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ASEAN Collective Responsibility in Upholding Sovereignty in South China Sea Exclusive Economic Zone

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Abstract :

The purpose of this article is to explain the urgencies of ASEAN Regional Cooperation in upholding the South China Sea Exclusive Economic Zone. Furthermore, this article also explains how such regional cooperation can effectively be applied by ASEAN according to international law rules and principles. This article is legal research based on the theoretical framework by gathering legal scholars' opinions and normative framework by gathering related articles in international treaties. By applying these frameworks, the authors gathered the data for this article through secondary data collection in a form of primary sources, secondary sources, and tertiary sources. In discussing the urgency of the article herein, the authors found out that ASEAN as an international organization consisting of sovereign states shall exercise its primary obligations under UNCLOS 1982 and ASEAN Charter in a good faith, ASEAN shall exercise its sovereign rights on the South China Sea EEZ according to the coastal state rights entitled by UNCLOS 1982, and ASEAN shall prevent the potential armed conflict due to the tension of China, Taiwan and the AUKUS Pact in this region. Meanwhile, the mechanism applied by ASEAN is through interdependent national law enforcement, based on each member state's law regarding maritime resources conservation and environmental protection. Through this measure, ASEAN may conduct their cooperation despite each of their responses to China's Hegemony and AUKUS Existence. In presenting the outcome of this article, the authors emphasized the three urgencies described above and the framework of the regional cooperation regarding the interdependent national law enforcement with the respect to the second analysis herein. Such collective consent is indeed significant, to uphold each ASEAN Member States EEZ's political sovereignty and territorial integrity.

Keywords: Exclusive Economic Zone, the South China Sea, Regional Cooperation, UNCLOS 1982, Nine-Dash Line

Introduction

As an international organization consented based on geographical similarities, the Association of Southeast Asian Nations (ASEAN) intended to conduct regional cooperation in southeast Asian territories based on international law principles. The principles referred to by ASEAN herein are equal sovereignty, territorial integrity, non-

intervention, and, consent. Furthermore, as an entity consisting of sovereign states, sovereignties on each ASEAN member state's waters are undivided by the interdependency expressed through ASEAN Commitment mentioned above. China's Hegemony in the Exclusive Economic Zone (EEZ) in the South China Sea could be viewed as a circumstance threatening each ASEAN member state's territorial integrities.

Such hegemony can be proved by the existence of the Nine-Dash Line Map unilaterally expressed by China as its basis for exploiting natural resources in the South China Sea without the consent of coastal states intersecting with that map (Darmayadi and Purnamasari, 2018). Those coastal states are Vietnam, Cambodia, Thailand, Malaysia, Singapore, Indonesia, Brunei Darussalam, Philippines, and even, Laos as a geographically disadvantaged states having rights to exploit natural resources in that EEZ. This issue had been addressed by the Philippines to the Permanent Court of Arbitration (PCA), and this tribunal concluded an award stating that China has no right in procuring Scarborough Shoal dan Spratly or Kalayan Islands as a territory adjacent to the Philippine EEZ in the South China Sea (Fatmawati and Aprina, 2019). Regardless of the validity of this Nine-Dash Line Invalidity Award, China does not recognize that award under an argument stating that PCA Arbitrators did not adjudicate this dispute fairly and hence impartially. Furthermore, PCA Arbitrators did not consider the historical claim addressed by China (Fatmawati and Aprina, 2019).

By understanding the non-compliance response of China, one may understand that China unilaterally still claims the South China Sea EEZ as its territory. Therefore, this issue is far from over. In responding to this refusal, the authors quoted the summary of the PCA Tribunal Decision stating that the Nine-Dash Line Map invoked by China is incompatible with UNCLOS 1982 (Sea, 2022). This award is indeed compatible with Article 287 in conjunction with Article 296 *United Nations Convention on the Law of the Sea* 1982 (UNCLOS 1982) *inter alia* expressing the regulations of exclusive tribunals as one of the forums that may settle maritime delimitation despite the interpretation and the application of UNCLOS 1982 and through the binding nature of that forum's award on each state, in this case, China.

