

**Transcript of Responses by H.E. Deputy Prime Minister Prak Sokhonn
during the Q&A Session at the 23rd ASEAN Lecture on Cambodia's
Chairmanship of ASEAN 2022**

Organized by the ISEAS-Yusof Ishak Institute

10:00-11:00 (Cambodia Time), 03 January 2022, via videoconference

Moderator: How do you anticipate the progress of the COC negotiation? Do you believe that it is possible to conclude the negotiation this year on the South China Sea and what do you think would be issues that maybe need more time?

H.E. Deputy Prime Minister:

- First, I have to say that this is the aspiration of every ASEAN Member State to conclude the COC as soon as possible. This year we celebrate the 20th Anniversary of the DOC which was also adopted in Cambodia 20 years ago. If we can conclude the COC this year, it will be a good thing, not only for Cambodia of course, but also very good thing for the whole region.
- But let me say a few things about the South China Sea. I think you agree with me that this issue is very complex due to multiple claimant states, to the different historical and legal positions of the parties concerned, and we all know that the South China Sea region is situated in a very vital strategic location that is the primary subject of geopolitical dynamic in this region.
- Since the early 1990s, even before Cambodia joined ASEAN, ASEAN and China have tried to manage tension through consultations and dialogues and the result was that the DOC was adopted in Phnom Penh in 2002. The DOC has played an important role in creating conducive environment for cooperation, peace and stability in the region and also for promoting trust and confidence building and mutual understanding despite some minor incidents.
- So, we would like to see the COC be concluded this year but we have to say that at the current pace, it could be difficult despite some progress with the provisional agreement on the preamble section and the progress on the objective section under the general provision.

- We haven't moved fast enough in order to fulfill the hope of concluding the COC this year. In the last two years, the COVID-19 has disrupted the negotiation process. This kind of negotiation needs to be undertaken face to face or in a retreat format. We also come to an agreement between us that we need to increase the frequency of the negotiation and also the length of the meeting.
- And I think that there are two factors that are indispensable for the early conclusion of this document. First, it needs the political will and the good faith of all relevant parties to conclude the COC as soon as possible but without compromising on the substance and the effectiveness of this document. Two, we need to uphold the peaceful environment in the region. That means we have to avoid tension, tension from muscle flexing from different actors and we are worried that actions taken by external parties could complicate the negotiation process.
- We are of the view that this COC has to maintain its original purpose that is to manage stability, to maintain peace, prevent miscalculation and actions that could affect the South China Sea as a sea of peace, cooperation, stability and prosperity. It is true that this COC is a legal framework to guide the conducts and the behaviors of the relevant parties of the South China Sea but we cannot compare it to international law.
- This is not a border treaty. This is not an instrument to settle territorial or jurisdictional dispute and there are questions also on how legally binding would be the COC. I think this is something that we are still negotiating and much would depend on the agreement of the claimant states.
- Cambodia is not a claimant state. Cambodia has a permanent neutrality policy and Cambodia is not even the state party of the UNCLOS but nevertheless we are doing our best in order to contribute to the conclusion of this document. In the past, there are also worries from third parties that their interest would be harmed by the COC. But the COC will be a document that is in accordance with the international law, including UNCLOS. So, the interest of all parties, especially third parties, or the freedom of navigation and overflight will not be restricted as long as they are in accordance with the international law, and as long as their activities are undertaken under international law.

Moderator: How can ASEAN manage the expectation of some of its external partners regarding the inclusion of junta representative? If the US and certain countries in ASEAN continue to boycott Myanmar's political leaders' attendance in ASEAN meetings, how can Cambodia coordinate with the US regarding the upcoming ASEAN-US Summit?

H.E. Deputy Prime Minister:

- I would start with the external relations. We have the AOIP and how ASEAN would manage its relations with external partners, especially to maintain its centrality in this relationship.
- First, I will say a few words about centrality. This is something that ASEAN has attached a lot of importance to in dealing with external partners, especially in the ASEAN-led mechanisms. When we talk about centrality, we have to question on how strong could ASEAN centrality be when it engages with external partners. I think ASEAN centrality will depend very much on our own unity, our own solidarity. Like my Prime Minister has said recently, we are now in situation where ASEAN is de-facto 9 with the 38th and 39th ASEAN Summit last October, with the celebration of 30th year of ASEAN and China dialogue relation with only 9, especially when Myanmar is the country coordinator of ASEAN and China.
- So, the strength of our ASEAN centrality would depend on how we can go back to ASEAN-10. It is the big question. And there is a lot of things to be done to get back to ASEAN-10, especially when we deal with crisis in Myanmar because the missing member state is obviously Myanmar. So, if we can go back to ASEAN-10, it would be a big achievement in strengthening our centrality. We cannot go on with ASEAN-9. ASEAN is ten; the logo is ten. If ASEAN stays 9, I don't think we can say much about our centrality. I will come back later maybe when I touch on the question of Myanmar.
- As we have seen, there are many versions of the Indo-pacific strategies, as the superpower or the great power rivalries are heating up. It is obvious there are many Indo-pacific strategies that have been formulated, adopted by major powers around us, from the US, the EU, and from the UK, even from France, from Germany. In order to ensure that any strategies from outside will serve peace and cooperation, not confrontation and to support

