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CONTEXTUALIZING THE GLOBAL MEDIA MONITORING PROJECT

*Shoma Munshi and David Birch**

Ever since the beginnings of the women's movement in the 1960s, a critique of the media has been one of its driving forces. As has been so astutely noted, "if there can be one single achievement of feminist media studies over the last two decades, it is that it is now impossible to make any sense of the mass media without paying attention to gender" (Baehr and Gray, 1996: 1).

Women's troubled relationships with the communications media—their lack of access, control, under-representation and marginalization—have been part of UNESCO's inquiries for a number of years now. Until 1980, it must be admitted that the volume of UNESCO-funded researches on this issue was not substantial. However, after 1980, there was greater focus as "more emphasis was placed on the provision of summaries, syntheses and reference materials" ("Communication in the Service of Women," 1985). An initial review of the work entitled *Mass Media: The Image, Role and Social Conditions of Women* (1979) undertaken by Ceulemans and Fauconnier, was followed up by a comprehensive study by Gallagher in 1981 called *Unequal Opportunities: The Case of Women and the Media*.

Ceulemans and Fauconnier concluded that analyses of the available literature on women and media indicated that "media images tended to define woman within the narrow confines of her traditional domestic roles and her sexual appeal to man." This image was far from being complemented by portrayals which showed her important contribution to the public sphere. Another significant observation was that there was a vast amount of data available on the status of Western, in particular American, women. This was not sufficiently complemented by data for developing countries.

Gallagher's research showed that there is a remarkable consistency in the portrayal of women throughout the world. With the exception of media controlled by the state committed to social change, the overall features of media representation of women included "media under-representation of women and women's concerns; the use of

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women as a commodity in advertising; an ambivalent attitude to women evident in certain stereotyped images in which women were exclusively and unalterably 'good' and 'pure' or definitely and unchangeably 'bad' and 'immoral'" (Gallagher, 1983).

Signiorelli's annotated bibliography (1986) reviewed most of the relevant articles published through 1984 and confirmed the overall similarity of research findings: that as far as media content was concerned, men outnumbered women by two/three to one; and women were generally cast in traditional and stereotypical roles.

The Nairobi Conference Report in 1985 concluded that "the years 1980-85 were not characterized by any radical change in the communication media in relation to women's portrayal and participation" ("Communication in the Service of Women," 1985). Another significant finding enumerated in the same report underlined the importance of ideology: "...although the importance of structures is still clear, it seems that the strength of ideology itself was perhaps underestimated. It has been normal to suppose, for example, that in societies undergoing revolutionary sociocultural change, genuine equality between the sexes would be more easily guaranteed. Experience suggests that this conclusion is becoming less and less obvious."

Regarding special policies and guidelines requiring media to promote the advancement of women in member states, the UNESCO report showed that only half of the 95 member states had formulated such policies and their effectiveness was either questionable or yet to be evaluated.

Over the years, there have been numerous responses to the growing criticism directed at the media regarding women's issues both at the governmental and academic levels. These have resulted in reports and recommendations which can be found in the government records of the countries in question or reports of international bodies. For instance, in India, the Working Group on Software for Doordarshan set up in 1982, published its report in 1985. Widely known as the Joshi Committee Report, it proposed, among other things, that women's issues should be accorded greater importance. The Canadian Radio-Television and Telecommunications Commission (CRTC) also established a task force on sex role stereotyping in the broadcast media. In 1982, broadcasters were given two years to implement certain voluntary guidelines for non-sexist portrayals. A report on sex roles in US and Canadian television (Williams *et al*, 1986) showed that "males still predominated on all the networks and almost all the people portrayed as powerful, authoritative and knowledgeable were male."

Feminist studies on the media have also provided overviews of these issues in several well-documented works (for instance, Steeves, 1987; Baehr and Dyer, 1987; Rakow, 1992; Gallagher, 1992; Creedon, 1993; van Zoonen, 1994).

As far as examining these issues within academia was concerned, it was initially grouped around research in mass communications, in examining “effect” and “function” (McQuail, 1987). This “dominant paradigm” (Gitlin, 1978) based its analyses on “hard data” and measured content and effect through surveys and experiments. This approach, however, had to face severe criticism, since it has been argued that it shifts attention away from questions of media structures and organization and the ideological role of the media in the construction, mediation and distribution of “social knowledge” (Hall, 1977; Gitlin, 1978).

Much of the American research in the 1970s which examined different roles of men and women in the media were based on the mass communications’ tradition of quantitative and qualitative data analysis. No matter what type of media was under scrutiny, the results were almost always similar. In short, they showed that “roles of the males in mass media have been shown to be dominant, active and authoritative, while females have been shown to be submissive, passive and completely contented to subjugate their wills to the wills of media males” (Busby, 1975).

This early body of work has come under fire in more recent accounts (Rakow, 1986; Ang and Hermes, 1991; van Zoonen, 1994). Margaret Gallagher (1992) has, however, enumerated their strengths in saying that “evaluated in its historical context, its contribution is clear. Its disclosure and condemnation of sexism in media content provided a first, essential springboard.”

The Global Media Monitoring Project

Against this background, it is necessary to set the contributions of the World Association for Christian Communication (WACC) towards this project. Obviously underlining the importance of communication—and consequently, the role that media plays in this transmission—the WACC, along with ISIS International Manila and the International Women’s Tribune Centre, organized an international conference in February 1994, calling it *Women Empowering Communication*. Apart from providing a forum for women in the communications field to meet and discuss women’s issues, this conference also laid the groundwork for the holding of the United Nations Fourth World Conference for Women in Beijing in September 1995.

At the end of the Women Empowering Communication Conference, participants from 80 countries debated and passed a statement of principles and resolutions called the Bangkok Declaration. As expressed in this document, regarding the goal for women in communication, “...it is essential to promote forms of communication that not only

challenge the patriarchal nature of media but strive to decentralize and democratize them: to create media that encourage dialogue and debate; media that advance women and peoples' creativity; media that reaffirm women's wisdom and knowledge, and that make people into subjects rather than objects or targets of communication; media which are responsive to people's needs."

The plan for an international study of women in the world's news media also evolved at this conference, the report of which was presented at the Beijing conference. MediaWatch Canada took the lead in putting together the Global Media Monitoring Project. Its aim was to focus on the representation and portrayal of women in the news media of television, radio and daily newspapers on a mutually agreed upon date of 18 January 1995. This one day monitoring compiled 49, 152 data records and was carried out by men and women in 71 countries.

The methodology used was mainly quantitative content analysis and the results obtained are available in the document *Global Media Monitoring Project: Women's Participation in the News*, published by the National Watch on Images of Women in the Media (MediaWatch), Inc. in 1995.

Some of the **chief results** obtained through this global one day monitoring of the media were the following:

1. That women comprise 43% of journalists but only 17% of the interviewees, and that while the news is more often presented by women, it is still very rarely about women (p. 10);
2. Among journalists, fewer women tend to be found in newspapers than on radio or television (p. 11);
3. The largest proportion of male interviewees, 29%, appear in stories on politics and government, while the largest proportion of female interviewees appear in stories on disasters/accidents (20% of female interviewees) and on crime (17% of female interviewees) (p. 14);
4. Three regions—North America, Africa and the Middle East—report considerably more stories on women's issues than other areas. One issue sets North American media apart from the rest, and that is "violence against women." Moreover, the most prominent issue in the North American media was "women's health"; this was the topic of 3.3% of the stories (pp. 17-18);
5. Twenty-nine percent of female interviewees are victims of accidents, crime or other events. Only 10% of male interviewees are victims. This may give the impression that the media

prey on female victims. If women appear over-represented as victims, it is only because they are under-represented even more severely in other areas of media coverage (p. 19);

6. The occupations of women and men in the news differ in two very striking ways: politicians and government spokespersons account for 19% of women and 51% of men; people whose occupation is unspecified account for 28% of women and 9% of men ... Because women appear in news as victims more frequently than men, they are more frequently portrayed with no specific occupation (p. 23);

7. When power is the issue, news focuses almost exclusively on older males. When power is not at stake... (the news) portrays almost as many women as men (p.29).

The report concluded with the following **guidelines for future directions** in achieving a more equitable portrayal of women in the world's news media (p 31).

1. *Shift media emphasis*

The news media can shift their attention away from traditional events of policies, government and business to cover other areas in which women participate more fully. The relatively small proportion of women's issues in the news suggests that there is room to move in this direction. A shift of this nature does not necessarily mean that the media abandon their interest in power and influence. Rather, the media should broaden their search and achieve greater inclusiveness and diversity.

2. *Increase access to power and decision-making*

Women can be given the opportunity to participate more fully in traditionally male-dominated areas of society. This study establishes the fact that women are participating as journalists in the world's media, but participation in the politics, business, economy and so on is much less.

3. *Address policies and regulations*

Regulation may facilitate the process. Several countries have extensive regulations and guidelines that encourage or direct media (radio and television, rarely newspapers) to achieve an equitable gender balance in their programming, in their hiring practices, or both.

Canada has possibly the strongest such regulations of any country in the world, and one indication of success can be found in a 1992 study of television news on the Canadian Broadcasting Corporation. The age profiles of female and male interviewees were parallel, *i.e.* there was not a significant “hump” due to older men. While there were more male interviewees overall, the link between gender, age and influence was eliminated.

4. *Conduct ongoing analysis*

Countries, individually and collectively, can continue to analyze the portrayal of gender in their media in order to pinpoint areas requiring change, to assess the effectiveness of strategies and to develop an empirical, scientific basis for increasing the participation of women in mass media.

More recently, WACC and ISIS International Manila organized yet another international conference where scholars, activists and media practitioners gathered together for a Regional Meeting on Gender and Communication Policy from 30 July – 2 August 1997 at Antipolo in the Philippines. Here, they drafted the Antipolo Declaration, wherein they outlined the key issues in gender and media, and corresponding strategies for policy intervention and formulation. The Antipolo Declaration states, “Women continue to have limited access to statement and decision-making in and through the media. Their portrayal and representation continue to be discriminatory ... This has to do with a number of factors ... The relationship between women, media and development policies continues to be negatively influenced and affected by globalization structures of the media discriminate against women In addition to the inadequate and biased portrayal of women in media content, the media in our countries are a major contributor to the perpetuation of patriarchal and sexist gender identities and relations between women and men Strategies for change have been instituted at both the national and international levels The most pressing problems with women, media and development relationship lie with many of the issues surrounding new technologies, the limits to democratization of the media and access and control”

The Declaration ends with a summary of issues and strategies and future guidelines for increasing social justice and, in particular, gender justice for women in the media.

The Bangkok Declaration and the Antipolo Declaration both underline

anthropologist Marilyn Strathern's observation that feminism provides a kind of unity: "Purposes may be diversely perceived . . . Feminists may argue with one another, in their many voices, because they also know themselves as an interest group. There is certainty about that context" (Strathern, 1987: 268). There is general acknowledgment today that feminists are not one unified category, and that many differences exist in relation to regions, ethnicity, race, religion, etc. What is of importance here, however, is conceptualizing feminism as a body of people with certain common interests which transcend these differences, and have a broad common purpose in mind.

Intervention/Comments/Evaluation

In this paper, we attempt to contextualize the Global Media Monitoring Project's reports, first collated in 1995 and again in 1997. It is interesting to note how even into the beginning of the 21st century, the observations made still hold true.

The Global Media Monitoring Project monitored news on television, radio and daily newspapers worldwide on one particular day, and focused on the representation and portrayal of women in the news on that day. It relied almost entirely on the methodology of content analysis. There are certain limitations to this methodological approach which we will summarize here for the purpose of evaluating the Global Media Monitoring Project for this paper.

First of all, content analysis simply quantifies measurable units of communication, without providing information to show how these isolated pieces of data fit into the broader and total structure of the larger communication picture. "... There is no reason to assume that the item which recurs most frequently is the most important or the most significant, for a text is, clearly, a structured whole and the place occupied by the different elements is more important than the number of times they recur" (Burgelin, 1972: 313-28).

Second, Burgelin states that content analysis does not sufficiently distinguish between content and form, and he fails to tie them into a common interpretive framework.

Third, content analysis relies mainly on the obvious and manifest content of any image, and ignores the hidden ideological meanings. Therefore, larger theoretical issues tend to get blurred.

Fourth, content analysis measures only certain aspects of any given unit of communication. The results depend on the aims and objectives of the researcher, the manner in which the research is set up, and the specific questions which are posed about the content. "This implies that, contrary to the idea that a given method or

technique of analysis will produce unbiased descriptions of the world, content analysis is constructed from the biases or ideological position of the researcher" (Janus, 1977: 19-32).

Fifth, "the description is often a static one in which the image is described at only one point in time. When the method is used to describe content at more than one point in time, it may serve to detect a change in content, but cannot furnish an explanation for that change" (*Ibid*).

Last of all, the results of a content analysis depend on the types of the research questions which have been formulated, which is determined in turn by the theoretical framework adopted. Studies of women and the mass media generally reflect a liberal feminist theoretical perspective by setting up binary oppositions like the men versus women category. All men and women, for instance, are grouped together as a general overall category. No references are made to class, race, color, ethnicity, religion or cultural divisions within each of the categories. Consequently, and very importantly, "the questions are ahistorical, apolitical, and in no way indicate how the images of women or men are related to the fundamental structures of society" (*Ibid*).

With regard to the issue of consciousness-raising about women's issues, these have long taken place, both within and outside academia, in order to question media representations of women and production practices of the media. One kind has been the formation and organization of independent media, referred to by Marilyn Crafton Smith as "women's movement media" (cf. Creedon, 1993). Examples of this include the work of independent feminist filmmakers like Sylvia Spring of Media Watch Canada (for further references, see Citron, 1988) and the growth of feminist publishing houses.

The Global Media Monitoring Project deals with women's participation in the news, and their results largely indicate a marginalization or relative "making invisible" of women. The construction of the public sphere as male space underscores male authority. This is most evident in news programs. As far as news is concerned, one has to make the assumption about time, events and the supply of information to people. It must then be remembered that these assumptions have their roots in socially defined reality; and they mirror the way a society looks at the world. It is the very structure of society which provides the context for the interpretation of newsworthy events (McKinley, 1983). So, broadly speaking, it is not only women but also the poor and disadvantaged who are rendered relatively invisible.

Quoting Lerner (1979), Green and Kahn (1985) provides an indication as to why women are so marginalized in the news: As long as news has as its main focus

“the transmission and experience of power” and as long as “war and politics are seen as more significant to the history of humankind than child rearing,” women remain marginalized or invisible.

The pressure faced by news organizations to employ more women have yielded some positive outcomes. Regarding the examples earlier cited of India and Canada, the 1995 Global Media Monitoring Project results show that of all the participating countries, “India has the largest number of female journalists (standing at) 71%” (1995: 10). In addition, with regard to “equitable gender balance in programming . . . Canada has perhaps the strongest such regulations of any country in the world, and one indication of success can be found in a 1992 study of television news on the Canadian Broadcasting Corporation” (1995: 31).

Similarly, broadcasting corporations faced with pressure to increase their numbers of women employees had the fallout of women becoming more visible on the screen. In fact, the early 1980s recorded that the largest increase in employment was in the number of women newscasters, especially in television (Eddings, 1980; van Zoonen, 1991). Still, there has been no proportionate increase in the number of women in the senior level decision-making processes (Baehr and Dyer, 1987; Stilson, 1990; Gallagher, 1995). Perhaps one reason for this is that when women read the news, “. . . they are caught within the conflicting definitions of femininity and of ‘the news’—themselves trivialized, they can be blamed for trivializing . . . Women newsreaders are called on to speak from a carefully constructed position, with the mythical neutrality of the universal voice, and yet, as women, they are defined as outside both the political consensus and the masculine structure of language . . . The appearance of women newsreaders is not necessarily a step towards women’s liberation. In the contemporary style of news presentation where the reader may be recognized as a . . . performer, a transmitter rather than an originator of news, it is not difficult to imagine newsreading becoming a ‘women’s job’” (Holland, 1987).

The Global Media Monitoring Project report makes one suggestion of focusing more on women’s issues in the news (p. 31). However, the notion that news content will increase focus on women’s issues if the number of women journalists and producers increased, has not been supported by empirical evidence (van Zoonen, 1986). It is suggested that the existence of sex and power difference has to be taken into account and included as part and parcel of the regular research questions on news content and news production (*Ibid*).

Similarly, it has also been felt that an increase in the number of women in positions of authority within media organizations themselves would lead to a change in

the content of media (King and Stott, 1977; Tuchman *et al.*, 1978; Epstein, 1978). In fact, even the Global Media Monitoring Project (1995: 31), in its section on recommendations for the future, calls for “women (to be) given the opportunity to participate more fully in traditionally male-dominated areas of society (since women’s) participation in politics, business, the economy and so on is much lower.” All these issues state the problem in overly simplified terms. For one, it does not sufficiently cater to the limits which are set on women working in a largely male-owned and dominated media industry. For another, it does not take into account the relationship between representation and identity: “a specific women’s perspective or aesthetic which could radically transform—rather than simply adapt to—discriminatory structures and practices in the media industries” (Gallagher, 1992).

It has been argued that there are limits to what kind of new representations of women in the media will become available by interacting with mainstream media. It may just result in “a modest allotment of institutional legitimation . . . bought at the price of reducing the contradictory complexity (of feminism) for simpler and more acceptable ideas already existing in the dominant culture” (De Lauretis, 1987). The Global Media Monitoring Project, in producing and distributing its results, relies on the liberal feminist strategy of trying to change the media images of women. However, being based chiefly on quantitative content analysis and an inadequate theoretical framework, such reports have only encouraged “media creators to make mere marginal or cosmetic changes—changes that are, in any case, consistent with and limited by ruling class hegemony” (Janus, 1977).

While undoubtedly a phenomenally ambitious and groundbreaking piece of data collection and collation, the results of the Global Media Monitoring Project underline what has been known from previous research: that “a consistent picture emerges from . . . research studies which have investigated the media’s portrayal of women. At the very best, the portrayal is narrow; at worst, it is unrealistic, demeaning and damaging” (Gallagher, 1981).

Studying women’s representation in the media on a relatively limited basis such as this—without taking into account their historical, social and cultural context, as well as mode of production and structures of political organization—leads to underutilized research strategies and results which are not broad enough in their scope. They are “consistent with the liberal feminist objective of integrating women into the present system on an equal basis with men. The characteristics associated with ‘maleness’ in media images are those which have been defined implicitly as the goal for women in media images . . . Liberal feminist research has, in fact, (thus) conclusively demonstrated that men and women of mass media content are not equal. However, the form and

content of that demonstration (the posing of the problem, the methodology, the questions asked, and the conclusions drawn), being generated by the liberal feminist framework, lend themselves to a reaffirmation of the very framework which produced them” (Janus, 1977: 19-32).

Having said that, we do not mean to imply that quantitative analysis is “less true” than other forms of data analysis. Certainly, criteria, like accurate data collection and careful inferences made thereof, remain applicable methods of doing research. It is just that proceeding further with the research involves extending its scope. We also take into account that every research practice necessarily occurs in a particular historical and social situation, and is consequently partial in nature. “All social research takes the form of participant observation: it involves participating in the social world, in whatever role, and reflecting on the problem of that participation” (Hammersley and Atkinson, 1983: 16).

Towards A Multiperspective and Critical Approach

For any future project on women and the media, the theoretical framework that we propose has so much resonance with Kellner’s observations that we quote him: “Contemporary societies require constant mappings and remappings because of the intensity of change and speed of current social transformations No one theory could possibly address all topics or illuminate all features of social life. Thus, one must choose which theories one deploys, according to the specific tasks at hand A multiperspectival approach holds that the more theories one has at one’s disposal, the more talks one can perform and the more specific objects and themes one can address. Further, the more perspectives that one brings to bear on a phenomenon, the better one’s potential grasp or understanding of it could be . . . combining powerful approaches like Marxism, feminism, post-structuralism, and other theoretical optics might yield more insightful and useful analyses than those produced by one perspective alone The test of a theory is . . . its use, its deployment, and its effects Contextual pragmatist and multiperspectival approaches thus work together to open up theoretical inquiry to a multiplicity of discourses and methods” (Kellner, 1995a: 26-27).

We therefore propose Kellner’s (1995b: 8) three-step multi-pronged approach:

1. Political economy, which analyzes cultural media texts within their specific systems of production and distribution;
2. “Production” or textual analysis, *i.e.* how producers of media texts imbue such texts with meaning; and
3. “Reception” or ethnographic audience research, *i.e.* how audiences/monitors “make meaning” of media texts.

Since the 1980s, the methodological approach of using ethnographic analysis for research has gained ground in media and cultural studies (see, for instance, Morley, 1980 and 1986; Hobson, 1980 and 1982; Lull, 1988; Radway, 1984; Ang, 1985, Jensen, 1987; Liebes and Katz, 1990; Gray, 1992). This qualitative method of empirical research has gained popularity, being seen to overcome many of the shortcomings of quantitative analysis.

According to Hammersley and Atkinson (1983: 2), ethnography can be understood as "...simply one social research method ... drawing on a wide range of sources information. The ethnographer participates in people's lives for an extended period of time, watching what happens, listening to what is said, asking questions ... collecting whatever data are available to throw light on the issues with which he or she is concerned."

By their very nature then, ethnographies are grounded in the context of the realities of the everyday lives of people; what Geertz refers to as "the informal logic of actual life" (1973: 17). Researchers doing ethnographic analysis generally adhere to the following: "(1) observe and note routine behavior of all types characteristic of those who are being studied, (2) do so in the natural settings where the behavior occurs, and (3) draw inferences carefully after considering the details of communication behavior, with special attention paid to the subtle, yet revealing, ways that different aspects of the context inform each other" (Lull, 1987: 320). The multiple techniques employed in ethnographic analysis (observation, questionnaires, interviews, reporting, etc.) can then be systematically analyzed and compared with each other.

In practice, ethnographic analyses of the media take any given community of audiences—such as families, groups of women, children or, if we were to think of the Global Media Monitoring Project, then the monitors are understood as "audiences" themselves—as an empirical starting point. Researchers then decode the messages received from these audiences and provide their interpretations of such. The problem lies in the fact, however, that today, culture, and especially media culture, has become highly complex, interrelated and interdependent. Both the conferences organized by the WACC and ISIS International Manila attest to the power of transnational media corporations today. In this constantly evolving and mobile cultural situation, ethnographic analyses are also then only one other way of telling a story, or interpreting data.

Furthermore, ethnographic accounts are also contestable terrain due to their subjective component. Inferences have to be made, meanings have to be drawn and conclusions dependent on the researcher's position are then forwarded (cf. Morley and Silverstone, 1991: 157). Neither can the "studied subjects" be said to provide

absolute truths about their practices of everyday lives. What is of crucial importance, therefore, is the way in which interpretation of the ethnographic data is carried out, or what Ang calls the “politics of interpretation” (1996: 46).

With regard to this project and the direction we suggest that it should take, our submission is that the squabbling over turf between “mainstream” and “critical” research, quantitative and qualitative methods of data analysis, humanities and social sciences, etc. is not so much the issue here. As Carey notes, “... perhaps all the talk about theory, method, and other such things prevents us from raising, or permits us to avoid raising, deeper and disquieting questions about the purposes of our scholarship” (1983: 5).

What we are attempting to do, as defined at the beginning of this section, is to provide a multiperspective and critical approach when dealing with any kind of analysis of women and the media. A few things have to be borne in mind here. For one, “... essential to doing critical research (is) the adoption of a self-reflective perspective, one that is ... conscious of the social and discursive nature of any research practice ...” (Ang, 1996: 36). For another, we must also remember the Foucaultian framework in that the production of knowledge is always caught up within a web of power relations (Foucault, 1979).

The methodology we propose is one that emerges from and reflects the manner in which the question of women in media is posed. It must go beyond previous research in examining merely obvious, manifest content through quantitative analysis. We need to look at media as transnational industries which are subject to the laws of capitalism and the state, and as carriers of ideology. When media content is looked at, specific, individual units of communication have to be examined in relation to the entire message. Also, individual units have to be viewed not merely in terms of their explicit, visible content, but also for their implicit and hidden ideological meanings. The entire structure, thus analyzed, has then to be placed within the framework of the structures of capitalism and transnational media industries. We suggest combining quantitative content analysis with more qualitative ethnographic approaches in combination with semiology, feminist research on the media, and any other discipline or approach which would clarify and enrich the interpretive strategy. All analytical tools have their strengths and shortcomings. Our attempt is to transcend these as best as possible. We are aware that such analytical categories are open-ended, and research carried out in this way resists closure. This is, however, a deliberate option, because society itself is constantly in motion and changing (cf. Harding, 1986). Our objective is to work towards analysis that Cixous would call “open and multiple, varied and rhythmic, full of pleasures and perhaps more importantly, of possibilities” (Tong, 1989: 22).

Future research in this field of women in the media has become crucially important because the world populations are all in touch with global and/or local media. Thus, keeping in mind Ang's (1996: 80) apt observation that "The media are increasingly everywhere, but not everywhere in the same way," some of the issues we would like to consider and discuss are outlined in the following:

1. The question is not simply one of "where the power lies within the media systems" (Blumler *et al.*, 1985: 260)—*i.e.* as dictated by the producers of media or as interpreted by audiences—but rather how these relations of power are organized and structured within the multiple and heterogeneous practices of media use and consumption. Stated differently, rather than constructing binary oppositions between the media and the audience (and monitors are understood as audiences), we would like to view consumption of media practices "as a site of cultural struggle, in which a variety of forms of power are exercised, with different sorts of effects" (Ang, 1996: 43).

2. Leading from the above, why is it so important to monitor the media, and why is research so interested in doing audience studies? What is critical to remember in empirical monitoring/audience research is the politics of the knowledge produced. It is well known that implicit to carrying out media monitoring or audience research is very often its commercial or political usefulness and value. "In other words, what we should reflect upon is the **political** interventions we make when studying audiences—political not only in the sense of some external societal goal, but, more importantly, in that we cannot afford to ignore the political dimensions of the process and practice of the production of knowledge itself. What does it mean to subject audiences to the researcher's gaze? How can we develop insights that do not reproduce the kind of objectified knowledge served up by, say, market research or empiricist effects research? How is it possible to do audience research which is 'on the side' of the audience?" (*Ibid.*: 45). These are questions which keep cropping up insistently.

3. While monitoring or studying women in the media, we also need to ask a question which is difficult to address in its entirety: what are a woman's concerns? To what extent are they different from those of humanity at large? Krishnan and Dighe (1990: 115) remark in this context, "If we consider women's concerns as a part of human concerns in general, will we not assist in the historical process of

invisibilizing or 'ex-nominating' such concerns? On the other hand, if we differentiate women's concerns as separate from those of humanity in general, would we be validating biological determinism on the one hand and, on the other, severing women from those networks of care and concern in which they are situated and from which they draw psychic sustenance?" To do so would be an error, as Gramsci has noted, since we need continuity with the past; existing ideologies can only be transformed, not abandoned entirely or legislated away (Simon, 1982).

As we have noted above, an increase in the number of women in higher positions of power within the media industries themselves will not necessarily effect change from structures of male domination. The demand (as made by the Bangkok and Antipolo Declarations) for associating more women at higher levels of policymaking will produce effective results only when these women are themselves equipped to exercise and develop a more equitable gender consciousness. Only the development of such consciousness can enable these women to then ask crucial and pertinent questions about changing the representation of women in the media, instead of just working to integrate women into the existing sociopolitical paradigm.

4. The Global Media Monitoring Project and other researches have conclusively shown that women are either under-represented or marginalized in the mass media, leading to what has been eloquently termed by Gaye Tuchman (1978) as their "symbolic annihilation" by the media. The Global Media Monitoring Project examines this issue of women's representation as measured relationally against that of men's representation. What we would like to include alongside this is that patriarchal structures of male domination should be seen in the light of a powerful mechanism for enforcing and perpetuating the class system. Our suggestion is to study the role of the media not just in its relationship between men and women, but also in its relationship between women and capitalism.

A multiperspective and critical approach such as this will not only demonstrate that women in the media are under-represented in relation to men, but also that their limited and biased portrayals are structurally related to the functioning of the capitalist codes of global and transnational media industries.

5. What clearly begins to emerge now is the beginning of a critical interpretive framework in which differences in media monitoring and audience research practices are not just seen as expressions of different requirements, uses or readings; but are all interconnected with the way in which social subjects are structurally positioned, not merely in relation to each other, but also in relation to broader political structures.

6. Within this critical interpretive framework, we have to take into account the construction of interpretations, which are certainly particular ways of understanding the world. Interpretations, by definition, are subjective, having to take into account different positions and points of view. It is never impartial. As Ang so succinctly puts it, "...the empirical, captured in either quantitative or qualitative form, does not yield self-evident meanings; it is only through the interpretive framework constructed by the researcher that understandings of the empirical come about. No theory brought to bear on the empirical can ever be value-neutral; it is always interested in the strong sense of that word. Here, then, the thoroughly political nature of any research practice manifests itself. What is at stake is a *politics of interpretation*" (Ang, 1996: 46, italics in original).

These issues and considerations lead us to the method of doing research, which, as we have already noted, is a political activity. Consequently, we submit that any analyses which will result are by no means definitive. They are to be viewed as provisional and open to challenge and further interpretation. It is a commitment that allow us the possibility of "being 'surprised,' of reaching knowledge not prefigured in one's starting paradigm" (Willis, 1980: 90). What matters most of all is not to put forward definitive data or analyses about any aspects of women and the media, but a continuous critical and intellectual engagement with the various issues involved. To quote Stuart Hall, "I am not interested in Theory, I am interested in going on theorizing" (Hall, 1986: 60).

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HUMAN RIGHTS DISCOURSE IN THE ASIA-PACIFIC REGION: IMPLICATIONS FOR THE PHILIPPINES

*Daniel A. Bell**

Notwithstanding the polemical exchanges of the “Asian values” debate, there are actually many areas in which both “sides” are in agreement. For example, no one is claiming that people can be tortured at will or that their governments can murder their citizens. Of course, gross human rights violations happen all the time, and human rights activists work hard to expose the gap between public allegiance to rights and the sad reality of ongoing abuse. This is largely practical work, however. There is not much that intellectuals working in their air-conditioned offices can contribute to this task.

But well-intentioned people around the world can and do take different sides on many pressing human rights concerns that fall outside the sphere of agreement. This gray area of debate includes economic rights, criminal law, family law, women’s rights, The rights of indigenous peoples and the so-called Western-style democratic rights. Some of these issues are contested on cultural grounds, others are a matter of how rights are prioritized in developing nations, and sometimes the question is whether or not to employ the language of rights in the first place. Dialogue between interested parties is therefore needed to identify areas of commonality and difference. At the moment, however, there is a dearth of constructive dialogue and mutual learning, and both “sides” in the “Asian values” debate are to blame.

Obstacles to Dialogue¹

The first offenders are the proponents of Western-style liberal democracy who seem to assume without argument that their favored brand of government also meets the deeper aspirations of people in the rest of the world. Needless to say, we have moved

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beyond the brief moment of euphoria that followed the collapse of communism in the Soviet bloc. It is now widely recognized that brutal ethnic warfare, crippling poverty, environmental degradation and pervasive corruption, to name some of the more obvious troubles afflicting the “developing” world, pose serious obstacles to the successful establishment and consolidation of liberal democratic arrangements. But these are seen as unfortunate (hopefully temporary) afflictions that may delay the “end of history” when liberal democracy will finally have triumphed over all its rivals. They are not meant to pose a challenge to the idea of liberal democracy. It is widely assumed that liberal democracy is something that all rational individuals would want if they could “get it.”

More concretely, this blind faith in the universal potential of liberal democracy takes the form of a US government policy to promote human rights and democracy abroad, regardless of local needs, habits and traditions. Of course, critics on the left point out that there is a large gap between the rhetoric and reality—that commercial and security interests often override human rights concerns in the United States foreign policy—but few question the normative premise that the United States ought to promote its values abroad.

More surprisingly, perhaps, even critics of US-style human rights discourse—which identifies civil and political rights with human rights in general—often seem to rule out the possibility that there may be something to learn from the non-Western world. It is a widespread view within the international human rights community that the US government (and public, to a substantial extent) tends to regard freedom from the arbitrary powers of the state as most important, with a concomitant reluctance to accept economic, social and cultural rights as human rights. The leading human rights theorist Jack Donnelly, for example, is critical of US-style “civil and political rights centrism.” Instead, he upholds as a universal ideal the more comprehensive set of rights endorsed in West European social democratic states, and he argues that the task of the human rights activist is to implement this ideal in the developing world.² But he seems to rule out the possibility that “international” human rights principles can be modified in response to more input by non-Western peoples.

In short, these West-centric outlooks pose serious obstacles to constructive cross-cultural dialogue. On the one hand, they block the development of a truly international human rights regime that can fully accommodate the needs of non-Western peoples. On the other hand, they fail to allow for the possibility that there may be areas of justifiable difference between political values in the West and “the rest.”

Unfortunately, the most vocal critics of the “Western” approach—proponents of “Asian values”—have also contributed to this dialogic stalemate. The term “Asian values” was devised by several Asian officials and their supporters for the purpose of challenging Western-style civil and political freedoms. Asians, they claim, place special emphasis upon family and social harmony, with the implication that those in the “chaotic and crumbling”

societies of the West should think twice before intervening in Asia for the sake of promoting human rights and democracy. As Singapore's senior statesman Lee Kuan Yew puts it, Asians have "little doubt that a society with communitarian values where the intents of society take precedence over that of the individual suits them better than the individualism of America."³ Lee does recognize that the US model has inspired some political reform in Asia, but he still questions its desirability: "The one Asian country, namely the Philippines, that modeled itself on America has become a negative example."⁴

The main problem with the "Asian values" debate is that it has been led by Asian leaders who seem to be motivated primarily by political considerations, rather than by a sincere desire to make a constructive contribution to the cross-cultural dialogue on political values. Thus, it was easy to dismiss—rightly so, in most cases—the Asian challenge as nothing but a self-serving ploy by government leaders to justify their authoritarian rule in the face of increasing demands for democracy at home and abroad.

Non-Governmental East Asian Contributions to the Debate

Still, it would be a mistake to conclude that nothing of theoretical significance has emerged from East Asia. The debate on "Asian values" has prompted critical intellectuals and representatives of NGOs in the region to reflect and debate over how they can locate themselves in a debate on human rights and democracy in which they had not previously played a substantial part. Neither wholly rejecting nor wholly endorsing the values and practices ordinarily realized through a liberal democratic political regime, these intellectuals are drawing on their own cultural traditions and exploring areas of commonality and debate with the West. Though often less provocative than the views of their governments, these unofficial East Asian viewpoints may offer more lasting contributions to the debate.⁵ Let me describe two separate East Asian contributions to the cross-cultural dialogue on human rights.

First, East Asians have argued that their cultural traditions can provide the resources to justify and increase local commitment to practices that in the West are typically realized through a human rights regime. It is assumed that appeals to traditional cultural resources are more effective in combating injustices and improving human well-being.

Consider the example of Professor Norani Othman, a sociologist who is also a leading member of Sisters of Islam.⁶ This group is an autonomous NGO in Malaysia that effectively challenges the way Islam has been (mis)used by powerful forces to justify patriarchal practices, often contravening Islam's central ideas and animating principles. It advocates women's rights in terms that are locally persuasive, meaning that it draws upon Islamic principles for inspiration. The Sisters of Islam also engage in long-term human

rights work, such as distributing pamphlets on Quranic conceptions of rights and duties of men and women in the family that provide that basis for a more egalitarian view of gender relations than the regressive ideas typically offered in the name of Islam itself. Professor Othman argues that building human rights on traditional cultural resources—on the customs and values that people use to make sense of their lives—is more likely to lead to long-term commitment to human rights and practices.

It can be argued that predominantly Islamic societies present a special case, where people's outlooks and "habits of the heart" are profoundly informed by religious values. In this context, it seems obvious that defenders of human rights are more likely to be effective if they work within the dominant tradition. But cultural traditions may also be relevant for human rights and democratic reformers and activists elsewhere. A recent paper by Wang Juntao—a long-time democratic activist who spent nearly five years in jail after the 1989 massacre—argues that many of the key figures in Chinese democracy movements drew inspiration from Confucian values. From the late nineteenth century to the present, nearly all the important figures in the history of democracy movements in mainland China, Taiwan and Hong Kong—Kang Youwei, Zhang Jian, Sun Yatsen, Liang Qichao, Zhang Junmai, Wang Xizhe, Li Denghai and Chen Ziming—tried to revive Confucianism in order to support democratization. Wang Juntao supports this aspiration, partly on the grounds that democracy may be easier to implement in the Chinese context if it can be shown that it need not conflict with traditional political culture: "If Confucianism is consistent with democracy, the traditional culture may be used as a means of promoting democratization as well as a means of maintaining social order. At the very least, the political transition will be smoother and easier, with lower costs, since there will not be any cultural resistance."⁷

But culture is not merely useful as a strategic tool to promote "Western-style" liberal rights. As the second contribution, some East Asians also argue that local cultural traditions can provide a moral foundation for nonliberal political practices and institutions. Consider the case of Dr. Sulak Sivaraksa, a leading pro-democracy activist in Thailand and a nominee for the Nobel Peace Prize. In 1991, the Thai Prime Minister, General Suchinda, pressed charges against Dr. Sulak for *lese majeste* and for defaming him (the General) in a speech given at Thammasat University. Fearing for his life, Sulak fled the country, but returned in 1992 after the Suchinda government had fallen to face the charges. In court, Sulak did not deny that he had attacked the "dictator" Suchinda, but he did deny the charge of *lese majeste*, referring to the many services he had performed for the Royal Family. Sulak explains: "I did not... stake my ground on an absolute right to free speech. My defense against the charge of *lese majeste* was my innocence of the charge; my defense was my loyalty to the King and Royal Family and, even where I discussed the use of the charge of *lese majeste* in current Siamese political practice, it was to highlight abuse

and to point to the theoretical right to commit this action. I am not affirming, nor would I affirm, a right to commit *lese majeste*. This aspect of the case is particularly concerned with my belonging to the Siamese cultural tradition.”⁸

In other words, Dr. Sulak aimed to persuade fellow citizens that the dominant political system should be replaced with an alternative, relatively democratic political structure, but he made it explicit that he did not want to challenge a mechanism for change that places a constraint on direct criticism of the Thai king. There is no reason to doubt Dr. Sulak’s sincerity (perhaps he, like many Thais, would feel deeply offended, if not personally harmed, by an attack on the king). Is there anything wrong with a mechanism for changing a cultural tradition that has constraints like this one, endorsed by both defenders and critics of the prevailing views?

Liberal thinkers may worry about this line of argument.⁹ The claim that for strategic reasons, the social critic should sometimes appeal to local traditions to justify values and practices that in the Western world are normally realized through a rights regime may be palatable, but few liberals will go along with the suggestion that cultural traditions can provide a genuinely moral foundation for illiberal norms and political practices. This latter argument may be employed as an excuse to justify or “tolerate” the subjugation of members of cultural groups who have been denied the opportunity to reflect on and criticize the norms of deference and humility to powerful leaders.

Still, one can exaggerate this worry. For one thing, there may not be many other examples of constraints on challenges to prevailing cultural viewpoints endorsed by both political leaders and leading social critics (certainly one could not justify curtailing of rights against murder, torture, slavery and genocide on these grounds). Moreover, the argument for respecting the norms and practices endorsed by most adherents of particular cultural traditions (including leading social critics) can sometimes be used to *expand* rather than restrict the set of rights typically enjoyed by members of liberal Western societies. For example, East Asian societies influenced by Confucianism strongly emphasize the value of filial piety or the idea that children have a profound duty to care for elderly parents, a duty to be forsaken only in the most exceptional circumstances. In political practice, this means that parents have a right to be cared for by their children and that it is incumbent on East Asian governments to provide the social and economic conditions to facilitate the realization of this right. Political debate tends to center on the question of whether the right to filial piety is best realized by means of a law that makes it mandatory for children to provide financial support for elderly parents (as in Singapore or Japan), or whether the state should rely on more indirect methods such as tax breaks (as in Hong Kong) and housing benefits that simply make care for the elderly easier. But the argument that there is a pressing need to secure this right in East Asia is not a matter of political controversy.

Implications for the Philippines

It could be argued that this debate about the importance of culture for human rights coming from the “Islamic” and “Confucian” parts of East Asia will not resonate to the same extent in the Philippines. The fact that most Filipinos are Christians is an obvious point of difference. But the more general points about methodology could also apply in the Philippines. If, for example, appeals to human rights justified with reference to local culture are more likely to be effective, then human rights activists can and perhaps should use the language of Christianity to promote their aims.

It could also be argued that there may not be the same “Asian” aversion to “legalistic” approaches to questions of human rights in the Philippines. During the Marcos era, for example, the Universal Declaration of Human Rights (UDHR) was employed as an effective tool by human rights campaigners. As Maria Serena Diokno points out, however, this may be due to the particularities of the Marcos regime: this tactic was effective because Marcos depended to a great extent on US economic and military support and was extremely conscious of his image in the United States. This led him to employ legalistic justifications for his policies, which could then be challenged by his critics. But in the Philippines of today, “legalistic” approaches to human rights may not be as effective, and human rights campaigners can consider “cultural” approaches to human rights.

