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How to Change the Game of Security Cooperation: The Case of the ASEAN-China Strategic Partnership

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Abstract

The challenges of a polycentric world necessitate new ways of addressing global problems. Of late, strategic partnerships have become prominent features in the foreign profiles of international actors. They can be seen as a practice of cooperation, and can be further broken down to patterned actions, such as diplomacy and summitry. These practices feature prominently in the ASEAN-China strategic partnership for two reasons. First, diplomacy has proven to be pivotal in both the securitization and the desecuritization of the South China Sea maritime dispute. Second, summitry is the foundation of the ASEAN-China Dialogue Relations, which was formally established in 1996, and on which the strategic partnership is built. Looking at the ASEAN-China strategic partnership from the perspective of practice theory can then identify the constitutive effects of practices on regional cooperation. This effectively moves the discussion about strategic partnerships from what they are to how they operate in international relations. The practices of diplomacy and summitry in ASEAN-China relations can then be argued as the key forces behind regional cooperation.

Keywords

ASEAN, China, Strategic partnership, Philippines, South China Sea, Security cooperation, Practice theory

1 INTRODUCTION

Strategic partnerships have been in the limelight recently. At a time when the challenges of a polycentric world seem daunting, strategic partnerships represent a crucial way to solve global problems. They embrace the idea that partners share similar concerns and objectives. They cover a wide range of issue-areas, thereby making them more comprehensive than the mostly military connotation of alliances. Additionally, as states recognize the need to assert themselves as global actors in a multipolar world, the recourse to the formation of strategic partnerships as a foreign policy tool has become even more justified. This novel way of "doing" international relations is also touted as contributing to new forms of security governance.[1]

China champions this particular way of conducting international relations. It currently has strategic partnerships with 47 countries and three international organizations.[2] This reflects China's objectives of fostering and promoting ties with countries that are of importance to Beijing in order to dispel the so-called China Threat and take advantage of economic opportunities and promote an international order based on the Five Principles of Peaceful Coexistence. Of particular interest here is the Association of Southeast Asian Nations (ASEAN)-China strategic partnership, which was created in 2003 "to foster friendly relations, mutually beneficial cooperation and good neighborliness between ASEAN and China by deepening and expanding ASEAN-China cooperative relations in a comprehensive manner in the 21st century, thereby contributing to the region's long-term peace, development and cooperation. This strategic partnership is non-aligned, non-military, and non-exclusive, and does not prevent the participants from developing their all-directional ties of friendship and cooperation with others."[3]

As strategic partnerships became prominent features in the foreign profiles of international actors, analysts and scholars were quick to set the markers and parameters of this phenomenon in the hopes of minimizing its conceptual ambiguities. In both the scholarly or policy literature, what constitutes "strategic" in these "partnerships" is not clear. These are fundamental questions that are hinged on what makes and how one chooses a "partner." Even if these parameters were pinned down, the reasoning behind the formation of strategic partnerships remains arbitrary because the empirical data show that they vary from actor to actor and the theme or area of their focus. As a result, it then becomes difficult to ascertain how strategic partnerships are able to strengthen multilateralism, regionalism, or even international and global cooperation, much less contribute to global governance. This has led an analysis to note that, "... in the absence of any clear conceptual thinking ..., strategic partnerships are complex and diverse and that judgments of their success or failure depend in large part upon the eye of the beholder."[4]

It is at this juncture that practice theory can offer a way to study this phenomenon. Practices

1 HDP Envall and Ian Hall: Asian Strategic Partnerships: New Practices and Regional Security Governance, In: *Asian Politics and Policy* 8, 1 (2016): 87–105.

2 Feng Zhongping and Huang Jing: *China's Strategic Partnership Diplomacy: Engaging with a Changing World*. European Strategic Partnerships Observatory Working Paper 8, June 2014.

3 Association of Southeast Asian Nations: Joint Declaration of the Heads of State/Government of the Association of Southeast Asian Nations and the People's Republic of China on Strategic Partnership for Peace and Prosperity, 8 October 2003.

4 Anne Schmidt: *Strategic Partnerships – A Contested Policy Concept: A Review of Recent Publications*. Working Paper FG 1, 2010/07, Stiftung Wissenschaft und Politik, German Institute for International and Security Affairs, December 2010.

are performative, patterned, competent in a socially meaningful way, rest on background knowledge, and are where the discursive and material worlds converge.[5] They are repeated actions in organized contexts, and as such have an inherent spatial characteristic: "... the spaces pertinent to social life are ever increasingly the product of practices."[6] They are composed of "fields," "constellations," "communities," or "networks" of practice.[7] As a tool to understand the relations and interactions between and amongst international actors, bundles of practices then become the "key entry point to the study of world politics."[8]

There are various practices with which to study International Relations. War is one such example, as well as balancing or bargaining. The phenomenon of cooperation is in itself a site for converging – but oftentimes diverging – sets of practices. Strategic partnerships can be seen as a practice of cooperation, and can be further broken down to patterned actions that actors within those partnerships do, such as diplomacy and summitry. These practices feature prominently in the ASEAN-China strategic partnership for two reasons. First, diplomacy has proven to be pivotal in both the securitization *and* the desecuritization of the South China Sea maritime dispute. Second, summitry is the foundation of the ASEAN-China Dialogue Relations, which was formally established in 1996, and on which the strategic partnership is built. Looking at the ASEAN-China strategic partnership from the perspective of practice theory can then identify the constitutive effects of practices on regional cooperation. In doing so, the analysis escapes the static picture that the enumeration of parameters and criteria offers. Using practice theory focuses on the process instead of the markers of cooperation, and in the case of the ASEAN-China strategic partnership reveals that cooperation is neither automatic nor does it follow a straight causal path. Acknowledging the nuances of cooperation effectively moves the discussion about strategic partnerships from what they are to how they operate in international relations. The practices of diplomacy and summitry in ASEAN-China relations can then be argued as the key forces behind regional cooperation.

With this as backdrop, the piece proceeds as follows. The next section sets the theoretical frame of the succeeding empirical analysis. Practice theory in International Relations is placed in the context of the broader practice turn in social theory. In addition, the theoretical section shows how the logic of practice theory, captured via narratives and language games, can illustrate the impact of strategic partnerships on international relations. The two sections that follow revolve around the case studies of Philippine-China and ASEAN-China relations. The paper then concludes by positing that the path to regional cooperation is a nuanced interaction that requires an ongoing commitment to keep on playing. This is what keeps international relations going.

5 Emmanuel Adler and Vincent Pouliot: *International Practices*. Cambridge: Cambridge University Press, 2011.

6 Adler and Pouliot 2011; Theodore Schatzki: Spaces of Practices and of Large Social Phenomena. In: *EspacesTemps.net*, 24 March 2015. Available at https://www.espacestemps.net/articles/spaces-of-practices-and-of-large-social-phenomena/, accessed 20 November 2017.

7 Theodore Schatzki, Karin Knorr-Cetina, and Eike von Savigny (eds.): *The Practice Turn in Contemporary Theory*. London: Routledge, 2001; Theodore R. Schatzki: Peripheral Vision: The Sites of Organization. In: *Organization Studies* 26, 3 (2005): 465–484; Jean Lave and Etienne Wenger: *Situated Learning: Legitimate Peripheral Participation*. Cambridge: Cambridge, 1991; John Seely Brown and Paul Duguid: Knowledge and Organization: A Social-Practice Perspective. In: *Organization Science* 12, 2 (2001): 198–213.

8 Adler and Pouliot 2011: 5; Morten Skumsrud Andersen and Iver B. Neumann: Practices as Models: A Methodology with an Illustration Concerning Wampum Diplomacy. In: *Millennium: Journal of International Studies* 40, 3 (2012): 457–481.