ASEAN centrality, Cambodia will work with ASEAN member states to formulate the action plan that Indonesia has proposed and it will be drafted to support and undertake practical cooperation on the four key areas of cooperation I have mentioned earlier in my speech. ASEAN will have to promote complementarity and synergy when we deal with the Indo-pacific initiatives in order to produce the optimal result and create win-win outcomes for all and we also wish to avert any securitisation of the concept because of what I have stated earlier that ASEAN would not let our region to be served as a platform of confrontation.

- Now I will move to the second question on Myanmar.
- Again, here the situation is also very complex. The South China Sea and Myanmar are the two hot potatoes that we pass from one chairmanship to another every year since many years already. So, Cambodia would not be an exception and we just ask outsiders not to have too much expectation but we will do our best to ease the situation in Myanmar.
- I would say that the situation in Myanmar is very complex because of their political history, political culture, the military dominant role since maybe seventy years already. The ethnic minority groups, we know that there are more than one hundred and twenty ethnic groups, twenty of them armed, that create a kind of civil war which is amongst the longest civil war around the world.
- Since last year, there are equal concerns for Myanmar and the region, especially for ASEAN. First, the political and security crisis in Myanmar is deepening and has led to economic, health, and humanitarian crisis. We see that all ingredients for the civil war are now on the table. There are two governments, several armed forces; people undergoing the civil disobedience movement, and guerilla warfare undertaken around the country. Second, Myanmar crisis has bad implications on regional stability. Although we are not selfish, it has bad implications on ASEAN image, credibility, unity, centrality, and our community-building process. So helping Myanmar would help ASEAN and our family. This fact has been agreed by all ten Leaders. You remember the Special ASEAN Leaders Meeting last April when all ten Leaders have adopted the Five-Point Consensus. I repeat that all ten agreed that we respect the principle of non-

interference, but we need to help because as I said helping Myanmar will also help ASEAN.

- It is unfortunate that despite many efforts by ASEAN and especially by the Special Envoy of the Chair for Myanmar, Foreign Minister Erywan, not much has been achieved in the implementation of the Five Points Consensus. The fact is that ASEAN nine or the nine ASEAN Member States agreed to help Myanmar, but we differ on approaches on the implementation of the Five Points Consensus. So, no consensus has led to no visit of the Special Envoy to Myanmar. Based on the no consensus, the Chair had to make a decision to invite a non-political representative of Myanmar for the 38th and 39th ASEAN Summits. The invitation that Myanmar did not accept because of the downgrading of representation. It has a precedent on other meetings, including the 13th ASEM Summit under Cambodia's chairmanship and hosting without Myanmar. As I said earlier, the 30th Anniversary of ASEAN-China Commemorative Summit was also held without Myanmar.
- How are we going to help Myanmar and ASEAN to be ten again? You know my Prime Minister has decided to visit Myanmar at the invitation of Senior General Min Aung Hlaing on 7-8th Jan. This is based on the deadlock that happened when we have no consensus on the approaches in the implementation of a Five-Point Consensus. So, we took a little bit different approach when we took the chairmanship and especially when I was appointed as Special Envoy.
- The good thing is that the international community like the UN, major countries, regional organizations support the role of ASEAN in order to help solve the situation in Myanmar, but the hard thing is how to implement the Five-Point Consensus, and how to restore the ASEAN-10.
- Some people have criticized the announcement of the visit of my Prime Minister to Myanmar as recognizing the regime. But let me ask you one question, has any country cut the diplomatic tie with the regime? No, except the Ambassador in the UN. All embassies have been retained, all the ambassadors abroad from Myanmar are working with the host countries. And the host countries have maintained their embassies in Yangon so the diplomatic ties were not cut. This is not recognition. It's just continuing to

work with Myanmar and we'll take a step-by-step approach and we'll try to be as realistic as possible.

