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The South China Sea Disputes: Three Years After Cambodia

By Phoak Kung

Synopsis

The accusation against Cambodia following the controversial 2012 ASEAN Foreign Ministers Meeting in Phnom Penh fails to acknowledge the challenges that each member state faces with the rise of China. A strong and united ASEAN is needed as the group formalises this year its vision of a cohesive ASEAN Community.

Commentary

THREE YEARS after the controversial 2012 ASEAN Ministerial Meeting (AMM) in Cambodia which ended for the first time without a joint communiqué, opinion still weighed against Phnom Penh. As the region enters a crucial year to formalise its vision of a single, united and cohesive ASEAN Community, what lessons could be learned from the Phnom Penh debacle?

In 2012, all eyes were on Cambodia to see how it would handle the most contentious South China Sea maritime disputes between its close ally China and some ASEAN member states namely the Philippines, Vietnam, Malaysia and Brunei. As expected, the Philippines and Vietnam pushed for their claims during the talks in Phnom Penh. When ASEAN failed to issue a joint communiqué for the first time in 45 years, many were quick to point their finger at Cambodia, accusing its leaders of putting their interests ahead of ASEAN's unity and centrality.

Cambodia just one part of complex issue

The fallout affected relations between Cambodia and its colleagues, most notably the Philippines. The Cambodian Ambassador to Manila was also called back home after making a controversial comment on the Philippines and Vietnam. The widely cited cause of this fallout was that ASEAN's member states could not agree on the wording of the joint communiqué relating to conflicting claims between the Philippines and China over the Scarborough Shoal.

Actually, this was only one aspect of the unprecedented changes in the regional and global order. In fact, the accusation against Cambodia was rather inflated and failed to address the fundamental problems facing ASEAN as a whole.

The reason Cambodia was singled out was its growing dependence on China economically. Over the past decades, China had given billions of dollars in aid, loans and investments to Cambodia, making it the largest investor to the country. In addition, Cambodian leaders were also seen as having close

relations with the Chinese government. They consistently supported China on a number of issues including the “One China” policy.

However, Cambodia is hardly an exception. Many ASEAN leaders also looked to Beijing for a share of China’s new initiatives in the region. In November 2014, Chinese President Xi Jinping announced the establishment of a US\$40 billion New Silk Road Strategy and a \$50 billion Asian Infrastructure Investment Bank (AIIB).

Therefore, it remains doubtful whether the 2012 foreign ministers meeting would have ended any differently if another ASEAN member country was the Chair instead. Of course, Cambodia should have handled this matter in a more effective way and found a solution acceptable to all stakeholders. The failure to issue the joint communiqué greatly damaged the country’s image and put it in an uneasy position vis-à-vis its colleagues.

Between a rock and a hard place

As a small and poor country, Cambodia does not want to take sides in regional and international disputes. If it could choose, it would stay neutral. It has consistently maintained such a position towards other disputes, not just the South China Sea. For example, the growing tension between Japan and China over the Senkaku/Diaoyu Islands puts Cambodia between a rock and a hard place.

When Prime Minister Hun Sen met his Japanese counterpart on the sidelines of the 40th ASEAN-Japan Commemorative Summit in December 2013, he reiterated Cambodia’s neutral position. The government also conveys the same messages to the Chinese government.

Cambodia is expected to take a similar approach towards resolving the South China Sea maritime disputes. It strongly supports a de-escalation of conflict between the claimants to avoid endangering peace and disrupting trade activities in the region and beyond. The recent clashes between China and two ASEAN states – the Philippines and Vietnam – pose a serious security concern.

Unilateral actions by the claimants do not necessarily give them the upper hand in the maritime disputes, but rather make any future negotiations more difficult. Worse, the current military build-up and the deployment of forces in the South China Sea might lead to potential miscalculation and misjudgement. It is important to note that these disputes cannot be solved through force.

Bilateral talks not enough for small states

Further, China insists on solving the maritime disputes through bilateral talks. China was furious when the Philippines brought the case to the Arbitral Tribunal of the UN Convention on the Law of the Sea (UNCLOS), suggesting such unilateral action would only escalate the situation. But it makes a lot of sense for smaller states like the Philippines to use the international laws as a means to solve the disputes. The problem is that even if the tribunal decides in Manila’s favour, China might not comply, although this does not mean China’s interests would remain unaffected.

In fact, Cambodia has been through similar experience in its border disputes with Thailand. From Cambodia’s perspective, a sustainable solution to these disputes would be through bilateral talks with regional organisations like ASEAN and the international community taking on a mediating role and assisting smaller states in leveraging their bargaining power. The Philippines alone will not be able to hammer out a fair deal with its more powerful negotiating counterpart, China.

The good news is that any escalation of conflict will not benefit China either. Admittedly, China has been trying very hard to assure its nervous neighbours and other countries that its rise to global power status is not a threat but an opportunity for shared prosperity. Furthermore, China deeply understands that making enemies with countries in the region will only play into the hands of the United States, which is also seeking to maintain its sphere of influence in the Asia Pacific.

What Cambodia and other ASEAN member states should do is to push ahead with creating a channel of dialogue. ASEAN is rightly assisting the claimants in developing the Code of Conduct on the South China Sea maritime disputes. Despite the lack of progress thus far, it is the most promising route

towards a peaceful resolution. More importantly, all the claimants should refrain from taking any unilateral actions that might undermine this process.

Putting the blame on Cambodia over the non-issuance of the joint communiqué is not the answer.

Whether they like it or not, China's influence in the region will only grow, and retreating to ultra-nationalism is unrealistic and dangerous. The rise of China should not be seen as a zero-sum game. What is needed now is a strong and united ASEAN that can effectively represent the voice of its members.

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