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THE CHANGING DYNAMICS OF ASEAN-CHINA RELATIONS: THE IMPACT OF THE PHILIPPINES' CHANGING POLICY TOWARD CHINA

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ABOUT THIS ARTICLE

This article examines the changes in Philippine's policy toward China and how it can affect ASEAN. It also discusses the domestic development that accounted for the change in the Philippines' policy toward China and how it affected its behavior within ASEAN. This article raises this central question: how will the changes in Philippine foreign policy toward China affect ASEAN? It also addresses these questions: 1) What domestic factors led to the change in Philippine foreign policy toward China? And 2) What are the critical changes in Philippine foreign policy under the Marcos Administration?

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INTRODUCTION

The Association of Southeast Asian Nations (ASEAN) was formed in 1967 as a regional organization of small and middle powers with limited military and economic capabilities. ASEAN is not a security organization. Nevertheless, it must maintain a higher regional norm codification and institutionalization level. (Yeo, 2019) It relies on informal approaches to practice its member-states commitment to the non-use of force and settlement of conflicts through peaceful means. (Yeo, 2019) It also operates on the principles of consensus when making decisions, and non-intervention in the domestic affairs of its member-states. It focuses on the lower bar of conflict management or reduction rather than conflict resolution.

ASEAN is a quintessential intergovernmental organization serving the member-states' respective national interests. It lacks enforcement mechanisms and relies on the relative interpretations of its flexible and ambiguous rules and norms. Consequently, ASEAN is prone to institutional drift, making it vulnerable to its member states' external agendas that can circumvent potential veto players. Despite its structural and institutional limitations as a regional organization, its member-states still consider the regional organization expedient in protecting and advancing their national interests in a changing Indo-Pacific region. This is the case of the Philippines as it changed its

foreign policy objectives on the South China Sea dispute and towards China.

During the 18th East Asian Summit (6-7 September 2023) in Jakarta, Indonesia, Philippine President, Ferdinand Marcos Jr., raised the issue of China's violation of the rules-based international order in the South China Sea. He warned of rising tension in the disputed waters that might spiral into an armed conflict. During his intervention at the summit meeting, he said, "We must not allow tension in the South China Sea to escalate further." Without mentioning China, he added, "the Philippine government is concerned over consistent (Chinese) actions that violate obligations under international law, including the 1982 UNCLOS and the DoC (Declaration of the Code of Conduct)."

President Marcos's open and direct criticism of Chinese behavior in the South China Sea dispute during the 36th ASEAN Summit (26 June 2023) was in total contrast to how his predecessor, President Rodrigo Duterte, prevented any criticism of China when the Philippines hosted the 30th ASEAN summit in 2017. President Duterte, as the chairperson of the 30th ASEAN Summit, avoided any adversarial statements directed at China. As the host country's president, he reduced and diluted any references to the South China Sea dispute in the Chairman's statement. The host country also removed any references to Chinese reclamations of artificial islands and the building of military facilities on these land features.

The Duterte Administration's behavior during the 2017 ASEAN summit meetings was supposed to have created a magnetic field that drew the entire regional association strongly towards China.

This article examines the changes in Philippine's policy toward China and how it can affect ASEAN. It also discusses the domestic development that accounted for the change in the Philippines' policy toward China and how it affected its behavior within ASEAN. This article raises this central question: how will the changes in Philippine foreign policy toward China affect ASEAN? It also addresses these questions: 1) What domestic factors led to the change in Philippine foreign policy toward China? And 2) What are the critical changes in Philippine foreign policy under the Marcos Administration?

THE DUTERTE ADMINISTRATION'S APPEASEMENT POLICY AND ITS IMPACT ON ASEAN

At the beginning of his six-year term in late 2016, President Duterte indicated he would not follow his predecessor's policy of challenging China's expansive claim in the South China Sea. Instead, the Duterte Administration pursued a policy of appeasement toward China marked by a) emphasizing economic development over national security in the Philippines' response to Chinese maritime expansion in the South China Sea, b) actively promoting bilateral consultation and joint development with China, and c) setting

aside the July 12, 2016, arbitral award to the Philippines that rendered China's nine-dash line and historical claims to sovereignty in the South China Sea null and void since it has no legal basis.

The Duterte Administration's appeasement policy toward China had two implications for ASEAN. First, the Duterte Administration's decision to set aside the July 12 arbitral ruling prevented ASEAN from having a remedy for legally resolving the South China Sea dispute since the ruling rendered China's historical claims to sovereignty without any solid legal foundation. Bereft of the ruling's verdict on China's nine-dash line claim, ASEAN member-states have no choice but to rely on peaceful dispute settlement through consultations and joint development with China. They also expect that ASEAN and China could agree on a Conduct of Code (COC) that will provide a set of rules for claimant states in the South China Sea dispute.

