Máté Szakáli[1]

Fragmented Maritime Governance and Structural Economic Exposure

The South China Sea

This article examines how legal fragmentation, institutional complexity, and minilateral cooperation interact to shape governance outcomes in the South China Sea, and how these dynamics generate indirect but consequential effects for structurally exposed external states. Drawing on a selective literature review, the article develops a triangulated analytical framework integrating international legal debates on fragmentation and plural authority, regime-complexity approaches to ASEAN institutionalism, and international political economy perspectives on structural exposure. Methodologically, it combines doctrinal analysis of UNCLOS and arbitral jurisprudence with comparative examination of ASEAN claimant and involved state practice and process tracing of key legal and institutional developments. The analysis shows that, in the absence of hierarchical enforcement, ASEAN states selectively internalise arbitral reasoning and coordinate legal positions through minilateral arrangements, producing incremental legal stabilisation despite persistent contestation. These practices do not resolve disputes but stabilise expectations of conduct within a fragmented maritime order. Extending the analysis beyond the region, the article demonstrates how legal uncertainty and partial stabilisation in the South China Sea propagate through global value chains, shaping economic vulnerability in non-participant states such as Hungary. The article develops a conditional, configurational analytical framework for examining how maritime governance outcomes emerge in fragmented legal orders and highlights the relevance of international legal stability for economically interdependent states embedded in global production networks.

Keywords: *South China Sea, UNCLOS, ASEAN, China, Hungary, international relations, political economy, maritime governance*

Introduction

The South China Sea has emerged as one of the most complex maritime theatres in contemporary international relations, where legal interpretation, strategic competition, and economic interdependence intersect with increasing intensity. Despite the existence of a comprehensive legal framework under the United Nations Convention on the Law of the Sea (UNCLOS), overlapping sovereignty claims, contested interpretations of maritime entitlements, and persistent geopolitical asymmetries continue to generate legal and

[1] Máté Szakáli is an External Research Fellow at the Hungarian Institute of International Affairs, Modern East Asia Research Group of Pázmány Péter Catholic University.

institutional uncertainty.[2] The 2016 arbitral Award in Philippines v. China clarified critical doctrinal questions, yet its rejection by China underscored the limits of adjudication in non-hierarchical international legal orders.[3] At the same time, Association of Southeast Asian Nations' (ASEAN) long-standing efforts to manage the dispute through regional diplomacy have produced stability without legal resolution, most notably through the non-binding Declaration on the Conduct of Parties (DOC, 2002) and the protracted negotiations over a Code of Conduct (COC).[4]

Existing scholarship has analysed these dynamics from multiple perspectives. International legal studies have focused on fragmentation, plural authority, and the limits of enforcement in the law of the sea.[5] International relations literature has examined ASEAN's institutional design, great-power competition, and regime complexity in the Indo-Pacific.[6] Separately, international political economy scholarship has highlighted the vulnerability of global supply chains to disruptions in maritime chokepoints. Yet these bodies of literature are seldom brought into sustained dialogue within a single analytical framework capable of specifying both the conditions under which legal contestation persists in the South China Sea and the mechanisms through which partial forms of incremental legal stabilisation emerge and acquire relevance beyond the region.

This article responds to the analytical separation in existing scholarship by developing a selective, triangulated analytical framework that links legal fragmentation, institutional complexity, and structural economic exposure. It advances three research questions: first, how ASEAN claimant and involved states mobilise international law under conditions of contested authority; second, how minilateral cooperation relates to and compensates for the limitations of ASEAN-wide governance; and third, how these legal and institutional dynamics generate indirect effects for externally exposed states, using Hungary as an analytically relevant case. The article does not address maritime disputes among Southeast Asian claimant states themselves, focusing instead on their legal and institutional responses to China's maritime claims and associated governance challenges.

Methodologically, the article combines doctrinal analysis of UNCLOS and arbitral jurisprudence with comparative examination of state practice and process tracing of institutional adaptation. This integrative approach is designed to capture how legal

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[2] United Nations: *United Nations Convention on the Law of the Sea.* [online], 1982. Source: un.org [10.12.2025]; International Law Commission: *Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law.* [online], UN Doc. A/CN.4/L.682. 13.04.2006. Source: legal.un.org [10.12.2025], 11–18; Krisch, Nico (2010): *Beyond Constitutionalism. The Pluralist Structure of Postnational Law*. Oxford: Oxford University Press, 65–104.

[3] Permanent Court of Arbitration: *The South China Sea Arbitration (The Philippines v. China)*. PCA Case No. 2013–19. [online], 2016. Source: pca-cpa.org [13.12.2025], paras. 114–124.

[4] ASEAN: *Declaration on the Conduct of Parties in the South China Sea.* [online], ASEAN, 14.05.2012. Source: asean.org [10.12.2025].

[5] Abbott, Kenneth W. – Snidal, Duncan (2000): Hard and Soft Law in International Governance. *International Organization,* 54(3), 423–427.

[6] Alter, Karen J. – Meunier, Sophie (2009): The Politics of International Regime Complexity. *Perspectives on Politics,* 7(1), 13–24.

interpretation, institutional choice, and economic exposure interact within a fragmented, non-hierarchical governance environment.[7]

ASEAN Agency in a Fragmented Maritime Order: A Triangulated Framework

The South China Sea disputes exemplify an environment in which multiple layers of normative authority, institutional constraints and geopolitical asymmetries interact to produce a fragmented maritime order. Understanding ASEAN's legal and normative agency – and the implications for externally exposed states such as Hungary – requires an analytical framework combining three strands of scholarship: 1. debates on legal fragmentation and plural authority in law of the sea; 2. theories of regime complexity and ASEAN institutionalism; and 3. analyses of structural economic exposure in international political economy. This chapter develops a triangulated analytical framework through focused engagement with these bodies of scholarship.

Legal fragmentation and the plural authority of UNCLOS

The 2006 report of the International Law Commission (ILC) identified fragmentation as the proliferation of specialised treaty regimes that generate overlapping obligations and divergent interpretive communities.[8] In the South China Sea, the coexistence of UNCLOS, regional diplomatic instruments, domestic maritime laws and great power naval practice produces precisely such interpretive multiplicity. The ILC's proposed conflict-resolution techniques –systemic integration, lex specialis, and hierarchical reading of norms – prove insufficient where powerful states reject authoritative interpretations.