2 THEORY/PRACTICE

Strategic partnerships are a post-Cold War creation. The term first gained ground when Russia raised the idea of strategic partnerships as an instrument of foreign policy, which the United States later adopted to describe its relationship with the former Soviet Union.[9] This was at the time when "the former protagonists no longer viewed each other as enemies, but had not graduated to the level of allies."[10] The launch of the European Security Strategy in 2003 not only established for the European Union the necessity of concluding strategic partnerships, but also propelled numerous discussions about what strategic partnerships are and their characteristics.[11] However, nowhere is there a clear definition or a strategic purpose for these partnerships. While some would argue that the very ambiguity of the term can be to actors' advantage, this murkiness can overstretch the concept and create infeasible expectations.[12] Hence, a spate of works came out to pin down the parameters of strategic partnerships.

On one hand, strategic partnerships are seen as a goal-oriented relationship.[13] The "essential elements" of such a relationship include common values and interests, mutual understanding, and equality of size. These are problematic, not least because it is unclear which values and interests take precedence over others, how one is privileged over another, how mutual understanding is arrived at, and how the concept can reconcile the vast asymmetries between international actors in these kinds of partnerships. Others see strategic partnerships as an interest-based relationship: it is in the interest of partners to cooperate because otherwise they are most vulnerable to each other should the partnership go south.[14] In view of such, the "main features" of strategic partnerships are common interests and expectations, a long-term view, a multidimensional perspective, a global range, and a distinction from other types of relations.[15]

Apart from examining strategic partnerships as a goal-oriented or interest-based relationship, they are also studied, on the other hand, as only one possible type of relationship that states can have. Scholars whose works are along this line forward that strategic partnerships are structured collaborations between states and are different from alliances or coalitions.[16] In fact, they are more flexible than alliances since they are neither targeted at a specific country nor contain binding military commitments.[17] To distinguish them from other types of alignments, they have the following properties.[18] First, they are organized around a general purpose or system principle (e.g., security) rather than a specific task (e.g., deterring or fighting a hostile state).

9 Sean Kay: What is a Strategic Partnership? In: *Problems of Post-Communism* 47, 3 (May/June 2000): 15–24.

10 Vidya Nadkarni: *Strategic Partnerships in Asia: Balancing Without Alliances*. New York: Routledge, 2010: 46.

11 European Council: *A Secure Europe in a Better World: European Security Strategy*. Brussels: European Union, 2003.

12 Schmidt 2010.

13 Marius Vahl: *Just Good Friends? The EU-Russian 'Strategic Partnership' and the Northern Dimension*. Centre for European Policy Studies Working Document 166, March 2001.

14 Giovanni Grevi: *Making EU Strategic Partnerships Effective*. Fundación para las Relaciones Internacionales y el Diálogo Exterior Working Paper 105, December 2010.

15 Jonathan Holslag: The Elusive Axis: Assessing the EU-China Strategic Partnership. In: *Journal of Common Market Studies* 49, 2 (2011): 293–313.

16 Thomas S. Wilkins: 'Alignment', not 'Alliance' – The Shifting Paradigm of International Security Cooperation: Toward a Conceptual Taxonomy of Alignment. In: *Review of International Studies* 38 (2012): 53–76; Thomas S. Wilkins: Russo-Chinese Strategic Partnership: A New Form of Security Cooperation? In: *Contemporary Security Policy* 29, 2 (August 2008): 358–383.

17 Nadkarni 2010.

18 Wilkins 2008.

Second, they are goal-driven rather than threat-driven. Third, they are informal and entail low commitment costs, therefore permitting autonomy and flexibility and minimizing the abandonment/entrapment risks of alliances. Finally, economic exchange is a key driver of partnership.

Setting the criteria for what defines strategic partnerships is one trajectory of extant literature, but so is assessing their output. One way to evaluate whether strategic partnerships have indeed "delivered" is by plotting them in a collaboration continuum.[19] These partnerships are seen to have been formed as a response to an uncertain environment and as a result, states find compatible and receptive partners and gauge their strategic fit with each other. A system principle or an overarching framework of mutual agreement and understanding then forms the crux of a strategic partnership's formation. The next stage in the continuum is the implementation of the partnership. Here is when the diffusion of an institutional structure that governs the interaction patterns between partners takes root. During the implementation process, partners maintain their respective organizational apparatus; hence, they remain separate entities as they work towards the achievement of a mutual objective. The other end of the collaboration continuum specifies the ways to evaluate the partnership. Essentially, a strategic partnership is evaluated based on how closely common interests are aligned with shared values. The more these are aligned, the more cohesive the partnership is. Progress can also be measured in terms of goal attainment: how far along is the partnership in terms of the goal it has set when it was formed? Ultimately, the success of a strategic partnership rests on the ability of the partners to generate mutual trust.

While not discounting the valuable insights of the abovementioned works, it is nonetheless critical to underscore that when strategic partnerships are tagged simply as a type or a form of relationship that displays an assortment of elements or features, they are reduced to those properties alone. This results in "a static category of association between international actors."[20] Furthermore, this approach to studying strategic partnerships draws a line between "real" strategic partnerships and those that are not, and while in academia this merely points to arbitrariness, this categorization will have dangerous consequences for policy-making.

This is where practice theory can fill the gap. The "practice turn" is embedded in the broader changes in social theory where the focus on practice represents more than just a new theoretical paradigm with new types of approaches and frameworks, but also significant shifts in epistemology, ontology, methodology, and methods. A map of the social theory landscape is useful in order to situate the context of practice theory.[21] There are three different types of theorizing in social theory: rationalist theories, norm-oriented theories, and culturalist theories. Rationalist theories have the individual as the basic unit of analysis, while norm-oriented theories place more importance on social relations and normative rules. Culturalist theories, meanwhile, are concerned with the driving forces that structure action. Advocates of this way of thinking argue that actions stem from common understandings of reality, and from here, three strands of culturalist theories have so far developed. The first is mentalism, where shared orders of knowledge are rooted in cognition. The second is textualism, where the focus is on discourses, texts, and language. The third is where practice theory is situated, where inside (such as in mentalism, i.e., inside the human mind) and outside (such as in textualism, i.e., outside the human mind and towards their enunciations) meet. This context then sets the tone for practice theory's strong

19 Wilkins 2008.

20 Luis Fernando Blanco: The Functions of 'Strategic Partnership' in European Union Foreign Policy Discourse. In: *Cambridge Review of International Affairs* 29, 1 (2016): 40.

21 Christian Bueger and Frank Gadinger: *International Practice Theory: New Perspectives*. New York: Palgrave, 2014.

focus on everyday life, where practices are performed and where orders are produced and reproduced. The efforts that various disciplines in the social sciences have done to study and apply practice theory attest to its significant contributions. For instance, sociologists study learning and strategy-making through practice, while organization studies conduct research in what is now known as strategy-in-practice. Practice theory has also become prevalent in policy studies, history, gender studies, and others.

Beyond the social sciences, practice theory has also shifted the way we think about the world. As "drivers of social relations," practices are "embodied, materially mediated arrays of human activity centrally organized around shared practical understandings."[22] What differentiates practices from habits is that the former are collective actions in organized contexts.[23] In this sense, practices are the "infrastructure of repeated *interactional* patterns."[24] As "nested phenomena," different practices create different infrastructures and it is this "field of practices" that forms "the total nexus of interconnected human practices" and is the "linchpin of the practice approach."[25]

What this means for International Relations in particular is the argument that the usual phenomena – war, power, sovereignty, identity, cooperation – can be studied differently. Practice theory's commitment to collective processes leads to an understanding of the world through relational ontologies.[26] These are best captured by using language and language games. This approach has its roots in Wittgenstein who developed the idea that the meaning of a word is attached to its use in language.[27] In other words, the meanings of words, concepts, or structures are not fixed. Instead, they are created through repeated use in language, i.e., through practice.[28] Language games refer to the totality of language and the actions woven into it to the point that when language games change, so do the concepts and the meanings that are attached to them.