Therefore, the authors opined that this issue shall not be settled through judicial means, and instead of triggering such contentious jurisdiction, each ASEAN member state shall conduct a collective political means in ensuring legal certainties or ensuring the implementation of this PCA Award. This ASEAN collective means or responsibilities shall be conducted since China is not the only state threatening ASEAN member states' sovereignty. There are other states such as Taiwan agreeing to the United States to be involved in this conflict by allowing it to pass the Taiwan Strait and by declaring that strait as international water (Times, 2022). Furthermore, this collective means is needed in enhancing ASEAN to new forces which is the AUKUS Pact consisting of Australia, the United Kingdom, and the United States potentially arising tension in the South China Sea (Wintour, 2021).

In this article, the authors explain the reasons why ASEAN shall implement the PCA Award regarding the Philippines and China Nine-Dash Line Validity Dispute through regional cooperation in upholding ASEAN Sovereignty in the South China Sea. Furthermore, the authors will also explain the political mechanism that ASEAN may collectively be applied in upholding ASEAN Sovereignty in the South China Sea. These issues will be discussed based on international instruments consisting of ASEAN

Agreements, UNCLOS 1982, and international law doctrines. From these issues, the authors will provide a comprehensive and hence normative explanation regarding the urgencies of ASEAN cooperation and the implementation of such cooperation to secure its interests in the South China Sea EEZ.

Methods

This article is applying a legal research method that consists of a theoretical framework and a normative framework. Taekema (2018) explained that legal research in general describes as a discussion of current affairs and recent cases that lead to situations where scholars take pride to have their work cited in a judgment or parliamentary debate. Furthermore, a theoretical framework can be solely defined as means conducted in a form of giving the context for research and providing a conceptual basis in a form of a theory (Taekema, 2018). In applying this framework, the authors applied the common will theory by Triepel, the rules of recognition doctrine by Hart, the principle of effectiveness by Kelsen and the Utilitarian Theory by Bentham explained in the literature review of this article. Meanwhile, the normative framework applied in this article can be defined as a legal basis that may take its role play as a standard of evaluation (Taekema, 2018). In applying the normative framework, the authors will transpose related legal substances under international treaties to answer the formulated issues mentioned in the introduction.

The authors also need to explain in advance that the legal research referred to in this passage is a methodology of gathering related rules under international treaties, interpreting those rules, and transposing those rules to this article to answer the formulated issues. To elaborate on the method intuitively explained above, the authors need to explain this method by describing the steps herein: Step 1: The authors collected information regarding the South China Sea Conflicts from relevant sources in a form of media and previous research as the minor premise of this paper; Step 2: The authors gather the major premise in the form international treaties and international doctrines or scholars point of views from relevant sources; Step 3: The authors analyze the minor premise of this paper based on the major premise. Furthermore, we also adhered to his opinion based on the analysis explained herein.

In explaining how the authors gather their data, the authors will explain the three classifications of data in research (LIS101, 2017). Those data are primary sources, secondary sources, and tertiary sources (LIS101, 2017). In describing matters, the authors will straightforwardly explain this classification by explaining it from a law perspective. Primary legal sources or binding legal sources can be collected from official government or legislative's repositories and international organization websites (LIS101, 2017). Meanwhile, secondary legal sources are expert commentaries explained in textbooks, scientific articles, and opinions in the media (LIS101, 2017). Lastly, tertiary legal sources are sources that explain both primary legal sources and secondary legal sources such as dictionaries and relevant encyclopedias (LIS, 2017).

