

Two new Presidents and one Award: the Philippines and Taiwan in the Conflict on the South China Sea

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1. Introduction

During the past decade the rise in assertiveness that seems to accompany China's rise to big-power status found its strongest expression in the South China Sea (SCS). Here the People's Republic of China (PRC), the Republic of China on Taiwan (ROC), the Philippines, Vietnam, and Malaysia claim sovereignty and sovereignty rights over more or less large parts of the sea resulting in multiple overlapping claims. The past years saw a huge number of Chinese assertive acts on the ground, topped by the transformation of tiny reefs and rocks into artificial islands, armed with airports, harbors and weaponry. Given their military inferiority, the Philippines reacted by enlarging the conflict arena, by external balancing and by internationalizing the conflict. Most prominent and consequential has been the 2013 unilateral appeal of the Philippines to the Permanent Court of Arbitration (PCA), that eventually led to an award handed down in July 2016. This award canceled out most of the Chinese (both those of the PRC and the ROC) claims.

Within the region, the Philippines bore the brunt of Chinese assertive actions and rhetorical enmity during the past years on account of its decision to challenge China against the latter's will in the Permanent Court of Arbitration. Other pillars of the Philippines' strategy to confront the Chinese claims were the strengthening of the Philippine-US alliance and internationalize the conflict by depicting the Philippines as a core defender of global goods like freedom of navigation. Further, the Philippines tried to push ASEAN towards a more explicit positioning with respect to perceived Chinese violations of regional rules and international law in the South China Sea.

Whereas Sino-Philippine relations could be described as potentially excellent, were it not for the singular issue of sovereignty and sovereign rights in the South China Sea, the lines of contention and amicable cooperation differ significantly in the bilateral relations between the ROC and the PRC. Here the core of contention is about the question of Taiwanese statehood: the question whether Taiwan is an inalienable part of China and the question is only on which side of the Taiwan strait is the legitimate government of China, or whether Taiwan has developed into a separate de-facto state that may legitimately aspire for independence, subject only to the will of the Taiwanese people. Contestation between the PRC and the ROC on sovereignty and sovereign rights in the SCS has very peculiar features. Both being of basically the same extent, they are perceived by the PRC as "Chinese" claims, advanced by the two contending parties in the name of the one China. This makes a Taiwan staunchly advocating its SCS-claims into a de facto ally of the PRC in its quest for the recognition of the "Chinese" claims. While Taiwan keeps its distance against being instrumentalized by the PRC, the ROC claims were advanced with arguments and a rhetoric that was largely conterminous to those of the PRC. In March 2016 the Taiwanese Ministry of Foreign Affairs reiterated the ROC's longstanding position:

"The Nansha (Spratly) Islands, Shisha (Paracel) Islands, Chungsha (Macclesfield Bank) Islands, and Tungsha (Pratas) Islands (together known as the South China Sea Islands) were first discovered, named, and used by the ancient Chinese, and incorporated into

national territory and administered by imperial Chinese governments. Whether from the perspective of history, geography, or international law, the South China Sea Islands and their surrounding waters are an inherent part of ROC territory and waters. The ROC enjoys all rights over them in accordance with international law. This is indisputable. Any claim to sovereignty over, or occupation of, these areas by other countries is illegal, irrespective of the reasons put forward or methods used, and the ROC government recognizes no such claim or occupation.” (Republic of China 2016).

The summer 2016 saw three distinct and nearly simultaneous developments that resulted in an almost complete turnaround of both the Sino-Philippine and the cross-strait relationships:

1. the accession of Tsai Ing-wen to President of the Republic of China on Taiwan on 20 May;
2. the inauguration of Rodrigo Duterte for President of the Philippines on June 30, and
3. the award on the dispute in the South China Sea handed down by the Permanent Court of Arbitration on 12 July.

While the Tsai-administration kept up the ROC’s claims on the South China Sea and indirectly supported the PRC’s refusal to accept the ruling, it denied recognition to what the PRC feels to be the core paradigm of pragmatic bilateral relations: the 1992 consensus (on this more below), resulting in a dramatic downturn of bilateral relations. The Duterte-administration in contrast choose to ignore the favorable ruling and instead opted for accepting long-standing Chinese “procedural standards” for dealing with the sovereignty conflict and beyond, resulting in an equally dramatic betterment of bilateral relations and significantly higher Chinese tolerance for limited displays of Philippine assertiveness in the areas under dispute.

This paper focuses on the interplay of the Philippine and Taiwanese South China Sea policies with different and changing overall strategies of these two state’s administrations for dealing with China. In both cases it is hypothesized that respect for or recognition of China as a rule-making power that sets the overall rules and procedural norms for the management of bilateral relations is of crucial importance for Chinese willingness to follow a pragmatic policy that provides the smaller Other with significant leeway in many if not most policy areas and a significant lessening of Chinese assertiveness in the major field of contention.

Conceptually this paper loosely follows Brantly Womack’s analysis of state behavior in asymmetric relationships and his observation that China in general “applies relationship logic to international relations”. This means that China “does not use preponderance of power to optimise its side of each transaction, but rather to stabilise beneficial relations” (Womack 2008: 20). Shih Chih-yu goes in a similar direction in his analysis of “relational security” (Huang/Shih 2014), that is based on a “reciprocal role relationship” (Shih/Yin 2013: 68). As Shih and Yin argue with respect to the South China Sea, “under the assumption of no outright challenge, therefore, Beijing can comfortably shelve the sovereignty issue” (Shih/Yin 2013: 76), a logic that similarly applies to the Taiwan question, where pragmatic cooperation hinges on the recognition of the 1992 consensus; i.e. on abstaining from an outright challenge of the Chinese conception of the overall bilateral relationship and the respective roles of the two parties. Womack’s analysis is focused on systemic misperception in asymmetric relationships that results from differences in attention given to the relationship by the two parties and their differences with respect to capacities and vulnerabilities. Yet, in

his discussion he develops the minimum requirements for a stable equilibrium in such relationships. At the core of a stable asymmetric relationship is the successful harmonization of the two parties' minimum objectives. He posits that the stronger power's minimum objective is deference, whereas the weaker power's objective is acknowledgement of its autonomy. Deference in this context means that the weaker power "pursues its interests in a manner that is respectful of A's relative status. Deference is crucial as it implies that the weaker power "accepts the asymmetry of the relationship" (Womack 2003: 97). Deference of the weaker side also enables both sides to "maintain the appearance of harmony among unequal partners" (Womack 2012: 44). This however simultaneously precludes the open negotiation of differences: "Disputes must be articulated in terms of principles acceptable to both sides so that they can be moved from the realm of hot public politics to that of cold discussions among experts" (Womack 2012: 50). Chances for a stable equilibrium are highest, when these requirements are mutually acknowledged.

In our cases this would mean that Chinese willingness for pragmatic coexistence and cooperation as well as for "shelving disputes" depends on the willingness of China's opponent signal deference to China by accepting the overall framework envisaged by China for the management of the specific bilateral relations, or put differently to recognize China's procedural norms as valid foundation for bilateral relations in general and conflict-management in specific. Then, it may be argued, will China be accommodative with respect to many if not all practical matters.

Chinese assertiveness and the use of coercion in specific policy fields and issue-areas then is at least partly to be explained as a reaction to a perceived lack of reciprocity in the normative realm. Assertion and coercion will then take the form of "harmonious disciplining" aimed at convincing the target countries to return to what China perceives as an asymmetric but harmonious relationship that caters to the immediate needs of both sides. The immediate aim of such disciplining is not to enforce specific claims, but to signal that the other side ought to desist from its activities that undermine the credibility of its deference to China. In so far it aims at reestablishing a bilaterally recognized framework that enables "the concealment of disharmony" (Shih/Yin 2013: 75).

The respective frameworks for deference differ between the two relationships discussed below. In the case of the Sino-Philippine relations, disharmony that has to be concealed is almost exclusively anchored in the conflicts on sovereignty and sovereign rights in the South China Sea. In the case of PRC-ROC relations, however, the disharmony that has to be concealed refers to the legal status of the bilateral relationship itself and Taiwanese pretensions to independent statehood. In the Sino-Philippine relations, the maritime conflicts form the core bone of contention. In the PRC-ROC relations the respective Taiwanese claims, while formally competing with those of the PRC, are utilized by the latter as additional support under the heading of "Chinese" claims. Taiwan's SCS-claims can actually be utilized as a means for binding the "two Chinas", as long as Taiwan subscribes to the overall Chinese requirement of deference, epitomized in the recognition of the "1992" consensus.

With respect to the South China Sea claims, this means that China expects the Philippines to recognize the overall asymmetry of the relationship and the core rules for dealing with the conflict established by China, most importantly, to abide by bilateral and non-public arenas for dealing with the problem, to avoid the inclusion of external powers into conflict-management and to refrain from internationalization of the conflict. All of these preconditions aim at maximizing the appearance of harmony and concealing disharmony, a core function that is fulfilled by Taiwanese recognition of the “1992 consensus,” a pragmatic rhetoric device that grants much interpretative freedom to both parties, while upholding a (largely) imagined shared framework that ascribes mutually complementing roles to both the PRC and the ROC.

This paper focuses on the relationship between the small powers’ recognition of China’s overall procedural and normative framing with Chinese assertiveness and proclivity for at least limited coercion in bilateral relations. It not only focuses on the new developments that followed the three crucial events of mid 2016, but embeds this analysis of change in a wider account of bilateral relations that links the present with the earlier phases of bilateral relations and conflicts. Thereby additional observation periods are established that allow to go beyond a single turning point.

The following analysis proceeds in three parts: it first provides a short introduction into the core pronouncements of the award of the PCA. Second comes an analysis of the levels of recognition of Chinese national-role, world-order conceptions and procedural norms of conflict-management by the past and present Philippine administrations, combined with an overview of types of actions exhibited in pursuing the Philippine claims. These are then juxtaposed to signals of Chinese recognition of Philippine recognition and the corresponding “harmonious disciplining” or rewarding.

The crucial difference with respect to the positioning of the SCS-conflict in the two bilateral relations between China and the Philippines and Taiwan respectively necessitates a differentiation in the presentation of the cases. Whereas the Philippine case is presented straightforwardly focused on the SCS-conflict, the presentation of the Taiwanese case combines two foci: on the recognition of the 1992 consensus on the one hand and on the handling of the SCS-claims on the other.

2. The Philippines: In and out of the Shadow of the US-hegemon

From the 1970s to the early 2000s the Philippines have been securely anchored in the shadow of the military alliance with the United States and, for most of the time subscribed to an ostensibly shared vision for a desirable regional and global order – one dominated by the United States as an external balancer for its allies with which it shares a joint vision of a liberal, democratic and rule-of-law guided international order. Under President Gloria Macapagal-Arroyo (2001-2010) the Philippines readjusted their policy by shifting towards a

greater level of recognition with respect to Chinese self-role and world-order conceptions as well as procedural norms for conflict management, a short-lived and rather superficial move that was replaced by the new President Aquino (2010-2016) with an understanding of the Sino-Japanese relationship as one between the Philippines, a vanguard of liberal, democratic and rule-of-law based international relations and a rogue China that coerces others into submitting to unwarranted claims. Since July 2016 the new President Duterte initiated a decisive turnaround that re-evaluated the relationship with China overwhelmingly from a “mercantilistic” perspective that aims at enhancing opportunities for Philippine exports to China and especially tap Chinese aid for as many domestic infrastructure and other projects in the Philippines as possible. In order to do so, Duterte switched towards the recognition of all those procedural norms for conflict-management as advanced by China and even went further by strongly distancing the Philippines from the United States.

Speaking broadly, Chinese conflict behavior, the levels of assertiveness corresponded to the variation in patterns of Philippine with higher levels from the late 1980s to the late 1990s (the Corazon Aquino, Ferdinand Ramos, and Joseph Estrada Presidencies), low levels in the 2000s (the Macapagal-Arroyo presidency) and a return to high levels of assertive activities from 2011 to 2016 (Aquino presidency). Since Duterte’s inauguration, the has for the time being compromised on a number of issues and abstained from overtly assertive acts, with the exception of continuing or completing the island-building spree that characterized the past few years of the Aquino-presidency.

2.1 The PRC: From “quantité négligeable” to “goliath”

The first reason for the Philippines to worry about China should have come in 1974, when Chinese forces dislodged South Vietnamese troops from the Western Crescent Group of the Paracel islands. This was only a few years after the Philippines had occupied “their” first islands in the Spratlys, a move that resulted in an angry response from the PRC. Yet, the Philippines hardly reacted at all at the Chinese foray in the Paracels.¹

Instead, Imelda Marcos visited China to prepare for the establishment of diplomatic relations. She praised Mao Zedong not only as “the beloved leader of China”, but also underscored a number of common causes of the two countries. When Ferdinand Marcos went to China in 1975 he not only pointed out that “we must review our alliances” but also flattered China as “the natural leader of the Third World” (Marcos quoted in Kreuzer 2016: 252). This was obviously empty rhetoric only as Marcos had just declared martial law a few years ago under the pretext of fighting Communist forces that had “adopted Ho Chi Minh’s

¹ This was in fundamental contrast to the harsh protests against the South Vietnamese occupation of several of the Spratly-Islands in the same year. The Philippines even turned to the United States requesting the latter to restrain the Vietnamese. Surprisingly, when the North-Vietnamese forces took over the South-Vietnamese possession in 1975, neither the US nor the Philippines put up any resistance, but accepted it as if it was a fait accompli, even though both at the time could easily have expelled the Vietnamese troops that were operating far from the Vietnamese mainland.

terrorist tactics' and 'Mao's concept of protracted people's war'(President of the Republic of the Philippines 1972). It also was obvious that the review of the Philippine-US alliances only aimed at getting a better deal from the United States. While bilateral relations survived, they did so only on a very superficial level. From the perspective of China, the Philippines remained what they had been in the past: a staunch ally of the United States.

The following years, the Philippines and Vietnam built airports on islands controlled by them, the Philippines occupied several further islands in 1978 and 1980 (Aguda/Arellano-Aguda 2009), Malaysia followed suit by first advancing its claims in the late 1970s and then occupying its first islands in 1983 and 1986 respectively. When Vietnam added a further elevation to the ones it already controlled, the PRC finally reacted in 1987 not only diplomatically as in the earlier years, but with action on the ground. It first sent navy patrols as far south as the Malaysian claimed James Shoal off Sarawak. This was followed by the occupation of a number of reefs on the Spratly Islands in 1988, in the course of which a military skirmish with Vietnamese forces ensued.