In the context of this piece, therefore, it makes little sense to define strategic partnerships a priori because their meaning can only be gleaned from their use in language. Capturing their dynamism then requires analysis at two levels. The first is at the bilateral level, where the discussion will center on diplomatic exchanges between China and the Philippines. The second is at the multilateral level, where the focus is the practice of summitry in the ASEAN-China Dialogue Relations. Both levels of analysis converge on the issue of the maritime disputes in the South China Sea. Looking at international relations thus supports the argument that strategic partnerships are more than a label that international actors attach to their supposedly upgraded relationships. Indeed, strategic partnerships are practices – represented by language games – that have constitutive effects on regional cooperation. Hence, refocusing the lenses demonstrates that diplomacy and summitry as practices in the context of ASEAN-China relations are key forces behind regional efforts in East and Southeast Asia.

22 Christian Bueger and Frank Gadinger: The Play of International Practice. In: *International Studies Quarterly* 59 (2015): 449–460; Schatzki et al. 2001: 11.

23 Barry Barnes: Practice as Collective Action. In: *The Practice Turn in Contemporary Theory*, eds. Theodore Schatzki, Karin Knorr-Cetina, and Eike von Savigny, London: Routledge, 2001: 25–36.

24 Ann Swidler: What Anchors Cultural Practices. In: *The Practice Turn in Contemporary Theory*, eds. Theodore Schatzki, Karin Knorr-Cetina, and Eike von Savigny, London: Routledge, 2001: 94. Emphasis in the original.

25 Iver B. Neumann: Returning Practice to the Linguistic Turn: The Case of Diplomacy. In: *Millennium: Journal of International Studies* 31, 3 (2002): 627–651; Schatzki et al. 2001: 11.

26 Bueger and Gadinger 2014.

27 David G. Stern: The Practical Turn. In: *The Blackwell Guide to the Philosophy of the Social Sciences*, eds. Stephen P. Turner and Paul A. Roth, Malden: Blackwell, 2003: 185–206; Mervyn Frost and Silviya Lechner: Two Conceptions of International Practice: Aristotelian *Praxis* or Wittgensteinian *Language-Games*? In: *Review of International Studies* 42 (2016): 334–350.

28 Blanco 2016; Frost and Lechner 2016.

3 DIPLOMACY AS PRACTICE

At first glance, the argument that diplomacy leads to regional cooperation seems self-evident. After all, how can it not? Indeed, diplomacy is about the negotiation of meaning, value, and knowledge as much as the negotiation of interests and positions.[29] However, meaningful diplomacy is neither smooth, one-directional, nor is it automatic. Seeing diplomacy as practice features its performative aspect. Here, diplomacy is seen as a process of creating and maintaining oftentimes amorphous and changing state identities, as well as constituting international systems through diplomats' performance of their roles.[30] Diplomacy as practice also puts a spotlight on efforts to align state behavior with international law.[31] In effect, using practice theory teases out how states use diplomacy to "make things work."[32]

The South China Sea is an illuminating case study on how the Philippines and China used bilateral diplomatic exchanges to securitize and to desecuritize the dispute. Both countries had to rely on international bodies to achieve their respective objectives. Interestingly, while regional entities were indeed tapped, these two countries utilized them in different ways: the Philippines used regionalism for bilateral ends, whereas China used bilateralism for regional ends. This comes to the surface via a linguistic analysis of the events in the South China Sea using the 1995–2008 and 2009–2016 timeframes. These timeframes follow the distinction in the Memorial of the Philippines (MP), which was submitted to the Permanent Court of Arbitration.[33] The diplomatic exchanges analyzed here have also been culled from the annexes, supplemental written submissions, and other case files of the South China Sea Arbitration (Philippines v China).[34] As a whole, the diplomatic exchanges between the Philippines and China on the South China Sea contributed to the fleshing out of the ASEAN-China strategic partnership and hence spurred regional cooperation.

3.1 1995–2008

The disputes during this period focused on the nature and maritime entitlements of some features in the South China Sea, including Mischief Reef and Scarborough Shoal.[35] Mischief Reef is a circular, coral, low-tide elevation within the Spratly Islands.[36] It is approximately 126 miles from the Philippines, and about 600 miles from China. Filipino fishermen would sometimes take shelter on the reef, but it remained largely unoccupied. Needless to say, the Philippines considers it as part of its exclusive economic zone and continental shelf under the United Nations Convention on the Law of the Sea (UNCLOS). Meanwhile, Scarborough Shoal is 118 miles from the coast of the Philippines and 325 miles from Woody Island, which China claims. Under international law, shoals cannot be claimed as territory, but even so, the Philippines asserts

29 Costas M. Constantinou and Paul Sharp: Theoretical Perspectives in Diplomacy. In: *The Sage Handbook of Diplomacy*, eds. Costas M. Constantinou, Pauline Kerr, and Paul Sharp, London: Sage, 2016: 13–27.

30 Constantinou and Sharp 2016.

31 Ian Hurd: Law and Practice of Diplomacy. In: *International Journal* 66, 3 (2011): 581–596.

32 Vincent Poulio: Diplomats as Permanent Representatives: The Practical Logics of the Multilateral Pecking Order. In: *International Journal* 66, 3 (2011): 543–561.

33 The South China Sea Arbitration: Philippines v China (30 March 2014). MP, Vol. I.

34 Permanent Court of Arbitration Case No. 2103-19. Available at https://www.pcacases.com/web/view/7, accessed December 2017.

35 Mischief Reef is also known as Panganiban Reef in Filipino and Meiji Reef in Chinese. Scarborough Shoal is also known as Panatag Shoal in Filipino and Huángyán Dǎo in Chinese.

36 The Spratly Islands is also known as the Kalayaan Island Group in Filipino and Nansha Islands in Chinese.

rights to it since it has exercised jurisdiction over it by enforcing Philippine law against smuggling and illegal fishing, constructing a lighthouse, and using the shoal as target practice for air force pilots.[37] China also claims Scarborough Shoal since parts of it are above water and can be claimed as part of Macclesfield Bank, which China also claims.

In January 1995, China built simple structures on stilts on Mischief Reef, marked them with a Chinese flag, and prevented Filipino fishermen from approaching the reef without its consent.[38] The Philippines signified its objection by sending a Memorandum to the Chinese Embassy in Manila where it noted a "significant change in the disposition of Chinese forces in the South China Sea," i.e., certain structures were built on the reef and three large warships and five smaller vessels were in the vicinity.[39] The Philippines also requested the release of detained Filipino fishermen. By March 1995, the Philippines detained four Chinese fishing boats and 62 fishermen around the Spratly Islands for poaching on Philippine waters and using explosives.[40] In response, China pointed out that "the real issue is that Chinese fishermen had not violated Philippine territory because they were conducting 'normal routinary fishing' in traditional Chinese fishing grounds."[41] China insistently called on the Philippines to release the fishermen and stated that the fishing areas could only be delineated once they have been released.

The bottom line for China was (and continues to be) to seek a peaceful settlement of the dispute through bilateral means. China holds that the "basis for multilateral cooperation is bilateral cooperation."[42] It also aims to shelve the sovereignty issue at the heart of the dispute and instead pursue joint development.[43] On the other hand, the Philippines was then, as well as now, partial towards the internationalization of the issue. For example, in 1998 a Memorandum was sent from the Department of Foreign Affairs in Manila to all the Philippine Embassies with instructions to inform the host governments about the South China Sea issue and to obtain their reactions on the Mischief Reef incident. The Embassies were also directed to assure the host governments that the Philippines adheres to its position via diplomatic means.[44] These divergent positions played out in several language games throughout this period.

First, references to friendship and a good relationship were intrinsic to the rhetoric of the two countries. When the issue came to the fore in 1995, both sides remarked that the year was the 20th anniversary of Philippine-China diplomatic

37 MP, Vol. I (30 March 2014).

38 Government of the Republic of the Philippines and Government of the People's Republic of China: *Agreed Minutes on the First Philippines-China Bilateral Consultations on the South China Sea Issue* (10 August 1995). MP, Vol. VI, Annex 180; Government of the Republic of the Philippines: *Transcript of Proceedings Republic of the Philippines-People's Republic of China Bilateral Talks* (10 August 1995). MP, Vol. VI, Annex 181.