Review Literature

In the following passage, the authors mention and explain early research regarding the South China Sea Conflicts according to public international law. The purpose of providing such descriptions and explanations is to express our enthusiasm for conducting this research and writing this article. Furthermore, this passage is also dedicated to the

development of the International Law of The Sea and International Dispute Settlement Jurisprudence concerning the previous research. Those previous research are: *First*, Suharman, Securities and ASEAN Collective Respond Dilemma on South China Sea Dispute (Padjajaran University, Bandung, 2019); *Second*, Ikeshima, Fundamental Pitfalls of the South China Sea Arbitration Ruling (Waseda Global Forum, Tokyo, 2017) and *Third*, Fatmawati and Aprina, The Legality of China's Refusal on Permanent Court of Arbitration Award on The South China Sea Claim Dispute between Philippine and China based on International Law (Parahyangan University, Bandung, 2019).

The first research was conducted since the states involved in the South China Sea Conflict have a single asymmetrical purpose to secure their territorial integrity and exercise their sovereignty in utilizing their maritime resources (Suharman, 2019). In the analysis of this paper, Suharman (2019) addressed that each coastal state intersecting in the South China Sea has its consent described herein: 1.) Malaysia has a rational and pragmatic stance in viewing this conflict, due to China-Malaysia Bilateral Agreements.; 2.) The Philippines has an aggressive stance, due to China's claim to the Spratly Islands, yet maintains its bilateral relations with China.; 3.) Brunei Darussalam has a unique stance as a silent claimant. This stance is caused by the economic recession causing it to be dependent on China.; 4.) Vietnam has the most aggressive stance herein, caused by China's Bombing of Woody Island, causing it to push China and the other ASEAN member states to formulate the Code of Conduct as soon as possible.; 5.) Indonesia is currently applying its stance according to its "*bebas aktif*" political doctrine, in a form of naming its territorial sea and EEZ the North Natuna Sea, while maintaining its relation with China.

These stances have indeed caused a dilemma within the ASEAN as an international organization in determining its collective stance. The tension in this situation was getting higher due to the United States Consent to block China's Expansion by influencing ASEAN member states as buffer states. In concluding this article, Suharman (2019) addressed that ASEAN currently has no capacity in formulating a collective policy and viewing military forces consolidation as a dilemma in maintaining peace and security. From this research, the authors will develop Suharman's Paper (2019), by explaining what kind of measure that ASEAN may interdependently apply, to enhance ASEAN regional cooperation in maintaining peace and security in the South China Sea EEZ.

Furthermore, by understanding the fact that the first research herein explains the political diversities that exist within the ASEAN Member States, the authors respond to such situations based on the Common Will Theory by Triepel. As the background of this theory, the authors quoted Chudkowski's Opinion (2021) in explaining Neff's Doctrine by stating that throughout history, international law has always been dependent on the general will of states to abide by it. From this caveat, the authors express that according to Triepel, states as the international community do not always need to formulate a new agreement in ensuring compliance with international law (Diantha and Putra, 2017). Instead, states may solely apply particular international norms, so that it acquired their status as international customary law (Diantha and Putra, 2017). Furthermore, the authors opined that this theory is indeed relevant to analyze the reason why ASEAN shall conduct this collective responsibility since Argent (2021a) stated that customary international law may have a heavier weight on *opinio juris* at a regional level.

The Second Research describes the dispute settlement process and the scope of

the dispute of the PCA Award regarding UNCLOS 1982 interpretation and application of UNCLOS 1982 on China's Nine-Dash Line intersecting with the Spratly Islands (Ikeshima, 2017). Even though the tribunal rejected China's historical basis on its Nine-Dash Line Map, based on the *travaux preparatory* of this convention, China decided not to comply with this award and addressed its subjective opinion regarding its willingness to establish the South China Sea Code of Conduct (Ikeshima, 2017). In responding to this subjective opinion, the authors quote Darmawan's explanation (2020c) on this aspired law, by stating that the code of conduct formulation is far from over and the negotiation process has been delayed due to the Covid-19 Pandemic.