More controversially, perhaps, the substantive points about Confucianism (and Islam) emerging from the East Asian context may also be of interest in the Philippines. The first point to note about Confucianism is that it has (like Christianity and Islam) historically been presented as a universal ethical system, potentially “universalizable” to all of humanity. Thus, there were no theoretical obstacles to the transmission of Confucian values far beyond their original “Chinese” source to Vietnam, Korea and Japan. It is interesting to note that Confucianism came to develop its fullest and most “orthodox” expression in Choson Korea.¹⁰ Still, today, Korea is widely regarded as the most “Confucian” society in East Asia.¹¹

Another relevant feature of Confucianism is that it has not always presented itself as an “all-embracing” metaphysical and ethical system that forecloses attachments to other religions and philosophies. Throughout Chinese history, for example, it has coexisted with Buddhism and Taoism. More recently, some prominent Confucians, such as Harvard University professor Tu Wei-ming, profess attachment to both Confucianism and Christianity. One recent study found that 90 percent of Korean Christians (approximately one-quarter of the South Korean population) are also Confucians, according to their convictions and practices.¹²

What this means is that parts of Confucianism could also be adopted by societies with different cultural backgrounds. If this ethical system can help to meet some of the

pressing needs of “non-Confucian” societies, there is no reason why those societies should not be attracted by relevant parts of Confucianism.

Consider, for example, what Mencius says about the government’s obligation to provide for the people’s basic means of subsistence:¹³

[The people] will not have constant hearts if they are without constant means. Lacking constant hearts, they will go astray and fall into excesses, stopping at nothing. To punish them after they have fallen foul of the law is to set a trap for the people. How can a benevolent man in authority allow himself to set a trap for the people? Hence when determining what means of support the people should have, a clear-sighted ruler ensures that these are sufficient, on the one hand, for the care of parents, and, on the other hand, for the support of wife and children, so that the people will always have sufficient food in good years and escape starvation in bad; only then does he drive them towards goodness; in this way, the people find it easy to follow him.” (1A.7; see also 3A.3)¹⁴

There is no point in promoting moral behavior if people are worried about their next meals. Thus, the government’s first priority is to secure the basic means of subsistence of the people.

This does not necessarily translate into opposition to the free market. Absolute private property rights might still be justified on the instrumental grounds that they have the consequence of securing the basic means of subsistence of the people. Mencius, however, does not take this line. While he opposes high taxes and restrictions on commerce that lead to economic inefficiency, he explicitly argues that the state can and should control the distribution and use of land to secure the people’s means of subsistence. And how does the government realize this aim? Mencius proposed his now-famous “well-field system”:

Humane government must begin by defining the boundaries of the land. If the boundaries are not defined correctly, the division of the land into squares will not be equal, and the produce available for official salaries will not be fairly distributed. Therefore oppressive rulers and corrupt officials are sure to neglect the defining of the boundaries. If the boundaries are correctly defined, the division of land and the regulations of salaries can be settled while you sit. Although the territory of T’eng is narrow and small, there must be gentlemen (rulers and nobles) and there must be countrymen. Without gentlemen, there would be none to rule the countrymen, and without countrymen, there would be none to support the gentlemen. I would ask you to divide land in the remoter districts into nine squares

and to designate the central square (cultivated by eight families) as “aids” (tax), and in the central parts of the state, to let the people pay for themselves one-tenth of their produce.

From the chief ministers on down, [each family] should have fifty *mou* as sacrificial land, and an additional twenty-five *mou* for each additional male. When there are deaths or moving from one house to another there will be no quitting of the district. In the fields of the district, those who belong to the same nine squares will render friendly service to one another in their going out and coming in, aid one another in keeping watch, and sustain one another in sickness. In this way, the people will live in affection and harmony. Each ‘well-field’ unit is one *li* square and consists of nine-hundred *mou*. The center square is public field. The eight households each privately own a hundred *mou* and together they cultivate the public field. Only when the public work is done may they attend to their work. (3A.3)¹⁵

This might seem like a rather rigid set of guidelines for establishing boundaries of land within states, but Mencius notes that “these are the outlines of the system. As to modifying and adapting it, it is up to you and your ruler.”¹⁶ The important point is for the state to maintain a relatively equitable distribution of land at the local community level, to allow individual households to make productive use of land for their families, and to qualify farmers’ rights to the produce of the land in order to ensure that enough food is supplied to the nonfarming classes. These principles, Mencius suggests, will secure basic material welfare for all members of the state.

Mencius’ “well-field system” was influential throughout Chinese history, as rulers adapted its principles to their own circumstances. Of course, the Chinese Communist Party struck an end to “Confucian” principles of land distribution by abolishing all forms of local community autonomy and household responsibility for farming, and forcing farmers to work for state-owned communes. Far from enriching the people, however, this system led to massive inefficiencies. In 1978, Deng Xiaoping launched a rural land reform program that can be seen as a “reversion” to principles conforming to the “well-field system.”¹⁷ State-owned communes were replaced by the household responsibility system. In this system, “individual households in a village are now granted the right to use the farmland, whereas the village cooperative, as the village-based governing body, retains other rights associated with ownership.”¹⁸ Farmers have an obligation to supply a quota of produce (which typically occupies one-sixth of the household’s land) at a fixed low price to the state, but beyond that they are allowed to keep and sell the produce in the open market.

This system has been widely credited with underpinning China's rapid economic development (and the consequent improvement of the material welfare of the people) since that time.

It is also worth noting that the four "Confucian tigers" (Korea, Taiwan, Hong Kong and Singapore) have all significantly curtailed property rights in land, notwithstanding a commitment to free market principles. Taiwan and South Korea both engaged in massive land distribution programs after World War II (in part due to American pressure), which has underpinned the relatively egalitarian economic development since then. The Singapore government expropriated land shortly after independence and used it for industrial development and public housing¹⁹ (today 85% of Singaporeans live in quasi-public housing). The Hong Kong government technically owns all land in the territory, and much of it has been set aside for public housing projects (today, approximately half of Hong Kong residents live in public housing and the Hong Kong government is the world's largest landlord).

This is not to suggest that there is a direct causal link between the sayings of Mencius and contemporary patterns of land distribution in East Asian states—no doubt other factors, such as national defense, the requirements of power, pragmatic economic considerations and ad hoc improvisation also played a role. But Confucian values that justify constraints on land ownership were influential throughout East Asian history, and contemporary decision-makers concerned with securing the basic material welfare of the people were occasionally inspired by Confucian values to justify constraints on private property.

Turning once again to the Philippines, the concentration of land in the hands of a few wealthy landlords is often cited as one of the reasons for widespread poverty and lack of economic development.²⁰ There is no reason why the Philippines could not experiment with Mencius' ideas for securing the "right to food."²¹ To repeat, the "founding fathers" of Confucianism and most of the subsequent interpreters thought of Confucianism as a potentially universal philosophy. They did not view it as tied to a particular group, such as the Chinese. In terms of its actual history, Confucianism helped to inspire political reform in countries outside its place of origin. If Confucianism can help to address some of the contemporary problems in the Philippines, then it may also be of value in that country.

Notes

1. This section draws on the Introduction of my book, *East Meets West: Human Rights and Democracy in East Asia* (Princeton: Princeton University Press, 2000).
2. Jack Donnelly, "Post-Cold War Reflections of the Study of Human Rights," *Ethics and International Affairs*, 8 (1996), pp. 97, 112, 116.
3. Quoted in the *International Herald Tribune*, 9-10 November 1991.
4. Quoted in *Time*, 14 June 1993.
5. For more details, read my book *East Meets West*, chapter 1.
6. See Norani Othman, "Grounding Human Rights Arguments in Non-Western Culture: Shari'a and the Citizenship Rights of Women in a Modern Islamic State," *The East Asian Challenge for Human Rights*. Eds. Joanne Bauer and Daniel Bell (Cambridge University Press, 1999).
7. See Wang Juntao, "Confucianism and Democratization in China," *Confucianism for the Modern World*. Eds. Daniel Bell and Hahm Chaibong (forthcoming).
8. Sulak Sivaraksa, "Buddhism and Human Rights in Siam" (paper on file with the author).
9. This section draws on my article, "Minority Rights: On the Importance of Local Knowledge," *Dissent*, Summer 1996, pp.40-41.
10. Hahm Chaibong, "The Confucian Family vs. the Modern Individual: the Politics of Marriage Law in Korea," *Confucianism for the Modern World*. Eds. Daniel Bell and Hahm Chaibong (forthcoming).
11. Typical Confucian practices, such as filial piety and ancestor worship, are now carried out largely in the Korean language, suggesting that Confucian values need not be expressed in the Chinese language.
12. Koh Byong-ik, "Confucianism in Contemporary Korea," *Confucianism in East Asian Modernity*. Ed. Tu Wei-ming (Cambridge: Harvard University Press, 1996), p. 199.
13. This section draws from my article, "Confucian Constraints on Property Rights," *Confucianism for the Modern World*. Eds. Daniel Bell and Hahm Chaibong (forthcoming).

14. In *Mencius*. Vol. I, translated by D.C. Lau (Hong Kong: The Chinese University Press, 1984), p. 21.
15. In *A Source Book in Chinese Philosophy*. Translated and compiled by Wing-Tsit Chan (Princeton : Princeton University Press, 1963), pp. 68-69.
16. *Ibid.*
17. Needless to say, I do not mean to imply that Deng and his reformers were directly motivated by the desire to restore Mencius' "well-field system." It is worth noting, however, that Mencius' "well-field system" was explicitly praised in secondary schools in mainland China at the time of Deng's reforms (I thank Song Bing for this information), which suggests that the Communist Party leadership was aware of, and perhaps inspired by, Mencius' ideas at the time it was thinking about agricultural reforms.
18. Xiao-Yuan Dong, "Two-Tier Land Tenure System and Sustained Economic Growth in Post-1978 Rural China," *World Development*, Vol. 24, No. 5, p. 915.
19. Kevin Tan notes that "the constitutional right to own property and to receive fair compensation for state acquisition of such property, embodied in Article 13 (1) of the Malaysian Federal Constitution as it applied to Singapore, was deliberately left out of the post-independence Constitution" to allow the government to acquire land to secure the economic rights of the people (Tan, "Economic Development, Legal Reform, and Rights in Singapore and Taiwan," *The East Asian Challenge for Human Rights*. Eds. Joanne R. Bauer and Daniel A. Bell (New York: Cambridge University Press, 1999), p. 268.
20. See, e.g. Donald Kirk, *Looted: The Philippines After the Bases* (New York: St. Martin's Press, 1998).
21. The Qing penal code secured the "right to food" by punishing local officials who failed to provide aid to the needy (Chen Huan-Chang, *The Economic Principles of Confucius and His School*. Vol. II, p. 599). In this sense, the "right to food" really was a "right" in the modern sense, *i.e.* a legally-enforceable norm that protects the interest of all members of the state.

UNDERSTANDING THE TAIWAN STRAIT ISSUE

*Edgardo E. Dagdag**

During an interview with Deutsche Welle (Voice of Germany) radio station on July 9, 1999, then President Lee Tenghui of the Republic of China (ROC) made some statements that exacerbated the already existing tense relations between his country (now increasingly known internationally as Taiwan) and China. In the interview, former President Lee gave the following views on the ROC and on its “special” relations with China:¹

1. “The 1991 constitutional amendments have placed cross-strait relations as a state-to-state relationship or at least a special state-to-state relationship, rather than an external relationship between a legitimate government and a renegade group, or between a central government and a local government. Thus, the Beijing authorities’ characterization of ROC as a ‘renegade province’ is historically and legally untrue.”
2. “... the Republic of China has been a sovereign state since it was founded in 1912. Moreover, in 1991, amendments to the Constitution placed cross-strait relations as a special state-to-state relationship. Consequently, there is no need to declare independence.”
3. “... ROC is neither Hongkong nor Macau. Hongkong and Macau are colonies, but the ROC is a sovereign, independent state.”

At first glance, these statements and the subsequent clarifications made by key ROC officials, like Chi Su, Chairman of the Mainland Affairs Council (MAC)² and Koo Chen-fu, Chairman of the Straits Exchange Foundation (SEF),³ are outright

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negations of Beijing's long-held view that "Taiwan is part of China and the Chinese government has indisputable sovereignty over Taiwan."⁴ The angry and spirited response of China to President Lee's statement was, therefore, highly anticipated. (Up to now, the mainland Chinese authorities refer to it as Taiwan and not ROC, since the latter is incompatible with their interpretation of the one-China policy.)

The ensuing "word war" (and the reported flexing of military muscle) between China and the ROC has caused undue alarm to their neighboring countries in Northeast Asia, as well as to the US and the ASEAN nations. Since last year, the Taiwan Strait issue has increasingly emerged as one of the more serious flashpoints in the Asia-Pacific because it tends to put a regional power (China) and the sole superpower (the US, the perceived patron-state of the ROC) in a collision course. This explains why there is a great interest, region-wide and worldwide, in the unfolding developments in the Taiwan Strait.

A new leadership under President Chen Shui-bian assumed office in the ROC last 20 May 2000. Has the tense relationship between China and the ROC simmered down (or worsened) as a result of this leadership change? How do the new ROC leaders perceive the one-China policy of China, especially after 20 May? Is there a possibility that China and the ROC will be able to resolve their dispute peacefully and relax their seemingly rigid position during the term of President Chen? These are among the questions addressed by this study.

Data for this study are derived from relevant studies, official publications and interviews of key informants, especially from Taiwan.

The Taiwan Strait issue is one of the major external security concerns of the Philippines because the involved parties are its neighbors and trade partners (the US, China and Taiwan), its overseas labor market (Taiwan and China through Hongkong) and its security ally (US). Decidedly, Philippine national interests will be served (and the collective security posture of the Asia-Pacific will be enhanced) if China and the ROC go out of their way to forge confidence-building initiatives and the US (or the ASEAN Regional Forum) succeeds in moderating the conflict between the two. The Philippines stands to suffer should the tense relationship between China and the ROC degenerate into an armed confrontation. This apprehension has its basis. Up to this day, China has not renounced the use of force in attaining its long-stated goal of national reunification because of its belief that: "It is entirely China's internal affairs to decide the means through which the Taiwan issue is to be resolved. Every sovereign country has the right to use whatever means it regards as necessary, including the use of military force, to safeguard its sovereignty and territorial integrity. When it comes to ways to handle its internal affairs, the Chinese have no obligation to promise anything to any foreign country or forces that attempt to split China."⁵

Conflicting Historical Perspectives

One of the fundamental causes of the reigning tension between China and Taiwan may be traced to their opposing historical perspectives on their birth as modern states.

The Chinese government asserts that: “The establishment of the People’s Republic of China on October 1, 1949 marked the overthrow of the rule of the Kuomintang government by the Chinese people. From then on, the government of the People’s Republic of China has been the sole legal government representing the entire Chinese nation. The escape to Taiwan of a number of military and administrative personnel of the Kuomintang regime and support given them by foreign forces have led to a temporary separation of Taiwan from the motherland. But this has not changed the fact that Taiwan is a part of China and that the Chinese government has indisputable sovereignty over Taiwan. At present, majority of countries in the world recognize that there is only one China in the world, that Taiwan is part of China and that the government of the People’s Republic of China is the sole legal government representing the entire Chinese nation.”⁶

The above view runs counter to the “historical reality” espoused by the ROC which is as follows: “...the Republic of China was established in 1912. When the Japanese surrendered to allied forces in 1945 following their defeat in World War II, they returned Taiwan to the ROC (the island was ceded by the Ching Dynasty to Japan in the wake of the former’s victory over China in the 1895 Sino-Japanese war); however, the ROC was soon caught up by a civil war...⁷ In 1949, the central government of the Republic of China relocated to Taiwan when the Chinese mainland fell into the hands of the communists. Since then, China has been divided into two parts, the Chinese mainland and the Taiwan area...⁸ The ROC government and the people of Taiwan earnestly hope for the peaceful reunification of China. Taipei’s fundamental policy towards Peking can be summed up as ‘one China, two political entities,’ with each entity representing the territory over which it has jurisdiction.”⁹

The official position of China and the ROC on their beginnings as modern states are conflicting. This is expected. China regards Taiwan as a Chinese territory (a “renegade province”) that was forcibly occupied by the ROC (Kuomintang) forces led by General Chiang Kai-shek that escaped from the mainland following the victory of the communist forces led by Mao Ze Dong in 1949, and that managed to maintain itself as a *de facto* state only through the Cold War policies of the US and its foreign allies. On the other hand, the ROC considers its independent political personality as unaltered by the victory of the communist forces of Chairman Mao and that the only thing that changed was its loss of control of the mainland. This explains why there are ROC

personalities like Mr. John C. Deng, Vice Chairman of the Mainland Affairs Council, who asserts that “the Republic of China is an independent sovereign state since its founding.”¹⁰ Deng echoes former President Lee Teng-hui’s claim that “The ROC has remained a sovereign state since 1912, although its jurisdiction now extends solely to the territories of Taiwan, the Pescadores, Quemoy and Matsu. In the fifty years since the PRC was founded, both sides of the Taiwan Strait have been separately ruled, with neither subordinate to the other. This situation has not changed in any substantive way since 1949.”¹¹

The present head of the Taiwan Economic and Cultural Office (TECO) in the Philippines, Mr. Benjamin Jyh-Yuan Lo (the unofficial or *de facto* Taiwanese ambassador to the Philippines), reiterated this perspective when he said that “Taiwan and China are two governments exercising separate jurisdiction over two parts of geographic China since 1949” and that “Taiwan has never been under the rule of China even for one second since 1949.”¹²

The Issue of Reunification

Available documents show that both sides favor peaceful reunification. They differ, however, on the principles that will define how the reunification will take place.

China’s reunification policy, which is based on Jiang Zemin’s formula of “one China, two systems,” is anchored on his so-called eight-point proposal, the highlights of which are as follows:¹³

1. Adherence to the principle of one China is the basis and premise for peaceful reunification. . . We must firmly oppose any words or actions aimed at creating the ‘independence of Taiwan’ and propositions that run counter to the principle of one China such as ‘two split sides with separate administrations,’ ‘two Chinas over a period of time’ and so on;
2. We do not challenge development of nongovernmental economic and cultural ties by Taiwan with other countries. . . However, we oppose Taiwan’s activities in ‘expanding’ its ‘international living space’ which aim to create ‘two Chinas’ or ‘one China, one Taiwan’;
3. On the premise that there is only one China, we are prepared to talk with the Taiwan authorities about any matter;
4. We should strive for a peaceful reunification of the motherland since Chinese should not fight Chinese. Our not undertaking to give up the use of force is not directed against our compatriots in Taiwan,

- but against the schemes of foreign forces to interfere with China's reunification and to bring about the independence of Taiwan;
5. Great efforts should be made to expand economic exchanges and cooperation between the two sides... We maintain that political differences should not affect or interfere with economic cooperation between two sides;
 6. The splendid culture of 5,000 years created by the sons and daughters of all ethnic groups of China has become the tie that keeps the entire Chinese people close at heart. It constitutes an important basis for a peaceful reunification of the motherland;
 7. The 21 million compatriots in Taiwan, whether born there or from other provinces, are all Chinese... We should fully respect their lifestyle and their wish to be the masters of their own destiny and protect all their legitimate rights and interests; and
 8. Leaders of the Taiwan authorities are welcome to visit the mainland. We are also ready to accept invitations to visit Taiwan. The affairs of the Chinese people should be handled by the Chinese themselves. The Taiwan Strait is narrow and people on both sides eagerly look forward to meeting each other.

The above eight-point proposal rest on four principles: (1) the one-China policy (Taiwan is an integral part of China), (2) the coexistence of two systems (socialist system for China, capitalist system for Taiwan), (3) a high degree of autonomy for Taiwan once it is reunified with the mainland (it will become a special administrative region authorized to manage its own political, economic, military, financial and party affairs), and (4) reunification through negotiations.

As mentioned earlier, the ROC pursues a reunification policy which is opposed to the one held by Beijing. Its policy is anchored on the formula of "one China, two political entities." This is operationalized in the Guidelines for National Unification which it adopted in 1991. This document declares that "... both Taiwan and the Chinese mainland are constituent parts of a single China; ... that Taiwan and the Chinese mainland are two distinct areas under the jurisdiction of two separate political entities; ... and that China's unification should only be achieved by peaceful means, ... should promote Chinese culture while safeguarding human dignity, and should guarantee fundamental human rights, democracy and the rule of law."¹⁴

Under the 1991 Guidelines, the ROC envisions the unification of China to proceed in three phases with no specific timetables: "... a short-term phase of exchanges and reciprocity; a medium-term phase of mutual trust and cooperation; and a long term phase of consultations and unification."¹⁵

One possible reason for the slow pace of the unification process is the ROC's definition of what should be accomplished during the short-term phase: "... that both sides should recognize the other's existence as legitimate political entities, ... push for active economic and political reform on the mainland and resolve differences through peaceful means. Unfortunately, the Chinese communists have not renounced the use of force against the Taiwan area and until this and other objectives of the first phase have been achieved, the second phase cannot begin."¹⁶

For Taiwan, the second phase means attaining the following goals: "the establishment of direct postal, commercial and transportation links across the Taiwan Strait as well as exchange of visits by high-ranking officials from both sides."¹⁷ In the third and final phase, Taiwan envisions the establishment of a bilateral consultative body that will "jointly discuss the overall political and economic structure of a unified China, in accordance with the wishes of the people on both sides of the Taiwan Strait."¹⁸

Given China's rigid definition of the one-China policy, there is no possibility for the ROC to operationalize its 1991 Guidelines on National Unification in the short-term. The ROC cannot expect the PRC mainland authorities to recognize the ROC as a legitimate political entity. The PRC will not undertake political and economic reforms in order to be a democracy just to satisfy the ROC. Thus, it will not be easy for the two entities to find a way out of this political gridlock. Taiwan admits that "relations between the two sides are in the short-term phase, although exchanges in many areas have already moved into the second stage."¹⁹

To Mr. Lo, the present head of TECO in the Philippines, the chances of reunification will be remote if the mainland would insist on the principle of "one China, two systems" and on preconditions that will jeopardize the freedom and economic growth of Taiwan and its people. According to him, the widening economic gap between Taiwan and the mainland is one of the issues that makes reunification quite difficult in the short term. He believes, however, that the increasing trade relations and people-to-people contacts between China and Taiwan are expected to enhance and boost their bilateral relations. He admits that a number of Taiwanese companies are doing business in China due to its cheap labor and ample supply of natural resources.²⁰

The March 2000 Presidential Election in Taiwan

In March 1996, the ROC conducted the direct election of its President for the first time. China became an active participant in the historic event by criticizing presidential candidates who were perceived to be opposed to its one-China policy and sympathetic to ROC independence. Among those who elicited the most critical comments from mainland officials were Lee Teng-hui of the Kuomintang Party (KMT) and Peng Ming-min of the Democratic People's Party (DPP). Prior to the 1996 presidential election, China staged several live-fire missile exercises off the coast of Taiwan—its way of conveying the message to voters not to support candidates who favor independence and thereby avoid provoking an armed response from the mainland. Those missile exercises understandably heightened the tense situation in the Taiwan Strait, prompting the US to send two aircraft carrier battle groups in the area as a gesture of support to the ROC. The missile exercises conducted by China appeared to have accomplished the opposite effect: Lee won the presidency (he garnered 54 percent of the votes) while Peng ended up in second place (21.1 percent of the votes). This tends to confirm the observation of Dr. Kuo Hsiung-lee, a political science professor and Deputy Director of the Institute of International Relations, National Chengchi University, "that every time China threatens the ROC, support for independence among the Taiwanese increases (according to him by 3 percent to 5 percent)."²¹

In March 2000, the ROC held its second direct presidential election. There were three major candidates: Chen Shui-bian of the DPP, Lien Chan of the ruling KMT and James Soong, an independent candidate who was expelled from the KMT when he decided to challenge the party's official bet. China was once more a critical participant in the electoral exercise. It criticized the positions articulated by the three candidates on the issue of cross-strait relations.

Mainland officials were most critical of Chen Shui-Bian and the Democratic Progressive Party. This was understandable. As an opposition leader, Chen has been known for a long time as pro-Taiwan independence, while his party was generally perceived as pro-Taiwan Republic. Chen and his party moderated their position on the issue of Taiwan independence after losing the Taipei mayoralty election in 1998 and the legislative election during the same year in, order to win the support of voters who were opposed to any armed confrontation with China. In 1999, the DPP approved a resolution which recognized the Republic of China as the name of the country (in lieu of Taiwan Republic) and declared that any act to change the status quo in Taiwan should be decided by the people through a national referendum.²² This party resolution, which was aimed at winning the support of Taiwanese who did not want any armed confrontation with China, disappointed its hardcore members who traditionally favored

independence, prompting some of them to leave the DPP. Despite these “middle-of-the-road” changes, China continued its bitter condemnation of the DPP and its leaders.

During the electoral campaign, Mr. Chen of the DPP proposed “... an institutionalized relationship with mainland China based on five principles... First, Taiwan and the mainland should talk on all issues, including political ones. Second, we must establish effective channels of communication with mainland China as soon as possible to ease tensions and boost mutual trust. Next, confidence-building mechanisms must be introduced, to promote a reasonable degree of transparency with regard to the exchange of military data. Fourth, subject to the requirements of national security, Taiwan will consider, under certain conditions, establishing three cross-strait direct links (communications, trade and transportation). Lastly, Taiwan will agree to an ‘interim basic law’ with the mainland that enshrines the principles of respect for cross-strait parity, the peaceful resolution of conflicts in accordance with the UN Charter, and open-mindedness.”²³

Mr. Lien Chan of the ruling KMT and the former ROC Vice President, on the other hand, elaborated on what he called the policies of “Three Noes” and “Three Wants.” According to him, “Three Noes mean No Taiwan Independence, No Reunification and No Confrontation. The Republic of China is a sovereign country in the first place, so we do not have to declare independence again. We should not rush to unite with China until it becomes a democracy. To avoid creating an atmosphere of confrontation and tension, both sides of the Taiwan Strait should avoid deliberately provoking the other. “Three Wants mean: We want peace, we want exchanges, we want a win-win situation.”²⁴

For his part, Mr. James Soong declared that “Our mainland policy should be based on the principle of maintaining cross-strait peace... We cannot accept mainland China’s attempt to downgrade Taiwan to the status of a local government, but nor will we undertake unnecessarily provocative actions that would put our country and people at a disadvantage. I hope to initiate peace talks with the mainland on the basis of a ‘special relationship,’ one not involving subordination of either side.”²⁵

It may be noted that the three candidates, while professing their desire to have peaceful relations with China, were unanimous in saying that Taiwan-China relations should be based on parity, not subordination of either side. This view was not acceptable to the mainland authorities.

On February 21, 2000 (or less than a month before the March 18 presidential election in Taiwan), the PRC State Council and its Taiwan Affairs Office released a paper entitled “The One-China Principle and the Taiwan Issue.” The paper later became known as the “White Paper on Taiwan-China Relations.” It was described as a paper missile “fired by mainland authorities warning Taiwan voters not to support an

independence-minded candidate.”²⁶ According to Harvey Sicherman, President of the US-based Foreign Policy Research Institute, the White Paper is a warning to “... Taiwan voters and the three main candidates that the Lee (Teng-hui) line is a risky one. Equally risky would be the democracy line, the opposition Democratic Progressive Party’s idea for a referendum on independence.”²⁷

The main points raised by the White Paper are as follows:²⁸

1. Taiwan is an inalienable part of the territory of China;
2. The Chinese government regained sovereignty over Taiwan and Penghu in 1949;
3. The central government of the PRC was established on October 1, 1949, replacing the ROC as the sole legitimate government of China and representative of China in the international community. Thereupon, the historical status of the ROC was terminated in the eyes of international law;
4. Unification is to be achieved through peaceful negotiations and, on the premise of the one-China principle, any matter can be negotiated;
5. After unification, the policy of one country, two systems will be practiced, with the main body of China (the mainland) continuing with its socialist system and Taiwan maintaining its capitalist system for a long period of time. After unification, Taiwan will enjoy a high degree of autonomy, and the central government will not send troops or administrative personnel to be stationed in Taiwan;
6. Resolution of the Taiwan issue is an internal affair of China, which should be achieved by the Chinese themselves, and there is no call for aid by foreign forces. However, the PRC will be forced to adopt all drastic measures possible to safeguard its sovereignty if the “three ifs” happen: if Taiwan is separated from China in any name; if Taiwan is invaded or occupied by foreign countries; or if the Taiwan authorities refuse *sine die* the peaceful settlement of cross-strait unification through negotiations.

The White Paper stressed that Taiwan cannot hold a referendum to change the island’s legal status as part of the territory of China. It offered three reasons. First, Taiwan’s legal status as a part of Chinese territory is unequivocal and there can be no premise for using referendum to decide any matter of self-determination. Second, the sovereignty over Taiwan belongs to all Chinese people, including Taiwan compatriots,

and not to some of the people in Taiwan. And third, at no time in history was Taiwan a state in its own right and since 1945, it has not been a foreign colony nor under foreign occupation. Thus, the issue of national self-determination, which is the object of referendum, does not exist.²⁹

As expected, Taiwan rejected the arguments contained in the White Paper for being incorrect and irrational. For example, Hungdah Chiu, a member of the ROC National Unification Council, advanced the following views:³⁰

1. The succession of the ROC by the Chinese communists has never been fully recognized;
2. Only a handful of Third World countries recognize PRC sovereignty over Taiwan. Even the US merely acknowledges but not recognizes the sovereignty of China over Taiwan;
3. Taipei believes one-China refers to the ROC founded in 1912, whose sovereignty covers all of China but whose present jurisdiction encompasses only the territory of Taiwan, Penghu, Kinmen and Matsu. Taiwan and the mainland are both parts of China.

Some US officials sided with Taiwan, saying that the White Paper is unacceptable and very alarming. Strong defense by mainland officials of the White Paper and intense criticisms of it by Taiwanese officials and candidates made the election season quite volatile and highly charged.

The Victory of President Chen and Cross-Strait Relations

Chen Shui Bian, the candidate of the DPP and the principal nemesis of China because of his perceived support for Taiwan's right of self-determination, won the 2000 presidential election.

President Chen, upon his victory, offered an olive branch to China to mute the rising anxiety in the Taiwan Strait caused by his assumption to office. Later, he invited China's President Jiang Zemin to a summit without preconditions so that the two leaders can share a "historic handshake." He has not changed his position, however, saying that cross-strait talks should be based on equality and existing foundations. He did not agree with China's view that there was a consensus reached on the one-China principle in 1992 when the Strait Exchange Foundation (SEF) and the Association for Relations Across the Taiwan Strait (ARATS) met. The agreement, according to him, if there was one, was an agreement to disagree.

According to Tsai Ing-Wen, Chairperson of the Taiwan-based Mainland Affairs Council, Taiwan (1) will seek a structured and constructive cross-strait relationship in a regular and institutionalized manner; (2) will not accept preconditions for the resumption of cross-strait talks nor demand any pre-set agenda; (3) will continue to take concrete measures to carry out the good intentions of President Chen; (4) will exercise restraint to avoid being perceived as provocative by the mainland; and (5) will take a proactive approach in promoting socioeconomic exchanges across the Taiwan Strait. Consistent with these principles, Taiwan will resume cross-strait dialogue; liberalize two-way trade, taking into account the forthcoming WTO membership of Taiwan and China; progressively open the mini-three links (*i.e.* direct trade, transportation and postal links between the offshore islands of Kinmen and Matsu and the Chinese mainland province of Fujian) and three links (*i.e.* direct trade, transportation and postal links between the main island of Taiwan and the Chinese mainland); adjust its policies on outward investments to and inward investments from China to make these less restrictive and to allow greater flexibility; and review existing rules and policies to facilitate cultural and social exchanges between Taiwan and the mainland.³¹

The Foreign Policy Orientation of the Chen Administration

Judging from the statements of President Chen and his officials, as well as the assessments made by some Taiwanese scholars, it is forecasted that the foreign policy preferences of the Chen administration will be as follows:³²

1. Preserve and maintain intact the ROC's existing cooperation programs and agreements with friendly nations;
2. Increase Taiwan's participation in international nongovernmental organization;
3. Intensify its efforts to gain representation in the United Nations;
4. Acquire membership in peripheral organizations of the United Nations;
5. Pursue "track two" negotiations (people-to-people diplomacy) with countries that have formal diplomatic links with mainland China;
6. Have the following as the focal points of its pragmatic or flexible diplomacy: US, European Union, Russia, mainland China and Japan;

If Taiwan pursues the above thrusts, it is likely that it will again be in a collision course with China. The latter is of the view that since Taiwan is not a state, it cannot be

a member of the UN nor have political and security cooperation programs with the international community.

Presently, the ROC has diplomatic relations with 29 countries and maintains 98 representative offices (euphemistically called Taipei Economic and Cultural Office or Taipei Representative Office, so that the host countries will not provoke the ire of mainland China) all over the world. These offices render some of the services usually provided by embassies and consulates general. Presently, Taiwan has representative offices in seven of the ten ASEAN states.³³

Observations and Forecasts

It is possible that the cross-strait issue will remain unresolved, at least during the term of President Chen, since it is not likely that China and Taiwan will abandon their conflicting current interpretations of the one-China principle. Stanley Roth, US Assistant Secretary of State for East Asian and Pacific Affairs during the Clinton administration, said that cross-strait relations is a cause for worry because "... neither side fundamentally understands the other. The PRC does not appear to recognize the window of opportunity that opened with the coming to power of a different political party in Taiwan. It has insisted on a one-China principle and has essentially embarked upon a very clumsy united front strategy, seeking to bring over elements of the opposition parties and key business leaders to the mainland side and ignore the government currently in power. If there's going to be progress in cross-strait relations, the government of the PRC has no choice but to deal with the current authorities in Taiwan and to undertake any initiatives directly with them, not around them."³⁴ Roth thinks that, like the PRC, Taiwan also does not understand "...the sensitivities of the cross-strait issues on the mainland side" in view of its "tendency to believe that economic issues can outweigh political issues."³⁵

It is imperative for the international community, particularly the US, Japan, the European Union and the ASEAN to create avenues that will encourage both China and Taiwan to engage each other in international organizations for purposes of confidence-building. The US plays a key role in defusing the tension in the strait. It must not provide Taiwan with weapons and defense capability that will cause its leaders with pro-independence sentiments to harbor a belligerent attitude towards mainland China. Besides, this act will be regarded as extremely provocative by mainland authorities. As Roth said, it would do well for the Bush administration to maintain the three pillars of policy that the Clinton administration has followed as regards the Taiwan Strait issue: "adherence to a one-China policy, insistence of peaceful resolution of the

dispute, and an emphasis on the resumption of cross-strait dialogue between the two parties.”³⁶

It is not in the interest of the world to have an armed confrontation in the Taiwan Strait. While confidence-building and conflict resolution are the primary responsibility of China and Taiwan, the major powers should adopt policies that will reward both if they commit to resolve their cross-strait differences through the ways of peace. Any war in the Taiwan Strait is likely to destabilize the world, since the US and Japan may be pressured to side with Taiwan, while Russia may support China for strategic reasons. It is, therefore, imperative for all involved parties to be sober and responsible enough in handling cross-strait issues. This is the prerequisite to stable peace, not only in Northeast Asia but in the Asia-Pacific as well. Any war involving the major powers will be prejudicial to the interest of the Philippines and the rest of its ASEAN partners. Fortunately for the ASEAN countries, while present strategic developments reveal that the reigning tension in the Taiwan Strait will not be resolved in the near term, there are no indications that this tension will degenerate into a shooting war between China and Taiwan and their proxy allies. It appears that while the Bush administration no longer considers China as a strategic partner but as a strategic competitor, the US still recognizes that having good relations with China is not only in its national interest, but also essential to the progress and stability of its allies in the Asia-Pacific region. The Chinese leaders, on the other hand, while they continue to be suspicious of US intentions towards China, tend to agree on one thing: that it is beneficial to have good relations with the US because of its global strategic influence.

Because of these more or less similar mind sets, there is reason to believe that the cross-strait problem between China and Taiwan will not deteriorate into a major security flashpoint, at least in the short term. This does not mean, however, that the issue should be ignored because of its adverse political and economic implications to the peace and stability of the Asia-Pacific if it is allowed to deteriorate any further.

Notes

1. See “Taipei Speaks Up: Special State to State Relationship,” ROC Policy Documents, Mainland Affairs Council, August 1999, pp. 2-3.
2. *Ibid.*, pp. 11-24.
3. *Ibid.*, pp. 30-31.

4. Jiang Zemin and Li Peng, *On Taiwan Question*, p. 46.
5. *Ibid.*, p. 49.
6. *Ibid.*, pp. 46-47.
7. *Questions and Answers about the Republic of China*, p. 9.
8. *Ibid.*, p. 21.
9. *Ibid.*, p. 22.
10. Interview dated 24 June 2000, held in his office in Taipei and conducted personally by the author.
11. "Understanding Taiwan: Bridging the Perception Gap" by Lee Teng Hui, November 1999, p. 10.
12. Disclosed in a dialogue with Mr. Benjamin Jyh-Yan Lo, Head of the Taiwan Economic and Cultural Office (TECO) in the Philippines, at his Makati office, 28 February 2001.
13. See Jiang Zemin and Li Peng, *On Taiwan*, pp. 7-13.
14. *The Republic of China*, pp. 46-47.
15. *Questions and Answers about the Republic of China*, p. 22.
16. See *A Brief Introduction to the Republic of China*, p. 47.
17. *The Republic of China Yearbook 2000*, p. 115.
18. *Ibid.*
19. *Ibid.*
20. Dialogue with the head of the TECO in the Philippines, 28 February 2001.
21. Interview dated 20 June 2000 in Taipei and conducted by the author himself.
22. *Taipei Journal*, 5 March 2000, Special Section, p. 3.
23. *Free China Review*, March 2000, p. 38.
24. *Ibid.*, p. 36.

25. *Ibid.*, p. 42.
26. *Taipei Journal*, 4 March 2000, p. 2.
27. *Taipei Journal*, 17 March 2000, p. 7.
28. *Taipei Journal*, 24 March 2000, p. 8.
29. *Taipei Journal*, 21 April 2000, p. 7.
30. *Taipei Journal*, 24 March 2000, p. 8.
31. “Current Cross-Strait Relationship,” speech before the Taiwanese Chamber of Commerce, San Francisco Bay Area, San Francisco, USA, by Tsai Ing-Wen, 21 January 2000, p. 2.
32. See *Taipei Journal*, 2 June 2000, p. 1 and *Taipei Journal*, 12 May 2000, p. 7.
33. *The Republic of China Yearbook 2000*, p. 139. See also Appendix IV of the *ROC Yearbook for Directory of ROC Representative Offices Abroad*.
34. “US Policy Toward Asia: Where We’ve Been, Where We Need to Go,” speech before the Asian Society, Washington Center by Stanley Roth, 11 January 2001, pp. 9-10.
35. *Ibid.*, p. 10.
36. *Ibid.*

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PHILIPPINES-CHINA RELATIONS IN THE 20TH CENTURY: HISTORY VERSUS STRATEGY

*Aileen San Pablo-Baviera**

Philippine relations with China face serious challenges at the dawn of the 21st century. Bound by the accidents of history and geopolitics to be neighbors who are dissimilar in worldviews and asymmetrical in size, strength and influence, the Philippines and China are challenged to define and then periodically redefine their ties in relation to both internal factors and changes in the broader external environment.

History has bequeathed a legacy of both strong trade, cultural and people-to-people ties dating back to the precolonial period, but also one of mutual suspicion brought on by more recent ideological differences, entanglement in the Cold War and disputes over territories and ocean resources.

Since the end of the Cold War, strategic factors have become a core issue in relations. The Philippine state, having shunned permanent United States military presence on its soil in 1991 and casting its lot with Asia, has taken the first steps towards a truly independent foreign policy. This, however, comes at a time when its colossal neighbor, China, is taking decisive steps to establish itself as a regional power, raising uncertainties for its relations both with other major powers and with smaller states of the region. Their two paths cross and come into conflict over certain disputed islands and waters of the South China Sea.

This paper looks at the development of relations between these two neighbors through time, especially throughout the twentieth century. It then describes relations at the present conjuncture, exploring the issue of how contemporary diplomacy between the Philippines and China reflects each side's attempt to channel their respective emerging nationalism, even as both try to make an unpredictable external security environment less uncertain.

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Relations Prior to the 20th Century

Chinese written records indicate that Filipinos had gone to China as early as 982, when Ma-yi (Mindoro) traders appeared on the coast of Guangzhou, and in 1001 when the first recorded Philippine tribute mission came, apparently from Butuan. At the end of the twelfth century, Visayan pirates were raiding Fujian from bases in the Pescadores.¹

Anthropological and archaeological findings, however, point to Chinese traders visiting the islands of the South Seas before the tenth century, presumably including islands that now belong to the Philippines. A Song Dynasty edict of 972 mentions Ma-yi as part of the luxury trade in foreign exotica. By 1206, written records showed that Mindoro, Palawan, Basilan and other nearby islands were known to China.²

Relations between early Philippine kingdoms and China were rich and colorful. Chinese sources report that Admiral Zheng He's men landed in Sulu in 1409. In 1417, a Muslim delegation led by the east King of Sulu, Paduka Batara, paid a visit to China, where he was admired and befriended by the Emperor. Unfortunately, on his way back to Sulu, the king died and was buried in Dezhou, Shandong province. Members of his family remained to tend his grave in Dezhou, where to this day his descendants continue to practice Islam and have established strong ties with China's Islamic Hui minority.³

When the Spaniards arrived, they already found Chinese settlers and Chinese ships bringing merchandise to Manila.⁴ Miguel Lopez de Legaspi opened direct trade with China, with Chinese merchants bringing textiles, industrial products, raw materials and food. This not only helped sustain Spanish colonial rule, it also boosted the development of trade between the Philippines and the distant Spanish colony of Mexico.⁵

The immigrant Chinese and their descendants came to play an important role in the colonial economy for the next three centuries, especially as traders. With the growth in their numbers and economic wealth, they also became a source of taxation income for the colonial bureaucracy. In time, however, the colonial government began to fear them and doubt their loyalty, especially when they sided with the English, who occupied Manila from 1762 to 1764.

