

Special Remarks by
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**“ASEAN and the South China Sea: Issues, Progress and Future
Prospects”**

**at the Regional Conference: ASEAN and the South China Sea:
Achievements, Challenges and Future Direction**

19 September 2013, Phnom Penh, Cambodia

Your Royal Highness Samdech Norodom Sirivudh, Chairman of
the Board of Directors of the Cambodian Institute for Cooperation and
Peace,

Your Excellency HOR Namhong, Deputy Prime Minister and
Minister for Foreign Affairs and International Cooperation of Cambodia,

Distinguished Participants,

Ladies and Gentlemen,

First of all, I would like to thank the Cambodian Institute for Cooperation and Peace for inviting me to this Conference and giving me the opportunity to share with the participants my perspectives on ASEAN's achievements, challenges and future direction with regard to the search for an amicable solution to the issue of the South China Sea.

For years, the sea and the land features of the South China Sea have been subject to sovereignty and maritime jurisdiction disputes among several ASEAN Member States and China. As such, the South China Sea presents a set of complex issues, involving many stakeholders and varying interests -- that are being addressed through different mechanisms.

Considering the maintenance of peace and stability in the region its foremost priority, ASEAN has provided the platform for dialogue and cooperation on issues that affect peace, stability and security in the region. ASEAN does this by setting shared values and norms through such instruments as the Treaty of Amity and Cooperation in Southeast Asia (TAC), and by providing trusted mechanisms such as the ASEAN Plus One, ASEAN Regional Forum (ARF), East Asia Summit (EAS) and the ASEAN Defense Ministers Meeting Plus (ADMM-Plus).

As far as the South China Sea issue is concerned, ASEAN has been actively advocating and playing an important role in the search for

a peaceful solution. It is a long-standing position upheld by ASEAN that territorial disputes in the South China Sea should be settled among the parties concerned, by peaceful means and in accordance with international law, including the 1982 United Convention on the Law of the Sea (UNCLOS). This position has been crystalised in the ASEAN's Six-Point Principles on the South China Sea adopted in 2012, which constitute the basis for ASEAN to engage with China on the South China Sea issue.

In this connection, I will focus on the two key mechanisms under the ASEAN-China framework through which ASEAN has consistently and actively engaged with China to maintain and promote peace and stability in the South China Sea. These include: (i) the Declaration on the Conduct of Parties in the South China Sea (DOC), and (ii) the work towards the conclusion of a code of conduct in the South China Sea (COC).

Ladies and Gentlemen,

11 years ago, in 2002, Phnom Penh witnessed the conclusion of the DOC – a milestone document governing the conduct of ASEAN Member States and China, embodying the collective commitment of both sides to promoting peace, stability and mutual trust in the South

China Sea. The expectation for effective implementation of the DOC has picked up momentum after the adoption of the 2011 Guidelines.

For the past two years, the institutional framework for the implementation of the DOC has been strengthened with regular meetings of the ASEAN – China Senior Officials on the DOC (SOM on DOC) and the ASEAN-China Joint Working Group on the DOC (JWG on DOC). Cooperative projects and activities for confidence building have also been implemented. The most recent ones include a workshop on cooperation in search and rescue in the South China Sea organised in June 2013 in Ha Noi, and an ASEAN-China Seminar on the way forward for the DOC in early August 2013 in Siem Reap. Just four days ago, the Work Plan for the Implementation of the DOC for 2013-2014 was adopted by the ASEAN-China Senior Officials when they met in Suzhou, China. The Work Plan comprises new initiatives on a number of areas of maritime cooperation between ASEAN and China.

Ladies and Gentlemen,

For more than a decade, the DOC has been the anchor of ASEAN-China's dialogue and cooperation efforts to preserve peace and stability in the South China Sea. The DOC's usefulness and important role have been proven and reflected in the fact that:

- it has established the fundamental principles for peace, stability and maritime security in the South China Sea, including peaceful settlement of disputes, without resorting to the use or the threat to use force, through consultations and negotiations, in accordance with international law, including the 1982 UNCLOS;
- it laid down the basic rules and norms for the conduct of parties in the South China Sea such as exercising self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability;
- it provided a platform for dialogue and cooperation for confidence building through the implementation of cooperative projects and activities in various practical areas; and
- it created favourable conditions and an environment conducive to peaceful resolution of territorial and maritime disputes among the parties concerned.

