

## Documents on ASEAN and South China Sea

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**2011 Joint Declaration of the ASEAN Defence Ministers on Strengthening Defence Cooperation of ASEAN in the Global Community to Face New Challenges<sup>1</sup>**

**Jakarta, 19 May 2011**

8. Reaffirm ASEAN Member States' commitment to fully and effectively implement the Declaration on the Conduct of the Parties in the South China Sea, and to work towards the adoption of a regional Code of Conduct in the South China Sea that would further promote peace and stability in the region;

9. Reaffirm also the importance of regional peace and stability, and freedom of navigation in and overflight above the South China Sea as provided for by universally recognized principles of international law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS);

**2011 Chair's Statement of the 18th ASEAN Summit<sup>2</sup>**

**Jakarta, 7-8 May 2011**

*SOUTH CHINA SEA*

126. We reaffirmed the importance of the Declaration on the Conduct of the Parties in the South China Sea (DOC) as a milestone document signed between ASEAN and China embodying the collective commitment to promoting peace, stability, and mutual trust in the South China Sea. We stressed that continuing the positive engagement of ASEAN-China is essential in moving forward the DOC issue. We stressed the need to intensify efforts to ensure the effective implementation of the DOC and move forward the eventual conclusion of the regional Code of Conduct (COC).

127. We reiterated our commitment to resolving disputes in the South China Sea by peaceful means in conformity with the spirit of the DOC and recognize the principles of international law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS). In this connection, we recognized that territorial and jurisdictional disputes are best addressed bilaterally or amongst the parties concerned. We further emphasized the need for a breakthrough on this issue and to encourage efforts towards the effective and full implementation of the Declaration and the eventual conclusion of a regional COC in the South China Sea.

128. We welcomed the convening of the 6th ASEAN-China Joint Working Group on the DOC on 18-20 April 2011 in Medan, Indonesia. In this connection, we encouraged the continued constructive consultations between ASEAN and China, including the early convening of the ASEAN-China SOM on the DOC. We therefore reaffirm the principle of ASEAN, on the basis of

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<sup>1</sup> <http://www.aseansec.org/26304.htm>

<sup>2</sup> <http://cil.nus.edu.sg/2011/2011-chairs-statement-of-the-18th-asean-summit/>

**2011 Press Release ASEAN Foreign Ministers' Retreat<sup>3</sup>  
Lombok, 16-17 January 2011**

On the South China Sea, the Ministers underlined the 9 years of negotiation at the working group level, nevertheless, significant progress of the Guidelines has yet to be achieved. The Meeting suggested to further advance the deliberation between ASEAN and China. ASEAN and China must together create stability in the South China Sea by implementing the DOC (Declaration on Conduct of Parties in the South China Sea). The Ministers hoped that discussions on the Guidelines would not slow down the immediate implementation of the DOC and will eventually lead to the possible creation of a Code of Conduct (COC).

**2010 Chairman's Statement of the 13<sup>th</sup> ASEAN-China Summit<sup>4</sup>  
Ha Noi, 29 October 2010**

17. We reaffirmed our commitment to fully and effectively implement the Declaration on the Conduct of Parties in the South China Sea (DOC) and work towards the eventual adoption, on the basis of consensus, of a code of conduct in the South China Sea, to further contribute to peace, stability and cooperation in the region. We welcomed the progress made in this regard, including the convening of the 4th Meeting of the ASEAN-China Joint Working Group on the Implementation of the DOC, and stressed the importance of close consultation and coordination between the ASEAN Member States and China in the implementation of the DOC, including the re-convening of the ASEAN-China SOM on the DOC.

**2010 Plan of Action to Implement the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity (2011-2015)<sup>5</sup>  
Ha Noi, 29 October 2010**

*1.5 Declaration on the Conduct of Parties in the South China Sea (DOC)*

1.5.1 Push forward the full and effective implementation of the DOC in the South China Sea to maintain regional stability and promote cooperation in South China Sea including through the regular convening of the ASEAN-China Senior Officials Meeting (SOM) on the DOC and the ASEAN-China Joint Working Group on the Implementation of the DOC and continued joint efforts in drafting the Guidelines for the implementation of the DOC while working toward the eventual conclusion, on the basis of consultations and consensus, of a code of conduct in the South China Sea;

1.5.2 Promote trust and confidence building through cooperative activities, in accordance with the principles of the DOC, in particular, those of consultations and consensus among the

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<sup>3</sup> <http://www.deplu.go.id/Pages/PressRelease.aspx?IDP=1070&l=en>

<sup>4</sup> <http://cil.nus.edu.sg/2010/2010-chairman%e2%80%99s-statement-of-the-13th-asean-china-summit/>

<sup>5</sup> <http://cil.nus.edu.sg/2010/2010-plan-of-action-to-implement-the-joint-declaration-on-the-asean-china-strategic-partnership-2011-2015/>

concerned Parties in the South China Sea, pending the peaceful settlement of the territorial and jurisdictional issues as stated in the DOC.

1.5.3 Adhere to the terminologies used in the UN Convention on the Law of the Sea and other instruments of the International Maritime Organisation;

1.5.4 Promote joint cooperation and dialogue in areas such as marine scientific research, protection of the marine environment, safety of navigation and communication at sea, search and rescue operation, humane treatment of all persons in danger or distress, fight against transnational crimes as well as cooperation, among military officials.

**2010 Chairman's Statement of the 17th ASEAN Summit<sup>6</sup>  
Ha Noi, 28 October 2010**

12. We reaffirmed the importance of the Declaration on the Conduct of Parties in the South China Sea (DOC) signed between ASEAN and China, which embodies the collective commitment to promoting peace and stability in this area through dialogue and cooperation and peaceful resolution of disputes in accordance with universally agreed principles of international law including the United Nations Convention on the Law of the Sea (UNCLOS 1982) and other relevant international maritime laws. We stressed the need to intensify efforts to ensure the effective implementation of the DOC and move toward the eventual conclusion of a regional Code of Conduct in the South China Sea (COC). In this connection, we encouraged continued consultations between ASEAN and China, including the early convening of the ASEAN-China SOM on the DOC.

**2010 Chairman's Statement of the 1st ASEAN Defence Ministers' Meeting-Plus (ADMM-Plus)<sup>7</sup>  
Ha Noi, 12 October 2010**

12. The Meeting noted that the member states are interested in maritime security cooperation and agreed that the collective efforts are required to address the challenges of piracy, sea-robbery, and trafficking in persons and disasters at sea. Some delegates touched upon traditional security challenges, such as disputes in the South China Sea. The Meeting welcomed efforts by concerned parties to address the issue by peaceful means in conformity with the spirit of the Declaration on the Conduct of Parties in the South China Sea (DOC) of 2002 and recognised principles of international law, including United Nations Convention on the Law of the Sea (UNCLOS 1982).

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<sup>6</sup> <http://cil.nus.edu.sg/2010/2010-chairman%e2%80%99s-statement-of-the-17th-asean-summit/>

<sup>7</sup> <http://cil.nus.edu.sg/2010/2010-chairman%e2%80%99s-statement-of-the-first-asean-defence-ministers%e2%80%99-meeting-plus-%e2%80%99cadmm-plus-strategic-cooperation-for-peace-stability-and-development-in-the-region%e2%80%9d/>

**2010 Chairman's Statement of the 17th Meeting of the ASEAN Regional Forum<sup>8</sup>  
Ha Noi, 23 July 2010**

12. The Ministers stressed the importance of maintaining peace and stability in the South China Sea. The Ministers reaffirmed the continuing importance of the Declaration on the Conduct of Parties in the South China Sea (DOC) of 2002 as a milestone document between ASEAN Member States and China, embodying their collective commitment to ensuring the peaceful resolution of disputes in the area. They stressed that the Declaration has been effective in building mutual trust and confidence that will help maintain peace and stability in the region. The Ministers encouraged efforts towards the full implementation of the Declaration and the eventual conclusion of a Regional Code of Conduct in the South China Sea (COC). They encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of confidence-building measures in this area and welcomed their commitment to resolving disputes in the South China Sea by peaceful means in conformity with the spirit of the DOC and recognised principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS 1982). In this regard, they welcomed the reconvening of the ASEAN - China Joint Working Group on the Implementation of the DOC in Viet Nam in April 2010 and the schedule to hold the next Joint Working Group Meeting in China before the end of 2010.

**2010 ASEAN Chairman's Statement on the ASEAN Post Ministerial Conferences+1 Sessions<sup>9</sup>  
Ha Noi, 22 July 2010**

*3. ASEAN-China*

3.4. The Meeting welcomed China's enhanced cooperation with ASEAN in such priority areas as infrastructure, energy and resources, information and communication technology and other fields. The Meeting welcomed the convening of the 4<sup>th</sup> ASEAN-China Working Group Meeting on the Declaration on the Conduct of Parties in the South China Sea (DOC) in April in Ha Noi and looked forward to the early resumption of the ASEAN-China Senior Officials' Meeting on the implementation of the DOC in the South China Sea.

