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The South China Sea and ASEAN Unity: A Cambodian Perspective*

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Since 2010, the South China Sea has re-emerged as one of Asia's hotspots due to increasing military tensions between China and other claimant states, especially the Philippines and Vietnam. Diplomatic stalemates between ASEAN and China as well as within ASEAN further exacerbate the uncertainty. The South China Sea has become what the Economist dubs a "sea of troubles".¹

Clearly, China is being assertive in the disputed areas. Its massive land reclamation, the establishment of new military landing strips, and the deployment of anti-craft missiles provide strong evidence for such a judgement. Moreover, despite the absence of major military clashes, China has used Chinese Coast Guard (CCG) ships, civilian fishing ships as well as mobile oil exploration to assert and defend its maritime territorial claims.

China's growing assertiveness has resulted in numerous confrontations with ASEAN claimant states. For instance, in 2012, confrontation between China and the Philippines over the Scarborough Shoal escalated. In May 2014, China moved a large oil rig into waters near the Paracels, which Vietnam also claims. This resulted in incidents between Chinese and Vietnamese civilian and military ships. In March 2016, Jakarta-Beijing bilateral relations soured due to alleged encroachments by Chinese fishing boats into Indonesia's exclusive economic zone (EEZ).

Decoding China's Assertiveness in the South China Sea

Many explanations have been put forward to account for China's military and diplomatic posture on the South China Sea. Donald Emmerson argues that China's increasing assertiveness derives from three fears and one project.² These are fears of (1) the repetition of humiliation that China experienced throughout the 19th century by Western powers: Britain, France, and the US entered China by crossing the South China Sea; (2) attempts by external powers, the US in particular, to contain the rise of China to assume what Beijing considers to be the country's righteous place in the world; and (3) disaffection of the Chinese population over Beijing's handling of territorial integrity.

Chinese assertiveness may also be motivated less by fears than by a project: that of establishing a new Middle Kingdom. In support of this hypothesis, since becoming China's new leader in November 2012, President Xi Jinping declared the "Chinese Dream" as a way to achieve a "rich and powerful country, the revitalization of the nation, and the people's happiness".³ The goal is to exert China's primacy in Asia and the world. To this end, offshore dominance, especially in the South China Sea, may be viewed by Beijing as a requisite step toward the goal.

US Involvement in the South China Sea: Constructive or Divisive?

*This article was first published on Thinking ASEAN.

¹ See The Economist, "The South China Sea: Sea of Troubles", 2 May 2015. Available at: <http://www.economist.com/news/leaders/21650122-disputed-sea-growing-security-nightmareand-increasingly-ecological-one-sea-troubles>

² See Donald Emmerson, "Why Does China Want to Control the South China Sea", The Diplomat, 24 May 2016. Available at: <http://thediplomat.com/2016/05/why-does-china-want-to-control-the-south-china-sea/>

³ William A. Challahan, "The China Dream and the American Dream", Economic and Political Studies 1(2014):143-160.

Another development that must be considered when discussing China's growing assertiveness in the region is the American "pivot to Asia", which has been seen, at least in the eyes of Chinese strategists, as an attempt by Washington to encircle China.

Controversially, at the ASEAN Regional Forum meeting in Hanoi in 2010, then Secretary of State Hillary Clinton declared publicly that the US has a national interest in freedom of navigation and flight in the South China Sea.

Since then, military tension has been unabated and the Philippines and Vietnam have been more assertive both in their bilateral negotiation with China and in using ASEAN as a framework to deal with China. Arguably, Manila and Hanoi might share the conviction that time is on the Chinese side, and that more compromise from Beijing must be pushed for without delay as China is not yet a full-fledged superpower and the US is now actively reengaging in Asia. As a result, the South China Sea has been a hot item on the agenda in ASEAN meetings and ASEAN-related meetings since 2010.