39 *Memorandum* from the Undersecretary of Foreign Affairs of the Republic of the Philippines to the Ambassador of the People's Republic of China in Manila (6 February 1995). MP, Vol. III, Annex 17.

40 *Memorandum* from Erlinda F. Basilio, Acting Assistant Secretary, Office of Asian and Pacific Affairs, Department of Foreign Affairs, Republic of the Philippines, to the Secretary of Foreign Affairs of the Republic of the Philippines (29 March 1995). MP, Vol. III, Annex 19; *Memorandum* from Lauro L. Baja, Jr., Assistant Secretary, Office of Asian and Pacific Affairs, Department of Foreign Affairs, Republic of the Philippines, to the Secretary of Foreign Affairs of the Republic of the Philippines (7 April 1995). MP, Vol. III, Annex 20.

41 *Memorandum* from Erlinda F. Basilio (29 March 1995).

42 Government of the Republic of the Philippines: *Transcript of Proceedings* (10 August 1995).

43 *Memorandum* from the Secretary of Foreign Affairs of the Republic of the Philippines to the President of the Republic of the Philippines (31 July 1995). MP, Vol. III, Annex 23.

44 *Memorandum* from Lauro L. Baja, Jr., Undersecretary for Policy, Department of Foreign Affairs, Republic of the Philippines to all Philippine Embassies (11 November 1998). MP, Vol. III, Annex 35.

relations. Their deep friendship was hoped to be reason enough to not let the South China Sea issue impede their bilateral relations.[45] For instance, China "treasures" its relations with the Philippines and attaches "great importance" to it, while the Philippines boasts that it was one of the first ASEAN countries to have diplomatic ties with China.[46] At the same time, however, the said friendship was oftentimes used to guilt-trip the other: "For the sake of RP-China relations, the 62 fishermen should be released as soon as possible."[47] A sign of good faith was meant to demonstrate what one side has already been willing to give to the other: despite overlapping claims, China exercised "great restraint" and "even considered allowing Filipino fishermen to use the shelter facilities at Mischief Reef in emergency cases."[48]

Second, the language game of invoking friendship all too easily slid into the blame game. To China, the Philippines "flexed its muscles" and misinterpreted Chinese actions "by taking a yard after taking an inch," thereby blowing the issue out of proportion.[49] In particular, China pointed out, "It is obvious that some people in the Philippine Government are deliberately 'creating an incident' out of the case."[50] To the Philippines, on the other hand, "China has repeatedly called for setting aside the dispute over sovereignty if such cannot be settled at the present time. However, when a country sends its fishermen to intrude too close to another's coastline, that is not acting in the spirit of setting aside the dispute over sovereignty; rather, it is *forcing* the issue of sovereignty."[51] A slightly different version of the blame game bordered on threats or warnings, mostly from the Chinese side: "The Philippines should not take advantage of this case to stress that 'these waters' are within the 200 EEZ [exclusive economic zone] of the Philippines. This will do no good to the settlement of the South China Sea dispute. If the Philippines [conducts] these acts in [Chinese] territory, then the Chinese government will definitely oppose them."[52] These statements show that China was displeased by the Philippines' actions and that the latter should cease from doing so in order to not exacerbate the situation. The threats were therefore implicit and of a vague nature. One example is China's statement that "If RP side continues to detain Chinese fishermen, it will inevitably complicate the situation and damage bilateral relations. [After all,] whenever military action is involved and restraint is not exercised, this will give rise to a situation neither side would hope to see."[53] Other times, China was more specific about stating its displeasure: "China does not wish to see that matter played

45 *Memorandum* from Erlinda F. Basilio (29 March 1995); *Memorandum* from the Secretary of Foreign Affairs (31 July 1995).

46 *Memorandum* from Lauro L. Baja, Jr. (7 April 1995); *Memorandum* from the Ambassador of the Republic of the Philippines in Beijing to the Undersecretary of Foreign Affairs of the Republic of the Philippines (10 April 1995). MP, Vol. III, Annex 21; *Memorandum* from the Secretary of Foreign Affairs (31 July 1995).

47 *Memorandum* from Lauro L. Baja, Jr. (7 April 1995).

48 *Memorandum* from the Ambassador of the Republic of the Philippines in Beijing to the Undersecretary of Foreign Affairs of the Republic of the Philippines (10 March 1995). MP, Vol. III, Annex 18; *Memorandum* from the Ambassador of the Republic of the Philippines in Beijing (10 April 1995).

49 *Memorandum* from the Ambassador of the Republic of the Philippines in Beijing (10 April 1995); *Memorandum* from Rodolfo C. Severino, Undersecretary, Department of Foreign Affairs of the Republic of the Philippines, to the President of the Republic of the Philippines (27 May 1997). MP, Vol. III, Annex 25.

50 *Memorandum* from Lauro L. Baja, Jr., Assistant Secretary, Office of Asian and Pacific Affairs, Department of Foreign Affairs, Republic of the Philippines, to the Secretary of Foreign Affairs of the Republic of the Philippines (7 April 1995). MP, Vol. III, Annex 20.

51 *Memorandum* from the Ambassador of the Republic of the Philippines in Beijing (10 April 1995). Emphasis in the original.

52 *Memorandum* from Lauro L. Baja, Jr. (7 April 1995).

53 *Memorandum* from the Ambassador of the Republic of the Philippines in Beijing (10 April 1995).

up," or "China's self-restraint has limits and it will not sit idly by forever."[54]

Despite the escalation, a third language game that can be gleaned from the diplomatic exchanges of China and the Philippines in the 1995–2008 period embraced hope. China believed that dialogue and "friendly consultations" with the Philippines would "achieve good understanding."[55] Indeed, China reported, "During bilateral consultations, both sides reached an understanding that problems would be handled in a sober and constructive way."[56] China put a lot of stock on bilateralism, which was further underscored in this statement: "It is China's sincere hope that RP will set store by the larger interest of protecting friendly bilateral relations …"[57] While the Philippines preferred multilateral discussions, it nonetheless played China's game and similarly expressed hope that it was "confident that this matter shall be resolved peacefully and amicably."[58] With this common ground, bilateral meetings were regularly held and proposals to move forward included a bilateral fisheries agreement and the establishment of sister-city/province linkages.[59]

These talks resulted in a working group on confidence-building measures.[60] By 2004, Philippine President Gloria Macapagal-Arroyo visited China and in a joint statement reaffirmed the Philippines' and China's commitment to peace and stability in the South China Sea and to promote the peaceful settlement of disputes in accordance with UNCLOS.[61]

So far, the 1995–2008 period showed the language games of friendship, blame, and hope. The 2009–2016 period demonstrates some continuity of these language games. However, there is also an added layer of complexity as China shifted its stance to a more historical claim and a stronger insistence on bilateral mechanisms. What follows is an analysis of the language game of escalation.

3.2 2009–2016

The disputes entered a new phase upon China's assertion of its historical rights to the waters, seabed, and subsoil within the nine-dash line in the South China Sea. The Philippines, as well as other countries in Southeast Asia, claims some of the areas within this line under the provisions of UNCLOS. The Philippines protested that the nine-dash line "impinges on territorial and maritime zones" of the country.[62] Aside from the assertion based on historical rights, China's rhetoric also shifted to an insistence that the South China Sea issue is not an ASEAN agenda. China underscored this by pointing out that the dispute was between China and some ASEAN countries,

54 *Memorandum* from the Embassy of the Republic of the Philippines in Beijing to the Secretary of Foreign Affairs of the Republic of the Philippines, No. ZPE-09-2001-S (17 March 2001). MP, Vol. III, Annex 47; *Memorandum* from Rodolfo C. Severino (27 May 1997).

