

Washington Complicates the Dispute in the South China Sea

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A negotiated settlement between the People's Republic of China and the Republic of the Philippines over the Sino-Filipino territorial dispute(s) over ownership of the Spratly Islands (known as Nansha Islands in China) appears possible with the change of government in Manila. The term of the cabinet of Filipino President Benigno Aquino III and Filipino Secretary of Foreign Affairs Albert del Rosario, who both rejected bilateral talks with Beijing, ended on June 30, 2016. They have been respectively replaced by Rodrigo Duterte in the Malacañan Palace and Perfecto Yasay Jr. in the Department of Foreign Affairs. The new Filipino government in Manila has made several overtures about holding bilateral talks with Beijing and Foreign Secretary Yasay has announced that a special envoy will be appointed for negotiations with China.

Relations between the Philippines and China became strained under the Aquino III Administration. It rehabilitated the territorial dispute with China and eagerly began welcoming the revitalization of the US military presence in Southeast Asia. In 2011, a political decision was made under Benigno Aquino to refer to the South China Sea as the West Philippine Sea as a means of emphasizing the claim of the Philippines. The Aquino III Administration would even mandate the renaming of the South China Sea into law by an administrative order in 2012. Agitating relations further, the Aquino III Administration initiated legal action over the territorial dispute against China through the Dutch-based Permanent Court of Arbitration on October 29, 2015.

On July 5, 2016 – just one week before the ruling of the Permanent Court of Arbitration on July 12, 2016 – President Duterte offered to hold talks with China. While he will surely use the Permanent Court of Arbitration as leverage in Sino-Filipino bilateral talks, Duterte appears to be keen on a settlement with China. These offers are part of a buildup from the 2016 election period in the Philippines.

While campaigning for the presidency of the Philippines, Duterte's discourse on China was one that sent mixed signals. It shifted between antagonistic and conciliatory language. Undoubtedly, this was politicking and political catering by President Duterte. His altering discourse on China was a political tactic to domestically gain both the support of Filipinos with nationalist attitudes about the Spratly Islands and those Filipinos, including the influential ethnic Chinese Filipino business class, that want peace, economic cooperation, and trade with a vibrant China.

At the international level, Duterte may have been sending mixed signals as part of a tactic

to satisfy both the United States and China. His antagonistic remarks pleased Washington while his consolatory remarks were aimed at not alienating Beijing and to signal that he was willing to hold talks. Despite his criticism of Beijing, he always made signals that he wanted to establish dialogue with China. Interestingly, Duterte was even the only key politician in the 2016 Philippine general-elections who publicly admitted that he went to talk about the Spratly Islands with the US Embassy in Manila.

On the campaign trail Duterte commented that he would seek Chinese help to build a trans-Philippines rail network connecting the islands of Luzon and Mindanao and that if China accepted the mammoth transportation project that he was willing to end his public criticism about Manila's territorial dispute with Beijing. In other words, Duterte was saying that a future Filipino government under him would negotiate with China in exchange for economic concessions or assistance from Beijing.

After Duterte won the presidential elections, his tone towards China altered. He became much more tempered and be very cordial to China. Before Duterte even officially became president, he held meetings with Zhao Jianhua, the Chinese ambassador to the Philippines, on May 16, 2016. The meeting was symbolic, because Ambassador Zhao was only one of three ambassadors – the other two being the diplomatic representatives of Israel and Japan – that Duterte met with as the presumptive-president of the Philippines. Since that time Rodrigo Duterte would meet with Ambassador Zhao three more times, including several days before the ruling Permanent Court of Arbitration on July 7, 2016.

Beijing's Claim to the South China Sea

Beijing claims that China has had sovereignty over the area for thousands of years. The Chinese Empire under the Ming Dynasty even possessed the western shores adjacent to the area. This was when Vietnam was a part of China. Vietnam also lays claims to the Spratly Islands (known as the Quan đảo Truong Sa by the Vietnamese) and the Paracel Islands (known as Xisha by the Chinese and as Hoàng Sa by the Vietnamese).