Even though all elevations occupied by China lay within the Philippine claimed region of the Spratlys (Kalayaan), the Philippines hardly reacted at all. In the same year, Philippine President Corazon Aquino visited Beijing. From there she brought with her the commitment that Filipino troops would not be attacked and the sovereignty question should for the time being shelved (Xinhua, 16.4.1988).

Yet, while the Philippines did not join the Western chorus of damnation after the Tiananmen massacre they neither tried to deepen the bilateral relationship. Political elites were largely preoccupied with managing the fall-out of the popular anti-American movement that aimed at ridding the Philippines from American influence after the ouster of Marcos. With the new President Ramos (1992-1998) the foreign policy line shifted back in the direction of the American ally. Ramos not only authorized marine surveys of the disputed regions in 1993, but also proposed to internationalize the conflict by invoking ASEAN and the UN 1994, thereby directly challenging longstanding Chinese preferences for a non-public bilateral management of disputes and a postponement of conflict-resolution to an indeterminate future. Further, Ramos in 1993 openly stated that "the time for authoritarianism has passed - in our country and in the world," firmly anchored the Philippines in the democratic camp as an ally of the United States, "the undisputed leader of the Free World," and also explicitly welcomed "America's determination to oppose any resort to the use of force in the Kalayaan or Spratly area" (Ramos 1993a; Ramos 1993b; The American Presidency Project 1993).

While it is impossible to prove a direct causal relationship between Ramos challenge to the self-role conception and basic understandings on the appropriate framework for and behavior within the bilateral relationship advanced by China, it is important to note that as in the late 1980s, China's occupation of Mischief Reef in 1995 followed these Philippine activities that signaled a distancing from the appropriate framework assumed by China. Further, China chose to challenge the Philippines and not Malaysia – which would have necessitated the occupation of one of the then still unoccupied atolls in the north of the Malaysian claim.

The Philippine establishment reacted first, by utilizing the Chinese move as a core argument in their quest to bring the United States military back into the country, that they had left only a few years ago in the wake of the 1991 senate decision to end the US military presence. The Chinese threat provided the perfect argument for re-negotiating with the US their return to the Philippines, which eventually led to the 1999 Visiting Forces Agreement, a development that would almost certainly have been impossible without the high-profile media-reporting on Chinese aggression in the South China Sea. From early 1995 onwards, the Chinese occupation of Mischief Reef and all further Chinese activities were utilized to internationalize the dispute and portray the Philippines as a “David in front of a Goliath. Only this David doesn’t even have a slingshot” (National Security Advisor Jose Almonte quoted in Kreuzer 2016: 260). Again, the Philippines directly challenged China by not only lauding democracy and freedom, but by inviting the United States to bring these values to the East Asia:

“I ask you not to underestimate the power of America’s democratic ideals to help shape East Asian political systems. [...] America’s military hegemony in the post-cold war period gives it the historic opportunity to bring political morality to international relationships—to shape a moral world order. [...] Authoritarian regimes may seek their legitimacy by sponsoring capitalist growth. But economic development cannot—forever—substitute for democracy. And it is to the idea of America that East Asia looks—in its groping for freedom” (Ramos 1995).

Small wonder that China continued its strategy of selective provocation for the years to come, inadvertently supplying the threat that was needed to overcome the Philippine domestic resistance against the signature and ratification of a new Visiting Forces Agreement with the United States in 1998 and 1999 respectively. If China resorted to harmonious disciplining, this clearly did not work out, as the weaker power did not chose to signal deference but instead opted for open challenge and the utmost level of visible disharmony by invoking its relationship with the global hegemon and explicitly subscribing to the latter’s world-order conceptions.

2.2 The PRC: from hostile “goliath” to partner in development

With Gloria Macapagal-Arroyo Philippine perception of and politics towards China changed drastically. After 9/11, the new Philippine government under Macapagal-Arroyo turned towards a strategy aimed at getting foreign policy leverage and maximizing Philippine options by balancing the two contending great powers, China and the United States.

On the one hand, the Philippines under Arroyo posed as one of the most ardent supporters of the US war against terror, and thereby were able to maximize US support for counterinsurgency against domestic Muslim and Communist rebels. On the other hand, the Arroyo government mended fences with China, not only by toning down rhetoric but also by allowing the state owned Philippine National Oil Corporation to sign a bilateral agreement with its Chinese counterpart on joint exploration in the South China Sea in 2004, to which

Vietnam acceded in 2005. Thereby the Philippines took up the longstanding Chinese offer to jointly develop these resources while shelving the question of sovereignty, and also signaled accord with the Chinese preference for dealing with the matter on a bilateral basis. Further, Chinese companies were set to implement several crucial infrastructure projects in the Philippines, for which China provided huge loans on highly preferential terms. Sino-Philippine trade sky-rocketed, with the Philippines enjoying its first ever enduring trade surplus.



In fundamental contrast to all preceding Philippine Presidents, who visited China only once during their term of office, Macapagal-Arroyo was a regular visitor to Beijing and also managed to draw a number of high-ranking Chinese visitors to the Philippines, amongst them the former Premier Li Peng in 2002, President Hu Jintao in 2005, Premier Wen Jiabao in 2007 and Foreign Minister Yang Jiechi in 2009. In her speeches she was willing to follow Chinese imaginations, when she for example spoke of

“the beginning of the golden age of friendship between the Philippines and the People’s Republic of China. [...]During this [sic] decades of China’s phenomenal rise there was a great debate, ‘Is China’s rise a threat or an opportunity to the rest of the world in countries like the Philippines?’ In our administration, we have made the choice very clearly. We have embraced the opportunity to become China’s strong partner. [...]Aside from being a vigorous and generous trading partner, China is an investor in our industries, in our mines, in our oil exploration. China is a partner in development assistance, China is a source of technology in rice and corn, and China is a fellow crusader in the war on drugs and other transnational crimes. Thank you, People’s Republic of China for all these manifestations of partnership. [...]And by the way, thank you People’s Republic of China for bringing the biggest single investment in mining, one billion dollars in Philnico in Surigao” (Macapagal-Arroyo 2005)

A number of symbolic supports of Chinese world order conceptions were laid down in the Joint Statement on account of the 30th anniversary of diplomatic relations, where the both sides posited amongst other that

“the international community should respect the diversity of the world, promote fairness and balance in international relations and bring into full play the leading role of the UN in major international affairs. The two sides expressed their support for necessary and rational reform aimed at enhancing the role of the UN.” (Joint Statement 28.4.2005)

Also in practical terms there was significant optimism, when for example Arroyo- and Hu Jintao discussed joint mineral exploration in the South China Sea (Philippine Star 10.9.2007), while other high ranking Philippine politicians publicly ventilated the idea a joint fisheries corridor and “the establishment of a tri-nation fisheries port, fish-processing, cold storage and cannery complex in Palawan and on the Chinese and Vietnamese coasts” (Philippine Star 11.8.2007).

These developments came to an abrupt end, when the Philippine government was faced with broad-based attacks from members of Congress and the Senate, as well as from the media for selling out Philippine sovereignty to China and agreeing to the contracts in exchange for huge sums of corrupt money. Fighting for its survival, the Arroyo government aborted most of the projects with and distanced itself from China in 2008. From then on bilateral relations were left in limbo with the Philippines turning to a more assertive stance, when for example the Chief of Staff of the Philippine Armed Forces, visited the disputed Spratly Islands, the Philippines subsequently announced that it would improve the runway on the Philippine-occupied Thitu (Pag-asa) Island, and President Arroyo signed into law the Philippine Baseline Bill in 2009 (Republic Act 9522) that not only included the Kalayaan Islands but also Scarborough Shoal.

2.3 The PRC: from partner in development to rogue state

The uneasy relationship turned to the worse after Benigno Aquino was elected President of the Philippines in 2010. In this year already, Aquino declared the Philippines “once again [...] to be the citadel for human rights, democracy, and good governance in our own region” (Aquino 2010). In 2010 the Arroyo government had already awarded new licenses for exploration in disputed waters around Reed Bank despite serious Chinese protest. When exploration commenced in 2011, Chinese ships forced the exploration ship to withdraw. Yet, the Philippines provided armed security by coastguard ships and airplanes.² Shortly afterwards, Philippine parliamentarians visited one of the disputed islands. Finally, in the same year 2011 a Philippine warship rammed a Chinese fishing vessel shortly after a Chinese ship had fired warning shots at a Philippine fishing boat. In early 2012 the Philippines issued

² Here the difference between Chinese behavior in its conflict with the Philippines and Malaysia should be noted. Whereas China actively tries to thwart any efforts of the Philippines (and Vietnam) to explore for natural subsea resources in disputed territories, it does not even protest Malaysian exploitation much less exploration. Actually, the PRC is one of the major buyers of Malaysian LNG, which is exclusively pumped from offshore fields situated in disputed territories off the coast of Sarawak. Malaysian LNG-production in areas disputed with China dates back several decades, yet, up to now, there has never been any Chinese protest. Neither have there been any activities that target Malaysian oil exploration or production of the coast of Sabah. Whereas it may be argued that it is not yet possible for the Chinese PLAN, Coast Guard or fishery boats to successfully challenge the Malaysian efforts due to long distance, this should not inhibit China from voicing strong opposition. Buying LNG pumped from disputed areas could actually be perceived as amounting to acquiescence to Malaysian sovereignty claims over these territories – which in effect would nullify the Chinese claims under customary international law.

new invitations for investments in oil and gas fields in disputed territories.³ Shortly afterwards, Chinese Maritime Security vessels confronted a Philippine Navy vessel that had tried to apprehend Chinese fishermen in the Scarborough Shoal area. The situation escalated as the two contending forces opposed each other for several weeks. Even though both sides initially withdrew their vessels from the area, the Chinese returned, and have since then blocked Philippine fishermen's entrance to the shoal. The Philippines widened the conflict arena by invoking the Permanent Court of Arbitration in early 2013 against the explicit will of the PRC. The following years saw a further rise of Chinese assertiveness: 2014 Chinese ships temporarily blocked the resupply of a Philippine ship that had been deliberately run aground on Second Thomas Shoal in 1999 in order to establish a permanent presence there. Since late 2014 the PRC is building and arming artificial islands, a number of them complete with dual-use airports.

With respect to Philippine conflict behavior several aspects stand out: First, despite its inferiority, the Philippines did not hesitate to turn to unilateral action that could be expected to be viewed as provocative by China, as for example renaming the disputed territories in the South China Sea as "West Philippine Sea" in 2011 and using Claro M. Recto, a Filipino nationalist as name-giver to the commonly known "Reed Bank". Further, the 2011 Philippine decision to explore in disputed territories was directly challenging China, as it came only days after China and the 10-member Association of Southeast Asian Nations agreed on the "Guidelines on the Implementation of the Declaration on the Conduct of Parties in the South China Sea" (VietNamNet 26.7.2011; for the text of the Guidelines see: BienDong.Net 27.7.2012).

Second, in dealing with the ensuing escalation, the Philippines went public from the beginning. Thirdly, they opted for a policy of comprehensive internationalization⁴ that targeted not only the ASEAN and the US, but also other states in the region (Japan, Australia) and beyond, as well as the international media. In 2012, the Philippines publicly and "most cordially" invited "China to join us in the ITLOS." Publicly proposing dispute settlement through the International Tribunal on the Law of the Sea was an obvious propaganda effort, as well as an accompanying rhetoric that claimed that "the Philippines has taken the lead and put on the table concrete and actionable proposals, and we are encouraging others to join us" (Del Rosario 2012). From the Chinese position, the Philippines "served as a daring vanguard on internationalization of the South Sea issue" (Renmin Ribao 17.7.2013).

Fourth, the Philippines successfully propagated their narrative of the conflict that presented the case as an outright conflict between forces of good and evil, while utilizing the discourse in the domestic sphere to push national pride, as for example in 2012 the President proclaimed that the tough stance allowed the Filipino "to stand with his head held high and bask in the admiration of the world." (Aquino 2012) One year earlier already, Senator

³ Taiwan had already protested in advance against Philippine oil and gas exploration (Inquirer 13.3.2011).

⁴ In May 2011 already; i.e. before the Scarborough Shoal escalation, the Philippines declared that it "advocates a multilateral approach to settling the disputes in the region [...].To this end, the Aquino administration has repeatedly, and consistently, urged a resolution of the various disputes along multilateral lines" (Government of the Philippines 23.5.2011).

Pangilinan made clear that “The Philippines has a long history of freedom and popular uprisings against tyranny and the arrogance of power. We will never allow any superpower to bully us into submission” (quoted in: Philippine Star 11.6.2011). The small Philippines was presented as fighting for a common good and in need of international support. The situation was likened to the situation at the eve of the annexation of the Sudetenland by Germany in 1938, with China being likened to Nazi-Germany. The Philippine perseverance in turn was described as being “of the utmost importance to the Philippines, to the region, and to the world” (Del Rosario 2015).

To China, the new line of the Aquino government clearly amounted to a severe humiliation, as the Philippines no longer bothered to mask disharmony and instead turned to depicting China as an uncivilized Goliath and a regional bully. Chinese hardliners signaled the respective new framework of a just, but insulted and humiliated China already in 2011, as Liu Rui:

“Vietnam’s insults in the South China Sea remained unpunished today. It encouraged nearby countries to try their hands in the ‘disputed’ areas and attracted the attention of the US [...].China, concentrating on interior development and harmony, has been ultimately merciful in preventing such issue turning into a global affair so that regional peace and prosperity can be secured. [...]The tension of war is escalating second by second but the initiative is not in our hand. China should take part in the exploitation of oil and gas in South China Sea. For those who infringe upon our sovereignty to steal the oil, we need to warn them politely, and then take action if they don’t respond. [...]But out there could just be an ideal place to punish them. Such punishment should be restricted only to the Philippines and Vietnam, who have been acting extremely aggressive these days. [...]The Philippines, pretending to be weak and innocent, declared that mosquitoes are not wary of the power of the Chinese elephant. The elephant should stay restrained if mosquitoes behave themselves well. But it seems like we have a completely different story now given the mosquitoes even invited an eagle to come to their ambitious party. [...] However, being rational and restrained will always be our guidance on this matter. We should make good preparations for a small-scale battle while giving the other side the option of war or peace.” (Global Times 29.9.2011)

The extent of China’s perceived humiliation at the hands of the Philippines can also be gauged by the protocol of bilateral summitry. While President Aquino was welcomed to Beijing on a four-day state visit in 2011 despite the emerging dissonances in the bilateral relationship, he did not manage to meet Chinese President Hu Jintao at the sidelines of the 2012 APEC Summit. The clearest signal came in 2013, when Aquino was explicitly disinvited by the Chinese hosts only hours after he had announced his intention to attend the 2013 China-Asean Expo in Nanning. China also ignored the 40th anniversary of bilateral relations in 2015. While Chinese foreign minister Wang Yi agreed to a working visit in the Philippines in late 2015, his Philippine counterpart made his first and only visit to China in 2011. From the Chinese perspective then, Chinese acts of assertiveness, were reactive and aimed at disciplining the recalcitrant Philippines, so that it desisted from publicly humiliating China. As during the Ramos era, this signaling failed miserably.

