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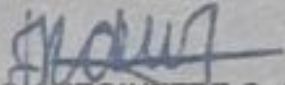
for presenting the paper entitled

*Theorizing ASEAN Way in Managing ASEAN Member States' Territorial Disputes*

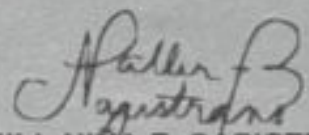
at the **#PHISO2019 International Conference** with the theme,

**Diplomacy, Dialogue, and Discourse: Praxes Turn in IR**

held at Cebu Parklane International Hotel, Cebu City, Philippines from November 9 to 10, 2019.

  
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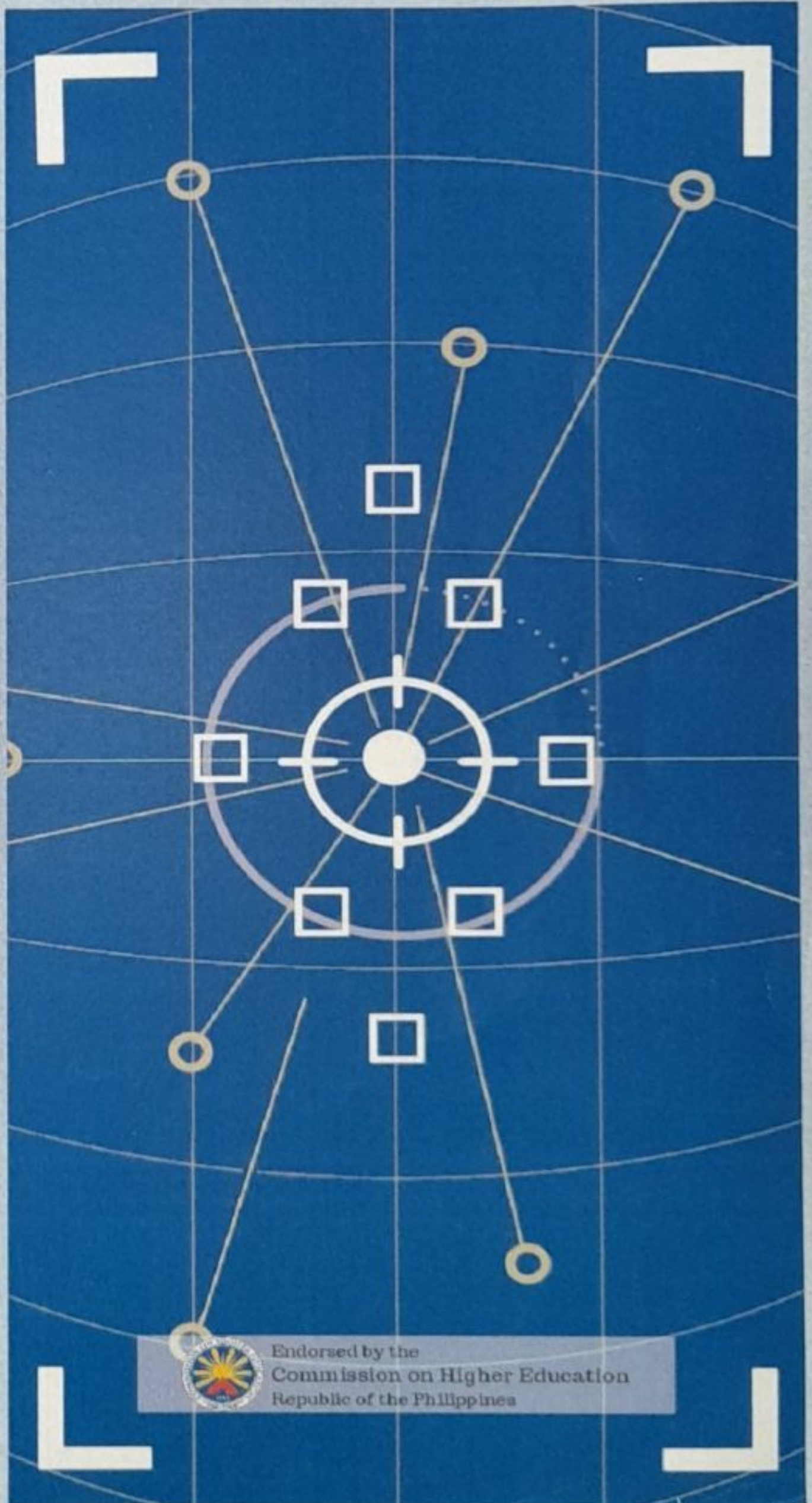
Philippine International Studies Organization

  
**ARCHILL NINA F. CAPISTRANO**  
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# #PHISO2019 INTERNATIONAL CONFERENCE

Diplomacy, Dialogue,  
and Discourse:  
**Praxes  
Turn in  
IR**

PHISO 2019  
Conference



**PHISO**  
PHILIPPINE INTERNATIONAL STUDIES ORGANIZATION

CEBU PARKLANE INTERNATIONAL  
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November 9-10, 2019



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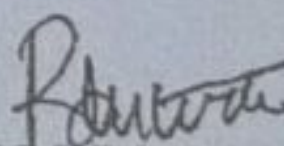
### MESSAGE

My warmest greetings to the organizers, participants and guests of the 3<sup>rd</sup> International Studies Conference.

I commend the Philippine International Studies Organization for creating a reliable platform for educators, researchers and students to share their knowledge and skills in pursuit of enriching the field of international relations. I am confident that this event will greatly contribute in this administration's efforts in advancing our national interest in the global community.