As early as 1582, there were attempts to control the presence and influence of the Chinese in the Philippines. The Spanish Governor-General built an enclosed quarter in the northeastern part of Manila, where all newly arriving Chinese would live together. This became known as the Parián.⁶ The Parián was meant in part to facilitate tax collection and control of trade. It was also to keep Chinese pirates from intermingling with merchants, following persistent attacks on the islands by the pirate Limahong (Lin Feng).

Chinese in the islands, including in the Parián, were massacred by Spanish soldiers on several occasions. Survivors were encouraged to intermarry with the Catholic *indios* and to convert to Christianity. New immigration from China became severely restricted for a long time, until the end of the Galleon trade forced Spain to look to the Manila-China trade as a new source of revenue.

In the first 200 years under Spain, 14 major Chinese uprisings were recorded. During this time and until the later part of the 19th century, imperial China did not take an interest in protecting its nationals overseas. Imperial edicts in the 1700s even prohibited the Chinese from trading with or residing in Southeast Asia.⁷

In the 1880s, Chinese immigration had increased to about 100,000.⁸ For the first time, the immigrants appealed to the Chinese imperial government to set up consular representation in the Philippines, citing how they suffered from “excessive and inequitable taxation, insecurity of property against theft or damage, and the extortionate practices of Spanish officials.”⁹ Spain ignored the request until the revolution broke out, but the United States, as the new colonial power in Manila, did agree to the establishment of a permanent consulate in 1899.¹⁰

It was the Chinese mestizos who eventually became the Philippine entrepreneurial middle class by the mid-19th century. Many of them were educated in Spain and elsewhere, had assimilated freely and become part of the social, economic and political elites.¹¹ From their ranks also rose the intellectual leaders of the revolution against Spain—with the likes of Paterno, Sanciango and Rizal. General Emilio Aguinaldo was also of Filipino-Chinese descent, and during the Filipino-American war, many mestizo families were among the *insurrectos*.

When we speak of the role of the Chinese in the revolution against Spain, one person also stands out—a pure-blooded Chinese named Jose Ignacio Paua (Liu Heng Po), who became a general of the revolutionary army.¹² When Aguinaldo declared independence on June 12, 1898, Paua cut off his long braid to signify new-found freedom, preceding similar actions by millions of Chinese in his native land after the Manchus were toppled in 1911.

Political Links in the Early 20th century

The Philippine struggle for independence against Spain and the United States did not influence only the Chinese in the Philippines, it also indirectly influenced the history of China. Both Spain and the United States saw the Philippines as a staging ground for their entry into China, the former for Christianization and the latter for trade. At the end of the 19th century, some American troops were pulled out from the

Philippines, where they were suppressing the revolution, to fight against the Boxer Rebellion in China.

Liang Chi-chao, one of China's most famous reformers, wrote an article entitled "America, the Philippines, England's Battles and their Relation to China," where he pointed out that: "The Philippines, in evicting the Spaniards and fighting the Americans, is the vanguard of the struggle for independence in Asia. The victory of the Philippines will also help us, the yellow race, in our fight and put fear in the hearts of the white race.... The Philippine independence is watched closely by the Chinese because its influence on China will be great."¹³

Au Ji-jia, on the other hand, said, "Alas, looking at the Philippines, we have a lot to learn and gain... First, the Philippines is such a small country but can become independent and roust the United States. China is big so it should also achieve its independence, continue the spirit of struggle without fear of death.... China is big but is afraid of the small while the Philippines is small fighting the big... the {fighting} spirits of these two people are as disparate as heaven and earth. The people of our country must therefore not despair, quickly follow the Philippines to achieve victory."¹⁴

It is therefore not surprising that the revolutionary movements of the two countries had early linkages. In June 1898, Mariano Ponce who was at that time Aguinaldo's representative to Japan, met Dr. Sun Yat Sen in Yokohama and solicited his assistance in acquiring military arms. Sun agreed to help procure arms as well as to send members of his revolutionary party to the Philippines, purportedly to help against invading Americans. The ship *Nonubiki Maru* carrying the arms unfortunately sunk somewhere near Zhejiang in July 1899 after hitting some reefs.¹⁵

Aguinaldo, as head of a revolutionary government, was likewise known to have supported the Chinese struggle, at one time giving Sun Yat Sen 100,000 Japanese yen and offering to help initiate China's armed struggle by sending soldiers after the Philippines achieved independence.¹⁶ But Aguinaldo's revolution failed, while Sun's flourished, and Sun said: "... there is no first or last in this big struggle. Our party decided to establish its revolutionary army and pursue its own task. When we succeed in our objective, then we can also look into the cause of Philippine independence."¹⁷

With the failure of the Philippine revolution, a number of Filipino patriots even escaped to Xiamen, Hong Kong and Shanghai.

The Ethnic Chinese in 20th Century Philippines

The American colonial regime was far more tolerant of Chinese presence than Spain. Under American control, the Philippines at first took a neutral position on

issues pertaining to politics in China itself.¹⁸ It was principally the Chinese in the Philippines who continued to take a high level of interest and, by then, they had grown significantly in numbers.

The inflow of Chinese immigrants to the Philippines from 1913 through 1930 followed peak periods in Philippine exports. This suggested that a surge in demand for Philippine exports helped to keep Chinese traders in business.¹⁹

After Japan attacked Manchuria in September 1931, the Philippine Chinese General Chamber of Commerce implored the warring groups in China to unite against Japan. On behalf of Chinese residents, they appealed to US President Hoover to “take action in the interest of justice, humanity and world peace in restraining further Japanese encroachment....”²⁰

The Chinese merchants and their families also raised money for the resistance against Japan. By January 1932, they had raised \$250,000 for “national salvation” efforts and another \$400,000 specifically for the war in Manchuria. Young Chinese men from Manila, Davao and Cebu in the Philippines even volunteered to fight, while those who remained behind campaigned for a boycott of Japanese goods.²¹

Conflicts broke out involving members of the Chinese and Japanese communities in Manila, these two being the main merchant groups and rivals in the retail trade.²² Philippine authorities appealed to both sides not to disturb the peace and order but, otherwise, the government took a very lenient attitude and was even reported to be sympathetic to the Chinese.²³

In the meantime, Filipino resentment against foreign domination of the economy grew as Filipino nationalism grew. As the Commonwealth government was set up to pave the way for a ten-year transition to independence, the Kuomintang government in Nanjing realized the need to secure the continued safety and prosperity of its merchants. Under American rule, the Chinese had been equal with Filipinos before the law. The impending departure of the Americans raised apprehensions that Japan’s influence over the Philippine economy would strengthen at their expense. One Chinese newspaper article mused:

“The proximity of the new Commonwealth to China and our long historical association with the Islands, coupled with the investment of over one hundred thousand Chinese living in the islands, should make us study the new development with intense interest. When the ten years of Commonwealth government come to an end, it will be our manifest interest to keep close watch over the Philippine government’s foreign policy, and its domestic policy towards foreigners and Chinese in particular. This is the time for us to devise ways and means for the future

protection of our compatriots in the Philippines and at the same time to improve the feeling of friendship between the two governments.”²⁴

During the Japanese occupation of the Philippines from 1942 to 1945, Chinese residents in the Philippines were among those who suffered atrocities at the hands of the new masters. They were made to pay for their financial, material and other forms of support to China during Sino-Japanese conflicts. In the Philippines, many joined the underground and even formed their own guerilla units²⁵ or joined the Philippine Army and other regular Filipino-American guerilla units.²⁶

When the end of the Pacific War and Japan’s surrender led to a resumption of the civil war in China, the Chinese in the Philippines were likewise divided once more into pro-Kuomintang and pro-Communist groups. The political factionalism became violent, manifested by a wave of kidnappings, harassment and killings that swept Chinatown and thus merited attention by the local police. This contributed to the Filipinos’ negative image of the Chinese.

After 1949, overseas Chinese began to be perceived in the Philippines as “agents” or “unwitting instruments” of mainland China out to spread communism. Leftist Chinese organizations, including newspapers, were accused of having links with the communist-inspired Hukbalahap movement.²⁷

Effects of the Establishment of the People’s Republic of China and of the Philippine Republic

The Republic of China (ROC) was one of the first countries to recognize the Philippine Republic after the latter became independent in July 1946. Negotiations for a Treaty of Amity by the Roxas government became prolonged over the issue of, according Chinese nationals, the same treatment given to US citizens under the parity agreement, and ROC claims of discriminatory treatment against the Chinese in immigration policy and in the practice of trade and the professions.²⁸

The Philippines established consulates in Shanghai and Xiamen in 1947, and a legation to the Nationalist government in Nanjing in March 1948. As communist forces closed in on Nanjing in February 1949, a liaison office was set up in Guangzhou. This office was closed after the proclamation of the People’s Republic of China (PRC) on October 1, 1949, when the Philippine legation transferred to Taiwan.²⁹

The Quirino government at first avoided entanglement in the PRC-Taiwan conflict, and did not take an explicitly anti-communist posture. President Quirino only bowed

to US and Taiwan pressure to recognize Taiwan, as a consequence of the upswing of local communism and China's entry into the Korean War. Accordingly, the Philippines elevated its legation in Taipei to a full embassy in December 1950.

The role of Chinese traders and settlers in Philippine-China relations became subsumed under questions affecting relations with Taiwan. While they continued to play an important role in the national economy and in trade and cultural linkages with China, they ceased to be politically significant in subsequent Philippine history, especially after 1975, when many of them became naturalized Filipinos.

The Korean War was a turning point in the new republic's policy towards China. The Philippines allied itself with the United States and fought against the forces of the PRC and North Korea. From then on, Manila's foreign policy became staunchly anti-communist and hewed closely with that of Washington. Quirino also signed a Mutual Defense Treaty with the US in August 1951 and, in 1954, the Philippines under Magsaysay became a member of the short-lived anti-Communist Southeast Asia Treaty Organization (SEATO). In 1955, it declared support for the US commitment to the defense of "Formosa."³⁰

Anti-communism in foreign policy was strengthened in subsequent Philippine administrations. Travel and other links with Beijing by Filipino nationals were prohibited by the Garcia, Macapagal and the early Marcos administrations. On the PRC side, their leadership was preoccupied with internal problems, while the violent events in Beijing's then-ally Indonesia in the mid-1960s, led to a debacle that discouraged other foreign policy initiatives by China in the region.

Moreover, China condemned the 1967 establishment of the ASEAN, of which the Philippines was a founding member, as following in the footsteps of SEATO. The official mouthpiece *Peking Review* described the new association as "an out and out counter-revolutionary alliance rigged up to oppose China, communism and the people, another instrument fashioned by US imperialism, and Soviet revisionism for pursuing neo-colonist ends in Southeast Asia."³¹

Establishment of Diplomatic Relations with the PRC

It was under President Marcos in 1967 that the Philippine government began exploring the idea of opening up to the socialist countries, ostensibly for considerations of expanding trade partners to reduce dependence on traditional markets, but also because of security concerns. In January 1969, Marcos declared in his State of the Nation address: "We in Asia must strive toward a modus vivendi with Red China. I reiterate this need, which is becoming more urgent each day. Before long, Communist

China will have increased its striking power a thousand fold with a sophisticated delivery system for its nuclear weapons. We must prepare for that day. We must prepare to co-exist peaceably with Communist China.”³²

From this statement, it was clear that the rapprochement with Beijing did not come from an ideological change of heart by Manila but from purely realist considerations. The strategic environment was changing fast. There were indications of an impending Sino-US détente. Efforts were afoot to terminate the war in Vietnam, and the United States had not emerged the victor as it had expected. The establishment of the ASEAN was a response to this shifting strategic ground. Along with other leaders of the ASEAN, Marcos began to espouse a new policy of neutrality for the region, *i.e.* that it should be kept free from intervention and involvement in the ideological battles of the superpowers.

By 1971, Beijing had re-assumed its seat as a Permanent Member of the United Nations Security Council. The Philippines took a two-China position on this matter of China’s return to the United Nations—*i.e.* that admission of the PRC should not jeopardize the position of the ROC.³³ Soon, Beijing became one of only five avowed nuclear powers. It was also the world’s largest country in terms of population.

Following the surprise Nixon visit arranged clandestinely by Kissinger, and in consideration of the Sino-Soviet conflict, Washington ceased to isolate Beijing and Beijing began to open up to Washington. One early indication of this was that the then Chief of Staff of the People’s Liberation Army, General Huang Yungsheng, expressed that China could accept the presence of US bases in the Philippines, in a marked departure from Beijing’s earlier posture opposing all foreign military bases.³⁴

The opening of Manila-Beijing diplomatic relations began with a series of secret visits by Benjamin “Kokoy” Romualdez, brother of then First Lady Imelda Marcos, from January 1972. Imelda Marcos herself went on a visit in September 1974, one highlight of which was her kissing a startled Mao Zedong on the cheek, dealing a culture shock to the Chinese. The 1973 oil crisis gave added impetus to Manila’s desire to open ties, as China was an oil producer.

On June 9, 1975, Marcos and Premier Zhou Enlai signed a joint communiqué normalizing relations between Manila and Beijing. Relations with Taiwan were to be downgraded as part of the process, with the embassies to be replaced by “private” offices, and ties henceforth limited to such matters as civil aviation, commerce and other economic transactions, as well as people-to-people contacts.

The decision to recognize Beijing was part of an explicit foreign policy shift undertaken by the Marcos government. In contrast to an almost exclusive bilateral diplomacy with the United States, Marcos resolved to intensify relations with the

ASEAN states, seek closer identification with the Third World “with whom the Philippines shares similar aspirations,” and support the Arab countries “in their struggle for a just and enduring peace in the Middle East.” He also committed to “continue beneficial relations” with Japan and to find a new basis, “compatible with emerging realities in Asia,” for a continuing healthy relationship with the United States.³⁵

The domestic imperative for the normalization of ties with Beijing also increased with the growing strength and popularity of the Maoist Communist Party of the Philippines, founded in 1968 and by the mid-1970s the only thriving revolutionary movement in the region. By establishing official relations, the Philippine government hoped to undercut any support Chinese communists might have been extending to Filipino counterparts. It had been earlier believed that China offered only moral and political support to the Philippine underground left, but subsequent information confirmed that material assistance was also extended in the 1970s.

In a throwback to Sun Yat Sen’s failed dispatch of arms for Aguinaldo aboard the *Nonubiki Maru* in 1899, modern-day Chinese sympathizers also sent arms shipments to guerilla fighters of the Maoist New People’s Army. The venture was also doomed to fail under similar circumstances. In mid-1972, a shipment of Chinese war materiel on board the *Kishi Maru*, rechristened *M/V Karagatan*, found its way from Fujian to Digoyo Point, but rebels were unable to unload the whole shipment before government troops arrived. Then in early 1974, the ship *Andrea* which was on the way to China for a similar purpose ran aground on some reefs and never reached its destination.³⁶

The Chinese presumably had other reasons for preferring relations with the government of the Philippines after that but, by 1975, China seemed to have altogether eschewed the export of revolution to the Philippines and opted to befriend Marcos instead.

Changing Worldviews: China’s Reform and Opening up; the Philippines Turns to Asia

After internal power struggles following the death of Mao Zedong in 1976, reformist leaders in China gained the upper hand. Deng Xiaoping in 1978 announced a “strategic shift” in the direction of China’s economic development strategy. From then on, pragmatism and innovation would prevail over the dogma of socialist revolution, an outlook exemplified by Deng’s famous words: “It doesn’t matter if the cat is black or white, as long as it catches mice.” Deng’s reform policy opened China’s doors to foreign trade and investment, and at that point, China decidedly turned its friendly face to the rest of the world.

From a Philippine perspective, relations with the People's Republic of China in the first 20 years (1975-1995) can be generally characterized as cordial at the political level, warm in the cultural and people-to-people aspect but only of limited success in its economic objectives.³⁷ The main *raison d'être* for establishing diplomatic ties had been served by the 1970s: Chinese communist support for the Filipino underground communist party had been undermined, China became a source of relatively cheap crude oil at a time of energy crisis, and the Philippines was able to project nonalignment by expanding its relations with socialist countries. However, trade relations remained at very modest levels, with the Philippines suffering from persistent trade deficits.

Through most of the 1980s, the Philippines was beset by political instability and economic malaise, and was therefore not in a position to take advantage of China's economic liberalization or the investment boom in the East Asian region. The country fell behind most of its ASEAN neighbors whose trade and investment ties with China expanded remarkably during the period. However, cultural and other people-to-people exchanges with the People's Republic of China were very active from 1975 to 1995, prompting former Foreign Affairs Undersecretary and now ASEAN Secretary-General Rodolfo Severino to say, "With no country has the Philippines had more active interaction at the officially organized level than with China."³⁸

One of the principal reservations the Marcos government had in opening relations with the PRC was the potential security threat that might arise from Beijing's links with Chinese in the Philippines—who, it was feared, could become a veritable "fifth column." The government therefore enacted a mass naturalization law in 1974 that was meant to encourage the ethnic Chinese to choose Filipino citizenship. Unlike the ROC government in Taipei, which maintained close links with the Chinese community in the Philippines, Beijing affirmed that the loyalties of people of Chinese descent should lie first and foremost with the countries which had taken them in.

The perceptions of both China and the Philippines in their relations with each other continued to be influenced by regional developments. The Vietnamese occupation of Cambodia in 1979 brought China and the ASEAN closer together in a campaign supported by the US and Japan to put an end to Vietnam's control of Indochina. The Philippines went along with the ASEAN-China collaboration against Vietnam.

However, ideological animosities and sharp differences in our political systems during the Cold War period had resulted in a generalized perception by many Filipinos of China as at least a potential threat. This "sleeping dragon" image of China appeared to have been exacerbated by the distinctive influence of American policy and media.

Periodic tensions would arise between the Philippines and China over two important issues: the disputes in the South China Sea and the Taiwan question. From a Philippine point of view, China maintained excessive claims on the islands and waters of the South China Sea that belied its assurances of its non-expansionist nature. On the Taiwan issue, Manila sought Beijing's understanding on its need to maintain active unofficial relations with Taipei, given Taipei's proximity, their close historical association, and the economic opportunities Taiwan presented for the Philippines.

Frictions over the Taiwan issue were particularly frequent under the Aquino administration. The new post-dictatorship government in Manila faced a double challenge of achieving a stable democracy and recovery from economic crisis. In the meantime, Taiwan itself had just refuted military rule in favor of a multiparty democracy, opened up its thriving economy and lifted foreign exchange controls, and embarked on an aggressive "flexible diplomacy," pursuing high-level relations with neighboring countries. The Philippines, because of its devastated economy and the promise of Taiwan investments, became vulnerable to Taiwan's attempts to challenge the "one-China policy."

High-level official exchanges between Manila and Taipei took place in apparent violation of the one-China policy, and at one point it seemed that the Philippine Congress was on the brink of signing a bill that would upgrade relations with Taiwan. More far-sighted statesmen ultimately prevailed; it was realized that to risk antagonizing a powerful neighbor such as Beijing would not serve the long-term security interests of the nation.

Relations in the Post-Cold War Setting

The Ramos administration came into power in 1992 amidst drastic changes in the strategic situation of the Philippines and of the region. The end of the Cold War and the collapse of communism in Eastern Europe led to the conclusion that superpower conflict was no longer the potential source of world war or nuclear holocaust that it had earlier been made out to be. It was hoped that long-term peace and security would prevail. From the Philippine perspective, this justifies its closure of American bases that had put an end to a century of so-called "special relations" between Manila and Washington.

East Asian economies grew robustly in the 1980s, with improved living standards helping to arrest social conflict and political instability. The distinction of having the world's fastest growing economy went to China, and while other economic powers began to worry about the competition, it was felt that the more market-oriented and globally-integrated China became, the better for the region's peace and stability.

However, China's rise as an economic power coincided with changes in China's strategic doctrine, which began to emphasize the development of a capability to promote territorial and maritime resource concerns. Nationalism in China was on the rise. Not only was China richer, more stable and more confident than it had ever been, it also became more assertive in its relations with other states, particularly on the issue of reclaiming territories perceived to have been lost during weaker periods in its history. China had, among other actions, been expanding naval activities in the South China Sea, including the occupation in 1995 of a small reef (Mischief Reef) within the Kalayaan islands (Spratlys), an area claimed by the Philippines.

For the Philippines, China's occupation of Mischief Reef was perceived as the most serious external challenge to the country's sovereignty and security since the tiff with Malaysia over Sabah in the 1960s. Such perceptions could be understood best in the context of Manila's heightened sense of insecurity and vulnerability. After all, there was an epidemic of arms build-up going on in some ASEAN members and China, while the Philippine military was in an even sorer state than before, following termination of US military aid. Moreover, even though the Mutual Defense Treaty continued to remain in effect, US security commitments to the Philippines remained ambiguous.

Since Mischief Reef, tensions between Manila and Beijing in the Kalayaan or Spratlys area have substantially increased, particularly from Philippine official reactions to fishing operations by Chinese in the Philippines' exclusive economic zone and the presence of PRC naval vessels in the Kalayaan area. In an attempt to prevent an escalation of conflict, the two sides agreed in 1995 on a bilateral code of conduct that would bind them to a peaceful resolution of the problem. The agreement said that the *dispute shall not be allowed to affect the normal development of relations, and should be settled in a peaceful and friendly manner, through consultations and on the basis of equality and mutual respect*. It also committed both sides to undertake confidence-building measures, and to pursue specific forms of cooperation until the disputes are eventually resolved. It expressed a desire to cooperate for the protection and conservation of maritime resources, and stated that the dispute should be settled by countries directly concerned without prejudice to freedom of navigation in the South China Sea. Furthermore, Manila and Beijing agreed to settle the dispute in accordance with the United Nations Convention on the Law of the Sea (UNCLOS) and recognized principles of international law.³⁹

In March 1996, China and the Philippines further agreed to establish a "bilateral consultative mechanism to explore ways of cooperation in the South China Sea." Specifically, three working groups were set up, to look into cooperation in fisheries, marine environment protection and confidence-building measures. Manila and Beijing,

during the recent state visit of President Estrada, reiterated the commitment to pursue dialogue on the issue, but it remains to be seen whether the two sides can ultimately come up with substantive cooperation arrangements towards the long-term settlement of the disputes.

In its diplomacy with China concerning the disputed islands, the Philippines has come to rely considerably on the role of ASEAN. Apart from the Philippines, China and Taiwan, fellow-ASEAN members Vietnam, Malaysia and Brunei also have claims to all or parts of the Spratly islands. Multilateral talks between the ASEAN and China have been held since 1996, in which the disputes have also been discussed. At present, the ASEAN and China are negotiating a regional code of conduct that would elaborate norms of behavior by the claimant states in the disputed area, with the end in view of conflict prevention and confidence-building.

In contrast to China's reaction to the establishment of the ASEAN in 1967, it has now come to appreciate the strategic value of the ASEAN as a potential ally in the emerging balance of power in Asia. Among China's greatest concerns in the post-Cold War period is the new role being played by the United States as the world's sole superpower. Not only is it the world's largest economy, it is also a state possessing state-of-the-art military technology which, in China's calculus, may in the future be directed against it. The way to counter the preponderance of US power, China appeared to argue, was to create and strengthen a multipolar world order.

China sees the ASEAN as potentially evolving into one "pole" in its vision of a multipolar world order. The ASEAN's fundamental objective of keeping Southeast Asia a peaceful and neutral region, free from dominance by any regional or outside power is something which China says it shares.⁴⁰

The Philippines itself, particularly since the Ramos government, has looked very much to the ASEAN as a pillar of its foreign policy. In this context, ASEAN-China relations are bound to become a very important dimension of Philippine-China relations in the future.

In the wake of China's actions in the Kalayaan Islands, perceptions of a China threat soon paved the way for the Senate's ratification of a new "Visiting Forces Agreement" or VFA, that now allows American troops back into the Philippines for training and other activities in the implementation of the 1951 RP-US Mutual Defense Treaty. In his speech concurring with the VFA, Senate President Pro-Tempore Blas Ople, chairman of the Senate Foreign Affairs Committee argued that:

"....In our own part of the world, East Asia, the Chinese colossus has awakened.... There is every indication ... that this giant has not only

awakened but is belching forth a stream of fire — in the direction of the Philippines....

...(T)oday it is Mischief Reef and the Scarborough Shoal off Zambales. Tomorrow there might be more tempting prizes, including Palawan and the Philippines itself.

...(T)he one factor that restrains China's military hawks is the realization that the Philippines is bound to the United States by a Mutual Defense Treaty....."⁴¹

This is an overblown image of a China threat, fanned by an over-imaginative media, that appears to negate 25 years of otherwise cordial relations with the PRC and over a thousand years of people-to-people contact.

Another recent irritant in relations is the illegal entry of many Chinese from the mainland into the Philippines, whether they are here to improve their income opportunities, or as a transit point for other destinations. Unfortunately, the corruption and poor law enforcement in the Philippines attract many undesirable aliens, the result being that transnational crime is now a major problem in Philippine society.

Possibly the greatest foreign policy challenge facing China in post-Cold War Asia is for it to manage its rise to great power status in a manner that will guarantee peace, rather than threaten instability; ensure mutual benefit rather than impose hegemony among smaller neighboring countries. As a rising power, China will find itself caught between its desire to stand up to and at par with other great powers, and on the other hand the apprehensions of smaller neighbors that it will become an unfriendly hegemon.

For the Philippines, a major foreign policy question is how it can uphold national sovereignty and security, as well as pursue its quest for an independent foreign policy, in the face of lack of resources and pressures from competing national interests of neighboring countries, including China. Moreover, Philippine foreign policy, like that of other small powers, tends to be pulled in different directions as a consequence of shifting relations among bigger powers.

We have seen in this paper how the Chinese and Filipinos peoples have long shared a common history of anticolonial and anti-imperialist struggle, as well as centuries of mutually beneficial trade and cultural exchanges. We have seen how they parted ways in 1949 when their governments chose to be guided by opposing ideologies in their respective nation-building efforts. Attitudes and interests converged once more as both China and the Philippines undertook adjustments in foreign policy in the 1970s.

Henceforth, for both sides, pragmatic national interests would prevail over ideological considerations. Such interests dictated that the Philippines cease to rely exclusively on old allies such as the United States, and pursue friendly relations with all neighbors, including socialist governments, thus helping it on the road to a more independent foreign policy. On the other hand, pragmatism dictated that China, as a large country with a huge population, abandon ideological constraints and concentrate instead on strengthening its economy. So successful was China in this program that in a span of 20 years, it was being touted as the rising new power, and true to form, China has declared its intent of recovering its lost glory, beginning with the recovery of lost territories.

This growth of Chinese power, fueled by enhanced nationalism, is again bringing it into potential conflict with the Philippines, in light of competing claims between the Philippines and China over certain islands and waters in the South China Sea. However, despite the acrimony that has come to characterize exchanges between the two sides regarding the disputed territories, both sides continue to persist in a peaceful settlement of the disputes. They have pledged to improve comprehensive cooperation, especially in matters pertaining to economic development, through various bilateral and multilateral mechanisms.

It is fortunate indeed that the leaders in Manila and Beijing can continue to invoke the centuries-old ties of friendship built by their peoples as the basis for charting the future course of relations. However, the time has also come for the two governments and the two peoples to take stock of where each of them stands in relation to the emerging new regional and global environment, to consciously strive to continue the best legacies of the past, and in so doing, to make new and even more glorious history.

Notes

1. This led William Henry Scott to conclude that Filipinos may have gone to China even before the Chinese came to the Philippines. William Henry Scott, *Filipinos in China before 1500* (Manila: De La Salle University China Studies Program, 1989), pp. 1-2. An earlier version of this work was published in *Asian Studies*, Vol XXI (Quezon City: University of the Philippines Press, 1983).

2. Scott, *ibid.*
3. Julkipli M. Wadi, "The Philippines and the Islamic World" in Aileen Baviera and Lydia Yu-Jose, eds. *Philippine External Relations: A Centennial Vista* (Manila: Foreign Service Institute, 1998).
4. Ch'en Ching-ho, *The Chinese Community in the Sixteenth Century Philippines* (Tokyo: Centre for East Asian Cultural Studies, 1968), p. 29.
5. *Ibid.*, p. 36.
6. *Ibid.*, p. 67.
7. Benito Lim, "A History of Philippine-China Relations" in Aileen Baviera and Lydia Yu-Jose, eds. *Philippine External Relations: A Centennial Vista* (Manila: Foreign Service Institute, 1998), p. 210-211.
8. Antonio S. Tan, *The Chinese Mestizos and the Formation of the Filipino Nationality* (Quezon City: Asian Center). Reprinted by Kaisa Para sa Kaunlaran, 1987, p. 8.
9. Benito Lim, *ibid.*, citing Wickberg, pp. 212-213.
10. *Ibid.*, p. 214.
11. Lingayen, Pangasinan, where members of the Limahong expedition had briefly put up a colony in the 1570s, was recorded to have had the most number of Chinese mestizo residents. Rosario M. Cortez, *Pangasinan, 1572-1800* (Quezon City: UP Press, 1974), p. 61; cited in Antonio S. Tan, *ibid.*
12. Paua had arrived in the Philippines from China at the age of 18 in 1890, but in a very short time, he had so internalized his new Filipino identity that he joined the Katipunan and later became a young general. By 1896, he had built a munitions factory in Imus, Cavite, using funds raised from fellow Chinese. In 1897, Paua was one of the signatories of the Biak-na-Bato Constitution. Liu Yuan Yan, "The Contributions of the Overseas Chinese in Developing the Philippines," in Yong Cheng Tong, ed. *1935 Philippine-Chinese Yearbook* (Shanghai: Shanghai Society, 1935), p. 17, cited in Teresita Ang See and Go Bon Juan, *The Ethnic Chinese in the Philippine Revolution* (Manila: Kaisa Para sa Kaunlaran, 1996), pp. 12-13.

13. Zhou Nanjing, "The Philippines' Struggle for Independence and the Chinese People" quoting from *Qing-Yi Pao Compilations*, Vol. IV. Cited in Teresita Ang See and Go Bon Juan, *ibid*, p. 21.
14. *Ibid.*, quoting Au Ji-jia, "The Independence of the Philippine Islands" from *Qing Yi-pao Compilation*, Vol IV.
15. *Ibid.*, quoting Peng Ziyou, "History of the Revolution" (Commercial Press, 1936).
16. Zhou Nanjing, *ibid*.
17. *Ibid.* Also cited in Carlos Quirino's "Dr. Sun Yat Sen and the Philippine Revolution," *Fookien Times Yearbook*, 1963, pp. 267-268.
18. Antonio S. Tan, *The Chinese in the Philippines During the Japanese Occupation 1941-45* (Quezon City: University of the Philippines Press, 1981).
19. Daniel F. Doeppers, *Manila 1900-1941: Social Change in a Late Colonial Metropolis* (Quezon City: Ateneo de Manila University Press, 1984), p. 41.
20. Tan, *ibid*.
21. Tan, *ibid*.
22. About 25,000 Japanese residents were in the archipelago in 1932, up from only 7,000 in 1918. Between 1931 and 1935, Japanese share in retail trade increased from 5% to 35%, with the Chinese losing from a position of 80-90% share. Antonio Tan, *ibid.*, p. 8-9.
23. Tan, *ibid.*, p. 7.
24. N.S. Cheng, "The Chinese in the Philippines," *China Critic*, Vol XI, No. 9, Nov 28, 1935, p. 203; cited in Tan, *ibid.*, p. 11.
25. Among the prominent Chinese guerilla groups were the Chinese Overseas Wartime Hsuehkan Militia (COWHM), the Philippine Chinese Youth Wartime Special Service Corps, the Philippine Chinese Volunteers, the Philippine pro-Communist Chinese Anti-Japanese guerilla Force or Wah Chi, and the United States-Chinese Volunteers in the Philippines.
26. Tan, *ibid.*, Chapter IV.

27. Lim, *ibid.*, p. 221.
28. Lim, *ibid.*, p. 223.
29. Rodolfo C. Severino, "Philippine-China Relations: As I See Them." Unpublished paper, 2000.
30. Severino, *ibid.*
31. Derek McDougall, *The International Politics of the New Asia Pacific* (Singapore: Institute of Southeast Asian Studies, 1997), p. 221.
32. Ferdinand E. Marcos, "New Filipinism: The Turning Point," *State of the Nation Message to the Congress of the Philippines*, cited in Lim, *ibid.*, p. 235.
33. Lim, *ibid.*, p. 237.
34. Severino, *ibid.*
35. *Diplomatic Agenda of Philippine Presidents 1946-85* (Manila: Foreign Service Institute, 1986).
36. Gregg R. Jones, *Red Revolution: Inside the Philippine Guerilla Movement* (Westview Press, 1989), pp. 75-78.
37. Aileen San Pablo-Baviera, "Turning Predicament Into Promise: A Prospective On Philippine-China Relations" in *The Philippines and China in the 21st Century* (Manila: Carlos P. Romulo Foundation For Peace And Development, 1999).
38. Severino, *ibid.*
39. Aileen S.P. Baviera, "The Kalayaan Islands (Spratlys) in Philippine Foreign Policy," *Panorama* No. 2/1999 (Manila: Konrad Adenauer Foundation, 1999).
40. Hao Yufan and Huan Guofang, eds., *The Chinese View of the World* (New York: Pantheon Books, 1989), p. 221.
41. Senate President Pro Tempore Blas F. Ople. "The VFA: Paradigm Shifts in the Security and Freedom of Nations." Full text of the speech delivered on the floor of the Senate sponsoring the concurrence of the Senate in the RP-US Visiting Forces Agreement on 03 May 1999. *Sanggunian* 1(9), May 1999.

TEMPEST OVER THE SOUTH CHINA SEA: THE CHINESE PERSPECTIVE ON THE SPRATLYS

Benito O. Lim

The Chinese view the presence of rival claimants in the South China Sea as the adverse outcome of the Second World War (WWII). The inability of China to pursue its claim was compounded by the Cold War, when China was blockaded by the West, and by its Internal political problems and involvement in the Korean and Vietnam wars. China considers its present predicament to be similar to the time when Japan systematically and forcibly occupied the area, beginning with the Sino-Japanese War of 1894. China finds it anomalous that it is accused by rival claimants as the illegitimate claimant when the “grab and snatch” of fragments of the Spratlys was started in the 1970s by the Philippines, Vietnam, Malaysia and Brunei. The Chinese believe that all claims after WWII have no historical basis. Indeed, except for Brunei, these were occupied by force. China already has historical title over the Paracels and the Spratlys long before the other claimants were nation states.

Although the Chinese strongly believe in the justice of their historic title, their current approach to the Spratlys dispute has been tempered by their desire to pursue their economic modernization program well into the next millennium. In the mid-1970s and late 1980s, China had violent confrontations with Vietnam, which allowed Beijing to reestablish sovereignty over the Paracels. Since then, however, China had second thoughts about using its military option. The new civilian leaders in China today will not risk the political and economic cost of a military adventure. The new leadership considers military adventure as poor strategy. The new leaders believe that it is too much of a risk to use the military option and lose the political goodwill of China’s neighboring countries, as well as some sectors of the international community, over uncertain and undetermined resources in the area. While there are many Chinese leaders who consider the diplomatic option in resolving the dispute as futile delay, it remains the best option open to all the claimants. However, China is wary of third party arbitration in negotiations, particularly by the United States of America (US), since it believes that the area is still the object of big power contention for political influence and economic

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leverage. The Chinese worldview of the Asia Pacific region matches that of the late US President Nixon: that the main source of conflict in the next millennium will “hinge on the way the US handles its relations with Japan, China and Russia.” And since the US, in the Chinese perception, still plays its post Cold War game of playing the Asians against one another, China prefers bilateral negotiation to resolve the disputes in the Spratlys.

In 1995, when China occupied Mischief Reef, a reef also claimed by Vietnam and the Philippines, it provoked adverse reaction from the Philippines, which claimed that the reef was well within its Exclusive Economic Zone (EEZ). Since then, the dispute reversed the friendly relations set by the re-establishment of China-Philippines diplomatic exchanges in 1975. At that time, China denounced its support for the Communist Party of the Philippines (CPP), when it posed a real threat to the Philippine government, and sold scarce oil resource to the Philippines at a friendship price during the oil crisis of the 1970s. Thereafter, China engaged not only in active trade but offered loans, foreign aid and technology transfer, and carried out cultural and scientific exchanges. These made the two nations relatively satisfied with their bilateral relationship. For its part, the Philippines was one of the first Asian democracies that dared to open diplomatic relations with a communist country, despite the challenges it faced from a growing Maoist guerilla rebellion and formidable pressure from an old ally and vigorous trading partner, the Republic of China (ROC), now better known as Taiwan.

The Chinese occupation of Mischief Reef caused the Philippines to take an antagonistic stance towards China. A majority of Filipino senators renewed the Status of Forces Agreement by ratifying the Visiting Forces Agreement (VFA) with the United States. It took a 180-degree turn from its position in 1992, when the Senate rejected the Military Bases Agreement. In 1999, many senators declared publicly that the ratification of the VFA will deter China from further encroaching into the Kalayaan Island Group (KIG) in the Spratlys. The attempt to strengthen Philippine claim to the Kalayaan Island Group led the Philippines to seek ASEAN (Association of Southeast Asian Nations) support as a bloc, a tactic carried out since 1992. The Philippines hoped that with the admission of Vietnam as full member of ASEAN, its own claims to some parts of the Spratlys would gain momentum and strength in impeding China from claiming territories already claimed by other ASEAN members. Indeed, from 1992 through 1996, the ASEAN organization managed to convince all claimants to resolve their differences peacefully, to bring the claimants to the conference table, to keep the claimants from using force and threats of force, and to agree to continue to talk despite irreconcilable differences.

Seeking to resolve the issue, China cooperated by agreeing to abide by the 1992 Manila ASEAN Declaration on the South China Sea. China also attended meetings of the ASEAN Regional Forum and engaged in bilateral talks with all the claimants, including pursuing confidence-building measures. China has even offered to suspend the sovereignty issue and, instead, invited the other claimants to undertake joint exploration, exploitation and production schemes.

Geography

The Spratly islands¹ are the largest group of islands in the South China Sea. The archipelago embraces a group of about 230 islands, cays, reefs, atolls, rocks, shoals and sandbars found between latitude 4° at James Shoal to 11°30' North, and East of Meridian 112° East covering 250,000 square kilometers. It traverses about 1,000 km from North to South. These are about 650 km east of the Vietnam coast; 750 km South of the Paracels; 1,000 km from China's Hainan Island to the northernmost tip of the Spratlys; 250 km from the Sabah coast; 160 km from Malaysia's Sarawak coast and 100 km west of the Philippines' Palawan island.²

The islands are small. The biggest, Taiping (Itu Aba), has an area of 0.364 sq. km. Since these islands are either volcanic in origin or are coral outcroppings, there is a continuing process of island formation taking place in the Spratlys that may give rise to new, uncharted islands or island formations.

Except for the large islands, there is no freshwater (See Figure 1.) in most of these islands. There are no arable lands, meadows or pastures. There are structures, such as stone markers, palm huts and stone temples that had been built by fishermen working in the area. But these fishermen did not hold permanent settlements. Fishermen from various countries have mined guano in the area. The islands in themselves are too small and barren to support permanent human settlements. But the underwater resources are judged to be substantial, especially aquatic, hydrocarbon and mineral resources.