55 *Memorandum* from the Ambassador of the Republic of the Philippines in Beijing (10 April 1995); *Memorandum* from the Ambassador of the Republic of the Philippines in Beijing (10 March 1995).

56 *Memorandum* from Erlinda F. Basilio (29 March 1995).

57 *Memorandum* from the Ambassador of the Republic of the Philippines in Beijing (10 April 1995).

58 *Memorandum* from the Undersecretary of Foreign Affairs of the Republic of the Philippines (6 February 1995).

59 *Memorandum* from the Ambassador of the Republic of the Philippines in Beijing to the Undersecretary of Foreign Affairs of the Republic of the Philippines (10 April 1995). MP, Vol. III, Annex 21; Memorandum from the Secretary of Foreign Affairs (31 July 1995).

60 *Memorandum* from Rodolfo C. Severino (27 May 1997).

61 Government of the Republic of the Philippines and Government of the People's Republic of China: *Joint Press Statement on the State Visit of H.E. President Gloria Macapagal-Arroyo to the People's Republic of China, 1–3 September 2004* (3 September 2004). MP, Vol. VI, Annex 188.

62 *Memorandum* from Secretary-General, Commission on Maritime and Ocean Affairs Secretariat, Department of Foreign Affairs of the Republic of the Philippines to the Secretary of Foreign Affairs of the Republic of the Philippines (7 December 2010). MP, Vol. IV, Annex 66.

not between China and ASEAN as an entity. Indeed, the Declaration on the Conduct of Parties in the South China Sea (DOC), while an ASEAN document, emphasizes parties, not ASEAN.[63] Efforts to guarantee that the issue remained outside of the ASEAN framework included China summoning the representatives of all ASEAN member states in Beijing to deal with them individually. As a result, the South China Sea did not appear on the agenda of the 15th ASEAN-China Senior Officials Meeting in 2009.[64] Moreover, China also said, "Disputes on the outer limits of the continental shelf *cannot be solved through multilateral channels*."[65] This then drives the point home that China, in the 2009–2016 period, continued to prefer bilateral mechanisms to address the issue. The Philippines, on the other hand, continued to prefer the multilateral option. It maintained that "the South China Sea is an issue with *regional security ramifications*. It is also an issue that affects ASEAN-China relations. As such, it is valid for the ARF [ASEAN Regional Forum] or for ASEAN to discuss it."[66] Not unlike China's move, the Philippines sent a Note Verbale to all the ASEAN embassies in Manila to signify its diplomatic protest to China's actions. The Philippines reiterated that it continues to abide by the DOC and that it remains committed to a peaceful and diplomatic resolution.[67]

In response to China's assertion of its nine-dash line, Malaysia and Vietnam – also claimant states – gave their submissions on the issue of extended continental shelf to the United Nations. China defended its position by submitting a Note Verbale to the UN. Against this backdrop, China wanted to play it safe insofar as the Philippines was concerned. In exchanges with the Department of Foreign Affairs in Manila, China said that it "hopes that the Philippines will take a *constructive* attitude towards this matter and *refrain* from doing anything that would result in the escalation of tension in the South China Sea. The Philippines must be *vigilant* of any country's attempt to damage the relations of the Philippines and China … [and must not consider] reviving and highlighting the tensions in the South China Sea by reacting to China's Note Verbale."[68] The Philippines replied by emphasizing that since the nine-dash line impinges on Philippine territory, it would have no choice but to react for to fail to do so would be tantamount to acquiescence to China's claim. Also, the Philippines asserted, "Any Philippine act in the South China Sea would be based on its own appreciation of the issue and not because of other countries' influence or pressure."[69]

The language game of escalation pressed on in 2011 when two Chinese Marine Surveillance (CMS) ships approached a survey ship commissioned by the Philippine Department of Energy to

63 *Memorandum* from the Embassy of the Philippines in Beijing to Secretary of Foreign Affairs of the Republic of the Philippines, No. ZPE-0691-2009 (8 September 2009). MP, Vol. IV, Annex 61.

64 *Memorandum* from the Embassy of the Philippines in Beijing (8 September 2009).

65 *Memorandum* from Assistant Secretary, Asian and Pacific Affairs, Department of Foreign Affairs of the Republic of the Philippines, to Secretary of Foreign Affairs of the Republic of the Philippines (7 February 2011). MP, Vol. IV, Annex 68. Emphasis in the original.

66 *Memorandum* from Secretary-General, Commission on Maritime and Ocean Affairs Secretariat, Department of Foreign Affairs of the Republic of the Philippines to the Secretary of Foreign Affairs of the Republic of the Philippines (28 March 2011). MP, Vol. IV, Annex 71; *Record of Discussion*: 17th Philippines-China Foreign Ministry Consultations (14 January 2012). MP, Vol. VI, Annex 204.

67 *Note Verbale* from the Department of Foreign Affairs of the Philippines to the Embassies of ASEAN Member States in Manila, No. 12-1372 (21 May 2012). MP, Vol. VI, Annex 210.

68 *Memorandum* from Secretary-General, Commission on Maritime and Ocean Affairs Secretariat (7 December 2010). Emphasis in the original.

69 *Memorandum* from Secretary-General, Commission on Maritime and Ocean Affairs Secretariat (7 December 2010).

conduct seismic surveys within the area covered by the Reed Bank Petroleum Service Contract. The survey ship was forced to stop its operations as a result of the Chinese vessels' aggressive maneuvers.[70] The Chinese Embassy in Manila acknowledged that the CMS vessels intended to "dissuade the [survey] vessel from further work" in order to "safeguard its sovereignty and sovereign rights as a result of the unilateral action from the Philippine side."[71] The Philippines countered with the following points:

> FIRST, the Republic of the Philippines has sovereignty and jurisdiction over the Kalayaan Island Group (KIG). SECOND, even while the Republic of the Philippines has sovereignty and jurisdiction over the KIG, the Reed Bank where GSEC101 is situated does not form part of the 'adjacent waters,' specifically the 12 M territorial waters of any relevant geological feature in the KIG either under customary international law or the United Nations Convention on the Law of the Sea (UNCLOS). THIRD, Reed Bank is not an island, a rock, or a low tide elevation. Rather, Reed Bank is a completely submerged bank that is part of the continental margin of Palawan. Accordingly, Reed Bank, which is about 85 M from the nearest coast of Palawan and about 595 M from the coast of Hainan, forms part of the 200 M continental shelf of the Philippine archipelago under UNCLOS ...[72]

Other incidents sparked in the next two years. In 2011, the Philippine Department of Energy decided to offer fifteen petroleum blocks to local and international companies for exploration and development in two areas near Reed Bank. China objected to this, claiming that it "has indisputable sovereignty, sovereign rights and jurisdiction over the islands in the South China Sea including Nansha [Spratly] Islands and its adjacent waters. The action of the Philippine Government has seriously infringed on China's sovereignty and sovereign rights ..."[73] In 2012, Philippine law enforcement attempted to arrest Chinese fishermen in areas under the Philippines' fisheries jurisdiction. Chinese government vessels then interfered for the first time and prevented the arrest.[74] A few days later, a Chinese vessel and an aircraft harassed a Philippine vessel engaged in marine archaeological research at Scarborough Shoal and ordered it to leave the area.[75] The Philippines then warned China to "respect the Philippines' sovereignty and sovereign rights under international law including UNCLOS [or else it would] bring the matter before an appropriate third-party adjudication body under international law, specifically, the International Tribunal on the Law of the Sea (ITLOS) with respect to the rights and obligations of the two countries in the Philippines' EEZ under international law, specifically UNCLOS."[76] Predictably, China did not heed the Philippines' warning and instead insisted on

70 *Note Verbale* from the Department of Foreign Affairs of the Republic of the Philippines to the Embassy of the People's Republic of China in Manila, No. 110526 (2 March 2011). MP, Vol. VI, Annex 198.