The second article explained by the authors herein ended with Ikeshima's Opinion (2017) stating that the PCA Award on Philippine v. China Dispute was fully in favor Philippines, due to the absence of rules regarding a historical claim under UNCLOS 1982. Therefore, in this article, we would like to emphasize the fact that it is unnecessary, for this time being, for other intersecting coastal states to bring this issue to the international tribunal, due to the existence of an award stating that the Nine-Dash Line Map has no validity under the law of the sea regime. Such a notion can be addressed since this PCA Award has a binding effect in China, or should we say, has verdict China's Traditional Fishing Ground has no legal basis under the rules of international law.

By understanding the research summary herein, it can be understood that the tribunals awarded this dispute according to the international treaty *in concreto* UNCLOS 1982. The authors opined that recognition of Spratly and Kayalan Island through this award indeed shall be viewed as a declaratory award based on the maritime zones written in Part II-V UNCLOS 1982. From the authors' commentary herein, the writers also explained this normative analysis based on Hart's Doctrine on the Rules of Recognition. In explaining Hart's Thought, Berman (2022) addressed those legal norms that are validated as legal by fulfilling sufficient criteria grounded by the practice of legal officials. Using this doctrine as a reference, the writer conducted the presentation and analysis of this article by explaining related UNCLOS 1982 legal substance related to the issue of the paper herein.

Last but not least, the third research emphasizes the fact that China's Refusal was not following any rules under the international law regime (Fatmawati and Aprina, 2019). Furthermore, Fatmawati and Aprina (2019) addressed that such refusal was contrary to UNCLOS 1982, The Principle of Effectiveness, and The *Uti Possidetis Juris* Principle. Based on the discussion joined by one of the authors of this article, in a webinar conducted by Universitas Indonesia, Buntoro (2022) express that the Principle of Effectiveness is only applied to land territory in the practice of international law. From this discussion, the authors will explain the relevance of the Effectiveness Principle in sea territory since sea territories are connected with land territories according to Article 2 UNCLOS 1982 regarding the territorial sea. From this research, the authors will explain how ASEAN shall conduct cooperation in upholding the South China Sea EEZ according to international law norms and principles.

Since the third research herein has provided principles of international law related to the dispute under the law of the sea regime, the authors transposed the principle of effectiveness mentioned therein. This principle is applied by the authors in explaining the expected outcome of the collective responsibility mechanism conducted by each ASEAN Member State to protect its territorial integrity and political sovereignty. Therefore, the

analysis in this article will show one of the authors' persistence in promoting how the principle of effectiveness shall be applied in the sea territory of a state.

To close this literature review, the authors do realize that this article consists of political matters that cannot be solely answered through the application of international treaties and legal theories. Therefore, instead of applying a pure matter having a nexus with legal compliance, the authors also linked the territorial integrity and political sovereignty of ASEAN Member States EEZ with The Utilitarianism Theory. In explaining Bentham's Theory, Wagner (2021) expresses that a good law is a law providing the greatest happiness for the greatest number. This theory is indeed transposable in the context of the relationship between states, and to provide a more reasonable premise, the authors opined that the absence of collective action toward the Nine Dash Line Map by China and the existence of the AUKUS Pact may be viewed as a potential threat on ASEAN happiness in utilizing its sea territory and resources.

Presentation and Discussion

The urgencies of ASEAN in conducting international cooperation in upholding South China Sea EEZ Sovereignty is to implement UNCLOS 1982 in a good faith, exercising ASEAN rights as coastal states of the following EEZ in exploiting natural resources, and maintaining the peace and security of South China Sea. Meanwhile, the regional means of cooperation that ASEAN may apply is through law enforcement conducted by each ASEAN member state, based on ASEAN Legal Instrument ordering ASEAN to conduct collective maritime resources conservation. These discourses will be explained in detail under the passages herein.