May this timely conference inspire all stakeholders to engage in timely multi-disciplinary initiatives in international relations and public diplomacy to answer the growing needs of our people and economy. As we adapt to this ever-changing world, we look forward to a more dynamic and empowered partnership with you as we push for inclusive and sustainable growth.

I wish everyone a productive and meaningful event.

  
RODRIGO ROA DUTERTE

MANILA  
9 November 2019

THE PRESIDENT OF THE PHILIPPINES

# LINKS TO ABSTRACTS

To access the abstracts of the paper presentations per panel as well as of the roundtable sessions, type and enter the specific link to your browser.

<b>Day 1, 9 November 2019   Plenary/Keynote Speeches (Eugenia Hall)</b>		<b>bit.ly/PHISO2019K1</b>
01:00-2:50 PM	<b>Panel A1: Global South Theorizing in International Relations</b> Eugenia Hall	bit.ly/PHISO2019A1
	<b>Panel A2: Gendered Dimensions of the International</b> Humabon Hall	bit.ly/PHISO2019A2
	<b>Panel A3: The Theory and Praxis of Security</b> Tupas Hall	bit.ly/PHISO2019A3
	<b>Roundtable A4: Advancing Global Studies in Central Philippines</b> Juana Hall	bit.ly/PHISO2019A4
03:10-05:00 PM	<b>Panel B1: Changes and Turns in Asian Security and Foreign Policies</b> Humabon Hall	bit.ly/PHISO2019B1
	<b>Panel B2: China as a Global Actor</b> Eugenia Hall	bit.ly/PHISO2019B2
	<b>Panel B3: Cultural Representations and Exchanges as International Praxis</b> Tupas Hall	bit.ly/PHISO2019B3
	<b>Roundtable B4: Launching the first PhD in International Studies in the Philippines</b> Juana Hall	bit.ly/PHISO2019B4
<b>Day 2, 10 November 2019   Plenary/Keynote Speeches (Eugenia Hall)</b>		<b>bit.ly/PHISO2019K2</b>
01:00-2:50 PM	<b>Panel C1: Critical Perspectives on the Liberal Order</b> Tupas Hall	bit.ly/PHISO2019C1
	<b>Panel C2: Non-State Actors in International Relations</b> Eugenia Hall	bit.ly/PHISO2019C2
	<b>Roundtable C3: New Critical Spaces in Transitional Justice</b> Humabon Hall	bit.ly/PHISO2019C3
	<b>Roundtable C4: Filipino Students in China: Insights on IR Scholarship and Academic Experience</b> Juana Hall	bit.ly/PHISO2019C4
01:00-2:50 PM	<b>Panel D1: The Philippine State and its Foreign Policy: Then and Now</b> Tupas Hall	bit.ly/PHISO2019D1
	<b>Panel D2: Understanding Violent Extremism</b> Humabon Hall	bit.ly/PHISO2019D2
	<b>Panel D3: The Diversity of Diplomatic Praxis</b> Eugenia Hall	bit.ly/PHISO2019D3
	<b>Roundtable D4: When Practice Engages Research: Determining other Potential Research Topics from the Experiences of Practitioners</b> Juana Hall	bit.ly/PHISO2019D4
The compendium of all abstracts is accessible at <a href="http://bit.ly/PHISO2019COMP">bit.ly/PHISO2019COMP</a> .		

# CONFERENCE PROGRAM

#PHISO2019 International Conference  
09-10 November 2019 (Saturday & Sunday),  
Cebu Parklane International Hotel,  
Cebu City, Philippines

*Diplomacy, Dialogue, and Discourse: The Praxes turn in IR*

co-sponsored by UP OIL, UP-CIDS Decolonial Studies Program, and UP Cebu Political Science Program

## Day 1 overview, November 09, Saturday

08:00am-05:00pm

Registration

10:00am-05:00pm

Book exhibit

08:30-08:40 am

Opening and speakers' introductions (Eugenia Hall)

08:40-09:40 am

Peter Vale  
Keynote Speech: *'Made in South Africa': Late colonialism and the origins of International Relations*

09:40-10:00 am

Morning Break

10:00-11:00 am

Roberto Dominguez  
Keynote Speech: *Finding Sustainable Security Governance in Latin America: Theory, Practice and Lessons*

11:00am-12:00pm

Rommel Curaming  
Book talk: *Power and Knowledge in Southeast Asia: State and Scholars in Indonesia and the Philippines*

12:00-01:00 pm

Lunch break

01:00-02:50 pm

Panel A1: *Global South Theorizing in International Relations* (Eugenia Hall)

Panel A2: *Gendered Dimensions of the International* (Humabon Hall)

Panel A3: *The Theory and Praxis of Security* (Tupas Hall)

Roundtable A4: *Advancing Global Studies in Central Philippines* (Juana Hall)

02:50-03:10 pm

Afternoon break with snacks

03:10-05:00 pm

Panel B1: *Changes and Turns in Asian Security and Foreign Policies* (Humabon Hall)

Panel B2: *China as a Global Actor* (Eugenia Hall)

Panel B3: *Cultural Representations and Exchanges as International Praxis* (Tupas Hall)

Roundtable B4: *Launching the first PhD in International Studies in the Philippines* (Juana Hall)

## Day 2 overview, November 10, Sunday

08:00am-03:00pm

Registration

10:00am-05:00pm

Book exhibit

08:30-08:40 am

Opening and speakers' introductions (Eugenia Hall)