The Spratly archipelago is considered very important for the following reasons:

- (1) they constitute important sea lanes for commerce and transport of critical materials in the South China Sea;
- (2) The seabed is believed to hold one of the largest oil deposits in the world³;
- (3) The body of water contains some of the richest living resources;
- (4) Control of this archipelago means control of the sea lanes in the South China Sea; and
- (5) Ownership means these islands can serve as legal base points to

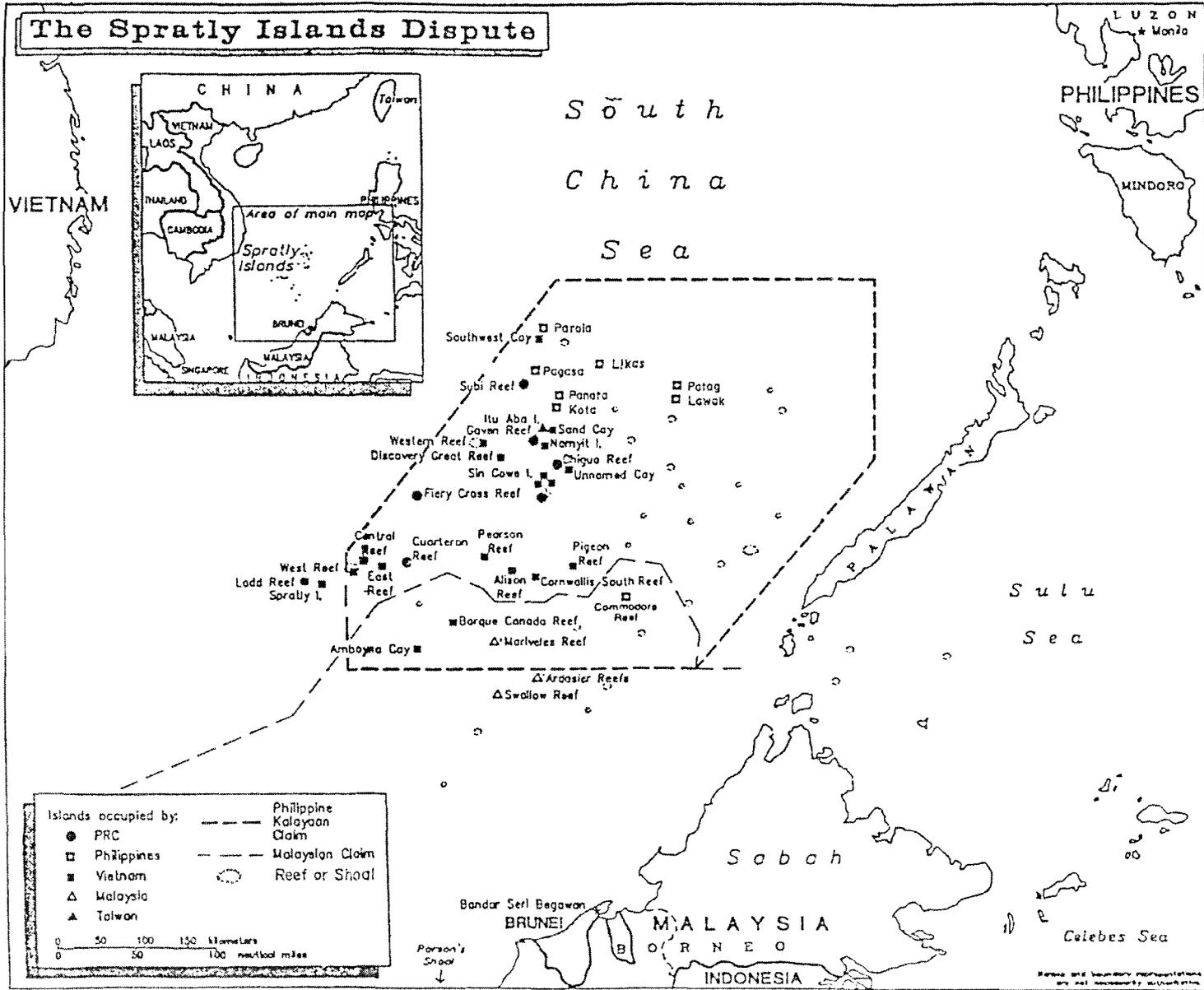


Figure 1. The disputed Spratly Islands

project claims of exclusive jurisdiction over waters and resources in the South China Sea.

To date, there are six major claimants to the Spratlys: China, Taiwan, Vietnam, the Philippines, Malaysia and lately, Brunei. China, Taiwan and Vietnam claim all the islands in the Spratlys. The Philippines claims only the western section of the Spratlys, the Kalayaan Island Group (KIG), an assortment of about 51 islands, islets, reefs, shoals, cays and rocks, depending on whether it is high tide or low tide. The KIG contains most of the larger islands in the archipelago and is nearest to Palawan. In 1956, Tomas Cloma⁴ proclaimed to the world his ownership of the island group by discovery and occupation. He mentioned 33 islands, sand cays, sand bars and coral reefs.⁵ When the Philippine Coast and Geodetic Survey Office issued a new official map in 1978, the KIG covered about 51 to 60 promontories, the numbers depend on whether it is high tide or low tide. The Philippines actually occupies eight islands, with its base on Thi Tu Island (Pagasa), the largest of the KIG. Malaysia claims the five islands and reefs it presently occupies, Swallow Reef (Tereumbu Layang Layang), Mariveles Reef (Matanani) and Dallas Reef (Ubi), as well as Amboyna Cay, which is presently held by Vietnam.⁶ In May of 1999, Malaysia occupied Investigator Reef (Peninjau and Siput reefs). Brunei has staked its claim on Louisa Reef, one of the Southern Shoals of the Spratlys, which is submerged.

Vietnam occupies 25 islands, with its main base on Spratly island (Truong Sa). China holds 12 islands and reefs. Taiwan holds Taiping (Itu Aba), the largest of the Spratlys.⁷

Background

Twentieth century claims on the ownership of the Nansha (Spratlys) started in 1917 when the Chinese were driven out of the Nansha islands by a Japanese chemical company interested in mining guano phosphates. Then in 1933, the French, on behalf of their protectorate Vietnam, invaded and claimed sovereignty over the islands on the basis of discovery and effective occupation.⁸ The French occupied the Spratly islands despite protests from China, Japan and the United Kingdom.

In 1939, the Paracels and the Spratlys were incorporated by Japanese forces into "Shinnan Gunto," or the "New South Archipelagoes."⁹

In 1941, China abrogated the Treaty of Shimonoseki with Japan, thereby ending Japan's symbolic control of the South China Sea. And on December 1, 1943, the Allied Powers and Russia declared in the Cairo Conference that all islands in the

Pacific area and all island groups in the South China Sea seized by Japan since the start of World War I (WWI) in 1914 should be returned to China.

Japan's defeat in WWII brought about its loss of territories "she has taken by violence and greed" since the Sino-Japanese War of 1894. The policy of Allied Powers relating to Japanese territories after the war were laid down by the following legal instruments:

1. 1943 Cairo Declaration;
2. 1945 Potsdam Proclamation Defining the Terms of Japan's Surrender;
3. 1945 Instrument of Surrender;
4. 1946 SCAPIN Directive 677¹⁰; and
5. 1952 Peace Treaty with Japan.

The policy of the Allied Powers under the Cairo Declaration was as follows: "It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the First World War in 1914, and that all territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be returned to the Republic of China. Japan will also be expelled from all territories which she has taken by violence and greed."¹¹

Article 8 of the Potsdam Proclamation states: "The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the Islands of Honshu, Hokkaido, Shikoku, Kyushu and minor islands as we shall determine."

Japan's acceptance of the Potsdam Proclamation that contained Japan's surrender on August 14, 1945 contemplated an acceptance of terms of the Cairo Declaration, including its territorial provisions.

The administration of all territories seized by Japan was taken over by China. In May, 1945, the sixth Kuomintang Congress adopted the following foreign policy resolution: "China harbors no territorial ambitions. All she wants is the preservation of her territorial administrative integrity and fair and equal treatment for all her nationals overseas."

China's Ministry of Interior resurveyed these islands and re-erected landmarks on them. "An Outline of the Geography of the South China Sea Islands" of the *National Territory Series* was published by the Ministry of Interior on December 1, 1947. The oceanic boundary of China in the South China Sea was drawn using 11 interrupted lines to indicate the boundary of the islands, islets, reefs, banks and adjacent waters.¹² In addition, all the islands, islets, reefs, shoals, cays and sandbars were renamed. On April 7, 1949, the People's Republic of China (PRC) informed the Philippine government that China had garrisoned the Taiping Island (Itu Aba) settled by 250 troops under Commander Peng Yang Sen of the Chinese Navy.¹³

Except for China, no other claimants had their claims drawn on their national maps until the 1970s.

The Philippines' attempt to claim the Spratlys started in early 1947, when then Foreign Affairs Secretary Carlos P. Garcia asked that the Allied Forces place the 'New Southern Islands' under Philippine jurisdiction for reasons of security, since Japan used Itu Aba as a staging area to occupy the Philippines during WWII.¹⁴ In 1949, President Elpidio Quirino instructed Secretary of National Defense Ruperto Kangleon and Commodore Jose Andrada to inspect Taiping island and its vicinity, preparatory to designing Philippine claim to the Spratlys.¹⁵ Commodore Andrada reported that fishermen from Palawan often visited Taiping island. The report prompted some cabinet members to suggest that these fishermen be made to settle on the island in order for the Philippines to lay claim to the island. The Philippine government also took steps to claim the islands near the Celebes and place them under Philippine sovereignty.¹⁶ Unfortunately, Secretary Carlos P. Romulo, who represented the Philippines, did not pursue the claim in 1951 when negotiating the San Francisco Peace Treaty.¹⁷

In the San Francisco Peace Treaty of 1951, Japan renounced sovereignty over these islands, but it did not return these islands specifically to China. China and Taiwan were not included in the Conference as the United States and the USSR failed to agree on which government represented China.

During the Conference, the USSR proposal that the Japanese renunciation include a recognition of China's sovereignty over Taiwan, Pratas, the Pescadores, the Paracels, the Spratlys and the Macclesfield Bank, was rejected by 49 of the 52 participants of the Conference. As a consequence, the USSR, Czechoslovakia and Poland did not sign the Treaty.

In 1949, when the communists took over China, they claimed sovereignty over all the islands in the South China Sea. Thus on August 15, 1951, Premier Zhou Enlai, three weeks before the conclusion of the San Francisco Peace Conference, questioned the draft.

“The draft (Peace Treaty) stipulates that Japan shall renounce all claims to Nanwei (Spratly) Island and to the Hsisha Archipelago, but does not mention the problem of restitution of sovereignty. In fact, the Paracel Archipelago and Spratly Island, as well as the whole Spratly Archipelago and the Chung-sa (Macclesfield Bank) and Tung-sha (Pratas) archipelagos have always been Chinese territory. Though occupied for some time during the year of aggression unleashed by Japanese imperialism, they were taken over by the then Chinese government following Japan's surrender. The Central People's

Government of the People's Republic of China declares herewith: The inviolable sovereignty of the PRC over the Spratly Islands and Paracel Archipelago will by no means be impaired, irrespective of whether the British-American draft for a peace treaty with Japan should make any stipulations and of the nature of any such stipulations."¹⁸

In 1956, Tomas Cloma proclaimed to the world his ownership by discovery and occupation of 33 islands, cays, sand bars and coral reefs in the Spratlys.

While the Philippines planned to acquire these islands, an enlisted man in the US Army, Morton Meads, claimed that he had discovered the "Kingdom of Humanity" in 1945 in the South China Sea. The islands were supposed to be ruled by King Willis Alva Ryant. The Philippine Air Force investigated the claim and reported that Taiping Island, which was close to the Philippines, was being used by smugglers. This led Vice President and Secretary of Foreign Affairs Carlos P. Garcia to recommend to President Ramon Magsaysay that the Philippines lay claim to the island group.¹⁹

In view of these press reports, the Chinese Embassy in Manila issued the following statement on May 22, 1956:

"It has been reported that a group of Filipino individuals have in recent months been conducting survey of, and are attempting to lay claim to, a group of islands to the west of Palawan in the South China Sea.

Upon instructions, the Embassy hereby states that the abovementioned survey was determined to have been conducted in the Nansha Island Group, commonly known as the Spratly Island Group, which constitutes a part of the territory of the Republic of China. As late as July 5, 1955, in connection with the episodes of the so-called "Kingdom of Humanity," this island group was once again ascertained as within Chinese territorial limits. Historical and geographical records dating back as far as 500 years ago, now extant, are available to attest to this fact.

The Chinese Government will not recognize any claim over the island group and shall deem any such claim as infringement upon Chinese territorial rights. The Embassy is making representations to the Department of Foreign Affairs of the Philippines to the above effect."²⁰

King Willis Alva Ryant, along with five of his followers, drowned when their boat, *E Pluribus Unum*, capsized during typhoon Konsing, to the west of Mindoro.²¹

About at the same time as the discovery of the “Kingdom of Humanity,” Tomas Cloma, a Filipino businessman, navigator, owner of a fishing fleet and founder of the Philippine Maritime Institute, claimed that he “discovered,” “Freedomland” or “Kalayaan Islands.”

Immediately after Cloma made his claim, the Taiwan government (Republic of China or ROC) on May 23, 1956 filed a formal protest with the Philippine Department of Foreign Affairs, asserting that the islands in question belonged to the Nansha group, which is a part of the territory of China. Ambassador Chen Chi-mai concluded:

“The Nansha Island Group has always been and is an integral part of the territory of the Republic of China. The Chinese government cannot recognize any foreign claim over the island group and shall deem any such claim as infringement upon Chinese territorial right. In view of the friendly and cordial relationship between our two countries, it is earnestly hoped that the Philippine Government will not entertain claims that may be resented by any individual or group under the pretense of “right of discovery and occupation or any other pretense.”²²

In view of the Chinese protest, the Philippine government, at that time, adopted a hands-off attitude on the Cloma claim,²³ although in 1957, President Garcia issued a proclamation claiming that, since the islands were closest to the Philippines, or for reasons of propinquity, the Kalayaan islands belong to the Philippines. But Garcia also said that these islands are not part of the Spratlys. When Saigon and Taipei protested against the Garcia proclamation, the Philippine government quickly assured Taiwan that it was not making a formal claim to sovereignty over the islands.²⁴ However, in 1971, the Republic of the Philippines pursued Cloma’s position using discovery and contiguity, historical title, national security, economic need, abandonment and the UN Convention on the Law of the Sea (UNCLOS) provision on the continental shelf as its basis for claiming the islands.²⁵ The Philippine government formally claimed sovereignty over the 60 islets, reefs and atolls. It sent a military contingent to occupy Thi Tu island or Pag-asa and renamed these islands as the Kalayaan Island Group.²⁶ In 1974, the Philippines announced that it had garrisoned five of the islands in the archipelago. By 1975, the Philippines had landed troops on six islands.²⁷

In March 1976, when oil was discovered in the Reed Bank, midway between Palawan and the Spratlys, President Ferdinand Marcos created the Western Command (now known as the South-West Command) with instructions to defend the Kalayaan islands at all costs. In May, the Philippines announced that a consortium of Swedish and Philippine companies had signed contracts to explore oil in the Kalayaan islands, particularly the Reed Bank. Since then, the Philippines had issued permits to local and foreign companies to explore oil in the Kalayaan group.

On June 11, 1978, President Marcos issued two Presidential Decrees (PDs). PD No. 1596 claims that the islands, cays, shoals and reefs in the Kalayaan Island Group are integral parts of Philippine territory.²⁸ On September 14, 1979, President Marcos announced that the Philippines had confined its claim to seven islands which were “unoccupied, unowned and unpossessed.” They are, therefore, “new territory, *res nullius*.” The Philippine basis for *res nullius* premised on abandonment or *territorium nullius*. Since Japan renounced its title to the islands in the 1951 San Francisco Peace Treaty, and the Treaty did not give the title to the islands to any specific country, it rendered the islands *res nullius*.²⁹ Presidential Decree No. 1599 proclaimed a 321.86-km (200-mile) exclusive economic zone for the Philippines. However, some critics contend that the second Presidential Decree has some legal infirmities.³⁰ President Marcos also released a map of the new territories as issued by the Philippine Coast and Geodetic Survey Office. The Chinese do not accept these arguments.³¹

Philippine military installations were later constructed on larger islands and, in 1982, a 1,800 meter runway was built on the largest island, Pag-asa, and 500 troops were stationed on it.

Vietnam’s postwar assertion of sovereignty over the Spratlys came in a communiqué issued on May 24, 1956, asserting that the Nansha and Hsisha islands have “always been a part of Vietnam.” South Vietnamese Minister Cao Bai told his Cebu audience that the Nansha had been under the jurisdiction of the French colonial government since 1933 and were now under Vietnamese sovereignty by rights of cession from France.³² The Chinese averred that China did not yield the Spratlys to the French under the 1887 Treaty. On the contrary, the treaty gave to China all the islands east of the meridian 108°3’ E, and the Spratlys are to the east of this line.³³ France did occupy some Paracels and Spratly islands in 1931 and 1933, but their occupation was protested by China.³⁴ During WWII, the Japanese ousted the French from these islands. In 1956, France announced that it had not ceded the Spratlys to South Vietnam.³⁵

As early as September 1973, South Vietnam incorporated the Paracels into Phuc Tuy province and granted contracts to four American oil firms for offshore oil exploration.

In 1975, North Vietnamese troops seized six islands in the Spratlys which the South Vietnamese had earlier occupied in 1975, following their defeat in the Paracels. The reunited Vietnam subsequently argued Vietnamese discovery of the islands (*Vietnam's Sovereignty Over the Hoong Sa and Truong Sa Archipelago*) in the 17th century.³⁶ They showed a 15th century map of the Hoong Sa and Truong Sa Archipelago.³⁷ Vietnam also contends that the Spratlys became part of the Empire of Annam in the early 19th century.³⁸ But Chinese scholars who reviewed Vietnam's historic title claim said that Vietnam's title does not date as far back in history as China's.³⁸ Moreover, Chinese scholars have noted that the *Hungsha* Islands and the *Changsha* Islands that the Vietnamese alleged to have occupied since the 17th century are not the Spratlys but are other islands and reefs along the Vietnamese coast.⁴⁰ The Chinese showed that the Democratic Republic of Vietnam's claim of the Spratlys started only after its unification in 1975. Vietnam's new official map claiming the easternmost point of its territory of 109°29' E was changed from 109°21' E of its official geography before 1975. Even with this new claim, the Spratlys are beyond 109°30' eastward.⁴¹

In subsequent documents released by the Hanoi government in 1979 and 1983, respectively, Vietnam traces its discovery of the South China Sea islands.

In January 1974, when the South Vietnamese troops tried to occupy the Paracels island group, the Chinese engaged the South Vietnamese troops in an air and sea battle and took control of the Paracels.⁴²

Despite negotiations between China and Vietnam in late 1974, North Vietnamese troops seized six islands in the Spratlys in 1975 which South Vietnamese had earlier occupied in 1975, following their defeat in the Paracels. Between 1975 and 1976, Hanoi surreptitiously occupied another seven islands and built military installations in at least five of them. The largest of these is the Spratly island or Truong Sa.

In 1977, China and Vietnam met to discuss their territorial dispute, including the territory in the South China Sea, but the talks were suspended in 1979 and both sides took no further action in the South China Sea.⁴³

The Chinese have questioned the Vietnamese claim since then. The Chinese claimed that on June 15, 1956, Vietnamese Foreign Minister Yong Wenqian told Chinese officials that "based on materials that Vietnam has, Nansha and Xisha islands should belong to China." Still another Vietnamese deputy director of the Asian

Department of Foreign Ministry said on the same occasion: “Historically, Nansha and Xisha were already China’s territory as early as the Song dynasty.”⁴⁴ The Chinese further claimed in 1958 that the archipelagoes of the South China Sea, including the Xisha and the Nansha islands, belonged to China. Prime Minister Pham Van Dong, sent a note to Premier Zhou Enlai, declaring that: “The Government of the Democratic Republic of Vietnam recognizes and approves the PRC Government’s Declaration of its Territorial Sea on September 4, 1958... The Government of Vietnam respects the Chinese declaration.”⁴⁵ Up to 1974, Vietnamese textbooks stated that the Spratlys and the Paracels are Chinese territory.⁴⁶ Hanoi subsequently insinuated that its recognition of Chinese sovereignty over the islands was made under duress but it offered no proof. It also claimed that since China had broken its solidarity with Vietnam by invading its territory in 1974, by seizing the Crescent group in the Paracels from South Vietnamese forces and in 1979 during the Vietnamese border war, the Pham Van Dong note was no longer effective.⁴⁷

The Chinese, after capturing the Paracels, sent an archaeological team to the Paracels to investigate “the long history of Chinese contact with and control over the area.”⁴⁸ The team compiled and published a text on Chinese artifacts found in the Paracels, arguing that they constitute evidence of Chinese presence. The People’s Liberation Army (PLA) even produced a documentary of Chinese adventure in the Paracels.⁴⁹ The Chinese were already aware that there was great oil resource in the Spratlys in the early 1980s.⁵⁰ In February 1982, China’s State Council established the China National Offshore Oil Corporation (CNOOC) to contract foreign oil companies for oil explorations in the Gulf of Tonkin and in the Pearl River Basin. In 1984, China’s State Oceanic Administration and other state units were organized to draft a law of territorial waters.

In late December 1985, the head of the Chinese Communist Party, Hu Yaobang, visited the Paracels, publicizing China’s renewed interest in the South China Sea.

Hu’s visit was followed by disclosures from Chinese naval officers that the Chinese navy “reserves the right to recover the Spratlys” at “an appropriate time.”⁵¹ Meanwhile, Chinese exploration of the Spratlys was stimulated by the decision of an oceanic committee under the UNESCO that entrusted the task of setting up two permanent observation posts in the Spratlys to China.⁵² In April 1987, the Chinese launched a large-scale scientific expedition to the Spratlys. Moreover, in July 1987, the newly established province of Hainan considered the Spratlys as part of its strategic border. By November, the Chinese navy had conducted several exercises in the Spratlys as far as the James Shoal (about 2,413.95 km or 1,500 miles from the Chinese mainland).

The increase in Chinese naval presence in the Spratlys alarmed the Vietnamese and other claimants. Indeed, contentions over the Spratly Islands became the main source of tension in the South China Sea. Other claimants not only protested Chinese presence but took steps to occupy other unoccupied islands. During the same period, most other claimants signed contracts with international oil companies for offshore oil exploration in the Spratlys.

In February 1988, Hanoi, for the first time, accused China of landing troops on two islands in the Spratlys and warned of “disastrous consequences” for Chinese troops. China ignored Vietnam’s warning and instead declared its sovereignty over the entire archipelago.⁵³

On March 14, 1988, Chinese and Vietnamese navies finally clashed over Sinh Ton islands and Chigua jiao. China emerged as the victor in the 28-minute battle.⁵⁴

In April 1988, the Paracels and the Spratlys were placed by China under the administration of Hainan Province.

After the battle, China occupied two more reefs, bringing up a total of six islets under Chinese occupation by April 1988. But Vietnam, heedless of Chinese warning, occupied three more islets in April 1988. In May, China occupied a seventh islet.⁵⁵

While China and Vietnam clashed and took action to expand their respective claims, the Philippines, on March 17, 1988, warned both Beijing and Hanoi not to interfere in the islands claimed by Manila. To bolster its claim, the Philippine government sent a scientific mission in May to survey the economic resources, and placed Filipino troops on alert on its six occupied islands. In August 1988, the Philippines seized four Taiwanese fishing vessels which had intruded into the Kalayaan Island Group. On September 16, Wang Yingfan, China’s Ambassador to Manila, announced that China would not take any military action against any ASEAN member-claimant to the Spratlys.⁵⁶

Back in 1978, a Malaysian party surveyed the southern region of the Spratlys and, the following year, it published a map showing Malaysia’s new territorial boundaries. Then in 1980, Malaysia proclaimed its exclusive economic zone. In 1983, Malaysia landed troops on Swallow Reef (Layang Layang).⁵⁷ On April 4, 1988, the Malaysian navy seized three Philippine fishing vessels near Rizal Reef and detained their 49-member crew for fishing without a permit.⁵⁸ The fishermen were released by Malaysia only upon the intervention of President Corazon Aquino.

Malaysia claims sovereignty over twelve islands in the Spratly group. Its claim is based on the premise “that a state possessing a continental shelf also possesses sovereignty rights over land formations arising seaward from that shelf.”⁵⁹ Chinese scholars claim that even under the UN Convention on the Law of the

Sea, the continental shelf does not remove Chinese sovereignty over these islands.⁶⁰

Following Malaysia's claims, Brunei has claimed Louisa Reef, based on continental shelf provisions of the 1982 Law of the Sea Convention. Brunei cannot occupy the reef as it is a submerged formation. However, Louisa Reef is also claimed by Malaysia.⁶¹ In 1988, Brunei issued a map showing its continental shelf extending beyond Rifleman Bank.⁶²

In response to the firefight between Vietnam and China, Taiwan reinforced its Taiping garrison in anticipation of any contingency. Taiwan's defense minister at that time told the Parliament that while Taiwan would not take sides in the China-Vietnam conflict, it would defend Taiping Island to the last man.⁶³

By the early 1990s, in spite of rising tension among the claimants in the South China Sea, all parties appeared willing to settle disputes peacefully. Vietnam has become an advocate of settlement of differences through negotiations immediately after its violent confrontation with China.⁶⁴ Vietnamese economy was experiencing an average growth rate of seven percent GDP. Its offshore oil exploration and production appeared promising. On the part of the Philippines, President Corazon Aquino accepted China's proposal to shelve the dispute during her visit to China. The Chinese Foreign Minister, as early as May 1988, expressed China's disposition to settle the dispute in the South China Sea through friendly discussion.

The year 1990 marked the start of conferences undertaken by Indonesia and Canada, the ASEAN and bilateral meetings.

The only claimant which has not declared any clear predilection towards peaceful negotiations is Taiwan. Taiwan occupied Taiping Island (Itu Aba) as a matter of course after WWII. It continues to protest against any transgression upon its sovereign rights over the Spratlys. But in 1990, the Land Administration Department (LAD) of Taiwan's (the ROC's) Ministry of Interior drafted baselines for demarcating Taiwan's territorial sea and exclusive economic zone. The LAD declared that the waters surrounding the Spratlys should be treated as "historic waters." In March 1995, Taiwanese troops on Taiping Island fired at a Vietnamese vessel that intruded into its exclusionary zone.⁶⁵

In August 1990, Chinese Premier Li Peng announced in Singapore that China was willing to set aside the sovereignty issue in favor of joint development with the other claimants in the South China Sea.

In an attempt to initiate a dialogue geared towards reaching a resolution of all the competing claims to the Spratlys, senior officials and academics from the five claimant states, as well representatives from Brunei, Indonesia, Laos, Singapore and Thailand

gathered in Bandung, Indonesia in July 1991. This conference ended with the issuance of a statement by the participants declaring commitment to the use of peaceful means for resolving their overlapping territorial and jurisdictional claims in the South China Sea. There was also agreement that they would pursue efforts to jointly cooperate on shipping, communications, scientific survey and the suppression of piracy and drug trafficking in the region.

In February 1992, the Chinese National People's Congress enacted a special Law of the Territorial Sea and Contiguous Zone to legalize its claims to the Spratlys.⁶⁶ Except for the addition of the Diaoyu islands,⁶⁷ the new law codified, elaborated and reiterated as Chinese territories all previously claimed island groups in the 1958 Declaration on the Territorial Sea.⁶⁸ Experts claimed that the requirement for prior approval of military ship passage is inconsistent with the 1982 UNCLOS provisions. There are, nonetheless, twenty-eight other countries requiring foreign warships prior permission for the transit through their territorial seas.

Still in 1992, to bolster China's claim over the Spratlys, it has deployed personnel on eight of the Spratly islets. China later engaged an American firm, Crestone Energy Corporation, for joint exploration in the southwest perimeter of the Spratlys.⁶⁹

Following China's passage of the law of the territorial sea and the Crestone contract, there was strong apprehension among some ASEAN commentators that China was drifting into a policy of expansionism.⁷⁰ Half of the 600 vessels in China's south sea fleet have been assigned to protect the offshore oil fields and Chinese waters.

During the ASEAN Ministerial meetings in Manila, the ministers issued the ASEAN 1992 Declaration on the South China Sea which listed the following principles:

Emphasize the necessity to resolve all sovereignty and jurisdictional issues pertaining to the South China Sea by peaceful means, without resort to force;

Urge all parties concerned to exercise restraint with the view to creating a positive climate for the eventual resolution of all disputes;

Resolve, without prejudicing the sovereignty and jurisdiction of countries having direct interests in the area, to explore the possibility of cooperation in the South China Sea relating to the safety of maritime navigation and communication, protection against pollution of the marine environment, coordination of search and rescue operations, efforts towards combating piracy and armed robbery as well as collaboration in the campaign against illicit trafficking in drugs...

Chinese Foreign Minister Qian Qichen, who attended the meeting as an observer, assured the ASEAN that China would abide by the Manila Declaration. China would not use force in settling the Spratly dispute.

Since the establishment of the CNOOC in 1982, China has signed 100 contracts with 59 companies from 15 countries.⁷¹ However, compared to Vietnam, the Philippines and Malaysia, China had less luck in striking oil. By 1992, most of the other claimants were already engaged in producing oil from their coastal waters. Malaysia was drawing oil from ninety wells or half of the region's total offshore output, while Vietnam was becoming a regional producer of oil. The Philippines had already discovered oil off northwest Palawan island.⁷²

Despite three Indonesian-sponsored workshops between 1990 and 1992, the end of 1992 saw all claimants engaging foreign oil companies in the exploration of oil, thereby deflecting criticism to these corporations.

The start of 1993 saw all the claimants struggling to find a *modus vivendi* with China through the ASEAN and to consolidate their respective claims in the Spratlys. During the January ASEAN summit, Brunei's foreign minister announced that its EEZ claims "only seas surrounding Louisa Reef."⁷³ But from February to September 1993, Vietnam and China continued to discuss the various differences between the two countries, while at the same time making moves and countermoves on oil exploration and leasing terms. However, on October 19, 1993, the two countries signed an agreement on principles to resolve territorial disputes.⁷⁴

During 1994, China, Vietnam and the Philippines continued to bring foreign oil companies into the Spratlys. Moreover, Vietnam ratified the 1982 UNCLOS. Vietnam and China raised their meeting on the disputed islands to the ministerial level.

In March, 1994, Philippine President Fidel Ramos made a proposal to demilitarize the Spratlys, which Vietnam acknowledged enthusiastically.

From April to June 1994, China and Vietnam continued to challenge the legitimacy of their respective offshore explorations, using foreign oil companies as proxies. China challenged the legitimacy of Petro-Vietnam's contract⁷⁵ with Mobil for the Blue Dragon Prospect while Vietnam charged that Crestone was moving into the Vietnam area under the UNCLOS.⁷⁶

In May 1994, the Philippines awarded a contract to Alcorn, a subsidiary of US VAALCO, for desktop exploration (a limited area) in the disputed Spratly islands. Thereafter, President Ramos reiterated his call to demilitarize the Spratly area, set aside the sovereignty issue and develop the area through cooperation.⁷⁷

In July 1994, China and Vietnam informed and warned each other of their intention to drill in nearby Wa An Reef. China announced that CNOOC and Crestone would proceed with a seismic survey of the Vanguard Bank area.⁷⁸

In mid-July (22-23) 1994, the ASEAN held its ministerial meeting in Bangkok, which decided to accept Vietnam as a member of ASEAN. This was followed by the ASEAN Regional Forum (ARF) on July 25. Four days before the ARF meeting, China announced that the South China Sea dispute should be discussed bilaterally under the ARF and reiterated its proposal to shelve claims and discuss joint development.⁷⁹ The Chinese foreign minister, after talks with Vietnam and the Philippines, reaffirmed Chinese sovereignty over the Spratlys. Malaysia agreed with the PRC that the Spratly dispute has to be resolved bilaterally.⁸⁰

In October 1994, Vietnamese-Chinese disagreements over the Vanguard Reef dominated the headlines. However, during President Jiang Zemin's visit to Vietnam in November, the two countries agreed to form a third expert group to deliberate South China Sea issues.⁸¹ According to the Joint Communiqué: "The two countries will continue talks on their sea territorial problems to seek basic and long-term solutions acceptable to both sides..."

The year 1995 shifted the focus of attention in the Spratlys from the China-Vietnam hostility in the oil-rich areas to the Philippine-China conflict over the Mischief Reef (Panganiban for the Philippines, Meiji-jiao for China). Philippine-China relations that had been very cordial since diplomatic relations began in 1975 turned sour when the Chinese occupied Mischief Reef in February.⁸² Mischief Reef is an oblong rocky outcrop about 337.06 km (182 nautical miles) from the coast of Palawan and within the Philippines' 321.86 km (200-mile) exclusive economic zone. The reef lies at the center of the Kalayaan Island Group claimed by the Philippines, China, Taiwan and Vietnam.

Subsequent investigations by the Philippine military revealed that the Chinese had quietly constructed four octagon-shaped structures on steel pylons in the latter part of 1994. Surveillance flights by the Philippine Air Force in February 1995 revealed the presence of eight Chinese naval vessels around Mischief Reef.

President Ramos charged that the Chinese construction of structures was in violation of the spirit and content of the 1992 Manila ASEAN Declaration of the South China Sea to which both countries are parties.

While some observers were puzzled by the Chinese occupation of Mischief Reef, others believed that it was due to Manila's secret granting of a six-month oil exploration permit to Alcorn Petroleum and Minerals after talks between China and the Philippines over the Reed Bank exploration and production broke down.⁸³ To

protect Chinese interest, it occupied the nearby KIG as the best means to strengthen its claim.⁸⁴ Chinese officials, however, insisted that the structures in Mischief Reef were built for Chinese fishermen, and that Philippine fishermen and those of other countries may use the facilities.

Manila's loud protests and saber-rattling did not dislodge the Chinese from Mischief Reef. Nor did the Philippine Navy's destruction of Chinese markers erected on Jackson Atoll, Half Moon Shoal, Sabrina Shoal and other rocks make any dent on the Chinese determination to remain on the reef. Some Philippine legislators invoked the Philippine-US Mutual Defense Treaty, but were informed that the treaty did not cover contested territories.⁸⁵ This led the Philippines to shift to a diplomatic strategy, which was to talk to the Chinese, while attempting to regionalize the issue as an ASEAN problem, and to appeal for international support.⁸⁶

President Ramos protested that China had encroached on Philippine EEZ and called attention to the danger that the Chinese presence posed to the strategic sea lanes of the South China Sea.⁸⁷ On March 10, 1995, Chinese Foreign Minister Qian Qichen announced that "there is no tension in that region. I don't think any crisis will occur..." Qian also stressed that the construction of shelters in the Spratlys by local Chinese fishing authorities should not be taken as a sign of aggression."⁸⁸

On March 19, 1995, representatives of China and the Philippines met but ended the meeting without reaching an agreement. On March 25, the Philippine Navy arrested 62 Chinese fishermen and detained four PRC fishing vessels near Alicia Anne Reef.⁸⁹ On the same day, Vietnam claimed that one of its cargo ships was shelled by Taiwanese troops on Itu Aba. With the growing tension over Mischief Reef, Vietnam and China held their fourth scheduled meeting on the Tonkin Gulf.

Philippine diplomatic maneuvers finally paid off when an ASEAN delegation, concerned about stability in the region, raised the issue of Chinese occupation of Mischief Reef with China in Hangzhou. Again, in the April 1995 meeting at Sentosa Island in Singapore, the Chinese occupation of Mischief Reef was discussed. The six ASEAN foreign ministers reaffirmed the 1982 ASEAN Manila Declaration.

On May 15, 1995, the Philippine Navy ferried 36 journalists on an amphibious assault craft near Mischief Reef and subsequently flew over the outpost with helicopters.⁹⁰ Beijing denounced the media tour as a provocation and warned Manila against allowing another trip to the area.⁹¹ But Philippine officials considered it as a part of Philippine diplomatic maneuvers to gain international support. Near the end of May, both the Philippines and China toned down their rhetoric over Mischief Reef. President Ramos sent a representative to explore ways to resolve the issue. The PRC proposed a joint venture with the Philippines.⁹² In June, the Philippines was reported

to be studying a Chinese proposal for joint exploration for oil in the Reed Bank. The Philippines, in turn, floated a proposal to turn the Spratlys into a protected marine area.⁹³

In early July 1995, when the Philippine navy continued to destroy Chinese markers in the Spratlys, the Chinese warned that their restrained stance towards the conflict has reached its limits. Meanwhile, towards the end of June, Vietnam had constructed a lighthouse in Amboyna Cay.

On August 9-10, 1995, the Philippines and China held vice-ministerial talks in Manila for consultations on their disputes in the South China Sea and other areas of cooperation. During the talks, both sides claimed sovereignty over Mischief Reef. A Joint Statement was issued whereby both sides agreed to abide by the following principles for a code of conduct in the area:

Territorial disputes between the two sides should not affect their normal relations. Disputes shall be settled in a peaceful and friendly manner. Efforts must be undertaken to build confidence and trust and both sides should refrain from using force or threat of force to resolve disputes. To resolve their bilateral disputes in accordance with the recognized principles of international law, including the UNCLOS. To promote cooperation in fields such as protection of marine environment, safety of navigation, prevention of piracy, marine scientific research, disaster mitigation and control. To cooperate in the protection and conservation of marine resources of South China Sea.

The two sides agreed to hold future discussions among experts on legal issues and sustainable economic cooperation in the disputed area.⁹⁴

Two days after the meeting, Philippine Foreign Affairs Undersecretary Rodolfo Severino told reporters his assessment about the meeting with the Chinese delegation: “We agreed to a code of conduct... Eventually we hope all countries concerned will get on board.” Severino also admitted that differences between the two nations over dismantling Chinese structures built on Mischief Reef were not resolved.⁹⁵

One of the infirmities of the Joint Statement that led to subsequent disagreements between the Philippines and China was the wording of the fourth paragraph: “Pending the resolution of the dispute, the two sides agreed to abide by the following principles for a code of conduct in the area.”

Did both sides really agree to a code of conduct or only to principles for a code of conduct? The Philippine side took the Joint Statement as a code of conduct in the Spratlys. The Chinese side took it as a Joint Statement of principles for a code of conduct but the substantive components of the code had not yet been spelled out.⁹⁶

Since Beijing, Hanoi and Manila were unable to find an acceptable solution to the Spratlys issue, Indonesia sponsored a sixth nongovernmental workshop in October 1995, in the hope of finding a solution to the dispute. The PRC, Taiwan and ASEAN members concluded a two-day conference in Jakarta agreeing to cooperate on navigation, shipping and communication in the South China Sea.

During the workshop, there was frank and open discussion over many issues, but no basic agreement was forged to accept to study biodiversity in the South China Sea and to consolidate proposals in earlier meetings.

In all the Indonesian-sponsored workshops and ARF meetings wherein the Chinese participated, the Chinese agreed to joint development in the South China Sea, that pending the resolution of the sovereignty issue, they are willing to talk to the claimants individually, and to settle differences peacefully. The Chinese, however, did not agree to any multilateral scheme of settlement. They insist only on bilateral talks and no third party involvement. The Chinese were obviously looking for a settlement that would permit at least a sharing of the resources in the contested area, but not the relinquishment of sovereignty by any of the claimants. While the Chinese leave the possibility open to bilateral joint development, they do not agree to a multilateral settlement of the disputes.

In late October, 1995, China conducted naval exercises in the Yellow Sea, which was condemned by Taiwan and caused unease to the Philippines. President Ramos voiced Philippine concern thus: "The Philippines cannot be put completely at ease in our bilateral relations with China until the situation in the Panganiban Reef (Mischief Reef) in our Kalayaan group of islands is completely normalized."⁹⁷

During the 5th ASEAN Summit in Thailand in December 1995, President Ramos urged the heads of the ASEAN to "demilitarize the Spratly islands in the South China Sea as a matter of regional necessity."⁹⁸

Since the Chinese occupation of Mischief Reef, there has been greater warmth in Philippine-Vietnamese relations, although the two countries still have a long way to go before present relations acquire strategic dimension. On November 7, 1995, the Philippines and Vietnam concluded three days of talks in Hanoi and issued a Joint Statement on the Fourth Annual Bilateral Consultations. The agreement on the handling of disputes in the Spratlys appears similar to the wording of the Philippine agreement with China. On December 3, 1995, Vietnamese President Le Duc Ahn of Vietnam agreed with Speaker Jose De Venecia's call for a reduction of arms in the Spratly islands.

China's announcement to resume its military exercises in the Taiwan Strait up to March 1996, and the stationing of two aircraft carriers of the US Seventh Fleet in

nearby Taiwanese ports dominated most of the Spratly-related developments during the first half of 1996.

Due to China's military exercises the previous year, Taiwan, in early January 1997, postponed its plan to build an airstrip in Taiping island.

In early March 1997, Vietnam and China came close to a physical confrontation when a Chinese oil rig, Kantan-03, and two Chinese tug boats moved into waters near the northern coast of Vietnam.⁹⁹

Although China's military exercises ended two days after the Taiwan presidential election, the Spratly Islands claimants were not convinced or assured by Chinese Vice Foreign Minister Tang Jiaxuan's statement that China had no expansionist ambition.¹⁰⁰ They viewed Chinese military exercises as a statement of China's intent and capability of using force to reunify Taiwan with the mainland.

Vietnam was not intimidated by the Chinese military exercises as it signed an exploration and production agreement with the American Oil Company Conoco on April 11, 1997 for Blue Dragon islands. When China learned of the contract, it reiterated its sovereignty claim over the Spratlys and threatened "confrontation" should Vietnam pursue the agreement. Conoco backtracked and announced that it would wait until China and Vietnam resolved the issue first.¹⁰¹ By late April, a team of Filipino and Vietnamese marine scientists undertook a marine research tour from Manila through the Spratlys to Ho Chi Minh City.¹⁰²

In April 1997, tension mounted when eight Chinese vessels were seen near Mischief Reef. At the same time, the Philippine Navy apprehended two vessels of the Chinese Oceanic Administration near Scarborough Shoal. The Chinese captains informed their counterparts that Scarborough Shoal is Chinese territory. But the Chinese claim was rejected by the Philippine government.¹⁰³ The Chinese vessels sailed away. In mid-May, two Philippine Congressmen¹⁰⁴ embarked on a trip to Scarborough Shoal, removed Chinese antennas and planted the Philippine flag. Two days after, Beijing protested the visit of the two congressmen to Scarborough Shoal and demanded the removal of the Philippine flag.

On May 20, the Philippine Navy arrested 21 Chinese fishermen who were fishing at the disputed Scarborough Shoal.

