in dealing with the SCS dispute. Laos, Myanmar, and Cambodia are the only ASEAN MS that do not have a shoreline on the SCS. These three countries are not directly involved in the SCS dispute and China's actions do touch upon their national interests in any way. It is, therefore, not surprising that these countries tend to vote more often for a compromise with China during internal and multilateral negotiations, forums, and dialogue platforms.

There is a unanimous opinion among scholars and policy experts that ASEAN's loose structure (based on informal agreements) combined with the members' different positions and interests in the SCS prevent ASEAN from taking a more assertive stance in this conflict. In this sense, Simões (2022) predicts that the ASEAN Way will very likely continue to weaken the association in terms of security and defense, despite its strength in establishing economic and socio-political ties in the region. This forces its members to seek other mechanisms, outside of the institution, to defend their rights (under UNCLOS) and assert their interests in the SCS. The increasing fragmentation and inability of the association to act united in security and defense-related matters, as can be observed in the SCS dispute, adds pressure on ASEAN to recalibrate its informal processes and make the organization fit-for-purpose to deal with contemporary security challenges (Caballero-Anthony, 2022). This heterogeneity of ASEAN MS shapes ASEAN's institutional attitudes and strategies to deal with China in the SCS (Dewi, 2025). It is, therefore, necessary to look at its overall effectiveness with regards to the policies and consequences taken by ASEAN to enhance and maintain regional security and stability.

13. Multilateral Dialogue Forums

When it comes to ASEAN's diverse set of multilateral dialogue platforms including regional and non-regional actors, a distinction must be made between formats that focus primarily or only on economic and socio-cultural issues and those focused on strategic and political matters in SEA. These are key forums where ASEAN interacts

with multiple countries, often for broader regional or global cooperation: the aforementioned ARF (see point 11.1 on cross- and intra-ASEAN partnerships), East Asia Summit (EAS), ASEAN Plus Three (APT), and the ASEAN Defense Ministers' Meeting-Plus (ADMM-Plus).

APT and EAS only focus on economic, financial, and socio-cultural issues relevant to the East Asian countries China, Japan, and ROK in the case of APT and a number of quasi-regional and external countries (Australia, China, India, Japan, New Zealand, ROK, Russia, U.S.) in the case of EAS. Although APT and EAS are mentioned in this section for the reason of completeness, they are not given further consideration in the following analysis of relevant ASEAN tools/ instruments in the SCS conflict as these forums do not deal with the security dimension in SEA. The thesis's objective is, however, to critically examine and explore ASEAN's means to maintain regional stability in the SCS so that the ARF and ADMM-Plus are of particular interest for this work. ASEAN's rather inward-looking work in the first few decades of its existence began to change in the late 1990s as Asian states were longing for more regional mechanisms and processes in the face of increasingly complex economic and political challenges in and around the region (Bisley, 2017). The ARF's creation in 1994 (to promote security dialogue in Asia-Pacific) and the ADMM-Plus establishment in 2010 (to strengthen peace and enhance security and defense cooperation in the region) are both crucial elements and symbols of ASEAN's increased external engagement. The association realized that the interests of its members were going to be shaped more by actions and interests of a rising China (Ibid., 2017), making a collective SEA voice essential. The establishment of ARF and later ADMM-Plus as the leading dialogue formats for enhanced security cooperation among the ASEAN MS represented a remarkable step in ASEAN's strategic (re-) orientation because of ASEAN countries' sensitivities. ASEAN-level military and defense cooperation were sensitive due to issues of sovereignty, equality, and diversity of national outlooks, so that various proposals for multilateral defense cooperation such as exercises, meetings, or even an ASEAN peacekeeping force, were rejected during the first years of ASEAN's existence (Chye, 2016: 10).

13.1 ARF and ADMM-Plus

As introduced in point 11.1, the ARF embodies a multilateral security dialogue platform in the region with the initial idea that this regional institution would promote greater

transparency and more predictable patterns of relationships, thus deterring nations from resorting to force (Naidu, 2000). However, when it comes to the SCS disputes, involving ASEAN MS and China, ASEAN as the regional body and specifically its ARF mechanism have yet to craft an optimal response (Heydarian, 2015a: 94). In this context, Naidu (2000) speaks of the “China factor” pointing out that the ARF’s ability to perform is critically dependent on China’s attitude and behavior, a power whose interests are not clearly defined and whose longer-term ambitions remain vague. In the SCS, therefore, China has maintained since the first ARF meeting in 1994 that disputes evolving the SCS should not be part of the forum’s agenda (Ibid., 2000) and thus blocks the ARF’s work in one of the region’s key security issues. While expressing strong reservations about the ARF’s to evolve into a CR mechanism in the SCS, China actively disquiets others in the region with its growing military capability coupled with its intermittent threats to use force if necessary to establish its sovereignty over disputed territories (Ibid., 2000). Overall, the record of practical achievements by the ARF in the SCS area is, therefore, to be considered insufficient. On a broader level, its failure to properly respond to this conflict inevitably lowers the expectations and confidence in the work of such regional security institutions.