08:40-09:40 am

Andreas Herberg-Rothe  
Keynote Speech: *Concentric circles and billiard games: Rethinking the relation of theory and practice in IRT*

Roundtable D4: *When Practice Engages Research: Determining other Potential Research Topics from the Experiences of Practitioners* (Juana Hall)

09:40-10:00 am

Morning Break

Day 1 panels and RTDs, November 09, Saturday

10:00-11:00 am

Kelly M. Kadera  
Keynote Speech: *Critiquing the Feminist Peace*

01:00-02:50 pm, Eugenia Hall  
**Panel A1: Global South Theorizing in International Relations**

11:00-12:00 pm

General Assembly

Chair: Andreas Herberg-Rothe,  
University of Applied Sciences Fulda

12:00-01:00 pm

Lunch break

01:00-02:50 pm

Panel C1: *Critical Perspectives on the Liberal Order* (Tupas Hall)

Md Aftab Alam, University of Delhi  
*Diplomacy, Dialogue and Discourse as Nehruvian Praxes in International Relations: Introducing a Perspective from Global South*

Panel C2: *Non-State Actors in International Relations* (Eugenia Hall)

Ricardo Roy A. Lopez,  
University of the Philippines Diliman  
*Asian Perspectives on Formulating a Global IR Hegemony Framework: Ways Forward and Challenges Ahead*

Roundtable C3: *New Critical Spaces in Transitional Justice* (Humabon Hall)

Thuy Ty Do, Diplomatic Academy of Vietnam  
*The practices of knowledge claims: Reflections from the drive toward constructing non-Western IR theory in East Asia*

Roundtable C4: *Filipino Students in China: Insights on IR Scholarship and Academic Experience* (Juana Hall)

Novita Putri Rudiany, Pertamina University  
*Indonesia on the Idea of Global Governance: Perspective and Contribution*

02:50-03:10 pm

Afternoon break with snacks

03:10-05:00 pm

Panel D1: *The Philippine State and its Foreign Policy: Then and Now* (Tupas Hall)

Abubakar Eby Hara, University of Jember  
*Indonesia Post-ASEAN Foreign Policy: Is It Just a Figment of One's Imagination?*

Panel D2: *Understanding Violent Extremism* (Humabon Hall)

01:00-02:50 pm, Humabon Hall  
**Panel A2: Gendered Dimensions of the International**

Panel D3: *The Diversity of Diplomatic Praxis* (Eugenia Hall)

Chair: Anna Sibayan-Sarmiento,  
University of the Philippines Diliman

Discussant: Kelly M. Kadera, University of Iowa

Nicomedes B. Alviar,  
University of Asia and the Pacific  
*Reproductive Health Law in the Philippines:  
A Social Constructivist Analysis of How  
International Discourse Shaped Domestic Policy  
Making*

Jacelle Isha B. Bonus,  
University of the Philippines Diliman  
*The OFW Doble Kara: A Feminist IR Look at  
Female OFWs in Saudi Arabia and their Roles as  
both Breachwinners and Caretakers*

Ma. Jemimah Rovilla Uy, Yonsei University  
*Negotiating Positionalities through Helper Choice:  
The Case of Filipina Domestic Workers in Kuwait*

Ayesah Uy Abubakar & SH Nursiti,  
Universiti Malaysia Sabah  
*From War to Peace: The Women of Aceh and their  
Peacebuilding Experience*

Mar Louie Vincent C. Reyes,  
University of San Carlos  
*The Evolving Church-State Dynamics in Response  
to the Catholic Church Clerical Abuses: Lessons  
from the Vatican-II Era*

**01:00-02:50 pm, Tupas Hall**  
**Panel A3: The Theory and Praxis of Security**

Chair: Peter Vale, University of Johannesburg

David O. Lozada III,  
Ateneo de Manila University  
*In Harm's Way: An Evaluation of the Philippine  
Participation in UN Peacekeeping Activities: The  
Golan Heights 2009-2014*

Eitan Barak, The Hebrew University of Jerusalem  
*Israel, Peacekeeping Forces and The United  
Nations Disengagement Observer Force (2014-  
2018): Indications of a New Approach?*

Enrico Cau, Tamkang University  
*Exploring New Patterns for Long-term Security in  
the Tri-Border Area: A primer*

Saptopo B. Ilkodar,  
Universitas Pembangunan Nasional "Veteran"  
Yogyakarta  
*Therizing the ASEAN Way in Managing ASEAN  
Member States' Territorial Disputes*

Danae M. Pantano,  
University of the Philippines Diliman  
*Hooked on Nukes: Norms and Nuclear Power  
Development in Southeast Asia*

John Timothy C. Chavaria,  
Far Eastern University  
*The AFP Modernization at the Height of the  
Operation Enduring Freedom: The Case  
of the Aquino III Administration's Philippine Navy  
Rearmament 2011-2016*

**01:00-02:50 pm**  
**Roundtable A4: Advancing Global Studies in  
Central Philippines**

Chair: Archill Niña F. Capistrano,  
University of the Philippines Cebu

Discussants:  
Zenaida Ligan-Ashburn,  
University of the Philippines Cebu

Mae Claire Jabines,  
University of the Philippines Cebu

Noe John Joseph Sacramento,  
University of the Philippines Cebu

Henry Francis Espiritu,  
University of the Philippines Cebu

Belinda Espiritu,  
University of the Philippines Cebu

Regletto Aldrich Imbong,  
University of the Philippines Cebu

Anna Leah Cuizon,  
University of the Philippines Cebu

**Theorizing the ASEAN Way  
in Managing ASEAN Member States' Territorial Disputes**

Saptopo B Ilkodar

UPN "Veteran" Yogyakarta, Indonesia

**Abstract**

This article discusses how ASEAN implements ASEAN way in managing its member states' territorial disputes. Studying three territorial disputes of Malaysia-Indonesia claim on Sipadan and Ligitan islands, Malaysia-Singapore claim on Pedra Branca island, and Malaysia-the Philippines claim over Sabah territory, the article shows how the four states interact with each other in the manner of ASEAN way. The article describes how the four of five ASEAN founding states implement the ASEAN core value.