Ladies and Gentlemen,

The joint efforts by ASEAN and China to ensure peace and stability in the South China Sea are now at a critical stage which

commands both the full and effective implementation of the DOC and the urgent need to develop a legally binding COC.

The DOC is not an end in itself, and its implementation is not without challenges. While the DOC has been an important instrument for maintaining peace and stability in the South China Sea, we continue to witness complex developments and incidents. These have a negative effect on mutual trust and confidence as well as joint efforts by ASEAN and China to address the South China Sea issue in a constructive and amicable manner.

In this context, a COC is seen as the instrument that should pursue the purposes and principles of the DOC further. A natural progression from the DOC, the COC will continue where the DOC has left off. With hard work, persistence and good will from both sides, the first steps of the journey towards the COC have already been taken.

With the mandate from the ASEAN-China Foreign Ministers, the ASEAN – China Senior Officials have recently engaged in the first official consultations on the COC. The ASEAN – China SOM, supported by its Joint Working Group, is now the core mechanism for developing the COC, and will report its work regularly to the ASEAN-China Foreign Ministers and Leaders. This significant progress will be reflected in the Joint Statement on the 10th Anniversary of ASEAN-

China Strategic Partnership to be issued at the upcoming 16th ASEAN-China Summit this October in Bandar Seri Begawan.

While challenges abound in the path ahead, it is important that both ASEAN and China continue to share common interest, responsibility and political will in developing the COC in an effective manner. Therefore, the on-going discussions on the COC must be further expedited and substantiated.

The future COC should be a comprehensive and legally binding instrument. While the COC is not intended to resolve territorial and jurisdictional disputes among the parties concerned, it must be a set of rules and norms to govern the conduct and behavior in the South China Sea with a view to preventing and resolving incidents, and helping create a favourable environment for a comprehensive and durable settlement of disputes in the South China Sea.

Ladies and Gentlemen,

Last year, we celebrated the 10th anniversary of the signing of the DOC. This year, we are commemorating the 10th anniversary of the ASEAN-China Strategic Partnership. There is a positive momentum to pursue efforts towards the COC. These efforts must be sustained.

Though the South China Sea issue is not and should not be a defining factor or a stumbling block in the further development of the ASEAN-China's relations, it is a telling measure of the maturity of ASEAN-China's comprehensive and strategic partnership. Turning away from the issue will not resolve it. It is important for ASEAN and China, as each other's strategic partner, to turn this historical issue into an opportunity for promoting and strengthening cooperation for mutual interests through continued cooperation and mutual trust. This spirit should guide us as ASEAN and China continue to engage each other to ensure the full and effective implementation of the DOC and achieve an early conclusion of the COC.

The value of the DOC is enshrined in its fundamental principles, the norms for the conduct of parties, and the framework for confidence building and cooperation. The full and effective implementation of the DOC therefore requires the faithful adherence to the above-mentioned principles and norms, the undertaking of cooperative activities for confidence building as well as the work towards the conclusion of a COC.

The on-going consultations on the COC should lead to early substantive negotiations on the actual instrument. The development of the COC should proceed in parallel and synergy with the implementation of the DOC since these are two mutually reinforcing processes. The COC should build upon the DOC, but be upgraded to a higher level in terms of

both political commitment and legal value, including effective arrangements to prevent and manage incidents.

As part of the process of building confidence between ASEAN and China, more joint cooperative projects and activities should be explored and undertaken, including in such areas as non-traditional maritime security, search and rescue, maritime environmental protection, marine science and technology, fishery and maritime connectivity.

The drafting of the COC is a formal inter-governmental undertaking, with the ASEAN-China Senior Officials on the DOC and its Joint Working Group being the main vehicle. At the same time, to support this inter-governmental process, inputs in the areas where technical expertise is needed can be sought from other stakeholders and think-tanks.

Last but not least, these important undertakings and efforts must be nurtured and sustained with strong commitment and political resolve from both sides. All parties concerned must adhere to the principles and norms as laid down in the DOC, particularly the exercise of self-restraint and peaceful settlement of disputes in accordance with international law, including the UNCLOS 1982.

Ladies and Gentlemen,

As ASEAN continues to proactively engage with China to deliver tangible progress towards a solution conducive to the effective maintenance and promotion of peace and stability in the South China Sea and in the region, we welcome constructive contributions from the academe and think-tanks. In that spirit, I wish success to the Conference.

Thank you.

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