Inaugurated in October 2010 in Hanoi, the ADMM-Plus is a platform for ASEAN and its eight dialogue partners (Australia, China, India, Japan, New Zealand, ROK, Russia, and the U.S.) to strengthen security cooperation for peace, stability, and development in SEA (Chye, 2016: 11). Before this, the ADMM (launched in 2006) was the previous and very first platform to have enabled discussions of defense cooperation at the ASEAN level (Ibid., 2016: 11). Under the ADMM-Plus mechanism since 2010, the members’ defense ministers agreed to pursue five areas of practical cooperation: maritime security; counter-terrorism; humanitarian assistance and disaster relief; peacekeeping operations; military medicine; humanitarian mine action; and cyber security (ADMM, 2025b). The ADMM-Plus is an important component of the regional security architecture as it allows the ASEAN defense ministers to cooperate with the dialogue partners to build capacity and better prepare ASEAN to meet the non-traditional and transnational security challenges in the changing strategic environment (ASEAN, 2025e). ADMM-Plus recognizes and fulfills to essential needs: cooperation between ASEAN MS and countries in the larger Asia-Pacific to address the set of

complex transnational security challenges faced today and the role of non-ASEAN MS whose security interests are increasingly intertwined with its own.

However, military cooperation at the ASEAN level remains limited due to ASEAN MS sensitivities and national sovereignty concerns such as the differences in approaches to national defense and cooperation, as well as in the levels of defense development, equipment, and operational procedures (Chye, 2016: 11). Especially in the SCS conflict, there have been no significant actions of ASEAN military cooperation recorded to date for mainly two reasons. First, three ASEAN MS are, as already mentioned, no SCS claimants and are thus traditional allies of China. Second, it is also due to varying and partially overlapping territorial claims of the remaining ASEAN MS that are involved in the SCS dispute. For instance, Malaysia and Vietnam claim ownership over Barque Canada Reef, an islet in the Spratlys. This is one out of several (internal) disagreements, which significantly hamper the ADMM-Plus operations to engage in the SCS and thus enhance maritime security. Tan (2016: 70) notes that the ADMM-Plus decision in November 2015 to scrap a planned joint statement on the SCS issue was a stark reminder of the persistent differences among some of its members. The failure to agree on a joint statement fostered the impression that the ADMM-Plus could 1) end up as a “talk shop” that achieves little real progress and 2) go the way of the ARF, which is seen by many as obsolete (Ibid., 2016: 70). One major objective of ADMM-Plus is to benefit ASEAN MS in building capacity to address shared security challenges, while cognizant of the differing capacities of various ASEAN MS (ADMM, 2025b). Thus, more political and defense diplomacies are necessary to manage good relations among the ASEAN countries (Chye, 2016: 12). This would enable maritime cooperation under the ADMM-Plus framework and serve the interests of all ASEAN MS in the SCS vis-à-vis China.

14. Rules of Conduct: DOC and COC

Besides the creation of multilateral forums for dialogue to discuss key security issues in the region, political agreements are another ASEAN tool to promote peaceful resolution in the SCS issue.

At the eighth ASEAN Summit in 2002, ASEAN and China signed the Declaration on the Conduct of Parties (DOC) in the SCS with the aim to manage tensions and promote peaceful resolution of disputes in the SCS. The general idea of a legally binding Code of Conduct (COC) has existed since the 1992 Manila Declaration. Ever since, this idea has been building up expectations that a future COC would serve as the ideal final step toward solving the SCS disputes once and for all though it has yet to be achieved (Simões, 2022). The DOC came at a time when China's rise became increasingly evident so that the ASEAN MS had an interest in ensuring and maintaining regional stability. The official signing of the DOC was perceived as a breakthrough in ASEAN-China relations laying foundations for a COC (Ibid., 2022). On that basis, the parties have pledged to continue implementing the DOC fully and effectively, helping to maintain peace, stability, and cooperation in region; further deepening the ASEAN-China partnership; and striving to promote the building of an effective COC in line with international law and the 1982 UNCLOS (Son & Nhu, 2022). The political agreement includes several key points according to the Declaration on the COC of the Parties in the SCS published by ASEAN in 2012(a):

- **Non-aggression and peaceful resolution:** the parties resolve territorial and jurisdictional disputes without resorting to threat or use of force and dispute settlement is done through friendly consultations and negotiations.
- **Freedom of navigation:** all parties are committed to respecting freedom of navigation and overflight in the SCS in accordance with the UNCLOS.
- **Self-restraint:** restraint from any activities that could complicate or escalate the disputes (e.g., inhabiting island or building military outposts).
- **Confidence-building measures:** enhancing mutual trust and dialogue through joint projects and cooperation (e.g., search and rescue operations, research, and marine environmental protection).
- **Working towards a COC:** the DOC shall serve as a first step toward a legally binding COC as a long-lasting solution in the SCS issue.