Meanwhile, on May 10, 1997, during an ASEAN Regional Forum in Yogyakarta, a Chinese delegate said that the Spratlys were not within the scope of the ARF. On May 15, China claimed an EEZ stipulated in the 1982 UNCLOS using straight baselines in its 1958 Declarations on China's Territorial Sea and its 1992 Law on the Territorial Sea and Contiguous Zone which it deposited with the UN on June 7. A Chinese foreign ministry spokesman said that China will successively determine and announce

other parts of its baseline of territorial seas, including the baseline of the PRC territorial seas around Taiwan and other outlying islands.¹⁰⁵

In early June, a four-day Asia-Pacific Conference on Maritime Security was held in Kuala Lumpur. Some delegates proposed that China should take the leading role in bringing forward concrete proposals on joint development of the disputed Spratly islands. According to Singaporean analyst Lee Tai To, chairman of the Singapore Institute of International Affairs: "The initiation of joint development in the South China Sea would also forestall possible interference from outside powers and exploitation of the conflicts."¹⁰⁶

In mid-July, Judge Eliodoro Ubiadas of Olongapo City Court dismissed the Philippine case against Chinese fishermen for illegal entry. According to the Court decision, ownership of the shoal where the foreign fishermen were arrested by the Philippine Navy last May 20 has not been resolved between the Philippines and China. "So there can be no legal basis as yet for the conclusion that the accused... entered Philippine territory illegally." The decision, however, was criticized by Secretary Siazon, who said, "It was wrong. We are filing a note to correct the record. The decision to release them is the judge's, but the rationale is disputed."¹⁰⁷

On July 28, the Philippine defense secretary reported that aerial photos taken near the Kota and Panata islands in the Spratlys showed four armed Chinese naval ships. The next day, the Philippines protested the presence of Chinese ships in a diplomatic note handed to Chinese Ambassador Guang Dengming.¹⁰⁸ On August 3, the Chinese Embassy revealed that the presence of Chinese armed naval vessels in the Spratlys were legal and normal and that the Philippine government had been informed beforehand that the ships were going to the area on a maritime survey. This was confirmed by Foreign Secretary Domingo Siazon.¹⁰⁹

In 1997, despite the Asian financial crisis, the national elections in the Philippines, and political crises in Indonesia and Malaysia, the conflict over the Spratlys did not simmer down. No doubt the immediate concern of the ASEAN nations was to overcome the financial crisis that was wreaking havoc on their respective domestic economies. Their worry was not only China's aggressive presence in the Spratlys but on whether China was going to devalue its Yuan or not. According to Undersecretary Rodolfo Severino, since 1995, talks "were unusual" since 80 percent of the discussions were centered on the South China Sea. While previous talks had included other areas, such as trade, science and technology and agriculture, in recent years the countries were preoccupied only with the Spratlys.¹¹⁰

Near the end of 1997, Vietnam claimed that China offered to relinquish its claims on parts of the Spratly Islands if Vietnam would agree to joint exploration in the area.

Vietnam accordingly rejected the offer and asserted its sovereignty over the potentially oil and mineral-rich islands.¹¹¹

In early January 1998, Maj. Gen. Reynaldo Reyes, commander of the Philippine Armed Forces' Western Command, sought the filing of a diplomatic protest against Vietnam for shooting Ibsen Abu, a Filipino fisherman. He claimed that Vietnamese soldiers tricked Ibsen Abu and five other fishermen to sail close to Tenet Reef in the Spratlys before they were pounded with M-60 machine-gun fire. According to General Reyes, the protest was "to show the government's disapproval of the shooting which resulted in the serious fatal wounding of a Filipino fisherman."¹¹²

The Philippine protest was submitted to the Vietnamese Embassy but, a week after, Vietnam denied that their forces had fired on a Philippine boat near a reef Vietnam occupies and said its forces fired only warning shots to drive the fishermen away. An embassy statement said: "Vietnam requests the Philippine side to educate its fishermen to respect Vietnam's sovereignty and territorial waters, thus preventing such similar incidents from recurring."¹¹³ But Philippine Defense Secretary Fortunato Abat stood by the military report that the Filipino fishermen were shot by the Vietnamese.¹¹⁴

In the middle of March 1998, the Philippine Navy found the Malaysians setting up a platform for high technology communication facilities on Pawikan Shoal. But when the Malaysians learned that they were being observed, they left the shoal on April 1. The Philippine Navy dismantled the structures thereafter.¹¹⁵ On April 16, the Philippine Department of Foreign Affairs announced that it will not file a diplomatic protest against Malaysia since it had aborted the plan to install communication facilities in Pawikan Shoal.¹¹⁶

The change in the national leadership of the Philippines in July 1998, from President Fidel Ramos to President Joseph Estrada, marked an escalation of tension in Philippine-China relations over the Mischief Reef when China renovated structures in the reef into two-storey buildings with two satellite dishes and a helipad.

On August 5, American and Philippine warships and aircrafts staged live-fire exercises near Scarborough Shoal. The exercises followed Manila's rejection of Beijing's offer to allow Filipino fishermen to use Chinese facilities on Mischief Reef. There was an 18-hour live-fire exercises of Philippine military forces in the area that drew protests from China. President Estrada announced that he and Defense Secretary Orlando Mercado were not informed ahead of time of the Armed Forces' live-fire exercises with the US Navy near the disputed Scarborough Shoal. "They simply forgot to tell us," President Estrada told reporters. He claimed that the exercises were scheduled during the Ramos administration.¹¹⁷ The Chinese chose to dismiss the incident. However, Chinese Embassy spokesman Hao Yinbiao

said that relations between China and the Philippines will be based on mutual trust.¹¹⁸

In September 1998, the Vietnamese entered production-sharing contracts with Japan-Vietnam Petroleum Company and Petronas to develop more oil fields at Rang Dong, which was expected to produce 12.1 million tons of crude oil per year. Then in October, Vietnam signed a landmark deal to form a joint exploration company between Petro Vietnam, Conoco, Geopetro, Pedco and SK Corporation. The contract marked the first exploration and production contract that does not follow the production-sharing contract format, whereby Petro Vietnam keeps a controlling interest.¹¹⁹

Meanwhile, the Philippines continued to condemn the Chinese renovation on Mischief Reef as a violation of the 1995 Code of Conduct. But the Chinese claimed that on October 15, 1998, they had informed the Philippine government, through the Philippine Embassy in Beijing, of China's intention to repair the existing structures on Meiji-jiao. On October 29, the Philippine Air Force spotted a bunker measuring 60-feet long and 30-feet wide near the octagon-shaped buildings in the reef. A Philippine legislator, Roilo Golez of Parañaque, who obtained pictures of Chinese presence in the Mischief Reef, claimed that "Beijing is gearing up for military operations."¹²⁰ On November 11, Malacañang called for the immediate dismantling of the new structures on Mischief Reef. President Estrada, abandoning his cautious stance toward the issue, told reporters that he ordered the blockade of Mischief Reef: "I have already instructed the Chief of Staff to block the entry and exit points so that intruders will not be able to enter anymore."¹²¹ On the same day, Philippine Armed Forces Chief, General Joselin Nazareno, ordered navy ships on patrol in the disputed Spratly islands to fire a warning shot across the bow of Chinese vessels that move closer than 9.26 km (five nautical miles) of Mischief Reef. But he also ordered Air Force planes not to fly lower than 1.52 km (5,000 feet) over Mischief Reef to avoid confrontation with the Chinese."¹²² The next day, Presidential Spokesperson Jerry Barican stressed that President Estrada did not use the word "blockade," but 'block,' which only meant stationing of more Navy and Air Force patrols in the area. Philippine Foreign Affairs Secretary Domingo Siazon told Chinese Ambassador Guang Dengming that President Estrada was misquoted. But he asked the Chinese ambassador for an explanation on the new Mischief Reef structures. The Chinese ambassador claimed that they were only repairing some structures in the reef and that "they are not military structures." He also refuted the claims of Philippine Defense Secretary Orlando Mercado that China is launching a "creeping invasion" in the Spratlys.¹²³ On November 16, Secretary Siazon met with China's Foreign Minister Tang Jiaxuan in Kuala Lumpur and they agreed to convene an experts group on confidence-building measures in January and to look into the

details of the joint-use proposal of China. On November 17, in his talks with President Jiang Zemin, President Estrada agreed to settle their respective differences through diplomatic channels.¹²⁴ The proposal on “joint-use” of the Mischief Reef facilities received mixed reactions in the Philippines. Foreign Secretary Siazon agreed in principle to a joint use of the fishing facilities.¹²⁵ But Defense Secretary Mercado rejected the proposal and warned that it would be tantamount to giving up the Philippines’ claim to the reef. On November 29, the Philippine Navy arrested 20 Chinese fishermen aboard six boats in Alicia Anne Reef, near Mischief Reef.

In early December 1998, US Representative Dana Rohrabacher, who flew on a Philippine Air Force plane that circled thrice over Mischief Reef, announced that what he saw—three Chinese warships and six ferry boats in its lagoon—was “an act of intimidation against the Filipino people.” But President Estrada refused to comment on the US congressman’s strong statement.¹²⁶

On December 16, at the annual meeting of the nine-member ASEAN at Hanoi, Secretary Siazon told reporters that China and the Philippines would hold further talks “when conditions are right.” He also said, “I hope the message gets through that the ASEAN countries really wish to have improved relations with China.”¹²⁷

The year 1999 started with the Philippine Senate seeking to strengthen its relations with the United States when it ratified the Visiting Forces Agreement (VFA). Most Philippine leaders believed that the Chinese would not have occupied Mischief Reef had the Philippine Senate ratified the draft for a new Military Bases Agreement in the early 1990s. The terms of the Status of Forces Agreement which were included in the new draft were rejected by the Philippine Senate in the early 1990s. Since then, Philippine leaders have been in search of greater maneuvering room for the Philippines. The leaders fumed not only over Chinese refusal to leave Mischief Reef but also over their continued expansion and renovation of the reef. The Philippine leaders saw in the VFA an opportunity to deter Chinese action in the Spratlys. Despite American disclaimers that the Kalayaan Island Group claimed by the Philippines in the Spratlys is not covered by the Mutual Defense Treaty (MDT), Filipino leaders are hopeful that inevitable future contradictions between China and the United States would give the US no choice but to contain China’s reassertion of sovereignty in the South China Sea. While a new Military Bases Agreement was out of the question, a restoration of the terms in the Status of Forces Agreement under the Military Bases Agreement of 1947 was possible. The VFA is therefore seen as a deterrent against China in the KIG. During President Estrada’s weekly “Jeep ni Erap” TV program, Secretary Mercado explained, “What we are saying is that, in the interest of stability in the region, there should be American presence. . . . If there is no American presence, we

all know who would come in. Isn't it obvious? Before we know it, they (the Chinese) could be in Palawan."¹²⁸

In early January 1999, Philippine Defense Secretary Orlando Mercado announced that the Philippines would push for a meeting among the rival claimants to the Spratlys to be hosted by the US. According to Mercado, "When the matter was discussed in the Pentagon with Secretary Cohen, the indication was that the US, specifically the Pentagon, was willing to be the spark plug to have the meeting get on the way."¹²⁹ China immediately rejected the US offer to mediate the territorial dispute in the South China Sea. Foreign Ministry Spokesman Sun Yuxi said, "External interference in this matter is unacceptable and will only complicate the current situation."¹³⁰ China insisted that talks on the Spratlys should be on a bilateral basis.

The same sentiments were expressed by Malaysian Foreign Minister Syed Hamir Albar who declared the next day that Malaysia will not welcome US or any third-party involvement in resolving claims over the disputed Spratly Islands. "There are mechanisms to resolve the matter. Malaysia has taken the step by trying to resolve the matter through an amicable and peaceful way," the Minister said.¹³¹

In view of these conflicting statements on the US offer to broker talks between all claimant countries, President Estrada called for a meeting of the National Security Council to tackle the Spratly issue, particularly the US offer to act as broker. President Estrada accordingly brushed aside Secretary Siazon's fears that dragging Washington into the Spratly issue could transform the territorial dispute into a nuclear conflict. "If the US can intervene, why not?" President Estrada told reporters.¹³²

Vietnam did not express approval or disapproval for a US-sponsored meeting on the Spratlys. However, its foreign minister declared that it was willing to consider a multilateral approach to the Spratlys issue. Additionally, Vietnam viewed the latest events with concern. "We are following with deep worry the complex evolution in the region Vhan Khan (Mischief Reef) in the Spratlys... These developments will not help the stability and cooperation in the region."¹³³

On January 10, 1999, in answer to the statements by US officials that China should live up to its promises and avoid actions that would increase tension in the Spratlys, Chinese Ambassador to the Philippines Guang Dengming said that the United States should stay out of the dispute over Mischief Reef. He added that the structures China built on it were not for military use. Reiterating Beijing's position, Guang Dengming said: "We can solve the problem among ourselves. Other countries cannot interfere. Our position is that this can be resolved by bilateral talks."¹³⁴ President Estrada, when asked about the Chinese Ambassador's statement, said, "They are entitled to their opinion. We are entitled to ours... The United States has a role to play in the country's

territorial dispute with China in the South China Sea... We have a mutual defense treaty with the United States. We can always invoke that.”¹³⁵

President Estrada announced on January 26, 1999, that the next RP map will include the Kalayaan Island Group, “We will call a constitutional convention. So it’s up to the delegates... It could be a part of the agenda of our constituent assembly or constitutional convention.”

President Estrada was reported on the same day to be satisfied with the proposal for joint use of the Mischief Reef facilities. He said, “I think we will solve this problem. You know, China has never had a history of invading countries, so I don’t think China will ever think of invading the Philippines.”¹³⁶

On January 30, 1999, President Estrada’s message to the Philippine Senate was: “Pass the Visiting Forces Agreement (VFA), and the country can stop the Chinese in the Spratlys.” On the same day, President Estrada, in a radio interview, said, “It is good for us to have an ally, a superpower partner so our security would be safeguarded.” Estrada cited Chinese expansion in the Mischief Reef and said that a strong alliance between the Philippines and the US would “balance power in all of Asia.”¹³⁷ A local paper reported that Foreign Affairs officials have advised Estrada against visiting China.

As the debate over the VFA gathered momentum in the Philippine senate, charges against Chinese military expansionism were aired daily by almost all advocates of the VFA. The subtext of this argument is that democracies do not go to war against each other. Democracies like the Philippines and the US must form an alliance against a non-democratic foe like China. This ideology has led to the corollary view that China’s occupation of any contested territory is a clear and flagrant indication of its expansionist goal. Hence, China’s occupation of Philippine claimed territory, particularly Mischief Reef, must be stopped at all cost.

As critics of the VFA have anticipated, sooner or later, the supporters of the VFA would argue that Chinese occupation of Mischief Reef was a security threat to the Philippines and therefore required US military presence for national and regional security.¹³⁸ Indeed, on February 17, General Joselin Nazareno told reporters that the Chinese occupation of Mischief Reef “is a very serious threat to national security. It is not just a threat, it’s already there... We can see the line of atolls that they have developed starting from Fiery Cross... In other words, it’s a line starting from China toward our EEZ... The next nearest reef is Reed Bank, where there is oil exploration, as well as other nearby reefs and atolls, where the Malampaya oil exploration of the country is ongoing.”¹³⁹

While Filipino leaders accused China of harboring military objectives against the Philippines by its occupation of Mischief Reef, on March 2, China protested against

plans by Philippine legislators to buildup military structures and a runway on Pag-asa island. Chinese Foreign Ministry Spokesman Zhu Bangzao said, “China demands that the Philippine side stop all actions that may inflame the situation and create tension.” The next day, Secretary Mercado announced that he had ordered the repair of a runway on Pag-asa island, a Philippine-claimed island in the disputed Spratlys, to fix some minor damage that may pose danger to aircraft. Mercado also announced that 8 million pesos had been earmarked for the repair. According to Mercado, such repairs have been periodically undertaken since 1995.¹⁴⁰

On March 4, President Estrada, in a speech to Southeast Asian judges attending a conference on environmental law, proposed the creation of an international court to settle territorial disputes between nations so as to avoid military conflicts. He said, “Instead of using military might to resolve territorial disputes over small islands in the South China Sea, a petition can be made to an international judicial body to have these islands declared as maritime sanctuary. Then all claimants can jointly manage the site for eco-tourism purposes.”¹⁴¹

Neglecting China’s position against involving third parties in resolving the Spratly issue, President Estrada, in his meeting with UN Secretary General Kofi Annan in New York in early March, brought up the subject of Chinese occupation of Mischief Reef and the dispute over the Spratlys.¹⁴² On his return to the Philippines, President Estrada said UN Secretary Kofi Annan promised to help settle the territorial dispute. He stated, “I asked him if he could intervene in this process so that we may have diplomatic talks for a peaceful resolution of the conflict over the Spratly Islands and Mischief Reef... The UN Secretary General promised that he will do everything to resolve this problem through peaceful means through diplomatic means.”¹⁴³

On March 22-23, 1999, the Philippines and China held bilateral talks in Manila on Confidence Building Measures and “Joint-use” of the Chinese facilities on Mischief Reef. While delegates from both sides described the two-day talks as a “fruitful discussion” and that exchange of views was done in a “frank and friendly manner,” the issue of joint use was not discussed. Chinese Foreign Assistant Secretary Wang Ni denied that China offered joint use of its structures on Mischief Reef, while Philippine Foreign Undersecretary Lauro Baja, Jr. asked that China dismantle its structures or turn over the management of the structures “under a mutually agreed arrangement.” The Chinese ignored the demands and stood firm that the reef is under Chinese sovereignty. The Philippine delegates also asked for access to the structures at any time, but their Chinese counterparts said that it was not necessary to do so because they were not for military use.

The Philippine offer appears to be an “all or nothing” proposition: no new occupation, suspension of sovereignty claim but not the suspension of Philippine EEZ claim. This means that either the Chinese leave Mischief Reef or open their facilities to joint management. Since it was an “all or nothing” proposition, the Chinese replied in kind: they have “indisputable sovereignty over the Spratlys,” including Mischief Reef. The Chinese would not give up the advantage they had established by their occupation of the reef. Nevertheless, they believed it was important to proceed with further talks to preserve the appearance of a reasonable, flexible Chinese position and that a solution was possible in the future.

In view of these differences, their Joint Communiqué only restated the principles that had been affirmed earlier, to wit: To settle the differences in a friendly manner, to exercise self-restraint and not to take any actions that might escalate the situation in the region; to refrain from the use of threats or force; and to work together to maintain peace and stability in the region. The two sides also agreed to continue talks on confidence-building measures.

In a meeting between China and the nine-member ASEAN, the Philippines sounded out China on a proposal for a regional code of conduct, which would spell out guidelines governing activities in the disputed chain in accordance with international maritime laws. The regional code of conduct will be signed by claimants to the Spratlys. The plan for such a code was discussed in Hanoi in 1998. But China’s assistant Foreign Minister Wang Ni said that a statement signed in 1997 between ASEAN and Chinese leaders was sufficient and represented “a confidence building measure. . . . As long as both sides observe the orientation and content of the joint statement, then South China Sea will continue to maintain stability.”¹⁴⁴

While the Chinese, at various times, claimed that they have agreed to the principles for a code of conduct, they now claim that such principles were sufficient provided that the signatories “observe the orientation and content of the joint statement.” The Chinese are not about to be boxed in by a multilateral agreement in the form of a regional code of conduct.

China’s Agriculture Vice Minister Qi Jingfa was quoted by the *China Daily* on March 24 making the following announcement: “From June 1, 1999, a two-month fishing ban will be imposed each year on the South China Sea north of 12 degrees latitude, including Beibu Gulf.” The ban was intended to replenish depleted fish stocks.

Reacting to the Chinese announcement, President Estrada said that China had no right to ban Philippine fishermen from operating in the disputed areas of the Spratly islands.

Interpreting China's pertinacity on the issue of Mischief Reef, the Philippine foreign office announced that President Estrada has cancelled his visit to China in May. "We have problems scheduling the visit," Secretary Siazon told reporters. "Under the present circumstances, it is inauspicious for him to go to China," a senior diplomat said.

The cancellation was interpreted by most observers as a diplomatic rebuke to China, since this was a personal invitation of President Jiang Zemin when they met for the first time in Kuala Lumpur during the Asia-Pacific Economic Cooperation summit in November. Moreover, immediately after he assumed office, President Estrada expressed the desire to make China the first country he would visit, but he was prevailed upon by his advisers to make a customary visit to ASEAN countries first.¹⁴⁵ Referring to joint use, "I think they (the Chinese) are just showing their inconsistencies before the world because, as you remember, in the ASEAN dialogue meetings in Kuala Lumpur, the Chinese President Jiang Zemin made that offer and everybody remembers that."¹⁴⁶

During the May 1999 China Petroleum Conference in Beijing, Chevron Overseas Inc. announced that it would invest \$60 million in China that same year. Since 1979, Chevron had invested some \$400 million in onshore and offshore oil exploration and development in China. The 1999 investment would go to exploration and development in Bohai Bay, the South China Sea and Shengli Basin.¹⁴⁷

On May 17, 1999, in his keynote address to more than 200 of the most influential business leaders in the Pacific region in Hong Kong, President Estrada said, "China's sweeping claim to the Spratlys is not merely about barren and uninhabitable islets. It is about Southeast Asia's bottom-line-security." He also said Southeast Asia has "political anxieties currently centering on China's effort to project power" into the region's "maritime heartland."¹⁴⁸

Back home in the Philippines, President Estrada was criticized for "twitching the dragon's tail." Senator Raul Roco said that the President's posturing on the Spratlys issue is a ploy to provoke China into an act of aggression that can be used as an excuse to expedite the ratification of the proposed RP-US Visiting Forces Agreement. "It seems to me we have to anger China just to approve this special treatment agreement between the US and the Philippines called the VFA," Roco said.¹⁴⁹

On May 25, 1999, Philippine papers reported the sinking of a Chinese fishing vessel by a Philippine Navy patrol ship in the Scarborough Shoal, north of the Spratlys. Philippine military officials said the navy ship could not have deliberately slammed into the fishing boat because this would have damaged the navy ship too. But the Chinese Consul General said that the Chinese fishing boat sank when the Philippine Navy ship

rammed the boat.¹⁵⁰ Chinese survivors insisted that the Philippine Navy ship rammed into their boat, not just once but twice, causing it to sink. To the surprise of most political observers, the Chinese tempered their reaction, and only asked compensation for the Chinese fishermen and punishment for the Navy personnel responsible for ramming their boat.¹⁵¹

President Estrada's visit to Japan, aimed at getting massive Japanese economic aid, was designed to avoid raising sensitive political issues. But he made it sound overwhelmingly political by attacking the Chinese occupation of Mischief Reef.

In his predeparture press statement on June 2, President Estrada said that he would convey to his Japanese hosts the Philippine government's view on future security cooperation in Asia. He would also bring up one sticky issue, the Philippines' festering dispute with China over the Spratly islands. But he would avoid raising the issue of Filipino comfort women who were forced by the Japanese military to be sex slaves during World War II.¹⁵²

In mid-June, Philippine Defense Secretary Orlando Mercado reported that Malaysia had constructed a 20-meter by 50-meter concrete platform on Investigator Shoal (Pawikan) with a helipad and a two-storey building housing radar facilities. Philippine Air Force reconnaissance planes had sighted two naval vessels, three barges with cranes, several tugboats and groups of men in dark gray and blue-gray uniforms, indicating they were members of Malaysia's Navy.

The shoal is some 444.48 km (240 nautical miles) from Palawan and it lies within the Kalayaan Island Group, the area in the Spratlys being claimed by the Philippines.¹⁵³

President Estrada ordered Secretary Siazon to lodge a diplomatic protest with Malaysia over its occupation of a shoal being claimed by both countries in the Spratlys. "We will exhaust all means to arrive at a diplomatic solution... But if they are already putting up structures, we should also put our own."¹⁵⁴

Malaysian Foreign Minister Syed Hamid Albar declared that, "The features on the shoal are those that we have access to within our sovereign rights." He stressed that the shoal is within Malaysia's continental shelf and its exclusive economic zone.¹⁵⁵

After being shown the Philippine diplomatic protest, Prime Minister Mahathir Mohamad said the territory, referred to by Malaysia as the Peninjau and Siput reefs, were within Malaysia's exclusive economic zone and did not belong to the Philippines.

Meanwhile, Secretary Siazon said that the Malaysian action could adversely affect any ASEAN effort in acting as a block to resolve the territorial dispute with China.¹⁵⁶

But, China said that it owned the shoal claimed by Malaysia and the Philippines, and called Malaysia's occupation of the territory illegal.¹⁵⁷ Vietnam joined the fray when its Foreign Ministry Spokeswoman Phan Thuy Thank said that Vietnam had "full historical evidence and a legal basis to claim its sovereignty" over the Spratlys. Then, he added that "Vietnam advocates a fundamental and long-term solution to disputes over the archipelagoes through negotiations. . . Pending such a solution, concerned parties should refrain from making the situation more complicated, and from the use of violence and threat to use violence."¹⁵⁸

The Spratlys controversy between the Philippines and China took a back seat during the visit of Chinese Agriculture Minister Chen Yaobang to the Philippines. Both sides even vowed to activate a joint committee on fisheries research and protection of marine environment to diffuse the tension in the Spratlys when Minister Chen called on President Estrada in Malacañang on July 12.

"Through this joint research we hope that while the Spratlys problem is an irritant, it will soon be placed on the larger context of our relationships," Philippine Agriculture Secretary Edgardo Angara said.

Minister Chen expressed the Chinese government's plan to help the Philippines achieve self-sufficiency by developing hybrid rice. Chen also assured Philippine officials that the Chinese structures in the Mischief Reef were "civil structures, that is providing shelter to fishermen and to rescue distressed fishermen."¹⁵⁹

Near the end of July 1999, the ASEAN Foreign Ministers met in Sentosa Island, Singapore to discuss the ASEAN role in settling diplomatic disputes and addressing questions like human rights and democracy.

The ministers called on the six nations with conflicting claims to the Spratly islands in the South China Sea to exercise "self-restraint" and "remain committed to peaceful settlement of disputes."

The Philippines had also agreed to simplify its proposed code of conduct to reduce conflicts in the disputed area. Other ASEAN members said that the Philippine original draft was "too legalistic and took the form of a treaty." The draft lists 15 main issues with some 36 subdivisions covering regional military cooperation, piracy and drug trafficking. It also bans the building of new structures in the Spratly archipelago. Secretary Siazon said that the simplified version would be accepted by the ASEAN foreign ministers.¹⁶⁰

On August 19, 1999, the Philippines lodged another protest with Kuala Lumpur after discovering Malaysian structures on Erica Reef (Gabriela Silang Reef). The *note verbale* asked Malaysia to reconsider its activities in Erica Reef and to exercise self-restraint. But Kuala Lumpur once again rejected the Philippine protest, prompting

President Estrada to announce on August 23 that the Philippines may raise a protest with the United Nations.

However, the foreign office softened President Estrada's off-the-cuff statement about bringing the controversy to the UN. According to a ranking Foreign Affairs official, the Philippine delegation would only raise the "country's difficulties" with Malaysia over the two reefs at the UN General Assembly meeting the next month.

Defense Secretary Orlando Mercado, meanwhile, announced that the Philippine military will continue its maritime patrol of unoccupied islands and reefs in the KIG. He also said he views "with a certain level of understanding" Malaysia's position, noting that both reefs were "closer to their territory."¹⁶¹

Bases of Claims

Based on published documents and declarations of the claimants over the Spratlys, they have used the following principles and international statutes as the bases of their claims: historic titles, discovery and subsequent occupation, and international agreements, including the Law of the Sea Convention and its Exclusive Economic Zone.

China and Taiwan rely heavily on historic documents and international agreements and, lately, China has aggressively occupied some of the unoccupied islands. The Philippines uses discovery and occupation. It has some problems using the UNCLOS EEZ, as some provisions of the EEZ conflict with certain provisions of the 1987 Philippine Constitution. Malaysia and Brunei are basing their claims mainly on international agreements, particularly the UNCLOS' EEZ.¹⁶²

There is no doubt each claimant tries to belittle, if not dismiss altogether, the arguments of rival claimants and reinforce arguments that support their own claims. Among all the claimants, China and Taiwan have the best documented historic titles. Vietnam has correspondent historic titles, too. But the Philippines and Malaysia argue that historic titles are not necessarily valid evidence for establishing sovereignty over a disputed territory. They have in mind the ruling on *Las Palmas*, which recognized the validity of historic titles but also noted that actual occupation is the more effective basis of claim to territory.¹⁶³ The Chinese argue that their historic title was recognized as early as 1930 by the Conference on International Law and again restated in Section 4, Article 7 in the Law of the Sea in 1956 and in Sec. 6, Article 7 in the Convention on Territorial Waters and Adjacent Areas passed in 1958. The Chinese also cited International Law, which states that the effect of an action should be judged by the law¹⁶⁴ at the time of the action, not by the law at the time when new requests are raised.

Understandably, later claimants choose to ignore historic titles as a basis for claiming the contested islands. China may have the most authentic title as the basis of its comprehensive claim, but among the major claimants, China occupies only a few islands in the Spratly archipelago. Instead, later claimants have used the *Palmas* rule as the standard for laying their claim. They have thus stationed military troops and maintained some level of activity in their respective “spheres of influence.” Precisely because the *Palmas* ruling dissociated historic claims from occupation as a means to assert sovereignty, it has opened the Spratlys to unilateral activities and justifications for asserting claims.

Chinese Historic Claims

China was the first country in the twentieth century to claim complete sovereignty over the entire archipelago.¹⁶⁵ China based its claims on discovery, historic title and continuous benefaction.¹⁶⁶ The Chinese purported that archeological findings showed that as early as 770-476 B.C., Chinese fishing expeditions visited the Xisha and the Nansha region.¹⁶⁷ References were made that the Nansha islands were under the jurisdiction of the Qiongzhu Administration of Hainan during the Tang Dynasty (618-907) and in Chou Ch’u-fei’s *Ling-Wai-tai-ta (Information on What Lies Beyond the Passes)* during the Sung Dynasty (960-1280 A.D.).¹⁶⁸ According to records of the Sung Dynasty, *Wujing Zongyao*, there were four island groups in the South China Sea — Chi Yang Chou (Tungsha), Chui Chou Yang (Hsisha), Sha Shih Tang (Chungsa) and Chien Li Shih Tang (Nansha).¹⁶⁹ Through the Sung documents, the Chinese claimed that the Sung government, in the name of the state, had included these states as part of China’s territory and was not challenged by any other state.¹⁷⁰ During this period, most of the other claimants were not even nation states. Emperor Cheng Tsu, the imperial ruler of the Ming Dynasty (1368-1644 A.D.), after conquering his enemies in the northeast beyond the Great Wall, turned to overseas exploration. He ordered the construction of a large fleet of ships, recruited tens of thousands of sailors and designated Cheng Ho to explore the South China Sea islands, the Malay Peninsula, the Indian Ocean and the eastern coast of Africa. Cheng Ho claimed many of the islands in the South China Sea for China. One of the islands was named Cheng Ho Gun Chiao (Tizard Bank and Reefs). Since then, Chinese fishermen have been plying between Kwangtung, Fujian, Hainan and the Nanshas. Some Chinese seafarers even built a Buddhist temple in one of the islands.¹⁷¹

In *China’s Indisputable Sovereignty Over the Xisha and Nansha islands*, China presented excerpts from two books, *Nanzhou Yiwushi* and *Funanzhuan* from

the 3rd century to prove that China was the first to discover the Spratlys and the Paracels and to exploit their resources. Although these documents did not directly refer to the Spratlys, they identified points such as “Chien-Li changsa” and “Wan-li shih Tang,” areas now known as the Paracels and the Spratlys.¹⁷²

The first specific reference in Chinese records was a book published in 1730 by Ch'en Lun-chiung, entitled *Hai-kuo wen-chien lu* (*Sights and Sounds of Maritime Countries*), which refer to a group of islands south of, and distant from the Paracels, now identified as “Wan li ch'ang sha.”¹⁷³

Records of Chinese navigators during the Qing dynasty (18th Century) included naval activity in the region.¹⁷⁴

In January of 1998, Chinese archeologists in Beijing claimed to have located 2,000 shipwrecks off the southern coast of China. Zhang Wei, director of underwater archeology at the National Museum of Chinese History, told Chinese Xinhua, a Chinese news agency, that the findings “will shed new light on the ancient maritime trade routes through the South China Sea.” Zhang added that “One of the sunk ships belonged to the fleet by Admiral Zhen Chenggong from the late Ming dynasty (1368-1644).” The 2,000 wrecks date from the Tang dynasty (618-907) up to the Qing dynasty (1644-1911). Due to this discovery, “China will make the South China Sea the main focus of research in coming years,” he said. Findings from the wrecks included Chinese coins, bronze cannons and pottery. Beijing has bolstered its claim in recent years using Chinese artifacts uncovered around islands which it says proved Chinese control.¹⁷⁵

During the turn of the century, in 1908, the Qing ruler sent a fleet of three warships led by Admiral Li Chun on a survey mission. They explored the Nansha archipelago, planted markers and erected the Chinese Yellow Dragon flag. Li reported that there were people from Hainan who settled in the Nansha islands. The Chinese asserted that unofficial maps published in China since the 1920s have designated either interrupted or uninterrupted lines to indicate the boundary within which China exercised sovereignty. In 1935, the Chinese published an official map of the South China Sea Islands, which included Zengmu Ansha (James Shoal)¹⁷⁶ about 1,500 km south of mainland China.

Means of Settlement: Bilateral or Multilateral Negotiations?

China has the most comprehensive claim to the Spratly archipelago. Because of this, most other claimants have engaged in bilateral talks with China at one time or another.

In 1976, when the Philippines contracted a consortium of Swedish companies to explore and exploit oil in the Reed Bank, the Chinese protested, and bilateral talks were held.

On April 9, 1980, Malaysia divulged that Vietnam and Malaysia were going to discuss their territorial dispute over the coral reef of Pulau Kecil Amboyna, about 160.93 km or 100 miles north of Sabah. Vietnam, on March 2, 1980, had stationed a garrison on this reef.

On March 17, 1988, three days after the naval clash between China and Vietnam, the Vietnamese called for a bilateral settlement of the issue. Manila likewise asked China and Vietnam to settle the disagreement peacefully.

On April 6, 1988, China announced that Beijing was ready to settle its dispute with Malaysia and the Philippines through friendly discussions.

In June 1988, the Malaysian Deputy Prime Minister announced that Malaysia was ready to settle with other claimants over the Spratlys based on international law.¹⁷⁷ Then, in September 1988, President Aquino announced that the representatives of Malaysia and the Philippines will hold talks over Malaysia's arrest of Philippine fishermen.

In January 1989, Vietnam held bilateral talks with China on the Spratlys. Then later, on March 19, the Chinese held bilateral talks with the Philippines again on its claims to the Kalayaan Island Group.

By the early 1990s, except for Taiwan, all claimants to the Spratlys were talking to each other and have attended multilateral nongovernmental fora on the subject.

Unfortunately, the outcomes of earlier bilateral talks have not been fruitful. This had led some claimants, especially Vietnam, Malaysia and the Philippines, to propose a multilateral approach to the problem. Accordingly, since there are several claimants to the Spratlys, a multilateral meeting may produce better results. This especially applies to claims that overlap. For instance, if Vietnam and the Philippines were to reach a satisfactory agreement over an area claimed by China and Malaysia, the agreement would be meaningless, unless China and Malaysia approve the settlement.

But a multilateral negotiation would mean that China and Taiwan accept the status quo as a *fait accompli*. But since Vietnam, Malaysia, and the Philippines have rejected the historic title claims of China and Taiwan, it is unreasonable to expect China and Taiwan to agree to an arrangement that would negate their claims altogether. Moreover, the multilateral scheme has other implications for China. If China agrees to Taiwan taking part in the negotiations, this can lead Taiwan to claim that it is entering the negotiations as a sovereign nation. And since Taiwan's independence is nonnegotiable to China, a multilateral settlement involving Taiwan is doomed to fail from the very start. Yet without Taiwan's participation, the multilateral scheme becomes meaningless.

Assuming that China and Taiwan both agree to a multilateral settlement, there are other complications. Both parties will be using the same historic titles and claiming the same territory and waters. This means that they will cancel out each other's claim. For the multilateral settlement to prosper, the claimants must first wait for either of the following to take place:

- a. China and Taiwan are reunited and therefore appear on the negotiating table as one party;
- b. Taiwan is recognized internationally as an independent nation and therefore China cannot deny it a seat in the multilateral negotiation.
- c. However, if Taiwan becomes independent, it would have to renounce its historic claim to the Spratlys.

Assuming that the China-Taiwan issue has been resolved, the other questions to be resolved are: What portion of the Spratlys will be on the agenda for discussion? How much territory and water must each claimant give up? What kind of decision-making arrangement should be adopted in the negotiation? Will it be one-claimant-one-vote on the entire Spratly archipelago? Is it a matter of simple majority vote on all issues? How many points must be given to claims made on the basis of historic title? How many points by military occupation and by international statutes?

In view of these difficulties, it is no wonder that bilateral talks are not binding while multilateral means of settlement appear impractical and unrealizable for now. A third solution has been suggested by some parties, which is the setting aside by all claimants of the framework of territorial sovereignty, and the use of an alternative framework to resolve the problem.

But some political analysts have warned that this suggestion may have the effect of inviting other nations as claimants who will then use alternative frameworks as their compelling reasons for their claims. For instance, the US or Japan may use security¹⁷⁸ as a new framework. Worse, generating other frameworks could also lead to setting up an international regime to guarantee the implementation of such a framework.

The Chinese government, cognizant of a myriad of problems that come with territorial dispute, has suggested that, instead of settling the sovereignty issue, why not shelve it for now? In the meantime, all the claimants can "jointly develop and share the oceanic resources in order to promote economic development and social progress of those countries around the rim of the South China Sea."¹⁷⁹

The underlying Chinese assumption is that a settlement can be achieved if there is willingness on the part of all claimants to accommodate one another. In advocating the shelving of sovereignty, the Chinese have provided the practical steps needed to implement an agreement, such as joint development and sharing of the oceanic resources. But the Chinese left unanswered the concept of joint development. Does the “joint” here cover all the claimants? Is the joint enterprise a pure business venture? How can the claimants be convinced that the risks of joint development are less than the risks of the status quo? There is, of course, hardly any evidence that anything approaching a consensus among the other claimants could be reached with respect to the Chinese proposal. Vietnam and Malaysia have agreed to a joint exploration and production scheme on their disputed area in the Gulf of Thailand. China and Vietnam may yet come to an agreement on the Wan ‘an Bei or Vanguard Bank area.

Existing realities suggest that the intentions of the Chinese and the other parties will have to undergo a confidence-building process. Among others, it is the lack of protocol on joint enterprises that perhaps deter the other claimants from giving the Chinese proposal a chance. Most other claimants would likely want to see how a joint venture would operate in practice. Details, such as how much investment and how much returns and what is the duration of the project have to be spelled out first. Besides the shelving of claims of sovereignty, all parties must agree to refrain from applying additional military forces on those already stationed in the contested islands. All parties must have the ability to monitor compliance through a joint surveillance force, and the force must have competence and capability to neutralize violations of the agreement.

Certainly, it would appear that the Chinese have moved beyond the demand that there be a multilateral resolution on the issue of sovereignty. Advocates of multilateral settlement have taken the rigid position that no other agreement can be negotiated except through a multilateral approach. Rather, they aim to make the Chinese concede to their claim right away, and then proceed to negotiate on how much territory and waters they can keep. On the other hand, the Chinese offer precludes the settlement of sovereignty, but yields to the joint exploration and exploitation of the resources in the area. In many respects, this position represents a large concession on the part of the Chinese. To the Chinese view, territorial claims are intended to insure for the claimants the use of the resources in the Spratly archipelago. Extracting resources is better than investing in nonproductive armed resources in the area. It would appear that in the Chinese view, violent confrontations are not only costly, these also lead to more armed conflicts.

Finally, there is the question of the role of the United States, the ASEAN and

other outside powers.

The ASEAN's strength is also its weakness. While it has the insider's view of the dispute, many of its members are claimants, so it cannot play the role of an objective mediator. At the same time, in attempting to speak with one voice against China, it could antagonize unwilling nonclaimants, thus damaging ASEAN's famous decision-making process by consensus. Assuming that the ASEAN can act as an objective, non-interested mediator, the most basic question that can be raised is whether it can argue and arbitrate the case of China and other member-claimants credibly.

From 1992 to 1994, there appeared to be ASEAN solidarity against China. In 1995, many members did not hesitate to start raising objections. When Philippine Foreign Affairs Undersecretary Rodolfo Severino wanted the ASEAN-sponsored Regional Forum (ARF) to discuss the Spratly issue with China collectively, some members objected. Other ASEAN members were unwilling to antagonize China. After the financial crisis and political turmoil in Indonesia, ASEAN leaders found themselves divided on many issues.

No doubt the US is the only superpower in the world, but it does not have the freedom of action it enjoyed during the Cold War years. The US cannot choose to intervene in favor of its allies without regard to economic consequences. American actions in the coming millennium cannot be a repeat of the Cold War years, although many of its Pentagon officials still use the Cold War as the framework for deciding who are friends and foes.