2.4 The PRC: back to partner in development under Duterte?

From confrontation to cooperation: befriending China ...

The new President of the Philippines, Rodrigo Duterte, who took office on June 30, 2016, inherited not only the worst relations between the Philippines and China for decades, but also an explosive occasion that was to take place only a few days after his inauguration: the proclamation of the award in the case against China filed by the Philippines at the Permanent Court of Arbitration.

Only one week after his election victory, Duterte met the Chinese ambassador to China in Mid-May 2016, with Duterte voicing his intention to probably “talk bilaterally with China” when in office (quoted in *The Standard* 17.5.2016). During the following weeks news came in that China had “stopped harassing Filipino fishermen in Scarborough,” (GMA News Online 21.5.2016) members of the incoming Duterte administration refocused attention towards a return to bilateral talks with China (GMA News Online 30.5.2016), and Duterte described Xi Jinping as “a great President” (Manila Times 2.6.2016). Also, members of the Philippine foreign affairs establishment, who had been sidelined during the preceding years voiced their support for a policy-change, as for example Rosario Manalo and Lauro Baja. The rationale for the new line of engaging China was presented amongst others by Philippine Foreign Minister Perfecto Yasay a few days before the early surprise meeting between Duterte and Xi Jinping in October 2016. Whereas the Aquino administration chose to go against the Chinese “goliath” by utilizing the “slingshot” of international law, denouncing China before the global public, the new administration assumed this to be ill advised. In their view, this strategy may actually have caused the Chinese decision to drastically change course and develop massive artificial islands out of pre-existing tiny elevations:

“What our people should realize and understand is that the provoking and inflexible tack taken by the previous administration in resolving the dispute have led to the completion by China of facilities that are inherently designed for military purposes in some of the rock features within our EEZ, while we stand completely helpless with our ally and traditional partners.” (Yasay 15.10.2016).

Even though the overall Philippine position has not changed, the new administration claimed to have

“learned from our mistakes in the past and it is for this reason that we agreed with China to place our dispute over the to the WPS in the back burner until such time we would be able to find a mutually acceptable solution in resolving our conflicting claims without resorting to hostilities. Meanwhile we are pursuing other initiatives to advance and strengthen the much bigger picture of our relationship in the area of trade, investment, infrastructure development, people to people contract, cultural exchanges and even joint cooperation in areas mutually beneficial as part of confidence building measures towards ultimately resolving our dispute peacefully” (Yasay 18.12.2016).

To the new administration, Philippine “military reliance and dependence on America” “promoted [Chinese; P.K.] distrust and suspicion [...] In turn this has impelled China to dig in

and take on a hard-line position on its territorial claims” (Yasay 30.10.2016). As a logical consequence, the new administration shifted with respect to its support of US-interests that did not necessarily coincide with the Philippines interests, as “freedom of navigation.” While the US were deemed free to pursue “its paramount national interest” they “should not egg us in doing likewise. We have our own national interest to protect that may not jibe with America” (Yasay 18.12.2016).

The Duterte-administration even went further by signaling that it conceived of the previous relationship to the United States in (neo-)colonial terms (Yasay 25.10.2016). The newly proclaimed “independent foreign policy” was described as an overdue reaction to the “nation’s past subservience to the United States’ interests. [...] The ‘carrot and stick’ policy of the U.S. towards the Philippines has been effectively used all through the long years since our independence to force Filipinos into submission to American demands and interests” (Yasay 5.10.2016). In many respects the new Philippine rhetoric echoes Chinese criticism of the international order, as for example when arguing that “no nation is fit to sit in judgment upon any other nation. No country is better than or above another. [...]we see the need to free ourselves from double standards, which only leave the weak at the mercy of the strong” (Yasay 25.10.2016). Finally, the “David-vs.-Goliath” trope was reframed. Firstly, China’s status as a “blustering goliath” was relativized by pointing out that the Philippines are “faced with many Goliaths at home and abroad” and by secondly emphasizing that the Philippines “will not be judged on the basis of the double standards and hypocrisies imposed by foreign influences in order to promote their own selfish interests,” which ought much more to be read as a critique of the United States and other Western states than targeting China (Yasay 1.1.2017).

Even before Duterte’s inauguration, Chinese media made clear that China would positively respond, with one commentator actually predicting future developments, when in mid-June 2016 he commented:

“The result of the international arbitration filed by the Aquino administration is very likely to favor the Philippines, giving Duterte leverage in bargaining with China. Manila and Beijing might reach a reconciliation: The Philippines will be asked to employ a low-key approach to the result of the arbitration and turn to bilateral negotiation with China; in exchange, China will incorporate the Philippines into its “Belt and Road” initiative, expand investment in the Philippines and seek larger cooperation in infrastructure”(Global Tiems 14.6.2016).

With Duterte hardly in office, he again met with the Chinese Ambassador to the Philippines shortly before the Arbitral ruling. When the ruling finally came out on July 13, the Philippine policy line had already be established: welcoming the positive result, but downplaying it, while getting into contact with China – initially by appointing former President Fidel Ramos as special envoy to lay the groundwork for a policy change. In a parallel move, the new President distanced the Philippines from its mentor and guardian, the United States,⁵ as he

⁵ Duterte in his typical insulting way, told the United States President to “go to hell” and that he eventually “will break up with America. I’d rather go to China and Russia” because neither of the latter two forces the

turned to declaring a new, independent foreign policy, with the paramount considerations of “national sovereignty, territorial integrity, national interest and right to self-determination.” Duterte committed the Philippines to “the time honored principles of sovereign equality, non-interference and commitment to the peaceful settlement of disputes to best serve our people and protect the interests of our country” (Duterte quoted in *Inquirer.net* 10.9.2016). Thereby he took up a large number of terms that are either part of the Chinese framework for bilateral relations and world order conceptions, or sufficiently close to allow for being understood as a Philippine recognition, allowing for the establishment of a normatively based “we-group.”⁶

Duterte’s language of gratitude and the framing of a new clientelistic relationship with China

Philippine reframing of bilateral relationship under Duterte went far beyond the issue of how to tackle the territorial and maritime conflict. While it is true that the Philippines adopted a position on conflict management that closely fit Chinese ideas and expectations and further also reframed the wider framework linking the Philippines to the regional and global great powers (from the US, over Japan and Russia to China), Duterte actually went further, by twisting the long established “David and Goliath” image of the Philippine-Chinese relations along clientelistic lines, that imagine powerful China as the patron of the weak Philippine client. Duterte clearly acknowledges Chinese economic support as some form of gift, for which the Philippines owes China a debt of gratitude, that firstly is expressed directly in emotive language and secondly in a certain loyalty that is signaled by acceptance of core aspects of China’s self role and world order concepts.

The language of gratitude is clearly overwhelming and wide outside of the language expected from government representatives. In August 2016 Duterte for example evaded the language of rights, when asking for options for Chinese fishermen to fish in the region around Scarborough Shoal currently controlled by China. First defining the Sino-Philippine relationship as one between “brothers, not enemies” Duterte continued to ask China to “understand especially the plight of fishermen. They are there because they are poor” (Duterte quoted in *Manila Bulletin* 30.8.2016: 4). Shortly afterwards he not only declared that he feels “China deserves the kind of respect that China now enjoys”, but also that in contrast to other countries

“China never criticizes. They help us quietly. and I said that's why it's part of the sincerity of the people. [...]If we can have the things you have given to other countries

Philippines to “agree with their ideology, they have respect for the people” (Duterte quoted in *Rappler* 10.10.2016. For a well-measured analysis of Duterte’s policy shift in the context of modern Philippine history see Romero 12.11.2016.

⁶ Former Ambassador Jose Romero provided the more opportunistic rationale of the policy shift. Given the US-hesitancy about TPP, he argued, it was all the more important for the Philippines “to jump on the ‘obor’ bandwagon” to not “become the wallflower in the region” (Romero 24.9.2016)

by the way of assistance, we'd also like to be a part of it and to be a part of the greater plans of China about the whole of Asia, particularly Southeast Asia. [...]My grandfather is Chinese ... It's only China (that) can help us" (Xinhua 17.10.2016)

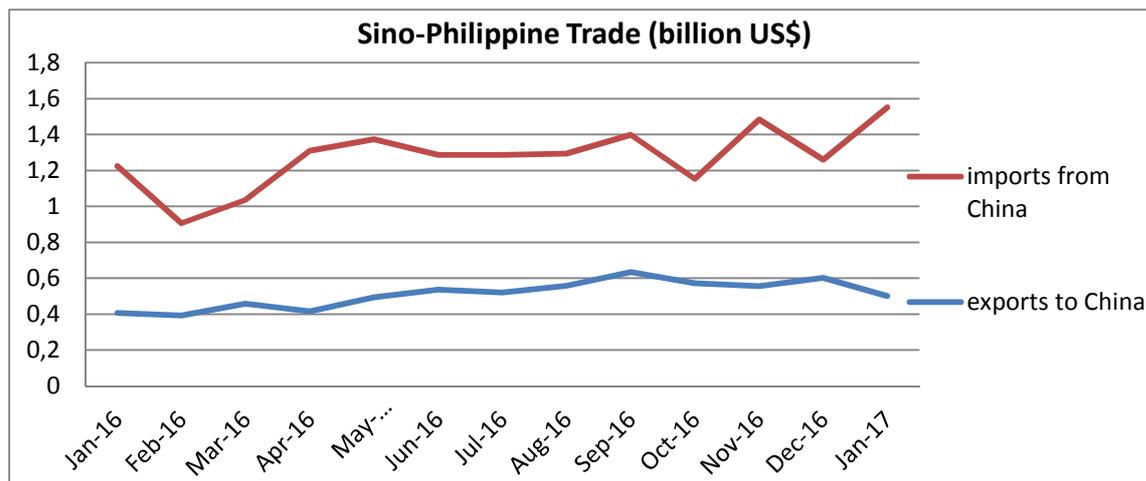
In March 2017 it became known that Chinese imports of tropical fruit from the Philippines as well as the number of tourist groups from China to the Philippines had risen significantly since the new Philippine President had taken over. Chinese Vice-Minister Wang Yang pointed out on a visit to the Philippines that "Institutional cooperation has been completely restored. Cooperation in major sectors has witnessed quick development. There is a boom of Chinese companies investing in the Philippines and there is a rapid increase of Chinese visitors" (CCTV.com 18.3.2017). With the Joint Commission on Economic and Trade Cooperation reconvening after five years, Philippine Trade Secretary Ramon Lopez pointed to priority contracts worth more than 3 billion US\$ noticing that cooperation was based on "mutual values" (quoted in Philippine Star 8.3.2017).

Philippine President Duterte declared amongst other: "I thank China profusely, and they have really lightened up the economic life of our country [...] . You can really feel the sincerity of the Chinese [...]. So let me publicly again thank President Xi Jinping and the Chinese people for loving us and giving us enough leeway to survive the rigors of economic life in this planet" (Global Times 9.3.2017). Such displays of Philippine reverence for China that fit well into the national self-image of a benign, generous great power that actively supports its weaker neighbors and looks for win-win solutions have been given much prominence not only in English, but also in Chinese language Chinese media. Yet, they are only spuriously supported by actual data beyond Chinese promises. With respect to the much touted surge in Banana exports, official data do not support the hype. While the value of exports clearly rose since Duterte taking office, it is still far below the value of earlier years. Further, China also seems to pay significantly lower prices for Philippine bananas than normal in the world market (Financial Times 14.3.2017). Likewise, overall trade-statistics do not bear out the positive evaluation that seem to signal a fundamental turn-around and especially a heightened Chinese willingness to buy Philippine goods.

Philippine Banana Exports to China (US\$)

	1st quarter	2nd quarter	3rd quarter	4th quarter
2016	39834644	28914083	39086165	36935509
2015	53499120	51172648	31937217	21015163

Source: <http://www.tradelinephilippines.dti.gov.ph/web/tradeline-portal/volume-market-and-product-code->



Source: <http://psa.gov.ph/business/foreign-trade/external-trade-performance>

Currently it seems important for both sides to portray the turn-around in relations as a success-story. Chinese officials make especially clear that they highly value the initial step of the Philippines, explicitly noticing that it was the Philippines that “has extended the hand of goodwill, so China of course will embrace it with open arms of cooperation” as Foreign Minister Wang Yi is paraphrased (Global Times 8.3.2017).

This new Chinese appreciation of the Philippines is not only expressed in the multitude of Chinese promises for financial support mentioned above, but also through the flurry of high level visits by Chinese politicians to the Philippines. Whereas the Aquino presidency has been characterized by an almost complete absence of bilateral visits after the beginning of the bilateral escalation in late 2011 and early 2012, since mid 2016 there is a complete turnaround. Most prominent certainly was the four day visit of Duterte to China, which was successfully arranged on short notice and during which Duterte had the opportunity to talk with virtually all of China’s top leaders. Yet, a host of other Philippine politicians followed suit. Likewise Chinese politicians went to the Philippines on almost a weekly basis. In the second half of March 2017 for example Chinese Vice Minister of Commerce Fu Ziyang and Vice Premier Wang Yang visited the Philippines on a four-day visit during which they signed a 6-year trade and economic development plan. Only a few days earlier Chinese Minister of Commerce Zhong Shan had been there for a three day visit to sign various purchase agreements supposedly worth 1.7 billion US\$. In mid February various members of the International Department of the CCP Central Committee headed by Minister Song Tao were received by the Philippine President (Update.Ph 21.2.2017) and in late January Chinese Minister of Commerce Gao Hucheng took the opportunity of a Philippine delegation’s visit to Beijing to announce the cooperation on 30 projects supposedly worth 3.7 billion US\$ (CNBC 23.1.2017). This in turn was only a few days after Rodrigo Duterte had discussions with visiting Chinese Vice Foreign Minister Liu Zhenmin in mid January 2017 (Philippine Star 32.1.2017). On a lower level, Chinese officials from the National Development and Reform Commission discussed enhanced cooperation with the Philippine National Economic and Development Authority in November 2016 following Duterte’s visit to China (Philippine Information Agency 22.11.2016). This official flurry of visits was underlined by second-track

goodwill missions as the visit of a Tsinghua delegation to the University of the Philippines in November 2016 (University of the Philippines 25.11.2016). Currently Duterte seems well on his way to bring Sino-Philippine relations back to their “golden era” under Gloria Macapagal-Arroyo, who not only was a regular visitor in China with 10 visits, three of which were official state visits and supposedly 65 bilateral agreements signed in only 7 years from 2001 to 2008. The local Chinese embassy and consulates also took part in the various outreach activities – for example by visiting various regions of the Philippines (Philippine Information Agency 11.4.2017) or, on a more prominent scale by promising to open a new Chinese consulate in Davao City, the President’s hometown.