Although the US does not exert any claim, it has interests in the South China Sea, which include, but are not limited to, (1) freedom of navigation; (2) commitments to its allies in the region; and (3) the prevention of regional hegemony.⁴ To protect its interests in the region, the US has strengthened its security cooperation with the Philippines, Vietnam and Singapore. It has also increased joint military exercises with the regional countries and operated maritime patrol aircraft in the disputed area. US engagement in the South China Sea, in turn, gives ASEAN claimant states leverage in pursuing a firmer stance toward China, a strategy which is not supported by ASEAN non-claimant states which desire to maintain close ASEAN-China relations. As a result, ASEAN has been evidently divided on the issue.

Prime Minister Hun Sen's Rebuke Against "Unjust Accusations"

Inevitably, disagreement within ASEAN on the South China Sea caused a political crisis during the ASEAN

Foreign Ministers' Meeting in Phnom Penh in July 2012 as the foreign ministers failed to issue a joint communiqué for the first time in the ASEAN's history. The failure – known as the 'Phnom Penh Fiasco' – has been interpreted as the result of enormous Chinese pressure on Cambodia, which blocked any mention of the South China Sea in the joint communiqué.⁵

Recently, the ASEAN-China Special Foreign Ministers' Meeting in June 2016 in Yuxi, China, was concluded without a joint press conference by the co-chairs of the meeting – China and Singapore (the country coordinator for ASEAN-China relations) – due to a lack of agreement on the South China Sea. Following the meeting, it was reported that, under Beijing's pressure, Cambodia, Laos and Myanmar forced the recall of an ASEAN joint press statement by withdrawing their support of it.

Earlier, in April 2016, China reached a four-point consensus with Brunei, Cambodia and Laos that territorial disputes in the South China Sea were "not an issue between China and ASEAN as whole". Subsequently, Beijing was accused of having divided ASEAN in order to pre-empt any consensus on the verdict of the Permanent Court of Arbitration (PCA) on the Philippines's South China Sea case against China, which was issued on 12 July 2016.

In defending his country's position, Prime Minister Hun Sen recently asserted that "Cambodia has, again and again, become a victim of the South China Sea issue because of unjust accusations".⁶ He added that the 'Phnom Penh Fiasco' took place not because of Cambodia, but because "they bullied Cambodia", referring to pressure from two ASEAN claimant states – the Philippines and Vietnam – to incorporate their strong wordings in the joint communiqué. He also blamed some ASEAN claimant states for "trying to drag Cambodia into the dispute", saying that "they have a dispute, but they get Cambodia to be responsible".

Cambodia's position on the South China Sea is aimed at: (1) continuing implementation of the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC); (2) urging ASEAN and China to make utmost effort to finalize the code of conduct (COC); and (3) encouraging the countries concerned to resolve

⁴ See Ronald O'Rourke, "Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China: Issues for Congress", CRS Report, 31 May 2016. Available at: <https://www.fas.org/sgp/crs/row/R42784.pdf>

⁵ Kishore Mahbubani, "Beijing in the South China Sea – belligerent or assertive?" Financial Times, 15 March 2016. Available at: <https://next.ft.com/content/58c676ed-f3f4-32ac-b3c9-69efd0ae07fd>

⁶ See Prime Minister Hun Sen's Remarks at the Graduation Ceremony of the Royal School of Administration, in Phnom Penh, on 20 June 2016. Available at: <http://cnv.org.kh/selected-impromptu-comments-graduation-ceremony-royal-school-administration-unofficial-translation/>

their issue because “ASEAN is not a court”. Prime Minister Hun Sen has stated that, “ASEAN cannot measure land for them... the South China Sea is not an issue between ASEAN and China”.

With regard to the PCA’s verdict, Prime Minister Hun Sen has announced his clear position that Cambodia will “not make any joint declaration to support the decision of the court”. The Philippines has gone too far in unilaterally bringing the South China Sea to court without seriously anticipating the implications on ASEAN and ASEAN-China relations. Hun Sen has made it clear that, “It is the Philippines who sues China. Let the Philippines deal with it, why call for ASEAN’s support”.

Prime Minister Hun Sen has also called upon major powers to refrain from “pouring oil into the flame and to try to keep detente in relations on the South China Sea”, referring to “one of the major powers outside the region” – undoubtedly the US, which has lobbied ASEAN members to jointly support the PCA’s ruling.