Applying constructivism approach this writing evaluates the implementation of norms contained in ASEAN way in managing the three disputes. The norm is avoiding conflict, non intervention, dialogue and consensus, informality, and quiet diplomacy.

This writing offers two findings. First, ASEAN and the member states pretend dispute is no more than a disagreement between friends. They tried not to consider dispute as a situation of hostility between enemies. ASEAN founding state leaders hold a principle that territorial disputes should not disturb the good neighborhood and interstate disputes should not danger the unity and harmony of ASEAN. Secondly, ASEAN spirit significantly contributes to maintaining ASEAN's unity, creating harmony, and managing territorial disputes. Hence the findings offer a possibility to present a non-western approach to international relations.

Keywords: ASEAN way , territorial disputes , constructivism

**A. Background**

Many writings on the Association of South East Asian Nations ( ASEAN) discuss the *ASEAN way* either as a main topic or as a sub-topic. It was demonstrated that the *ASEAN way* is seen as one of the core issues of ASEAN. According to Katsumata (2003), the *ASEAN way* is a set of diplomatic norms that apply between ASEAN member countries.

The *ASEAN Way* study as a central theme was carried out by Katsumata (2003; 2004; 2011), Nischalke (2000), and Kim and Lee (2011). Studies on the *ASEAN way* associated with the ASEAN Regional Forum (ARF) and the ASEAN Plus Three (APT) were conducted, among others, by Narine (1997), Yuzawa (2007), and Jone and Smith (2007). *ASEAN way* studies related to regional security in Southeast Asia were carried out by Narine (1998), Kivimaki (2001) and Revenhill (2009). While the study of *ASEAN way* in relation with ASEAN integration, among others, was conducted by Moller (1998) and Min (2011).

The author only found one study of the *ASEAN way* that is connected with the management of territorial disputes between ASEAN member countries, namely the writings



of Mely Caballero-Anthony (1998; 2007). Another article that also studies the *ASEAN way* in relation to disputes between ASEAN members is the work of Hong Anh Tuan (1996) but not specifically about territorial disputes. The author intends to examine *ASEAN way* in relation to territorial dispute management, by adding the number of cases studied.

Anthony discussed the *ASEAN way* in connection with disputes over Sabah. According to Anthony (1998 & 2007), both Malaysia and the Philippines really applied the principles of ASEAN, namely restraint, respect, and responsibility. The principle of restraint was demonstrated by the Philippines which was not provoked even though Malaysia during the crisis carried out a show of force by flying six fighter jets across Sabah. On the other hand, when the case of Corregidor Island arose, Malaysia did not immediately take military action but prioritized diplomatic measures. The principle of respect is demonstrated by the Philippines through its willingness to withdraw its objections to Malaysia's representation of Sabah. As for the principle of responsibility also has been demonstrated by both countries. The Philippines did not take advantage of racial riots in Malaysia in 1969, where Malaysia was in a weak condition, to push back to Sabah. Likewise Malaysia did not take advantage of the issue of withdrawal of claims made by the Philippine government when Marcos was running in elections for his next period.

This paper examines how *ASEAN way* is applied in managing territorial disputes between ASEAN founding countries, that is: disputes over Sipadan and Ligitan islands between Malaysia and Indonesia, dispute over Pedra Branca Island between Malaysia and Singapore, and disputes over Sabah region between Malaysia and the Philippines.

## **B. Framework of Analysis**

Referring to Adler (2004), Finnemore & Sikkink (2001), and Hadiwinata (2017), this paper uses a constructivism approach. According to Hadiwinata (2017), constructivist often encounter complicated problems related to causality. Causality is a hallmark of positivism perspective, something that is often the target of constructivist criticism. The problem is constructivist itself seems to use causality. Hadiwinata (2017) pointed out that it is important to differ cause from reason. The cause requires causality in which two variables are related on the basis of a rational reason; whereas reason does not require logical-rational proof that the two things are interconnected. Constructivist only needs to show the reason and intention of the actors in carrying out certain actions, regardless of the terms used.

### Definition of the *ASEAN Way*

Many scientists define the *ASEAN way* vary but generally cover the same essence. Hong Anh Tuan (1996) defines the *ASEAN way* as a code of conduct in relations between ASEAN member countries. According to her, there are five techniques that ordinary pursued by ASEAN member countries in managing conflict. They are: a) to avoid conflict and prevent conflict from erupting into open warfare ; b) stressing the importance of self-control ; c) follow the method of consensus ; d) use third-party mediation to resolve dispute; and e) applying the principle of "agree to disagree ".

Katsumata (2003) defines *ASEAN way* as a set of diplomatic norms applied in relation between ASEAN member countries. According to him, the *ASEAN way* encourages Southeast Asian countries to take an informal approach in cooperation through consultation and in-depth dialogue, accompanied by the application of the principles of : a) no interfering in the domestic affairs of other countries; b) silent diplomacy, that is, not to criticize others in public; c) non violence, and d) decision making process by consensus.