The ambition to build an effective and COC turned out to be one of the world's longest diplomatic gestations according to Hayton (2021). More than two decades later, the code is still not close to being delivered given that the DOC lacks enforcement mechanisms and retains rather symbolic power. Experts find that multiple risky and unilateral actions by some conflict parties (e.g., ramming of civilian boats and artificial

island building) have since undermined its effectiveness. The COC negotiations commenced in 2018 and are ongoing. The COC with its key objective in enforcing legally binding commitments in the SCS experiences significant delays due to two factors: China's behavior and the heterogeneity of stances among the ASEAN MS. For example, China demonstrated the DOC's ineffectiveness in 2005 when it successfully negotiated a joint agreement for an oil exploration with Vietnam and the Philippines (Rustandi, 2015). The Philippine Supreme Court, however, later ruled that this tripartite agreement was unconstitutional given the fact that 80 percent of the area concerned lay within the Philippines' EEZ and only the Philippines can supervise the exploration of its natural resources (Strangio, 2023b). While ASEAN (2025f) states that "[a]ll parties are committed to the early conclusion of a substantive and effective COC", the differing national interests prolong the talks leaving its status pending. The difference in approaches thus hampers the negotiation process and presents a structural obstacle to a successful conclusion. This could be seen in July 2012 when Cambodia, which held the ASEAN Chairmanship that year, declined to issue the joint statement developed during the drafting of a proposed regional COC (Rustandi, 2015). This refusal is most likely to be explained due to Cambodia's sympathy for China and demonstrates once again China's (in-)direct influence in regional affairs through bilateral channels. The ups and downs of China's behavior in the SCS conflict have been at the "center of gravity with regard to stability in the region." (Radito, 2019: 1) The DOC (and a potential COC) has yet not managed to bring this unilateral imbalance under control. China has an interest in keeping the disputes at a bilateral level by taking the general position that all territorial disputes in the SCS are not between ASEAN and China but should be seen as a bilateral dispute between China and the respective claimant state (Hu, 2021: 6). "For a long period, bilateral engagement has been China's preferred mode of conflict management, while ASEAN claimant states generally prefer the multilateral modality." (Peng & Ngeow, 2022: 2).

Despite the DOC's rather low effectiveness and the ongoing COC negotiations, Simões (2022) emphasizes that the non-binding declaration in itself already represented a compromise and significant step in the region in so far that China's acceptance of the DOC was interpreted by many ASEAN MS and international observers that it be softening its stance against multilateral negotiations (having long

employed the divide-and-conquer approach of insisting on bilateral negotiations) and could be enticed to work together with ASEAN.

15. ASEAN's limitations

ASEAN has several limitations in enforcing agreements and conducting its work in security-related matters such as the SCS conflict. This is due to some internal and external factors that influence the work of the RO's conflict management tools and mechanisms, namely the targeted COC, ARF, and ADMM-Plus.

First, ASEAN has its own (internal) challenges in raising the SCS issue towards dispute resolution because of diverging interests of its members involved in the SCS conflict, which however conflicts with ASEAN's non-intervention principle (Dewi, 2025). This is an obstacle in the full enforcement of ASEAN's stabilizing mechanisms in the dispute. ASEAN's loose set of standards and norms results in a lack of rules and therefore hampers the organization's ability to elaborate prescriptions for action (Simões, 2022). So far, the common practice has been to exhort all the claimants to calm down and respect the DOC (Ibid., 2022) in issues related to the SCS conflict while referring to the upcoming COC. Some scholars find that the non-binding DOC agreements and delayed COC negotiations might have generated many mountains of paper towards progress, but the objective of a binding COC is still not close to seeing the 'light of day' (Hayton, 2021). It can be argued that with limited compliance with the DOC agreements and with the COC still on the way, ASEAN's effort to unite opinion regarding the peaceful resolution of disputes in the SCS, consistent with the "ASEAN Way", has been substantially diminished (Rustandi, 2015). Therefore, ASEAN's behavior and actions in the SCS conflict are weak, and current institutional architecture represents an obstacle in the RO's decision-making process in the conflict.

Second, the ASEAN dialogue forums (ARF, ADMM-Plus) are also highly dependent on China's and the other members' behavior. The individualist positions of ASEAN states are led by their fear of giving over any sovereignty to ASEAN and are thus based on national interests. This approach limits ASEAN's decision-making ability overall. With regard to China's role in these multilateral settings, it seems likely that the ASEAN's dialogue tools continue to be marginalized unless China's SCS claims can

be managed or resolved peacefully through more rigid definition and an agreed form of reconciliation (Rustandi, 2015) or another arbitration (with a binding judgement). In terms of the ARF's conflict resolution potential and confidence-building measures in the SCS, experts attribute a particularly important role to China. If China perceives that its freedom is constrained by multilateralism, this could lead to serious problems. China could refuse to conform to the new norms, or it could even stall the progress of such multilateralism altogether (Naidu, 2000). To avoid China's satisfaction becoming prerequisite for the advancement of ASEAN's multilateral tools, ASEAN needs appropriate and robust sanctions instruments combined with enhanced partnerships with other allies in the region so that the ability to resolve issues in the SCS does not depend solely on a single state.

16. Application of the theories and the analytical method

The examination of the SCS conflict in terms of its actors, structures, and dynamics according to the theories and analytical model relevant for this thesis aims to provide a clearer understanding of this conflict.