ASEAN Urgencies in Conducting Collective Responsibility or Regional Cooperation in Upholding ASEAN Exclusive Economic Zone Sovereignty in the South China Sea

Argent (2021c) explained that under international law, states have three legally protected interests, those interests are their sovereignty, property, and their nationals. In exercising their capacity to protect those interests, states are also obliged to keep their promise stemming from the treaty as their primary obligation (Article 26 VCLT 1969) (Argent, 2021b). From these doctrines, we may now refer to Article 192 UNCLOS 1982 *inter alia* expresses that the UNCLOS member states shall conduct global cooperation or regional cooperation to protect and conserve maritime resources. Furthermore, Article 242 UNCLOS 1982 ought each state to conduct scientific research cooperation, with the respect to each state's sovereignty and the reciprocal principle. Despite regulating means through scientific research, the authors view this cooperation as means that shall be conducted by ASEAN to uphold its political sovereignty and territorial integrity from the threats *in concreto* the Nine Dash Line Map and the AUKUS Pact.

The authors' point of view mentioned above is compatible with *The Principle of Effectiveness* addressed by Kelsen and explained by Fatmawati and Aprina (2019). This principle stated that the effectivity of a state in a controlling territory is determined through the applicability of the national law of that controlling state. Since this principle stressed that the effectivity of a state national law is the condition for a territory to be stated as a territory of a particular state, the authors will elaborate on such premise under the doctrine herein. In line with the principle mentioned above, The Delegation Theory is

a concept explaining the relation between international law and municipal law expressing that the implementation of international law is surrendered to each consented state's national law (Lexpeeps, 2021). Therefore, each ASEAN member state shall apply its national law related to the conservation and management of their maritime resources, to protect ASEAN EEZ in the South China Sea from both China and AUKUS States.

Furthermore, the authors also need to address why ASEAN shall apply rules existing in UNCLOS 1982 as an instrument in upholding ASEAN Sovereignty and Territorial Integrities. Such reason can be addressed based on the fact that all ASEAN member states have signed and ratified UNCLOS 1982, except Cambodia as a state party limited to the signatory of this convention (Nations, 2021). Besides this factual basis, ASEAN shall also conduct UNCLOS 1982 based on Article 45 ASEAN Charter obliging ASEAN to conduct feasible based on United Nations instruments and other related international organization instruments. Through this regional cooperation, ASEAN member states as coastal states in the South China Sea EEZ may therefore utilize their territories, to uphold their sovereign rights in exploring and exploiting maritime resources in that zone effectively and at the very least, free from political intervention from states mentioned above (Article 56 UNCLOS 1982) (Letts, 2019).

Unlike the Territorial Sea (or the 12 NM Baseline) automatically arise as coastal state territory *ipso facto* to land territory, EEZ is a unique or *sui generis* international law of the sea regime (Letts, 2019). The reason why such a regime has a *sui generis* nature is EEZ is neither considered a zone fully accessible for the international communities nor a zone fully controlled by its coastal state (Letts, 2019). The Rights of a Coastal State in its EEZ are indeed different from a coastal state's rights in its territorial sea, meanwhile, a maritime user state on an EEZ mentioned in Article 58 UNCLOS 1982 consists of freedom of navigation, freedom of overflight, and freedom on the installation of submarine cable. Based on these normative explanations, the exploitative means conducted by China based on its Nine-Dash *Line* is indeed a violation of rights entitled to the ASEAN member states as the coastal states of South China Sea EEZ based on Article 56 UNCLOS 1982, and Article 58 UNCLOS 1982.

Based on the analysis of the UNCLOS 1982 legal substance mentioned herein, the authors will wrap this treaty articles by explaining the rules of recognition explained by Hart. To reemphasize Hart's Doctrine explained in the literature review above, the authors need to express the notion that the validation of legal norms can only be actualized if it fulfills its criteria of validity and is related to legally relevant phenomena (Berman, 2022). By transposing this notion with the PCA Award mentioned above, it can be inferred that UNCLOS 1982 is a valid law for China and every ASEAN Member state intersecting in the South China Sea EEZ. Such premise is relevant since China and ASEAN Member states are the contracting parties of UNCLOS 1982 (Nations, 2021). Meanwhile, the legally relevant phenomena in the issue herein are the existence of the Nine Dash Line Map in collision with the legal fact of each ASEAN Member State Sea territory based on UNCLOS 1982. Therefore, the award of the PCA Arbitration on Spratly and Kayalan shall be viewed as secondary rules deriving from primary rules which are the maritime zones in UNCLOS 1982.

