



ASEAN COAST GUARD FORUM COULD SET A COURSE FOR THE SOUTH CHINA SEA COC

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The Philippine Coast Guard multi-role response vessel BRP Melchora Aquino (foreground) and the US Coast Guard national security cutter USCGC Waesche participate in a bilateral search and rescue exercise in the South China Sea, July 16, 2024. Source: US Indo-Pacific Command/Corporal Elijah Murphy

In the past few months, the world has witnessed escalating tensions in the South China Sea. Not only between the [Chinese Coast Guard \(CCG\)](#) and the [Philippine Coast Guard \(PCG\)](#) in the Second Thomas Shoal and West Philippine Sea, but also recently between the [CCG and the Indonesian Coast Guard \(BAKAMLA\)](#) in the North Natuna Sea. This series of incidents not only creates tension and escalation but also has become unproductive for the spirit of maintaining peace and security in the disputed area. Particularly when ASEAN and China are negotiating the Code of Conduct (COC). Amid challenging negotiations over the COC, the ASEAN Coast Guard

Forum (ACF) could help set a course for progress in COC discussions.

Earlier this year, the PCG successfully [hosted the 3rd ASEAN Coast Guard Forum in Davao City](#). The Forum, which was initially [initiated by the Indonesian Coast Guard](#), aims to foster more collaboration and cooperation among coast guards in Southeast Asia. With these strategic positions, the Forum has a lot of potential to maintain peace and security in the South China Sea.

Indeed, there have been many forums and discussions between stakeholders in the South China Sea, including the recently inaugurated [Manila Dialogue on the South China Sea](#) in early November. Such an initiative has become a very important venue for exchanging ideas and building common understanding between all stakeholders in the South China Sea. One of the most important panels in the dialogue focused on the PCG's role in upholding the rule of law in the South China Sea.

With its status as a law enforcement agency, the Coast Guard has very important and strategic positions in the South China Sea. As a civilian institution with a focus on law enforcement, the Coast Guard's role in the disputed area hopefully will create fewer tensions and provocations in comparison to the Naval engagement because it will mostly focus on tackling common challenges and security threats such as illegal fishing, people smuggling, and other non-traditional security threats. Moreover, coast guard equipment and weapons should do less harm than the navy. Therefore, when an encounter happens, it will be less likely to create an excessive escalation and confrontation.

During the dialogues, one of the issues that came up was the ongoing negotiations of the ASEAN-China South China Sea COC. There have been so many [contested issues in the negotiations between China and ASEAN](#). One of the most difficult issues during the talks was the geographical scope of where the COC should be implemented. With so many differing positions between China and ASEAN, it seems very difficult for the COC to be concluded in the near future. During the Forum's recent discussions, there

were questions on whether or not it is possible for ASEAN claimant states to have their own COC, which does not include China. This is to show that ASEAN claimants are capable of making agreements between them that fully comply with and align with international law. Even though such an agreement sounds possible, in reality it will be politically too sensitive since it will certainly provoke a negative response from Beijing, and therefore a less likely ASEAN country will choose.

While the COC negotiations are underway, the ASEAN Coast Guard Forum should show its leadership in setting a course on how ASEAN states can manage to set rules of engagement among Southeast Asian coast guards. During the Philippine leadership at the ACF meetings this year, there was a draft proposal on the Southeast Asia Protocol of Engagement at Sea (Sea-Peace). Through this protocol, hopefully it could show that Southeast Asian coast guards are capable and have a common understanding of behavior that is acceptable in the region. Rear Adm. [Armando Balilo told the Philippine daily Inquirer](#) that the aim was to “dissuade extra-regional coast guards, particularly the China Coast Guard, from behaving on its self-set rules.” More importantly, it shows that ASEAN is capable of agreeing to a document to set up its common practice based on international law.

In the future, the ASEAN Coast Guard Forum could also become a venue for the region to set up a common practice and understanding of some contested emerging issues, such as how the region should deal with unmanned underwater vehicles (UUV). There are currently no international laws and regulations on how coastal states should deal with unregistered foreign UUVs in their waters. If the ACF could come up with a common understanding or regulations in dealing with such issues, they would help the region to have a common framework of understanding.

Currently, the ACF is more focused on [building intra-regional ASEAN member states cooperation and communication](#), and will not engage with extra-regional coast guards. However, in the future, when ACF is already more established, it could also become a venue for extra-regional coast guard cooperation in

the region. It could provide a better cooperation mechanism; for instance, the ACF can decide and initiate a joint exercise and capacity-building measures between the ASEAN Coast Guard and its foreign counterpart on what kind of exercise is collectively needed by ASEAN.

With the importance of the South China Sea for all nations, including extra-regional powers such as the United States, Japan, and European countries, the South China Sea has attracted a lot of engagement. In the past few years for instance there has been an increasing presence in the region, whether through warship sails in the disputed area as well as many joint exercises with countries in the region. To ensure the centrality of ASEAN, the ACF could become a hub for those extra-regional countries to cooperate with Southeast Asian coast guards. For example, that cooperation could be joint maritime exercises, capacity building, etc.

That being said, the establishment of the ACF should be a good start for the region to enhance more cooperation. Particularly to enhance the rule of engagement and to manage behavior in the South China Sea among the Southeast Asian Coast Guard while the COC negotiations are underway.

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