**2010 Joint Communique of the 43<sup>rd</sup> ASEAN Foreign Ministers Meeting<sup>10</sup>  
Ha Noi, 19-20 July 2010**

*SOUTH CHINA SEA*

28. We reaffirmed the importance of the Declaration on the Conduct of Parties in the South China Sea (DOC) as a milestone document between ASEAN and China, embodying the collective commitment to promoting peace, stability and mutual trust and to ensuring the peaceful resolution of disputes in the area. We underscored the need to intensify efforts to ensure the effective implementation of the Declaration and looked forward to the eventual conclusion of a

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<sup>8</sup> <http://cil.nus.edu.sg/2010/2010-chairmans-statement-of-the-17th-asean-regional-forum/>

<sup>9</sup> <http://www.aseansec.org/24968.htm>

<sup>10</sup> <http://cil.nus.edu.sg/2010/2010-joint-communique-of-the-43rd-asean-foreign-ministers-meeting-issued/>

Regional Code of Conduct in the South China Sea (COC). In this connection, we welcomed the reconvening of the Meeting of the ASEAN – China Joint Working Group on the Implementation of the DOC in April, 2010 in Ha Noi and tasked our Senior Officials to work closely with their Chinese counterparts to reconvene the ASEAN – China Senior Officials’ Meeting on the DOC at the earliest opportunity.

29. We further stressed the importance of maintaining peace and stability in the South China Sea and encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of confidence-building measures in this area. We emphasised the importance of all parties to respect the freedom of navigation in and over-flight above the South China Sea as provided for by the universally recognised principles of international law. We welcomed the commitment of all the parties concerned to resolving disputes in the South China Sea through peaceful means in conformity with the spirit of the DOC and recognised principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS 1982).

**2010 Chairman’s Statement of the 16th ASEAN Summit<sup>11</sup>  
Ha Noi, 9 April 2010**

17. We noted with satisfaction the significant progress achieved in the implementation of the APSC Blueprint and tasked relevant Ministers and senior officials to enhance the utilization of ASEAN’s existing tools and mechanisms such as the Treaty of Amity and Cooperation in Southeast Asia (TAC), the Southeast Asia Nuclear Weapon-Free Zone Treaty (SEANWFZ), the Declaration of Conduct of Parties in the South China Sea (DOC), the ASEAN Regional Forum (ARF), the ASEAN Defence Ministers’ Meeting (ADMM), ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and the ASEAN Convention on Counter-Terrorism to ensure regional peace and security. We stressed the importance of effective coordination and collaboration among various sectoral bodies under the purview of the APSC and the need for a strategic and holistic approach in the implementation of the APSC Blueprint. We commended the APSC Council for adoption of the APSC Communication Plan in January 2010.

**2009 Chairman’s Statement of the 12<sup>th</sup> ASEAN-China Summit<sup>12</sup>  
Cha-am Hua Hin, 24 Oct 2009**

*No mention of South China Sea*

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<sup>11</sup> <http://www.aseansec.org/24509.htm>

<sup>12</sup> <http://cil.nus.edu.sg/2009/2009-chairman%e2%80%99s-statement-of-the-12th-asean-china-summit-issued-on-24-october-2009-in-cha-am-thailand/>

**2009 Chairman's Statement of the 16th Regional Forum<sup>13</sup>  
Phuket, 23 July 2009**

*South China Sea*

12. The Ministers reaffirmed the continuing importance of the Declaration on the Conduct of Parties in the South China Sea of 2002 (DOC) as a milestone document between the Member States of ASEAN and China, embodying their collective commitment to ensure the peaceful resolution of disputes in the area. They believed that the Declaration has been effective in building mutual trust and confidence among the claimants in the area and in maintaining peace and stability in the region. They reiterated the hope that the Member States of ASEAN and China would expeditiously conclude the Guidelines on the Implementation of the DOC. They looked forward to the eventual conclusion of a Regional Code of Conduct in the South China Sea. They encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of confidence-building measures in this area and welcomed their commitment to resolving disputes in the South China Sea by peaceful means in conformity with the spirit of the DOC and recognised principles of international law, including the United Nations Convention on the Law of the Sea.

**2009 Joint Communiqué of the 42nd ASEAN Foreign Ministers Meeting<sup>14</sup>  
Phuket, 20 July 2009**

*South China Sea*

21. We reaffirmed the continuing importance of the Declaration on the Conduct of Parties in the South China Sea of 2002 (DOC) as a milestone document between ASEAN and China, embodying our collective commitment to ensure the peaceful resolution of disputes in the area. We believe that the Declaration has been effective in building mutual trust and confidence among the claimants in the area and in maintaining peace and stability in the region. We underscored the need to intensify efforts to move forward the implementation of the Declaration, including the early finalisation of the Guidelines on the Implementation of the DOC. We looked forward to the eventual conclusion of a Regional Code of Conduct in the South China Sea.

22. We encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of confidence-building measures in this area and welcomed their commitment to resolving disputes in the South China Sea by peaceful means in conformity with the spirit of the DOC and recognised principles of international law including the United Nations Convention on the Law of the Sea.

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<sup>13</sup> <http://cil.nus.edu.sg/2009/2009-chairmans-statement-16th-asean-regional-forum-issued-on-23-july-2009-in-phuket-thailand/>

<sup>14</sup> <http://cil.nus.edu.sg/2009/2009-joint-communiqué-of-the-42nd-asean-foreign-ministers-meeting-acting-together-to-cope-with-global-challenges%e2%80%9d-issued-on-20-july-2009-in-phuket-thailand/>



**2009 Blueprint on the ASEAN Political-Security Community<sup>15</sup>**

**1 March 2009**

A.2.3. Ensure full implementation of the DOC for peace and stability in the South China Sea

Actions

- i. Continue ASEAN's current practice of close consultation among Member States to achieve full implementation of the DOC;
- ii. Explore and undertake cooperative activities identified in the DOC and eventually explore other co-operative measures on the basis of close consultation among the member countries, while respecting sovereignty and integrity of each other;
- iii. Carry out on a regular basis the overview of the process of implementation of the DOC, thus ensuring timely and proper conducts of the Parties in the South China Sea in accordance with the DOC; and
- iv. Work towards the adoption of a regional Code of Conduct in the South China Sea (COC).

**2008 Chairman's Statement of the 15th ASEAN Regional Forum<sup>16</sup>**

**Singapore, 24 July 2008**

12. The Ministers reaffirmed the continuing importance of the Declaration on the Conduct of Parties in the South China Sea of 2002 (DOC) as a milestone document between ASEAN and China, embodying their collective commitment to ensure the peaceful resolution of disputes in the area. They believed that the Declaration has been effective in building mutual trust and confidence among the claimants in the area and in maintaining peace and stability in the region. They reiterated the hope that ASEAN and China would expeditiously conclude the Guidelines on the Implementation of the DOC, and looked forward to the eventual conclusion of a Regional Code of Conduct in the South China Sea. They encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of confidence-building measures in this area and welcomed their commitment to resolving disputes in the South China Sea by peaceful means in conformity with the spirit of the DOC and recognised principles of international law including the United Nations Convention on the Law of the Sea.

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<sup>15</sup> <http://cil.nus.edu.sg/2009/2009-blueprint-on-the-asean-political-security-community/>

<sup>16</sup> <http://cil.nus.edu.sg/2008/2008-chairman%e2%80%99s-statement-of-the-15th-asean-regional-forum-issued-on-24-july-2008-in-singapore/>

**2008 Joint Communiqué of the 41<sup>st</sup> ASEAN Ministerial Meeting<sup>17</sup>  
Singapore, 21 Jul 2008**

*South China Sea*

20. We reaffirmed the continuing importance of the Declaration on the Conduct of Parties in the South China Sea of 2002 (DOC) as a milestone document between ASEAN and China, embodying our collective commitment to ensure the peaceful resolution of disputes in the area. We believe that the Declaration has been effective in building mutual trust and confidence among the claimants in the area and in maintaining peace and stability in the region. We underscored the need to intensify efforts to move forward the implementation of the Declaration, including the early finalisation of the Guidelines on the Implementation of the DOC. We look forward to the eventual conclusion of a Regional Code of Conduct in the South China Sea.

21. We encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of confidence-building measures in this area and welcomed their commitment to resolving disputes in the South China Sea by peaceful means in conformity with the spirit of the DOC and recognised principles of international law including the United Nations Convention on the Law of the Sea.

**2007 Chairman's Statement of the 11th ASEAN-China Summit<sup>18</sup>  
Singapore, 20 November 2007**

8. We further reaffirmed our determination to the early and full implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC), towards the eventual adoption of a Regional Code of Conduct in the South China Sea.

**2007 ASEAN Defence Ministers' Meeting - Three-Year Work Programme<sup>19</sup>  
Singapore, 14 November 2007**

*2.1. Support the Development and Adoption of Norms that Promote Regional Peace and Security*

2.1.3. Contribute to the full implementation of the Declaration on the Conduct of Parties in the South China Sea and support the adoption of a regional code of conduct in the South China Sea.