Cambodia between ASEAN and China

Clearly, the South China Sea constitutes today’s most difficult foreign policy dilemma for Cambodia. Both ASEAN and China are crucially important for the kingdom’s security and economic development. Since becoming an ASEAN member state in 1999, Phnom Penh has attached great importance to the integration of Cambodia into the regional grouping. In fact, ASEAN has been the cornerstone of Cambodia’s foreign policy. Cambodian policy makers have been convinced that ASEAN would be a crucial platform for safeguarding the country’s sovereignty and territorial integrity and promoting its strategic and economic interests.

Recently, Prime Minister Hun Sen recalled four main factors that encouraged Cambodia to join ASEAN. Firstly, ASEAN’s principle of non-interference would help Cambodia, which is sandwiched by “two giant ASEAN countries – Thailand and Vietnam”, to address its external security challenges. Secondly, a consensus-based ASEAN would ensure that “whether

the country is rich or poor, big or small, every member has one voice equally”. Thirdly, Cambodia would stand to benefit from ASEAN in terms of “economic construction, socio-economic development and connectivity”. Finally, Cambodia would benefit from ASEAN’s “big diplomatic outreach to partners”.

Prime Minister Hun Sen’s recall of reasons for Cambodia’s membership in ASEAN can be understood as the expression of doubt over his past conviction on the role of the regional organization. First, it seems that Hun Sen’s confidence in ASEAN has gradually faded due to the grouping’s ineffective response to the Cambodia-Thailand border conflict from 2008-2011. In response to Cambodia’s urge for help, ASEAN and its member states encouraged Phnom Penh and Bangkok to bilaterally resolve the dispute. In fact, the border dispute was never tabled as an agenda item of the ASEAN Summits, until Prime Minister Hun Sen broke from protocol and possibly out of frustration raised the issue at the May 2011 ASEAN Summit. Second, Hun Sen’s statement that Cambodia has been bullied by powerful ASEAN members implies his unease at ASEAN’s inability to enforce the principle of non-interference and equal sovereign rights among its member states. Third, and most importantly, China, not ASEAN, has become Cambodia’s largest foreign investor and biggest economic benefactor. China is also the biggest provider of military assistance to Cambodia. Noticeably, China’s military assistance increased remarkably at the time when Cambodia badly needed to build up its defence forces during the Cambodia-Thailand border dispute. Moreover, for policymakers in Phnom Penh, China is not a threat but a protector of Cambodia’s sovereignty and territorial integrity, which has been pledged on many occasions by Chinese top leaders.

In this context, it is important for regional leaders and policymakers to reflect on the reality of Southeast Asia and on how to move forward. Firstly, it is not unreasonable to agree with Cambodian scholar, Chheang Vannarith who argues that, “If the regional and external countries keep pressuring the non-claimant states like Cambodia to build a united front against China, ASEAN will be disintegrated”.⁷

⁷ Khmer Times, “Hun Sen: Enough on South China Sea”, 29 June 2016. Available at: <http://www.khmertimeskh.com/news/26635/hun-sen--enough-on-south--china-sea/>

Secondly, the ASEAN-China relationship is not only about the South China Sea. There are many areas of co-operation that both sides stand to benefit from, including trade, investment, tourism, regional connectivity, and joint efforts in fighting non-traditional security issues.

Thirdly, it is impractical to consider ASEAN a dispute settlement mechanism. ASEAN has never fulfilled that role, not even in disputes between its member states. Just as Cambodia and Thailand, Malaysia, Singapore and the Philippines initially tried to resolve territorial disputes through bilateral mechanism and eventually brought these to the International Court of

Justice. At best, ASEAN can be a dispute-avoidance mechanism.

Lastly, there is a dangerous risk of internationalizing the South China Sea issue by dragging in external powers. By so doing, ASEAN will lose its neutrality in its relations with major powers outside the region. Moreover, ASEAN member states might be drawn into great power competition. This would eventually put ASEAN's unity at risk, for ASEAN members have different interests in the South China Sea and see the role of external powers through different lenses.

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