Nico Krisch's pluralist account of international law underscores this structural limitation. He argues that the international legal order is composed of overlapping normative systems without a universally accepted apex authority.[9] In this view, authoritative reasoning does not automatically generate compliance; authority itself is socially and politically contested. The 2016 Award in *Philippines v. China* exemplifies this dynamic.[10] At the same time, Sophia Kopela's doctrinal analysis demonstrates how the Award consequently narrowed the relevance of historic rights at sea and clarified the relationship between such claims and the Convention, accentuating that interpretive correctness does not translate into uncontested authority.[11]

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7 UN Division for Ocean Affairs and the Law of the Sea: *Communications by States on Maritime Claims, Malaysia Note Verbale No. HA 59/19.* [online], 12.12.2019. Source: un-org [13.12.2025]; UN Division for Ocean Affairs and the Law of the Sea: *Communications by States on Maritime Claims, Philippines Note Verbale No. 000191.* [online], 06.03.2020. Source: un.org [13.12.2025].

8 International Law Commission 2006: 11–18.

9 Krisch 2010: 70–104.

10 Permanent Court of Arbitration 2016.

11 Kopela, Sophia (2017): Historic Titles and Historic Rights in the Law of the Sea: A Conceptual Reappraisal. *Ocean Development & International Law,* 48(2), 181–207.

Michael Byers contributes a further insight: customary international law evolves within asymmetrical power structures, and norms take hold when aligned with the interests and practice of influential states.[12] Competing state practices in the South China Sea – including China's historic-rights narrative and explicit rejection of the Award, U.S. freedom-of-navigation operations and the *note verbale* practice of ASEAN claimant states – illustrate the coexistence of parallel and partially incompatible legal discourses, none of which can compel full convergence.

ASEAN institutionalism, regime complexity and the emergence of minilateralism

ASEAN's institutional architecture has long been characterised by informality, consensual decision-making and sovereignty-sensitive norms. Amitav Acharya's study of ASEAN as an emerging security community underscores that while these practices promote intra-regional stability, they rarely yield binding legal outcomes.[13] Evelyn Goh's analysis of "omni-enmeshment" further explains ASEAN's strategy of engaging great powers – including China and the United States – in dense institutional networks to mitigate unilateralism.[14] However, these logics are ill-suited to producing precise maritime rules, especially where the interests of member states diverge sharply.

The slow evolution of the DOC and the protracted negotiations over a COC illustrate the limitations. Carlyle Thayer documents how disagreements over the COC's legal nature, geographic scope and enforcement mechanisms have repeatedly hindered progress.[15] ASEAN's institutional design accordingly provides stability but not legalisation.

Clive Schofield's mapping of competing maritime claims underscores the technical and legal ambiguities that persist despite UNCLOS, illustrating why bilateral or trilateral settlements may be more feasible than region-wide solutions.[16] Recent diplomatic practice supports this theoretical proposition: the 2022 Indonesia–Vietnam Exclusive Economic Zone (EEZ) agreement, expanding Vietnam–Philippines operational cooperation, and coordinated *note verbale* submissions by Malaysia and the Philippines exemplify the emergence of minilateralism among involved and claimant states as a functional institutional response to the limitations of ASEAN-wide processes.

Regime complexity literature offers another alternative analytical lens. Alter and Meunier argue that overlapping, non-hierarchical institutions allow states to engage in "forum-shifting" and selective implementation when regimes prove unresponsive.[17]

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[12] Byers, Michael (1999): *Custom, Power and the Power of Rules: International Relations and Customary International Law.* Cambridge: Cambridge University Press.

[13] Acharya, Amitav (2014): *Constructing a Security Community in Southeast Asia*. London: Routledge.

[14] Goh, Evelyn (2013): *The Struggle for Order: Hegemony, Hierarchy, and Transition in Post-Cold War East Asia*. Oxford: Oxford University Press.

[15] Thayer, Carlyle A. (2013): ASEAN, China and the Code of Conduct in the South China Sea. *SAIS Review of International Affairs,* 33(2), 75–84.

[16] Schofield, Clive H. (2017): Untangling a Complex Web: Understanding Competing Maritime Claims in the South China Sea. In Storey, Ian – Lin, Cheng-Yi (eds.): *The South China Sea Dispute. Navigating Diplomatic and Strategic Tensions*. Singapore: ISEAS–Yusof Ishak Institute, 21–46.

[17] Alter–Meunier 2009.

In the South China Sea, states mobilise UNCLOS procedures, ASEAN diplomacy, bilateral negotiations and partnerships with extra-regional powers in parallel. Where ASEAN-wide processes are constrained by consensus requirements and divergent interests, smaller constellations of claimant states face lower coordination costs and greater incentives to articulate shared legal positions. This institutional polycentricity both constrains ASEAN and enables legal entrepreneurship by individual claimant states, producing incremental legal and normative clarification.

Application of the framework to an external actor – Hungary

From a theoretical perspective, fragmented maritime governance does not necessarily remain confined to claimant states but can transmit uncertainty through global economic and logistical systems. International political economy scholarship highlights how geographically concentrated production and globally distributed value chains create forms of indirect vulnerability for states that are not themselves participants in regional governance arrangements.[18] In this context, legal indeterminacy and institutional instability in strategically significant maritime corridors – such as the South China Sea – can cascade through supply chains, affecting production planning, investment decisions and economic resilience far from the original site of contestation. EU strategic documents on supply-chain security and Indo-Pacific connectivity increasingly acknowledge this structural exposure, emphasising that disruptions or heightened risk perceptions in Asian maritime routes carry systemic implications for European economies.[19] Complementary analyses highlight the EU's dependence on imports of critical raw materials and advanced components from East and Southeast Asia.[20]

Hungary's relevance within the triangulated analytical framework developed in this article derives not from geographic proximity or strategic involvement in the Indo-Pacific, but from a specific configuration of economic characteristics that render it structurally exposed to developments in fragmented maritime governance. The Hungarian economy is deeply integrated into globally distributed value chains, with a production model that is both modular and time-sensitive, amplifying the downstream effects of legal and institutional uncertainty generated beyond its immediate regional environment. This integration is coupled with a strong specialisation in capital-intensive, upstream-dependent manufacturing sectors – most notably automotive production, electric-vehicle battery manufacturing, and advanced electronics – which rely on the predictable availability of high-value intermediate inputs rather than on substitutable raw materials.