Last but not least, the reason why ASEAN shall conduct regional cooperation mentioned by the authors in this passage is to maintain peace and security based on Article 1. paragraph 1. ASEAN Charter. In line with this article, Darmawan (2021b) stated that

China National Law has its *coast guard* right to shoot ships conducting means incompatible with its national law, and disturbing China in exercising its right based on its Nine-Dash Line Map. Meanwhile, on the other side, the AUKUS Pact can be understood as international cooperation to develop nuclear submarines to compete with China's Military Forces in Indo Pacific Region (Darmawan, 2021a). Due to such tension, as a neutral alliance potentially threatened by those powerful states tacitly conflicting with each other, ASEAN shall conduct this cooperation as soon as possible as its *collective responsibility* in ensuring the political sovereignty and territorial integrity in the South China Sea EEZ.

ASEAN Could Apply Regional Cooperation Mechanism that ASEAN in Upholding South China Sea Exclusive Economic Zone Sovereignty

Argent (2021a) quoting the famous Lotus Case, stated that international law may only bind states if states have a common will to be bound by that international law norm. Such a common will has a higher position compared to a mere will of a single state. Through the application of this Common Will Theory (*Vereinbarungstheorie*), we strongly opined that ASEAN shall conduct this cooperation through the implementation of an ASEAN Legal Instrument formed by the ASEAN Political-Security Community and hence through the implementation of each member state's national law explained above. The following legal instrument mentioned by the authors is the ASEAN Agreement on the Conservation of Nature and Natural Resources Article 8 in conjunction with Article 18 of this agreement obliges the ASEAN member states to conduct maritime conservation and conducting cooperation to enforce this regional level legal instrument.

The Common Will Theory mentioned above is a notion illustrating that states may have their consent to be bound by international law, without formulating a treaty (Diantha and Putra, 2017). Therefore, by viewing the fact that Article 18 of the ASEAN Instrument can be expressed by each member state collective action or general practice, such practice will fulfill one of the criteria of international customary law. Furthermore, by transposing Argent's View stating that international customary law has a heavier weight of *opinio juris* at a regional level, the authors are optimistic in expressing the fact that this collective maritime conservation may protect ASEAN EEZ territorial integrity and political sovereignty, from the threats by China and AUKUS Pact. Now that this theory is attached as a coherence basis in this discussion, this matter is left with ASEAN Political Will to apply its legal instrument.

Indeed, the explanation mentioned in the previous paragraph is compatible with Juwana's Opinion (2021) regarding Indonesia's Sovereign Rights in the North Natuna Sea in Sapa Indonesia Pagi Kompas TV (An Indonesian Trusted Media) on September 17th, 2021. In that interview, Juwana (2021) addressed that sea patrol solely conducted in that zone shall never be considered an adequate means in securing Indonesia's Sea from China Illegal Act. Instead, that law enforcement means shall be complemented with maritime resources conservation in the Natuna Sea to sustainably secure that area from China Illegal Act. Therefore, each ASEAN member state shall also apply its national law regulating the outer part of their territories, maritime resources, and fisheries conservation. Through means under each of those laws, ASEAN member states may therefore actualize *The Principle of Effectiveness* as we explained in the first discussion of this article.