16.1 Liberalism

As the leading RO in SEA, ASEAN embodies a liberal approach in the region, according to which the creation of shared values and principles ensures cohesion among different actors and prevents conflicts between them (logic of peace through norms). Based on the previous analysis of the ASEAN Way, which has been shaping and guiding the RO's behavior ever since its founding, it can be said that its key principles (listed under point 12) are meant to maintain regional stability, promote cooperation, and keep SEA a Zone of Peace, Freedom, and Neutrality (ZOPFAN). ASEAN further represents the institutional approach to the SCS conflict, which matches with another core liberal feature. The provision of several permanent platforms for dialogue, treaties, and dispute resolution is in line with liberalism's emphasis on institutionalized cooperation and the importance of international organizations. The creation of the DOC and the establishment of two multilateral dialogue forums (namely the ARF and ADMM-Plus) to address security issues

highlight ASEAN's ambition to be the central institution responsible for collective problem-solving in this regional dispute as well as other pressing transnational issues.

Overall, ASEAN is a good example of the practice of liberalism because it embodies the comprehensive liberal idea that cooperation, shared norms, and institutions can create peace and prosperity among states that might share similar but not identical interests in economic and security-related matters. ASEAN shows that countries with different political systems and histories of a colonial past can maintain peace, deepen economic ties, and address problems together through established rules, dialogue, and shared dialogue forums, rather than relying solely on military power, as it is the case in Corbett's naval power theory. The prioritization of preventive diplomacy does not involve military force and stresses ASEAN's responsibility to protect its MS from all forms of threats that can damage the security situation in SEA (Dewi, 2025).

16.2 Naval power

The theory can be applied to the SCS conflict in several ways. As Corbett emphasizes, the (permanent) control of maritime areas is not the goal itself. The control over certain waterways (command of the sea) can be used to secure a state's strategic objectives. These can be political influence, economic security/benefits, or a strategic position. In summary, the correspondence between the theory and the circumstances of the SCS conflict can be broken down into three aspects:

Command of the sea for strategic leverage: China, SEA middle powers, and external powers like the U.S. (e.g., FONOPs, military partnerships with regional powers) seek to control or deny access to key maritime features and routes to either enforce international law (e.g., Philippines, U.S.) or back their historical claims (as outlined in China's ancient standard maps). These two types of legitimization patterns both aim at securing an actor's economic and military advantage in the SCS. This echoes Corbett's idea that sea control supports broader (geo-)political aims.

Naval power as an instrument of limited war: While naval operations are used to exert pressure to support short-term goals rather than seeking decisive naval victories, there are several Chinese gray zone tactics to be observed in the SCS. These include, but are not limited to, blockages of Chinese navy ships to prevent Philippine resupply missions to the BRP Sierra Madre, boat ramming, and the construction of artificial

islands on/around strategically important features of the Spratlys and Paracels. All these tactics aim to 1) influence the other claimants' behavior in favor of China's interests and 2) gradually change the status quo in the SCS - without waging total war. Especially, the building of artificial islands is an expression of China's hegemonic aspirations in the region. Hegemonies are strategically positioned on islands or peninsulas because islands, seas, or peninsulas offer additional security (Teixeira, 2021) in a limited war. From a hegemonic point of view, it makes sense for China to undertake smaller military actions to avoid the outbreak of a bigger, unlimited war as this would bring the U.S., the Philippines' security ally, into play.

Maritime communications and protection of global trade: Corbett's theory stresses the importance of safeguarding sea lanes as a means of communication. In the SCS, it is the SLOCs that are vital maritime trade routes for many East Asian, SEA, as well as Western economies, making the territorial dispute in the region a matter of concern not only for ASEAN but for the international community. The SCS's geostrategic and geo-economic significance as a hub for international maritime trade thus fits Corbett's belief that controlling maritime communications is a core function of naval power.

In conclusion, Corbett's theory of naval power offers a useful framework for understanding the dynamics of the SCS conflict. The struggle for sea control, the use of naval forces in this limited conflict, and the protection of the crucial maritime trade routes all align with Corbett's view that naval power serves broader strategic, political, and economic objectives. This correspondence highlights how traditional maritime theory and principles of military studies remain relevant in analyzing modern geopolitical tensions in contested maritime regions.

16.3 CM

Wehr's CM method is applicable to this complex and multi-party dispute involving overlapping interests, resources, and different conflict parties. The following conflict map provides a general overview of the actors involved and their interests and overlapping claims in the SCS. This visual breakdown of the conflict items enables a targeted analysis of suitable and enhanced ASEAN instruments for this conflict in the next step.