These sectors are characterised by a pronounced dependence on East and Southeast Asian supply networks, including inputs such as cathode active materials, battery cells,

[18] Baldwin, Richard (2016): *The Great Convergence: Information Technology and the New Globalization*. Cambridge, MA: Harvard University Press.

[19] European Commission: *EU Strategy for Cooperation in the Indo-Pacific.* [online], 16.09.2021. Source: eur-lex.europa.eu [13.12.2025].

[20] European Commission: *Critical Raw Materials Resilience: Charting a Path towards Greater Security and Sustainability*. [online], European Union, 03.09.2020. Source: eur-lex.europa.eu [13.12.2025].

photolithography equipment, and precision electronic components. The transport of these inputs almost inevitably traverses Indo-Pacific maritime corridors, where the South China Sea occupies a central position not merely as a physical transit route but as a site of persistent legal contestation and institutional fragmentation. As a result, uncertainty surrounding maritime entitlements, navigational rights, and operational conduct does not remain abstract from Hungary's perspective but is incorporated into commercial risk assessments, insurance pricing, inventory strategies, and investment planning undertaken by globally integrated firms operating within the Hungarian economy.

Hungary's exposure is further accentuated by the structure of its industrial development, which is heavily shaped by foreign direct investment from multinational firms – particularly from Germany, South Korea, and China – whose production decisions are embedded in global corporate risk-management frameworks. In this context, legal clarity and stability in maritime governance matter not because Hungary exercises agency in shaping them, but because legal fragmentation and incremental legal stabilisation directly affect the expectations and calculations of actors who organise production across multiple jurisdictions. At the same time, Hungary's limited capacity to hedge against such exposure through alternative transport routes or domestic substitution isolates the causal mechanism highlighted in this article: external legal and institutional dynamics are transmitted into domestic economic vulnerability without mediation through foreign-policy choice or security alignment.

From a theoretical perspective, Hungary therefore constitutes a particularly clean case of structural economic exposure within a fragmented and non-hierarchical maritime order. It illustrates how the interaction of legal fragmentation and regime complexity in the South China Sea generates indirect but tangible effects for states embedded in global manufacturing systems, even where those states possess neither maritime capabilities nor direct participation in regional governance arrangements. This configuration reinforces the article's central claim that incremental legal stabilisation – produced through claimant-state practice and minilateral cooperation – can acquire significance beyond the immediate region by shaping the expectations that underpin global value chains.

The following chapter operationalises these theoretical insights through a qualitative research design that traces how legal norms are interpreted, institutional strategies are adapted, and external vulnerabilities are shaped by developments in maritime governance.

Methodology

The methodological choices adopted in this article follow directly from the theoretical premises outlined above. Where international maritime governance is characterised by legal fragmentation and plural authority, analysis cannot proceed on the assumption of settled hierarchies or authoritative interpretations, making doctrinal analysis of competing legal arguments and state practice indispensable. Likewise, the presence of regime complexity and overlapping institutional venues requires comparative analysis across forums to capture how states selectively activate, combine or bypass legal and diplomatic mechanisms. Finally, in a polycentric institutional environment where outcomes emerge

through incremental and contested processes rather than formal rulemaking, process tracing provides an appropriate tool for identifying causal mechanisms linking legal interpretation, institutional adaptation and cooperative behaviour. Together, these methods allow the article to examine not only legal norms as texts, but law as practiced within a fragmented and strategically navigated maritime governance structure.

Research design

The research design addresses three questions situated at different analytical levels: legal interpretation, institutional adaptation, and the strategic implications of structural economic exposure. The first question – how ASEAN claimant and involved states mobilise international law – requires doctrinal analysis grounded in recognised principles of treaty interpretation and the jurisprudence of UNCLOS. The second question – how minilateralism complements or bypasses ASEAN – demands qualitative institutional comparison informed by regime-complexity theory. The third question – how these legal and institutional dynamics affect the economic outlook of Hungary through mechanisms of structural economic exposure – rests on the identification of indirect causal mechanisms linking regional legal developments to global economic structures. Hungary is examined not as a primary case of maritime governance, but as an analytically relevant external case through which indirect effects of fragmented maritime order can be traced.

Doctrinal analysis follows Terry Hutchinson and Nigel Duncan's understanding of doctrinal research as the interpretation and systematisation of legal rules in order to clarify rights, obligations, and institutional constraints.[21] It also reflects the principles of qualitative legal inquiry outlined by Ian Dobinson and Francis Johns, which emphasise sustained interpretive engagement with legal texts and institutional behaviour rather than quantitative measurement.[22] In this article, doctrinal analysis is applied to UNCLOS and the 2016 PCA Award. Interpretive guidance is drawn from Robert Beckman's analysis of UNCLOS application in Asia and Kopela's study of historic rights.[23]

Comparative case selection

The empirical analysis employs structured qualitative comparison of the Philippines, Vietnam, and Malaysia – ASEAN territorial claimant states with active and documented legal and diplomatic engagement in the South China Sea – alongside Indonesia, whose exclusive economic zone is affected by China's nine-dash line despite its non-claimant status.[24] The selection criterion is analytical leverage rather than representativeness: these

[21] Hutchinson, Terry – Duncan, Nigel (2012): Defining and Describing What We Do: Doctrinal Legal Research. *Deakin Law Review,* 17(1), 83–119.

[22] Dobinson, Ian – Johns, Francis (2017): Qualitative Legal Research. In McConville, Mike – Chui, Wing Hong (eds.): *Research Methods for Law.* Edinburgh: Edinburgh University Press, 18–47.

[23] Beckman, Robert C. (2013): The UN Convention on the Law of the Sea and the Maritime Disputes in the South China Sea. *American Journal of International Law,* 107(1), 142–163.