According to Acharya (2012: 206) *ASEAN way* consists of five principles, namely: a) avoiding formal mechanisms; b) avoid legalistic decision making procedures; c) relying on consensus in achieving a common goal; d) emphasizes the importance of silent diplomacy; and e) reject hostile negotiations.

Based on the above opinions the writer of this article defines *ASEAN Way* as a unique series of diplomatic norms applied in relations between ASEAN member countries. They are: a) avoiding conflict ; b) non interfere; c) silent diplomacy; d) consensus; and e) informal mechanisms .

### **C. The Disputes**

The dispute over Sipadan and Ligitan islands stems from an agreement on the border of the Kalimantan region between the UK and the Netherlands . The agreement made in 1891 divided Kalimantan into two parts. The northern part which included Sabah and Sarawak was owned by the British (which was later inherited by Malaysia), and the southern part belonged to the Netherlands (subsequently inherited by Indonesia). The boundary line also forms the basis for the division of Sebatik island which lies east of Kalimantan island.

If the boundary line is extended to the east, it can be a determinant of the area around Sipadan and Ligitan islands. However, the 1891 Border Agreement did not clearly state whether the boundary line stops only at Sebatik island or does it apply to other areas east of

Sebatik island. (Colson, 2003) The Malaysia - Indonesia dispute over Sipadan and Ligitan islands took place since 1969 when the two countries each explored petroleum in the region, as well as when the two countries negotiated continental shelf boundaries. (Colson, 2003; Trost, 1995)

Territorial disputes between Malaysia and Singapore include three objects, namely Pedra Branca, Middle Rocks, and South Ledge. All the three are located on the east side of the entrance to the Singapore Strait. (Lathrop, 2008) The dispute began when on December 21, 1979 Malaysia announced a map which included Pedra Branca Island and two other islands into its territory. Malaysia considers that in the past the island was part of the Johor Sultanate. Therefore, when the British colonial government left Johor, the island belonged to Malaysia. This view is opposed by Singapore which holds that Pedra Branca is a British colonial heritage left for Singapore. (Sitohang, 2016)

The starting point for disputes in the Sabah region was the 1878 agreement between Sultan Sulu and the tenant named Baron Overbeck. Overbeck leased the area of North Borneo (Sabah) from the Sulu Sultanate with an annual rent of 5,000 Malaysian dollars or the equivalent of US \$ 1,640. After going through the process of buying and selling between tenants and passing a number of agreements between colonial countries (the Netherlands, England, Spain, the United States), control of the Sabah territory rested with the British government. The British government believes that the 1878 treaty constituted a form of granting or surrendering territory. In contrast, the descendants of the Sulu Sultanate believed that 1878 treaty were limited to lease agreements. (Meadows, 1992)

The Philippines-Malaysia dispute over Sabah arose in June 1962 when the Philippine government declared a claim against the region. The claims is addressed to the British colonial government which at that time was in the process of changing the status of Sabah from a colonial territory to the state territory of the Malaysian Federation. The claim was rejected by the British Government. (Samad & Bakar, 1992)

#### **D. Application of the ASEAN Way**

In the case of Sipadan and Ligitan islands, both Malaysia and Indonesia follow the norm of non interference. Although the two parties are in dispute, no data are found regarding efforts to interfere in each other's domestic affairs. As for the norm of informality, which means that discussions are carried out informally and not rigidly rather than in a family

atmosphere like discussions between families, is proven to be carried out especially when Suharto and Mahathir decide to bring the dispute to the International Court of Justice.

The application of consensus-norms was carried out in a number of negotiations since 1980, 1993, 1994, and 1996 (Irewati, 2014; Butscher, 2013; Kompas online, October 8, 1996). In the long process of negotiation the two countries has applied the norm of dialogue and consensus. It was applied both in the head of government level and in special representation level.

Norms of silent diplomacy or diplomacy without publication have been carried out by Malaysia and Indonesia, among others through the formation of special envoys who conduct negotiations without publication. For ASEAN member countries, the aim of this norm is to ensure that no one is disgraceful. As for the norm of avoiding conflict, the two parties do it by bringing the dispute to the International Court of Justice. According to former Malaysian Foreign Minister, Ahmad Badawi, the dispute resolution through the International Court was the best way that could be achieved without causing tension. (Kompas online, October 8, 1996) Meanwhile Mahathir stated that the effort was the last resort after a number of negotiation steps had taken place that had not yet produced results. (tribunnews.com, 8 November 2012)

In the case of Pedra Branca, it is evident that the norm of non interference is followed. No action from Malaysia or Singapore has been found to influence or disrupt the political and security life of the other disputant. For the nor of dialogue and consensus, during 23-year dispute (1980-2003) the two countries have conducted many negotiations both at ministerial level and the level of heads of state (Jayakumar and Koh 2009).

