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Philippine Defense Policy Amidst Rising China Tensions

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Exercise Solo Flight

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CHAPTER 1: THE PROBLEM AND ITS CONTEXT

1.1 Background of the Study

The Philippines and China share a close yet complex bilateral relationship, especially in advancing their national interests. These two countries' interactions began as early as 1591, long before the Spanish colonization of the Philippines.¹ While the trade continued, the ties between both countries were restrained by emerging issues on national security, maritime disputes, and conflicts with foreign alliances. These ties were severed by the budding relationship between the Philippines and the US as a result of the US colonial period from 1898 to 1946, and the rise of Chinese Communism in China in 1949.^{2 3}

Drawing influence and supported by Chinese Communism, the Communist Party of the Philippines-New People's Army (CPP-NPA) was organized in 1968 to topple the existing government and eliminate the influence of the US in the Philippines. It has been reported that the Chinese government supplied weapons to the CPP-NPA in 1972.⁴

¹ "The Philippine Islands: From the Spanish Era to the Philippine Republic," Google Arts & Culture, accessed on 15 April 2022, <https://artsandculture.google.com/usergallery/the-philippine-islands-from-the-spanish-era-to-the-philippine-republic/oALyuyNJ6rI8JA>.

² Thomas Lum and Larry A. Niksch, *The Republic of the Philippines: Background and US Relations* (The Library of Congress: Congressional Research Service, 2006), https://www.everycrsreport.com/files/20060110_RL33233_21b6c7dc280249e6c07029cf0eaf62f6d497e047.pdf.

³ "China profile – Timeline", BBC News, 29 July 2019, <https://www.bbc.com/news/world-asia-pacific-13017882>.

⁴ "Communist Party of the Philippines - New People's Army", Center for International Security and Cooperation (CISAC), accessed on 17 April 2022, https://cisac.fsi.stanford.edu/mappingmilitants/profiles/communist-party-philippines-new-peoples-army#text_block_19435.

Since the launch of extensive diplomatic affairs between the Philippines and China, on 9 June 1975, the Chinese government has expressed its full support for the Philippine government and has stopped providing support, weapons, and funds to the CPP-NPA.^{5 6} Over the years, political, economic, military, and socio-cultural ties have continued to expand vigorously, including the active exchange of visits among government officials, greater economic and business cooperation, bilateral talks on security and regional issues, and increased cooperation and active participation in regional and international fora.⁷

While the issue of the connection with the communist insurgents was partly addressed, the unresolved territorial and maritime disputes and claims of both countries in the South China Sea (SCS), particularly the West Philippine Sea (WPS), continue to escalate and strain the relationship between the two countries.

1.1.1 Philippines – China Engagements

On the topic of bilateral defense cooperation between the Philippines and China, the latter and the former have signed two Memoranda of Understanding (MOU) in Defense Cooperation, as well as the Joint Statement on the Framework of Bilateral Cooperation, which aims to reinforce the military bonds between the two nations.⁸ Additionally, Philippines and China also reaffirmed their collaboration and objective to

⁵ “PHL-China Relations,” Embassy of the Philippines in Beijing China, accessed 15 April 2022, <https://beijingpe.dfa.gov.ph/phl-china-relations>.

⁶ Jose Dizon, “The Evolving Developments of Philippine Foreign Policy,” Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

⁷ “Overview of China-Philippines Bilateral Relations,” Embassy of the People's Republic of China in the Republic of the Philippines, accessed 16 September 2021, <http://ph.china-embassy.org/eng/zfgx/zzgx/t180703.htm>.

⁸ Jose Dizon, “The Evolving Developments of Philippine Foreign Policy,” Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

attain development and inclusive progress in the Joint Statement issued by both nations during President Rodrigo Roa Duterte's visit to President Xi Jinping in Beijing on 21 October 2016.⁹ This pact is currently in effect and provides the framework for existing military cooperation, training, exchanges, and dialogue between the Philippines and China.¹⁰

The Philippines is currently undertaking Ministerial Defense Activities with China as part of its multinational defense and security engagements.¹¹ These activities include the Philippines-China Annual Defense Security Talks¹², the Philippines-China Joint Working Group¹³, the Joint Committee Meeting¹⁴ Furthermore, the Bilateral Consultation Mechanism (BCM) on the SCS serves as a platform for the Philippines and China to pursue measures to increase mutual trust and confidence, address differences of views on maritime issues, and improve maritime exchanges and collaboration.¹⁵

China and the Philippines also engage in joint forums such as the ASEAN-China Defense Think Tanks Exchanges and Dialogues. Among them are Mil-to-Mil Friendly Exchanges, High-Level Discussions and Negotiations, Defense Security

⁹ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy," Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

¹⁰ "Joint Statement of the Republic of the Philippines and the People's Republic of China," Department of Foreign Affairs, 21 October 2016, <https://dfa.gov.ph/newsroom/dfa-releases/10748-joint-statement-of-the-republic-of-the-philippines-and-the-people-s-republic-of-china>

¹¹ "PH-China Bilateral Engagements" (Word document, Status Report, Philippines, 15 April 2021).

