



***NO ONE IS (OR SHOULD BE) AN
OUTSIDER IN THE SOUTH CHINA SEA
DISPUTE***

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Participants listen to the panel discussion during the final day of the Manila Dialogue on the South China Sea, on June 6, 2024. Source: Manila Dialogue on the SCS

“Who are the outsiders in the South China Sea dispute?” This question sprang up repeatedly across different sessions at the inaugural [Manila Dialogue on the South China Sea](#), held in Manila, the Philippines, from November 6-8, 2024. While seemingly straightforward, this puzzle is substantively complicated. It requires legal considerations and a wide range of political, economic, and social dynamics in the calculus. Not surprisingly, this question remains largely unsettled even after the dialogue has concluded. As a Young Leader attending the event, I am writing this essay to offer my perspective on this question, endeavoring to keep the fruitful conversation going.

I argue that no one is, or should be, an outsider in the South China Sea dispute. Although the key claimants are China and five smaller Southeast Asian nations, namely, the Philippines, Vietnam, Malaysia, Brunei, and Indonesia, the issue has broader implications beyond just the claimant states. The South China Sea is a critical maritime space with significant economic and strategic importance for many countries around the globe. Moreover, given that the ongoing dispute is an epitome of ‘might or right’ contestation, it should therefore be in the interest of all entities to ensure peace, stability, and freedom of navigation in the area and the prevailing role of the rule of law over force, coercion, or harassment. Having multiple stakeholders actively involved in the discussions and resolutions of the South China Sea dispute will do more good than harm since they can help promote

dialogue, cooperation, and adherence to international law, deterring non-peaceful means.

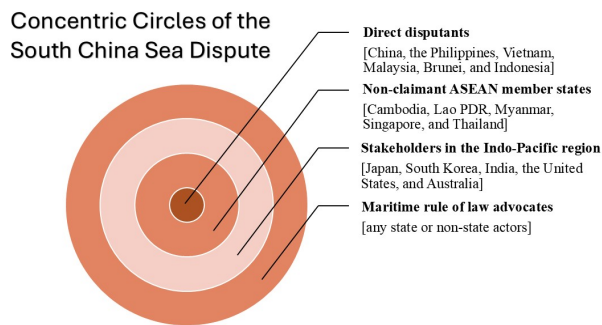


Figure 1. The concentric circles illustrate different groups of actors that have stakes in the South China Sea. The closer to the center, the more relevant the actor is to the dispute. Created by Attawat Joseph Ma Assavanadda

I elaborate on my argument using four concentric circles of actors [Figure 1]. The first, innermost circle includes direct disputants (i.e., China and five Southeast Asian claimant states). The second circle covers non-claimant member states of the Association of Southeast Asian Nations (ASEAN), namely Cambodia, Laos, Myanmar, Singapore, and Thailand. The third circle involves economic and strategic stakeholders in the Indo-Pacific, such as Japan, South Korea, India, the United States, Germany, and the United Kingdom. The fourth, outermost circle encompasses any parties – state or non-state actors – dedicated to upholding the rule of law as the foundation of maritime order. Each circle is entitled to the dispute on different, but not mutually exclusive, grounds.

The first group of nations is at the center of the dispute. These countries are in conflict because of the overlapping territorial claims made by the parties concerned, along with the basis used to support such claims. China claims sovereignty over the majority of the South China Sea based on its "nine-dash line" map with reference to its '[historic rights](#)'. In contrast, other ASEAN claimants claim various islands and features in the area on legal grounds derived from the United Nations Convention on the Law of the Sea (UNCLOS). They are the main stakeholders here.

The second group of nations should also be part of the dispute despite not having a direct conflict of interest in the issue. The South China Sea dispute can potentially escalate into conflicts that could destabilize the region and threaten the security and unity of ASEAN member states. Besides, ASEAN member states have long emphasized the importance of [ASEAN centrality](#) in addressing regional challenges and have been working with China on transforming the non-binding Declaration on Conduct (DOC), in place since 2002, into a binding Code of Conduct (COC). By actively and collectively tackling the dispute through dialogue and diplomacy, non-claimant ASEAN nations can prevent the escalation of tensions and promote peaceful conflict resolution.

The third group of nations is drawn into dispute for economic and strategic reasons. According to the Washington-based Center for Strategic and International Studies (CSIS), [an estimated \\$3.4 trillion worth of goods and commodities](#) – or around one-third of global shipping – travels through the South China Sea annually. This waterway is critical for China, Japan, and South Korea as their maritime trade needs to pass through it before entering the Pacific Ocean and the Indian Ocean. At the same time, the ostensibly external countries such as the United States, Germany, India, and the United Kingdom also have extensive trade activities here. Therefore, to prevent a disruption to seaborne trade and maintain the freedom of navigation in the South China Sea, it is important to take into account the interests of these and other trading countries passing through the area.

Unlike the previous three groups, the last group is most inclusive in the sense that it embraces both state and non-state actors and is formed on a normative basis, rather than an instrumental one. It is vital to admit their presence because the South China Sea is governed by various international agreements, notably the UNCLOS, which lays down a comprehensive regime of law and order in the world's oceans and seas and establishes rules governing the use of oceans and their resources. The norm-oriented inclusion of these entities, who otherwise do not have tangible stakes, is crucial to guarantee that all stakeholders in the South China Sea, especially those with territorial disputes, adhere to the established

regulations. Furthermore, considering that tensions in these waters have the potential to escalate into broader conflicts beyond the region, the engagement of all entities in the dialogue is essential. Their cooperation can facilitate the trust-building process and peaceful settlement, deterring unilateral attempts to change the status quo through non-peaceful or coercive means.

In conclusion, I reiterate that no one is, or should be, an outsider in the South China Sea dispute. The dispute transcends the territorial conflicts of the claimant states and becomes a global issue with considerable implications for regional peace and stability. The involvement of multiple stakeholders is not only necessary but beneficial in ensuring that the principles of dialogue, cooperation, and adherence to law. By means of collective work toward peaceful resolutions and upholding the rule of law, all entities can ensure that right triumphs over might.

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