Norms of silent diplomacy are carried out by making all lengthy discussions between the two parties carried out without publication. Even if the meeting is known to the public, the issues discussed are not conveyed to the public. As for the norm of informality is done by creating a meeting on the sidelines of the two parties attending another event. The first took place on the sidelines of a meeting of heads of government from Commonwealth countries on October 16, 1991 in Harare, Zimbabwe. The second took place on the sidelines of the ASEAN Summit on January 25, 1992 in Singapore. ( Jayakumar and Koh , 2009)

For the norm of avoiding conflict, Singapore and Malaysia agreed from the beginning that whatever the decision of the International Court of Justice regarding the dispute over Pedra Branca, each party would accept it. Moreover, the Malaysian Foreign

Minister and Singapore Foreign Minister also ensured that the dispute over ownership of the island would not disrupt relations between the two neighbors. (AFP, 7 April 2003) A similar matter was conveyed by former Singapore Prime Minister Lee Kuan Yew in the preface to a memoir written by Jayakumar and Koh (2009) , "If a dispute cannot be resolved through negotiations, it is better to bring it to the dispute resolution mechanism through the third party rather than allowing the problem to get worse and disturb bilateral relations ".

In the case of Sabah, the norm of avoiding conflict has been pursued by both countries in at least two ways. First, since 1969 there has been no break in diplomatic relations between the two countries. The absence of diplomatic relations termination can be understood as an effort to avoid conflict. Second, when the occupation and acts of violence occurred in the Lahat Datu region of Sabah by a group of people from the Sulu Sultanate in 2013 the Malaysian government and the Philippine government responded with controlled actions so as to prevent a worse situation.

For the norm of non interference, unlike the other two disputes, in the Sabah dispute an attempt was made to interfere in the domestic affairs of another country. This was evident in the efforts to amend the Philippine constitution in 1987, in which the changes could make the claims on Sabah disappear. The amendment effort arose because there was interference from Malaysia . ( The Philippine Star online, March 13, 2013; Samad, 2016 ; Ganesan and Amer, 2010)

Regarding the silent diplomacy norm, it is known that diplomacy related to the Sabah dispute was carried out both openly and closedly. Open diplomacy was carried out in the form of visit by the head of the Philippine government to Malaysia or vice versa. Silent diplomacy was carried aout among others in the form of a tacit dialogue between Senator Benigno Aquino with Prime Minister Mahathir Mohamad.

The application of the norms dialogue and consensus has conducted in a number of meetings by the leaders of both countries. As for the norm of informaity, it seems that in the case of Sabah dispute the norm was not implemented. Apart from the fact that the problem is complex because it involves many actors in a very long period of time, it is difficult to use informal mechanisms as well because in general there are very contrasting cultural differences between Malaysia and the Philippines. In general Malaysia is close to Eastern culture while the Philippines tends to be Western.

## **E. Discussion**

The degree of application of the *ASEAN way* in the three territorial dispute cases was not the equal. In the Sipadan-Ligitan dispute, there are four of the five norms in *ASEAN way* are adhered. Only the norm of informality which was not implemented. In the Pedra Branca island dispute, all the five norms were implemented. As for the Sabah dispute, three norms were applied, namely consensus-norms, silent diplomacy, and avoiding conflict; while the other two norms are not applied, that is the norm of non interference and the norm of informality.

Thus it can be said that in general all the norm of *ASEAN way* have been applied. It is interesting that the norm of informality was applied in the case of Pedra Branca. In the other two disputes the norm is not applied. It shows that there are at least two limitations in applying the norm of informality. First, the norm is not easy to apply when the issue being discussed involves very strategic interests such as regarding territorial ownership. Second, the norm of informality is not easy to apply in bilateral relations.

The three territorial dispute studied in this paper have proven that for ASEAN member countries the disputes was seen no more than a small problem between friends. The leaders uphold the principle that dispute over the ownership of the area should not undermine the relationship of neighboring countries should not undermine the unity of ASEAN. Second, leaders seek to resolve disputes in peaceful ways, without resorting to violence. Third, leaders strive to respect to each other, take responsibility for each other, and not embarrass the leaders of other countries despite disputes.

The strong commitment of the leaders of the ASEAN founding countries to the shared vision of ASEAN, the desire to always resolve disputes peacefully, and the willingness of the next generation of ASEAN leaders to maintain the togetherness was recognized by Singapore's former Prime Minister Goh Chol Tong. (Mahbubani & Sng, 2017 )

The nuance of the dispute in the frame of friendship was born from the compliance of the disputant countries to *ASEAN way*. This is in line with the provisions contained in Article 17 of the *Treaty of Amity and Cooperation (TAC)* in which parties to the dispute are encouraged to resolve it through friendly negotiations. Other provisions concerning the settlement of disputes contained in the p origin 22 to 28 of the ASEAN Charter. Overall, the contents of the provisions of the ASEAN Charter regarding dispute resolution are that all disputes must be resolved peacefully through dialogue, consultation and negotiation. Article

24 explicitly states that disputes that are not related to the interpretation and implementation of ASEAN rules are settled amicably in accordance with the provisions of the TAC.

In general, it can be said that the pattern of dispute management between ASEAN member countries is carried out on the basis of harmony. Disputes are managed in such a way that they do not lead to the use of violence, do not interfere with the relations of each party in the ASEAN multilateral forum, and most importantly do not interfere with the integrity of ASEAN. Harmony-based dispute management is not only an ASEAN policy as an institution but also an individual policy of ASEAN member countries as well.

According to Acharya (2012), the fact that the formal mechanism for resolving ASEAN internal disputes, particularly through the ASEAN High Council as stipulated in the TAC has never been utilized, could be seen as ASEAN's weakness. However, according to Acharya, the *ASEAN Way* is something that is invisible but is clearly an ASEAN spirit that has been functioning effectively in softening disputed problems so that the dispute can be overcome.