In January of 1999, the US offered to broker talks between all claimant countries, but the offer was rejected by China and Malaysia. Washington's offer was seen by China and Malaysia as a flagrant attempt to pursue the US's own agenda by taking advantage of the weaknesses of the disputants. Similarly, proposals for joint ventures with third parties as guarantors were not acceptable. Accordingly, agreements reached by claimant parties cannot be guaranteed by the United States and other outside powers. This would leave the door wide open for third party interference. Suspicions aside, Washington had repeatedly announced that it will not take sides in the Spratlys disputes. Furthermore, Washington needs the cooperation and goodwill of all parties to keep US economic, political and military paramouncy in Asia.

The Chinese View and Policy on the Spratlys

Chinese scholars tend to view China as "a victim of snatchers" in the Spratlys and not as an aggressor. They insist that other claimants are using all sorts of tactics to

create the status quo of their sovereignty over these islands.¹⁸⁰ Officially, “China maintains that disputes on territorial and marine rights and interests between China and neighboring countries are to be solved through consultation. Putting the interest of the whole above everything else, so that the disputes will not hamper the normal development of state relations and stability of the region. China maintains that territorial disputes should be settled through friendly and candid dialogues and cooperation with the other side on an equal footing, and at the same time by observing principles of seeking common grounds of agreement while putting aside differences, enhancing mutual understanding, reducing trouble and refraining from confrontation.”¹⁸¹

China assures its rival claimants in the Spratlys that it will solve the claims in accordance with commonly accepted international laws and modern maritime laws, including the UNCLOS. China seems to prefer that claims of sovereignty be suspended, and that bilateral talks be pursued with other claimants. Citing the advice of the late Deng, Chinese analysts state the following: “Ownership and sovereignty cannot be resolved in the next five or ten years even if we get Japan, the US and other big powers into the act.”

Thus, while China still maintains that these islands are historically Chinese territory, they are willing to suspend sovereignty in the meantime and share the resources in the area through joint development.

Chinese Premier Li Peng reiterated his position during his visit to Malaysia in December 1990: “The Nansha Islands are historically Chinese territory over which China has indisputable sovereignty. However, taking into consideration the practical situation there, our country holds the view that conflicts there should be solved through peaceful means, disputes should be put aside and joint development be made in this area.”¹⁸²

The Chinese see economic cooperation as the primary key for regional harmony and peace.¹⁸³ This is due to their view that the present and future stability and peace in the region are greatly dependent on how relevant states would make use of their ever growing economic leverage in the creation of a new regional order, given the dynamics of the economies of East Asia.

In the mid-1980s, when China abandoned the so-called communist bloc and opened up to the rest of the world, the Chinese leaders gained another insight. China discovered that for most of Asia, the approval rating of Japan was very much higher than that of China. This was a far cry from the years immediately after WWII, when

Japan's approval rating was at its lowest. The Chinese admitted that their strict adherence to the communist ideology, combined with Western anti-communist propaganda, had isolated China from most of Asia. They have now overcome these problems and, in so doing, have reassessed Japan's role in Asia. Chinese leaders have realized the significant role of Japan in the modernization of Asian economies. Japan's overseas aid and investments, the largest in the world, have raised the status of Japan in the eyes of fellow Asians, on whom they inflicted terrible sufferings during WW II. In 1987, Japan offered ASEAN \$1.4 billion in governmental development aid, compared to \$300 million from the US. During the recent ASEAN meeting, Japan offered a \$30 billion aid package, while US Vice President Al Gore attacked Prime Minister Mahathir for violation of human rights. Aid and investments also gave Japan considerable leverage over the economic policies of recipient governments. Japan's successful wooing of ASEAN countries strengthened China's resolve not only to modernize its own economy but also to forge economic cooperation with other Asian countries.

Moreover, Chinese analysts claim that while Western strategic thinking tends to stress security in military terms, the Asian experience has shown that nonmilitary threats, such as challenges to national integrity, domestic stability, economic development, environmental protection and promotion of national cultural traditions and values are equally important factors in bringing about security. Views on national security have therefore become more comprehensive. Internal and external challenges are considered to have equally dangerous implications on national security. Singapore, for instance, defines "total security" as "total defense plus diplomacy, plus internal stability," with defense having five dimensions: psychological defense, social defense, economic defense, civil defense, and military defense." Similarly, the Japanese claim that comprehensive security means "efforts in non-military as well as military terms are equally important for ensuring national security today." The Chinese have almost similar views on comprehensive security: "Political security, economic security, military security, environmental security and the strengthening of comprehensive national power which includes military and security strategies."¹⁸⁴

Thus, when the Chinese say prosperity breeds peace, this implies that as far as their relations with other countries are concerned, they give the highest priority to economic development within China, coupled with economic cooperation with other countries. Apart from superpower intervention in the internal affairs of Asian countries, the Chinese trace the existing tensions to the uneven development existing in the different countries, not to differences in ideology nor to any fundamental differences in economic

policies. The growth of economic and comprehensive power of one state may be worrisome to another state. Tensions also arise when several countries rely on the same waters and underwater resources perceived to be essential to their respective economic development and modernization programs.

Accordingly, the situation in the Korean peninsula, the disputes over the Nansha islands (Spratlys) and the festering Cambodian problem at that time, have led rival parties to be more suspicious of one another's intentions. And these have led to the formation of bloc alliances or security alliances against third parties.¹⁸⁵

Considering all these factors, one can deduce some observations and conclusions. To the Chinese, suspicions are not dangerous, as long as they do not shake the foundation of regional stability. Suspicions can be diffused, if not totally removed by means of diplomatic negotiations and economic and technical cooperation, rather than by military measures. This is why the Chinese are exerting efforts to eliminate mutual suspicions and forge economic and technical cooperative and joint programs, and people-to-people relations as confidence-building measures.

However, the Chinese still maintain that China has historic title over the Nansha islands.¹⁸⁶ China also claims that approximately 1,287,440 sq. km (800,000 square miles) of its territory have been encroached upon by the regional powers during the Cold War, despite China's protest concerning the status of the Spratlys. During the Cold War period, China was prevented from occupying the islands, mainly because of the coercive presence of the US Seventh Fleet on the Taiwan Strait. This resulted in China's inability to pursue its claims in the South China Sea. China was identified with the other side of the US security bloc, meaning the USSR and the other communist states such as North Vietnam and North Korea. As a consequence, despite China's repeated assertions of its claim, these territories were systematically occupied by countries whose leaders learned of the rich water and underwater resources.¹⁸⁷

The Chinese admit that the issue not only has deep historical roots, but new complications that involve several other claimants.¹⁸⁸ Given these complexities, it is very difficult, for the time being, to find a fundamental solution to the contradictions or for a way to eliminate all the sources of conflicts. The good thing is, under the 1992 Manila Declaration, all claimants have agreed to settle their differences through dialogue and not to use force to pursue their claims, to deal with this issue in a peaceful way, and to jointly exploit the islands' resources. From China's point of view, the conflict has been reduced to a political problem and therefore needs a political solution. But the political solution must be one that would be acceptable to all parties concerned. In order to find such a solution, there is a need for measures that would lay down the

groundwork for confidence-building among the claimants. Military measures certainly will not inspire confidence. All parties have agreed not to resort to military force in settling their differences. Military measures, whether through bilateral security arrangement or bloc arrangement, can only lead to confrontation and even a military showdown. On the other hand, economic cooperation is not only conducive to confidence-building but also provides a direct stimuli for all parties to reach a compromise over a final political solution. Tangible economic benefits gained by the claimants would prompt them to agree on what to disagree on.

As to what form of economic measures should be and could be taken for confidence-building in the South China Sea, the Chinese appear to be handling it like a business discussion and negotiation. Many approaches could be explored, ranging from bilateral joint exploration of resources to multilateral cooperative development programs.

The Chinese are establishing joint development programs that need not be based on security-driven incentives. Regional economic trends and the economic environment also appear in favor of carrying out joint development programs in the South China Sea. Drastic political changes and economic reforms in East Asia in the last 20 years have given rise to the parallel development of globalism, on the one hand, and regionalism and subregionalism, on the other. The issue of security has been shelved altogether.

They see two patterns of economic development in East Asia. First is the intraregional economic cooperation among the developing countries in East Asia,¹⁸⁹ which grows much faster than transregional economic exchanges between these economies and the rest of the world. The fact that East Asia has become the largest trading partner of the US and Japan, and the second largest trading partner of the EU since 1993, indicates the strong trend towards globalism, and has led to stronger regional development.

Second, regionalism is, in turn, paralleled by the prevalence of subregionalism in East Asia—examples are the “growth triangles.”¹⁹⁰ No doubt, new joint projects could lead to new growth areas.

The Korean peninsula has become an example to demonstrate that economics play an important role, even if conflicts do involve military confrontation. Both Koreas have been building up their military forces in order to deter each other from waging another war. Indeed, for a time, everyone was predicting war in this peninsula. Militarily, there was no basis for compromise except on nuclear disarmament. In the meantime, both sides agreed to undertake economic exchanges and, in fact, over the years, these

have led to a reduction of tensions. North Korea agreed to change its nuclear plan from the manufacturer of nuclear arms to “light water nuclear reactor program.” This was brought about by “rice diplomacy.”

From the aforementioned developments, the Chinese concluded that economic measures can be used as a tool in preventive diplomacy. Unlike confidence-building measures taken by contesting parties in any conflict, preventive measures involve mediation by the UN or other central organizations. The UN and other major countries, for instance, have used preventive action, both in Cambodia and North Korea (Democratic People’s Republic of Korea or DPRK). Mr. Hun Sen was brought to the negotiating table because of his need for economic support and aid from the UN, Japan, France, the US and other countries.

The Chinese are convinced that economic cooperation is more than an expedient tool for managing regional conflict and security issues. For them, this is in line with the desire of most countries in the post-Cold War era to forge more peaceful, more prosperous and less belligerent nations. In their view, such an approach can bring about the long term objective of laying down a framework for a peaceful international order.

This will also lead to an international order that will not be based on a pole-centered, power politics-oriented, military power-dominated framework. This will be realized, especially when cooperation is based on an equal footing among states in the region. Regional economic cooperation should not be subject to the will and interests of any one economic superpower. It should not be a tool for serving the strategy of any big power to maintain its regional and global influence. Above all, regional cooperation should not pursue the aim of isolating or containing any state, especially in the political and security field. To maintain regional stability, each country needs to search for potential opportunities for cooperation, instead of viewing others’ economic growth as a threat.

Given China’s change of world-view, it is clear that it does not believe in a military solution to resolve differences among the claimants in the Spratlys. As the Chinese put it: “Military measures can only lead to more military measures.”

Moreover, the Chinese now appear to believe that military measures are not lasting and will not resolve the issue to the satisfaction of all claimants. They point to the case of Japan during WWII when it claimed ownership of all the islands, not only in the Sea of Japan but in the South China Sea and the Pacific as well. Japan’s defeat after WWII forced it to give up nearly all the islands it seized during the war.

To the Chinese, economic cooperation is the best means for confidence-building. For them, this is in line with the desire of most countries in the post-Cold War era to forge more peaceful, more prosperous and more equal nations. In their view, such an approach can bring about the long-term objective of laying down a framework for future international order. They are therefore suggesting joint exploration and exploitation of the resources in the South China Sea.

The fact that the Chinese are proposing common solutions to regional problems shows that they have compromised their claim of absolute sovereignty over the Spratlys. They know that taking a hard line on their claim of sovereignty over the Spratlys will not only cause more tensions in the region but will impede or delay China's own plan of full-scale economic development and scientific modernization in the next 10 or 20 years.

Notwithstanding the claims that there are rich biological and hydrocarbon resources in the area, China's current modernization program is not contingent on these resources alone, although it is true that with additional resources, China's ambition to become one of five largest economies in the world by 2020 might be realized earlier.

No doubt, China's decision to postpone the sovereignty issue is in the interest of all claimants. China therefore strives to win the confidence of the other claimants. If it does, it will free everyone from conflict with one another. And it will allow China to continue its modernization program unhampered.

Similarly, China's proposal for joint exploration and exploitation of the Spratlys' resources could also be mutually beneficial for all claimants, given their common interest in developing offshore petroleum and in harvesting other marine resources in the Spratlys.

Conclusion

Tensions and conflicts in the Spratlys are due to an unresolved dominion or sovereignty issue over the area, including access to and control over marine, hydrocarbon and mineral resources. It is generally recognized that unless the disputes are settled, the South China Sea will remain one of the "flashpoints" in the coming millennium. To most claimants this diagnosis is incorrect. Military offensive is not only risky but expensive. It invites military retaliation from the other side. It may tempt weaker claimants to invite third parties to take part in the conflict, leading to further escalation of violence. This was one reason why China objected to the Philippines'

ratification of the Visiting Forces Agreement with the US. In China's view, when weak nations fan flames of aggression against another claimant for its own purpose, it will only help increase the power of the superpower protector and diminish the benefits for the claimants. This only invites the supposed protector to become a predator. In the current state of the contemporary world, stereotyping distinguishes between friends and foes, and clients are in a constant state of flux. Economic and political interests are ever shifting in various directions at breakneck speed, requiring all institutions to be constantly alert and fit to adjust to all kinds of contingencies.

China's current concern is economic development and it uses the offer of joint development as an indication of its willingness to share the resources in the South China Sea with the other claimants. It has also accepted the ASEAN declaration that urged claimants to settle the disputes peacefully. But the other claimants appear reluctant to accept China's joint development offer and prefer that they preserve their status quo claims to the Spratlys. In short, Vietnam, the Philippines and Malaysia, while they sued for the settling of disputes through peaceful negotiations after they "grabbed them by force," are not ready to suspend sovereignty claims for China's joint development offer.

An analysis of the Chinese position during the Indonesian-sponsored meetings and ARF deliberations show that the Chinese have accommodated the other claimants on the following:

1. That pending on the resolution of the sovereignty issue, the Chinese are willing to talk to the other claimants individually.
2. The Chinese have agreed to settle the differences peacefully.
3. The Chinese are eager to undertake bilateral confidence-building measures with all the claimants.
4. The Chinese are willing to forge joint development projects in the South China Sea.

About the only proposal the Chinese did not accept was multilateral negotiations. While this means that resolution of disputes in "multiple claim area" will be difficult, it is not unattainable. Meanwhile, most nonclaimants appear to be more concerned only in open sea lanes, and safe and unhampered passage in the area.

What is keeping the claimants from arriving at a settlement is their reluctance to suspend the sovereignty issue. Whether it is China, Vietnam or the Philippines or Malaysia, they all consider the issue of sovereignty over their claimed areas in the Spratlys as nonnegotiable. China and the Philippines have often declared their willingness to suspend sovereignty while seeking for a mutually beneficial arrangement to explore,

exploit and conserve the resources in the area. Yet, in the final analysis, the suspension of their claim to sovereignty appears to be only rhetoric. Whenever bilateral talks were held to settle disputes, both sides tended to remind each other of their “indisputable sovereignty over the area.” It is as if negotiators from both panels went to the meeting to listen, to repeat what has been said earlier and to object to everything that is being said by the other side. They end up signing joint statements that restate positions that had been previously agreed upon and promise to have further talks.

Sovereignty is the main issue that is preventing the claimant parties from undertaking joint development in the area. China has repeatedly offered joint development of the area to Vietnam and the Philippines. While these two countries welcome the move, they tend to postpone discussions for a designated area for such a joint project, and the terms of financing, production and profit-sharing. There is, of course, some semantic differences in designating the area for joint development. As far as the individual claimants are concerned, it should not be the area they are claiming.

No doubt, over time, the sovereignty issue has been influenced by the domestic structures of the claimants. In the Philippines, for instance, holding on to the claims and attacking the other claimants are symbols of nationalism, power and leadership. Thus, during the local and national elections, the budget proposal for the modernization of the armed forces and the government campaign for the Philippine Senate’s ratification of the Visiting Forces Agreement, all these contributed to the hard-line stance against the other claimants, especially China. Vietnam, on the other hand, in view of its high domestic needs for hydrocarbon resources, and the time and resources required to extract these offshore resources, tended to pursue bilateral and multilateral negotiations and the development of areas with overlapping claims. China sees opportunity in its military strength, which equals that of a major power, but is tempered by its national priority to modernize its economy. It cannot risk the political and economic cost of any military adventure. China, therefore, pursues joint development as the next logical step to confidence-building measures. While this appears to be China’s most reasonable offer, it has been perceived by the other claimants as a weakness. While China agrees to settle the dispute in the Spratlys peacefully and acquiesces to the exploitation of the hydrocarbon and other resources by Vietnam, the Philippines and Malaysia, it is not getting any meaningful concessions in turn from these claimants. But then, why should the other claimants share the resources when, under current conditions, they can keep all the resources without any meaningful challenge from China? On the other hand, if the other claimants will not give the Chinese proposal a serious response, how long can the current Chinese leadership continue to promote a reasonable but unfruitful

policy? Is it still China's interest to keep peace or to pursue a joint development policy when there are no takers? It may lead the Chinese leadership to change its current policy of the suspension of the sovereignty issue and pursuing joint development. Thus, it is equally unrealistic for the other claimants to expect the Chinese to continue to offer joint development, a position that the other claimants exploit to China's disadvantage.

Since the risk and dangerous consequences of military adventure are clear to all claimant parties, they reject the military option in the Spratlys, unless there is a third party superpower interference. But the drive to settle the disputes peacefully through negotiations depends on the claimants' resolve to continue the preparation to embark on mutually-acceptable formulas and not just on the skills of the negotiators. There must be real progress in the negotiations, otherwise, the idea of resolving their differences peacefully would crumble. If all sides decide to tough it out for a long, long time, there may be no peaceful solution at all. Reviewing over what had been decided in previous agreements, it appears that all claimants engage more in plain and simple foot dragging.

For all parties, there is the question of what is possible and what is desirable. If previous agreements failed to mitigate undesirable actions of the other claimants and had actually worsened the situation, then questions should be raised as to the sincerity of their commitments to peace. Rules of negotiations are intended to make the rival claimants somewhat more predictable, set limits to extreme actions and help avert confrontations of any kind. Usually, both sides negotiate with maximum demands, but after negotiations, they have to be willing to compromise, and to settle for something less than what they demanded at the beginning. Even if each side only gets halfway of its demands, or something in between, nonetheless by coming into an agreement, both sides gain something, and it is therefore a win-win solution. Negotiators must be prepared to discuss problems that divide them and work for practical, fair solutions on the basis of mutual compromise. If one party is willing to negotiate with another—what will be negotiated? what is wanted? and how is it to be translated into policy and proposals for negotiation in the disputed area?—all these require an honest-to-goodness willingness to suspend the sovereignty issue. For China, if its offer of joint exploitation and development of the Spratlys is perceived as a sign of weakness by the other claimants, China may have to shift to other options that are less beneficial to the other claimants.

From a larger perspective, the other claimants should not make their claims to the Spratlys as the main focus of their relations with China, to the exclusion of other aspects and dimensions of their relations with that vast country. Nor should they use Chinese insistence on its historic title and therefore refusal to yield to this island group,

as the justification to divert their precious and meager national resources to prepare for armed conflict against each other. Fear of China, which is a colonial legacy from the colonial period, a fear intensified by the Cold War in the case of nonsocialist countries, is not the most rational basis for forging a meaningful and constructive settlement policy. The truth of the matter is that even with a modernization of the claimants' respective military forces, and even after the ratification of the VFA with the US and the Philippines, the Chinese cannot be pressured into surrendering the Spratlys.

It is in the interest of all parties concerned to strengthen their relations with China, whose economy is fast becoming one of the largest economies in the world, despite its domestic problems. All parties should view the conflicting claims over the Spratlys as only one of the kinks in their current relations. In the meantime, all parties must try to forge a more meaningful and constructive settlement scheme that is mutually beneficial in the long run.

Asia cannot remain a collection of contending economically weak states. It will have to reshape its identity and destiny in order to survive the new challenges of the new millennium.

Notes

1. Named after the British cartographer, Captain Spratley, who drew the map in the 1860s.
2. See Marwyn Samuels, *Contest for the South China Sea* (New York & London: Methuen, 1982) cited in Gerardo Martin Valero's *Spratly Archipelago: Is the Question of Sovereignty Still Relevant*, Institute of International Legal Studies, U.P. Quezon City, 1993... Ridao, "The Philippine Claim to Internal Waters and Territorial Waters and Territorial Sea: An Appraisal," *Phil. Yrbk. Intl'l. L.* 57, 58-60, cited in Haydee Yorac's "The Philippine Claim to the Spratly Islands Group," *Philippine Law Journal* Vol. 53, No.2, 1983.
3. Some of those who explored the Spratly archipelago are convinced that the Reed Bank and its environs and the Wan An Bei region are the only potential oil-rich areas. According to E.F. Durkee of Cophil Exploration Corp., "Wan

An Bei has thick sedimentary rock sections and very large anticlinal and fault closures (potential hydrocarbon traps)." But the area between the Reed Bank and Wan An Bei is "not an oil rich area." E.F. Durkee "Spratly Islands: Not So Oil Rich After All," *Philippine Daily Inquirer*, March 13, 1995.

4. Tomas Cloma, a Filipino fishing magnate and founder of the Philippine Maritime Institute, claimed to have discovered Freedomland in 1956. Cloma's "Notice to the World" read: "Notice is hereby served to the whole world that the undersigned, in his behalf, in behalf of his associates, and as citizens of the Philippines, claims ownership over a territory bounded as follows... This territory is composed of islands, sand cays, sand bars, coral reefs, and fishing ground with a total of 64,976 square nautical miles. This claim is based on the rights of discovery and/ or occupation open, public and adverse against the whole world..." (See A.V.H. Hartendorp, *History of Industry and Trade of the Philippines*. 1961).
5. Yorac, *ibid.*, p.45. See also Cheng, *The Dispute Over the South China Sea Islands* and Perfecto, *The Philippines' Kalayaan Islands*, both cited by Yorac.
6. See Chang Pao-Min, "A New Scramble for the South China Sea Islands," *Contemporary Southeast Asia*, v12, No.1, June, 1990, pp. 20-38.
7. Valero *op. cit.*, p. 4. Singapore and Malaysia are both claiming sovereignty over Pisang Island and Pulau Batu Putih ("White Rock") which is in the waters of the Malacca and Singapore Straits. Similarly, Indonesia and Vietnam are contesting the ownership of Natuma Islands off the northwestern coast of Indonesia's Kalimantan Island. China, Taiwan and Vietnam are each contesting the other's claim to sovereignty over the Paracel Island group. Taiwan has disputed China's claim to Pratas Island, Macclesfield Bank, 100 km east of the Paracels.
8. See Chiu and Park, *Legal Status of the Paracel and Spratly Islands*, 3 Ocean Dev. Int'l. L.J. 9 (1978).
9. Marwyn Samuels, *Contest for the South China Sea*, Note No.4, pp. 137-144, 1982.
10. SCAPIN Directive 677 of January 29, 1946 defined under paragraph 3 Japan's territory as follows:
 - a. For the purpose of this directive, Japan is defined to include the four main islands of Japan (Hokkaido, Honshu, Kyushu and Shikoku) and approximately 1,000 smaller adjacent islands, including the Tushima Islands

and the Ryukyu (Nansei) islands north of 30° North Latitude (excluding Kuchinoshima Islands); and excluding (a) Utsuryo (Ullung) Island, Liancourt Rocks (Take Island) and Quelpart (Saishu or Cheju) Island, (b) the Ryukyu (Nansei) Islands south of 30° North Latitude (including Kuchinoshima Islands), the Izu, Nanpo, Bonin (Ogasawara) and Volcano (Kazan or Two) Island Groups, and all other outlying Pacific Islands {including the Daito (Chigasi or Oagari) Island Group and Par'ee Velo including (Okino-tori), Marcus (Minamitori) and Ganges (Nakanotori) Islands}, and (c) the Kurilie (Chisima) Islands, the Habomai (Hipomaze) Island Group (including Suisho, Yuri, Akiyuri, Shibotsu and Taraku Islands) and Shikotan Island.

- b. Further areas specifically excluded from the governmental and administrative jurisdiction of the Imperial Japanese Government are the following: (a) all Pacific Islands seized and occupied under mandate or otherwise by Japan since the beginning of the World War in 1914, (b) Manchuria, Formosa, and the Pescadores, (c) Korea, and (d) Karafuto (southern part of Sakhalin).
11. The Cairo Declaration released December 1, 1943.
 12. Pan Shiyong, "South China Sea and The International Practice of Historic Titles," paper delivered at Seminar on South China Sea organized by the American Enterprise Institute, Washington D.C., September, 1994. Pan Shiyong, "The Nansha Islands: A Chinese Point of View," *Windows*, Hong Kong, September 3, 1993. pp. 3-4.
 13. Hsiao Shi-Ching, *History of Chinese-Philippine Relations*, 2nd ed., Bookman Printing House, Q.C., Philippines.
 14. Yorac, *op. cit.*, p. 45 Valero, *op. cit.*, pp. 15-160.
 15. *Manila Bulletin*, April 14, 1949. Cited in Hsiao Shi-Ching, p. 58.
 16. *Manila Evening News*, April 8, 1950.
 17. Valero, *ibid*.
 18. *Collected Documents on the Foreign Relations of the People's Republic of China* (Beijing: Ministry of Foreign Affairs, 1961), Vol. 2, p. 32.
 19. A.V.H. Hartendorp, *History of Industry and Trade of the Philippines, the*

Magsaysay Administration (Manila: Philippine Education Company, 1961), pp. 210-211.

20. *Ibid.*
21. *Daily Mirror*, July 18, 1972.
22. Noted R. NE. No. 12607 dated May 23, 1956 from Ambassador Chen Chih-mai to Vice President Carlos P. Garcia.
23. Ramon Tulfo, "The Man Who 'Discovered' Freedomland," *Daily Express*, February 8, 1974.
24. Valero, pp. 65-67.
25. See Haydee Yorac, "Philippine Claim to the Spratlys Island Group," 58, *PLJ* 44 (1983).
26. At a press conference on July 10, 1971, President Marcos argued that after Japan renounced its sovereignty over the islands, they became a de facto trusteeship of the allied powers, and that this trusteeship precluded the setting up of garrisons on any of them without the allies' consent. See Day, *op. cit.*
27. Yorac, *op. cit.*, pp. 44-46. Valero, *op. cit.*, pp. 5-8 Chang, *op. cit.*, p. 23.
28. Presidential Decree No. 1596 declared in one of its provisions: Whereas, while other states have laid claims to some of these areas, their claims have lapsed by abandonment and cannot prevail over that of the Philippines on legal, historical and equitable grounds.
29. Yorac, p. 62.
30. Republic Act 3046 as amended by RA 5446 defined the straight baselines of the Philippine territorial sea by connecting with straight lines the outermost points of the outermost islands of the Philippines. But stipulations in the 1973 and 1987 Philippine Constitutions encompass the waters from the straight baselines to the boundaries set in the 1898 Treaty of Paris, the 1900 US-Spain Treaty and the United States and United Kingdom Treaty. The declared Philippine EEZ overlaps with large portions of territorial sea defined under Republic Act 3046. According to Atty. Raphael Lottilla, "There is a conflict here since EEZ is not subject to the coastal state's sovereignty (only to its jurisdiction over specified matters), while territorial sea is subject to state powers. RA 3046, being earlier in time is deemed

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 32. A.V.H. Hartendorp. pp. 216-217.
 33. Marwyn Samuels, *Contest for the China Sea*, p. 84.
 34. Chen, *Weihu Nansha Quandao...* p. 160.
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 36. White Paper issued by the Vietnamese Foreign Ministry on September 27, 1979 and White Paper II on January 18, 1982. Cited in Valero’s *Spratly...* and Pan Shiyong’s “South China...”
 37. Valero, *op. cit.*, p.18.
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 39. See Brandford Thomas, *The Spratly Islands Imbroglia: A Tangled Web of Conflict*, Working Paper No. 54 (Peace Research Centre, Australian National University, Canberra, 1989).
 40. Chen Degong (Institute of Oceanic Developmental Strategy, China Oceanic Administration), “Weihu Nansha Quandao Zhuquan He Ziyuan Gongtong Kaifa Yu Quyu Hezuo” (Protecting the Sovereignty of Nansha Islands, Joint Development of Resources and Local Cooperation),” China State Oceanic Administration’s (ed.), *Nanhai Zhudao Xueshu Taolunhui Lunwen Xuanbian* (Selected papers of the Symposium on the South China Sea, Beijing 1992). Cited in Sheng Lijun’s “China’s Policy...”
 41. *Renmin Ribao*, 15, May 1979, cited in Shen Lijun, p. 4.
 42. Chang, *op. cit.*, p. 22.
 43. Chang, *op. cit.* p. 22.

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45. *Renmin Ribao* (*People's Daily*), Sept. 5 and Sept. 20, 1958. Cited by Pan Shiyang. See Valero, pp. 44-45.
46. Chen Degong, *Weihu Nansha Quandao...* p. 160.
47. White Paper II. Valero, p.45.
48. Shao Hsun-Cheng, "Chinese Islands in the South China Sea," *People's China*, vol. 13, p. 27, (1956).
49. Valero. *op. cit.*, pp. 29-30.
50. See John W. Garver, "China's Dash through the South China Sea: The Interaction of Bureaucratic and National Interests," *The China Quarterly*, December, 1992. Alan Day ed., *Border and Territorial Disputes*, 2nd ed. (London: Longman Group, UK, 1987).
51. Chang, p. 24.
52. *Ibid.*
53. *Ibid.*, p. 25.
54. According to Hanoi, three Chinese warships equipped with missiles first intruded into the Sinh Tong islands on March 14. Then, more than seventy armed men landed on Gac Ma Reef (Chigua in Chinese). They removed the Vietnamese flag and planted a Chinese flag. When asked to leave, the Chinese opened fire on unarmed Vietnamese personnel on the reef. Chinese warships began shelling unarmed Vietnamese supply ships anchored nearby. As a result, one Vietnamese soldier was killed and 74 were reported missing. According to Beijing, a Chinese survey team first landed on Chigua Jiao in order to set up an observation post. Then, three Vietnamese ships arrived on the scene and 43 Vietnamese armed personnel landed on the reef, too. When the Chinese asked them to leave, the Vietnamese opened fire and wounded one Chinese. The Vietnamese ships also started machine-gunning Chinese personnel on shore. Chinese vessels were, therefore, compelled to return fire and eventually set all the three Vietnamese vessels ablaze. See John Garver's "China's Dash Through the South China Sea..."

55. *Ibid.*
56. Sheng Lijun, p. 12.
57. Malaysia's claim has been questioned. The UN Law of the Sea does not cover the status insular property but the effect of islands on the ocean regime. See Haller-Trout, "Limitations of International Law, The Case of Malaysia's Territorial Claim in the South China Sea," (2nd Workshop on Managing Potential Conflicts in the South China Sea: Bandung, Indonesia, 1991).
58. Chang, *ibid.*, p. 28.
59. Joyner, pp. 829-830. See also R. Haller-Trout, "Limitations of International Law: The Case of Malaysia's Territorial Claims in the South China Sea" and Kahadijah Muhamed and Tunku Shamsul Bahrin, "Scramble for the South China Sea: The Malaysian Perspective." Both in *Fishing In Troubled Waters: Proceedings Of An Academic Conference On Territorial Claims in the South China Sea*. R.D. Hill *et al*, eds., 1991).
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61. Muhamed and Bahrin, pp. 237-250.
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65. R.L. Chen, "Vietnam, Spratly Protest Rejected," *China Post* (Taipei) April 3, 1995.
66. "The Law of the People's Republic of China on Territorial Sea and Contiguous Zone" in *People's Daily*, February 26, 1992. Reprinted in United Nations, *Law of the Sea Bulletin* No. 21, August, 1992, pp. 24-27. People's Republic of China, National People's Congress, Legislative Affairs Commission, 'Law of the People's Republic of China on the Territorial Sea and Contiguous Zone,' adopted February 25, 1992.
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73. See Daniel Dzurek, "The Spratlys Dispute: Who's First?" *Maritime Briefing*, 1996.
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was stoking tension in Southeast Asia and compromising the Philippines' relations with the biggest country in the world." Former Navy Captain Danilo Vismanos, convener of Junk VFA Movement, said that Secretary Mercado and Security Adviser Aguirre were using the Mischief Reef "as a vain attempt to create a furor aimed at conditioning the minds of the people on a concocted dispute over a claim that is yet to be recognized by any nation, including the UN."

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163. See Valero, *op. cit.*, pp. 67-69.
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asserts that Taiwan is a province of China. The PRC, in a sense, is the successor government to the nationalist government. Former President Lee Teng-hui recently insisted that Taiwan should be considered as a separate nation.

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179. Pan Shiyong, *op. cit.*, p. 8.
180. Li Ning Lun Nansha Zhizheng Jiqi Dui Wuguo Yu Dongnanya Guojia Guanxi De Yingxiang (*Conflict over the Spratlys Issue and Its Impact on Our Relations with Southeast Asian Countries*), October 1989. In Sheng Lijun's *China Policy...*, p. 52. See also China State Oceanic Administration (ed.), *Nanhai Zhudao Xueshu Taolunhui Lunwen Xuanbian*, p.1.
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ANG ISI AT ANG ALAMAT NG INTERNASYONAL NA KOMUNIDAD NG MGA SYENTISTA

*Bomen Guillermo**

International science requires cultural as well as economic imperialism.
Eugene Garfield, Ph.D.
Tagapagtatag
Institute for Scientific Information (ISI)

Palagi ang pagpapahayag ng pagkabahala ng administrasyon ng Unibersidad ng Pilipinas (UP) sa mababang katayuan ng UP sa listahan ng *Asiaweek* ng “Best Universities in Asia.” Pinansin ni UP Pang. Francisco Nemenzo ang bagay na ito sa kanyang talumpating pinamagatang “U.P. Into the 21st Century: Vision Paper.” Ani Nemenzo, “*from a pathetic 25th place in 1997, it dropped to 46th in 1998. It bounced back this year, but being in 32nd slot [sic] is no cause for celebration.*” Nitong taong 2000, bumaba na naman sa ika-48 ang UP. Sa kabila ng kwestyonableng mga pamantayan ng *Asiaweek*, maituturing na sintomas ang ganitong mababang katayuan ng UP sa ilang obhetibong salik na kailangang matugunan ng pamantasan at ng buong pambansang sistemang pang-edukasyon upang maiwasan ang patuloy na pagkabulok ng edukasyon sa Pilipinas.

Kaharap nito’y mukhang gumagawa ang UP ng ilang kagyat na hakbang na maaaring “makapagpapaangat” ng katayuan ng UP sa listahan ng *Asiaweek*. Halimbawa’y binibigyan na nito ng malaking insentibo ang mga paglalathala ng kaguruan ng mga artikulo. Dati na itong sinimulan sa UP Visayas kung saan marahil hinalaw ni Nemenzo, bilang dating tsanselor doon, ang kasalukuyang patakarán. Pero hindi sa alinmang dyornal sa kung saan lamang. Tingnan ang mga detalye sa “Implementing Guidelines for International Publication Award for Journal Articles” na nakakabit sa *Memorandum No. ERR-0-019* (may petsang 2/6/01). Nakalagay dito na “*only those articles published in journals listed in the Institute for Scientific Information*

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(ISI) database of selected journals shall qualify for the award. The database lists some 8,000 international journals in the natural sciences, social sciences, arts and humanities chosen on the basis of the following: (1) publication on time, which implies the journal is well stocked with manuscripts and is thus able to come out on schedule, is also a sign of viability; (2) editorial content, meaning the journal enriches existing coverage rather than simply takes up topics already adequately covered; (3) peer review; (4) international diversity of authors of both source articles and cited articles; (5) citation analysis, which varies according to the nature of the discipline but in general includes citation rate, impact factor and immediacy index; and for new journals, the publishing record of authors and of editorial board members, where they are published and their citation index... Each year, ISI's editorial staff reviews close to 2,000 new journals, of which 10-20% qualify for inclusion in the database. For more information about ISI journals, visit their website at www.isinet.com."

Bakit ipinaubaya ng UP ang karapatang humusga sa mga artikulong inililimbag ng kanyang kaguruan sa isang kumpanya tulad ng ISI? Tunay na alternatibo dito ang pagbubuo ng representatibong komite ng Unibersidad na gagawa ng mga pagsusuri't pagpapahalaga ng mga artikulong nailabas ng mga akademiko sa mga dyornal, maging internasyonal man o pambansa, na ang pagtangi lamang ay sa kahusayan ng artikulo at hindi sa kung saan pa ito inilabas. Madali ang paliwanag sa importansyang ibinibigay ng administrasyon sa talaan ng ISI: Sa katotohana'y hindi mahalaga *per se* ang kalidad ng anumang artikulong bibigyan ng premyo, ang mahalaga'y nakalabas ito sa isang dyornal na nakalista sa mahiwagang talaan ng ISI. Kantidad at hindi kalidad ang pangunahing konsiderasyong isinasaalang-alang. Kapag tiningnan ang *ranking* ng UP sa *Asiaweek* noong 2000 sa larangan ng pananaliksik (*research*) makikitang nakapuwesto ito sa ika-60 lugar sa 77 unibersidad sa Asya. Ayon sa *Asiaweek*, nakabatay sa mga sumusunod na *factors* ang panukat nito sa kahusayan sa pananaliksik: "(1) citations in academic journals as tracked by the Journal Citation Index, (2) articles in peer-reviewed journals, (3) papers presented in international conferences, (4) published books, (5) research funding, and (6) graduate students." Malamang na ang tinutukoy rito ng *Asiaweek* na Journal Citation Index ay yaong mga "*citation index*" ng ISI. Ang sinumang susunod sa payo ng administrasyon na bumisita sa *website* ng ISI upang tingnan kung kasama ang kanyang pinaglathalaang dyornal sa listahan ng ISI ay maraming matutuklasan, lalung-lalo na sa mga artsibo nito ng mga artikulo. Mahalagang tingnan at

imbestigahin ang pinagsasanggunian ng administrasyon ng UP na ISI sa mga sumusunod na dahilan:

- 1) Lumilitaw na higit na malawak ang kabuluhan ng ganitong pag-aaral sapagkat makatutuklas ng mayamang batis sa ISI sa pag-unawa ng mananaliksik sa kasalukuyang kaayusan sa produksyong intelektwal sa antas pandaigdigang. Taliwas sa mga layunin nito, nabigyan ng ISI ng sandata ang Kaliwa sa pagsusuri ng aspetong “intelektwal” ng imperyalismo. Malaki rin ang naitutulong ng dati nang mga manunulat na pumuna sa ISI bilang bahagi ng dominanteng sistema ng pandaigdigang produksyong intelektwal.
- 2) Magsisilbing konteksto ang masaklaw na larawan na mabubuo mula sa pagsusuri ng ISI sa interaskyon/kaugnayan ng kalagayang pang-akademiko/pang-edukasyon sa probisyonal (sapagkat wala pang maipamalit) na tinatawag nitong “Ikatlong Daigdig” sa mga dominanteng sentro ng pandaigdigang produksyong intelektwal. Panimulang magagamit lamang ito upang maisakonteksto ang akademikong sitwasyon sa Pilipinas at bilang batayan ng maaaring mailapat na ilang mungkahing alternatibo.

Ano ang Institute for Scientific Information (ISI)?

Itinatag ni Dr. Eugene Garfield ang Institute for Scientific Information noong 1960 at siya ang nagsilbing tagapangulo nito hanggang nitong nakaraang dekada. Nagsimulang maglabas ang ISI ng *multidisiplinaryong* Science Citation Index (SCI) na naglalayong pabilisin ang gawain ng paghahanap ng mga sanggunian ng mga syentista sa iba't ibang larangan ng agham pangkalikasan. Sa kasalukuyan, nagpalawak na ito sa iba pang mga larangan ng kaalaman at mayroon ng tatlong tinatawag na “citation databases”: ang Science Citation Index Expanded (SCIE), ang Social Sciences Citation Index (SSCI), at ang Arts & Humanities Citation Index (A&HCI). Nabubuo ang mga Citation Index sa pamamagitan ng paggamit ng kompyuter sa pangangalap ng datos hinggil sa bilang ng mga pagbanggit (*citation*) ng mga artikulo sa loob ng isang dyornal at ng dalas ng pagbanggit ng mga dyornal sa iba pang mga dyornal. Sa pamamagitan ng ganitong awtomatikong pagbibilang-banggit ng mga artikulo at dyornal ay masusukat ang tinatawag na “*impact*” ng mga naturang artikulo at dyornal sa komunidad ng mga syentista. Sa libo-libong mga dyornal na sinasala ng ISI taon-taon ay nakakasala ito ng humigit-kumulang 8,000 lamang bilang pinakamatutunog at pinakabanggiting mga

dyornal sa buong daigdig. *Scientometrics* ang ibinansag sa gawaing ito ni Garfield at ng iba pang mga kapanalig niya. Habang agad-agad na makikita ang iba't ibang gamit at katuturan ng ganitong metodo, naging napaka-kontrobersyal pa rin ng maituturing na wastong gamit sa datos ng ISI at ng mga pagpapakahulugan sa mga datos na inihaharap nito. Sumusunod ang ilang sipi sa isang pahayag ni Garfield (1979) na nagdedepensa sa ISI laban sa marami nang mga puna rito:

- 1) *Scientists have often told me... that CC [Current Contents] and the SCI are in part determining the fate of small journals throughout the world. They feel that ISI journal selection policies compel authors to submit their best scientific articles to the most prestigious publications.*
- 2) *At this point, does there remain a highly significant journal that we don't cover? I don't think so. And I don't think most important articles will fail to reach our readers.*
- 3) *Research of international significance can and should be submitted to the international journals. Indeed, we know from extensive studies [in Scandinavia] that the best papers from small countries are published in the international journals.*

Ayon sa sipi (1) mula kay Garfield, napipili ng ISI ang pinaka-prestihiyosong mga dyornal na siyang sinasangguni ng “pandaigdigang syentipikong komunidad.” Dahil dito’y “napipilitan” ang mga syentistang ibigay ang “pinakamahuhusay” nilang akda sa mga naturang dyornal upang mapansin ang mga ito. Dahil sa pamamaraan ng pagpili ng ISI, naniniwala si Garfield na nasasaklaw na nito ang lahat ng “pinakamahalagang” dyornal sa buong daigdig. Ipinapalagay din niyang dahil dito’y makakaabot ang lahat ng “pinakamahalagang” artikulo sa kanilang mga mambabasa. Ipinapalagay ni Garfield na sa pamamagitan ng kanyang pinasimunuang *citation analysis* ay nakatuklas na siya ng paraan upang matukoy ang pinaka-importante’t pinakamahuhusay na mga dyornal sa daigdig. Naglunsad pa raw ang ISI ng serye ng mga pag-aaral na nagbibigay ng “*almost incontrovertible support for the claim that citation analysis can be correlated quite well with other more subjective methods of analysis*” (Garfield, 1972a). Ayon sa kanya’y hindi na nga halos kailangan basahin ang mga sulatin mismo sa loob ng mga dyornal upang matantya ang kahusayan ng mga ito, “*This is no small achievement when one considers that the approach is based on a purely objective method which does not require a personality appraisal or a reading of the works by these men*” (Garfield, 1971).