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<sup>17</sup> <http://cil.nus.edu.sg/2008/2008-joint-communication-of-the-41st-asean-ministerial-meeting-one-asean-at-the-heart-of-dynamic-asia-issued-on-21-july-2008-in-singapore/>

<sup>18</sup> <http://www.asean.org/21105.htm>

<sup>19</sup> <http://cil.nus.edu.sg/2007/2007-asean-defence-ministers%e2%80%99-meeting-three-year-work-programme-adopted-on-14-november-2007-in-singapore-by-the-defence-ministers/>

**2007 Chairman's Statement 14th ASEAN Regional Forum<sup>20</sup>  
Manila, 2 Aug 2007**

17. The Ministers reaffirmed the continuing relevance of the Declaration on the Conduct of Parties in the South China Sea as a milestone document between ASEAN and China, embodying their collective commitment to ensure the peaceful resolution of disputes in the area. The Ministers acknowledged that the Declaration had been effective in building mutual trust and confidence among the claimants in the area and in maintaining peace and stability in the region. The Ministers expressed optimism for the need to intensify efforts to move forward the implementation of the Declaration and eventually conclude a Regional Code of Conduct in the South China Sea.

18. The Ministers encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of confidence building measures in this area and welcomed their commitment to resolving disputes in the South China Sea by peaceful means in conformity with the spirit of the DOC and recognized principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS).

**2007 Joint Communiqué of the 40th ASEAN Ministerial Meeting<sup>21</sup>  
Manila, 29-30 Jul 2007**

*South China Sea*

30. We reaffirmed the continuing importance of the Declaration on the Conduct of Parties in the South China Sea of 2002 (DOC) as a milestone document between ASEAN and China, embodying their collective commitment to ensure the peaceful resolution of disputes in the area. We believed that the Declaration had been effective in building mutual trust and confidence among the claimants in the area and in maintaining peace and stability in the region. We underscored the need to intensify efforts to move forward the implementation of the Declaration and eventually conclude a Regional Code of Conduct in the South China Sea.

31. We encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of confidence building measures in this area and welcomed their commitment to resolving disputes in the South China Sea by peaceful means in conformity with the spirit of the DOC and recognized principles of international law including the United Nations Convention on the Law of the Sea.

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<sup>20</sup> <http://cil.nus.edu.sg/2007/2007-chairman%e2%80%99s-statement-14th-asean-regional-forum-adopted-on-2-august-2007-in-manila-the-philippines/>

<sup>21</sup> <http://www.asean.org/20764.htm>

**2007 Chairman's Statement of the 110<sup>th</sup> ASEAN-China Summit<sup>22</sup>  
Cebu, 14 January 2007**

17. We reaffirmed our determination to fully implement the Declaration on the Conduct of Parties in the South China Sea (DoC) towards the eventual adoption of a regional code of conduct in the South China Sea, as decided in Nanning. We instructed our Senior Officials to finalize the Guidelines on the Implementation of the DoC and convene the ASEAN-China Joint Working Group (ACJWG) on the DoC at the earliest possible time.

**2007 Chairperson's Statement of the 12<sup>th</sup> ASEAN Summit<sup>23</sup>  
Cebu, 13 January 2007**

*ASEAN Security Community*

14. We welcomed the steady progress made in implementing ASEAN Security Community (ASC) - related activities through the VAP and the ASC Plan of Action, including the convening of the First ASEAN Defense Ministers Meeting, as well as advances in the work of the ASEAN Regional Forum (ARF) and the ASEAN-China Joint Working Group on the Implementation of the Declaration on the Conduct of Parties in the South China Sea.

**2006 Joint Statement of ASEAN-China Commemorative Summit<sup>24</sup>  
Nanning, 30 Oct 2006**

3. We highly appreciated the strengthened political and security cooperation following the signing of the Joint Declaration on Strategic Partnership for Peace and Prosperity in 2003 in Bali, and the adoption of the ASEAN-China Plan of Action in 2004 in Vientiane. We commended China for being the first Dialogue Partner of ASEAN to accede to the Treaty of Amity and Cooperation (TAC) in Southeast Asia in 2003 in Bali. We were pleased with the signing of the Declaration on the Conduct of Parties in the South China Sea (DOC) in 2002. The ASEAN-China Joint Declaration in the Field of Non-Traditional Security Issues of 2002 also increased the cooperation in dealing with transnational crime.

14. We are also committed to effectively implement the Declaration on the Conduct of Parties in the South China Sea (DOC) and work towards the eventual adoption, on the basis of consensus, of a code of conduct in the South China Sea, which would enhance peace and stability in the region.

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<sup>22</sup> <http://www.aseansec.org/19309.htm>

<sup>23</sup> <http://www.asean.org/19280.htm>

<sup>24</sup> <http://www.aseansec.org/18894.htm>

**2006 Chairman's Statement of the 13th ASEAN Regional Forum<sup>25</sup>**  
**Kuala Lumpur, 28 July 2006**

22. The Ministers welcomed the steps taken by ASEAN and China towards the full implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC) including the convening of the two Working Group Meetings which were held in Manila, Philippines and Hainan, China in August 2005 and February 2006 respectively. The Ministers noted the ASEAN-China SOM on the implementation of the DOC, in Siem Reap, Cambodia on 30 May 2006 to accelerate the implementation of the DOC. The Ministers expressed their hope that with the implementation of the DOC, ASEAN and China would move towards the eventual adoption of a Code of Conduct for the South China Sea.

**2006 Joint Communiqué of the 39th ASEAN Ministerial Meeting<sup>26</sup>**  
**Kuala Lumpur, 25 July 2006**

*South China Sea*

27. We noted the convening of the Second ASEAN-China Senior Officials' Meeting on the Implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC) held in Siem Reap, Cambodia in May 2006 and the convening of the First and Second Meetings of the ASEAN-China Joint Working Group on the Implementation of the DOC which were held in Manila, Philippines and Sanya City, China in August 2005 and February 2006 respectively, as a concrete step towards the full implementation of the DOC. We hoped that with the effective implementation of the DOC, ASEAN and China would move towards the early adoption of a Code of Conduct for the South China Sea.

28. We encouraged all parties concerned to continue the exercise of self-restraint and undertake confidence-building measures that would contribute to the maintenance of peace and stability in the region. In this connection, we took note of the cooperative activities already forged by some concerned parties, which yielded positive results through negotiation and dialogue, in the spirit of mutually beneficial cooperation. We also reaffirmed our commitment to resolve the dispute in the South China Sea through peaceful means in accordance with international conventions including the United Nations Convention on the Law of the Sea.

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<sup>25</sup> <http://cil.nus.edu.sg/2006/2006-chairman%e2%80%99s-statement-of-the-13th-asean-regional-forum-issued-on-28-july-2006-in-kuala-lumpur-malaysia/>

<sup>26</sup> <http://cil.nus.edu.sg/2006/2006-joint-communicue-of-the-39th-asean-ministerial-meeting-issued-on-25-july-2006-in-kuala-lumpur-malaysia/>

**2005 Chairman's Statement of the 11<sup>th</sup> ASEAN Summit<sup>27</sup>**  
**Kuala Lumpur, 12 December 2005**

*ASEAN Security Community*

6. We noted the steady progress made in the implementation of the ASEAN Security Community (ASC) related activities through the VAP and the ASC Plan of Action (PoA). We noted the accomplishments in implementing the ASC, including the establishment of the Inter-Sessional Support Group on Confidence Building and Preventive Diplomacy and the revival of the Inter-Sessional Meeting on Disaster Relief under the ASEAN regional Forum (ARF); the setting up of the ASEAN-China Joint Working Group on the Implementation of the Declaration on the Conduct of Parties in the South China Sea; and the promotion of greater public awareness about ASEAN through holding activities on the occasion of ASEAN day.

**2005 Chairman's Statement of the 9th ASEAN-China Summit<sup>28</sup>**  
**Kuala Lumpur, 12 Dec 2005**

10. We welcomed the progress made by ASEAN and China towards the full implementation of the Declaration on the Conduct of Parties in the South China Sea (DoC) as we look forward to the eventual conclusion of a regional code of conduct in the South China Sea. We noted that the ASEAN-China Senior Officials' Meeting on the Implementation of the DoC in Kuala Lumpur, Malaysia in December 2004 had established the ASEAN-China Joint Working Group on the Implementation of the DoC (ACJWG). We welcomed the convening of the First ACJWG in August 2005 in Manila, the Philippines and look forward to the convening of the Second ACJWG in Sanya, China in February 2006.

**2005 Report of the ASEAN-China Eminent Persons Group<sup>29</sup>**  
**October 2005**

20. China has entered into a number of political declarations and agreements with ASEAN in the area of political and security cooperation in the past four years. These include the Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues and the Declaration on the Conduct (DOC) of Parties in the South China Sea, which were concluded at the ASEAN-China Summit in 2002 in Phnom Penh, Cambodia. China was the first Dialogue Partner to accede to the Treaty of Amity and Cooperation in Southeast Asia, doing so at the ASEAN-China Summit in October 2003 in Bali, Indonesia. While the signing of the DOC signalled the desire of both ASEAN and China to promote trust, confidence and cooperation and to agree on a regional code of conduct in the disputed area, the accession by China to the treaty provided further reassurance on the peace and security of the region and that the treaty would eventually become a code for inter-state relations in the region. China has also reiterated its

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<sup>27</sup> <http://www.aseansec.org/18039.htm>

<sup>28</sup> <http://www.asean.org/18048.htm>

<sup>29</sup> <http://www.aseansec.org/asean-china-epg.pdf>

willingness to work with ASEAN for the early signing of the Protocol to the Treaty on Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ).