Supporting the Chinese claim are the facts that Japan annexed the area in 1938 as part of its takeover of Taiwan from China and that Kuomintang-ruled mainland China claimed the area in 1947 under an «eleven dash line» demarcation while Malaysia and Brunei were still British colonies and Vietnam was still a French colony. Only the Philippines had officially become independent from the US one year before the Kuomintang claim, in 1946.

There are important historical and legal facts that should be taken into consideration. Before the US went to war with the Japanese, it never challenged the Japanese annexation of the area as a takeover of the territory of the Philippines as a possession of the US. Nor were the islands in the South China Sea included as part of the Philippine territory handed over from Spain to the US in 1898. It was only with US backing in the 1970s that the Philippines started making international claims to the area.

Washington: The Meddling Third Party

China is interested in establishing what Xi Jinping calls a «community of destiny.» Beijing wants cooperation and trade, not war or conflict with the Philippines or any of the other member states of the Association of the Southeast Asian Nations (ASEAN). Its major aim is to expand the Silk Road, both on land and at sea, and to buttress regional integration and economic prosperity. In this regard, it has even given favourable treatment and offered

advantageous trade conditions to the member states of the ASEAN on multiple occasions.

Like President Duterte, the Chinese government has signaled that it is ready to hold direct negotiations over the territorial dispute in the South China Sea. China has even declared that it is willing to share the area's wealth and resources in joint development projects. This is what Beijing has described as a «sustainable approach.» In return Beijing has asked that Manila rejects the Permanent Court of Arbitration's ruling, which will also affect the cross-cutting territorial claims of Brunei, Malaysia, and Vietnam.

In a scenario where the Philippines gains control of the disputed territory in the South China Sea, Manila would turn to the US and US allies like Japan, South Korea, and Australia for the development of the region. The Philippines cannot develop or extract the energy resources of the area by itself. Foreign energy companies from the US and states allied to the US would get preferential treatment and profit off the oil and gas. In return the Philippines would get undersized economic returns.

Even under the framework of the above scenario, if it is not the biggest consumer, China would still be one of the major consumers of any energy reserves extracted from the South China Sea. China could also even be asked by the Philippines to develop the region's energy reserves. Since Beijing will be the main customer, there are those in the Philippines that realize that it would actually be more lucrative for the Philippines to work with China to jointly develop the regions energy reserve. This is why there are those in the Philippines who prefer bilateral talks. The main hurdle to talks between Beijing and Manila, however, is the United States.

What is at stake in the disputed zone are not only large amounts of hydrocarbon reserves in what some in China have called a «second Persian Gulf» of energy, fishing, and one of the most important maritime corridors and trade routes in the world. Chinese national security interests are also heavily tied to the area. Chinese trade and energy supplies would be disrupted if maritime movement were halted in the South China Sea, which is why the US military is heavily focused on having a presence in the area. In part, this is what Washington's «Pivot to Asia» is all about.

Washington, which (unlike Beijing) itself has refused to even sign the United Nations Convention on the Law of the Sea, is using the Philippines as a pretext for playing a dirty game against China merely because it views Beijing as its strategic rival. The US is intentionally ratcheting tensions up in the South China Sea to justify both the US naval presence adjacent to the Chinese coast and the creation of a network of military alliances to encircle and pressure Beijing. Using coercive diplomacy, economic warfare, a strategy of tension, and a two-pronged approach of confrontation and cooperation, the US is trying to consign China to the position of a junior partner. The US is also doing its best to create a wedge in Eurasia between China and the Russian Federation.

Ironically, while it is demonizing China as a regional threat, Washington is sending contradictory messages to its regional allies. The US has been vilifying Beijing while it simultaneously orders the US military to hold multilateral or bilateral military exercises with the Chinese military, such as the Rim of the Pacific (RIMPAC) Exercise (June-July 2016), China-US Joint Humanitarian Assistance and Disaster Relief Tabletop Exercise (November 2012), and the China-US Anti-piracy Exercise in the Gulf of Aden (September 2012).

Regional leaders should take note of the US modus operandi. US leaders are not willing to

directly confront China. Instead they are using countries like the Philippines as pawns, leverage, and negotiating chips to either bargain with or obstruct an increasingly assertive and economically prosperous China.

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