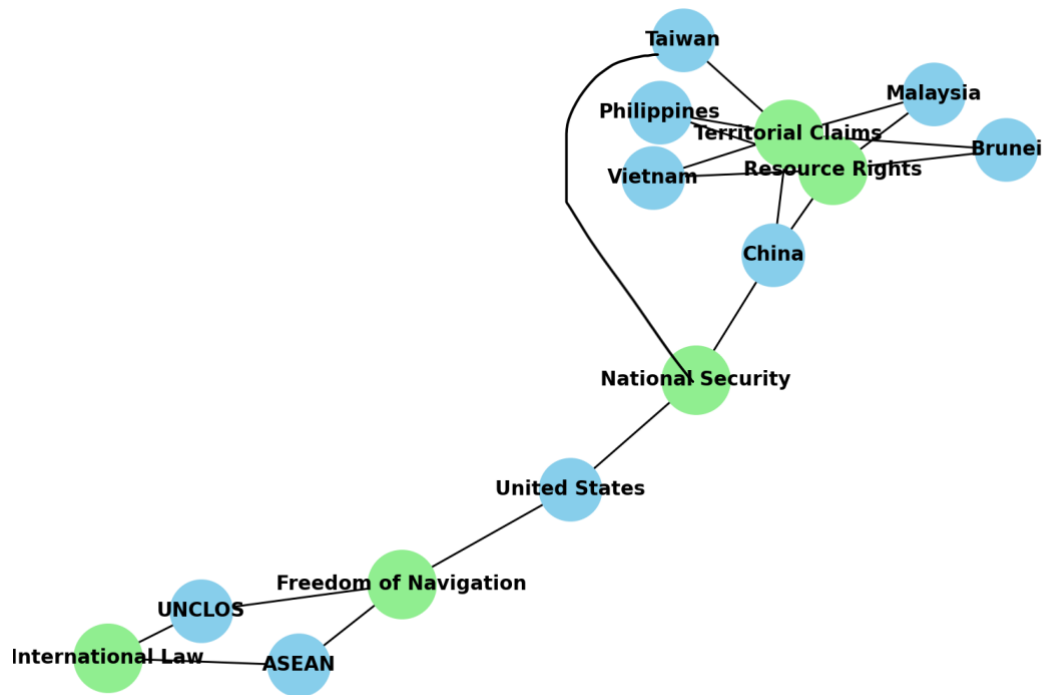


Figure 12: General conflict map of the SCS conflict²⁰

Following this general visualization of the SCS conflict, the next step is to dissect the conflict into its components (conflict items) as foreseen in the CM method.

Conflict context: The SCS conflict is based mainly on historically unclear territorial boundaries in a maritime area that is referred to by China (and most of the international observers) as the SCS, ‘East Sea’ by Vietnam, or the ‘West Philippine Sea’ by the Philippines. The end of colonization in SEA, with the withdrawal of France and Japan in the 1950s, left the countries in the region with the question of who has what historical and legitimate claim to which islands and natural resources. Also, the SCS conflict is embedded in the larger U.S.-China competition, each of whom has great power aspirations in the Indo-Pacific.

Parties and regulation potential: China, the Philippines, Vietnam, and Malaysia can be identified at the primary parties in this conflict as they oppose one another’s overlapping claims and use (occasional) fighting behavior through risky naval maneuverers at sea. Taiwan and Brunei, though included for completeness, are not considered in the second conflict map (see figure 13) given that their comparatively

²⁰ Source: Author’s own visualization.

small country size leads to little meaningful influence or leverage in this dispute. The U.S. is classified as a secondary party because it sympathizes and cooperates with some of the primary parties for ideological and political reasons: counterweighting China's growing influence in the region and upholding international maritime law. Despite keeping up strong security ties with the Philippines and Vietnam, the U.S. is not a direct adversary in this conflict. Finally, ASEAN can be identified as the third party in the SCS dispute. Its mediator role is shown by its multilateral dialogue platforms (ARF, ADMM-Plus) as well as the ongoing COC talks, which demonstrate the RO's efforts to solve this conflict through the approach of collective decision-making and preventive diplomacy. These tools aim to facilitate a peaceful resolution and steer the conflict towards an outcome where all ASEAN members' interests and sovereignty are respected in accordance with international law. If conducted effectively and successfully, the implementation of a binding COC and multilateral cooperation can have a significant regulation potential in this conflict according to Wehr's CM method.

Causes and consequences: Though not immediately obvious, there are two major sources of incompatibility (causes) that fuel this conflict. First, there is the fundamental difference of identity and culture. This leads to an incompatibility between China and most of the SEA claimants when it comes to respecting and upholding international maritime law (UNCLOS provisions and PCA ruling). China views international binding law as a Western concept and the product of Western institutions/external powers, which severely interfere with Chinese interests and sovereign rights (Allayarov, 2023). Its behavior of preferred bilateralism instead of multilateralism in this conflict is thus an expression of the sole recognition of its own system and narratives. Second, the diverging interests and positions (based on history, culture, and national identity) between the ten ASEAN MS present another cause leading to the slow progress and restricted actions of the discussed conflict resolution tools of ASEAN.

Contrasting beliefs: While China has been using the 1947 standard map with the EDL (based on alleged discoveries by earlier dynasties) as the starting point for legitimizing its territorial claims in the SCS until today, the other SEA middle powers rely partly on their historical maps and mainly on the provisions of the 1982 UNCLOS. The SCS arbitration case initiated by the Philippines in 2013 demonstrates the conflicting interests whereby different beliefs of geographical/historical rights clash with

international law: UNCLOS states that all agreements or regulations in the SCS prior to 1982 are not applicable and have thus no legal basis.

Goals and interests: As for China, the goal is to assert full sovereignty over the claimed NDL area, control all islands and reefs within this area, and expand its military and economic presence in the SCS overall. The goal of the ASEAN claimant states is to secure their sovereignty over specific islands and EEZ rights recognized and granted under UNCLOS, as well as the freedom from any kind of coercion. The U.S. as a secondary party pursues more general goals like maintaining freedom of navigation and overflight in the region, preventing unilateral actions or control of SLOCs by China, and upholding international maritime law overall. The underlying drivers behind these goals (interests) are either economic (access to extensive natural resources), strategic/security (control of vital shipping lanes and military bases), political (protecting historical territory and national pride), or legal (shaping international order) in nature.