[24] Brunei is excluded from the comparative analysis due to its limited public articulation of legal claims and minimal engagement in regional legal and diplomatic initiatives related to the dispute.

cases span different legal strategies, institutional preferences, patterns of engagement with China and diverse degrees of exposure to Chinese maritime activity, allowing systematic comparison of how states operate within a fragmented legal order and a complex regime environment.

Comparison focuses on variation in doctrinal argumentation, diplomatic practice, and institutional choice across arbitral, ASEAN, bilateral, and minilateral settings. This approach reflects Alter and Meunier's insight that in dense institutional settings, actors strategically activate different forums; examining such variation identifies patterns of legal and diplomatic adaptation that are developed empirically in the 'Discussion' chapter.

Process tracing

Process tracing is used to identify causal mechanisms linking legal interpretation, institutional adaptation, and patterns of state cooperation. Following Derek Beach and Rasmus Brun Pedersen, process tracing seeks to reconstruct sequences through which actors interpret legal norms, adjust institutional strategies, and pursue cooperation outside formal multilateral frameworks.[25] This method is particularly well suited to fragmented legal orders, where causal pathways are neither linear nor contained within a single institution.

In this article, process tracing is applied to key moments in the evolution of South China Sea governance, including the 2016 arbitral Award, subsequent key ASEAN diplomatic statements and declarations related to the South China Sea, and coordinated *note verbale* exchanges recorded by the UN Division for Ocean Affairs and the Law of the Sea. Tracing these sequences allows the analysis to show how legal clarification, institutional constraint, and minilateral cooperation interact over time rather than emerging in isolation.

Source base and limitations

Sources include:

- primary international legal instruments (UNCLOS and the PCA 2016 Award)
- official state practice (UN *notes verbales,* national statements, and publicly available ASEAN declarations and documents)
- peer-reviewed literature on international maritime law, political economy, regime complexity and ASEAN institutionalism
- official EU documents on economic resilience and Indo-Pacific engagement
- selected policy analyses and media reports used contextually to document contemporary diplomatic practice and operational developments, without serving as primary analytical sources[26]

[25] Beach, Derek – Pedersen, Rasmus Brun (2019): *Process-Tracing Methods: Foundations and Guidelines*. Ann Arbor: University of Michigan Press.

[26] Media and think-tank sources are used cautiously and only to corroborate timelines, public statements, or operational developments where primary documentation is unavailable.

Limitations arise from incomplete national documentation and the opacity of ASEAN internal processes. These constraints are not merely empirical shortcomings but manifestations of the fragmented and multilayered institutional environment described in the 'Methodology' chapter. They necessitate interpretive caution and reliance on triangulated evidence across legal texts, official statements, and scholarly analysis, consistent with the qualitative and doctrinal research design adopted in this article.[27]

Analysis

The legal and institutional dynamics of the South China Sea dispute involve the interaction between the interpretive authority of UNCLOS, the practical effects of arbitral jurisprudence, and the adaptive strategies of ASEAN states operating under conditions of diverging national interests and asymmetric exposure to Chinese maritime expansion. This chapter analyses these dynamics through the three research questions guiding the article. It applies doctrinal analysis to key legal texts and jurisprudence, combined with comparative examination of state practice, to assess how legal argumentation is shaped by political constraints and how institutional fragmentation conditions the emergence of cooperative legal and diplomatic practices, rather than inhibiting state agency.

Legal strategies of ASEAN claimant and involved states

The first research question concerns how ASEAN states directly or indirectly involved in the South China Sea disputes mobilise international law – particularly UNCLOS, the 2016 arbitral Award in *Philippines v. China*, and regional diplomatic instruments – to justify maritime claims and defend maritime entitlements. While each state calibrates its legal reasoning in light of specific geopolitical constraints, their shared reliance on UNCLOS as the foundational legal framework reflects a consistent commitment to treaty-based maritime governance, even where political asymmetry *vis-à-vis* China limits the feasibility of formal dispute settlement.

Among ASEAN states, the Philippines has pursued the most assertive legal strategy. Manila's initiation of compulsory arbitral proceedings under Annex VII of UNCLOS in 2013 marked a watershed moment for regional maritime jurisprudence and for the strategic use of international law by Southeast Asian states. The Tribunal's 2016 Award provided legal clarification that the Philippines has subsequently mobilised as a reference point in diplomatic and legal practice. Since 2020, Philippine policy has been characterised by what Manila terms "assertive transparency", combining public reporting of maritime incidents, *notes verbales* submitted to the United Nations, and bilateral diplomatic engagement that consistently invoke the Tribunal's reasoning.[28] This reliance on adjudication is closely aligned with doctrinal interpretations advanced by scholars such as Beckman,

[27] Dobinson–Johns 2017.

[28] Robles, Raissa: *Philippines to Maintain 'Assertive Transparency' over South China Sea Row against Beijing's 'Bullying Behaviour'*. [online], South China Morning Post, 14.02.2024. Source: scmp.com [13.12.2025].

who emphasise that UNCLOS offers precise criteria for maritime entitlements and leaves no space for expansive historic-rights claims.[29]

Vietnam has adopted a similarly legalistic approach, shaped by a longer history of direct confrontation with China. Hanoi consistently maintains that UNCLOS constitutes the "sole legal basis" for determining maritime entitlements in the South China Sea, a position repeatedly articulated in *notes verbales* addressed to the UN Secretary-General.[30] Vietnam's acceptance of the Tribunal's reasoning, despite not being a party to the arbitration, underscores the broader significance of the Award as a doctrinal reference point for regional legal practice. Its claims concerning the legal status of maritime features – particularly in the Spratly Islands – are informed by a strict reading of Article 121 of UNCLOS, governing the capacity of islands and rocks to generate maritime zones. As Kopela's analysis demonstrates, the Tribunal's interpretation reinforces this stance by narrowing the legal relevance of historic titles and reaffirming the primacy of treaty-based entitlements.[31]

Malaysia's approach is more cautious but remains firmly grounded in UNCLOS. Although Kuala Lumpur did not participate in the arbitration, it has articulated its legal position with increasing clarity, particularly through its 2019 and 2021 submissions to the Commission on the Limits of the Continental Shelf. [32] These submissions assert Malaysia's continental shelf rights under Articles 76 and 77 of UNCLOS and implicitly reject claims based on historic rights. While Malaysia rarely cites the arbitral Award explicitly, its UNCLOS-based legal positions closely parallel elements of the Tribunal's reasoning, illustrating how states may selectively internalise jurisprudential principles without formally endorsing the ruling.[33] This legal strategy reflects Malaysia's broader diplomatic posture, balancing the protection of maritime entitlements against the maintenance of stable bilateral relations with China.