China's new options: from being depicted as assertive goliath to becoming benevolent patron

To Chinese politics in the South China Sea, Duterte’s turn-around came as a blessing, as it allowed them to shift after several years of confrontation to a new framework that firstly allowed China to exit the cycle of consecutive acts of assertiveness that increasingly compromised the overall aim of maintaining regional stability and establishing China as a benevolent regional power. It secondly enabled China to switch to the role of a partner in Philippine development. Further, China regained some leverage also in the regional arena, as the restrained reaction of the Philippines resulted in a renewed chance to discuss options for enhanced conflict management also in the regional arena of ASEAN. Small wonder then that Chinese media signaled Chinese gratitude for Duterte’s extension of

“the olive branch to China soon after taking office, making China the first country outside ASEAN for an official visit and speaking publicly in favor of Beijing. Now it's China's turn to receive his olive branch. [...]We call on China to grasp this major strategic opportunity brought by the Duterte administration. At the moment, China can make more efforts to facilitate the turnaround of the bilateral relationship. Beijing-Manila ties suffered an overall retreat during Aquino's rule. [...] Changes are now happening. The Philippine media has focused on the issue of fisheries around Huangyan Island. Duterte, under great domestic pressure, is strongly expected by Philippine media to bring a breakthrough on the issue. Sovereignty is non-negotiable, but China can adopt a flexible policy on the Philippines' fishing rights. Filipino fishermen fish on a shoestring and are unlikely to jeopardize the ecosystem of China's waters. A flexible fishing policy will bring the Sino-Philippine relationship to a new stage. As a major power, China should express its goodwill to Filipino fishermen and their president at this time. [...] it is necessary for Beijing to reciprocate Manila for its clear stance of not willing to serve the US' China strategy.” (Global Times 18.10.2016).

This media-appeal in effect anticipated what happened during the next days of Duterte’s China visit and during the next months: a fundamental reappraisal of bilateral relations, expressed not only in a dense schedule of mutual visits of high ranking members of government and parliament, but also in the form of high profile infrastructure projects in various regions of the Philippines, undertaken and financed (at least through concessionary loans) by China. Further as evidenced by the Joint communique on account of Duterte’s China Visit, all lines of bilateral communication, stalled under President Aquino, were to be

reactivated, cooperation between the respective Coast Guards “to address maritime emergency incidents, as well as humanitarian and environmental concerns in the South China Sea” was to be inaugurated. Both sides also arranged for addressing the disputes in the SCS not only by peaceful means only, but “through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the Charter of the United Nations and the 1982 UNCLOS” (Joint Statement 21.10.2016: par. 40). China also clearly softened its stance in the South China Sea, by reducing its guard over Scarborough shoal, allowing Filipino fishermen to fish again around and since early April 2017 seemingly also within the shoal that is nevertheless still guarded by Chinese Coast Guard cutters.

Beyond the bilateral arena, the policy shift in the Philippines allowed for enhanced negotiations on the long-overdue code of conduct for the South China Sea on which China had been foot-dragging for a long-time. Now, with the Philippines as ASEAN-chair, those negotiations on a COC seem to have gathered pace with Chinese Foreign Minister Wang Yi announcing that a first draft had been finalized by early March 2017 (Heydarian 2017).

This new policy line was duly mirrored in Chinese media reporting on the new Duterte administration and their policies. Fairly marginal, but symbolically not to be neglected was the choice of Rodrigo Duterte as “Person of the Year” by the Hongkong based weekly *Yazhou Zhoukan* (亚洲周刊; Asia Weekly) on account of his new policy towards China, a news item that got reported in basically all Philippine news-media in early January 2017.

The positive reorientation of the Philippines towards China significantly enhanced not only the diplomatic leeway of the Philippines but also their options for signaling assertiveness with respect to issues in the South China Sea. China, eager to profit from the new dynamics, for example tends to describe opportunistic Philippine moves towards Japan or the United States as necessary adaptation of a weak country to a threatening environment. Likewise it turns a blind eye to acts of Philippine assertiveness that would have elicited determined answers only a year ago.

Clearly, while the Philippine President discontinued his predecessor’s policy of external balancing via the traditional guardian, the United States, he did not turn to bandwagoning with China. Instead, he seems to want to balance and hedge between four major powers – from the US and Japan to China and Russia.

The United States (and by extension Japan) are repeatedly utilized by Chinese media to explain all moves of the Philippine President that may run counter to the idealized image generally presented the reader. When Duterte for example visited Japan the *Global Times* was quick to argue that “Tokyo can’t sway Duterte’s independent diplomacy.” Any potential Philippine moves that might reflect critically on the new-found Sino-Philippine friendship were explained by the Philippines dependence on the United States and, to a lesser extent on Japan. So it is

“impossible for Duterte to completely sever ties with the US. [...] During his stay in Tokyo, Duterte might say something pleasant to his host. But even so, it will be

impossible for the Philippines to return to the Aquino era in which it closely allied with the US in confronting China.” (Global Times 25.10.2016).

To the Global Times then, there also was no Philippine-Japanese consensus on the Arbitration-ruling: “The truth is Abe kept on talking about the arbitration and Duterte made a few responses in order not to make the situation awkward.” It is the big power Japan, that has questionable aims as “Abe hopes that Manila can continue to be a pawn of the US and Japan in the South China Sea,” yet, as Chinese media reports, the new Philippines want “independent diplomatic policies” and “to pursue the Philippines’ own national interest” that clearly divert from those of its mentors (Global Times 27.10.2016; see also: Wang 2016).

Chinese tolerance for Philippine assertiveness on the ground

Philippine deference to the Chinese expectations for appropriate conflict-management and the respective reframing of the bilateral relationship has also allowed the Philippines to display selected signals of assertiveness without arousing strong Chinese reaction. Whereas in the past any Philippine signs of assertiveness were met with stern Chinese protest and reprisals, under Duterte this is no longer the case. Instead the Chinese side is actively trying to downplay the assertive character of the various Philippine acts on the ground.

In the Kalayaan or Scarborough areas in the South China Sea or with respect to Benham rise in the Philippine Sea approx. 250 km east of the Philippines, the Duterte administration acted at least as assertive as its predecessor. Yet, these symbolic and real acts of assertiveness were coded differently by the Chinese side and elicited only a modest response.

When for example Rodrigo Duterte in early April 2017 ordered Philippine troops to “occupy” and fortify those islands in the Spratlys held by the Philippines, the Chinese reaction was extremely restrained. The initial reaction by the staunchly nationalistic Global Times made use of an expert to frame Duterte’s decision as 1. excusable and 2. legitimate and non-provocative (Global Times 7.4.2017). The title already sets the tone, as Duterte supposedly made this decision “under pressure from pro-US forces.” Thereby the act was framed as not directed against China and its claims, but as necessitated by the dynamics of the Philippine-US relationship – an act of balancing within a continuing overall foreign policy shift away from dependency on the US and towards realignment and engagement with China. Further, the Chinese expert is utilized to signal Chinese consent with Duterte’s announcement and any eventual action, as Duterte referred to islands “already under the control of the Philippines. It’s natural if the Philippines deploys troops on these islands” (Zhuang Guotu quoted in Global Times 7.4.2017).⁷

⁷ A much more extended discussion was presented in the Chinese language People’s Daily (Renminwang 人民网 7.4.2017). In this extended article, a number of arguments are discussed that point to a change of direction of Duterte’s policy. Yet all of them are dismissed, with the article coming to the conclusion that in effect, Duterte only aimed at improving the living conditions of the garrison life on the islands, which should not affect

Already a few weeks earlier, there had been reports that the Philippines were about to strengthen their military facilities in the South China Sea. Philippine Defense Minister Lorenzana reported that the Philippines planned to “build a runway and a port, a pier, for our ships” and that President Duterte had already given his approval “to upgrade facilities not only on Thitu but on eight other features in the South China Sea” (Reuters 17.3.2017). This followed earlier announcements in November 2016 that the government had already allocated 450 million Pesos for a new port on Thitu (phil: Pag-Asa) Island (The Standard 19.11.2016). Yet at no point in time did the Chinese politics or media react, a significant departure from earlier phases, that may also be illustrated by a comparison with the current Chinese behavior towards other countries that did not show a comparable level of recognition of Chinese overall conceptions of self and desirable order, as for example Vietnam. In November 2016 Vietnam was reported of extending a runway on one of its Spratly islands. Questioned, the Chinese government spokesperson said:

“With indisputable sovereignty over the Nansha islands and their adjacent waters, China firmly opposes certain country's illegal occupation of and construction of facilities on some of the islands and reefs of China's Nansha islands. We strongly urge relevant country to truly respect China's sovereignty and legitimate rights and interests, immediately stop its illegal occupation and construction, and withdraw their personnel and facilities. We require relevant country to abide by bilateral and regional consensus, avoid taking actions that could complicate the situation, and make due contributions to peace and stability over the South China Sea.” (Foreign Ministry PRC 18.11.2016).

A few days later Rodrigo Duterte wanted to declare Scarborough Shoal a maritime sanctuary off-limits to fishermen. On this the reaction of the Chinese foreign ministry was rather subdued:

China and the Philippines have reached an agreement on coming back to the track of dialogue and consultation for the settlement of the South China Sea issue. The Chinese side has also made proper arrangements for fishing activities by the Philippine fishermen in waters near Huangyan Dao in the interests of bilateral friendship. China's sovereignty and jurisdiction over Huangyan Dao has not and will not change. We hope that China and the Philippines will enhance dialogue and cooperation so as to turn the South China Sea issue into a positive factor for friendship and cooperation (Foreign Ministry PRC 22.11.2016).

Further, as already discussed above, China did not bother to react to any of the Philippine statements of the past few years that addressed the plans to extend the runway, establish a new harbor and extend military installations on disputed islands. The first explicit criticism came only in the wake of a visit of Philippine Defense Secretary Delfin Lorenzana to Philippine occupied Pag-asa Island in late April 2017, when Chinese government spokespersons reminded the Philippines to “cherish the hard-won sound momentum of development the bilateral relations are experiencing”(Foreign Ministry PRC 21.4.2017). Yet

bilateral relations. Further it would be against Philippine interests as many of the negotiated projects had not yet started, so any escalation would be against the national interests of the Philippines.

both English and Chinese-language media attributed the Philippine activities to internal and external pressure on Rodrigo Duterte. The Global Times for example noted:

“The Duterte administration is facing increasing pressure both domestically and externally, but it is not in their best interest to allow frictions on Zhongye Island to affect the bilateral relations. In the future, the Philippines and China ought to work through their differences under the framework of a Code of Conduct on the South China Sea, which is expected to be completed by June this year. What's more, the two countries should strengthen mutual trust and communication, cooling the tensions in the South China Sea.” (Global Times 24.4.2017)

The Global Times even advocated that the Philippines should maintain a balance between the United States and China as this would be “in line with Philippine national interests.” Xinhua described Philippine Defense Minister Lorenzana’s more hawkish attitudes as play-acting aimed at placating the United States, in order to avoid the Philippines getting caught in the dispute between China and the United States (Xinhua 14.3.2017). Noting Philippine plans for Balikatan exercises with the United States, the Global Times argued that this was not in contradiction to Duterte’s new policy, as these exercises were no longer “directed against China” but focussed on “disaster relief and anti-terrorism.” These examples illustrate the strategy employed by Beijing for the moment, which aims at insulating the Philippine President and the enhanced bilateral relations against shocks, even at the cost of tolerating Philippine assertiveness that would have elicited much harsher responses in the past.

While far from official, it is important to note that Chinese commentators at times try to find a joint framework that allows for a greater “we” encompassing Asia – on Chinese terms, albeit masked as a shared Asian identity. In this line, they juxtapose a supposedly Western understanding of international relations characterized by an anarchy of states, confrontation, survival and power with an Asian understanding focusing on cooperation, on paying back with sincerity, and basing relations with other countries on the principle of friendship. Equating China with Asia, the Global Times argues that “The Chinese mind-set is totally different from the Western one [...].The rising Asia needs to see the world with its own eyes.” If one were to believe the author, the Philippine President is in fact a representative of this new understanding and “very insightful in his perceptions of regional security” (Global Times 11.1.2017).

2.5 Preliminary Conclusion: Recognize the hegemon's framework and maximize payoffs or challenge the framework and encounter its wrath

The real world differs from the ideal world of equal sovereign states. It is characterized by asymmetry in economic and military power as well as in rule-setting capability. Invested with low capabilities for internal balancing, the weaker power may “increase its sense of relative status by enhancing its collective identity with other states” (Womack 2003: 97) it may also seek close relationships up to military alliances with stronger powers in order to externally

balance the opponents superior capacities. Yet, such strategies come at some costs, most importantly a deteriorating relationship with the stronger power that may put the inferior one into the “enemy camp” (Yan Xuetong 2014).

While in the final analysis it is impossible to provide a strict causal path for Chinese decisions to enhance assertiveness by occupying new elevations, extending existing installations, confronting foreign fishers or exploration vessels, the timeline presented above shows that Chinese assertiveness followed a parallel trajectory to the Philippine administrations’ willingness to either challenge or subscribe to Chinese conceptions of itself, the preferable regional order and patterns of appropriate conflict-behavior through bilateral channels. Whenever Philippine administrations signaled some distancing from their guardian, the United States, whenever they avoided denying the Chinese face by publicly signaling disharmony, whenever they advocated bilateral venues for conflict-management if not resolution and positively recognized Chinese overall policy prescriptions, China moderated its behavior in the dispute-theater and also provided incentives in the spheres of trade, investment or low-cost financing for development projects. China also tried to signal its appreciation through intensified high-ranking diplomatic contact, which in turn could be utilized by the Philippine governments as symbolic confirmation of international status. Finally, Chinese interest in upholding the imagined “harmonious” relationship allows a Philippine government that signals overall deference to assert itself in the sphere of contestation to an extent that would elicit harsh Chinese responses if originating from a government that does not defer to Chinese overall understandings of the mutual roles and rules of the game.