Dynamics: Because internal or external aspects of the conflict context might change, dynamics can be sudden and ad hoc according to Wehr (2006b). New measures/policies discussed in the ARF and ADMM-Plus forums or the progress in COC negotiations can function as internal aspects with a de-escalating dynamic in the SCS, steering the conflict towards cooperative and consensus-based resolution. External aspects can be unilateral; gray zone tactics undertaken by Chinese CG ships can bring the parties closer to escalation. Such incidents are, for example, dangerous clashes between Chinese and Philippine naval/civil ships, as frequently documented by the Philippine government in its earlier mentioned TI.

Functions: Given that a conflict can have at least one positive effect for the parties involved (Ibid., 2006b), and the SCS conflict is a multilayered conflict combining the spheres of global trade, natural resources, international law, and geopolitics, there is no single clear-cut answer to what function(s) the SCS conflict has for the several conflict parties. However, trends and assumptions can be deduced based on the behavioral patterns of the parties involved.

China's disregard for international maritime law, its strong emphasis on the NDL, and its use of various gray area techniques to harass other claimants suggest that China's

goal in the 'bigger picture' is to fully enforce its NDL standard map in the region. Every gray zone act and breach of maritime law without serious legal consequences leads, in the long term, to appeasement, maritime boundaries being crossed, and ultimately shifted. This process can take years or even decades. From the Chinese perspective, upholding the SCS conflict is a means (function) to an end in the near or distant future: imposing Chinese law in the SCS and turning maritime areas, islands, and reefs into full parts of Chinese territory. For ASEAN and its involved MS, however, the function of this conflict is rather the protection and defense of their rights and freedoms under international maritime law to ensure economic and political stability in SEA. The 2016 PCA ruling in favor of the Philippines demonstrated how the conflict was strategically used by the Philippines as one primary conflict party to reach a legal precedent, which has since become a symbolic sign of the strengthening of SEA middle powers in the SCS dispute despite existing military power asymmetries.

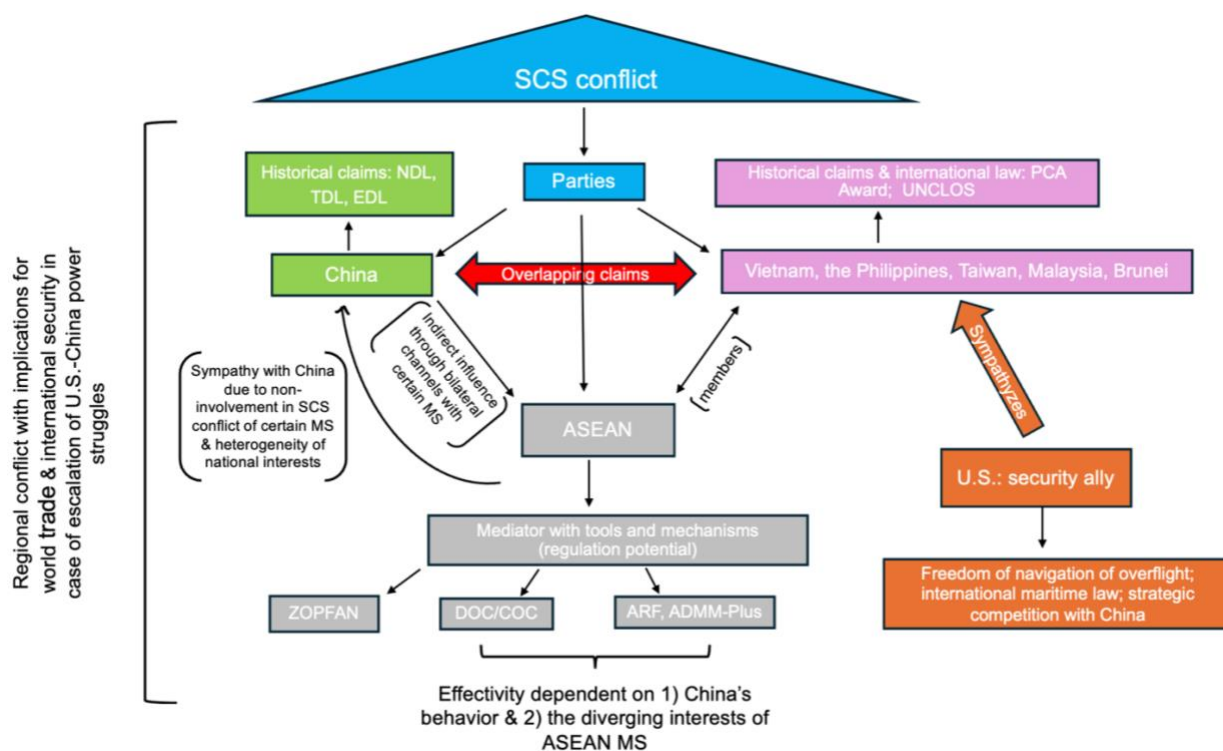


Figure 13: Conflict map with focus on ASEAN's role²¹

²¹ Source: Author's own visualization.