Second, President Duterte promoted his appeasement policy toward China in 2017 when the Philippines became the ASEAN chair. He announced that he would not raise the arbitral tribunal's rulings on the South China Sea dispute during the 30th ASEAN summit on 27 April 2017 (The Associated Press, 2017). In a press conference at the Malacanang Palace two days before the event, he emphatically declared: "We [ASEAN] will skip, I will skip the arbitral ruling. It is not an issue here in the ASEAN." (EFE News Service, 2017) By

accepting the Chinese promise of massive economic aid and rejecting former President Aquino's confrontational stance on the South China Sea dispute, he dismissed the idea that any benefits could come from raising the arbitral ruling. Responding to his domestic critics, he said, "What would be the purpose of discussing it? Who will dare pressure China (Watts, 2017)?"

True to his word, President Duterte avoided any adversarial statements directed at China. As summit chairperson, he ensured that the chairman's communique did not include any reference to Chinese island-building and weapons deployment on the reclaimed land features nor touched on the 2016 arbitral ruling that declared China's excessive claim in the South China Sea a violation of international law. Some ASEAN leaders tried to include the phrase "such reclamation and militarization (in the South China islands) that may further complicate the situations." However, President Duterte determined that it was pointless discussing China's island reclamation in the South China Sea and the July 12 arbitral tribunal ruling, calling both non-issues. (Dancel, ASEAN Calls for Peaceful End to Territorial Conflicts: Leaders Take Softer Stance, Despite Pressure to Mention Beijing's Activities in the South China Sea, 2017)

CHALLENGING CHINA'S MARITIME EXPANSION

Barely a month after his inauguration as

the 17th president of the Philippines, President Marcos indicated that he would not follow his predecessor's policy of appeasing China. On July 12, 2022, his newly appointed secretary of Foreign Affairs, Secretary Enrique Manalo, announced that the Philippines upholds the July 12, 2016, United Nations Convention on the Law of the Sea (UNCLOS) arbitral ruling as it is one of the twin anchors of the country's policy and actions on the West Philippine Sea/South China Sea.

Way to his first year in office, President Marcos envisioned a balanced foreign policy at the onset of his six-year term. This policy would foster closer security relations with the U.S. while promoting intense economic cooperation with China. President Marcos knows that more intimate economic ties with Beijing will not moderate Chinese aggressive behavior against units of the Armed Forces of the Philippines (AFP) deployed in the South China Sea. As a case in point, on February 17, 2020, a week after former President Duterte abrogated the 1999 Visiting Forces Agreement, a People's Liberation Army's Navy's (PLAN's) corvette directed its Gun-Control-Director (GCD) to a Philippine Navy (PN) frigate in the South China Sea. Based on this incident, President Marcos saw the necessity of an American security guarantee against China's possible coercive actions in the South China Sea as insurance against continuing Chinese aggression. His goal is to generate benefits from both the U.S.

and China. It also aims to provide the Philippines with a strategic/diplomatic space between the two great powers through a calculated balance of power strategy.

However, this diplomatic gambit requires the Marcos administration to tread the fine and delicate line between fostering security cooperation with the U.S. while earning China's goodwill to keep its vast market open to Philippine exports and for Chinese public investment flowing to finance the administration's "Build Better More" infrastructure development program. In adopting this balanced foreign policy, he took the calculated decision of trying to balance two great competing powers, given that a militarily weak middle power pitting Washington against Beijing does not suit their respective long-term strategic goals.

Two factors, however, complicated President Marcos's diplomatic gambit of seeking equilibrium in weighing the balanced relationship between the U.S. and China. These factors are a) the civil society and the Philippine military's general distrust of China and, more significantly, b) China's hardline stance in the South China Sea, characterized by the increase in the number of CCG patrols in the disputed waters that led to the frequent harassment of Philippine fishermen, and PCG ships. These developments forced the Marcos Administration to speed up the Armed Forces of the Philippines (AFP) modernization program, revive the

Philippines' alliance with the U.S., and enhance its security partnership with Japan. These moves are directed at balancing or challenging Chinese maritime expansion in the South China Sea.

NOT SO QUIET ON THE SOUTHEAST ASIAN FRONT

Two weeks before the ASEAN summit in Jakarta, China's Ministry of Natural Resources released a new official map of China that showed its broad territorial ambitions around its extensive land and maritime borders. The map reiterated Beijing's expansive territorial claims. It included the new ten-dash line that encloses almost all of South China and Taiwan by having a tenth dash to the island republic's east coast. Immediately, India, Malaysia, the Philippines, Vietnam, and Taiwan filed diplomatic protests against China (Graham, 2023). This was also not the first time that China had released a new official map. It was a reiteration of China's expansive claim made public in 2013. This incident, however, exposed Beijing's insensitivity towards its neighbors. More significantly, it revealed China's determination to pursue its expansionist goal in the face of heightened regional threat perception of Chinese aggression and coercive actions, the raging U.S.-China strategic competition, and the East Asian Summit at Jakarta in two weeks.