Anthony (1998) points out that the ASEAN dispute management mechanism includes three types, namely institutionalized mechanism, formal mechanism, and informal mechanism. The institutionalized mechanism is carried out by building a framework for discussion, consultation, mutual understanding, and building good neighborly relations, as well as preventing misunderstanding and hostility. Formal mechanism refer to the provisions contained in the *Treaty of Amity and Cooperation* (TAC). While the informal mechanism is carried out, among others, by diplomacy of accommodation, consensus building, strengthening of networks, mechanism of "agreeing to disagree", and the use of mediation by third parties.

## **F. Conclusion**

This paper concludes the following matters. First, for ASEAN as well as for its member states, the dispute is interpreted not as a situation full of tension and suspicion between hostile parties, but rather as a difference of opinion between friends.

The practice of disputing in harmony was seen by some researchers as an attempt to hide the problem. They likened ASEAN to putting embers in the husk or storing trash under the carpet. Such a view is not in accordance with the background and context of relations between ASEAN member countries, which from the moment of birth were originally

intended to build mutual peace and security. Therefore peace is the first priority, more than any other matter.

It should be noted that territorial disputes are a sensitive issue for each country's domestic politics. The issue of territorial disputes is also a matter of great stakes. If a leader lose the dispute, the people will judge the leader has made their country's territory reduced, something that will continue to stick in the country's history. Therefore ASEAN leaders tend to avoid dealing with territorial disputes. As a result, efforts to resolve territorial disputes tend to be stagnant.

Secondly, ASEAN spirit and jargon contribute significantly in maintaining the integrity and harmony of ASEAN as well as in the management of disputes. In managing disputes, ASEAN spirits such as mutual respect, self-control, responsible behavior, avoidance of formal mechanisms, deliberation, and silent diplomacy show an important role in preventing disputes from growing to a worse direction.

## **Reference**

### Book

- Acharya, Amitav (2012), *The Making of Southeast Asia, International Relation of A Region*. Singapore, ISEAS
- Antholik, Michael (1990), *ASEAN and the Diplomacy of Accomodation*. New York, M.E.Sharpe.Inc.
- Anthony, Mely Caballero (2005), *Regional Security in Southeast Asia: Beyond the ASEAN Way*. Singapore, ISEAS
- Dewi, Rosita (2016) "Masalah Perbatasan Laut Indonesia-Malaysia di Laut Sulawesi" dalam Japanton Sitohang & Emilian Yustiningrum (ed), *Masalah Perbatasan Wilayah Laut Indonesia dengan Malaysia dan Singapura*. Yogyakarta, Graha Ilmu
- Finnemore, Martha and Kathryn Sikkink (2001), *Taking Stock: The Constructivist Research Program in International Relations and Comparative Politics*, tanpa penerbit
- Hadiwinata, Bob Sugeng (2017), *Studi dan Teori Hubungan Internasional, Arus Utama, Alternatif, dan Reflektivis*. Jakarta, Yayasan Obor
- Jayakumar S, Tommy Koh (2009), *Pedra Branca, the Road to the World Court*. Singapore, NUS Press



- Kivimaki, Timo (2016), *The Long Peace of East Asia*. London, Routledge
- Mahbubani, Kishore, Jeffery Sng (2017), *Keajaiban ASEAN Penggerak Perdamaian*. Alih bahasa Alex Tri Kantjono Widodo. Jakarta, PT Gramedia Pustaka Utama
- Muhammad, Ali, Ali Maksum (2016), *Keamanan Asia Tenggara, Antara Kondlik, Kerjasama dan Pengaruh Negara-Negara Besar*. Yogyakarta, LP3M UMY
- Soeharto (1989), *Pikiran, Ucapan, dan Tindakan Saya*. Otobiografi. Jakarta, Citra Lamtoro Gung Persada

#### *Book Chapter*

- Adler (2009), “Konstruktivisme dan Hubungan Internasional” dalam Carlsnaes, Walter, Thomas Risse, Beth A Simmons [eds], *Handbook Hubungan Internasional*. Terjemahan Imam Baehaqie. Bandung, Nusa Media
- Guba, Egon G, Yvonna S Lincoln (2009), “Berbagai Paradigma yang Bersaing dalam Penelitian Kualitatif” dalam Denzin K Norman & Yvonna S Lincoln [eds], *Handbook of Qualitative Research*. Terjemahan Dariyatno, dkk. Yogyakarta Pustaka Pelajar
- Schwandt, Thomas A (2009), “ Pendekatan Konstruktivis-Interpretivis dalam Penelitian Manusia” dalam Penelitian Kualitatif” dalam Denzin K Norman & Yvonna S Lincoln [eds], *Handbook of Qualitative Research*. Terjemahan Dariyatno, dkk. Yogyakarta Pustaka Pelajar
- Stake, Robert E (2009), “Studi Kasus” dalam Penelitian Kualitatif” dalam Denzin K Norman & Yvonna S Lincoln [eds], *Handbook of Qualitative Research*. Terjemahan Dariyatno, dkk. Yogyakarta Pustaka Pelajar
- Wendt, Alexander (2014), “Tentang Konstitusi dan Kausasi dalam Hubungan Internasional” dalam Asrun, Mirza Jaka Suryana, dan Musa Maliki [eds], *Metodologi Hubungan Internasional, Perdebatan Paradigmatik dan Pendekatan Alternatif*. Malang, Intrans

#### *Journal*

- Acharya, Amitav (2003/2004), “Will Asia’s Past Be Its Future?”, *International Security*, vol 28, No.3
- \_\_\_\_\_ (2004), “How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in AsianRegionalism”, *International Organization*, Vol. 58, No. 2
- \_\_\_\_\_ (2014), “Remaking Southeast Asian Studies: Doubt, Desire and the Promise of Comparisons”, *Pacific Affairs*, vol.87, Iss.3, September