In the case of the Philippines, a policy that opted for external balancing and outright confrontation of the stronger power elicited reactance by the latter. Reactance, a psychological construct, means “the motivation to regain a freedom after it has been lost or threatened” which in turn “leads people to resist the social influence of others” (Steindl et al 2015: 205). As the magnitude of reactance reflects on “(1) the importance of the threatened behavior; (2) the proportion of freedom threatened or eliminated; and (3) the magnitude of the threat” (Leng 1993: 14), it stands to reason that in the case of China a threat to its “freedom” as norm-maker results in stronger reactance than a threat to specific, if crucial, interests. Whereas the former will be subsumed under the category of a threat to core items of group identity and valued respectively, a specific threat (as in an assertive move of an opponent in the disputed territories) is less threatening, as long as it is not perceived as an expression of a threat to the overall identity and its associated values and norms (de Lemus et al. 2015). Put simply, then Chinese “counter-assertiveness, aimed at regaining a freedom deemed threatened, was strongest, when the Philippines not only asserted themselves on the ground, but embedded these acts into an overarching framework that threatened core aspects of the Chinese national identity conception as well as the accompanying rules for appropriate behavior of the two parties to the bilateral relationship. Further, even without strong Philippine assertion on the ground, China (re-)acted assertively when Philippine administrations explicitly challenged the Chinese overall framework of harmonious relations. In contrast, Philippine leaders could even resort to certain levels of self-assertion in the conflict on sovereignty and sovereign rights without engendering more than token Chinese

resistance, when they simultaneously signaled recognition of the core freedoms claimed by China – i.e. to determine the overall framework of bilateral relations (harmonious, reciprocal and asymmetric). The results of the above analysis, even if only preliminary, “raise troubling questions about the logic of the realist admonition to demonstrate power and its extension into the conflict strategists’ prescriptions for the ‘exploitation of potential force’” (Leng 1993: 15) and closely fit “the psychological perspective’s emphasis on the dangers of coercive bargaining and the benefits of initiating cooperation” (Leng 1993: 194).

3. The Republic of China: The hegemonial 1992 consensus and ROC claims in the South China Sea

As already alluded to in the introduction, the framework governing conflict and cooperation has been more complicated in the case of Taiwan. The Sino-Philippine conflict focuses solely on the competition for maritime territories and sovereign rights, that may be embedded into a much broader overall relationship lacking other contentious issues.

In the Taiwan-PRC relationship, the de jure conflict on maritime territories and sovereign rights that exists between the two Chinas is part and parcel of a much larger competition for 1) being the legitimate government of China 2) defining Taiwan’s status in relation to China. Whereas formally competing for sovereignty and sovereign rights in the South China Sea, the two Chinese governments have actually put forward similar, if not the same claims. They thereby supported each other’s claims informally since the 1950. To both sides, the core question is not, whether the “Chinese” claims are valid, but only which of the two governments does legitimately represent China.

As long as this question has been laid to rest under the formula of the so-called 1992 consensus, both sides can utilize the other’s claims as reflecting the common claims of the one China, an option that has publicly only been taken by the PRC. While Taiwan has hardly ever referred to its claims in terms of the larger we-group (“China,” “Chinese”), it also for most of the time avoided distancing itself from the PRC’s interpretation and thereby passively allowed the PRC to exploit the Taiwanese insistence as an external support of its legal position. Given that Taiwan has not only developed into a “model-democracy” since the 1980s but also into a country that clearly sticks to the rule of law in international relations, the Taiwanese insistence on the lawfulness of its rights signals that the dominant discourse on the issue might be one-sided. Insofar continuity of the Taiwanese arguments for its claims that provided the blueprint for those of the PRC is of crucial importance.

To the PRC then, Taiwan upholding its (rival) claims advanced along lines similar to those of the PRC is not only perceived as a support of overarching “Chinese” claims, but also as a signal for Taiwan adhering to the 1992 consensus, according to which Taiwan belongs to the “one China”. Were Taiwan withdraw its claims or reframe the rationale from a historical argument based on the continuity of “Chinese” claims to claims advanced on account of a “Taiwanese” identity and the logic of effective possession based on customary international

law, the Taiwanese claim would lose its function as additional “bonding” and “bridging” social/political capital within the overall framework of “one China” as expressed in the (rather ambivalent) 1992 consensus. Taiwanese adherence to its claims and its rationale can be interpreted by the PRC as signaling “bonding” social capital, i.e. recognition of core values, norms and understandings of the same overarching “China.” At the same time, it may be utilized as “bridging” social capital by the Taiwanese side, signaling values, norms and understandings that are shared by members of different groups. To both, however, the bonding/bridging function is directly dependent on the status of the 1992 consensus.

While there has never been a real consensus in 1992 in the form of representatives of the two sides signing a document, there have been a number of unilateral pronouncements by more or less official agencies that allowed both sides to refer to a vague framework that could be freely interpreted by both sides according to its preferences.

Similar to Deng Xiaoping’s formula on shelving the crucial conflictual issues on sovereignty and focus on various forms of cooperation for the time being, the 1992 consensus also tried delink options for functional cooperation from the underlying intractable conflict through a superficial compromise that embeds the fundamental point of contention in a framework that allows for shelving its resolution for an indeterminate time and thereby establish an imagined harmonious foundation. Cooperation then becomes possible, but only as long both parties subscribe to the compromise formula through which harmony is invented.

With respect to PRC-ROC relations this is synonymous with the 1992 consensus that implicitly forces the Taiwanese government to uphold its claim as rival Chinese government. In practice this is tantamount to a taboo for the ROC to reinvent itself as limited to Taiwan and to advocate a future independent state.

In this context, the role of the South China Sea claims was rather subordinate to the overarching framework of the 1992 consensus. Yet, the firm position of the Taiwanese governments with respect to the ROC-claims to the South China Sea have at various times provided additional bridges for ameliorating the otherwise strained relations as during the presidencies of Lee Teng-hui and Chen Shui-bian. Similarly, the strong stance of Ma Ying-jeou added an additional positive aspect to an already rather smooth relationship that was based on Ma’s acceptance of the 1992 consensus.

This smoothing force, however, has been rendered void under Tsai-Yingwen, who not only distances herself from the 1992 consensus, but also seems to shift Taiwanese rationale for its claims in the SCS. Whereas sovereignty over Taiping Island is still proclaimed and underscored by various means of assertion on the ground, the legal framework is shifting away from the historical argument and towards the legal argument of “effective occupation.” Thereby not only the extent of the ROC-claims are implicitly reduced dramatically. Even more important is that the logic of “effective occupation” does not necessitates an unbroken continuity of claims that link the present to the Chinese past, but can alternatively also be founded on a sovereign Taiwanese state that took possession of Taiping Island in the 1950s on account of it being “terra nullius.” Whereas the PRC up to now did not react adversely to this subtle shift, it repeatedly tried to emphasize the frame according to which Taiwanese

claims are Chinese claims and Taiwanese rejection of the award of the PCA is actually in defense of overarching Chinese claims.

4.1 Relations up to the election of Ma Ying-jeou: finding an elusive consensus

4.1.1 The paradox of finding a consensus that may then be denied

While the times of mutual shelling and military conflict over several offshore islands controlled by the ROC (Tachen, Kinmen, Matsu islands) had subsided after the Second Taiwan Strait Crisis in 1958, to the ROC, the PRC was still perceived by the Taiwanese authorities as being governed by communist bandits (*gongfei* 共匪). To the ROC-President Chiang Ching-kuo the Communists were purely enemies: "Except for battlefield contact in the shape of a bullet [...] we shall have nothing to do with him [the enemy]" (quoted in Liu 1976). Despite the vast difference in size and power, the rhetoric was heroic: „our enemies, the Chinese Communists, are yet to be destroyed“ (Chiang, Ching-kuo 1978).

The 1980s not only saw initial steps towards the democratization of the ROC, but also a rethinking of bilateral relations. In 1987 martial law was rescinded and a few years later, in 1991 the era of communist rebellion was declared terminated and the respective temporary provisions that had curtailed civil and political freedoms on Taiwan were rescinded. Both sides of the Taiwan Strait were willing to establish resilient institutions for the management of the relations between the two Chinese governments that stuck to their respective narratives and interpretations of modern Chinese history. The ROC's Mainland Affairs Council (MAC) and the "private" Straits Exchange Foundation (SEF) were established in early 1991; the PRC's Taiwan Affairs Office and the Association for Relations Across the Taiwan Straits (ARATS), in 1988 and 1991 respectively to manage a relationship that had been defined by both sides in mutually contradictory terms in the past.

Only one year later the two sides developed an informal consensus on the rhetorical framing of the relationship between the PRC and the ROC. Given the delicate overall relationship, the two sides did not sign a joint statement. Instead each side issued unilateral statements that, taken together, provided a mutually acceptable foundation for regular talks, negotiations and agreements. The initial formulation of the "consensus" is from the Taiwanese MAC:

"Both sides of the Taiwan Strait agree that there is only one China. However, the two sides of the Strait have different opinions as to the meaning of 'one China.' To Peking, 'one China' means the 'People's Republic of China (PRC),' with Taiwan to become a 'Special Administration Region' after unification. Taipei, on the other hand, considers 'one China' to mean the Republic of China (ROC), founded in 1911 and with de jure sovereignty over all of China." (quoted in: Kan 2014: 49).

The PRC's ARATS in turn stated that the Taiwanese SEF "sent a letter, formally notifying that 'each side will make respective statements through verbal announcements.' ARATS fully

respects and accepts SEF's suggestions" and also notes that "both sides of the strait support the one China principle and seek national unification. However, negotiations on routine matters across the strait do not involve the political meaning of 'one China' (quoted in Kan 2014: 51).

The following years were filled with efforts of both parties to assert their interpretation of this vague "compromise." Whereas the ROC focused on the actual exercise of political authority and repeatedly tried to push for a two states formula,⁸ the PRC saw this as a possible first step towards Taiwanese independence and in turn emphasized the indivisibility of sovereignty, also reminding its adversaries that "any sovereign state is entitled to use any means it deems necessary, including military ones, to uphold its sovereignty and territorial integrity" (quoted in Kan 2014: 53). Whereas at present, the question of a 1992 consensus is in doubt, in the late 1990s both sides still based their competing interpretations on such a vague consensus, reproaching the respective other of having abandoned the original ideas. In 1999 the ROC's MAC for example stated:

"Taiwan and the Chinese mainland have always differed in their definition of 'one China.' Thus, in 1992, ... the two sides eventually reached an agreement on 'one China, with each side being entitled to its respective interpretation.'"... However, Beijing has unilaterally abandoned this agreement in recent years" (quoted in Kan 2014: 67).

To the PRC the election of DPP presidential candidate Chen Shui-bian in 2000 came as a shock, given that the DPP's party program explicitly advocated Taiwanese independence (Democratic Progressive Party 1999; see also: Wang 2002). Chen did not explicitly acknowledge the 1992 formula, and spoke instead of jointly dealing "with the question of a future 'one China'" (quoted in Kan 2014: 69). Yet he also stated a policy of five-noes: no declaration of independence, no change of national title, no change of Constitution with a definition of bilateral relations as "state-to-state", no referendum on independence, no abolition of institutions for eventual unification as long as the PRC did not resort to military force against Taiwan (Chen 2000), a policy he reaffirmed in his second inaugural speech after his re-election in 2004 (Chen 2004).⁹

Yet, Chen continued along a line that had already been given prominence by his predecessor Lee Teng-hui: Taiwan as a role-model with respect to democracy, freedom, human rights and peace, clearly linking any eventual unification with a fundamental change of the PRC in these

⁸ Going for less than a two state solution was the ROC's White Paper on Cross-Straits Relations (1994), that detailed the following position:

"The ROC Government is firm in its advocacy of 'one China' and is opposed to 'two Chinas' or 'one China, one Taiwan.' But at the same time, given that division and divided rule on the two sides of the Taiwan Strait is a long-standing political fact, the ROC Government also holds that the two sides should be fully aware that each has jurisdiction over its respective territory and that they should coexist as two legal entities in the international arena" (quoted in Kan 2014: 54).

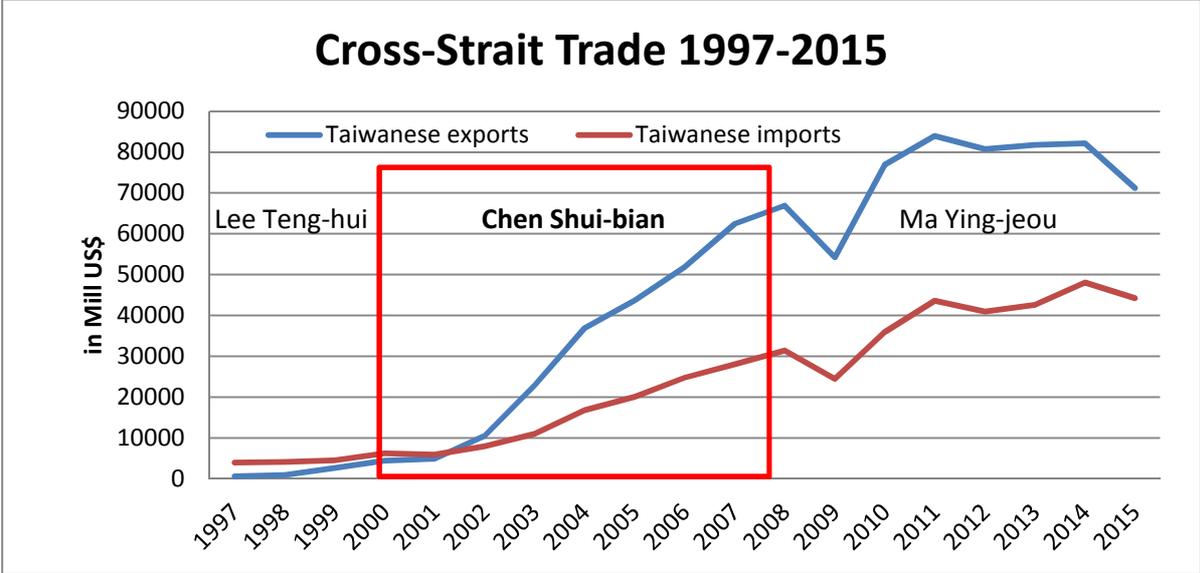
Yet, five years later, Taiwanese President Lee Tenghui stated in an interview that "since the constitutional changes of 1991, the cross-strait relations ought to be defined as relations between states, at least as relations of specific kind between states" (Lee interviewed by Deutsche Welle 1999).