In September 2023, President Marcos pursued his diplomatic agenda of challenging China's expansive claim in the South China Sea at the 34th ASEAN

Summit in Jakarta, Indonesia. Before he departed for the summit, the Department of Foreign Affairs (DFA) released a statement announcing that President Marcos “will continue to promote a rules-based international order, including the 1982 United Nations Convention (UNCLOS), especially in the South China Sea.” (Montemayor & Hachero, 2023) The statement emphatically announced that through President Marcos, “The Philippines will continue to uphold and exercise freedom of navigation and overflight with the South China Sea, in accordance with international law.” The statement also revealed that President Marcos would push for a joint ASEAN statement to address China’s recent coercive actions against the Philippines in the South China Sea. (Montemayor & Hachero, 2023)

In his intervention at the 18th East Asian Summit, President Marcos stated the Philippines’ concern over consistent actions that are violations of obligations under international law including the 1982 United Nations Conventions of the Law of the Sea (UNCLOS) and under the ASEAN-China Declaration on the Conduct of Parties in the South China Sea (ASEAN-China) DOC. (Villanueva, 2023) He raised the need for all parties to exercise self-restraint and refrain from unilateral and assertive activities that would increase regional tension, misunderstandings, and miscalculations in the South China Sea. (Villanueva, 2023)

He warned of the dangerous use of CoastGuard and maritime militia vessels and the illegal, unreported, unregulated fishing and militarization of reclaimed features in the South China Sea. In a direct criticism of Chinese expansion in the South China Sea, President Marcos warned against hegemonic ambition in the South China Sea. President Marcos also rejected (China’s) misleading narrative that frame disputes in the South China Sea solely through the lens of strategic competition between two powerful countries, the U.S. and China. (Sood, 2023) He explained that this narrative: “...not only denies us (the Philippines) of our independence and agency but also disregards our legitimate interests.” (Sood, 2023). He was reacting to Foreign Minister Wang Yi, who, in a speech to an Indonesian think tank, blamed an unnamed ‘backstage manipulator’ for preventing consensus between China and ASEAN on the South China Sea and accused “individual external forces” of “sowing discord in the region.” (Stranglo, 2023) He then warned that “as tension and mistrust between the great powers escalate, so too does the prospect of miscalculation that threatens to engulf the region, with severest consequences for all of us.” He declared that the Philippines would continue supporting the freedom of navigation, overflight, and the rules-based international order in the South China Sea.

CONCLUSION

During the ASEAN foreign ministers meeting, the Philippines did not propose a

joint statement on the South China Sea. This probably stemmed from Manila's recognition of the difficulty of generating a consensus on territorial disputes, which only affects the maritime Southeast Asian states, not the entire ASEAN. This led former Indonesian Foreign Minister Marty Natalegawa to call ASEAN's failure to support the Philippines' call to condemn China's coercive behavior in the South China Sea a "deafening silence."

It should be remembered that China's position vis-à-vis ASEAN's role in the South China Sea dispute is based on its position that the dispute should only be resolved through bilateral negotiations between China and the four claimants ASEAN member-states. (Jian, 2015) From China's point of view, there is no need for non-claimant ASEAN member-states (mostly continental Southeast Asian states) to be involved in the South China Sea dispute. China is sensitive, if not hostile, to any attempts by ASEAN member-states to formulate a common position on the South China Sea dispute. (Jian, 2015) It should also be noted that in July 2012, China effectively divided the Southeast Asian states on this issue during the 45th ASEAN Annual Meeting in Phnom Penh. This was the first time in ASEAN's history that the ministerial meeting did not issue a formal communique.

This deafening silence, however, does not hide the fact that maritime Southeast Asian countries are becoming concerned about the cyclical intrusion of the Chinese

Coast Guard (CCG) and maritime militia in their respective EEZs. These regular intrusions of CCG ships and Chinese fishing boats manned by maritime militia are directed at intimidating. Southeast Asian private vessels are prevented from conducting oil and gas exploration in the South China Sea and preempt any Southeast Asian efforts for joint projects with external powers in the disputed waters. (Dalpino, 2023) All Southeast countries know that after more than 20 years of fruitless COC negotiations, ASEAN and China are still negotiating the agreement's first draft. Some ASEAN member states may finally break their deafening silence in 2026 when the Philippines, under President Marcos, will be the chair of ASEAN. These ASEAN member states led by Manila will impress upon Beijing that it is not so quiet on the Southeast Asian front.

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