Indonesia, although not a territorial claimant in the Spratly Islands, occupies a pivotal legal position as an involved state. Jakarta categorically rejects any suggestion that China's nine-dash line affects Indonesian maritime zones and has repeatedly asserted that the line has "no basis whatsoever in international law". [34] Indonesian notes verbales explicitly reference the 2016 Award, demonstrating its relevance beyond the immediate parties to the arbitration. Jakarta's firm reliance on UNCLOS reflects a broader doctrinal commitment to treaty-based entitlements over ambiguous historic claims and conforms to the interpretations advanced by Beckman and Kopela. This practice highlights the extent to

[29] Beckman 2013.

[30] Permanent Mission of the Socialist Republic of Viet Nam to the United Nations: *Note verbale dated 30 March 2020.* [online], 30.03.2020. Source: un.org [12.12.2025].

[31] Kopela 2017.

[32] United Nations Oceans & Law of the Sea: *Commission on the Limits of the Continental Shelf (CLCS) Outer limits of the continental shelf beyond 200 nautical miles from the baselines: Submissions to the Commission: Partial Submission by Malaysia in the South China Sea.* [online], 12.12.2019. Source: un.org [12.12.2025].

[33] Kuik, Cheng-Chwee – Lai, Yew Meng (2023): Deference and Defiance in Malaysia's China Policy: Determinants of a Dualistic Diplomacy. *International Journal of Asian Studies,* 22(1), 5–24.

[34] United Nations: *Note Verbale No. 126/POL-703/VII/20 Rejecting the Nine-Dash Line.* [online], United Nations, 12.06.2020. Source: un.org [12.12.2025].

which even non-claimant states depend on UNCLOS to shield their maritime rights from expansive interpretations advanced by major powers.

Collectively, these legal strategies illustrate how ASEAN states mobilise international law not merely as a normative framework but as a strategic resource. Although none of these states can compel Chinese compliance, their consistent invocation of UNCLOS and selective reliance on arbitral jurisprudence indicate that treaty-based order remains the primary source of legal authority in the region. Moreover, the convergence of their legal positions – despite varying degrees of assertiveness – creates a shared interpretive baseline that underpins subsequent forms of minilateral cooperation.

Minilateral cooperation and its relationship with ASEAN-wide mechanisms

The second research question concerns the emergence of minilateralism as a complement to, or partial substitute for, ASEAN-wide diplomacy, particularly in light of the slow progress of negotiations on a Code of Conduct with China. Traditional ASEAN mechanisms – most notably the Declaration on the Conduct of Parties – have long been criticised for their non-binding character and limited capacity to constrain assertive behaviour. These institutional limitations are well documented in the literature on ASEAN, particularly in the work of Acharya and Goh.

Under these conditions, smaller groupings of states face lower coordination costs and greater incentives to articulate shared legal positions than within ASEAN-wide processes. As a result, bilateral and trilateral initiatives among claimant and involved states have acquired increasing significance. The delimitation of exclusive economic zones between Indonesia and Vietnam in December 2022 represents one of the most consequential bilateral developments in the recent history of the South China Sea. Both states had long acknowledged the existence of overlapping EEZ claims, yet political hesitancy and broader regional tensions stalled negotiations for more than a decade. The agreement ultimately reached confirms a maritime boundary derived strictly from UNCLOS criteria and constitutes an explicit rejection of legal ambiguity associated with China's historic-rights narrative.[35] This case illustrates how bilateral legal clarification can proceed even in the absence of advances in ASEAN–China negotiations, lending empirical support to Schofield's observation that bounded, dyadic arrangements may be more feasible than region-wide solutions in highly contested maritime spaces.

Cooperation between Vietnam and the Philippines provides a second, more politically sensitive illustration of minilateralism. Building on their 2015 strategic partnership, the two states have progressively deepened coordination on South China Sea issues, explicitly linking security cooperation to shared legal positions grounded in UNCLOS.[36] This cooperation has increasingly taken operational form. Political statements issued in

[35] Ministry of Foreign Affairs of Indonesia: *Laporan Kinerja 2022*. [online], 11.01.2023. Source: kemlu.go.id [12.12.2025].
[36] Galang, Mico: *Opportunities for the Philippines–Vietnam Strategic Partnership*. [online], Asia Maritime Transparency Initiative, 01.05.2020. Source: amti.csis.org [13.12.2025].

2023 signalled an intention to intensify coordination on maritime governance, including cooperation on a future Code of Conduct and enhanced information-sharing regarding Chinese maritime activities.[37] In January 2024, the Philippine Coast Guard and the Vietnam Coast Guard concluded a memorandum of understanding establishing a Joint Coast Guard Committee and a hotline mechanism designed to manage incidents at sea.[38] Recent analyses interpret this institutionalisation of cooperation as evidence of growing strategic convergence centred on UNCLOS-based entitlements and freedom of navigation.[39]

A third, more understated form of legal alignment can be observed in Malaysia–Philippines relations. Despite the long-standing Sabah dispute, both states have articulated convergent UNCLOS-based positions in response to China's maritime claims through coordinated diplomatic practice, particularly in their respective *notes verbales*. Malaysia's policy of "quiet assertion" combines diplomatic restraint with sustained reliance on UNCLOS, reflecting broader patterns of selective internalisation of treaty-based maritime norms that contribute to incremental stabilisation within a fragmented legal order. [40] Its *note verbale* of 29 July 2020 explicitly rejected claims to "historic rights, or other sovereign rights or jurisdiction" inconsistent with the Convention.[41] Similarly, the Philippines' paired *notes verbales* of 6 March 2020 rejected China's claims as incompatible with UNCLOS, reaffirming the Convention as the comprehensive legal framework governing maritime activities.[42] Although bilateral sensitivities persist, this diplomatic practice reveals a shared UNCLOS-based interpretation of maritime entitlements that indirectly reinforces the core reasoning of the 2016 arbitral Award.