42. In the security area, China, the Philippines and Viet Nam took a crucial step in March 2005 in implementing the Declaration on the Conduct of the Parties in the South China Sea by reaching the Tripartite Agreement for Joint Marine Seismic Undertaking in the Agreement Area in the South China Sea. . .

47. At the same time, there are outstanding issues that need to be addressed in the relationship in order to further enhance the strategic partnership:

- a. Mutual political trust needs to be enhanced: There is still a gap to be bridged by ASEAN and China in terms of understanding each other's strategic intentions. In this respect, the South China Sea issue will continue to be a sensitive problem in the relations even though great strides have been made by ASEAN and China in reducing tensions in the disputed area...

#### *South China Sea Issue*

- The South China Sea disputes need to be resolved even though efforts of ASEAN and China have reduced tensions in the disputed area. In this regard, discussions on United Nations Convention on the Law of the Sea (UNCLOS) and how it applies to the South China Sea could be promoted. In the longer term, ASEAN and China should work towards the conclusion of a code of conduct in the South China Sea, on the basis of consensus, to secure peace and stability in the disputed area and implement the cooperative measures in the DOC to propel the growth and development of the claimant States and the region in the future.

#### **2005 Chairman's Statement of the 12<sup>th</sup> Meeting of the ASEAN Regional Forum<sup>30</sup> Vientiane, 29 July 2005**

18. The Ministers welcomed the progress made by ASEAN and China in the implementation of Declaration on the Conduct of Parties in the South China Sea (DoC). The Ministers emphasized the importance of confidence building and the need to explore ways and means for cooperative activities among the parties concerned in accordance with the spirit and principles of the DoC, thus creating favourable conditions for settling disputes in South China Sea peacefully. The Ministers welcomed the convening of the ASEAN-China Senior Officials' Meeting on the Implementation of the DoC in Kuala Lumpur, Malaysia, in December 2004 and the establishment of the ASEAN-China Joint Working Group that would oversee the implementation of the Declaration, which will convene in August 2005 in Manila, the Philippines.

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<sup>30</sup> <http://cil.nus.edu.sg/2005/2005-chairman%e2%80%99s-statement-of-the-12th-meeting-of-the-asean-regional-forum-issued-in-vientiane-laos-on-29-july-2005/>

**2005 Joint Communiqué of the 38th ASEAN Ministerial Meeting<sup>31</sup>  
Vientiane, 26 July 2005**

*South China Sea*

13. We reaffirmed the importance of the Declaration on the Conduct of Parties in the South China Sea (DoC) signed by ASEAN and China in Phnom Penh in 2002 as an important step towards a regional code of conduct in the South China Sea and has contributed to the peace and stability in the region. We welcomed China's view underscoring that a regional code of conduct in the South China Sea is essential, as conveyed during the 11th ASEAN China Senior Officials Consultations in Shanghai, China, in April 2005.

14. In this connection, we endorsed the establishment of the ASEAN-China Joint Working Group to study and recommend measures to translate the provisions of the DoC into concrete cooperative activities. We looked forward to the 1st Meeting of the Working Group on the implementation of DoC to be held in Manila in August 2005, as a concrete step towards the full implementation of the DoC.

15. We encouraged all parties concerned to continue to exercise of self-restraint and to continue to undertake confidence-building measures that would contribute to the maintenance of peace and stability in the region. In this connection, we took note of the cooperative activities already forged by some concerned parties, which yielded positive results through negotiation and dialogue, in the spirit of mutually beneficial cooperation. We also reaffirmed our commitment to resolve the dispute in the South China Sea through peaceful means in accordance with international conventions including the United Nations Convention on the Law of the Sea.

**2004 Press Release of the ASEAN-China Senior Officials Meeting on the Implementation of the Declaration on the Conduct of Parties in the South China Sea<sup>32</sup>  
Kuala Lumpur, 7 Dec 2004**

ASEAN and China have taken another important step to ensure peace and stability in the South China Sea by setting up a joint working group to study and recommend confidence-building activities.

The joint working group will help translate into concrete cooperation activities the provisions in the Declaration on the Conduct of Parties in the South China Sea (DOC) issued by the Governments of the 10 Member Countries of ASEAN and China in November 2002.

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<sup>31</sup> <http://www.aseansec.org/17592.htm>

<sup>32</sup> <http://cil.nus.edu.sg/2004/2004-press-release-of-the-asean-china-senior-officials-meeting-on-the-implementation-of-the-declaration-on-the-conduct-of-parties-in-the-south-china-sea-issued-on-7-december-2004-in-kuala-lumpur-mala/>



Under the DOC, cooperation activities may include: marine environmental protection, marine scientific research, safety of navigation and communication at sea, search and rescue operation, and combating transnational crime.

The joint working group will also undertake a registration of experts and eminent persons who may provide technical inputs and non-binding professional views or policy recommendations to the group of official representatives of the 11 Governments.

A meeting of senior officials from ASEAN and China, held in Kuala Lumpur on 7 December 2004, adopted the terms of reference of the joint working group.

Co-chairing the meeting, Dr. Kao Kim Hourn, Secretary of State for Foreign Affairs, Cambodia, and Mr. Wu Dawei, Vice Minister of Foreign Affairs of China, expressed similar optimism and confidence that the implementation of the DOC, including the establishment of the joint working group, would contribute significantly to enhancing peace and stability in the South China Sea. (Cambodia co-chaired the meeting in its capacity as ASEAN's country coordinator in the ASEAN-China dialogue partnership.)

ASEAN and China believe that confidence building activities between them in the South China Sea will create a conducive environment for peaceful settlement of the overlapping sovereignty claims over disputed areas in the South China Sea among Brunei Darussalam, Malaysia, the Philippines, and Viet Nam on the ASEAN side, and China.

**2004 Terms of Reference of the ASEAN-China Joint Working Group on the Implementation of the Declaration on the Conduct of Parties in the South China Sea<sup>33</sup>  
Kuala Lumpur, 7 December 2004**

Background:

1. The Declaration on the Conduct of Parties in the South China Sea (DOC) is the first political document jointly issued by ASEAN member countries and China on the South China Sea issue. The document reflects the consensus reached by all Parties on seeking peaceful solutions to disputes and conducting maritime cooperation in order to maintain regional stability in the South China Sea under the principles of the Charter of the United Nations, the 1982 UN Convention on the Law of the Sea, the Treaty of Amity and Cooperation in Southeast Asia, the Five Principles of Peaceful Coexistence, and other universally recognized principles of international law.

2. All the Parties reaffirm their commitment to sincerely and faithfully implement the DOC in order to contribute to regional peace and stability in the South China Sea.

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<sup>33</sup> <http://cil.nus.edu.sg/2004/2004-terms-of-reference-of-the-asean-china-joint-working-group-on-the-implementation-of-the-declaration-on-the-conduct-of-parties-in-the-south-china-sea-adopted-on-7-december-2004-in-kuala-lumpur-mal/>

3. The ASEAN-China Senior Officials' Meeting on the implementation of the DOC convened in Kuala Lumpur on 07 December 2004 decided to establish the ASEAN-China Joint Working Group on the Implementation of the DOC (ASEAN-China JWG).

Objectives:

4. The main task of the ASEAN-China JWG is to study and recommend measures to translate the provisions of the DOC into concrete cooperative activities that will enhance mutual understanding and trust.

5. The ASEAN-China JWG shall, in accordance with the obligations and commitment to the DOC, recommend for SOM's consideration, policy and direction, including identifying type of activities the parties should take in order not to complicate or escalate disputes.

6. The work of the ASEAN-China JWG shall be guided by the principles of mutual understanding, consensus, consultation, and cooperation.

7. The ASEAN-China JWG is tasked to formulate recommendations on:

a) guidelines and the action plan for the implementation of the DOC;

b) specific cooperative activities in the South China Sea, particularly in the following areas:

- marine environmental protection;

- marine scientific research;

- safety of navigation and communication at sea;

- search and rescue operation; and

- combating transnational crime.

c) a register of experts and eminent persons who may provide technical inputs, non-binding and professional views or policy recommendations to the ASEAN-China JWG; and,

d) the convening of workshops, as the need arises.