The reason why the authors addressed this interdependent national law enforcement, especially on each member state's national law regarding the outer part of their territories, since sea territory may effectively be claimed, only if that state has claimed its land territory adjacent to that sea *prima facie* (Article 2 UNCLOS 1982). Meanwhile, ASEAN shall also interdependently apply its national law regarding maritime resources and fisheries conservation to implement Article 56 UNCLOS 1982 regulating coastal states' rights in utilizing their natural resources in their EEZ and their rights to grant maritime user state the same rights under their permission only. Through this application of both international law and each member's national law, ASEAN may therefore exercise its sovereign rights based on the Utilitarianism Principle.

Before addressing Bentham's Theory herein, it is important for the authors to emphasize the fact that through the analysis mentioned above, the principle of effectiveness is transposable in the context of the law of the sea regime. This expression is based on the notion that sea territory is adjacent to land territory according to the explanation of Article 2 and 56 UNCLOS 1982 explained above. From this reasonable correlation between facts and laws, the authors opined that the effectiveness principle herein is indeed relevant, especially with the fact that maritime conservation activities can be qualified as a declaratory matter of a state sea territory. Therefore, this collective responsibility through cooperation and maritime conservation shall be qualified as one of ASEAN's important agendas.

In explaining the Utilitarian Theory, Wagner (2021) quoting Bentham stated that *The Greatest Happiness* as a consequence shall be equally received by each member of a community. Therefore, the man who used "international law" terminology for the first time, also addressed that the utility concept that may produce equality shall also be formed as public policies and laws (Wagner, 2021). Therefore, the recognition and the application of the following PCA Award through international cooperation based on each member state's national law has a probability of overcoming China's Illegal Unilateral Act based on its Nine-Dash Line Map. Furthermore, this mechanism may also prevent the AUKUS Pact from conducting its Nuclear Submarine Test in the South China Sea EEZ, which may threaten the existence of natural resources and the environment within that maritime zone.

Last but not least, this regional cooperation shall be complemented with diplomacy with the third parties of the ASEAN Charter to reaffirm the rules of international law mentioned in this article, so that the legality and the legitimacy of these regional acts may prevent those parties, such as Taiwan and the United States of America that may threaten South China Sea Security. By conducting this collective responsibility idea and the ASEAN diplomacy herein, ASEAN may provide its greatest happiness to ASEAN Community, since the existence of those threats may suffer the territorial integrity and the political sovereignty of ASEAN sea territories. This closing remark is addressed by the author to overcome the diverse consent of each ASEAN Member state in order to achieve their greater good.

Conclusions

The urgencies of ASEAN in conducting this collective responsibility or regional cooperation are the fact that each ASEAN Member State's EEZ intersects the South China Sea is threatened due to the Nine Dash Line and AUKUS Pact existence. The existence

of China's Map and AUKUS Pact shall be viewed as a threat to the territorial integrity and political sovereignty of ASEAN as an international community. Furthermore, the second urgency of this collective responsibility is to ensure the commitment of ASEAN to comply with UNCLOS 1982 with the PCA Awards on Spratly and Kayalan Island as its secondary instrument of recognition and ASEAN Legal Instruments. Lastly, the urgency of this cooperation is to maintain peace and security in the South East Asia region, especially in its sea territory.

The application of this collective responsibility can be conducted through collective maritime resources conservation. This general practice shall be viewed as the application of the ASEAN Agreement regulating the peace and security in its territory. Furthermore, this general practice may be utilized as a hope to reconcile the political tension between ASEAN member states caused by the Nine Dash Line Map invoked by China. Lastly, this general practice shall also be viewed as a method to provide the greatest happiness for the ASEAN Community as a whole, so that ASEAN could utilize its sea territories and uphold its integrity and sovereignty in its sea.

This article does not contain any studies with human participants performed by any of the authors.

This article does not contain any studies with animals performed by any of the authors.

Conflicts of interest:

The authors of this paper certify that they have NO affiliations with or involvement in any organization or entity with any financial or non-financial interest (such as honoraria; educational grants; membership, employment; affiliations, knowledge or beliefs) in the subject matter or materials discussed in this manuscript.

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