- We'll start with easier issues first among the 5PCs. Let me again reaffirm that as a Special Envoy, I'll be guided by the 5PCs and the ASEAN Charter. My role will be as facilitator, mediator, and the whole political process will be all Myanmar-led. We'll not decide on behalf of Myanmar people. But as Foreign Minister Don has put it very well, it needs time and patience. And I'll add another value, it will need pragmatism. It will not be solved by one, two or three visits or chairmanship, and one point I have to be clear, Cambodia is not seeking any political, economic, or strategic gains from what we are doing in Myanmar. We just want to help because Cambodia has a sad story of civil war, of tragedy, of suffering, and we would like to help Myanmar people avoid such kinds of tragedy.
- We have received a lot of threats. There were two improvised explosive devices placed near our embassy in Yangon. There was an explosion recently also near our embassy. We have received threats through Facebook. People are cursing us but nevertheless, this is the duty of the Chair of ASEAN. This is the duty of the Special Envoy. We will do what we think best for the people of Myanmar. We'll do what we think best for the whole of ASEAN and we hope that our experience on peace and national reconciliation can help Myanmar. We are not imposing any models. That's out of the question. We'll just offer what we have as experience, as lesson-learned, and Myanmar people can take what suit best for them in order to restore normalcy, to restore democracy in their country.
- I wish to say two things on Myanmar before I conclude. First would be on the representation. I'd like to stress that our Charter, our ASEAN Charter has set no legal basis at all to deny participation of Myanmar in its meetings. There's no mechanism to refuse the credential. This is not the same as at the UN. I'd say that ASEAN Charter and UN Charter are totally different. We have no judgment. We have no mechanism to review the credential. Also, decision that is made without consensus could not be considered as ASEAN's decision. That's the truth. Last year 2021, all Ministers' meetings were held with Myanmar ministers. For example, ADMM or ADMM Plus were held with the Minister of Defense of Myanmar so we have set something that is difficult to repair now but we'll try to do our best to do so.

- Secondly, we need progress in the implementation of the 5PC for the return of ASEAN 10. And even though we are saying that the visit of my Prime Minister is a bilateral visit, the purpose of his visit is in order to talk directly to General Min Aung Hlaing and to see what we can do, how we can help in order to restore normalcy for Myanmar. My prime minister has set no condition, no precondition for his visit, but I made it clear with Foreign Minister Wunna that we wish to have a useful visit for our Prime Minister-that useful visit means useful outcomes.
- And as I said earlier in my speech, we have to address the ongoing violence so we have to find a way, to pave the way, and find a path to stop violence. And we have to create some environment that is conducive for all parties to agree on that path that would lead to end violence. It would be difficult because we have seen the determination of each party to win. So maybe a win-win solution for all parties could be agreeable for them.
- We hope to move on humanitarian relief. Humanitarian relief has been met with some obstacles and many countries have helped Myanmar but their assistance are stuck. It is sometimes impossible to distribute the humanitarian assistance to those most in need. We may have some progress soon. I wish to say that I discussed the issues with Foreign Minister Wunna. I have discussed the issue with Foreign Minister Retno and have discussed the issue with Deputy Prime Minister Pramudwinai. I can say that Thailand has a role to play that no one else can do in our region because Thailand has a long border over 2,000 kilometres of land border with Myanmar. They have traditional relations with the military. They have more than two millions of Myanmar workers. They have economic corridor with Myanmar. I also discussed the issue with Madame Noeleen Heyzer, who is the UN Secretary General's Special Envoy on Myanmar. We all agreed that something has to be done in order for the humanitarian assistance to be distributed to those most in need.
- And I proposed to Foreign Minister Wunna for a meeting among all stakeholders. On one side, the task force or the working group from the government of Myanmar, and on the other side of stakeholders, and in the middle maybe myself with the assistance of the ASEAN Secretariat, the AHA Center so we can sit down and discuss with the purpose to have the assistance, to ensure that the assistance can be accessed by those in need.

The issue in the 5PC may be also discussing the during the visit of my Prime Minister.

- This is what I wish to say. And on the third question with regard to the US-ASEAN summit and any other summits or meetings in the future. I think this will depend on how we can make progress in the coming days, how Myanmar itself will behave in order to be more flexible, more cooperative with ASEAN member states in the implementation of the 5PC. If we are able to restore ASEAN 10 then the issue of representation will not be a question. This is in the best scenario case. In worst case, we will see how we will manage the meetings with our external partners.