By identifying each conflict item according to Wehr's analytical framework and visualizing them in a map accordingly, CM can reveal patterns of interaction, sources of tension, and possible leverage points for resolution (see the following section), making it highly suitable for untangling the SCS dispute's complexity.

Chapter 6 – Conclusion

17. Policy recommendations

Based on a detailed examination of three ASEAN multilateral tools and conflict-de-escalating mechanisms in the SCS conflict (ARF, ADMM-Plus, DOC, and COC), three policy recommendations (PRs) for appropriate and more effective action can be derived.

PR 1: First, there needs to be fundamental changes made on the structural level. This touches upon the ASEAN principles, which altogether constitute the ASEAN Way. Modification to the ASEAN Way could avoid the heterogeneity of MS approaches and preferences. This would alleviate the association's previous struggles in their ability to take a collective and unified action on key security issues such as the SCS dispute. An adjustment of ASEAN principles can be particularly effective and useful concerning those members that are not involved in SCS and thus tend to vote and act contrary to ASEAN's security interests. The objective should be to have one collective voice and enable the ASEAN mechanisms, ARF and ADMM-Plus, to achieve results in their working field and to enhance maritime security in the SCS. Incentives for this could be of a material, economic, financial, or political nature following the needs and interests of the several ASEAN MS (not) involved in the SCS dispute. Such an adjustment of the principles could be achieved, for example, by adding an additional clause to the ASEAN framework of key principles. Specifically, a new clause should be added to the fundamental principle of mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations. Based on the identified structural weaknesses and procedural limitations of the existing diplomacy and security tools/mechanisms of ASEAN in the previous chapter under point 15, such an addition could be formulated as follows:

*“While acknowledging the MS’ independence, sovereignty, equality, territorial integrity, and national identity, each member is committed and obliged to act solely in favor of ASEAN - regardless of national interests and bilateral ties with external powers. This shall apply to all safety and security matters in the region that affect at least one ASEAN MS. In case of non-compliance, the respective state will be required to pay compensation to the association, which will be calculated by the other ASEAN states according to the damage/disadvantage caused to them and depending on the specific circumstances of the individual case. The rules of peaceful dispute settlement are to be respected in the event of a member’s compensatory payment.”*²²

Such an additional clause to the ASEAN core principle gives more incentive to all MS to act in the interest of the association and move towards the unification rather than fragmentation of stances. Also, equipping ASEAN with an additional sanction mechanism (obligation to pay financial compensation) through such a clause in the framework makes its set of instruments more robust in view of the complex security challenges in the Indo-Pacific region.

PR 2: A second ASEAN principle worth modifying is that relating to the consensus-based decision-making process that requires mutual agreement among all MS. Based on the undertaken examination, this principle proves to be rather ineffective due to two factors: 1) China's indirect influence through bilateral channels with ASEAN MS and its own leverage (direct influence) within the ASEAN dialog forums; and 2) ASEAN’s internal fragmentation due to diverging interests of those members that are involved in the SCS vs. those that are not. The multilateral dialogue forums ARF and ADMM-Plus show the influence that China has, which is described earlier as the “China factor”. China’s behavior in the SCS hampers and blocks the potential progress made through ASEAN’s multilateral dialogue platforms. The effectiveness and productivity of its security mechanisms could be significantly enhanced through the limited or permanent exclusion of China from these crucial forums. While an exclusion of China could lead to economic and diplomatic tensions with ASEAN, a significant factor of blockage could be eliminated with this adjustment. However, it is to be assumed that China would uphold or even increases the use of bilateral channels with individual ASEAN MS such

²² Source: Author’s own suggested clause.

as Cambodia to continuously influence the ASEAN forums' discussions and decisions as soon as they interfere with Chinese interests in the SCS. Alternatively, a restructuring of the existing dialogue platforms (ARF, ADMM-Plus) could be realized where China is not fully excluded from the dialogue but where its positioning and stances do not have as much leverage as it currently does. This would consequently require a stronger resilience and negotiation position of the ASEAN MS, e.g., through enhanced and expanded economic-military cooperation formats or increased joint marine operations with like-minded, regional, as well as external powers such as the U.S., Australia, and Japan.

To make changes in ASEAN's fundamental principles would, in any case, require a lot of caution and thorough preparation by the entire ASEAN community. Any perceived violation of the core values and principles by a MS would destabilize the entire RO from the inside. Therefore, any modification and adjustment of ASEAN principles to align them with the work of its multilateral dialogue forums must be undertaken without violating the other norms (mutual respect for independence, sovereignty, and territorial integrity and peaceful dispute settlement). The historical context and sensitivities of some MS could be another difficulty in the efforts to adjust the core principles in the ASEAN framework. Certain countries' past experiences of colonial rule by external powers make them sensitive to any attempt of influence on a state's self-determination in security matters. Realistically, this deep-rooted problem in SEA cannot be resolved quickly by ASEAN or any other TA. Regarding this specific issue of (historical) sensitivity, ASEAN can, at least in the short-term, do nothing more than to continue to refer to its fundamental principles of national sovereignty and territorial integrity of MS and to emphasize them strongly during the work in its multilateral security forums.