**2004 Plan of Action to Implement the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity<sup>34</sup>**  
**Vientiane, 29 November 2004**

*Note. A five-year (2005-2010) Plan of Action to implement the Joint Declaration was adopted at the 8th ASEAN-China Summit in November 2004 in Vientiane, Lao PDR. The Plan of Action has served as the master plan to broaden and deepen ASEAN-China dialogue relations in a comprehensive and mutually beneficial manner with the view to strengthen the strategic partnership for regional peace, development and prosperity.*

*1.5 Declaration on the Conduct of Parties in the South China Sea*

1.5.1 Implement in an effective way the Declaration on the Conduct of Parties (DoC) in the South China Sea to maintain regional stability and promote cooperation in the South China Sea;

1.5.2 Convene regular ASEAN-China Senior Officials Meeting (SOM) on the realisation of the DoC to provide guidance for and review the implementation of the DoC;

1.5.3 Establish a working group to draw up the guidelines for the implementation of the DoC and to provide recommendations to the ASEAN-China SOM on policy and implementation issues;

1.5.4 Promote joint cooperation and dialogue in areas such as marine scientific research, protection of the marine environment, safety of navigation and communication at sea, search and rescue operation, humane treatment of all persons in danger or distress, fight against transnational crimes as well as cooperation among military officials;

1.5.5 Promote trust and confidence building through cooperative activities, in accordance with the principles of the DoC, in particular, those of consultations and consensus among the concerned Parties in the South China Sea, pending the peaceful settlement of the territorial and jurisdictional issues as stated in the DoC;

1.5.6 Affirm the vision of the DoC state parties to work, on the basis of consensus, on the eventual adoption of a code of conduct in the South China Sea; and

1.5.7 Adhere to the terminologies used in the UN Convention on the Law of the Sea and other instruments of the International Maritime Organisation.

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<sup>34</sup> <http://cil.nus.edu.sg/2004/2004-plan-of-action-to-implement-the-joint-declaration-on-asean-china-strategic-partnership-for-peace-and-prosperity-adopted-on-29-november-2004-in-vientiane-laos-by-the-heads-of-stategovernment/>

**2004 Vientiane Action Programme<sup>35</sup>**

**Vientiane, 29 November 2004**

1.2 Shaping and Sharing of Norms

iii. Ensure the full implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC) and work towards the adoption of a regional code of conduct in the South China Sea;

**2004 Chairman's Statement of the 10th ASEAN Summit<sup>36</sup>**

**Vientiane, 29 November 2004**

14. We reaffirmed the importance of the Treaty of Amity and Cooperation in Southeast Asia as a code of conduct governing relations between countries in the region for the promotion of peace and stability in the region. We warmly welcomed the accession of the Republic of Korea and the Russian Federation to the TAC and encouraged other non-Southeast Asian countries to accede to the Treaty. We also welcomed the steps being taken by ASEAN and China to implement the Declaration on Conduct of Parties in the South China Sea.

**2004 Chairman's Statement of the 11<sup>th</sup> Meeting of ASEAN Regional Forum<sup>37</sup>**

**Jakarta, 2 July 2004**

14. The Ministers underlined the importance of the implementation of Declaration on the Conduct of Parties in the South China Sea (DoC). The Ministers also stressed that the parties concerned exercise self-restraint in the conduct of activities that would affect peace and stability in the region. The Ministers emphasized the importance of confidence building and the need to explore ways and means for cooperative activities among the parties concerned, thus creating favourable conditions for settling disputes in South China Sea peacefully. The Ministers welcomed the proposal of ASEAN and China to convene a Senior Officials' Meeting under the DoC and establish an ASEAN China Working Group that will oversee the implementation of the Declaration in spirit and letter.

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<sup>35</sup> <http://cil.nus.edu.sg/2004/2004-vientiane-action-programme-2004-2010-signed-on-29-november-2004-in-vientiane-laos-by-the-heads-of-stategovernment-vap/>

<sup>36</sup> <http://www.aseansec.org/16631.htm>

<sup>37</sup> <http://cil.nus.edu.sg/2004/2004-chairman%e2%80%99s-statement-of-the-11th-meeting-of-asean-regional-forum-issued-on-2-july-2004-in-jakarta-indonesia/>

**2004 Joint Communiqué of the 37th ASEAN Ministerial Meeting<sup>38</sup>  
Jakarta, 29-30 June 2004**

*South China Sea*

22. We reaffirmed the Declaration on the Conduct of Parties (DOC) in the South China Sea, which we signed with China in Phnom Penh on 4 November 2002, as an important step towards the adoption of the Code of Conduct in South China Sea that is crucial for promoting peace, security and stability in the region. We welcomed the stock-taking in the implementation of all provisions of the DOC and to undertake confidence-building and cooperative measures that could contribute to the sustainability of peace and stability in the region. We reiterated our call for all parties concerned to seek to deal with the disputes in the South China Sea by peaceful means in accordance with international law, including the United Nations Convention on the Law of the Sea. We welcomed the recommendation of the ASEAN Senior Officials for follow-up action, including the establishment of an ASEAN-China Working Group and a review mechanism, in order to incrementally implement the DOC.

23. We appreciated the efforts of the Indonesian Government in holding the informal workshop on Managing Potential Conflict in South China Sea since 1990 that has contributed to the comfort level of the ongoing process.

24. We noted with appreciation the initiative of the Philippines Government in carrying out Exercise Luzon Sea Phase 1 - Palawan Expedition as a practical application of Part IX of the 1982 Law of the Sea Convention on the cooperation of states in enclosed and semi enclosed seas which is encouraged under Paragraph 6 of the DOC.

**2003 Press Statement of the Chairperson of the ASEAN+China Summit, ASEAN+Japan Summit, ASEAN+Republic of Korea Summit and ASEAN+India Summit<sup>39</sup>  
Bali, 8 October 2003**

*Consolidating ASEAN-China Cooperation*

9. ASEAN Leaders and Prime Minister Wen agreed to expedite the implementation of the Joint Statement on Cooperation in the Field of Non-Traditional Security Issues; to hold an ASEAN-China security-related dialogue to enhance mutual understanding and promote peace and stability in the Region; and to follow-up the Declaration on the Conduct of Parties in the South China Sea. ASEAN Leaders expressed hope that this would lead to the eventual establishment of a code of conduct in the South China Sea. We also agreed to cooperate on major regional and international issues in order to sustain regional peace and stability, while upholding the authority and central role of the UN.

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<sup>38</sup> <http://www.aseansec.org/16192.htm>

<sup>39</sup> <http://www.asean.org/15286.htm>

**2003 Chairman's Statement of the 10th Meeting of ASEAN Regional Forum<sup>40</sup>  
Phnom Penh, 18 June 2003**

19. The Ministers welcomed the Declaration on the Conduct of Parties in the South China Sea, which ASEAN and China signed in Phnom Penh on 4 November 2002. They expressed their confidence that efforts made by ASEAN and China in compliance with the Declaration's provisions and commitments would contribute valuably to the security and stability of the Asia-Pacific and would help create the conditions for the peaceful settlement of the disputes in the South China Sea.

**2003 Joint Communiqué of the 36th ASEAN Ministerial Meeting<sup>41</sup>  
Phnom Penh, 16-17 June 2003**

*South China Sea*

26. We reaffirmed the Declaration on the Conduct of Parties in the South China Sea, which we signed with China in Phnom Penh on 4 November 2002, as an important step towards a Code of Conduct in the South China Sea and as a valuable contribution to peace and stability in the region. We stressed the need for observance of the provisions of the Declaration and urged all concerned parties to undertake the confidence-building and cooperative measures called for in accordance with the Declaration. We reiterated our call for continued self-restraint and the avoidance of any action that would complicate the situation in the South China Sea. We emphasized the need for all concerned to seek to deal with the disputes in the South China Sea by peaceful means in conformity with international law, including the United Nations Convention on the Law of the Sea. We encouraged the continuation of the informal Workshops on Managing Potential Conflict in the South China Sea.

**2002 Press Statement by the Chairman of the 8<sup>th</sup> ASEAN Summit, 6<sup>th</sup> ASEAN+3 and ASEAN+China Summit<sup>42</sup>  
Phnom Penh, 4 November 2002**

*Deepening Cooperation between ASEAN and China*

28. The leaders also witnessed the signing of the Declaration on the Conduct of Parties in the South China Sea which provides for confidence-building activities between ASEAN and China. In addition, the two sides adopted the Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues and tasked our ministers to expeditiously specify mechanisms for such cooperation. China expressed its interest to acceded to the Treaty of Amity

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<sup>40</sup> <http://cil.nus.edu.sg/2003/2003-chairman%e2%80%99s-statement-of-the-10th-meeting-of-asean-regional-forum-issued-on-18-june-2003-in-phnom-penh-cambodia/>

<sup>41</sup> <http://www.aseansec.org/14833.htm>

<sup>42</sup> <http://www.aseansec.org/13188.htm>

and cooperation in Southeast Asia and stated its willingness to work with ASEAN to push for early accession to the Southeast Asia Nuclear Weapons-Free Zone (SEANFWZ). We also acknowledged the importance of the Memorandum of Understanding between the Ministry of Agriculture of the People's Republic of China and the ASEAN Secretariat on Agricultural Cooperation, signed in Phnom Penh on November 2.