⁹ For a detailed analysis of the twists and changes of the contents and interpretations of the consensus on both sides during the first tenure of Chen Shui-bian see: Tung 2005.

respects. Further, Chen on account of these values being appreciated by the people of Taiwan, declared Taiwan “a sovereign independent country” (2002, quoted in Kan 2014: 73). Focusing on a new constitution, and later on a referendum and linking these with the eventual “full bloom” of Taiwanese democracy, Chen step by step strengthened the normative confrontation on the definition of the two Chinese “states” identities and the Taiwanese normative relationship with Beijing. Given Chen’s understanding that any future decisions depended on the “consent of the 23 million people of Taiwan,” Chen declared the population of Taiwan to be a people, as only a people has the right to self-determination.

This hard line brought the Taiwanese government repeatedly in collision course with its core security guarantor, the United States. Members of the Bush-administration made repeatedly clear, that they favored the continuation of the status quo and were clearly opposed to any Taiwanese moves “that would change the status quo as we define it” (James Kelly 2004, quoted in Kan 2014: 77). Colin Powell most bluntly delineated this status quo as defined by the US-administration: “There is only one China. Taiwan is not independent. It does not enjoy sovereignty as a nation, and that remains our policy, our firm policy” (Powell 2004: quoted in Kan 2014: 78). Despite these exhortations, Chen eventually terminated the National Unification Guidelines in 2006 and tried unsuccessfully to bring Taiwan back into the United Nations, a move opposed by the United States and eventually rejected by the UN on account of its one China policy.

Yet, whereas political relations between the two sides of the Taiwan Strait were rather strained under Lee Teng-hui and his successor Chen Shui-bian, this proved no impediment to a dramatic rise in economic interdependence, with Taiwan profiting from a significant and continuously rising export surplus (see below).



(Source. http://www.mac.gov.tw/public/MMO/MAC/274_1.pdf)

4.1.2 Signaling support by playing the SCS-Card

The South China Sea, where competing claims clashed since the 1950s provided one of the most important options for the ROC, to establish and develop a sphere of informal cooperation based on shared interests on the one hand and a shared understanding of sovereign rights held by the one “China” that is represented by the activities of both the PRC and the ROC.

With the ROC predating the PRC by several decades, it is not surprising that the initial claims to sovereignty were put forward by the ROC, most prominently in the form of a map that enclosed basically the whole South China Sea within 11 dashes that were meant to delineate Chinese claims. This map and the respective claims were taken up by the PRC, with both China’s presenting a nearly identical narrative on the supposedly Chinese history of the South China Sea that warrants the extensive Chinese claims. Yet, whereas the PRC only acted in the legal sphere and diplomatically during the 1950s, most prominently with its 1958 declaration on China’s territorial sea that included inter alia “Taiwan and its surrounding islands, the Penghu Islands, the Tungsha islands, and Hsisha Islands, the Chungsha Islands, the Nansha islands, and all other islands belonging to China” (Declaration 1958, in: US Department of State 1978: 2), the ROC advanced its claims locally, most prominently, by occupying Taiping Island in 1956. Since then, Taiping Island has been developed into an advanced outpost, complete with airport and harbor.

Whereas not much is known about earlier cooperation, it seems clear that in 1988 during the Chinese advance to the Spratly Islands, Taiwan seems to have lend had helping hand, by reprovisioning the Chinese troops at Taiping island. Then ROC defense minister Cheng Wei-yuan declared “„if there was another war [in the Spratly chain] the Nationalist Army would assist the Liberation Army in a battle of resistance“ (quoted in: Tkacik 2012: 257). Shortly afterwards the Taiwanese news agency pointed out: „one thing is for sure, though, that Chinese, whatever side of the Chinese civil conflict they may be on, are not going to give up national territory for anything“ (quoted in Tkacik 2014: FN xxxvii). During a joint conference in 1994 a Taiwanese minister proposed a joint survey of the Islands in the South China Sea groups claimed by both sides of the Taiwan straits. The PRC in turn offered to supply fresh water to the Taiwanese troops on Taiping Island (Lin 1997: 333, 337). In 1993 Taiwan had announced its South China Sea Policy Guidelines, that mirrored the PRC-rationale by focusing on extensive claims on sovereignty and sovereign rights that were grounded in customary international law (Wilson 2017: 276). Similar to PRC understandings, as first detailed in the 1958 Declaration on the territorial sea, the 1993 Taiwanese guidelines enumerated all island groups “the Nansha, Xisha, Zhongsha and Dongsha Islands” that were perceived as being part of the ROC’s inherited territory on account of history, geography and international law. Further the ROC claimed all rights with respect to those waters within the boundaries of its jurisdiction in their 1993 Guidelines to the South China Sea (Coast Guard Administration no date).

Visible signals of informal cooperation were eventually abandoned in the mid 1990s under Lee Teng-hui, who initiated an early “Look South” policy that aimed at enhancing economic relations with Southeast Asian countries. While Taiwan continued to protest regularly against all actions by other claimants (except the PRC) that threatened Taiwan’s claims, the

earlier signals of Cross-Strait cooperation were discontinued. Unilateral action signaling Taiwanese claims were largely discontinued, in 1998, the Legislative Yuan deleted the reference to “historical waters” from the new Law of Territorial Seas and Contiguous Zones, one year later the military detachment on Taiping Island was replaced by members of the Coast Guard (Tseng 2015).

It was then under the Chen Shui-bian administration that Taiwanese activities in the South China Sea became more assertive after an initial phase of restraint, symbolized in the freezing of the 1993 Guidelines (Wilson 2017: 276). While the latter might have signaled a cautious withdrawal from the U-shaped line, to the PRC the simultaneous strengthening of Taiwanese assertiveness in the South China Sea was of superior importance. Initially Chen Shui-bian and Premier Chang Chun-hsiung, the Minister of National Defense and others paid several visits to the Pratas Islands. Later the Taiwanese Interior Minister Yu Cheng-hsien visited Taiping Island in 2003. In 2004 among others Taiwan erected a bird watching observation post on a reef a few miles from Taiwan occupied Taiping Island and protested against tourist-tours to the Spratlys organized by Vietnam (Spratlys.org 20.4.2004). Then, Chen Shui-bian ordered the building of a 1100m runway that commenced in 2005. Directly after its completion the Taiwanese President visited Taiping island in early 2008 (China Post 3.2.2008, Lin 2008, Song 2013). Beijing reacted positively by refraining from even the faintest comment that could be understood as criticism to this first ever visit of a Taiwanese President (Permanent Mission of the PRC to the UN 1.2.2008, 5.2.2008), as that “the airstrip could indirectly bolster the Chinese presence in the region vis-à-vis other ASEAN claimants” (Lin 2008). Chinese netizens commented on Chen’s visit as “an expression of Chinese control over the disputed islands” (Chou 2008). In 2007 already there had been a first meeting between experts of the Chinese national Institute for South China Sea Studies in Hainan and the Institute of International Relations at the Taiwanese National Chengchi University of Taipei (Lin 2008), signaling that the South China Sea policy had the potential to ameliorate an otherwise rather distant relationship between the PRC and the DPP-government under Chen Shui-bian.

4.2. Harmonious relations under Ma Ying-jeou

4.2.1 Full-Scale recognition of the consensus

Finally, with the electoral victory of Ma Ying-jeou in the 2008 presidential elections, the elusive and perennially controversial 1992 consensus was explicitly accepted by the Taiwanese side, yet complemented with “the principle of ‘no unification, no independence and no use of force’” (ROC Office of the President 2010: 5). Amongst the core aims of the new administration was to devise win-win solutions for cross-strait relations with an immediate focus on the “normalization of economic and cultural relations” (ROC Office of the President 2010: 6).

PRC reaction was quick and positive, the long dormant institutional dialogue was revived in during the following years up to the end of Ma's tenure in 2016 more than 20 bilateral agreements were signed, ranging from topics like direct sea transport, flights and postal services over financial cooperation, intellectual property rights and investment protection to customs cooperation and avoidance of double taxation (for a complete list see Lin 2016). The significant betterment of bilateral relations allowed for a security-strategy that focused first on "engagement with China, then expanding Taiwan's international space, and, lastly, traditional defense programs" (Turner 2016: 11). Also Taiwan's room for maneuver in the international sphere – while not significantly broadened – at least did not shrink. Earlier competition for diplomatic recognition ceased (Glaser 2013). Beijing actually discouraged a number of South Pacific States from switching relations to the PRC and also hesitated for several years before establishing diplomatic ties with Gambia, even though the latter had severed its ties to Taiwan in 2013 already (Shen 2015). With respect to Taiwan's participation in international organizations, the PRC still argues that "Taiwan is ineligible for membership in international organizations composed of sovereign states" (Foreign Ministry of the PRC no date). Any participation by Taiwan is subject to PRC-approval, which is only granted selectively and crucially depends on the naming of Taiwan as either Taipei, China or Chinese Taipei. Despite these limitations, the Ma-administration's new policy not only succeeded in halting the erosion of Taiwanese diplomatic relations, but also, on account of its flexibility, enabled Taiwan to enhance its presence in International Organizations to some extent. In 2009 Taiwan was for the first time invited to attend the WHA-meeting (the executive body of the WHO) as an observer, 2013 Taiwan was invited to the ICAO-assembly as an observer. From 2008 to 2013 Taiwan became a full member in eight IGOs, observer in two, and invited guest and visitor in a further two (Glaser 2013: 44). Finally, it should be noted that the PRC abstained from confronting Taiwanese efforts at establishing free trade agreements, which eventually led to the conclusion of such agreements with Singapore and New Zealand in 2013, with Taiwan figuring under the name of "Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

To sum up, it can be said that recognition of the 1992 consensus resulted in a significant betterment of bilateral relations and a corresponding lowering of threat levels. Economic cooperation boomed and Taiwan experienced somewhat enhanced participation in international diplomacy, even though this was still controlled by and hostage to Beijing's sensitivities.

The culmination of the rapprochement of the past years came in November 2015 with an unprecedented personal meeting of the two Presidents, who, as they could not address each other with their respective titles, welcomed each other as mister (先生). In this meeting and afterwards, Taiwanese President Ma Ying-jeou explicitly underscored the relevance of the 1992 consensus, arguing that "The two sides of the Taiwan Strait arrived at the 1992 Consensus of 'one China, respective interpretations' in November 1992. This consensus provides the common political basis for the two sides to promote peaceful development"

(Mainland Affairs Council ROC 7.11.2015; Ma 9.11.2015).¹⁰ The importance of this Taiwanese recognition as a cognitive framework for mutual relations is underscored by the reported remarks of PRC President Xi, who explicitly underscored that

“Over the past few years, it is our willingness to stick to the 1992 consensus and our opposition to Taiwanese independence that made a peaceful development of cross-strait ties possible. Without that, the whole relation across the Straits would have collapsed. The 1992 consensus is very important in that it clarifies the fundamental nature of the cross-strait relationship, [...]. Taiwan and the Mainland China actually belong to one Chinese nation, and it is not a relation between two countries. It should always be deemed as one sovereignty. Mainland China and Taiwan belong to one nation, and one country and this cannot be changed. This is a fundamental principle that we should honour” (Zhang Zhijun quoted in: today online 7.11.2015).

On this basis Xi signaled quite some flexibility, not only delving on well known frames as “win-win cooperation” and “peaceful development”, but offering that “the two ministers can link up” in order to establish a hotline, and that Taiwan may participate in international events “as long as it doesn’t go against the One China policy, we can actually arrange through friendly consultation. Both sides can coordinate on this without hurting ties.” Not only did he continue that both sides should share into the benefits of development, but also that Taiwan should participate in the OBOR initiative as well as in the AIIB (Zhang Zhijun in: today online 7.11.2015).

4.2.2 The “one China” symbolism of Taiwans SCS claims

With respect to the South China Sea, the Ma-administration continued the line of its predecessor, strongly sticking to the ROC claims, while being vague about the role of the U-shaped line. With the onset and heightening of the confrontation between the PRC on the one side and the Philippines and (to a somewhat lesser extent) Vietnam on the other, Taiwan strengthened its stance, by for example reinforcing defensive weaponry with mortars and anti-aircraft guns in 2012, strengthening the coastguard patrol missions and conducting amphibious landing exercises that simulated the recovery of Taiwan-controlled Taiping island. More prominently, Taiwan built a new and significantly larger harbor, extended the runway of the airport and established a lighthouse in the following years up to 2016 (Hsiao/Wang 2012, Song 2013, Yuan 2016).

¹⁰ After the meeting Ma became more detailed:

“it was the first time since the 1992 Consensus was reached 23 years ago that leaders of the two sides endorsed it at the same time, affirming that the 1992 Consensus serves as a common and critical political foundation in cross-strait relations. During the meeting itself, I reiterated the content of the 1992 Consensus to Mr. Xi as follows: ‘Both sides of the Taiwan Strait insist on the ‘one China’ principle, and each side can express its interpretation verbally.’ This is the 1992 Consensus of ‘one China, respective interpretations.’ For our part, we stated that the interpretation does not involve ‘two Chinas,’ ‘one China and one Taiwan,’ or ‘Taiwan independence,’ as the Republic of China Constitution does not allow it” (Ma 13.11.2015).

The building of the harbor resulted in an unprecedented cooperation between the two Chinas: Lacking the capacity to transport the caissons for the new harbor, the ROC officials turned to a PRC company for help. Eventually, Shanghai Zhenhua Port machinery, a state-run company, helped out with a vessel that was given special permission to approach Taiping island, constantly monitored by Taiwanese Coast Guard vessels (Song 2015, Japan Times 7.2.2015; Marine Link 19.5.2015). Shortly afterwards political symbolism became even more prominent with, first the Taiwanese Minister of the Interior Chen Wei-zen visiting Taiping island in December 2015, followed by the Taiwanese President Ma Ying-jeou in early 2016. This latter high profile visit was explicitly criticized by the United States, but well received by China. In line with earlier pronouncements a PRC politician declared that „[b]oth sides across the Straits have the responsibility to safeguard national sovereignty and territorial integrity, and safeguarding the overall interests of the Chinese nation“ (China Daily 29.1.2016). The Global Times went even further: „Ma's trip signals a positive act in safeguarding Chinese people's territorial sovereignty and maritime interests in the South China Sea“ (Global Times 29.1.2016). To China Taiwanese insistence on its claims in the South China Sea is clearly perceived as underlining joint Chinese claims: „If Taiwan can join hands with the mainland, China will have the upper hand in this regard“ (Global Times 29.1.2016). Two years earlier already, the Global Times had provided ample space for a former Guomindang maverick-legislator, Chiu Yi (邱毅) to establish the same proposition that

“The mainland and Taiwan have plenty of room to cooperate on the South China Sea issue. [...]Taiwan cannot avoid being involved in this dispute. If Taiwan insists on the nine-dash line and offers proof for the 11-dash line, it will be of great help in settling the dispute. It will also show cross-Straits cooperation. Otherwise it will hurt the interests of the mainland and destroy the peaceful development of relations between the two sides.” (Chiu Yi 24.9.2014).