71 *Memorandum* from Acting Assistant Secretary of the Department of Foreign Affairs of the Republic of the Philippines to the Secretary of Foreign Affairs (10 March 2011). MP, Vol. IV, Annex 70.

72 *Note Verbale* from the Department of Foreign Affairs of the Philippines to the Embassy of the People's Republic of China in Manila, No. 110885 (4 April 2011). MP, Vol. VI, Annex 199.

73 *Note Verbale* from the Embassy of the People's Republic of China in Manila to the Department of Foreign Affairs of the Republic of the Philippines, No. (11) PG-202 (7 July 2011). MP. Vol. VI, Annex 202.

74 *Note Verbale* from the Department of Foreign Affairs of the Republic of the Philippines to the Embassy of the People's Republic of China in Manila, No. 12-0894 (11 April 2012). MP, Vol. VI, Annex 205.

75 *Note Verbale* from the Department of Foreign Affairs of the Republic of the Philippines to the Embassy of the People's Republic of China in Manila, No. 12-1030 (15 April 2012). MP, Vol. VI, Annex 206.

76 *Note Verbale* from the Department of Foreign Affairs of the Republic of the Philippines to the Embassy of the People's Republic of China in Manila, No. 12-1137 (26 April 2012). MP, Vol. VI, Annex 207.

its position and consolidated its hold on Scarborough Shoal by deploying and anchoring Chinese vessels in blockade formation to prevent Philippine vessels from entering area and by threatening Philippine Search and Rescue vessels and making "provocative and extremely dangerous maneuvers" against them.[77] By mid-2012, China achieved effective occupation with five Chinese vessels, sixteen fishing boats, and 56 utility boats in the area.[78] China also warned the Philippines not to send any of its vessels to Scarborough.[79]

The Philippines' recourse to internationalizing the issue was set against this context. It first submitted its formal objection to the UN in 2011. The Philippines argued that the nine-dash line "would have no basis under international law, specifically UNCLOS."[80] China's reply was to maintain that it "has indisputable sovereignty over the islands in the South China Sea and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof. China's sovereignty and related rights and jurisdiction in the South China Sea are supported by abundant historical and legal evidence."[81] In January 2013, the Philippines lodged a case against China at the Permanent Court of Arbitration.[82] China rejected the notification and opted to neither participate in the proceedings nor abide by the 2016 award, which was in favor of the Philippines.[83]

In these moves and counter-moves, China and the Philippines demonstrated that while both sides sought a resolution to the maritime dispute, they had divergent positions. These positions, in both the 1995–2008 and 2009–2016 periods, may be argued to have stemmed from, in the case of China, the desire to offset the political fallout and to restore its international image in the wake of the 1989 protests and the need to sustain the country's rapid economic advance in order to cement regime legitimacy, or in the case of the Philippines, the necessity of enjoining others to its cause so that it can leverage its relatively weak position vis-à-vis a key ally (the United States) and a rising power (China). However, the motives behind their respective positions matter less than their articulation and interaction. Such a linguistic analysis of the practice of diplomacy between the Philippines and China form part of the backdrop of the ASEAN-China strategic partnership. While the bilateral relationship of the Philippines and China predates the formal establishment of the ASEAN-China partnership, the language games of the two countries set the tone and the course of this regional arrangement. It is to this that the discussion now turns.

77 *Note Verbale* from the Department of Foreign Affairs of the Republic of the Philippines to the Embassy of the People's Republic of China in Manila, No. 12-1222 (30 April 2012). MP, Vol. VI, Annex 209.

78 *Note Verbale* from the Department of Foreign Affairs of the Republic of the Philippines to the Embassies of ASEAN Member States in Manila, No. 12-1372 (11 April 2012). MP, Vol. VI, Annex 210.

79 *Note Verbale* from the Embassy of the People's Republic of China in Manila to the Department of Foreign Affairs of the Philippines, No. (12) PG-239 (25 May 2012). MP, Vol. VI, Annex 211.

80 *Note Verbale* from the Permanent Mission of the Republic of the Philippines to the United Nations to the Secretary-General of the United Nations, No. 000228 (5 April 2011), 3. MP, Vol. VI, Annex 201.

81 *Note Verbale* from the Permanent Mission of the People's Republic of China to the Secretary-General of the United Nations, NO. CML/8/2011 (14 April 2011). MP, Vol. VI, Annex 200.

82 *Notification and Statement of Claim of the Republic of the Philippines* (22 January 2013). MP, Vol. III, Annex 2.

83 *Note Verbale* from the Embassy of the People's Republic of China in Manila to the Department of Foreign Affairs of the Republic of the Philippines, No. (13) PG-039 (19 February 2013). MP, Vol. VI, Annex 3; *Award* in the Matter of the South China Sea Arbitration (12 July 2016).

4 SUMMITRY AS PRACTICE

The ASEAN-China strategic partnership forms the overarching framework in which maritime cooperation in the South China Sea is a part of. As a whole, ASEAN's relations with China can be seen as going in the right direction. Milestones have been achieved, particularly in the economic sphere with the realization of the ASEAN-China Expo (CAEXPO) in 2004 and ASEAN-China Free Trade Agreement (ACFTA) in 2015. However, much more needs to be done in order to address maritime issues. The following section illustrates this point.

Although bilateral relations existed, there was no official relationship between ASEAN and China prior to the attendance of then Chinese Foreign Minister Qian Qichen at the opening session of the 1991 ASEAN Ministerial Meeting in Kuala Lumpur as a guest of the Malaysian government. There, China expressed its interest in cooperating with the regional organization. China was then accorded full Dialogue Partner status in 1996, and acceded to the Treaty on Amity and Cooperation in 2003. In the same year, ASEAN and China decided to elevate their relationship with the establishment of their strategic partnership. The areas of cooperation that are prioritized in the partnership cover agriculture, information and communication technology, human resource development, the Mekong River Basin development, investment, energy, transport, culture, public health, tourism, and the environment.

In terms of political and security cooperation, the mechanisms on which the two sides' dialogue takes place include various ASEAN+1 platforms, as well as ASEAN-led frameworks like the ASEAN Regional Forum, the ASEAN+3, the East Asia Summit, and the ASEAN Defense Ministers Meeting Plus. China is also involved in the Southeast Asia Nuclear Weapons Free Zone and in combating transnational crime and other non-traditional security issues. Economic cooperation, meanwhile, is thriving. Merchandise trade in 2016 reached US$ 368 billion, which accounted for 16.5 percent of ASEAN's total merchandise trade, and foreign direct investment flows from China amounted to US$ 9.2 billion.[84] The ACFTA, which was created in 2010 and took full effect in 2015, is expected to bring two-way trade and investment to US$ 1 trillion and US$ 150 billion by 2020.[85] Alongside this, the CAEXPO is an event that China has organized and hosted since 2004 and that showcases products from ASEAN and China. Other achievements have been notable in the areas of agriculture, information and communication technology, transport, tourism, and connectivity. Socio-cultural cooperation has been carried out in the areas of public health, education, culture, labor and social security, local government and people-to-people exchanges, the environment, media, youth, social development, and poverty reduction.

It is quite telling then that the broader partnership between ASEAN and China is seen as a success. First steps in cooperation in the maritime domain have likewise been taken. The main ASEAN document on the South China Sea is the 2002 DOC.[86] Considered as a "milestone document [that] reflects the collective commitment of ASEAN Member States and China to promote peace, stability, mutual trust and confidence in the South China Sea," the DOC is represented as a stepping stone towards a full-fledged Code of Conduct.[87] Its provisions highlight that its pur-

84 Association of Southeast Asian Nations: Overview of ASEAN-China Dialogue Relations, October 2017.

85 ASEAN, October 2017.

86 Association of Southeast Asian Nations: Declaration on the Conduct of Parties in the South China Sea, 4 November 2002.