## **2002 DECLARATION ON THE CONDUCT OF PARTIES IN THE SOUTH CHINA SEA<sup>43</sup>**

**Phnom Penh, 4 November 2002**

*Adopted by the Foreign Ministers of ASEAN and the People's Republic of China at the 8<sup>th</sup> ASEAN Summit*

The Governments of the Member States of ASEAN and the Government of the People's Republic of China,

*REAFFIRMING* their determination to consolidate and develop the friendship and cooperation existing between their people and governments with the view to promoting a 21st century-oriented partnership of good neighbourliness and mutual trust;

*COGNIZANT* of the need to promote a peaceful, friendly and harmonious environment in the South China Sea between ASEAN and China for the enhancement of peace, stability, economic growth and prosperity in the region;

*COMMITTED* to enhancing the principles and objectives of the 1997 Joint Statement of the Meeting of the Heads of State/Government of the Member States of ASEAN and President of the People's Republic of China;

*DESIRING* to enhance favourable conditions for a peaceful and durable solution of differences and disputes among countries concerned;

*HEREBY DECLARE* the following:

1. The Parties reaffirm their commitment to the purposes and principles of the Charter of the United Nations, the 1982 UN Convention on the Law of the Sea, the Treaty of Amity and Cooperation in Southeast Asia, the Five Principles of Peaceful Coexistence, and other universally recognized principles of international law which shall serve as the basic norms governing state-to-state relations;
2. The Parties are committed to exploring ways for building trust and confidence in accordance with the above-mentioned principles and on the basis of equality and mutual respect;
3. The Parties reaffirm their respect for and commitment to the freedom of navigation in and overflight above the South China Sea as provided for by the universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea;

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<sup>43</sup> <http://cil.nus.edu.sg/2002/2002-declaration-on-the-conduct-of-parties-in-the-south-china-sea-signed-on-4-november-2002-in-phnom-penh-cambodia-by-the-foreign-ministers/>

4. The Parties concerned undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea;

5. The Parties undertake to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability including, among others, refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner.

Pending the peaceful settlement of territorial and jurisdictional disputes, the Parties concerned undertake to intensify efforts to seek ways, in the spirit of cooperation and understanding, to build trust and confidence between and among them, including:

- a. holding dialogues and exchange of views as appropriate between their defense and military officials;
- b. ensuring just and humane treatment of all persons who are either in danger or in distress;
- c. notifying, on a voluntary basis, other Parties concerned of any impending joint/combined military exercise; and
- d. exchanging, on a voluntary basis, relevant information.

6. Pending a comprehensive and durable settlement of the disputes, the Parties concerned may explore or undertake cooperative activities. These may include the following:

- a. marine environmental protection;
- b. marine scientific research;
- c. safety of navigation and communication at sea;
- d. search and rescue operation; and
- e. combating transnational crime, including but not limited to trafficking in illicit drugs, piracy and armed robbery at sea, and illegal traffic in arms.

The modalities, scope and locations, in respect of bilateral and multilateral cooperation should be agreed upon by the Parties concerned prior to their actual implementation.

7. The Parties concerned stand ready to continue their consultations and dialogues concerning relevant issues, through modalities to be agreed by them, including regular consultations on the observance of this Declaration, for the purpose of promoting good neighbourliness and transparency, establishing harmony, mutual understanding and cooperation, and facilitating peaceful resolution of disputes among them;



8. The Parties undertake to respect the provisions of this Declaration and take actions consistent therewith;

9. The Parties encourage other countries to respect the principles contained in this Declaration;

10. The Parties concerned reaffirm that the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region and agree to work, on the basis of consensus, towards the eventual attainment of this objective.

**2002 Chairman's Statement in the 9<sup>th</sup> Meeting of the ASEAN Regional Forum<sup>44</sup>  
Bandar Seri Begawan, 31 July 2002**

20. The Ministers exchanged views on the situation in the South China Sea and noted that the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region. In this regard, they noted the agreement of ASEAN member countries in respect of ASEAN's new approach as reflected in the Joint Communiqué of the 35th ASEAN Ministerial Meeting. They welcomed ASEAN's resolve to work closely with China on this matter. The Ministers welcomed the parties continued commitment to exercise self-restraint and to the peaceful settlement of disputes in the South China Sea in conformity with recognised principles of international law including the United Nations Convention on the Law of the Sea (UNCLOS).

**2002 Joint Communiqué of 35<sup>th</sup> ASEAN Ministerial Meeting<sup>45</sup>  
Bandar Seri Begawan, 29-30 July 2002**

40. We reaffirm that the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region and agreed to work towards a Declaration on the Conduct of Parties in the South China Sea. In this regard, we agreed to work closely with China with a view to adopting the Declaration. All parties concerned are encouraged to continue the exercise of self-restraint and we welcomed their commitment to resolving disputes in the South China Sea by peaceful means in conformity with recognised principles of international law including the United Nations Convention on the Law of the Sea (UNCLOS) as well as to ensuring the freedom of navigation in the area.

41. We were satisfied with the on-going South China Sea Workshops on Managing Potential Conflict in the South China Sea through dialogue, confidence-building and cooperative measures. We urged the participating authorities as well as the NGOs, foundations or private companies from the South China Sea region as well as outside the region to contribute generously to the continuation of the Workshop's programmes as agreed at the Workshop in August 2001.

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<sup>44</sup> <http://cil.nus.edu.sg/2002/2002-chairman%e2%80%99s-statement-of-the-9th-meeting-of-the-asean-regional-forum-issued-on-31-july-2002-in-bandar-seri-begawan-brunei-darussalam/>

<sup>45</sup> <http://www.aseansec.org/4070.htm>

**2001 Press Statement by the Chairman of the 7th ASEAN Summit and the Three ASEAN+1 Summits<sup>46</sup>**

**Brunei Darussalam, 6 November 2001**

9. In strengthening our political dialogue and cooperation in the region, we welcomed China's readiness to accede to the Treaty of Amity and Cooperation in Southeast Asia and to sign the protocol of the Southeast Asia Nuclear Weapon Free Zone Treaty. On the South China Sea, we reaffirmed our resolve to address the issue through dialogue and consultations.

**2001 Chairman's Statement of the 8th ASEAN Regional Forum<sup>47</sup>**

**Ha Noi, 25 July 2001**

16. The Ministers noted that the situation in Southeast Asia on the whole has been peaceful and stable. The Ministers exchanged views on the recent developments in the South China Sea and welcomed the progress in the consultations between ASEAN and China to develop a Code of Conduct in the South China Sea. The Ministers encouraged of self-restraint by all countries concerned and the promotion of confidence-building measures in this area, and welcomed the commitment of countries concerned to resolve disputes by peaceful means in accordance with the recognised principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS), as well as to ensure the freedom of navigation in the area.

**2001 Joint Communiqué of the 34th ASEAN Ministerial Meeting<sup>48</sup>**

**Ha Noi, 23-24 July 2001**

20. We reviewed developments in the South China Sea and welcomed the progress in the consultations between ASEAN and China towards the adoption of the Code of Conduct in the South China Sea. We encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of confidence building measures in this area and welcomed their commitment to resolving disputes in the South China Sea by peaceful means in conformity with recognized principles of international law including the United Nations Convention on the Law of the Sea (UNCLOS) as well as to ensuring the freedom of navigation in the area.

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<sup>46</sup> <http://www.aseansec.org/5316.htm>

<sup>47</sup> <http://cil.nus.edu.sg/2001/2001-chairman%e2%80%99s-statement-of-the-8th-meeting-of-the-asean-regional-forum-issued-on-25-july-2001-in-hanoi-vietnam/>

<sup>48</sup> <http://www.aseansec.org/3716.htm>

**2000 Chairman's Statement of the 7<sup>th</sup> Meeting of the ASEAN Regional Forum<sup>49</sup>  
Bangkok, 27 July 2000**

19. With regard to the situation in the South China Sea, the Ministers encouraged the exercise of self-restraint by all countries concerned and the promotion of confidence building measures in this area, and welcomed their commitment to resolving disputes by peaceful means in accordance with the recognized principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS), as well as to ensuring the freedom of navigation in this area. The Ministers welcomed dialogue and consultations, particularly dialogue in the ASEAN-China Senior Officials Consultations, the exchange of views in the ARF, as well as in the Informal Workshop on Managing Potential Conflicts in the South China Sea. The Ministers welcomed in particular the on-going efforts between ASEAN and China to develop and adopt the Regional Code of Conduct in the South China Sea.

**2000 Joint Communiqué of the 33rd ASEAN Ministerial Meeting<sup>50</sup>  
Bangkok, 24-25 July 2000**

24. The Foreign Ministers welcomed progress being made towards the adoption of a code of Conduct in the South China Sea which would be an important contribution to confidence-building and enhancing dialogue and understanding between ASEAN and China. They noted ongoing efforts by ASEAN and China, particularly the informal consultations between both sides in Hua Hin, Thailand, on 15 March 2000 and the First Meeting of the Working Group of the ASEAN-China Senior Officials Consultations on the Code of Conduct in Kuala Lumpur on 26 May 2000. They were encouraged that the Meeting in Kuala Lumpur agreed to a consolidated working draft of the Code of Conduct in the South China Sea which would provide the basis for achieving further progress in the discussions by the Working Group.

25. The Foreign Ministers welcomed the commitment of all parties concerned to resolving disputes in the South China Sea by peaceful means in accordance with the recognized principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS), as well as to ensuring the freedom of navigation in the area. They encouraged all parties concerned to continue to exercise self-restraint in the conduct of their activities and refrain from taking any action that may disturb the peace and stability in the area. They recognized the positive contribution of the bilateral and multilateral consultations among the parties concerned at the intergovernmental level, the extensive consultations at the ASEAN-China Dialogue and the regular exchange of views in the ARF, and the ongoing Informal Workshops on Managing Potential Conflicts in the South China Sea and encouraged their continuance.