Anupaman ang kahulugan ng “obhetibong” panukat ng “*scientific excellence*” na ito, at taliwas sa mga kulang sa pag-iingat na pahayag sa itaas, malinaw na nagbabalarin si Garfield, na hindi nangangahulugan na kapag nasama ang isang artikulo sa isang dyornal sa ISI ay maituturing na itong “mahusay” habang ang lumabas sa isang hindi ISI na dyornal ay “hindi mahusay.” Ang napapatunayan lamang ng paglabas ng isang artikulo sa lathalaing sakop ng ISI ay naaabot nito ang mga particular na pamantayan ng patnugot at mga *referee* nito. Walang anumang konklusyong maaabot mula rito hinggil sa angking kahusayan ng artikulong ito mismo o sa maaaring maging impak nito kahit sa “syentipikong komunidad” na pinagsisilbihan ng ISI. Isinulat pa ni Garfield na, “*don't count on citation by association*” (Garfield, 1973b). Samakatwid, walang implikasyon hinggil sa “kahusayan” nito ang paglabas ng isang artikulo sa isang dyornal ng ISI. Kung, ayon sa *Asiaweek*, ang UP ay ika-68 sa kategorya ng “pagbanggit sa mga dyornal na internasyonal ng mga kaguruan nito” (umaabot lamang sa 0.02 para sa bawat guro), hindi maiuugnay ang simpleng pagpaparami ng mga internasyonal na publikasyon sa pagtaas ng bilang ng mga pagbanggit sa mga dyornal ding ito. Itinanong pa ni Garfield kung hindi kaya mas mahalagang isipin kung sino ang mga isinasaalang-alang na mambabasa kaysa anumang konsiderasyon hinggil sa prestihiyo ng publikasyon. Ani Garfield, “*Isn't it, in fact, the quality and timing of the work which eventually determines its impact, rather than the place of publication? Is exposure in the most widely circulated journal what really matters, or should one pay more attention to the audience one is trying to reach?*” (Garfield, 1972b)

Sa palagay ni Garfield, balintuna ang paggamit ng ISI upang makaimpluwensya sa mga desisyon ng mga mananaliksik hinggil sa dyornal na paglalabasan ng kanilang mga artikulo. Pinaliliit ni Garfield sa pagkakataong ito ang normatibong papel ng ISI upang idiin ang deskriptibong gamit lamang nito: “*For responsible, intellectually honest scientists, the notion of statistics functioning as a determinant, rather than a reflection, of behavior is absurd. Of course, a few dubiously motivated researchers, hoping to grab in any way they can the attention of department heads or potential employers, will seek out any device that may enhance their name recognition and beef up their c.v.s.*” (Garfield, 1993). May katotohanan ang sinasabi ni Garfield dito, ngunit malabo ang kanyang pagpapalagay na madaling mapaghihiwalay ang normatibo at deskriptibong *dimension* ng gawain ng ISI. Maling-mali rin ang palagay ni Garfield na absurdo ang *bias* ng estadistika sa pagtatakda (at di lamang bilang paglalarawan) ng pagkilos ng mga bagay-bagay. Sa katunaya’y ganito nga ang palaging ginagawa ng mga syentista sa pamamagitan ng paghahalaw ng mga heneralisasyon mula sa induktibong mga obserbasyon na nakabatay sa sapat na pang-estadistikang probabilidad. Ngunit iba ang implikasyon ng ganitong positibistang metodo na nagsisilbi

lamang bilang kasangkapan ng mga layuning konserbatibo sa larangang panlipunan. Makikita sa International Publications Award ng UP ang itinuring ni Garfield na maling gamit o *misuse* ng ISI, ngunit ano pa ba ang gamit ng ISI kundi ganito? Kakaunti lang naman ang interesadong tumingin sa pandaigdigang estadistika sa publikasyon bilang nagsasariling paksa maliban sa mga *information scientists* o *scientometricians* na katulad ni Garfield.

Kung may magtatanong, dito sa lupain ng milyun-milyong mga Pilipino, kung ano ang mga lathalaing pang-akademiko na magagamit ng mga mag-aaral ng kasaysayan, agham panlipunan, sining at panitikan na sanggunian at makabuluhan sa kasalukuyang mga pananaliksik ay mababanggit ang mga sumusunod: *Diliman Review* (DR), *Lagda, Philippine Social Science Review* (PSSR), *Philippine Humanities Review* (PHR) at *Bagong Kasaysayan* (BAKAS). Pawang ang lahat ng mga ito ay wala sa listahan ng ISI. Nangangahulugan ba ito na, tulad ng sinasabi ni Garfield, “hindi makabuluhan” (hindi “*highly significant*” sa sipi (2)) ang mga ito? Binigyang pansin mismo ni Garfield na sa kanilang listahan ng 250 na pinakamatunog ang pangalan sa Arts & Humanities Citation Index, 1976-1983 ay nawawala sina “*Confucius, Lao-tzu, and other classical authors of the Far East. Plainly, the A&HCI does not cover the literature and intellectual history of the East as it does for that of the West. So, too, the world of Islam and the great line of scholars it produced are not in evidence*” (Garfield, 1986). Ngunit magkaiba ang “*does not cover*” sa pariralang “*not in evidence,*” sapagkat ang una’y nangangahulugan na hindi-sakop ang (napakalawak) na larangang ito habang ang ikalawa nama’y nangangahulugan na hindi ito natuklasan sa mga dyornal na sakop ng mikroskopikong pagbibilang-banggit ng ISI. Wasto ang puna ng Marxistang syentipiko’t historyador ng agham na si J.D. Bernal sa metodo ng ISI maski noong ito’y nagsisimula pa lamang. Ani Bernal, “*To leave out the Philosophical Magazine is... indefensible. But, as Garfield answers, it is a logical mathematical process. However, the question is not in the logic but in the object of the reader’s enquiry; if it is to get at the most commonly needed paper, it may well succeed but if the object is to get a quality view of science, the Citation Index has started in the wrong place*” (nilimbag-muli sa Garfield, 1982). Iginigiit ni Garfield na obhetibo’t matematikal ang metodo ng pagpili ng mga dyornal na isinasama sa listahan ng ISI, ngunit para kay Bernal ay higit na mahalagang tanungin kung ano ang masasabing “makabuluhan” para sa mambabasang gumagawa ng pananaliksik. Makikita sa mabilisang pagsulyap sa listahan ng mga dyornal ng ISI ang maaaring naging “makabuluhang” mga babasahin para sa mga mambabasa’t tagatangkilik nito sa isang panahon, ngunit kalabisan kung tatakdain pa nito kung ano ang magiging o nararapat maging makabuluhan para sa iba’t ibang uri ng mambabasa.

Mahirap ngang malaman kung kailan magiging makabuluhan sa mga Pilipinong mananaliksik ang maibilang sa mga “pinaka-signipikanteng” mga dyornal na *English Literature in Transition 1880-1920*, *Arbeiten aus Anglistik und Amerikanistik*, *American Ceramic Society Bulletin* o ang *Texas Studies in Literature and Language*. Binatikos ni Garfield ang pananaw na dapat sinasalaming ng ISI ang mga pangangailangan ng “nakararaming” bilang ng tao sa daigdig. Ani Garfield, kung aayon sa ganitong palagay, “*journals published in China, India, and Russia would receive the highest priority regardless of the quality or relevance of the material*” (Garfield, 1997). Maaaring “*relevant*” ang mga materyal na ito sa Tsina o India pero “*irrelevant*” sa dominanteng syentipikong establisimiyento ng Kanluran. Malinaw nga kung aling mga pangangailangan ang tinutugunan ng ISI, ang pangangailangan ng iilang may-kayang mag-*subscribe* sa kanilang mga serbisyo. (\$10,990 ang taunang singil nila noong 1995).

Ayon naman kay Garfield sa sipi (3), nararapat lamang isumite ang mga artikulong may “internasyonal na kabuluhan” sa mga dyornal ring “internasyonal.” Hindi dapat magpakupot ang mga “pang-internasyonal” (bansag ngayo’y “*world-class*”) na artikulo sa mga “*local*” na dyornal lamang. Ipagtutumbas pa ni Garfield ang internasyonal na kabuluhan sa “kahusayan” ng papel. Tingnan na lamang kung paano palaging ipinagpapalit-palit ni Garfield sa kanyang mga sulatin ang mga pariralang “*best papers*” at “*research of international significance.*” Talagang mahigpit ang pagkakabigkis ng usapin ng “internasyonalidad” ng lathalain sa “kahusayan” nito sa kaisipan ni Garfield. Sinang-ayunan pa ni Garfield ang sinipi niyang depinisyon ng “*scientific excellence*” bilang “*work currently thought useful by one’s colleagues*” (Garfield, 1983a). Pero sinu-sino itong mga colleagues na ito? Kung tutuusi’y ang pinakabatayang materyal ng pagiging “internasyonal” ng mga naturang dyornal ay ang napakalaking pondong itinutustos sa mga pananaliksik na nilalaman ng mga ito upang matugunan ang, sa malaking bahagi ay, lokal at etnosentrikong mga usapin ng lipunan, ekonomya, agham at kultura sa mga higit na mauunlad na bansa sa daigdig. Medyo arogante ang palagay ni Garfield na ang kabuluhan mga pananaliksik na “*local*” ay hindi “kasinghusay” ng ibang tumutugon sa “internasyonalidad” na mga pangangailangan ng Estados Unidos at iba pang maunlad/imperyalistang bayan. Ngunit sa kabila ng suhetibong katangian ng ganitong pagtatantya, totoong may “obhetibong” panukat ang ISI para sa “internasyonalidad” ng mga publikasyon nitong sinusuri, at ito’y may dalawang panig: *the nationality of items it publishes and the nationality of the articles that cite it*” (Garfield, 1990). Ngunit kailangang tingnan ang mga datos ng ISI tungkol sa “internasyonalidad” na ito. Noong 1973, ang porsyento ng mga artikulong mula sa Estados Unidos (EU) na lumabas sa mga dyornal na sakop ng ISI ay 48%, habang ang mga artikulo rin mula sa Estados Unidos ang nakakuha ng 60% ng pagkakabanggit

sa mga ibang akda mula 1973-1978. Dalawang porsyento lamang ng mga artikulo ang galing sa “Ikatlong Daigdig” habang 84% naman ang nagmula sa “Unang Daigdig.” (May “Ikalawang Daigdig” pa noon.) Noong taong 1973, umabot sa 151,939 na artikulo mula sa EU ang lumabas sa mga dyornal habang 61 lamang ang lumabas mula sa Pilipinas. Ayon kay Garfield noon, “*Clearly, the SCI database reflects the dominance of First World scientific publications. Western journals control the flow of international scientific communication almost as much as Western News agencies ‘monopolize’ international news. This is not a judgment, but simply a statement of fact*” (Garfield, 1983b). Maging ang *Asiaweek* na lubhang kinatatakutan ng administrasyon ng UP ay pagmamay-ari ng isa sa mga pinakadambuhalang konglomereyt sa pandaigdigang media sa kasalukuyan, ang CNN/Time-Warner Bros.

Sinukat naman ni Garfield ang “internasyonalidad” ng mga artikulo sa *International Journal of Cancer* noong 1984 at lumabas ang mga datos na 60% ng mga artikulong nalathala rito ay mula lamang sa limang mga bansa (EU, UK, Hapon, Pransya at Italya). Itong limang mga bansa ring ito ang umako ng 58% ng mga pagbanggit sa mga naturang artikulo. Noong 1988, sa 25 na pinakabanggiting dyornal sa listahan ng ISI, ang 20 ay mula sa EU. Ayon pa sa mga datos ng ISI, 20 dyornal lamang sa kabuuang 2,000 na sinuri ang nakatanggap ng 20% ng pagbanggit mula sa ibang publikasyon (Garfield, 1990). (Sa kasalukuyang listahan ng ISI, ang *Journal of Contemporary Asia* lamang ang dyornal na mula sa Pilipinas na nakalista sa ISI.) Ang ibig sabihin nito, ang natitirang 1,980 o 99% ng mga dyornal ang naghahati sa 80% ng mga pagbanggit. Sa isa pang artikulong bumatikos sa “*bias*” ng ISI para sa Unang Daigdig (Gibbs, 1995), may inihanay na mga karagdagang datos. Sa taong 1994, tiningnan ang porsyento mula sa mga iba’t ibang bansa sa lahat ng mga artikulong lumabas sa 3,300 dyornal na nakalista sa Science Citation Index ng ISI: EU, 30.17%; Hapon, 8.2%; UK, 7.92%; Alemanya, 7.184%; India, 1.643%; Israel, 1.074%; Timog Korea, 0.5446%; Timog Africa, 0.415%; Chile, 0.176%; Pilipinas, 0.035%; Zimbabwe, 0.024%; Bolivia, 0.10%; at Gambia, 0.005%. Bilang isang kilala’t “mapagkakatiwalaang” batis na mabilis na mapagkukuhanan ng mga pinakahuling sanggunian hinggil sa alinmang larangang syentipiko, napapatindi ng ISI ang monopolyo ng mga dyornal na nakalista sa ISI sa pagtangkilik ng “syentipikong komunidad.” Ang makapangyarihan ay lalong nagiging makapangyarihan habang ang mahina na nga ay lalo pang humihina. Sa klasikong artikulong “Lost Science in the Third World” na lumabas sa *Scientific American*, isinulat ni W.W. Gibbs na ang pamamayani ng mga serbisyo tulad ng ISI ay isa sa mga sanhi para sa “*invisibility*” ng mga pananaliksik na ginagawa ng mga syentista sa Ikatlong Daigdig. Ani Gibbs, para itong isang *vicious circle* kung saan ang mga dyornal na dati nang madalas banggitin ay iyon ding bibilhin

ng mga aklatan (dahil sa “weeding” ng mga librarian) at yaon ding sasanggungan at babanggitin muli ng mga miyembro ng syentipikong komunidad ng Kanluran. Hindi na makakapasok sa mahiwagang bilog na ito ang mga dyornal ng Ikatlong Daigdig (Gibbs, 1995). Sanhi ng mga ganitong usapi’y mapangahas na nagmungkahi pa nga ang isang manunulat na bawiin ng mga patnugutan ng mga dyornal mula sa Ikatlong Daigdig ang kanilang mga titulo mula sa ISI at magtatag ng sariling sistema ng paglilista ng mga dyornal na “di-ISI” (Maricic, 1997).

Sa kabila ng mga datos na ito, ayaw pa ring tanggapin ni Garfield na maaaring kulang ang pagpansing ibinibigay ng ISI sa mga dyornal ng mga bansa sa Ikatlong Daigdig. Bagkus ay ibinubunton niya ang sisi sa mababang pondo na kayang ilaan ng mga bansang mahirap sa R&D (Garfield, 1983b). Tila sinasabi niyang “kayo na mismo ang may kasalanan!” Napatanong pa si Garfield, sa harap ng mga paratang ng “bias” ng ISI laban sa mga bansa ng Ikatlong Daigdig, kung mayroon nga bang “obhetibo” o di-*biased* na depinisyon ng “bias” (Garfield, 1997). Samakatwid, sinasabi niyang posibleng “*biased*” ang magsasabing “*biased*” ang ISI laban sa mga mahihirap na bansa ng daigdig.

Mga Kumpol ng Pananaliksik

Masalimuot at may kapaki-pakinabang na mga resulta ang tinatawag na “*clustering method*” na ginamit ng ISI upang malaman ang mga pangunahing paksa ng mga pananaliksik na sakop ng mga inilalahok sa pagsusuring dyornal. Makikita sa mga “*cluster*” (kumpol) ng pag-aaral ang mga paksang “makabuluhan” at pinagkakaabalahan ng mga syentipiko sa mga mahihirap na bansa. Pinansin ni Garfield sa resulta ng ginawang “*cluster analysis*” ng ISI sa mga dyornal ng Ikatlong Daigdig (di saklaw ng datos ang mula sa India), “*The cluster names read like an agenda of Third World concerns: diseases transmitted by parasites, bacteria, and viruses; immune responses to these and other infectious diseases; hormones, steroids and fertility; and grains and legumes.*” Nakaligtaan nga lang banggitin ni Garfield na bunga ng dependyenteng katangian ng mga ekonomya sa Ikatlong Daigdig, nagagawa lamang ang karamihan ng mga proyektong ito dahil sa pagpapautang ng mga internasyonal na bangko at iba pang mga nagpopondong ahensya na nakapagdidikta rin ng mga larangan ng pananaliksik na maaaring paglaanan ng pinautang na salapi. Klasiko nang mga halimbawa ang mga pananaliksik hinggil sa mga “*high yielding varieties,*” *herbicides, pesticides, fertilizers* at ngayon naman sa “*transgenic crops.*” Sa gayo’y hindi matitiyak na ang mga kumpol ng pananaliksik na ngang ito ang

masasabing napagpasyahan ng mga bansa ng Ikatlong Daigdig bilang makabuluhang mga erya (*areas*) para sa kanilang sariling mga pangangailangan.

Mukhang wala pang nagagawang kahalintulad na “*cluster analysis*” ang ISI hinggil sa produksyong syentipiko ng EU, ngunit makikita na ang ilang direksyon ng mga pananaliksik sa EU sa pagsangguni lamang sa badyet nito sa Research and Development (R&D). Isinulat nga ni Garfield noong 1987, “*One needn’t be opposed to defense spending to decry the disproportionate allocation of federal R&D funds that has gone to the military sector during the Reagan administration.*” Pinuna ni Garfield noon ang paglalaan ng 72% ng kabuuang badyet ng EU para sa R&D sa mga programang may kinalaman sa pagpapaunlad ng mga kakayahang teknolohikal at syentipiko ng sandatahang EU. Pinansin pa ni Garfield na ang EU ang gumagasta ng di hamak na pinakamalaking bahagi ng GNP nito sa pangmilitar na R&D kung ihahambing sa mga iba pang bansang industriyalisado sa Kanluran. Nagbabala siya na maraming negatibong epekto ang militarisasyon ng R&D sa EU. Ani Garfield, “*How will we as a nation find solutions to such problems as AIDS and hazardous waste disposal if military projects and problems drain away our best scientific talent? The professional skills of an entire generation of scientists and engineers are being shaped by present federal spending on military R&D*” (Garfield, 1987). Sa kabila ng makikitang implisitong pagpapahalaga ni Garfield sa “*hazardous waste disposal*” at “*AIDS research*” sa halip na R&D para sa teknolohiyang pang-militar, mas tampok sa artikulo ang kanyang pangangatwiran laban dito sa kadahilanang hindi umaayon sa lohika ng negosyo at pamilihan ang paglagak ng malaking salapi sa gawaing militar. Pero mali ito, ang EU rin na siyang nakapagbenta ng 51% ng lahat ng mga armas, bomba, tangke at iba pang gamit-pandigma sa daigdig nitong nakaraang taon, ang nananatiling pinakamalaking taga-*supply* ng armas sa buong daigdig. Nalalaman nating walang ibinunga ang “pakikibaka” ni Garfield sa “*military-industrial complex*” ng EU sapagkat mukhang lalo pa ngang lumala ang ganitong sitwasyon nitong mga nakaraang taon. Bulag lamang ang di makakakita kung paano nahihigop ng mga proyektong militar ng EU ang kanilang pinakamahasay na talentong syentipiko at kung paano nito “nahubog/nahuhubog” ang mga propesyonal na kasanayan ng buong mga henerasyon ng mga syentipiko sa bansang ito upang magsilbi sa mga pangmilitar na pananaliksik. Nitong nakaraang taong 2000 lamang ay ginasta ng EU (bilang pinakamalaking tagawaldas sa buong daigdig ng salapi sa larangang militar) ang \$455B para sa mga pangangailangang pangmilitar. Kapansin-pansin din na ang Institute for Scientific Information ay bahagi ng Thomson Corporation (\$6B ang kita bawat taon) na siya ring may hawak sa kilalang Jane’s Information Group na nangunguna sa pagbibigay-impormasyon hinggil sa mga usaping militar, depensa,

balanseng-pulitikal at detalye ng mga armas pandigma para sa mga mamimili. Kinilala pa mismo ng Commission on Intelligence, ng Kongreso at ng Senado ng EU ang ISI bilang isa sa mga mapagkakatiwalaang batis ng Open Source Intelligence (OSINT) na magagamit ng Central Intelligence Agency (CIA) upang makatipid ng gastusin sa paniniktik at pananalakay-militar. Ubod nga nang taas ang “kalidad” ng mga syentipikong pananaliksik ng EU sa paggarantiya ng walang kapantay nitong lakas-pamuksa sa buong daigdig!

Maaari pa kayang mangatwiran si Garfield na walang anumang kinalaman sa pagpapahalagang panlipunan at mga kapasyahang pulitikal ang pagdomina sa iba pang mga gawain ng mga larangang syentipikong magagamit sa teknolohiyang militar? Halos ganito ang kanyang pananaw noong ipinapaliwanag niya ang higit na bilang ng mga artikulo sa larangang biolohiya kung ipaghahambing sa mga artikulo sa pisika, “*The predominance of biologically-oriented papers in contrast to those in the physical sciences is, of course, not a measure of the relative ‘importance,’ social or otherwise, of molecular biology as contrasted to solid state physics. It probably simply reflects the quantitative differences in and character of publication in these areas*” (Garfield, 1971). Totoong may bisa rin ang mga natukoy ni Garfield na mga karagdagang *factors* sa dami ng mga pananaliksik na lumabas sa iba’t ibang larangan, ngunit walang dudang may antas na maaaring mabanaag rito ang “ekstrinsikong pagpapahalaga” ng lipunan relatibo sa bawat disiplina. Bunga ng kanyang maagang pagkabasa kay Bernal, muntik nang magkaroon si Garfield ng reyalistikong pananaw hinggil sa agham na tunay na nakapag-uugnay ng mga katangian at direksyon nito sa mga namamayaning kapangyarihang pandaigdigang panlipunan. Isinalaysay ni Garfield ang isang pinagdaanan niyang “yugtong” intelektwal: “*At the age of 14... I acquired a copy of J.D. Bernal’s Social Function of Science. Until that time, the notion that science is intrinsically good was commonplace. The process of questioning this, for me and others, began about 1940, when Bernal offered his interpretation of science as just one more expression of social and economic competition. Indeed science could become the very implement of imperialism, far removed from the drive for pure knowledge I had liked to imagine it to be... [The scientist] was seen now as no more or less wicked than the supranational corporate executive, generals, or dictators who encouraged him... The extreme view of science almost exclusively as a lever of imperialism did not last...*” (Garfield, 1973a). Makikita ritong labis na karikatura’t baluktot ang pagkaunawa ni Garfield hinggil sa Marxistang pananaw sa papel panlipunan ng agham. Ito kaya ang sinasabi niyang “*extreme view*”? Pero sino kayang Marxista ang magsasabing ang agham ay “eksklusibong kasangkapan ng imperyalismo”? Lalo nang di Marxista ang magsasabing isang ekspresyon lamang ng agham ng “*social and economic competition.*” Sa harap ng ganitong sarili niyang

mga krudong pormulasyon ay hindi tuloy nakapagtataka na agad siyang nagkadahilang bumalik sa ideya ng agham bilang “*drive for pure knowledge*.”

Iisang Pandaigdigang Komunidad ng mga Intelektwal?

Kaharap ng mga naibigay nang pagsusuri hinggil sa iba’t ibang pagkiling ng syentipikong pananaliksik na sinasalamín mismo ng ISI, mababansagan pa ba ang lahat ng mga syentista sa buong daigdig bilang “*one intellectual community*”? (Garfield, 1988) Masasang-ayunan pa ba ang pagtawag dito ni Garfield bilang isang “*global enterprise*” at “*encompassing marketplace for the exchange of ideas*?” (*Ibid.*) Mahigpit na pinaniniwalaan ni Garfield na iisa’t unibersal ang buong “syentipikong komunidad” ng daigdig. Sa kabila ng naipakita nang magkakaibang “kumpol ng pananaliksik” na pinagkakaabalahan ng bawat “syentipikong komunidad,” naniniwala si Garfield na bahagi ang lahat nang mga ito ng mga pagpupunyaging syentipiko ng isang unibersal na sistema ng kaalaman. Ngunit hindi kaya lubhang simplistiko ang ganitong pananaw hinggil sa pagsasagawa ng syentipikong pananaliksik? Sa kabila ng tunay na pag-aambagan ng lahat ng ito nang mga pagpupunyaging syentipiko sa buong daigdig, hindi kaya nararapat bigyan ng karampatang diin ang adyenda sa pananaliksik na nabubuo ng bawat pambansang pamayanang syentipiko kaugnay ng mga salik pampulitika’t pang-ekonomya? Hindi ito pagtangi sa pangmasaklawing *bias* ng iba’t ibang agham sa buhay ng sangkatauhan na maaaring kasadlakan ng puntodebista ng labis na relatibismong pangkultura tulad ng isinulong ng Alemang si Oswald Spengler. At sa Pilipinas naman, hanggang ngayo’y hindi pa rin maharap, halimbawa, ng iskwelang Pantayong Pananaw na isinusulong ni Prop. Zeus Salazar, ang anomalya ng relatibong unibersalidad ng mga agham pangkalikasan at ang mga masalimuot na ugnayan nito sa mga agham panlipunan. Tahimik ang buong kaisipang ito kaugnay ng napakahalagang bagay na ito na tiyak na magiging negatibo ang epekto kahit sa ilang maituturing na positibo, makabansa’t pang-akademikong layunin nito.

Dahil sa pinanghahawakan niyang pananaw hinggil sa “*one intellectual community*” ng mga syentista, nagtataka si Garfield kung bakit hindi na lamang makuntento ang mga syentista ng daigdig sa mga “mayor” na dyornal ng internasyonal na komunidad at patuloy pa rin ang pagdaming parang kabute ng mga bagong dyornal. Ang mga dahilan na natukoy ni Garfield sa likod ng kanyang napunang “*proliferation*” ng mga dyornal sa Unang Daigdig man o sa Ikatlong Daigdig ay may kinalaman sa mga natatanging pangangailangan ng mga bansang nasa “*outer-core*” o “*marginal*” sa ISI na hindi natutugunan ng mga mayor na dyornal. Ayon kay Garfield, kabilang sa mga dahilan sa paglitaw ng mga bagong dyornal ang mga sumusunod: (1) “*Selection policies which force the ‘out’ group to establish initially ‘minor’ journals which*

quickly grow into major journals;” (2) *“The growth of new specialties which are not easily accommodated in the existing scope of established journals;”* (3) *“Nationalistic or other political reasons which have little bearing on scientific merit”* (Garfield, 1970). Ang lahat ng mga dahilang ito’y may kinalaman sa pagsulpot ng mga dyornal sa mga bansa sa Ikatlong Daigdig pero hindi pa rin makita ni Garfield ang dahilan sa paglulunsad ng mga bansang ito ng kanilang sariling mga dyornal sa halip na maglathala na lamang sa mga establisadong dyornal sa ISI. Ani Garfield, *“Many Third World countries suffer by publishing dozens of marginal journals whose reason for being is questionable.”* Pero ano ba ang *“questionable reason for being”* na ito? Sa pamamagitan ng paglulunsad ng kanilang sariling dyornal ay maaaring makabuo ang mga alternatibong pamayanang syentipiko ng mga sariling larangan ng pakikipagtalastasan na nakakapag-ambag ng mga kaalaman alinsunod sa kanilang mga sariling pamantayan at pagpapahalaga hinggil sa “kabuluhang” panlipunan at pang-syentipiko ng agham. Sanhi ng ganitong layunin, hindi maaari ang mungkahi ni Garfield na ipailalim pa rin ang mga *“local”* na dyornal ng Ikatlong Daigdig sa *“international peer review”* sa loob ng balangkas ng dominanteng kaayusan sa establisimyentong syentipiko. Magiging replikasyon lamang ang mangyayari ng kasalukuyang monopolyo sa gawaing syentipiko ng Unang Daigdig. Mali’t bulag, lalunglalo na sa kanyang tinitirahang *“US of A”* ang palagay ni Garfield na *“walang kinalaman”* ang pulitikal na interbensyon ng mga pamahalaang pambansa sa pagsulong ng agham. Sa pamamagitan ng demokratikong konsultasyon at pagpapasya sa pagsulong ng agham sa direksyong higit na *“makabuluhan”* para sa nakararaming taong naninirahan sa ating bansa, at sa planeta sa kabuuan, ay maaaring mabago ang landas ng pandaigdigang syentipikong pananaliksik mula sa etnosentriko at destruktibong direksyon na tinatahak ng mga industriyalisado’t imperyalistang bansa sa kasalukuyan. Ngunit ito’y nangangailangan ng maraming magkakasabay na pakikibaka sa iba’t ibang larangan at antas. Hindi rin maunawaan ni Garfield ang napakahalagang usaping pangwika. Walang nababanggit sa *“Implementing Guidelines for International Publication Award”* ng UP na ang isa sa mga pangunahing pamantayan sa pagpili ng dyornal ng ISI ay ang paggamit ng wikang Ingles na kinikilala nito bilang *de factong* wikang syentipiko sa daigdig: *“Of the 700,000 articles indexed in the 1986 SCI, 87.8 percent are in English (of which 3 percent comes from translation journals), 4 percent in Russian, 3.7 percent in German, 2.5 percent in French, 0.8 percent in Japanese and 0.6 percent in Spanish. Articles in all other languages amount to only 0.6 percent of the data base. Data from 1978 and 1982 offer an almost identical profile of articles indexed in the SCI”* (Garfield, 1987; 1997). Nakabangga niya noon pang dekada setenta ang mga Pranses kaugnay sa kanyang pangmamaliit sa determinasyon ng mga Pranses na

gamitin ang kanilang wika sa mga gawaing syentipiko. Ani Garfield, “*French scientists must recognize that French is no longer the international language, and the adoption of English as the world language of science should be encouraged... But that recognition is being sacrificed to the futile goal of preserving the French [scientific] language by artificial means*” (Garfield, 1977). Isinalaysay ni Gibbs kung paano ipinagpilitan ng isang kilalang dyornal sa medisina sa Mehiko na mapasok sa eksklusibong “*Club*” ng ISI sa pamamagitan ng paglilimbag ng mga artikulong Espanyol na may saling Ingles na katabi, na kara-karaka’y pinalitan naman nito ang panuntunan ng pagtanggap na lamang ng mga artikulo sa Ingles (upang maiwasan ang mga kamalian sa pagsasalin), hanggang sa mismong pagkuha na ng pagnugot na Amerikano at pagbabago ng mismong pangalan ng dyornal sa Ingles. Sa kabila ng ganitong pagsisikap at ng pagkakaroon nito ng pinakakilalang mga syentista sa larangan ng medisina sa Mehiko sa patnugutan ay hindi pa rin ito tinanggap ng ISI (Gibbs, 1995). May iresponsableng patnugot pa ng *Science* na gumawa ng korelasyon sa mga pagkakamali sa paggamit ng wikang Ingles at ng maaaring mga pagkakamali sa pagsasagawa ng agham (*Ibid.*). Ipinayo rin ni Garfield sa mga syentistang Ruso na magsulat na ng mga syentipikong artikulo direkta sa Ingles at hindi na sa wikang Ruso. Sabi ni Garfield, “*Our Russian colleagues have no more right to expect the world to learn Russian than the Japanese do for their language. If population means anything we’ll all be reading Chinese in ten years*” (Garfield, 1972b). Sa gayon, paano kaya nagkaroon ang “maliit na populasyon” ng mga syentipikong Amerikano ng karapatang pilitin ang buong daigdig na mag-aral ng Ingles? Ayon kay Garfield, naging dominante ang Ingles, hindi dahil sa anumang pakikialam ng alinmang pamahalaan sa bagay na ito kundi dahil sa “*economic and other forces of natural selection*” (Garfield, 1972). “*Natural*” sa gayon ang pangingibabaw ng Ingles sa ibang wika bilang wikang syentipiko. Walang duda na ang marahas na pananakop at paglupig ng mga bansang Europeo sa 80% ng sangkatauhan ay isa lamang benepisyal na proseso ng “*natural selection*” para kay Garfield. At dahil Ingles na nga ang nangingibabaw ay dapat na lamang kilalanin at tanggapin ang dominasyong ito at di na dapat tanggihan o sagkaan pa. Hindi na rin daw dapat mangahas na maglabas ng mga seryosong artikulong syentipiko sa mga dyornal kung ang gagamitin ay mga wikang “*vernacular*,” at dapat maglaman na lamang ang mga ito ng mga popularisasyon ng mga bagong aplikasyon at teknolohiya (Garfield, 1997). Pinuri niya ang pangyayari na sa kabila ng pagpupurga ng ISI ng halos kalahati ng maliit na ngang bilang ng mga “*local*” na dyornal sa kanilang listahan ay dumarami naman ang mga syentista mula sa Ikatlong Daigdig na naglalabas na lang ng mga artikulo sa mga “nangungunang” internasyonal na dyornal.

Matagal rin sa Kanluran ang panahon na nangibabaw ang mga wikang Pranses at Aleman sa Ingles bilang mga wikang syentipiko. Kung tinanggap na lang ng mga Ingles ito at itinuring na hindi “produktibo” ang magsulat sa wikang Ingles (dahil taliwas sa umiiral na gawi) ay hindi na sila marahil nakabuo ng kanilang sariling diskursong syentipiko na naghahari-harian ngayon sa pandaigdigang syentipikong komunidad. Sa puntodebistang pangmatagalan, ano ang dahilan upang isalalay ng mga syentista ng bawat bansa ang kinabukasan ng agham sa panandalian at magwawakas ding pamamayani ng Ingles sa ibang mga wika sa daigdig? Bakit ba dapat magpunyagi ang mga bansa na maisulong ang paggamit ng kanilang mga wika sa mga larangang syentipiko? Makapagbibigay tayo ng ilang dahilan: (1) Sapagkat, bilang bahagi ng usapin ng pagiging epektibo ng syentipikong edukasyon, napatunayan nang higit na madaling matutunan ang mga bagay na itinuturo sa wikang kinagisnan; (2) Upang magkaroon ng sapat na bilang ng mga syentipiko ang isang bansa, kinakailangan ang paglawak ng kaalaman, kamalayan at kumpetensyang syentipiko sa paraang higit na mabilis, hindi lamang sa iilang mga “aral” kundi sa buong bansa; (3) Itinuturing ang paglaganap ng kamalayan at kakayahang syentipiko, at ang pagpupunla ng kulturang pagsisibulan ng masiglang pagsulong ng agham, hindi lamang bilang teknikal na usapin ng *efficiency*, kundi bilang isang esensyal na bahagi ng pagsulong ng tunay at masiglang demokrasya ng bayan; (4) Sa pamamagitan ng pagpapaloob ng mga usapin at kultura ng syensya sa pang-araw-araw na buhay ng mamamayan ay napapawi ang mahigpit na pagkakahiwalay nito sa kanila, kung kaya’t posibleng hindi na magiging ideolohiya ng teknokrasya’t kasangkapan sa pagsasamantala’t pang-aapi ang agham kundi magsisilbi na bilang kasangkapan sa paglaya at pagsulong sa landas tungo sa higit na maunlad at mapayapang lipunan.

Konklusyon at Ilang Mungkahing Alternatibo

Matutulungan ba ang pagpapaunlad ng agham sa mga bansang tulad ng Pilipinas kung ang mga pangunahing direksyon ng syentipikong pananaliksik ay yaong naitakda at itinatakda ng mga bansang nakapangyayari sa daigdig? Bakit kailangang tanggapin ang pamantayan hinggil sa “kabuluhan” na itinatakda ng mga “internasyonal na dyornal” na ito kung may mga sariling bagay na dapat pagkaabalahan ang mga syentistang Pilipino tungo sa higit na pagpapaunlad ng kanilang sariling bansa? Wala nang iba pang grupo ng mga syentista’t dalubhasa kundi mga Pilipinong akademiko rin ang lalong makapaghuhusga, hindi lamang sa husay, kundi ng kabuluhan, ng alinmang pananaliksik na ginagawa dito sa Pilipinas, kung hindi man hinggil mismo sa Pilipinas. Walang anumang makabuluhang bagay na mapapala ang mamamayang Pilipino sa mga papuri ng mga popular na magasin tulad ng *Asiaweek* o ng sekundaryang batis ng kaalamang syentipiko

tulad ng Institute of Scientific Information. Klasikong sintomas ng kaisipang kolonyal ang palaging paghahanap ng basbas ng mga dating Panginoong Kolonyal sa lahat ng mga “katutubong” gawaing intelektwal.

Malinaw na sinasalamin ng pahayag ng isang gradweyt ng UP ang matinding kolonyal na mentalidad na ito:

Why should I be bothered by these Filipinos who are raising these protests against me? These same Filipinos who have not even stepped foot on Harvard or Oxford. I would be bothered if my professor in Cambridge were to take exception to my legal interpretation of a judicial matter. But to be bothered by a Filipino who may not even know that a Harvard exists, who can't even pass the UP entrance test, who wouldn't even understand discussions of such a high level even if he tried, why should I be bothered? I have no time to listen to this species of lower life forms (Miriam Defensor Santiago, sinipi sa Philippine Daily Inquirer, 16 Pebrero 2001).

Balintuna ang ganitong palagay ni Santiago sapagkat walang sinumang dapat na ituring na mas mataas na awtoridad sa interpretasyon ng batas ng isang bansa kundi ang mga mambabatas, hukom, abogado at mamamayan din ng bansang ito. Walang kinalaman ang kanyang propesor sa Cambridge sa pagreresolba ng mga usapang legal sa Pilipinas. Kung tutuusi’y may higit pang kinalaman dito ang mga mamamayang itinuturing ni Santiago bilang “*lower life forms*” na ignorante na mayroon palang Harbard, Okspord at Kambrids sa daigdig. Eh paano pala kung ignorante ang mga akademiko rito na mayroon palang ISI? Imbes na gamitin ng Unibersidad ng Pilipinas ang maliit na pondo nito sa pagbibigay-gantimpala sa mga pananaliksik na pinondohan ng malaman at pinagpupuri na ng “internasyonal” na syentipikong komunidad ay dapat sana’y gamitin na lamang ang pondong ito na pandagdag sa magagamit sa pananaliksik at sa pagtatayo ng mga mahuhusay na alternatibong dyornal sa Pilipinas na magbibigay ng pinakamataas na prayoridad sa mga larangan at pag-aaral na syentipiko na higit na makabuluhan para sa bansa. May pananaw pa ang maraming sumusubaybay sa bagay na ito na pinalalala lamang ng mga ganitong insentibo sa paglalathala sa mga dyornal ng ISI at pagbibigay ng higit na maraming akademikong puntos sa mga publikasyong “internasyonal” ang masama na ngang kondisyon ng mga “*local*” na dyornal:

Some scientists warn that by favoring papers published in international journals—in Brazil, South Africa, and the Philippines such papers are awarded twice as many points as those published domestically—incentive programs may forever doom local journals to leftovers (Gibbs, 1995).