As Alter and Meunier argue, when states encounter institutional deadlock in highly formalised or consensus-based settings, they often shift to alternative forums or create new cooperative arrangements to pursue their objectives.[43] In the South China Sea, minilateralism operates in precisely this manner. It does not replace ASEAN-wide diplomacy, but coexists with it, filling governance gaps created by institutional constraints. These patterns reflect deliberate forum selection under conditions of regime complexity, whereby states prioritise feasibility and functional effectiveness over formal authority in their pursuit of legal clarification.

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37 *Philippines, Vietnam Agree to Work on South China Sea Code of Conduct*. [online], ABS-CBN News, 17.05.2023. Source: abs-cbn.com [12.12.2025].

38 Philippine Coast Guard: *PCG, VCG Sign MoU on Maritime Cooperation*. [online], 31.01.2024. Source: facebook.com [12.12.2025].

39 Blandin, Benjamin: *Does Vietnam–Philippines Maritime Cooperation Offer a Template for the Region?*. [online], The Diplomat, 20.03.2024. Source: thediplomat.com [12.12.2025].

40 Storey, Ian: *Asia's Changing Balance of Military Power: Implications for the South China Sea Dispute*. [online], 08.12.2011. Source: nbr.org. [12.12.2025].

41 Permanent Mission of Malaysia to the United Nations: *Note Verbale No. HA 26/20*. [online], 29.07.2020. Source: un.org [12.12.2025].

42 Permanent Mission of the Republic of the Philippines to the United Nations: *Notes Verbales No. 000191* and *000192*. [online], 06.03.2020. Source: un.org [12.12.2025].

43 Alter–Meunier 2009: 14–16, 18–20.

Implications for Hungary

Concerning the third research question, the implications of ASEAN's evolving legal and institutional responses to the South China Sea disputes for Hungary arise from the structural ways in which international legal certainty, regional governance patterns, and institutional fragmentation shape the external environment upon which Hungary's economic security depends. As outlined in the 'Methodology' chapter, the analytical framework integrates insights from regime complexity, legal fragmentation, and ASEAN institutionalism to explain how differentiated legal authority in the Indo-Pacific produces effects beyond the region. This configuration allows Hungary to be treated analytically not as a marginal or idiosyncratic case, but as a structurally exposed economy in which the downstream effects of fragmented maritime governance can be observed with minimal interference from direct strategic or maritime agency.

Hungary's economic structure – characterised by deep integration into modular global value chains, strong dependence on East Asian intermediate inputs, and capital-intensive, upstream-dependent manufacturing – places it in a position of pronounced structural economic exposure to governance outcomes in the South China Sea. In this context, the legal strategies pursued by ASEAN claimant states – particularly their insistence on UNCLOS as the exclusive basis for maritime entitlements and their rejection of historic rights – acquire relevance by narrowing the interpretive space that enables operational uncertainty at sea.

This dynamic illustrates a core mechanism identified in the regime complexity literature: the capacity of overlapping institutions and coordinated legal signalling to generate functional stabilisation even in the absence of comprehensive political agreement. While ASEAN consensus has thus far proven insufficient to produce a binding Code of Conduct, the cumulative effect of claimant-state legal convergence is to narrow the range of plausible counter-interpretations and crystallise shared expectations of conduct. Such incremental clarification constrains unpredictable or coercive maritime practices and reduces the likelihood of disruptions affecting global shipping. For Hungary, this translates into lower volatility in shipping risk assessments, insurance premiums, and logistical planning horizons for firms operating within its industrial base, thereby shaping the temporal and financial parameters of manufacturing activity.

The growing reliance on minilateralism among ASEAN claimant states also has implications for Hungary's posture in trade diplomacy. As demonstrated in the second chapter, fragmentation does not necessarily erode institutional authority; rather, it can give rise to functionally differentiated layers of governance that compensate for the limitations of broader frameworks. In Southeast Asia, bilateral delimitation agreements, coordinated *note verbale* practice, and operational cooperation among maritime agencies exemplify such adaptive mechanisms. For Hungary – whose foreign policy prioritises pragmatic engagement and economic diplomacy – this configuration produces a complex but navigable environment. While engagement with ASEAN as a collective entity remains important, effective maritime norm production increasingly occurs through the legal and

operational practices of individual claimant states. Hungarian engagement in the region therefore requires attention not only to ASEAN centrality, but also to these smaller, legally coherent groupings that more directly shape regional legal expectations.

More broadly, the intensification of legal reasoning among ASEAN claimant states affects Hungary through the consolidation of interpretive communities in international maritime law. Although this process does not resolve underlying disputes, it stabilises expectations of conduct and constrains uncertainty in maritime operations. For an economy embedded in global manufacturing and logistics networks, such interpretive stabilisation has tangible relevance for commercial risk assessment and supply-chain planning, even in the absence of direct participation in regional maritime governance.

Finally, Hungary's bilateral and multilateral diplomacy is influenced by the growing divergence between the legal positions of ASEAN claimant and involved states and those advanced by China. Hungary's economic partnership with China does not negate its interest in cultivating credible relations with Southeast Asian states whose legal vulnerabilities and strategic postures are shaped by maritime disputes. Hungary's ability to maintain balanced relations in Asia increasingly depends on recognising that the region's legal and institutional order is shaped not only by great-power dynamics, but also by legally sophisticated middle powers. In this sense, developments in ASEAN claimant legal strategies and their minilateral institutional expressions constitute a significant – albeit indirect – factor in Hungary's long-term economic security and diversification positioning. This implies that Hungary's engagement strategies must become more granular, informed by the doctrinal positions of individual Southeast Asian states rather than relying primarily on integration-level narratives.

In this sense, the implications of the South China Sea for Hungary transcend general concerns about stability or freedom of navigation. They reflect deeper structural interdependencies between Hungary's economic model, the evolving normative configuration of the Indo-Pacific, and the layered institutional framework through which maritime order is produced.