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<sup>49</sup> <http://cil.nus.edu.sg/2000/2000-chairman%e2%80%99s-statement-of-the-7th-meeting-of-the-asean-regional-forum-issued-on-27-july-2000-in-bangkok-thailand/>

<sup>50</sup> <http://www.aseansec.org/3659.htm>

**1999 Chairman's Press Statement on ASEAN 3rd Informal Summit<sup>51</sup>  
Manila, 28 November 1999**

10. On the South China Sea, the HOS/G (ASEAN Heads of State/Government) reaffirmed the need for a regional Code of Conduct in the South China Sea. They noted the report of the Ministers that ASEAN now has a draft regional code of conduct, and further consultations will be made on the draft with a view to advancing the process on the adoption of the Code.

**1999 Chairman's Statement of the 6th Meeting of the ASEAN Regional Forum<sup>52</sup>  
Singapore, 26 July 1999**

11. The Ministers welcomed the commitment of all the countries concerned to the peaceful settlement of disputes in the South China Sea in accordance with the recognized principles of international law and the UNCLOS. They stressed the importance of freedom of navigation in this area. The Ministers noted that some ARF countries were concerned that there could be increased tensions. They welcomed the continued exercise of self-restraint by all sides and the positive contributions made by the bilateral consultations between the countries concerned. They further welcomed the dialogue in the ASEAN-China Senior Officials Consultations, the regular exchange of views in the ARF, and the continuing work of the Informal Workshop on Managing Potential Conflicts in the South China Sea, which have enhanced confidence building. They noted that ASEAN was working on a regional Code of Conduct in the South China Sea.

**1999 Joint Communiqué of the 32<sup>nd</sup> ASEAN Ministerial Meeting<sup>53</sup>  
Singapore, 23-24 July 1999**

39. In reviewing the situation in the South China Sea, we recognised that several issues remained a source of concern, including the overlapping and conflicting claims among the countries involved that remain unresolved. We emphasised the importance of resolving these issues in the interest of peace and stability in the region. We reiterated the need for the disputes to be settled peacefully, in accordance with the recognised principles of international law, including the 1982 United Nations Convention on the Law of the Sea, and to continue to exercise self-restraint in the conduct of activities in the South China Sea. We recalled the ASEAN Foreign Ministers' agreement in 1996 to the idea of a regional Code of Conduct which would lay the foundation for long-term stability in the area and foster understanding among claimant countries. At the 6th ASEAN Summit, the ASEAN Leaders agreed to promote efforts to establish a regional Code of Conduct in the South China Sea among the parties directly concerned. Pursuant to these agreements, we noted that as a follow-up to the ASEAN SOM recommendation in May 1999, the Philippines has submitted a draft Regional Code of Conduct

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<sup>51</sup> <http://www.aseansec.org/5300.htm>

<sup>52</sup> <http://cil.nus.edu.sg/1999/1999-chairman%e2%80%99s-statement-of-the-6th-asean-regional-forum-issued-on-26-july-1999-in-singapore/>

<sup>53</sup> <http://www.aseansec.org/3845.htm>

for the immediate consideration of the ASEAN SOM Working Group on ZOPFAN and SEANWFZ at its next meeting. We recognised the positive contribution of the ongoing bilateral and multilateral consultations among the parties concerned at the intergovernmental level, the extensive consultations at the ASEAN-China Dialogue and the regular exchange of views in the ARF, and the on-going Informal Workshops on Managing Potential Conflicts in the South China Sea and encouraged their continuance.

**1998 Ha Noi Plan of Action<sup>54</sup>**

**Ha Noi, 15 December 1998**

7.13 Enhance efforts to settle disputes in the South China Sea through peaceful means among the parties concerned in accordance with universally recognized international law, including the 1982 U.N. Convention on the Law of the Sea.

7.14 Continue efforts to promote confidence-building measures in the South China Sea between and among parties concerned.

7.15 Encourage all other parties concerned to subscribe to the ASEAN Declaration on the South China Sea.

7.16 Promote efforts to establish a regional code of conduct in the South China Sea among the parties directly concerned.

**1998 Chairman's Statement of the 5<sup>th</sup> Meeting of the ASEAN Regional Forum<sup>55</sup>**

**Manila, 27 July 1998**

The Ministers welcomed the commitment of all the countries concerned to the peaceful settlement of the dispute on the South China Sea, in accordance with the recognized principles of international law, including the UNCLOS. The Ministers expressed satisfaction on the continued exercise of self-restraint by all the Countries concerned and noted the positive contributions made by the bilateral consultations between the countries concerned, the dialogue in the ASEAN-China Senior Officials Consultations, the regular exchange of views in the ARF, and the continuing work of the Informal Workshop on Managing Potential Conflicts in the South China Sea.

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<sup>54</sup> <http://cil.nus.edu.sg/1998/1998-ha-noi-plan-of-action-signed-on-15-december-1998-in-ha-noi-viet-nam-by-the-heads-of-stategovernment/>

<sup>55</sup> <http://cil.nus.edu.sg/1998/1998-chairman%e2%80%99s-statement-of-the-5th-meeting-of-the-asean-regional-forum-issued-on-27-july-1998-in-manila-philippines/>

**1998 Joint Communiqué of the 31st ASEAN Ministerial Meeting<sup>56</sup>  
Manila, 24-25 July 1998**

15. The Foreign Ministers reviewed the developments in the South China Sea. They welcomed the Joint Statement issued at the ASEAN-China Summit in Kuala Lumpur in December 1997 and called on all countries concerned to exercise self-restraint and to continue efforts to find solutions on the basis of international law, in particular the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and to subscribe to the principles embodied in the 1992 Manila Declaration on the South China Sea. They also urged countries concerned to focus on confidence building measures with a view to enhancing peace and stability in the region. They noted the frank and productive discussions in the bilateral consultations among countries concerned, at the ASEAN-China Senior Officials Consultations and at the ASEAN Regional Forum (ARF), particularly in the Inter-sessional Group on Confidence Building Measures. They also noted the positive contributions made by the series of Informal Workshops on Managing Potential Conflicts in the South China Sea as well as various groups therein.

**1997 Statement of the Meeting of Heads of State/Government of the Member States of ASEAN and the President of the People's Republic of China<sup>57</sup>  
Kuala Lumpur, 16 December 1997**

8. Recognizing that the maintenance of regional peace and stability served the interests of all parties, they undertook to resolve their differences or disputes through peaceful means, without resorting to the threat or use of force. The parties concerned agreed to resolve their disputes in the South China Sea through friendly consultations and negotiations in accordance with universally recognized international law, including the 1982 UN Convention on the Law of the Sea. While continuing efforts to find solutions, they agreed to explore ways for cooperation in the areas concerned. In the interest of promoting peace and stability as well as enhancing mutual confidence in the region, the parties concerned agreed to continue to exercise self-restraint and handle relevant differences in a cool and constructive manner. They further agreed not to allow existing differences to hamper the development of friendly relations and cooperation.

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<sup>56</sup> <http://www.aseansec.org/3933.htm>

<sup>57</sup> <http://cil.nus.edu.sg/1997/1997-joint-statement-of-the-meeting-of-heads-of-stategovernment-of-the-member-states-of-asean-and-the-president-of-the-peoples-republic-of-china-issued-on-16-december-1997-in-kuala-lumpur-malaysia/>

**1997 Chairman's Statement of the 4<sup>th</sup> Meeting of the ASEAN Regional Forum<sup>58</sup>  
Subang Jaya, 27 July 1997**

On the South China Sea, the Ministers welcomed the efforts by countries concerned to seek solutions by peaceful means in accordance with international law, the UNCLOS, and the exercise of self restraint, in the interest of maintaining peace and stability in the region. The Ministers also noted the positive contributions made by the Workshop on Managing Potential Conflicts in South China Sea;

**1997 Joint Communiqué of the 30<sup>th</sup> ASEAN Ministerial Meeting<sup>59</sup>  
Subang Jaya, 24-25 July 1997**

16. In reviewing the situation in the South China Sea, the Foreign Ministers emphasized that several issues remained a source of concern. Nevertheless, they were encouraged by the continued efforts to seek peaceful solutions to the negotiations, on the basis of international law, particularly the 1982 United Nations Convention on the Law of the Sea, and the Manila Declaration on the South China Sea. They noted the readiness among the parties concerned to engage in dialogue to address these differences. In this connection, they highlighted the importance of exercising restraint in the conduct of activities in the area as agreed by the parties concerned. The Foreign Ministers also noted the positive contributions made by the series of Workshop on Managing Potential Conflicts in the South China Sea.

**1996 Press Statement of the 1st Informal ASEAN Heads of Government Meeting<sup>60</sup>  
Jakarta, 30 November 1996**

13. The ASEAN Heads of Government reaffirmed their commitment to seek an early peaceful solution to the overlapping claims in the South China Sea in accordance with the provisions of the TAC, the ASEAN Declaration on the South China Sea of 1992 as well as international law, including the United Nations Convention on the Law of the Sea of 1982.