87 Association of Southeast Asian Nations: Joint Statement of the 15th ASEAN-China Summit on the 10th Anniversary of the Declaration on the Conduct of Parties in the South China Sea, 19 November 2012.

poses and principles are in respect of the UN Charter, UNCLOS, the Treaty on Amity and Cooperation, and the Five Principles of Peaceful Coexistence. It likewise emphasizes the necessity of the freedom of navigation and overflight in the South China Sea, and that the way to resolve the dispute is through peaceful means, self-restraint, and the building of trust and confidence through friendly consultations and negotiations.[88] It identifies four confidence-building measures, in particular dialogues between defense and military officials, the just and humane treatment of all persons in distress, the voluntary notification of joint/combined military exercises, and the voluntary exchange of information. The following cooperative activities have also been approved: marine environmental protection, marine scientific research, safety of navigation and communication at sea, search and rescue operations, and combating transnational crime.

There is no doubt that the DOC is a landmark document in regard to the South China Sea dispute. As a first step, it has indeed put the issue on ASEAN's agenda. Since its inception in 2002, succeeding meetings and summits reaffirmed ASEAN's commitment to the full implementation of the DOC and the eventual adoption of the COC based on consensus.[89] A Joint Working Group on the Implementation of the DOC was formed in 2005 whose task was to draft the Guidelines to implement the DOC. Point 2 of the draft called for ASEAN consultations prior to meeting with China. However, China insisted that sovereignty and jurisdictional disputes could only be resolved bilaterally by the parties directly concerned. After several to-and-fros, the Guidelines were adopted in 2011.[90] While sparse, they indicated that the implementation should be taken one step at a time through dialogues and consultations, the activities and projects undertaken under its auspices should be clearly identified, participation should be voluntary to boost confidence and consensus, experts and eminent persons should be tapped, and the annual reporting of progress should be at the ASEAN-China Ministerial Meeting. Expert committees on maritime scientific research, environmental protection, search and rescue, and transnational crime were established based on four of the five cooperative activities included in the 2002 DOC. However, no expert committee on the safety of navigation and communication at sea has been established due to its contentious nature. Moreover, not one single cooperative project has been undertaken.[91]

88 ASEAN, 4 November 2002.

89 Association of Southeast Asian Nations: Chairman's Statement of the 9th ASEAN-China Summit, 12 December 2005; Association of Southeast Asian Nations: Joint Statement of ASEAN-China Commemorative Summit, 30 October 2006; Association of Southeast Asian Nations: Chairman's Statement of the 11th ASEAN-China Summit, 20 November 2007; Association of Southeast Asian Nations: Chairman's Statement of the 13th ASEAN-China Summit, 29 October 2010; Association of Southeast Asian Nations: Chairman's Statement of the 14th ASEAN-China Summit, 18 November 2011; Association of Southeast Asian Nations: Joint Statement of the 14th ASEAN-China Summit to Commemorate the 20th Anniversary of Dialogue Relations, 18 November 2011; Association of Southeast Asian Nations: Chairman's Statement of the 15th ASEAN-China Summit, 19 November 2012; Association of Southeast Asian Nations: Chairman's Statement of the 16th ASEAN-China Summit, 9 October 2013; Association of Southeast Asian Nations: Joint Statement of the 16th ASEAN-China Summit on [the] Commemoration of the 10th Anniversary of the ASEAN-China Strategic Partnership, 9 October 2013; Association of Southeast Asian Nations: Chairman's Statement of the 17th ASEAN-China Summit, 13 November 2014; Association of Southeast Asian Nations: Chairman's Statement of the 18th ASEAN-China Summit, 21 November 2015; Association of Southeast Asian Nations: Chairman's Statement of the 19th ASEAN-China Summit to Commemorate the 25th Anniversary of ASEAN-China Dialogue Relations, 7 September 2016; Association of Southeast Asian Nations: Chairman's Statement of the 20th ASEAN-China Summit, 13 November 2017.

90 Association of Southeast Asian Nations: Guidelines for the Implementation of the DOC, 20 July 2011.

91 Carlyle A. Thayer: ASEAN, China and the Code of Conduct in the South China Sea. In: *SAIS Review* 33, 2 (Summer-Fall 2013): 75–84.

Following the non-issuance of a joint statement at the Annual Ministerial Meeting in Phnom Penh in 2012, Indonesia's initiative and leadership resulted in ASEAN's Six-Point Principles on the South China Sea. These principles aim to fully implement the DOC, to carry out the Guidelines for the implementation of the DOC, the early conclusion of a Regional COC, full respect of universally recognized principles of international law, continued exercise of self-restraint and non-use of force by all parties, and the peaceful resolution of disputes in accordance with international law. Indonesia furthered its diplomatic initiative by releasing a "non-paper" entitled "Zero Draft: A Regional Code of Conduct in the South China Sea," which builds on the draft COC with additional elements to make it more prescriptive and operational.[92] Other developments include the implementation of early-harvest measures in 2014, the application of the Code for Unplanned Encounters at Sea in 2016, and the adoption of the framework of the Code of Conduct in 2017.[93]

While initial steps have been taken, the maritime domain remains challenging. The fact that the South China Sea dispute remains unresolved despite the numerous mechanisms in place proves to be the most damning to ASEAN. To be fair, however, ASEAN has more experience in conflict management rather than conflict resolution.[94] Indeed, ASEAN is more a facilitator instead of an active mediator, a broker of great power relations, a primary manager in Southeast Asia, and a regional conductor of the Asia-Pacific order.[95] Hence in regard to the South China Sea issue, ASEAN's role arguably has never been to resolve it but only to become a platform on which claimant states can negotiate a solution.[96] Still, the challenge to ASEAN is to agree on a collective response.[97] This is proving to be difficult, not least because ASEAN is an intergovernmental organization with varying positions, responses, and interests. It is also tough because ASEAN members differ in the way they view the South China Sea dispute. In fact, they have oscillated between standing together and apart at different times.[98] There are even critical differences in the claimants themselves: the Philippines and Vietnam have been the most vocal, whereas Brunei and Malaysia prefer softer approaches. An equally compelling factor is that members differ in their relations with China.

A second challenge steers ASEAN towards more introspection. The organization has often prided itself with a series of principles that have come to be collectively known as the ASEAN

92 Mark J. Valencia: Navigating Differences. In: *Global Asia* 8, 1 (Spring 2013): 72–78.

93 ASEAN, 13 November 2014; Association of Southeast Asian Nations: Joint Statement on the Application of the Code for Unplanned Encounters at Sea in the South China Sea, 7 September 2016; ASEAN, 13 November 2017.

94 Alice D. Ba: Managing the South China Sea Disputes: What Can ASEAN Do? In: *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, eds. Murray Hiebert, Phuong Nguyen, and Gregory B. Poling, New York: Rowman & Littlefield, 2014: 1–12.

95 Ramses Amer: The Dispute Management Approach of the Association of Southeast Asian Nations: What Relevance for the South China Sea Situation? In: *Non-Traditional Security Issues and the South China Sea*, eds. Shicun Wu and Keyuan Zou, Surrey: Ashgate, 2014: 47–72; Evelyn Goh: Institutions and the Great Power Bargain in East Asia: ASEAN's Limited 'Brokerage' Role. In: *International Relations of the Asia-Pacific* 11 (2011): 373–401; Robert Yates: ASEAN as the 'Regional Conductor': Understanding ASEAN's Role in Asia-Pacific Order. In: *The Pacific Review* 30, 4 (2017): 443–461.

96 Yee Kuang Heng: ASEAN's Position on the South China Sea and Implications for Regional Peace and Security. In: *Territorial Disputes in the South China Sea: Navigating Rough Waters*, eds. Jing Huang and Andrew Billo, New York: Palgrave, 2015: 69–81.

97 Alice D. Ba: ASEAN's Stakes: The South China Sea's Challenge to Autonomy and Agency. In: *Asia Policy* 21 (January 2016): 47–53.

98 Christopher Chung: Southeast Asia and the South China Sea Dispute. In: *Security and International Politics in the South China Sea: Towards a Cooperative Management Regime*, eds. Sam Bateman and Ralf Emmers, New York: Routledge, 2009: 95–109.

