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## **A CLOSER LOOK AT THE “ASEAN RIFT” ON THE SOUTH CHINA SEA**

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In July 2012, the ASEAN Foreign Ministers Meeting (AMM) and a number of ASEAN-related ministerial conferences were held back-to-back in Phnom Penh, Cambodia. What was unusual is AMM's failure in issuing a joint communiqué despite an effort to achieve consensus. Because of this, no progress was made on ASEAN's long-desired agreement with China on the Code of Conduct for the South China Sea (COC) in spite of a prior agreement on consultation at the senior official level between ASEAN and China.

*The views expressed in this piece are the author's own and should not be attributed to The Association of Japanese Institutes of Strategic Studies.*

As widely reported, such an embarrassment was due to the disagreement between member States, rather than between ASEAN and China, on how to express ASEAN's stance on recent developments in the South China Sea. In the face of China's unilateral actions to press its territorial claims on disputed reefs and waters, delegates of the Philippines and Vietnam insisted on more clear-cut criticism of China while Cambodian Foreign Minister Hor Namhong, a veteran diplomat trusted by Prime Minister Hun Sen, refused to modify the original draft that the Cambodian foreign office had prepared.

China has been pursuing amicable relations with those countries that have strong economic ties and no territorial disputes with China. Cambodia is one such nation. Many observers pointed out that ASEAN's inability to criticize China represents China's success in using tactful measures to "divide and rule" Southeast Asian nations. In my personal view, the reality is more complicated, and developments during and after the AMM this year were accidental rather than structural.

With respect to the outlook towards China, there are significant differences among ASEAN member States. Although ASEAN has been divided on various issues since its inception, the vulnerable organization has demonstrated its solidarity in the international arena because hanging together is the only means for small countries in Southeast Asia to survive the power games. In responding to China's recent acts it was not so difficult for ASEAN to achieve consensus compared with other serious issues the organization has faced before. The unprecedented result of AMM may be attributable to the chairmanship, or the lack of chairmanship.

Cambodia, ASEAN's newest member State, by rotation served the Chair of the organization in 2012, and the Cambodian government is supposed to play important roles such as setting agendas and drafting statements for summit meetings and various ministerial conferences, including AMM. While it is true that Cambodia has improved its relations with China considerably, to the degree that it has become one of China's closest partners, this does not explain the stubbornness of the Cambodian Foreign Minister that astounded his counterparts.

A more plausible explanation is Cambodia's inexperience with consensus building within ASEAN. Foreign ministers spoke with each other in English, the official language of the organization. At the most critical stage of finalizing the draft, Cambodian officials may have faced difficulties in dealing with nuanced wording in order to reach consensus. It is even conceivable that the draft communiqué was "blessed" by the Chinese officials in advance. If that was the case, the Cambodians must have had few ideas on the degree of compromised wording that would not anger the Chinese.

Whatever the truth was concerning AMM in Phnom Penh, ASEAN expressed its consensus on the COC only a few weeks later. The differences over labeling China's acts were substantially overcome by the reconfirmation of the consensus on ASEAN policy towards China. Reportedly, Indonesian Foreign Minister Marty, an experienced diplomat with a doctorate from Australian National University, played an important role in this new development. In other words, China's "divide and rule" strategy was not as successful as it had seemed. ASEAN unity on a peaceful change in the South China Sea is a necessary condition for a peaceful settlement, and every effort should be taken to get China to understand and accept this basic principle.


Many observers were worried about the influence of the recent rift on the creation of the ASEAN Economic Community (AEC). It is natural to pay keen attention to the progress of the AEC because of its multifaceted impacts on regional economies, but these apprehensions will hopefully not come true. The adverse effects will probably be few, if any. Under the umbrella of the ASEAN Community, the AEC will be practically independent of the ASEAN Political and Security Community (APSC). The AEC is being pursued by more pragmatic economic ministers and technocrats. There are genuine differences on issues concerning AEC over which member States may confront each other, but such internal disputes are not presumably fueled by those between foreign ministers. Furthermore, an ASEAN-based regional comprehensive economic partnership including China and Japan is now considered more realistic than ever, and neither ASEAN nor China has brought in the South China Sea issues.

China seems determined to continue its unilateral actions, a recent example of which was the establishment of “Sansha City.” Needless to say, the domestic legislation has nothing to do with international law, and these acts taken by China do not affect its international legal relationships at all. Nevertheless, ASEAN has to confront China’s attempt to challenge the status quo and accumulate *faits accomplis* in the South China Sea.

ASEAN has attempted to provide regional mechanisms in order to ameliorate, if not resolve, international disputes. Starting from the peaceful settlement of mutual conflict, ASEAN countries developed the hub-and-spoke system of the Treaty of Amity and Cooperation in Southeast Asia (TAC) with powers such as Japan, China and the United States. Unfortunately, TAC remains a moral commitment rather than an effective tool for conflict resolution. The ASEAN Regional Forum (ARF) has aimed at enhancing security in the Asia-Pacific, from confidence building through preventive diplomacy, as an approach to the conflict, but little progress has been witnessed. Recently, the ARF sifted its main focus to non-traditional security cooperation. In short, neither TAC nor ARF has been useful in dealing with the South China Sea problems.

Increasingly promising is the “ASEAN Plus Eight” concept, an unofficial designation for ASEAN, Japan, China and Korea (“Plus Three”), Australia, New Zealand and India (“Plus Six”), Russia and the United States. The “ASEAN Plus Eight” constitutes the East Asia Summit (EAS). It is also identical with the membership of the ASEAN Defense Ministers Meeting Plus (ADMM Plus). Compared with the TAC regime, merely a collection of countries that have acceded to the treaty, it is more institutionalized, with an annual summit meeting and other ministerial meetings. Compared with the ARF consisting of some twenty countries, the “ASEAN Plus Eight” is a more substantive forum of a limited number of more influential countries. It seems now most suited to discuss strategic issues such as the South China Sea.

Southeast Asia, both continental and insular, has been an arena for major powers to compete and fight against each other at the expense of the interests of people in the region. However fragile and vulnerable it is, ASEAN has been seeking regional resilience in order not to become a hayfield for

powers outside the region. Trying to overcome fragility and vulnerability, ASEAN is paving the way towards the ASEAN Community. In reality, as shown at AMM this past July, ASEAN is far from consolidated. It still needs a variety of support from its partners. Being ASEAN's longest and closest partner, Japan has assets to help the organization and its member States enhance regional solidarity. Greater support from Japan would enhance not only ASEAN solidarity but also regional security. 

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