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<sup>58</sup> <http://cil.nus.edu.sg/1997/1997-chairman%e2%80%99s-statement-of-the-4th-meeting-of-the-asean-regional-forum-issued-on-27-july-1997-in-subang-jaya-malaysia/>

<sup>59</sup> <http://www.aseansec.org/4010.htm>

<sup>60</sup> <http://www.aseansec.org/20158.htm>

**1996 Chairman's Statement of the 3<sup>rd</sup> Meeting of the ASEAN Regional Forum<sup>61</sup>  
Jakarta, 23 July 1996**

(iv) On the South China Sea, the Meeting welcomed the efforts by countries concerned to seek solutions by peaceful means in accordance with international law in general and with the United Nations Convention on the Law of the Sea of 1982 in particular. The Meeting also noted the positive contributions made by the Workshop Series on Managing Potential Conflicts in the South China Sea.

**1996 Joint Communiqué of the 29th ASEAN Ministerial Meeting<sup>62</sup>  
Jakarta, 20-21 July 1996**

11. The Foreign Ministers expressed their concern over the situation in the South China Sea, and stressed that several outstanding issues remain a major concern for ASEAN. In the spirit of the Manila Declaration on the South China Sea, the Ministers called for the peaceful resolution of the dispute and self-restraint by parties concerned. The Ministers were pleased to observe, however, that the parties concerned have expressed their willingness to resolve the problem by peaceful means in accordance with recognized international law in general and the UNCLOS of 1982 in particular. The Ministers also reiterated the significance of the on-going informal workshop series on Managing Potential Conflict in the South China Sea, and welcomed the continuing bilateral cooperation and discussions among the claimant countries. They endorsed the idea of concluding a regional code of conduct in the South China Sea which will lay the foundation for long term stability in the area and foster understanding among claimant countries.

12. The Foreign Ministers stressed the importance of freedom of navigation and aviation in the South China Sea.

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<sup>61</sup> <http://cil.nus.edu.sg/1996/1996-chairman%e2%80%99s-statement-of-the-3rd-asean-regional-forum-issued-on-23-july-1996-in-jakarta-indonesia/>

<sup>62</sup> <http://cil.nus.edu.sg/1996/1996-joint-communicue-of-the-29th-asean-ministerial-meeting-issued-on-21-july-1996-in-jakarta-indonesia/>



**1995 Bangkok Summit Declaration<sup>63</sup>**

**Bangkok, 14-15 December 1995**

- ASEAN shall seek an early, peaceful resolution of the South China Sea dispute and shall continue to explore ways and means to prevent conflict and enhance cooperation in the South China Sea consistent with the provisions of the TAC and the ASEAN Declaration on the South China Sea of 1992 as well as international law including the United Nations Convention on the Law of the Sea;

**1995 Chairman's Statement of the 2<sup>nd</sup> Meeting of the ASEAN Regional Forum<sup>64</sup>**

**Bandar Seri Begawan, 1 August 1995**

11. Noting the overall stable environment and many areas of ongoing regional cooperation, the Ministers exchanged views on regional security issues, and highlighted the following:

- expressed concern on overlapping sovereignty claims in the region. They encouraged all claimants to reaffirm their commitment to the principles contained in relevant international laws and convention, and the ASEAN's 1992 Declaration on the South China Sea;

**1995 Joint Communiqué of the 28th ASEAN Ministerial Meeting<sup>65</sup>**

**Bandar Seri Begawan, 29-30 July 1995**

9. The Foreign Ministers expressed their concern over recent events in the South China Sea. They encouraged all parties concerned to reaffirm their commitment to the principles contained in the 1992 ASEAN Declaration on the South China Sea, which urges all claimants to resolve their differences by peaceful means and to exercise self-restraint. They also called on them to refrain from taking actions that could destabilise the region, including possibly undermining the freedom of navigation and aviation in the affected areas. They also encouraged the claimants to address the issue in various bilateral and multilateral fora. In this regard, they reiterated the significance of promoting confidence-building measures (CBMs) and mutually beneficial cooperative ventures in the ongoing Informal Workshop Series on Managing Potential Conflicts in the South China Sea initiated by Indonesia.

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<sup>63</sup> <http://www.aseansec.org/5189.htm>

<sup>64</sup> <http://cil.nus.edu.sg/1995/1995-chairman%e2%80%99s-statement-of-the-2nd-meeting-of-the-asean-regional-forum-issued-on-1-august-1995-in-bandar-seri-begawan-brunei-darussalam/>

<sup>65</sup> <http://www.aseansec.org/2087.htm>

**1994 Joint Communiqué of the 27<sup>th</sup> ASEAN Ministerial Meeting<sup>66</sup>  
Bangkok, 22-23 July 1994**

8. The Foreign Ministers reaffirmed the principles contained in the ASEAN Declaration on the South China Sea and its positive contribution to a significant reduction of tension in the region. They expressed appreciation that the on-going Workshop Series on Managing Potential Conflicts in the South China Sea, initiated by Indonesia, had promoted confidence-building among the countries directly concerned. They noted that some countries concerned were already having bilateral consultations. They were convinced that, given the political will and spirit of cooperation of all states concerned, peace and stability in the region could be significantly enhanced.

**1993 Joint Communiqué of the 26<sup>th</sup> ASEAN Ministerial Meeting<sup>67</sup>  
Singapore, 23-24 July 1993**

13. The Foreign Ministers reiterated the invitation to all parties directly concerned to subscribe to the principles of the ASEAN Declaration on the South China Sea. They noted that the Workshop series on Managing Potential Conflicts in the South China Sea initiated by Indonesia, and the working Group meetings held within the framework of the Workshop, had promoted understanding among the countries concerned of the issues involved and provided ideas for future cooperation.

**1992 Joint Communiqué for the 25<sup>th</sup> ASEAN Ministerial Meeting<sup>68</sup>  
Manila, 21-22 July 1992**

17. The Foreign Ministers expressed the view that any adverse development in the South China Sea directly affects the peace and security in the region. They emphasized that any territorial or jurisdictional dispute should be resolved by peaceful means, without resort to force. They urged all parties concerned to exercise self-restraint with a view to create in a positive climate for the resolution of these disputes. The Foreign Ministers noted that the Workshops on Managing Potential Conflicts in the South China Sea initiated and hosted by Indonesia had contributed to a better understanding of the issues involved. They also noted that the informal and unofficial format of the Workshops has enabled open and frank discussions to take place. The Foreign Ministers commended all parties concerned to apply the principles incorporated in the Treaty of Amity and Cooperation in Southeast Asia as the basis for establishing a code of international conduct over the area. The Foreign Ministers decided to issue a separate Declaration on this matter.

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<sup>66</sup> <http://www.asean.org/2086.htm>

<sup>67</sup> <http://cil.nus.edu.sg/1993/1993-joint-communiqué-of-the-26th-asean-ministerial-meeting-issued-on-24-july-1993-in-singapore-by-the-foreign-ministers/>

<sup>68</sup> <http://www.aseansec.org/1167.htm>

**1992 ASEAN DECLARATION ON THE SOUTH CHINA SEA<sup>69</sup>**

**Manila, 22 July 1992**

*Adopted by the Foreign Ministers at the 25th ASEAN Ministerial Meeting*

*WE*, the Foreign Ministers of the member countries of the Association of Southeast Asian Nations;

*RECALLING* the historic, cultural and social ties that bind our peoples as states adjacent to the South China Sea;

*WISHING* to promote the spirit of kinship, friendship and harmony among our peoples who share similar Asian traditions and heritage;

*DESIROUS* of further promoting conditions essential to greater economic cooperation and growth;

*RECOGNIZING* that we are bound by similar ideals of mutual respect, freedom, sovereignty and jurisdiction of the parties directly concerned;

*RECOGNIZING* that South China Sea issues involve sensitive questions of sovereignty and jurisdiction of the parties directly concerned;

*CONSCIOUS* that any adverse developments in the South China Sea directly affect peace and stability in the region.

*HEREBY*

*EMPHASIZE* the necessity to resolve all sovereignty and jurisdictional issues pertaining to the South China Sea by peaceful means, without resort to force;

*URGE* all parties concerned to exercise restraint with the view to creating a positive climate for the eventual resolution of all disputes;

*RESOLVE*, without prejudicing the sovereignty and jurisdiction of countries having direct interests in the area, to explore the possibility of cooperation in the South China Sea relating to the safety of maritime navigation and communication, protection against pollution of the marine environment, coordination of search and rescue operations, efforts towards combatting piracy and armed robbery as well as collaboration in the campaign against illicit trafficking in drugs;

*COMMEND* all parties concerned to apply the principles contained in the Treaty of Amity and Cooperation in Southeast Asia as the basis for establishing a code of international conduct over the South China Sea;

*INVITE* all parties concerned to subscribe to this Declaration of principles.

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<sup>69</sup> <http://cil.nus.edu.sg/1992/1992-asean-declaration-on-the-south-china-sea-signed-on-22-july-1992-in-manila-philippines-by-the-foreign-ministers/>