This linkage, while clearly unofficial, was mirrored in the rhetoric of the Taiwanese claims. Ma Ying-jeou for example not only repeated the Taiwanese standpoint according to which:

Whether from the perspective of history, geography, or international law, the Nansha (Spratly) Islands, Shisha (Paracel) Islands, Chungsha (Macclesfield Bank) Islands, and Tungsha (Pratas) Islands, as well as their surrounding waters, are an inherent part of ROC territory and waters, and the ROC enjoys all rights over these islands and their surrounding waters in accordance with international law. This is indisputable. (Ma 28.1.2016; see also: Republic of China 21.3.2016).

He further came to the defense of the much criticized PRC's island-building activities and rebuked the theory of a Chinese threat to the freedom of navigation. To Ma

“the mainland's recent construction of man-made facilities on several islands and reefs in the South China Sea [...] do not violate international law.[...] Mainland China is not the first to build facilities on islands and reefs in the South China Sea. [...] First we must ensure freedom of overflight and navigation [...] I do not see a great problem as far as these issues are concerned in the South China Sea” (Ma in: Beckett/Huzler 2015).

In 2016, a few weeks before the eventual award by the Permanent Court of Arbitration, the Chinese (Taiwan) Society of International Law brought an Amicus-Curiae Submission to the Court that aimed at proving the island-status of Taiping Island, a core issue for upholding

EEZ-rights in the Spratlys on the basis of UNCLOS. Around the same time, the Government published its “Position Paper on ROC Sovereignty over the South China Sea Islands and Their Surrounding Waters, and on the South China Sea Peace Initiative” (21.3.2016), in which it advanced a historical and legal argument that is congruent to the PRC position, with a heavy emphasis on the supposedly Chinese history of the Spratlys.

4.3. Challenging China under Tsai Ying-wen

4.3.1 Principled resistance and practical repercussions: a pragmatic relationship going sour

With Ma Ying-jeou embracing the long-standing PRC pre-condition for pragmatic coexistence and cooperation between the two sides of the Taiwan Strait, the decision of the newly elected President Tsai Ying-wen, not to explicitly recognize the controversial 1992 consensus triggered a period of highly strained bilateral relations. Especially important was that, while mentioning the crucial date of 1992 in her inauguration speech, Tsai only referred to both sides “joint acknowledgement of setting aside differences to seek common ground” but refrained from any positioning with respect to the question of the “one China” (Tsai 2016). What made the situation even worse from the PRC-standpoint is that Tsai Ying-wen, in contrast to her DPP-predecessor Chen Shui-bian, did not offer any explicit guarantees that Taiwan will not pursue the path towards independence during her term in office.

Further, Taiwan under Tsai tried to strengthen its international standing, not only through various visits of the President and other government officials to the few states that still recognize Taiwan diplomatically, but also through a “New Southbound policy” that targets South-, Southeast- and Australasia. Further, in his March 2017 report to the Legislative Yuan outlining the current foreign policy strategy, the Taiwanese Foreign Minister had hardly anything to say on cross-strait relations, but instead focused almost exclusively on embedding Taiwan into the community of like-minded countries (Lee 6.3.2017). During the past year, the new Taiwanese government scored two important public-relations coups: the first, globally noticed, was the telephone conversation between Taiwanese President Tsai Ing-wen and US-President-elect Donald Trump in December 2016. The second was the visit of Japanese Senior Vice Minister of Internal Affairs and Communications, Jiro Akama, to Taiwan in late March 2017, the highest-level visit by a Japanese government official since 1972 (Foreign Ministry PRC 27.3.2017). Both were severely criticized by China. Yet, shortly afterwards Tsai Ing-wen insinuated that Taiwan has “the opportunity to communicate more directly with the U.S. government [...] We don’t exclude the opportunity to call President Trump himself,” (quoted in Reuters 27.4.2017) even though this suggestion was immediately rebuffed by the US-President, who made such a call condition to the approval of Xi Jinping (Reuters 28.4.2017). Tsai Ing-wen did not only try to externally balance against China by enhancing and symbolically upgrading bilateral relations with competing economic and

military powers. She also explicitly challenged China's claim as a norm-maker, insinuating that Chinese perceptions were outdated. She advised China to "understand that the world is changing" and that Xi Jinping should "show perspective and flexibility." From Tsai's perspective Taiwan already "adopted a more tolerant approach towards some of China's demands, ideas, and positions on Taiwan." It also "expressed the greatest possible goodwill." So it was now with the PRC side to show "flexibility and goodwill" (quoted in Foreign Affairs 28.4.2017).

The rhetorical contrast to the preceding Ma-administration could hardly be more pronounced. Whereas the former was clearly deferential in the symbolic realm and thereby required the fundamental precondition for a stable equilibrium in an asymmetric relationship, the Tsai government is openly challenging the PRC-provided foundation of bilateral relations. The new Taiwanese administration declines to commit itself to the "one-China principle" that includes Taiwan as part of China and thereby leaves the relative status of the two sides of the Taiwan strait undefined. It further asks the PRC to adapt its normative framework in a way that is acceptable to Taiwan and thereby signals normative superiority for Taiwan and the Taiwanese-provided framework. The often repeated pledge of the Tsai-government to maintain the status quo, lacks a reference point that defines and relates the two entities that are supposed to set aside differences and seek common ground.

Beijing's reactions to the non-recognition of the core building block of its normative framework for pragmatic relations, could be expected: the smoothly functioning communication between the Taiwanese MAC and ARATS and their PRC counterparts, the TAO and the SEF ground to a complete halt on account of Taiwan's refusal to recognize the "joint" consensus. However, Beijing took pains not to side with or single out one political camp in Taiwan, but to frame the preconditions in a neutral way:

„We have noticed that the current Taiwan authorities attempted to sideline and break off political, economic and cultural links between the two sides of the Strait through certain policies and actions [...]. Regardless of the political parties in Taiwan and their past opinions, once they uphold the 1992 Consensus and identify with its core value, the mainland will develop exchanges with them“ (Xinhua 17.7.2016)

As An Fengshan, the spokesperson of the PRC Taiwan Affairs Office stated, "on such a fundamental question, ambiguity is of no avail" (South China Morning Post 29.6.2016). Yet, this only applies to the recognition of the consensus as a specific phrase, as the ambiguity of the consensus itself was not questioned. Chinese sources signaled that the insistence on Taiwan accepting the 1992 consensus, was necessary for the concealment of disharmony and the establishment of outward harmony. On the day of Tsai's inauguration, China.com featured an article that signaled the leeway traditionally open to Taiwan for interpreting the consensus. It argued that there have always been differences in the interpretation. Yet, that is no problem, as the consensus is meant to provide a bridge for dealing pragmatically with bilateral relations. To the mainland

"the 1992 consensus does not involve a political meaning of the one China principle. This political meaning of the principle can be left for discussion. The Guomindang

believes that the core of the 1992 consensus is ‘one China, respective interpretations’ to highlight the existence of the Republic of China” (China.com 20.5.2016).¹¹

China also signaled that accepting the consensus would have significant positive consequences, as it would enhance Taiwanese security. Using Taiwanese plans to raise defense spending from approx. 2% GDP to 3% GDP, or by about 50% in 2018, the PRC-media reminded Taiwan on the political foundation of national security. It was argued that the country

“will be more secure by accepting one-China policy. [...]As long as the Tsai government accepts the 1992 Consensus, the island's security will be ensured. The eight-year-tenure of Ma Ying-Jeou is the most secure period Taiwan has enjoyed since entering the 21st century. [...]Therefore, the most important thing for Taiwan is not to provoke the one-China policy. This is the correct political way to protect the island's security” (Global Times 17.3.2017).

Up to the past month the PRC reacted largely by freezing the political relations and selectively constricting Taiwan’s international space (Lee 6.3.2017). Toleration for enhanced cooperation between Taiwan and Southeast Asian states is also shrinking as evidenced by the temporary seizure of several Singaporean military carrier vehicles in Hongkong. China thereby signaled that it might reevaluate its silent toleration of the long-standing Starlight training program, under which Singaporean troops has conducted overseas training in Taiwan since the mid 1970s.

Yet, up to now, Chinese pressure seems not to include the economic sphere, apart from a reduction of Chinese tourist travels to Taiwan that experiences a significant decline since May 2016 (MAC 2017a. table 15). While Exports and Imports have been slowing down from 2015 to 2016, they are projected to rise again in 2017 based on data of the Taiwanese MAC. In January 2017 cross straits-trade grew by 5.8% compared to January 2016, with exports to China growing by 12.7% (MAC 2017b. p. 1-1). Data on the three mini-links (Kinmen, Matsu) are also quite stable.

April 2017 saw a potentially threatening new move, when the Chinese media changed the name used for Taiwan in their reports on international relations from “Zhonghua Taipei” to “Zhongguo Taipei” (中华台北; 中国台北). This is clearly no insignificant move, as the original zhonghua (“Chinese”) does not necessarily connote “stateness” but refers more to cultural or “ethnic “Chineseness” (as in 中华民族), whereas the new “zhongguo” refers explicitly to Chinese “stateness (国).¹² This hints at a future narrowing of the interpretative leeway of the 1992 consensus granted to Taiwan by the Beijing authorities.

¹¹See also: Taiwan Affairs Office 12.7.2016, where it is also argued that these differences in perceptions about the political connotations of the meaning of “One China” will not influence negotiations between the two sides.

¹² This specific difference is also visible in the two Chinas’ official names. While both employ “Chinese” (中华), they utilize “guo” (国) to signal stateness (PRC: 中华人民共和国; ROC: 中华民国). On the change and Taiwanese protest see: SBS 18.4.2017; see also: Global Times 26.4.2017.

4.3.2 The limits of “one China” symbolism of Taiwanese Claims in the SCS

Given the rather decisive break with the general policy-line of President Ma Ying-jeou, the continuity displayed by the Tsai-administration with respect to Taiwan’s positioning in the South China Sea issue could not be employed as an informal means of signaling mutual accommodation.

Shortly after the award rendered by the Permanent Court of Arbitration some observers took note that Taipei’s immediate reaction seemed to be “similar to or even more assertive than Beijing’s” (Wu 2016). Even though this rather tough approach, which will be detailed below, continued to the present, Taiwanese rejection of the ruling and displays of sovereignty over Taiping Island lost its political relevance in the light of the refusal to accept the 1992 consensus, the decision by the new Philippine President to seek better relations with China and the more subtle shift in the extent of the Taiwanese claims and their legitimation. Had the PRC been confronted with a highly assertive Philippines that made use of the ruling to pressure the international community for displays of solidarity, the seemingly straightforward Taiwanese stance, could have provided Taiwan with additional leeway towards Beijing.

According to the long established PRC-framework of the conflict the

“Chinese people on both sides of the Taiwan Straits have the responsibility and obligation to jointly safeguard our territorial sovereignty and maritime rights and interests” (Foreign Ministry PRC 8.7. 2015).

This argument was taken up again only hours before the publication of the award, when the Taiwan Affairs Office of the PRC State Council explicitly noted that

“both the mainland and Taiwan should safeguard territorial sovereignty and maritime rights in the South China Sea. [...] the two sides share responsibility for the overall and fundamental interests of the Chinese nation” (Taiwan Affairs Office 2016).

The following months saw multiple expressions of this position that compels both sides of the Taiwan Strait to defend Chinese sovereignty claims in the South China Sea.

Directly after the award Vice-Foreign Minister Liu Zhenmin pointed out that the Taiwanese protests against the ruling should be understood as signaling opposition of “all Chinese people” and continued:

“It is the common duty of people across the Taiwan Strait to safeguard the territorial sovereignty and maritime rights and interests in the South China Sea, because this is our territory. The current separation between the two sides across the Strait is caused by historical reasons, but we will reunite sooner or later. So far as the South China Sea is concerned, the two sides have reached a consensus that it is our common duty to safeguard it. There has been extensive communication regarding international law across the Strait. I'm sure the consensus won't change, and I hope we can work hand in

hand with our compatriots in Taiwan to safeguard our territory” (Liu Zenmin 13.7.2016)¹³

One day later, the PRC’s Global Times prominently featured not only “angry voices from the island”, but even paraphrased “Taiwan leader” Tsai Ing-wen’s criticism of the awards’ content as “jeopardizing Taiwan’s rights” (Global Times 14.7.2016) without taking note of the fact that she spoke of Taiwan’s and not China’s rights. The following months the PRC-mantra on the “responsibility to jointly safeguard the territory and property left by our common ancestors” shared by “the Chinese people on both sides of the Taiwan Strait” (China Military 1.12.2016) was repeatedly used.

Further the PRC explicitly took note of various Taiwanese moves on and near Taiping Island along a positive line. In July 2016, the Global Times not only reported on the Taiwanese rejection of the ruling (Global Times 13.7.2016), but also on a trip of four KMT- and four DPP-lawmakers to Taiping island under the heading “Taiping trip affirms claim” (Global Times 21.7.2016). When the Taiwanese Coast Guard and Navy conducted exercises in the vicinity of Taiping Island in November 2016, the PLA-spokesperson interpreted these as acts within the framework of a joint responsibility to protect Chinese sovereignty, signaling thereby PRC consent (China Military 1.12.2016). PRC media also tried to signal that an explicit Taiwanese approval for the PRC conception of a joint responsibility to defend Chinese territorial interests could help overcome the confrontation caused by Taiwan’s refusal to subscribe to the 1992 consensus. Utilizing PRC-scholars, various trial balloons were floated; for example that the “determination of the mainland and Taiwan to defend the Chinese nation’s interests [...] is a great opportunity to improve cross-Straits relations” and more precise that “the Chinese mainland and Taiwan could start with jointly developing fishing, oil and gas exploration and ecological protection” or go even further by “setting up a mutually acceptable military security mechanism and explore joint patrols in the South China Sea” (Global Times 21.7.2016).

During the months following the ruling, Taiwanese signals of assertiveness actually intensified and broadened– with the strengthening of defensive weapons systems on Taiping island since September 2016 and live-fire drills on Taiping Island at the end of March 2017, that were vehemently protested by Vietnam, but not the PRC (Taipei Times 25.3.2017; Reuters 30.3.2017). More attenuated assertion came for example in the form of seminars for college students organized by the Ministry of National Defense on Taiping Island (Focus Taiwan 28.4.2017).