Discussion

The preceding analysis demonstrates that the legal and institutional dynamics of the South China Sea cannot be adequately captured through linear models of dispute settlement or regional governance. Instead, the findings point to a layered and adaptive maritime order characterised by fragmented legal authority, constrained regional institutionalism, and the strategic agency of claimant and involved states operating within a complex regime environment. This chapter situates these findings within the triangulated analytical framework developed in the second chapter and revisits the article's three guiding questions: how ASEAN claimant and involved states mobilise international law under conditions of contested authority; how minilateral cooperation relates to and compensates for the limitations of ASEAN-wide governance; and how these dynamics generate indirect effects for structurally exposed external states, exemplified by Hungary.

Legal fragmentation revisited: authority without hierarchy

The analysis confirms that legal fragmentation in the South China Sea shapes how legal authority is produced and stabilised through state practice rather than resolved through adjudication. Although UNCLOS provides a comprehensive framework for maritime entitlements, its authority in the region is mediated by the absence of hierarchical enforcement mechanisms and by the selective rejection of adjudicative outcomes by powerful actors. The 2016 arbitral Award resolved key doctrinal questions concerning historic rights and the legal status of maritime features, yet its practical influence derives less from formal bindingness than from its incorporation into the interpretive practices of states beyond the immediate parties.

As demonstrated in the 'Analysis' chapter, ASEAN claimant and involved states have engaged in a patterned process of selective internalisation of the Award's reasoning. Rather than treating adjudication as a terminal dispute-settlement mechanism, these states deploy the Award as a reference point in diplomatic exchanges, coordinated *note verbale* practice, and bilateral negotiations. This behaviour illustrates a form of authority generation characteristic of fragmented legal orders: interpretive coherence emerges through repeated invocation and cross-referencing across multiple institutional sites, not through hierarchical command. Legal correctness acquires practical significance only insofar as it is reproduced and sustained through dispersed state practice.

This dynamic refines pluralist accounts of international law by specifying how fragmentation reshapes the operation of treaty regimes in practice. UNCLOS does not function as a singular arbiter capable of conclusively settling disputes; instead, it provides a shared normative grammar that structures contestation and enables coordination among states facing asymmetric power relations. Fragmentation thus does not signal the erosion of legality, but its reconfiguration – from authoritative resolution toward cumulative stabilisation through the consolidation of interpretive communities that affirm treaty-based constraints on permissible claims.

ASEAN institutional limits and the logic of minilateral adaptation

The findings also substantiate long-standing assessments of ASEAN's limited capacity to produce binding legal outcomes in contested maritime spaces. Consensus-based decision-making and sovereignty-sensitive norms, while effective in preserving regional cohesion, constrain ASEAN's ability to articulate precise legal positions where member-state interests diverge and external power asymmetries are pronounced. The protracted stagnation of negotiations on a Code of Conduct with China reflects these structural features rather than contingent diplomatic failure.

Crucially, however, ASEAN's institutional constraints have not resulted in governance paralysis. Instead, as demonstrated in 'Analysis' chapter, they have incentivised adaptive strategies by claimant and involved states operating within a dense and overlapping institutional environment. Minilateralism emerges as a patterned and conditional response to institutional bottlenecks under conditions of regime complexity. These initiatives are not

ad hoc or purely pragmatic; they reflect deliberate efforts to pursue legal clarification and risk reduction outside ASEAN-wide frameworks while remaining anchored in UNCLOS.

From a regime-complexity perspective, minilateralism represents strategic forum selection rather than institutional exit. Claimant states do not abandon ASEAN processes; they supplement them by activating alternative venues that offer greater legal precision and lower political and escalation costs. This layered strategy allows states to advance UNCLOS-consistent interpretations without resorting to formal adjudication or direct confrontation with China. Minilateralism thus functions as an intermediary mode of governance – situated between regional diplomacy and unilateral action – capable of producing incremental legal stabilisation, without resolving underlying sovereignty disputes.

The interaction between legal fragmentation and institutional complexity is therefore central to understanding the stabilising effects observed. Fragmentation generates interpretive uncertainty that ASEAN alone cannot resolve; regime complexity supplies multiple institutional pathways through which that uncertainty can be narrowed. Minilateral practices translate shared legal reasoning into repeated, coordinated action, gradually shaping expectations of conduct despite the absence of comprehensive regional settlements. This analysis, however, does not imply that incremental legal stabilisation or cumulative effects of minilateral cooperation can resolve the underlying sovereignty disputes or eliminate geopolitical risks in the South China Sea.

Re-interpreting claimant-state agency under fragmentation and regime complexity

The analysis refines prevailing accounts of agency in international maritime disputes by demonstrating that ASEAN claimant and involved states exercise influence not despite legal fragmentation and institutional complexity, but precisely through these structural conditions. In the absence of hierarchical enforcement under UNCLOS, spaces emerge for legal and institutional entrepreneurship: the strategic construction, circulation, and consolidation of legal interpretations across multiple forums. Fragmentation thus reconfigures the terrain on which agency is exercised, rather than merely constraining state action.

This form of agency is causally linked to regime complexity. The coexistence of UNCLOS procedures, ASEAN diplomacy, arbitral jurisprudence, bilateral negotiations, and operational cooperation creates a menu of institutional venues through which states can pursue legal clarification while managing political risk. Claimant states exploit this institutional plurality by selectively activating forums that maximise legal resonance and minimise escalation costs. Coordinated *note verbale* practice, bilateral delimitation agreements, and minilateral operational arrangements constitute patterned strategies of forum selection rather than isolated responses.

Importantly, this agency remains normatively conservative. ASEAN claimant states do not seek to revise or displace UNCLOS; instead, they reinforce its authority by narrowing the range of legally plausible counter-interpretations. By repeatedly invoking treaty provisions, internalising arbitral reasoning, and embedding these interpretations

in diplomatic and operational practice, they contribute to the consolidation of interpretive communities that sustain treaty-based governance despite contested authority. The South China Sea thus illustrates a broader theoretical insight: under conditions of plural authority and institutional layering, agency is exercised less through decisive acts than through sustained, strategically distributed legal engagement.

Indirect consequences of maritime legal order

Viewed through the triangulated analytical framework developed in this article, the Hungarian case demonstrates that the relevance of maritime legal order for non-participant states operates primarily through the structuring of commercial expectations and corporate risk assessments, rather than through direct security externalities or diplomatic positioning.