PR 3: Lastly, the most feasible short-term step is the implementation of a binding COC in the interest and to the benefit of all SCS claimant states. To prevent further (unpredictable) delays in the ongoing COC negotiations, ASEAN should formulate a fixed timeframe for the future duration of the negotiation process and communicate this to China accordingly. Setting a deadline in combination with mentioning alternatives (such as involving external partners such as the U.S. by adopting a COC with them, which would also have consequences for China in the SCS) creates more incentive for China to participate in the dialogue on the codex with greater consistency. Either way, ASEAN must be determined and prepared to (soon) adopt a binding COC, whether it

is with China or another (great) power with influence in the SCS area. This determination strengthens ASEAN's negotiating position and thus the overall chance of having a resolution to the SCS conflict in the future.

18. Conclusion and outlook

As this thesis has shown, ASEAN plays an important role in the SCS conflict by serving as a unified community of ten SEA states, among which five are involved in the SCS conflict. As such, it acts as mouthpiece for several SEA middle powers vis-à-vis the superpower China, and thereby advocates for the needs, interests, and rights of its MS in this maritime-territorial conflict. As China's rise in SEA is predicted to grow in the coming years according to expert opinion introduced in this thesis, enhanced stabilizing tools and mechanisms that are enforceable and robust are needed more than ever to ensure regional stability in Asia-Pacific (Teixeira, 2021). ASEAN will thus have to assume a more active mediator role, as visualized in the conflict map (figure 13). By taking on this role, the RO will often find itself in a balancing act of navigating its MS' interests through the strategic competition between China and the U.S. Adding to this, ASEAN will be increasingly confronted with the complex security situation in SEA, having to prove its effort and capability in maintaining security and stability in the SCS. Consequently, to cope with and tackle this challenge, ASEAN will need to consolidate and demonstrate its unity as a RO by 1) convincing its members that their interests are best served by a multilateral approach, rather than seeking bilateral solutions and 2) stressing that its collective capability would be more substantial given the individual states' relatively small political leverage and military capabilities (Rustandi, 2015).

With regards to ASEAN's current instruments and mechanisms to address the SCS conflict, the results of this research demonstrate that they are rather ineffective. Consultations on the COC and in the dialogue forums have so far proven to be lengthy and the heterogeneity of interests among the ASEAN MS makes it difficult to reach substantive decisions within the multilateral security forums. The ASEAN approach of opting for preventive diplomacy and settling for non-binding and informal agreements in dealing with China must be revised to enable 1) the implementation of a COC in the region and 2) to prevent the ARF and ADMM-Plus from remaining consultative forums

without substance. The full or at least partial implementation of the PRs could reignite and further sharpen the debate about the role and future of ASEAN as a regional multilateral institution in the SEA region. The long-term objective should be to introduce and enforce a binding COC in the SCS and to turn the ASEAN's multilateral dialogue tools into credible forums, in which ASEAN shows more tangible progress by addressing the security challenges that the members face (Naidu, 2000).

All in all, two statements can be made to answer the thesis' research question about what the ASEAN's tools and mechanisms are to enhance regional and global security in the SCS dispute. First, a binding COC would ensure more stability in the SCS, which would, in the bigger picture, also bring stability to the international community due to the protection of the SLOCs in the strategically important area with its sea lanes vital to global trade. Second, a structural adjustment regarding the ASEAN norms in the current ASEAN Way is necessary to secure the association's future role and relevance as the leading RO in the region overall. A more confident and stronger ASEAN with a robust set of tools and mechanisms enables the association to deal with political and security challenges and will prevent the ASEAN members from turning to other regional or external powers to solve security issues and challenges on a bilateral level, which would then mean a continued weakening of multilateralism in SEA. Overall, this thesis' research leads to the conclusion that the implementation of the above-mentioned PRs would significantly improve ASEAN's capacity to act in the SCS conflict by actively enforcing its existing tools to their full potential regarding the purpose and objectives.

Looking ahead, ASEAN's ability to remain a credible and influential TNA in the SCS conflict will depend on its willingness to move toward enforceable, binding mechanisms that strengthen unity, enhance its mediating role, and safeguard regional stability amid intensifying great-power rivalry. ASEAN's de-escalation measures are needed more than ever in light of ongoing security challenges in SEA. The long-standing and recently escalated border conflict between Cambodia and Thailand, both of which are ASEAN members, as well as the collision of a Chinese warship into its own CG vessel on August 11, 2025, in an attempt to chase a Philippine vessel (Ng, 2025), demonstrate the (urgent) need for a unified organization to respond to internal and regional security conflicts appropriately.

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Appendix - Sources of figures

Figure 1: Author's own visualization.

Figure 2: Author's own visualization, data based on Wehr, P. (2006b). "Conflict Mapping." Beyond Intractability. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium. University of Colorado. Boulder. URL: https://www.beyondintractability.org/essay/conflict_mapping.

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Figure 12: Author's own visualization.

Figure 13: Author's own visualization.

Declaration of independence

I hereby declare that I have written this master's thesis independently and without any external help, and that I have not used any resources other than those listed as references. I affirm that I have identified all direct and indirect quotations from other works as such.

Vienna, 2025