Yet, despite the seemingly tough Taiwanese stance on the issue, Taiwan’s MAC ruled out any cooperation between the two sides of the Taiwan Strait (The China Post 14.7.2016). At the legal front, Taiwan persisted in claiming “the South China Sea Islands and their surrounding waters” (Lin, 7.3.2016). Yet, with the new government it became more pronounced that the

¹³ Similar to the so-called 1992 consensus, the perception of a consensus on a common duty to safeguard Chinese sovereignty in the South China Sea seems to be a rather one-sided imagination. While the Ma-administration staunchly advocated the ROC-claims, it never positioned itself with respect to the relationship of the contending claims of the “two Chinas.”

conflicts are about “sovereignty over reefs and islands and their derivative maritime rights” (Lee 6.3.2017), a change that signals that Taiwan under Tsai has carried out a renunciation of all claims that do not derive from the Law of the Sea. By further explicitly mentioning Taiwan’s interest in “upholding freedom of navigation and overflight” (David Tawei Lee 6.3.2017) the current Taiwanese government affiliates with those who harbor respective suspicion over the PRC’s intentions. Both moves obviously distance Taiwan’s from the PRC’s position and make it harder to imagine the one-China claim in the South China Sea.

At the same time, it became more and more visible that the arbitration-award was not to have a major impact on the South China Sea conflict, as the victorious party, the Philippines, chose not to utilize it for the moment, but to engage China in a bilateral framework. Insofar, Taiwanese “support” became less crucial to PRC-politics. Given that the present administration does neither pay lipservice to the 1992 consensus, nor provide any “guarantees” that this denial of recognition is not going to lead to Taiwan independence in the foreseeable future as did Chen Shui-bian with his five no policy pronouncements that definitely excluded any declaration of independence as long as China did not resort to military force against Taiwan, the implicit Taiwanese support for the Chinese rejection of the Permanent Court of Arbitration’s award cannot play its role as a normative basis signaling common “Chineseness.” Taiwanese efforts to signal adherence to international law to the international community by reframing its claim accordingly in the language of the law of the sea as claim on territorial sovereignty and derivative rights adds to this estrangement.

4.4. Preliminary Conclusion

To the PRC, Taiwanese persistence in its claims in the South China Sea provides one important indicator of continued adherence to the One-China principle, albeit only under the condition that the Taiwanese claims are advanced in a way that determine them to being “Chinese” claims. The more this is the case the more they can be utilized as expression of mutual trust, meaning that “mutual military trust is the continuation of mutual political trust” (Zheng Jian 29.8.2010). In this context both sides of the Taiwan Strait should “strategically cooperate” in safeguarding the Chinese territorial sovereignty and maritime rights in the South China Sea and beyond. Such military strategic cooperation then may provide a shortcut to trust. If done so in the Spratlys, such cooperation would not only give China a decisive advantage over the other claimants. It would also link the armed forces of both sides of the Taiwan Strait (Zheng Jian 2010). Yet, as military trust is perceived as being dependent on political trust, the political signal of a strong Taiwanese stance in the South China Sea depends on the overarching frame of the 1992 consensus, only then can a general policy first put forward by Hu Jintao in 2008 be applied: “establish mutual trust, shelve disputes, seek common ground while reserving differences and together create a win-win situation” (Quoted in Glaser/Glosserman 2008: 5).

To the PRC, with Ma Ying-jeou, finally the “required” optimal framework for pragmatic cooperation had been established. While clearly stopping short of reciprocating PRC offers

for military cooperation, Ma nevertheless implicitly supported PRC positions, for example by pointing out, that PRC-island building does not contravene international law and persisting in portraying Taiwanese claims as deriving not only from international law but also from history and geography and by declining to see the PRC as a potential threat to freedom of navigation and overflight.

To the PRC, then the Tsai-administration's non-acceptance of the 1992 consensus formula then is perceived as renegeing on a mutually accepted status quo. Given the primacy of "political trust" dependent on the recognition of the 1992 formula, the strong stance on Taiwanese sovereignty over the various islands in the South China Sea could not develop its full potential as a further signal of recognition of the One-China paradigm, especially as the new Government shifted the rationale of the Taiwanese claim to better fit the requirements of the Law of the Sea.

In this case again, one may employ the concept of reactance as characterizing Chinese behavior when confronted with challenges to its overall characterization of the self and the relationship between the two sides of the Taiwan Strait. In this case, reactance can be expected to be even more pronounced, as the norms and values threatened by non-deference are not those between the self and an Other, but those defining the collective self. A Taiwan signaling symbolic deference to this overarching collective self by formally embracing its political expression in the 1992 consensus formula avoids expectable high levels of reactance on the side of the PRC. Denying recognition to the 1992 consensus is clearly a crucial threat not only to the Chinese understanding of the roles and rules applicable to an asymmetric relationship with a small power with which China has a territorial conflict, as in the case of the Philippines. It is a threat to the concept of China itself. Similar to reliance on a deterrence strategy, the confrontational stance employed by the present administration,

"may activate interrelated psychological and political processes that actually increase the likelihood of aggression and war. Threats may do so by inducing psychological reactance [...], by increasing the threatened party's concern for saving face in the eyes of domestic political and international audiences (it does not want to acquire a reputation for weakness), and by leading the threatened party to conclude that it is impossible to arrive at a stable modus vivendi with the source of the threat" (Tetlock 1986: 561).

Given the extent of threat faced by China, Taiwanese adherence to its SCS-claims can only provide a counterweight to PRC-reactance, when Taiwan frames its claims explicitly as ROC-claims anchored in Chinese history. Only if framed as linked to the Chinese identity of the ROC, can such claims signal adherence to the one-China formula and work as a limited surrogate for explicit recognition of the 1992 consensus. As such it worked in a limited way under Chen Shui-bian and in a more comprehensive way under Ma Ying-jeou, when the official ROC-positions mirrored in many respects those of the PRC, as for example in the Position Paper on ROC Sovereignty over the South China Sea Islands and Their Surrounding Waters from March 21, 2016. Here, Chinese history, dating back to the Han-Dynasty has been extensively used for legitimating the claims advanced by the ROC. Further, the argument that they were terra nullius after Japan renunciated all rights in the Treaty of San

Francisco is explicitly opposed on the basis of much older Chinese rights that were not extinguished by the Japanese occupation in the 1930s. Clearly, then under the Ma administration, the ROC claims were legitimated as Chinese claims, precluding the alternative of Taiwanese claims that rest on the islands reversal to terra nullius with the Treaty of San Francisco, their “discovery” by Taiwan and the continued effective occupation since 1956. While the Taiwanese Legislative Yuan protested the PCA Award in mid July 2016, the statement already put emphasis on the decades of effective occupation and administration of Taiping Island and explicitly reaffirmed “the country’s sovereignty over the island” (Taiwan Today 18.7.2016), a shift that has been confirmed by later pronouncements.

With respect to its position towards the ROC’s claims in the South China Sea, the PRC is currently in a double-bind situation: While it outwardly still behaves as if the current administration’s arguments were identical to the formers and therefore would support both the idea of Taiwan as a part of China and the ROC’s claims as one expression of the claims of the “one China,” the rhetoric has shifted towards reminding the Taiwanese compatriots of their duty to stick to the common position. The more Taiwanese politicians frame the ROCs claims in the language of effective occupation, the more those claims turn into signals for a shift towards a Taiwanese identity that slowly sheds the historical shackles that link it to an overarching Chinese identity. This may lead the PRC to reevaluate its current strategy of utilizing the ROC claim as support of a “one China” claim, and instead reframe it as a possible precursor of a future Taiwanese political identity outside of China.

Conclusion

In the introduction it was hypothesized that respect for or recognition of China as a rule-making power that sets the overall rules and procedural norms for the management of bilateral relations is of crucial importance for Chinese willingness to follow a pragmatic policy in bilateral relations. Such recognition also lessens Chinese assertiveness in major field of contention with the smaller power. Perceived lack of recognition of its overarching conceptualization of specific and reciprocal roles and appropriate behavioral patterns results in efforts to re-establish the perceived ideal-state of harmonious relations through specific acts of assertion or coercion that aim at disciplining the opponent.

Later in the text, I introduced the concept of reactance that comes into play, when actors feel their freedom of action to be threatened by other’s actions. In line with current research, we assume that reactance may frame not only reaction to threats to specific behavioral freedoms, but also to threats to group identity and its associated values and norms (de Lemus et al. 2016). Threats that impinge on core items of the highly valued self-image tend to engender reactance, i.e. a hardening of positions and a corresponding strengthening of assertive acts that aim at forcing the other to desist from the challenge.

Even though the two cases do not make for an easy comparison with respect to the specifics of the South China Sea claims, the dynamics in each of them support the above detailed propositions.

Philippine governments that signaled high levels of recognition and respect to the PRC and also publicly signaled acceptance of Chinese overall conceptions for the management of bilateral relations as such and for the specific conflict in the South China Sea managed to elicit a highly cooperative Chinese response in those spheres of bilateral relations, that were especially highly valued by them: i.e. economic cooperation, developmental support and symbolic status. Such recognition, however, did not elicit any compromise with respect to the Philippines' substantial claims in the SCS.

In contrast, the Aquino government and to a lesser extent the Ramos government that chose to confront China by showing disrespect to China's self-role conception of a benign power and the appropriate norms governing bilateral relations elicited Chinese reactance in the form of significantly enhanced assertiveness. The Philippine efforts under Aquino at coercing China through external balancing in the military sphere via deepening the security relationship with the United States and broadening respective relations to other countries as well as by establishing a network of states and institutions that signal international support for the Philippine procedural position backfired. While symbolic support was forthcoming from the US and other states and a number of international institutions as the EU and the G7, while unilateral internationalization through the involvement of the Permanent Court of Arbitration brought about a ruling that confirmed the Philippine position, this period of confrontation resulted at the same time in the most dramatic expansion of Chinese activities in the disputed areas of the South China Sea. With respect to the substantial interests at stake, the Aquino period coincided with the hugest losses incurred up to now, only comparable to the 1988 and 1995 crises. External diplomatic and military balancing clearly had no deterrent effect, but may actually be seen as hardening the Chinese position and heightening Chinese assertiveness on the ground. Simultaneously, the various regional institutions grouped around ASEAN were taken hostage to the confrontation and lost their already only moderate capacities at influencing the norms governing conflict behavior of the various parties. Perceived as partisan, any semblance of Chinese cooperation ground to a halt.

In contrast, the change of policy engineered by the Duterte Administration, that 1) clearly signals its recognition of the asymmetry of relations, 2) regularly describes China not only as a superior power but also as a strong partner in development and 3) also subscribes to the primacy of re-establishing strong bilateral networks for the management of the spheres of contention, managed not only to bring about a significant lessening of Chinese assertiveness but also an enhanced Chinese willingness to return to the concealment of disharmony, as well as a renewed Chinese willingness not only to discuss the SCS-conflict in a bilateral consultation mechanism but to work towards a binding COC that may complement the non-binding DOC of 2002 and thereby reestablish ASEAN as a regional normative power. On May 18, 2017, Chinese and ASEAN officials announced that they had "completed the negotiations on the draft COC framework" (Philippine News Agency 18.5.2017). Only one

day later the newly established “China-Philippines Bilateral Consultation Mechanism on the South China Sea” had its first meeting in Beijing. What mattered most in the Chinese reporting on the meeting was that “the Philippines has returned to the right track of bilateral consultation” and that it now agrees with “the China-championed ‘dual-track’ approach, which calls for disputes to be resolved peacefully through negotiation between directly concerned parties, and for China and ASEAN members to work together to maintain peace and stability in the South China Sea” (China Military 20.5.2017).

Duterte’s willingness to go back to the strategy of Macapagal-Arroyo and endorse joint exploration is a further step in this direction, if it can be managed (as has been the case in the 2004 and 2005 agreements) without compromising the contending sovereignty claims of the participating countries. Chinese media comments focus on joint exploration as providing “common ground conducive to future consultation on the South China Sea issue” as “joint development would indicate positive attitudes from both sides toward resolving the dispute in a peaceful way” (Global Times 17.5.2017).

In the case of Taiwan, the dispute on sovereignty in the South China Sea has up to now not been a dividing, but a uniting issue, as Taiwanese/ROC adherence to its claims has up to now been interpreted by the PRC as informally signaling adherence to the idea of one China. Yet, the reassuring quality of ROC adherence to its claims depends on these claims being perceived to be Chinese and not Taiwanese claims. Insofar, not only adherence to the claims counts, but the rationale put forward to delineate and legitimate the claims. When advanced under the general acceptance of the overall framework of the “1992 consensus” and legitimated in a way that defines the present claims as deriving from the Chinese past of the present ROC, Taiwanese assertiveness in the South China Sea elicits positive PRC response – which had been most forthcoming during the presidency of Ma Ying-jeou. Given Chen Shui-bians ambivalent position with respect to the future direction of Taiwan, respective activities that strongly signaled ROC’s sovereignty-claims in the SCS elicited only neutral Chinese reporting, even though at present, Chen’s 2008 visit to Taiping Island (not to mention the activities of Ma Ying-jeou) are contrasted positively to Tsai Ing-wen, who up to now refuses to visit the island (China.com 8.11.2016). For the past months, PRC comments focused almost exclusively on the common duty of safeguarding China’s claims in the South China Sea, seeking to uphold the “one-China” framework for the contending claims and the imagination of harmony in this respect despite the ROC’s refusal of subscribing to the “1992 consensus”.

The continued willingness of the ROC authorities to uphold the ROC-claims in principle and to somehow camouflage the slowly changing strategy of legitimation (cut down to Taiping island, based on effective occupation) clearly cannot suffice as an surrogate to recognize the overall paradigm of pragmatic relations as dictated by the PRC, the 1992 consensus. Even though the ROC still upholds its vaguely defined claims, the increasing neglect of pointing to the Chinese past as the core foundation of these claims, allows the claims to be situated not only in the “one China” framework, but also alternatively in an “independent Taiwan” frame. Against this background, the highly stylized PRC framework of a “common duty” signals a

further red-line that should not be overstepped by the ROC without eliciting serious PRC-response.

In both cases, the relationships with the Philippines and the ROC, Chinese willingness for cooperative relations rests on the respective Other's willingness not to directly contest China's overarching paradigms and fundamental rules and norms for the conduct of bilateral relations, all of which center on the avoidance of any threat to the imagined "harmonious relationship." As the above account shows, Governments that showed some measure of recognition and deference by accepting Chinese conceptions of harmonious reciprocal relations, succeeded in calming the waters of rather stormy relationships and elicit a reciprocal response by China that eventually reciprocated by highly pragmatic politics in the everyday management of bilateral relations. Threats to the imagined harmonious relations between unequals in turn result in heightened Chinese assertiveness.

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