Fragmentation in the interpretation and application of maritime law does not remain confined to the regional level; it propagates through shipping, insurance, and logistics networks that underpin globally distributed manufacturing. For economies deeply embedded in transnational production chains and dependent on predictable maritime transit, legal indeterminacy in strategically vital sea lanes translates into material vulnerability despite geographic distance.

Legal developments in the South China Sea acquire significance for non-participant states not through diplomatic alignment or security commitments, but through the legal structuring of market expectations and commercial risk assessments. As shown in the 'Discussion' chapter, incremental legal convergence among ASEAN claimant states narrows interpretive uncertainty and stabilises expectations of conduct at sea. The downstream effects of this stabilisation translate into indirect economic effects for states such as Hungary.

By foregrounding this mechanism of mediated vulnerability, the analysis extends fragmentation and regime-complexity frameworks beyond claimant-state interactions and institutional design. Hungary illustrates how structural economic exposure transforms regional legal contestation into indirect national interests, even in the absence of direct agency in maritime governance. The contribution lies not in redefining security policy, but in demonstrating how international legal dynamics enter assessments of economic resilience and structural vulnerability within globally integrated economies.

Implications for theory, methodology, and future research

Revisiting the selective literature review and framework construction in the second chapter, the findings support a circumscribed but analytically precise understanding of how legal fragmentation, regime complexity, and structural economic exposure interact in fragmented, non-hierarchical governance settings. The article does not advance a general theory of maritime order. Rather, it offers a configurational analytical framework – hereafter the Fragmentation–Complexity–Exposure (FCE) framework – that

specifies the conditions under which fragmented legal authority can generate stabilising effects through dispersed practice and institutional adaptation.

For international legal scholarship, the analysis refines debates on fragmentation by demonstrating that plural authority does not necessarily imply normative erosion. Where treaty frameworks such as UNCLOS retain broad acceptance, legal authority is reproduced through cumulative interpretive practice rather than hierarchical enforcement. Coordinated legal signalling, selective internalisation of jurisprudence, and cross-forum reinforcement constitute identifiable pathways of normative consolidation under contested compliance, moving beyond abstract claims about the absence of hierarchy.

For scholarship on ASEAN institutionalism and regime complexity, the findings reframe minilateralism as an adaptive instrument embedded within layered governance architectures. Minilateral arrangements emerge not as substitutes for regionalism, but as conditional responses to the interaction of legal fragmentation and consensus-based institutional constraints. This extends regime-complexity theory by showing how overlapping institutions can generate incremental legal stabilisation without producing comprehensive settlements.

The FCE framework also contributes to international political economy by specifying structural economic exposure as a distinct mechanism through which legal fragmentation and institutional complexity in global governance are translated into downstream economic vulnerability, independent of direct strategic involvement. This complements existing work on supply-chain resilience by foregrounding the role of legal stability, rather than physical disruption alone, in shaping systemic economic risk. The analytical leverage of this framework is greatest in economies that combine high global value-chain integration, dependence on maritime-transited intermediate inputs, and limited capacity for independent logistical diversification – conditions that Hungary illustrates particularly clearly.

Methodologically, the article demonstrates the value of integrating doctrinal legal analysis with comparative institutional analysis and process tracing to capture cross-domain causal mechanisms. By tracing how legal interpretation, institutional adaptation, and economic exposure interact, the FCE framework enables analysis that neither legal formalism nor institutional analysis alone could provide. Importantly, the framework is neither universal nor automatically transferable. Its applicability is conditional upon a specific set of scope conditions: the presence of fragmented legal authority without hierarchical enforcement; overlapping and non-exclusive institutional arrangements; embedding of the region in global value chains; and a linkage between legal uncertainty and commercial risk perception. These conditions suggest that the framework may travel to other contested maritime spaces – such as the Eastern Mediterranean, Arctic shipping routes, or parts of the Red Sea – while being ill-suited to purely territorial land disputes or regions lacking global logistical relevance.

Finally, with respect to Hungary, the FCE framework does not prescribe policy change. Instead, it offers an analytical lens through which international legal developments in distant maritime regions may be incorporated into assessments of economic security and

structural vulnerability. In this sense, the article's contribution lies in clarifying how fragmented maritime governance can acquire indirect relevance for non-participant states embedded in an interdependent global system.

Conclusions

This article has examined the South China Sea as a fragmented maritime order in which legal authority, institutional capacity, and economic interdependence interact in complex and non-linear ways. By integrating insights from international legal scholarship on fragmentation, regime-complexity approaches to ASEAN institutionalism, and international political economy perspectives on structural exposure, it has developed the FCE framework for understanding how governance outcomes emerge in the absence of hierarchical enforcement.

The analysis reveals that legal fragmentation in the South China Sea does not render international law irrelevant. Instead, UNCLOS continues to structure state behaviour through dispersed and cumulative interpretive practice. ASEAN claimant and involved states selectively internalise arbitral reasoning, coordinate legal positions, and embed treaty-based interpretations in diplomatic and operational contexts. While these practices cannot compel compliance by major powers, they generate incremental legal stabilisation that alleviates expectations of conduct within a contested environment.

At the institutional level, the article shows that ASEAN's consensus-based architecture constrains collective legalisation but does not preclude adaptive governance. Minilateralism emerges as functionally differentiated response to regime complexity, enabling states to pursue legal clarification and risk reduction while contributing to a layered form of maritime governance.

Extending the analysis beyond Southeast Asia, the article demonstrates how legal uncertainty and partial stabilisation in the South China Sea propagate through global value chains, affecting non-participant states such as Hungary. For economies deeply integrated into transnational manufacturing systems, legal developments in distant maritime regions shape commercial risk assessments, logistical planning, and economic resilience. This form of structurally mediated exposure highlights an underexplored dimension of maritime governance, linking international legal stabilisation to economic vulnerability in an interdependent global system.

The article does not seek to advance a general theory of maritime order, but to offer a disciplined, transferable framework for analysing how legal fragmentation, institutional complexity, and economic exposure interact under specific conditions. By making these interactions explicit, the FCE framework provides a basis for comparative research across other contested maritime spaces and for more nuanced assessments of how international legal dynamics generate differentiated consequences for states embedded in globally interdependent systems.

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