



## Headlines

# 'China not keen on having binding code of conduct'

By Pia Lee-Brago (The Philippine Star) Updated October 19, 2011 12:00 AM [Comments \(15\)](#)

MANILA, Philippines - An expert on Southeast Asian issues claimed that China is not keen on having a binding code of conduct in the disputed areas in the South China Sea as Beijing moves to derail the implementation of the proposed guidelines meant to ease tensions in the region.

Barry Wain, writer-in-residence at the Institute of Southeast Asian Studies in Singapore, said on Monday during the Forum on South China Sea at the Manila Polo Club in Makati City that only the Association of Southeast Asian Nations (ASEAN) is eager to implement a binding Declaration on the Code of Conduct of Parties in the South China Sea (DOC) in the area around the disputed Spratly Islands.

He urged China to "officially" explain its 9-dash line territorial claim over the whole of the South China Sea.

The Philippines lodged a diplomatic protest before the United Nations against China's 9-dash line territorial claim.

The Philippines made three assertions related to the Kalayaan Island Group (KIG) that is part of the Spratlys.

"ASEAN is looking for quick progress on the DOC. However, China is not keen on code of conduct. My evidence for saying this is when Chinese Foreign Minister Yang Jiechi told ASEAN that China is to work with the group at an appropriate time and when the condition is ripe," Wain said.

He said the Chinese side is supposed to convene the ASEAN-China meeting on Oct. 27-28 and proposed ASEAN-China seminar on freedom of navigation.

"That's an extremely positive sign and confidence building measure. On the ASEAN side, there's extreme skepticism about what China has proposed. ASEAN's priority is the DOC," he added.

Wain said China would propose talks when Beijing is criticized for its activity in the South China Sea.

"When you get criticized you propose talks," Wain said.

He said ASEAN agreed to regain the initiative for the DOC during the meeting of senior officials in Bali, Indonesia last week. But China might scrap its proposed ASEAN-China meeting and oceanographic exchange.

"On the positive side, there's discussion and renewed interest but it's difficult to be too optimistic to move quickly," Wain said.

"The ASEAN side suspects agenda is to slow down movement on code of conduct," he said.

Wain said the Philippine proposal for a Zone of Peace, Freedom, Friendship and Cooperation (ZoPFF/C) in the West Philippine Sea (South China Sea) is something that ASEAN should consider.

He said that the Philippine presentation is consistent with the DOC.

He said there is a renewed initiative from ASEAN members Indonesia and Singapore for China to clarify its claim.

"You've to explain the 9-dash line. The most rewarding is for China to explain officially what it means by that line," Wain said.

The Philippines maintained that China's 9-dash line claim to the whole of the West Philippine Sea (South China Sea) is the "crux of the problem" that poses a stumbling block to the resolution of disputes in the West Philippine Sea, on the basis of international law, specifically the United Nations Convention on the Law of the Sea (UNCLOS).

Wain stressed that until today, the DOC has failed to stop accumulation of incidents and rising tension.

Foreign Affairs Secretary Albert del Rosario said that when the Philippines protested against China's several acts of intrusions before

the UN, China's response was that no such intrusions occurred since China has full sovereign rights over the whole West Philippine Sea due to its 9-dash line claim.

He said that such intrusions happened within 85 nautical miles of the nearest Philippine island of Palawan, well within the Philippines' 200 nautical mile exclusive economic zone (EEZ), and where the country exercises full sovereign rights, as provided by UNLCOS.

"If left unchallenged, China's baseless 9-dash line claim over the entire West Philippine Sea would not only adversely affect our sovereign rights and jurisdiction but could as well potentially threaten the freedom of navigation and unimpeded commerce of many other nations," said Del Rosario.

The ASEAN foreign ministers stressed in its joint communiqué in July that they are also looking forward to the development of the Code of Conduct.

The 44th ASEAN Ministerial Meeting (AMM) discussed the West Philippine Sea issue at length and in depth, emphasizing the importance of maintaining peace and stability there and enjoining claimants to continue to exercise self-restraint.

The foreign ministers also stressed adherence to the DOC being the embodiment of collective commitment to the peaceful resolution of disputes in the area in accordance with universally recognized principles of international law, particularly UNCLOS.