Way. These principles put a premium on sovereignty and the attendant non-interference in member states' domestic affairs, as well as the decision-making procedures based on consultation and consensus. The ASEAN Way became the basis for claims that ASEAN has been able to successfully engage with and socialize China into joining various multilateral forums. In fact, China's receptivity to ASEAN's norms became critical in preventing the maritime disputes from escalating even further.[99] This then displays ASEAN's ability to forge a regional community and its deftness in exercising the balance of influence.[100] The success of this "complex engagement," however, is due less to the ASEAN Way and more to China's own emphasis in diplomacy and embrace of multilateralism as an attempt to redefine its position in international relations.[101] Its "charm offensive," in other words, is mainly for commercial, instead of political, reasons.[102] Hence, it is logical to posit that ASEAN's inability to come up with a common position in the South China Sea dispute may be due to the rather dated principles that have remained unchanged despite the geopolitical complexities that have developed since 1967.[103] The bottom line is that the ASEAN Way and therefore ASEAN centrality is not just wavering, but it is also waning and perhaps even unraveling.[104]

The third challenge that complicates ASEAN-China relations in the South China Sea is the role that extra-regional factors play. The non-issuance of a joint communiqué at the end of the ASEAN foreign ministers' meeting in Phnom Penh in July 2012 is symptomatic of intra-ASEAN divisions that are fueled by extra-ASEAN pressures. The divisions were rooted in the group's inability to agree on whether the Scarborough Shoal should be mentioned in the statement. The Philippines wanted to include the issue in the statement, but Cambodia objected. Since neither compromised, this led to the talks inevitably breaking down. China has been implicated in the non-issuance of a statement as it defends and protects its claims in the disputed waters. It has been persistent in its insistence that the South China Sea could only be addressed bilaterally, that is, between China and each of the four Southeast Asian claimants. Hence, when Cambodia, the 2012 ASEAN chair, refused to issue a joint communiqué, it "appears to have done what China would have wanted it to do."[105]

Another incident puts a spotlight on extra-regional factors. The ASEAN-China special foreign ministers' meeting in Kunming in June 2016 had a rather tumultuous ending as Malaysia released and then retracted a media statement that voiced out "serious concerns" about the South China Sea.

99 Leszek Buszynski: ASEAN, the Declaration on Conduct, and the South China Sea. In: *Contemporary Southeast Asia* 25, 3 (2003): 343–362; Liselotte Odgaard: The South China Sea: ASEAN's Security Concerns About China. In: *Security Dialogue* 34, 1 (2003): 11–24.

100 Jörn Dosch: Managing Security in ASEAN-China Relations: Liberal Peace of Hegemonic Stability. In: *Asian Perspective* 31, 1 (2007): 209–236; John David Ciorciari: The Balance of Great-Power Influence in Contemporary Southeast Asia. In: *International Relations of the Asia-Pacific* 9, 1 (2009): 157–196.

101 Alice D. Ba: Who's Socializing Whom? Complex Engagement in Sino-ASEAN Relations. In: *The Pacific Review* 19, 2 (2006): 157–179; Avery Goldstein: The Diplomatic Face of China's Grand Strategy: A Rising Power's Emerging Choice. In: *The China Quarterly* (2001): 835–864; Joseph Y.S. Cheng and Zhang Wankun: Patterns and Dynamics of China's International Strategic Behavior. In: *Journal of Contemporary China* 11, 31 (2002): 235–260.

102 Shahar Hameiri: China's 'Charm Offensive' in the Pacific and Australia's Regional Order. In: *The Pacific Review* 28, 5 (2015): 631–654.

103 Mathew Davies: A Community of Practice: Explaining Change and Continuity in ASEAN's Diplomatic Environment. In: *The Pacific Review* 29, 2 (2016): 211–233.

104 Herman Joseph S. Kraft: Great Power Dynamics and the Waning of ASEAN Centrality in Regional Security. In: *Asian Politics and Policy* 9, 4 (2017): 597–612.

105 Donald K. Emmerson: ASEAN Stumbles in Phnom Penh. In: *East Asia Forum*, 23 July 2012. Available at http://www.eastasiaforum.org/2012/07/23/asean-stumbles-in-phnom-penh-2/, accessed on 1 November 2016.

The withdrawn statement noted progress in ASEAN-China relations, "but we also cannot ignore what is happening in the South China Sea as it is an important issue in the relations and cooperation between ASEAN and China."[106] Malaysia reasoned that the statement was retracted as "there were urgent amendments to be made."[107] Reports underscored China's efforts in convincing ASEAN to adopt its position in regard to the South China Sea, and that the ten members should either adhere to China's statement or issue no statement at all.[108] While Cambodia and Laos, the latter being the 2016 ASEAN chair, did end up reconsidering their position and signing the statement that China proposed, ASEAN ultimately did not issue any joint statement. Similar to Phnom Penh in 2012, Kunming pointed to intra-ASEAN divisions due to extra-ASEAN pressures.

In sum, the regional and international environments in which the ASEAN-China strategic partnership operates in pressure both sides to ensure and maintain good relations with each other. Their geographic proximity serves to remind them that they cannot afford to not be on each other's good sides. Thus, the language game that ASEAN and China play insofar as the South China Sea issue is concerned very closely resembles the strategies and behavior of hedging. The strategic partnership writ large serves as an overarching framework that incorporates multifaceted areas of cooperation, but upon closer analysis reveals the amount of work that still needs to be ironed out in the maritime domain. The ASEAN-China strategic partnership needs to deal with this head-on by not compartmentalizing it and instead treating it as inextricably linked to others. In other words, failing to realize the connectivity of the South China Sea issue with the totality of the ASEAN-China strategic partnership will only make the relationship less effective.

5 CONCLUSION

This paper started with the premise that the practices of diplomacy and summitry contribute to regional cooperation. The case study on Philippine-China relations traced the South China Sea dispute from 1995 until the PCA's 2016 award in favor of the Philippines. The language games of friendship, blame, hope, and escalation laid the foundations for the case study on ASEAN-China relations, which told the narrative of hedging. At both the bilateral and regional levels of analysis, cooperation never ran a straight and narrow path. Instead, the analyses herein showed that when international actors face a crisis together, they stubbornly guard their own interests and positions often at the expense of others. Still, focusing on the processes of their interaction demonstrates the value of the practices of diplomacy and summitry in keeping international relationships going instead of caving in. There is still no end in sight for the South China Sea disputes, but it does not mean that regional cooperation has so far failed. On the contrary, regional cooperation is already taking place to address this problem. Regional cooperation is a process,

106 David Tweed and David Roman: Chinese-ASEAN Meeting on South China Sea Ends in Confusion. In: *The Japan Times*, 15 June 2016. Available at http://www.japantimes.co.jp/news/2016/06/15/asia-pacific/chinese-asean-meeting-south-china-sea-ends-confusion/#.WBgtZvk2vIU, accessed on 1 November 2016.

107 Tang Siew Mun: Fallout from the ASEAN-China Special Foreign Ministers' Meeting. In: *ISEAS Commentary 2016/22*, 16 June 2016. Available at https://www.iseas.edu.sg/medias/commentaries/item/3298-fallout-from-the-aseanchina-special-foreign-ministers-meeting, accessed on 1 November 2016.

108 Prashanth Parameswaran: What Really Happened at the ASEAN-China Special Kunming Meeting. In: *The Diplomat*, 21 June 2016. Available at http://thediplomat.com/2016/06/what-really-happened-at-the-asean-china-special-kunming-meeting/, accessed on 1 November 2016.

not an outcome. Thus, the label of a strategic partnership between ASEAN and China is not the happy-ever-after ending that we expect and perhaps hope it to be. Rather, practice theory points us to the fact that the ASEAN-China strategic partnership is composed of numerous practices, diplomacy and summitry being representative of them, that can usher the way there.

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