Hindi talaga matatanggihan ang masamang kalagayan ng paglimbag ng mga dyornal sa Pilipinas. Sa *Index to Philippine Periodicals* (IPP) ng Aklatan ng Unibersidad ng Pilipinas para sa huling kwarto ng 1999, may nakalista na 83 publikasyon na humigit-kumulang ay 22 lamang ang maituturing na dyornal. Makikita rin sa panimulang analisis ng IPP sa kabuuan na hindi regular at mahirap isustine ang paglalabas ng mga dyornal sa Pilipinas. Kung talagang “pagpapapogi” lamang ang hinahanap ng UP sa pamamagitan ng mga popular na media na walang anumang bigat-akademiko tulad ng *Asiaweek*, maaari naman itong bumawi sa higit na substansyal na pamamaraan ng pagpopondo sa paglilimbag ng mga aklat at mga syentipikong dyornal at paglalagak ng higit na pondo sa iba’t ibang uri ng pananaliksik. Dapat mabahala si Nemenzo sa patakarang ito dahil kung hindi niya ito babaguhin ay tiyak na pagtatawanan siya (tulad ng pagtawa ng mga tao kay Miriam Santiago ngayon) ng mga susunod na henerasyon ng pantas sa Pilipinas. Dapat na ritong sipiin ang unang reaksyon sa panuntunan ng pamantasan sa publikasyong internasyonal na isinulat ni Dekano Rose Torres-Yu ng Kolehiyo ng Arte at Literatura (KAL) bilang bukas na liham kay Pang. Nemenzo:

Malinaw na nakatago sa ganitong sistema ng pagbubukod na ang... pagsusulat para sa mambabasang internasyunal ang mahalaga, ang itinatampok, ang kinikilala, ang tumatanggap ng insentibo, at ang huli [mga saliksik sa wikang Filipino], ay hindi. May implikasyon pa rin ito sa atityud natin sa pagsusulat sa wikang Filipino o ibang katutubong wika, at maging sa patakarang pangwika ng unibersidad. Katulad sa aral na mahahango sa ating mahabang karanasang kolonyal, ang wikang dayuhan — dahil sa ekonomikong biyayang ibinibigay nito — ay naging wika ng makapangyarihan... Tiwala ako na kung ang problema lamang ay ang palagay na walang *refereed journal* na pambansa, na siyang sukatan ng kahusayan, ay mabibigyan ito ng kaukulang pansin (Torres-Yu, 2000).

Tulad ng isinulat ni Dekano Torres-Yu, ang dapat gantimpalaan ng UP ay yaong buong katatagang nakikipagbuno dito sa pagsusulong ng mga pananaliksik na kapakipakinabang para sa kanilang sariling bansa sa larangan man ng pisika, kimika, kasaysayan, sosyolohiya, panitikan, atbp. Kung hindi man pinapansin ng imperyalistikong ISI ang mga pagpupunyagi ng mga syentipikong Pilipino, hindi dapat maging kadahilanan nito ang “kababaan” ng kalidad ng mga ito (sanhi ng kawalan ng pondo) kundi dahil lamang sa “natural” na kababaan ng interes nila dito sanhi ng ibang landas na tinatahak ng kanilang agham.

Maaaring magtapos sa ilang mungkahing kagyat at pangmatagalan:

- 1) Kinakailangan ang pagtatatag/pagsusulong ng mga pambansang dyornal sa wikang Filipino sa antas pambansa sa iba't ibang larangan ng agham at kaalaman. Katuwang nito ay ang masiglang programa ng pagsasalin sa Filipino ng mga piling artikulo mula sa mga dyornal sa iba't ibang wika sa daigdig. Kailangang malinaw na nakapaloob sa mga ito ang oryentasyon ng pagsusulong at pagtatatag ng sariling tradisyon ng kapantasan ng Pilipinas na may kabuluhan para sa mamamayang Pilipino upang hindi ito magsilbi sa alinmang pasista't *anti*-mamamayan at kontra-demokratikong direksyon.
- 2) Maaaring sa antas na rehyonal sa Timog-Silangang Asya ay magkaroon ng mga pang-eryang dyornal sa iba't ibang larangan ng kaalaman na gagamit ng isang syentipikong *lingua franca* na pagkakasunduan ng rehyon tulad ng Bahasa Melayu/Indonesia na sinasalita ng pinakamaraming bilang dito sa Timog-Silangang Asya. Kailangang isinasabay dito ang masiglang programa ng pagsasalin sa Melayu ng mga akdang syentipiko mula sa buong daigdig. Mukhang higit na maunlad na ang naabot dito ng Bahasa Melayu/Indonesia kaysa sa naabot ng mga pagsasalin sa wikang Filipino sa kasalukuyan. Gayunpaman, bagamat mahalaga ang malilikha nitong higit na pagkakabigkis ng mga bayan sa bahaging ito ng daigdig, nararapat ding nakabatay ang ganitong rehyonal na *lingua franca*, hindi sa atrasadong kulturalismo ni sa sentimentalismong pangkasaysayan kundi sa mapagpalaya't pantay-pantay na ugnayan ng mga bansang nakapaloob sa larangang ito. Matitiyak ang paggamit ng bawat rehyong pandaigdigan ng kani-kanilang *lingua franca* na walang pinahihintulatang di-makatwirang pandaigdigang dominasyon ng alinmang wika't kultura na lalong sisigla ang pagpapalitang kuro sa pagitan ng mga wikang syentipiko sa mga iba't ibang larangang ito tulad ng mga wikang Arabo, Ruso, Tsino, Ingles, Melayu, atbp.
- 3) Kailangang ibinabatay ang alinmang lilitaw (kung mayroon ngang lilitaw) sa hinaharap na pandaigdigang talastasang syentipiko sa pagkakasunduan at demokratikong kapasyahan ng mga sentro ng syentipikong pananaliksik sa antas ng rehyon at bansa.

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CAMBODIA TODAY*

H.E. Minister Sok An

Today I am pleased to address the topic of Cambodia's reintegration into the international system. There are a number of means by which progress on reintegration can be measured. These include economic reintegration, diplomatic reintegration and so on. But all of these forms of progress could not happen if there was not the foundation of peace, stability and reconciliation in the Kingdom of Cambodia. Without these elements securely in place, there would be no possibility of Cambodia's reintegration into the world economy or the international political system. Therefore, it is appropriate to start this discussion by reviewing the current state of affairs in Cambodia, because that is the basis for all its progress on the international scene.

First, let us turn to the issue of peace. As the world knows, the peace, stability and security that Cambodia now enjoys was only won after years of hard work and sacrifice. War and genocide isolated Cambodia from the rest of the world for more than two decades. It ravaged Cambodian society, destroyed its economy and precluded its engagement with the rest of the world. In the early 1970s, Cambodia was caught up as only one victim in a larger conflict in Southeast Asia that led to the genocidal Pol Pot regime. That tragic period visited with more destruction of Cambodian society than any war could have. Following the ouster of the Khmer Rouge in January 1979, we saw more than a decade of war. Set in the larger context of the Cold War, this warfare primarily pitted Cambodian against Cambodian. The Government of Cambodia resolutely opposed any return of Pol Pot to power, and fought his forces to a standstill.

In the early 1990s, under the leadership of His Majesty King Norodom Sihanouk and the active role of other leaders of the former State of Cambodia and other key players, Cambodia broke out of its international isolation and a peace process was initiated through the auspices of the United Nations. Although a signatory

**Read by H.E. Minister Sok An, Senior Minister and Minister in Charge of the Office of the Council of Ministers of the Royal Government of Cambodia, at the Asian Center, University of the Philippines, Diliman, Quezon City on August 17, 2000.*

to the 1991 Paris Peace Agreements, the Khmer Rouge Party left the peace process even before the 1993 elections and took up guns again.

Nevertheless, the die was cast—the end of Pol Pot was in sight. With the 1993 election came worldwide acceptance of Cambodia as a member of the family of nations. The long process of rebuilding the country started in earnest. And as Cambodia progressed, fissures became apparent in the ranks of the Khmer Rouge. Except for some hard-line fanatics, many of the Khmer Rouge were also tired of war. As they could see the rest of Cambodia moving forward socially and economically, not a few in the Khmer Rouge ranks began to question the leadership of Pol Pot, Ta Mok and others. In short, many of the Khmer Rouge cadres were becoming disillusioned with the endless war. And as Cambodia as a whole progressed, this political movement was being left behind.

Starting in 1996 Prime Minister Samdech Hun Sen developed his “win-win policy” by initiating dialogue with those in the Khmer Rouge who wanted to find a better way. Seeking out those elements in the rebel movement who desired peace, Cambodian Prime Minister Hun Sen began encouraging the dissidents to leave Pol Pot and rally behind the Government. Increasing numbers of Khmer Rouge did so, and the genocidal movement was permanently split. The recalcitrant elements of Pol Pot and Ta Mok stayed with their hard-line position, but the more reasonable elements accepted the Prime Minister’s plea for dialogue and reconciliation. Thus, Prime Minister Hun Sen’s policy ended the war without bloodshed, something that had not been possible even when there were 20,000 United Nations peacekeepers in Cambodia. While many so-called experts were predicting decades more of conflict in Cambodia, the win-win policy of the Prime Minister created peace without resorting to arms.

Thus did peace come to Cambodia. Today and for a number of years now, tranquility extends into every corner of the Kingdom. The guns are silent, people are secure from the ravages of war, and we look forward to permanent peace.

Since Cambodia enjoys peace today, and everyone understands that we cannot return to war, national reconciliation is critical. The peace that was negotiated by Prime Minister Hun Sen embraced the idea of inclusion. The former Khmer Rouge members were encouraged to rejoin Cambodian society, support the government and participate in the government as soldiers, policemen and civil servants, and enjoy full political rights. In all of the former areas of Khmer Rouge influence, these former foes of the Royal Government have joined in the process of national reconciliation and reconstruction.

The win-win policy of the Prime Minister laid the groundwork for the 1998 national election. Although the 1993 UNTAC-sponsored election was boycotted by the Khmer Rouge—even to the point of attacking the electoral process—the

progressive elements of the former rebel movement participated in the most recent election.

As a result of this win-win policy, peace and stability prevail all over the country. More importantly, a unified State was established and security for the country is guaranteed, since this is the first time in the last 400 years of Cambodia's history that there is no armed conflict or rebellion in the country.

Furthermore, this win-win policy and the peace it produced also contribute to the strengthening of regional peace and security. With the end of the war, Cambodia can no longer be a flashpoint for conflict and instability. Nor could it be a venue where conflicts between various international actors could be played out. Whereas Cambodia previously had been a hotbed of tension, Cambodia now contributes to regional security.

Thus, we can see that peace and national reconciliation have produced many benefits, both for Cambodia and for Southeast Asia, and even the international order. On the other hand, national reconciliation also demands that there be an accounting of the misdeeds of the Pol Pot regime. For both the international community and for all of the Cambodians who suffered through the years when the government of Democratic Kampuchea was in power, justice requires an accounting of the crimes perpetrated by the genocidal Pol Pot clique.

The nation's leaders in the Royal Government had been working very hard to create a judicial process that can lead to such an accounting of crimes. Because there are many interests at stake, and because there are numerous parties concerned with the trial, there were protracted negotiations and these had been very complicated. Arriving at a format that will satisfy everyone had not been easy. They had to deal with the issue of protecting Cambodia's sovereignty over the interest of the international community in promoting a trial with acceptable standards. They had to deal with the issues of venue and the composition of a tribunal. They had to consider the scope of the proceedings, as well as the objectives. They had to consider the limited resources of the Royal Government. The nation's leaders had to think about finding justice for the victims, but they also had to consider the effect of legal proceedings on the social stability. They had to weigh these considerations in all of the negotiations, which had been many and varied. Please remember that there had been many interested parties, both internationally and inside Cambodia, all of whom had influenced the outcome of the negotiations. In many cases, the international community had not spoken with a united voice, but had reflected many points of view.

As might be expected with something as complicated as a trial like this, three principles were adopted during the consultation process with the UN, USA, France, India and Russia to draft this legislation. The first principle is to find justice for the victims of this crime of genocide. The second principle is to ensure that this trial will not affect the peace, stability, security and national reconciliation. The third is the maintenance of Cambodia's national sovereignty. It is with both pride and satisfaction that I can tell you today that we have ironed out almost all our differences and have had considerable progress in arriving at a basic framework, which is a unique and unprecedented format to proceed. The essential elements of our plan for a judicial proceeding are as follows:

- First, our judicial proceeding will use the Extraordinary Chambers within the existing structure. Thus, the demands of Cambodian sovereignty will be recognized by using our court system, but the Extraordinary Chamber will take into account the concerns and demands of the international community.
- The second unique feature is the composition of the legal proceeding: we will use both local and foreign magistrates, and we will use both local and foreign prosecutors.
- Third, the format will incorporate the idea of a supermajority. Thus, for decision-making to be effective, there must be a consensus between the local parties and the foreign parties.
- Finally, where there is a deadlock between the co-prosecutors, the device of a pretrial chamber will facilitate the decision-making.

This unique system has been created in order to safeguard many interests in this matter. I trust that you understand that the tragic circumstances of Cambodia's past, and the current requirements of governance, have led us to this format. We have endeavored to be as inclusive as possible, so that all points of view can find this judicial structure acceptable. We hope that you will understand how difficult it has been to create this legal structure and process, and support its conclusions.

The Royal Government of Cambodia (RGC) had already adopted this draft legislation and the process of discussion with the members of our National Assembly is underway, and then the latter's Commission will consider it to become the official agenda of its full session.

It is worthy to note that the creation of a unique system for the trial of crime of genocide is but one indication of the Royal Government's commitment to

human rights. We have created the National Human Rights Commission within the government, the National Assembly and the Senate. We have created an atmosphere where nongovernmental organizations that focus on human rights can freely operate.

In addition, the Royal Government is committed to produce policies that strengthen the rule of law. In this regard, we are fortunate to have the support of many foreign governments and international institutions and donors which have actively contributed to this important but difficult initiative. Creating a system that embraces the rule of law is not an easy task, nor does it come quickly. But it is critical if Cambodia is to join the community of nations. And today, all institutions which require conformity with the rule of law, namely the Government, the National Assembly, the Senate and the Constitutional Council are already in place and they are all functioning well.

The firm element of the foundation of Cambodia's emergence in the world community has been stability. The road to a stable government and social system has not been an easy one. The 1993 UN-sponsored elections did not lead to the stability that all Cambodians desired. However, after the 1998 national elections — which were run exclusively by Cambodians—we were able to create a coalition government and achieve the stability that we had been seeking for so long. Under the leadership of Prime Minister Samdech Hun Sen, the RGC had been setting priorities and implementing the triangular strategy designed to restore Cambodia's place in the world, to improve the lives of the average citizen through the policy of poverty alleviation, and to maintain peace, stability and security.

But this stability could not be possible without the assistance and cooperation of the partner in the coalition. FUNCINPEC (French acronym for National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia) has been a partner with the Cambodian People's Party in providing leadership and working at solving Cambodia's problems. These two political parties have been working hand-in-hand since the creation of the Second Royal Government in 1998. There has been unprecedented goodwill between the parties, and the ultimate beneficiary of this cooperation is Cambodia itself.

There are a number of ways that Cambodia's progress in promoting human rights and democracy can be measured. One easy criteria is to examine freedom of the press in Cambodia. This is an important area for examination because, in many ways, a free press focuses attention on society's problems and failings of the government and public figures. I can tell you that Cambodia today enjoys a robust press. Not only are there many newspapers being published in my country,

but a number of these are unbridled in their criticism. In fact, many international observers believe that the problem with the press in Cambodia is that it is too free. They feel that many members of the press should be more responsible in what they print.

The democratization of society is embodied by hundreds of nongovernmental organizations that have been freely operating in Cambodia and participating in different levels of developmental work, which empowers the people to exercise their rights.

The political and governmental stability that has developed in this second royal government exists at all levels. This democracy has developed very fast, even down to the grassroots. But this stability will be further enhanced when we successfully hold the communal elections. As part of our commitment to building democracy, the Royal Government is planning the next round of elections. For the first time, we will have local elections. This will further solidify the gains made in promoting democracy in Cambodia.

The unity that has been achieved in the Royal Government has helped promote Cambodia overseas as well. This can be seen in two areas: diplomatic and economic. In the diplomatic arena, Cambodia has become a full-fledged member of the regional and international systems. For example, Cambodia has become a member of a number of international organizations. Most prominently, Cambodia has joined the Association of Southeast Asian Nations or ASEAN. For diplomatic and economic reasons, this is an important regional group for Cambodia. Our membership in this association has set the stage for an expanded role for Cambodia in the region and in the world. Today, I am happy to report that Cambodia fully participates in the many and varied committees and activities of the ASEAN.

Furthermore, Cambodia will continue to integrate into the international system. For example, we anticipate entry into the World Trade Organization (WTO) soon. We will join other organizations as well.

In terms of economic development, stability in Cambodia has led to renewed interest in the country as a place for investors. Cambodia was isolated from international commerce for much of the last 30 years. However, because of the stability in the government and a favorable investment environment, we now have many foreign investors coming to Cambodia. In the last two years, we have had many trade and investment delegations arriving in Cambodia, and these have spurred investments in the country. No doubt they are impressed by the opportunities that exist, since much that can be done is not being done at this time. But equally important is one of the most liberal investment laws in the region, as well as low

prices for land and labor. Among the many benefits enjoyed by investors are low tax rates, duty free imports, tax holidays and the guarantee that profits can be freely repatriated to their home countries.

The government has also successfully secured three major markets for Cambodia. The first and most important one is the US and the EU through Generalized System of Preference (GSP). The second one is through the Most Favored Nation (MFN). Currently, about 30 countries offered MFN trade status to Cambodia. The third one is the 500+ million people market of the ASEAN through AFTA.

The fact that Cambodia is rebounding economically cannot be denied. There are a number of means by which this resurgence can be measured. For example, the number of tourists arriving is growing daily, and there is no wonder in this: Cambodia has tourism potential. The Cambodian cultural heritage, such as the fabled temple of Angkor Wat, provides one of the world's greatest archeological treasures. Visitors from all over the world want to visit this extensive temple complex in northwest Cambodia. Their ability to do so has been aided by the open sky policy of the country. Starting in 1997, Prime Minister Samdech Hun Sen announced that the concept of free enterprise would be applied to the aviation industry in Cambodia. He ended the monopoly that had existed, opened Cambodian skies to more airlines and permitted direct regional flights to Siem Reap, where the Angkor Wat temple is located. This policy has greatly facilitated the growth in the number of tourists arriving in Cambodia every year.

I do not want to suggest that everything is perfect in Cambodia today. After more than 20 years of war, much needs to be done to modernize my country and adapt the state apparatus to peacetime requirement. The Royal Government is hard at work in moving the national budget from a wartime budget to a peacetime budget. This includes the difficult task of downsizing the military and reforming the civil administration. And as mentioned previously, we must reform the judiciary so as to improve the rule of law.

As the Prime Minister said at the Consultative Group meeting on Cambodia this last May 2000 in Paris: "A well-organized, functioning public apparatus in a truly democratic setting is necessary for jump-starting and sustaining the momentum of development." I might add that it is essential to poverty alleviation and social justice. To meet this objective, the royal government has embarked on a long and difficult journey to pursue good governance and to reform the administration.

In the past years, the Royal Government and other stakeholders in Cambodian society have made a lot of efforts to bring about good governance, and the rule of law in Cambodia. We have made important progress and very promising work is

underway. But our actions have been somewhat disjointed. The Royal Government is well on its way to finalizing a Governance Action Plan, in full consultation with its partners to better coordinate efforts within its jurisdiction. The plan covers a wide spectrum, from judiciary, administrative and fiscal reforms to demobilization, the further democratization of the country and the fight against corruption. These initiatives, in one way or another, all target principles of good governance, such as transparency, accountability, participation, coherence, predictability and so on. I am sure you are all familiar with the precepts of good governance.

Our approach seeks to build on significant achievements to date. The journey will bring about fundamental changes in the ways of Cambodia and Cambodians. Attitudes will change, new skills will be acquired and behavior will be overhauled. I must stress, however, that good governance is about effective partnerships among stakeholders, partnerships that are firmly anchored in Cambodia's cultural and socioeconomic reality reflecting the country's capacity to sustain the pace of actions and that are supported with adequate human and financial means.

In this context, the National Program for Administrative Reform is a top priority of the Royal Government in order to fundamentally adapt the country's institutions to the needs and means of the nation. The administration should become a potent tool of public policy, an effective partner in the economic and social development of the country and an efficient provider of services to citizens. We want the administration to become neutral, independent, transparent, closer to citizens, predictable and accountable. In effect, the government and its administration must become effective strategists, catalysts, facilitators and partners for the development of the country for it to be sustainable. *The focus and overarching objective of the administrative reform is the well-being of the people.*

The administrative reform program is an ambitious endeavor of its own. To date, we have put in place essential management tools, such as legal and administrative frameworks and management practices and procedures, to better control the workforce. We are now completing a census of public servants, we are automating the pay system and we are also automating a human resources management system. The reform program is now at the stage where we are preparing for a major overhaul of service delivery capabilities. We have just completed the testing of a functional analysis methodology and are planning full-scale implementation over the next few months. In close consultation with line ministries, we are planning the introduction of "priority mission groups" to break the logjam on the road to productivity within the administration. As you can see, Cambodia is embracing leading-edge management technologies.

The General Secretariat to the Council for Administrative Reform now employs over 160 people working on a variety of reform projects, such as the census and the functional analysis. For the most part, these people are drawn from line ministries and agencies. The administrative reform is also a training ground for future managers.

To manage such wide-ranging reform programs, the Royal Government established a network of specialized bodies to facilitate coordination and consultations among ministries. The objective is to enhance coherence among the reforms and to optimize the realization of synergy opportunities. The Supreme Council for State Reform, headed by the Prime Minister himself, spearheads the reform programs. In addition to the Council for Administrative Reform, which has also been mandated to oversee the finalization of the Governance Action Plan and to monitor its implementation, there is the Council for Economic and Public Finance Reform, the Council for Judiciary and Legal Reform, the Council for the Demobilization of Armed Forces and the Council for Military Reform.

Another important element of reform is Forestry. Cambodia has a heritage of relatively abundant natural forests that cover, according to the best estimate, some 58% of the country's land area. These forests have a key role in the subsistence and livelihood of the largely rural national population, can be a source of sustained export earning and government revenue, and represent increasingly rare forest ecosystems in the Indo-Malay realm. Overexploitation from concessionaires and other parties has reduced the size and value of the forest state at an alarming rate since the cessation of major hostilities a decade ago. This increased pressure on the forest resource base exceeded the capacity, both physical and institutional, of forest management institutions in the country to regulate production and forest management.

The RGC took the first important steps in 1999 and early 2000 to rein in rampant illegal logging and establish an institutional and regulatory framework for forest management. With the important imposition of a new royalty of US\$54 per cubic meter in 1999, reduced regional demand for wood products and a government crackdown on illegal logging, pressure on the forest declined substantially in 1999.

A number of concrete steps have been taken by the government over the past year to address problems in the forest sector, by preparing the policy and legal framework for long-term sustainable management of forest resources, and by addressing more immediate concerns on legal and illegal forest exploitation. In January 1999, Prime Minister Samdech Hun Sen issued a declaration to bring order to the forestry sector by (1) declaring the Department of Forestry and Wildlife (DFW) the sole agency responsible for the forest estate, (2) cracking down on illegal logging, (3) ordering the military and police to assist the DFW to combat

illegal logging, (4) banning the conversion of forest land, and (5) calling for a review of all concessions and the formulation and adoption of a new forest law.

The RGC is carrying through on a number of these promises, beginning with the cancellation of 12 concessionaires in early 1999 (an apparent reduction in illegal logging), the seizure of equipment and illegal harvesting of logs and wildlife, the closure of hundreds of illegal sawmills and the introduction of policy and legal initiatives. In the latter part of 1999, the RGC, with international assistance, established forest crime monitoring units and completed a review of concessions. While the donor community should applaud these efforts, the institution charged with managing forests needs a great deal of strengthening to fulfill its mandate, and the structure of the forest concessions system remains fundamentally at odds with the goal of sustainable forest management.

The RGC's initiatives are well highlighted in its determination to set up a framework and concrete action plan for a sustainable forest management in the following agenda:

- National forest policy to be passed by the government
- To review concession performance
- To establish the forest crime monitoring and reporting units with the aim of strengthening the capacity of the DFW and Ministry of Environment (MoE) for forest law enforcement and conservation
- To establish the community forestry to address the issues of forestry conservation and to meet the livelihood and subsistence needs of the nation's rural people
- To improve the revenue collection from the forest sector by increasing the royalties for cubic meter of log fell from US\$14 to US\$54 and to prepare a joint mechanism to allow adjustment to these levies
- To develop and implement biodiversity and wildlife conservation programs
- To start reforestation and rehabilitation of degraded forest lands
- To establish forest extension and support services to local communities, etc.

Though substantial achievements in 1999 and the first half of 2000 have been acknowledged, the RGC recognizes more work will be needed in the future. Issues that need to be addressed most urgently are: (1) the resources assessment, (2) the

appropriate demarcation of Cambodia's permanent forest estate, (3) the enforcement of necessary laws and sub-decrees, (4) institutional strengthening, and (5) human resources capacity building.

Because of the strategic importance to urgently strengthen service delivery, particularly in areas that directly impact on the well-being of people, we are also considering the establishment of an additional council. The Council for Social Development will be responsible to better coordinate the efforts of the royal government's Poverty Reduction Strategy.

Cambodia is a small and poor country that is very reliant on foreign capital inflow through the Official Development Assistance, foreign investment and exportation.

In order to follow this condition, the Government has been focusing on the improvement of institutional and legal frameworks so as to support the private economic activities. This means that consistency and flexibility are the indispensable potentials of economic policy of the Royal Government of Cambodia.

Economic growth is the engine of economic development, but it is not sufficient for social development and social justice. This requires the intervention of the government to spread the fruits of growth and insure a more equitable distribution of wealth. For growth, we rely on a few sectors: agriculture, agro-agriculture, tourism and labor-intensive manufacturing.

We are resolute in our determination to improve the life of our citizens and to contribute to the region. We are heartened by the fact that many of the countries represented in the ASEAN and other neighbors in the region have traveled the same road that we now are on. We are sure that we can enjoy the same success that others have had.

GLOBALIZATION AND CULTURES: AN ANTHROPOLOGICAL AND HUMANISTIC INSIGHT*

Nicole Revel

Today we experience a crisis of the world, of all possible worlds. We also experience an extremely powerful technological revolution, as Cyberspace and Cyber future are incipient.

The social and cultural consequences of Infotech will be considerable and we cannot yet foresee all its impact and effects upon our lives as human beings, as citizens, as members of various cultural communities, as members of our respective countries.

We are somehow blind, unable to predict the transformations related to it, but we can be sure that it will affect human activities and lives, both personal and collective, intellectual, psychological and institutional; market and economy, as well as politics and geopolitics. So, we have to prepare ourselves mentally, intellectually and concretely.

The Global Era tends towards a domination of Technology and Economy. We are ineluctably moving towards an unprecedented way to relate between people and institutions, peoples and enterprises, a new mode of production and consumption, a new way to exchange, to buy and sell, a new infrastructure for health, for education, for culture and, of course, new ways to conduct politics and geopolitics. It will overpass national borders and natural boundaries.

This is the Third Industrial Revolution, after the invention of the steam engine in England (1776), after the first electric plant in the USA (1882). The revolution of electronics, the “e-revolution” is now breaking through, confronting us.

This is also the mark of a New Era in Communications, after the era of printing at the end of the 15th century and the telephone and simultaneous innovations like the telegraph, photography and cinematography at the turn of the 20th century.

**Lecture delivered by Nicole Revel, Director of Research, C.N.R.S., Paris.*

A new culture is emerging, a global culture. It is developing extremely rapidly as Infotech ties the world's people together in an unprecedented way. Scholars and teachers have to address this matter as early and as deeply as possible.

Education should also be a constant attitude of the mind in quest of new answers, new behaviors and new masteries in relation to the world we are living in. Education should also guard the ethical values—which are universal—from the incessant evolution of the Sciences, related Technologies and the situation they generate in different parts of the world.

Allow me to share and discuss with you some insights, as an anthropologist, as a linguist and as a humanist. These are my thoughts as of today, but I am sure they will evolve as time goes by, as new discoveries, implementations and adjustments are made, as crises are overcome and as I, myself, develop knowledge and mastery of it through practice.

However, I think it is necessary to foresee the impact of these new trends in society, the improvements, the problems and the threats they are generating. All of them vary with each culture and society, with each country from the North and from the South.

It is a must to think about them in anticipation, so that new ideas and new visions can arise and influence attitudes and policies, in a positive and constructive way, at the personal, the local, the national and the international levels.

The global era is characterized by a domination of Technology and Economy. This is not new in a way, but the devices and tools, together with the emerging related values and practices, are new and destabilizing.

As we adjusted in the past and are now using with pleasure and skill the previous developments in communication technologies, we have to learn how to enact this one.

E-technology was not a natural component of life in our childhood and university days. Today, the newest technological item is accepted in a friendly and playful manner. The accurate means to appropriate it are explored by youngsters. They even use the new tools as a way to learn about each other and to share ideas.

We cannot but appreciate the natural adaptive skills of our children. They immediately acquire the necessary intellectual skills to surf. Their attention is not one of a broad span as ours is, it is a multifaceted and multitask-oriented one, accurate in a fractal universe.

However, they also have to acquire a capacity for a long and lasting concentration, memory and thought. This is where education comes in.

Our generation is also intimidated. The logic at work is still unmastered by us, unknown to us at the conscious level. We are familiar with a linear thinking process and a memory by association.

Today we are confronted with an order made of discontinuity, multiplicity, random and chaos—which is not mere disorder, but a deeper order—all these notions are integrated by the “uncertainly principle.”

Contemporary physicists and mathematicians are facing the facts and they consider that nothing can be observed without being changed by the very act of observation.

It has been conceived that this paradigm in the Sciences reflects our current cultural experience.¹

The Internet is not center-based, it develops at random as a “web”—*une toile* as we say in French—and its millions of users worldwide are the ones building it up. It is not a given close system, it is an open universe constantly expanding, continuously moving. The metaphor of an ocean and waves, the discernment to select and capture the best ones to surf on, is quite accurate (channels or web surfing, navigating on the hypertext of a Cedrom, or “online,” etc.).

However, in order to navigate in this immensity of information, we need maps and compasses. It is precisely the same role of formal Education in schools, with trained teachers to provide the children with this guidance.

This is because knowledge is not a simple accumulation/compilation of data. Knowledge is the acquisition of instruments of understanding the world surrounding us, of thinking, relating, communicating in one’s life. It stimulates intellectual curiosity, critical faculty and independence of judgment necessary to innovate and discover, for the faculty of thought is the most precious part of ourselves as individuals and the supreme expression of our freedom. We shall go back to this later on.

In our adulthood, we have to enter the era of universal communication. This is a very new dimension to us.

Simple linear systems do not have these life-like unpredictable properties. Our thinking habits and intellectual qualities seem no longer operative in the same way. We are challenged, and it is quite a deal. Hence we have to adjust, we have to co-evolve with the new technologies and we have to develop new cognitive devices, abstract and manual skills.

This will lead to new ways to think, to capture and interpret meaning out of icons, these oversimplified drawings underlined by much more complex situations and

universal applications, and in discontinuity. It is necessary to develop new abstract attitudes, new skills to surf in a nonlinear, fractal universe. Mathematicians and musicians have already explored these mental aptitudes. They are also related to manual skills. These acquisitions need another type of training.

North and South: The Electronic Divide

In order to achieve genuine globalization, we have to find solutions to suppress the electronic divide.

The government of each country, together with international organizations, NGOs and the private sectors like SUN, IBM, MICROSOFT, have to work on this major problem urgently, and they have already started.

Let me first give you some recent data, as provided by *L'Espresso*.²

In the last ten years, the world's set of computers connected to the Internet increased, from 100,000 to 45 million.

Internauts were more than 304 million by March 2001, half of them are in the United States of America and Canada, and 83 million are in Europe. Asia has 70 million *internauts*, half of them are in Japan. Africa has only 2.5 million, 85% are in South Africa. For China, the jump was from 4 million to 10 million in the last eight months, with most of the users in Beijing, Shanghai and some large cities, but the Internet users double every six months in China.

Within this Cyberspace, the links that used to bind us together in so many different ways, in so many types of societies, are going to change very quickly and drastically. Our relationship to others is going to be different and we have to shift to a positive and a constructive attitude.

In the Realm of Culture: the Powerful West and its Eroding Capacities

One of the major threats is the decline of local cultures and the "vanishing away" of many languages. This is valid not only for the national cultural communities of Asia, Oceania, South America and North America, but also for all the various peoples of Europe.

"Vanishing Away" started long ago. Only a few people were aware of it and acted consequently. I would like you to know that a few years ago, an international program was set up to safeguard the endangered languages of the world under the auspices of UNESCO.

English will not become the only spoken and written language, but it will certainly become the dominant international language, the language of Trade and Commerce, the language of the Sciences, the “Latin” of the 21st century, if I may say so as a European.

However, it will not be the prevailing language in the realm of Life and Sentiments, of Literature and the Arts, or the language of Education in many different countries. In the Electronic Academy, the same courses are given in 61 languages already.

Confronted by these compulsory mutations, the people of the world will not accept without reacting. They will not accept being spiritually, intellectually and emotionally uprooted, their language and culture swept away. To them, to all of us I suppose, it is an obvious impoverishment and a striking loss of cultural identity to the benefit of anonymity.

It is our responsibility as scholars, and the responsibility of our respective governments, to struggle to maintain our national and local languages.

As of today in my country of France, no less than 15 commissions are working on the vocabulary of the various domains of science, medicine, economy, finance, communication, electronics, law and politics, so the French can adapt and translate to our national language all the Anglo-Saxon terms flowing in. The task is not an easy one and a complex procedure is to be followed. The proposals have to be approved by the French Academy and other related Ministries before the new words can appear in the Journal Official. Then, they have to be taught to and adopted by the speakers.

To resist this Anglo-Saxon linguistic invasion, the commissioners are forming neologisms. They try to use words that are clearly ours. For example: data warehouse becomes *entrepot des donnees*, hacker: *fouineur*. But in the long run, it is usage that shall prevail.

French being a neo-Romanesque language, most of our basic words are derived from Greek and Latin roots. In this respect, ever since, we are in the process of borrowing and blending too, but not so much with the Anglo-Saxon languages, for they belong to another linguistic family.

But in the Philippines, with its more recent colonial impact and heritage, together with the very structure of Filipino and the 110 related languages present in the archipelago, this calls for different answers and solutions to the problem. Belonging to the western branch of the Austronesian Family, these languages master composition. They are agglutinative and have a high aptitude to integrate in their vocabularies new and alien words as a root without any alteration of the morpho-syntax.

Regarding the ways of life, system values, modes of governance and world-views, I observe in the Philippines a great variety of cultures, a mosaic with opposite

forces at work. Such a complex Heritage is at the same time an infinite cultural wealth and an obstacle to the implementation of a central government administration. I foresee two difficulties, namely:

- Particularism and irredentism may arise as a violent stand against homogenization.
- Simultaneously, another danger is arising: a total split, a total disjunction between the particular and the universal.

Globalization seems to be the new Universality. However, it is achieved through the lowest common denominator, namely homogenization and standardization.

As a result, we can foresee the danger of replacing a universal concern for the world by a multiculturalism or the tendency by each one of the groups to cultivate particular identities (the *kanya-kanya* system).

As a reaction to globalization, it is expected, and somehow legitimate as I have just shown, but at the same time I foresee a real threat of no transcending frontiers, values, and no more tolerance arising. This attitude threatens to forget the human values and rights as universal wisdom.

If we built barriers between each culture, rather than giving each culture the resources and the means to create, survive and irradiate in togetherness with each other, can we reasonably believe that cultural diversity will be better preserved?

In this “chaos-world” where we can no longer foresee or plan in advance, we might have to accept that our identity will keep on changing, even more profoundly, in contact with each other.

At this point, we are confronted by notions difficult to conceive of and even more difficult to implement and put into practice at the personal level.

As a linguist-anthropologist among ancient societies of archipelagoes in Southeast Asia for thirty years, I have dedicated my attention to the intricacy and perfection of local knowledge about Nature, Literatures of the voice and the various aesthetics, Mythologies and related Cosmogonies, ancient modes of production, Customary Law, Ethics and Ancestral Wisdom. I have been the witness and the analyst of the inexhaustible creativity and expressions in the various Arts and Crafts, all the wonders that made up a tangible and an intangible Heritage in this country and in the Nusantara area of civilization. I have tried to contribute, in a modest scale, to its safeguarding.

Knowledge is transmitted by showing and demonstrating, by doing together, by giving names and functions, by contrasting items like plants, by grouping them in sets and subsets, hence building taxonomies that are at the same time fully mastered and semiconsciously articulated into a logical system; silently making the various crafts like weaving; performing rituals exemplifying artistic expressions and instilling a sense of aesthetics and multiple emotions linked to the beauty of patterns and motives, of musical scales, rhythms and melodies, of voices and words making up eloquent and beautiful figures of speech.

This immersion in the natural and cultural world is done without the strict discipline of attending school, as in the ancient courts traditions of Asia and the Western world. It is, rather, aiming at learning to know a specific world, learning to do, learning to live in a given community and learning to be, according to the principles and values of a given society.

There is poetics in the relationship. There is an ethics of the relationship in learning and mastering the many ways to survive and to be an accomplished person in a peculiar world and society.

All these know-how are linked to a transcendental feeling and a sense of belonging, affirming and conveying a cultural identity.

However, as an anthropologist, it also appears to me that the world tends to be more and more “creolized” today. I mean to say that we can observe a fact: the fusion, the blending of cultures.

This is not so new either, but modalities, speeds and scales are new, aleatory, and unequal. In this world and on this planet Earth, we will have to find new ways to relate to Others, for our destinies are bonded from now on.

There is a necessary complex and subtle interplay between the Particular — the sense of a tribe, of a culture, of a nation—and the Universal—the many Human Rights, Education for all, Labor and Leisure for all, Health for all, Food for all, Respect for all the Living, Caring for the Earth, Respect for the Laws, Social justice and Equity between women and men, Harmony as the basic values for any government. We are suffering when these values are violated, as in the time of totalitarian rule or of uncontrolled violence.

It is a must to be able to perceive in our reactions and in our policies the errors and the illusions we are simultaneously forging, at an international level certainly, but also at a national level, in order not to build up more tensions inside each nation-state, leading to exclusion, ostracism, fanaticism, absolutism and war.

Humanistic Insight

At this point, I would like to stress that every human being is not a mere fact, he is also, and above all, a value. Humanism asserts the intrinsic value of man's life before death and the greatness of his potentialities: his faculties, his aspirations in life and his well-being in society.

However, the existence of Man, for a humanist, is and will remain, probably imperfect. It is "an imperfect garden" as Montaigne wrote and as this thought was recently developed by T. Todorov.

Humanists are not utopists. They are distant from revolutionary transformations and radical discourses. They do not conceive of the world as in a continuous progress regarding the moral values of individuals and the political virtues of societies.

A humanist puts his hope and confidence, as J.J. Rousseau did, in a certain "perfectibility" of Man and Society.

However, this "better" will never become a Good forever. It is not an irreversible better, but a fragile, unstable, fluctuant one. It is not certitude nor an acquisition but, rather, an aspiration, a guidance in life.

This is where Education in today's world plays such an important role. The future of Education has to be conceived according to values, knowledge and aesthetics, relevant to each country but also with a respect for universal values.

If there is already, for some countries, an overwhelming access to databases, computer simulations, multimedia and virtual reality as new teaching tools, others will appear, and not necessarily in the West. They will spring from Asia, where 60% of the world population will soon be.

For the young generations, the tools are very poor without guidance on the topics they have to learn, on the data they have to use and the related values they have to set into motion, that they have to refer to in their lives. The transcendental relationship between pupils and teachers, masters and disciples should be cultivated in today's world as a vital antidote to the devastating flow of information.

On the other hand, plurality of cultures is a wealth that should be listened to, enhanced and safeguarded not only for its past but also for its potential creativity in the present and future of a nation.

How is it to edify modern societies that are at the same time genuinely plural and would share a common sense of belonging in one national community?

How is it to teach the cultural communities and the national majority to live together?

How to integrate this diversity within one state is one of the major difficulties. But there are various models of the notion of state and new ones are to be conceived

of and created. The notion of a nation is defined as a community of citizens based on a system of values which each cultural community can identify itself with in a spirit guided by tolerance, mutual respect, reciprocal knowledge and parity.

The local is part of the national, not as a juxtaposition of cultures but as a blending of cultures. This is where intercultural values could be of help to fill in the gaps between communities that used to ignore each other. They could prevail in a world of contact and exchange with more flexible and dynamic identities.

It is the responsibility of each state to take the proper legal, administrative and financial policies to protect the past and encourage the present and the future of their own Heritage. It is most important to cultivate human creativity in the Sciences and Technology, the various Arts and Crafts and the Love of Wisdom.

Thanks to their sensitivity and vision, artists and thinkers can instill better qualities of life in the local communities, as they did in the past. More urgently in today's world, they contribute deeply to the development of their respective societies.

Ancestral Teachings, ancient Wisdoms of Asia and universal values of the Enlightenment in the West are to be cultivated, as we are confronted by uncertainties at the educational, social and political levels.

In the new era we are living, we have to learn **How to know, How to do, How to live together** and **How to be in this world**. These are the four "pillars" which are to underline a life-long Education, as the International Commission on Education for the 21st century recommends.

Our major concern should be **How to live together**, and I would suggest that we do it in the following ways:

- by developing the knowledge about, the respect for and the comprehension of the Other;
- by perceiving and emphasizing what brings the people together, what unites them;
- by taking into account the interlinkage of policies and plans for sustainable development in the interest of each community involved;
- by foreseeing what the whole can bring to a national development and to an international constructive cooperation;
- by recognizing the identity of the Earth itself and by controlling the destructive powers at the nuclear level, and at the level of the various activities of daily life;
- by edifying a more just, peaceful and tolerant world.

The year 2000 was committed by the General Assembly of the United Nations to celebrate Culture and Peace and a special attention was devoted to the Respect of Cultural Diversity.

Let us not make a fetich of technology.

Let us trust our respective creativity.

Notes

1. See Douglas Ruskoff, 1996, 1999.
2. April 27-May 31, 2000.

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