- \_\_\_\_\_ (2017), “The Myth of ASEAN Centrality?”, *Contemporary Southeast Asia*, vol.39, Iss.2, August
- Anthony, Mely Caballero (1998), “Mechanisme of Dispute Settlement: The ASEAN Experience”, *Contemporary Southeast Asia*, Vol. 20, No. 1
- \_\_\_\_\_ (2002), “Partnership for Peace in Asia: ASEAN, the ARF and the United Nations”, *Contemporary Southeast Asia*. Vol. 24, number 3
- Butcher, John (2013), “The International Court of Justice ang the Territorial Dispute Between Indonesia and Malaysia in the Sulawesi Sea”, *Contemporary Southeast Asia*. Vol 35 No.2
- Colson, David A (2003), “Sovereignty ove Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)”, *The American Journal of International Law*. Vol.97, no.2
- Djalal, Hasjim (2003), “Penyelesaian Sipadan-Ligitan: Interpelasi?”, *Hukum dan Pembangunan*. Nomor 1 Tahun XXXIII, Januari-Maret
- \_\_\_\_\_ (2013), “Dispute between Indonesia and Malaysia on the Sovereignty over Sipadan and Ligitan Islands” dalam *Opinio Juris, Jurnal Hukum dan Perjanjian Internasional*. Direktorat Jenderal Hukum dan Perjanjian Internasional Kementerian Luar Negeri Republik Indonesia Volume 12
- Ganjar Nugroho (2008), “Constructivism and International Relations Theories ”, *Global & Strategis*, Th. II, No. 1
- Haacke, Jurgen (2005), “‘Enhanced Interaction’ with Myanmar and the Project of a Security Community: Is ASEAN Refining or Breaking with Its Diplomatic and Security Culture?” dalam *Contemporary Southeast Asia* 27, No.2
- Hendrapati, Marcel (2013), “Implikasi Putusan Mahkamah Internasional dalam Kasus Sipadan-Ligitan terhadap Titik Pangkal dan Delimitasi Maritim” dalam *Jurnal Hukum Internasional*. UNHAS, Volume I, nomor 2, Nopember 2013
- Hoang Anh Tuan (1996), “ASEAN Dispute Management: Implication for Vietnam and Expanded ASEAN” dalam *Contemporary Southeast Asia*. Vol.18 no.1
- Irewati, Awani (2014), “Meninjau Mekanisme Penyelesaian Sengketa Perbatasan di ASEAN”, *Jurnal Penelitian Politik*. volume 11 no.1, Juni
- Jackson (2010), “Social Constructivism” dalam [http://www.oup.com/uk/orc/bin/9780199285433/jackson\\_chap06.pdf](http://www.oup.com/uk/orc/bin/9780199285433/jackson_chap06.pdf). Diakses tanggal 15 April
- Jones, David Martin dan Michael LR Smith (2007), “Making Process, Not Progress: ASEAN and the Evolving East Asian Regional Order”, *International Security*. Vol.32, no.1

- \_\_\_\_\_ (2007), "Constructing communities: the curious case of East Asian regionalism", dalam *Review of International Studies* vol 33
- Katanyuu, Ruukun (2006), "Beyond Non-Interference in ASEAN: The Association's Role in Myanmar's National Reconciliation and Democratization" dalam *Asian Survey*, Vol. 46, No. 6
- Katsumata, Hiro (2003), "Reconstruction of Diplomatic Norms in Southeast Asia: The Case for Strict Adherence to the "ASEAN Way"" dalam *Contemporary Southeast Asia*, volume 25, number 1, April
- Kihl, Young Whan (1989), "Intra-Regional Conflict and the Asean Peace Process", *International Journal*, Vol. 44, No. 3, (Summer)
- Kivimaki, Timo (2001), "The Long Peace of ASEAN", dalam *Journal of Peace Research*. vol. 38, no. 1
- Lathrop, Coalter G (2008), "Soveriengty over Pedra Branca / Pulau Batu Puteh, Middle Rocks and South Ladge", *The American Journal of International Law*. Vol.102, no.4
- Merrills, JG (2003), "Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia v Malaysia), Merits, Judgement of 17 December 2002", *The International and Comparative Law Quarterly*. Vol.52, no.3
- Narine, Shaun (1997), ASEAN and the ARF: The Limits of the "ASEAN Way" dalam *Asian Survey*, Vol. 37, No. 10
- \_\_\_\_\_ (1998), "ASEAN and the Management of Regional Security", *Pacific Affairs*. Vol.71, no.2
- \_\_\_\_\_ (1998), "Institutional Theory and Southeast Asia: The Case of ASEAN", dalam *World Affairs*, Vol. 161, No. 1
- Samad, Paridah Abd. & Darusalam Abu Bakar (1992), "Malaysia-Philippine Relations: the Issue of Sabah", *Asian Survey*. Vol 32 no.6, Juni
- Sidharan, Kripa (2008), *Regional Organisations and Conflict Management: Comparing ASEAN and SAARC*. Crisis States working paper series no.2, Destin, LSE, London
- Simon, Sheldon (2008), "ASEAN and Multilateralism: The Long Bumpy Road to Community", *Contemporary Southeast Asia*, vol. 30 no.2
- Wain, Barry (2012), "Latent Danger: Boundary Disputes and Border Issues in Southeast Asia", *Southeast Asian Affairs*.