¹² Priam Nepomuceno, "PH, China to bolster bilateral defense cooperation," Philippine News Agency, 16 December 2017, <https://www.pna.gov.ph/index.php/articles/1019068>

¹³ Ibid.

¹⁴ *MOU on Defense Industry Cooperation between the Department of National Defense of the Philippines and Ministry of Defense of China*, (15 November 2017).

¹⁵ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy," Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

dialogues, the ASEAN Defense Ministers' Meeting (ADMM)-plus, and the ASEAN Regional Forum (ARF), among others.^{16 17}

1.1.2 China's Rising Power

During the pursuit of China's dream of national rejuvenation, its grand strategy has consistently conveyed the goal to become the world's dominant power.¹⁸ In light of recent geopolitical developments in the international arena and the advent of globalization, China's increasing economic and political prominence is apparent to the international community.

With a population of 1.4 billion, China remains the second-largest economy and the most significant contributor to world growth, with the highest and fastest sustained GDP expansion globally, amounting to about \$ 17.7 trillion for 2021.¹⁹
²⁰ China also has the world's second-biggest military budget, amounting to \$293-billion.²¹

As part of its strategy, China pursues to revolutionize its military to effectively safeguard its international pursuits.²² As apparent in its activities, China is heavily investing in the Navy, air force, and strategic missile assets and drastically

¹⁶ "List of PH-China Bilateral Engagements" (Word document, Status Report for the Command Conference, GHQ, AFP, 15 March 2021).

¹⁷ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy," Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

¹⁸ Graham Allison, "What Xi Jinping Wants," *The Atlantic*, accessed 18 April 2022, <https://www.theatlantic.com/international/archive/2017/05/what-china-wants/528561/>.

¹⁹ Quan Zou, "China's Most Productive Provinces and Cities as per 2021 GDP Statistics," China Briefing, February 7, 2022, <https://www.china-briefing.com/news/chinas-2021-gdp-performance-a-look-at-major-provinces-and-cities/>

²⁰ "China Population," Worldometer, accessed 20 April 2022, <https://www.worldometers.info/world-population/china-population/>

²¹ "World military expenditure passes \$2 trillion for the first time" (Sweden: Stockholm International Peace Research Institute, 2022), <https://www.sipri.org/media/press-release/2022/world-military-expenditure-passes-2-trillion-first-time>.

²² Jose Dizon, "The Evolving Developments of Philippine Foreign Policy," Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

commissioning more warfighting weapons and capabilities, including tanks, warships, and submarines.^{23 24} China's modernization plan also seeks to explore new capabilities that would counter the military assets and capabilities of US.²⁵

China's display of force and power can also be gleaned through its aggressive actions, such as massive expansion in the disputed areas and increasing military actions and activities in the East and South China Seas, triggering military clashes among states.²⁶ Nonetheless, China officials claimed that these actions were not a provocation of war but were a mere part of its defensive military strategy supporting its strategic goals and objectives.²⁷

1.1.3 The South China Sea and Other Maritime Disputes

Territorial disputes in the SCS are brought about by the overlapping claims of various countries, including China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines, over the waters, extensive oil, and natural gas reserves and resources surrounding the area.²⁸ Additionally, this region serves as a critical sea lane of communication (SLOC) for economic trade, connecting northeast Asia to Southeast Asia

²³ Lindsay Maitland, "China's Modernizing Military," Council on Foreign Relations, accessed on 23 April 2022, <https://www.cfr.org/backgrounder/chinas-modernizing-military>

²⁴ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy," Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

²⁵ Claire Taylor and Tim Youngs, "China's Military Posture," (UK: House of Commons Library, 12 February 2008), <https://www.refworld.org/pdfid/494784d22.pdf>

²⁶ "China's Military Aggression in the Indo-Pacific Region," (US Department of State, 2020), <https://2017-2021.state.gov/chinas-military-aggression-in-the-indo-pacific-region/index.html>

²⁷ Derek Grossman, "Military Build Up in the South China Sea," (RAND.org, 2020), https://www.rand.org/content/dam/rand/pubs/external_publications/EP60000/EP68058/RAND_EP68058.pdf

²⁸ Steve Mollman, "The South China Sea's untapped oil and natural gas are back in focus," Quartz, accessed on 24 April 2022, <https://qz.com/1037896/south-china-seas-untapped-oil-and-natural-gas-back-in-focus/>.

and the Middle East. SLOCs are critical to security, stability, and economic prosperity of each nation.²⁹

Almost all claimants, except Brunei, have built military forces and structures within their claimed territories, and among them, only China and Vietnam claim the entire WPS.^{30 31}

The conflicting issues and the presence of military forces in the region resulted in significant conflicts and military confrontations between and among claimant countries. China has been the most aggressive in making advances in the SCS. In 1974, the Paracel Islands were captured by China from Vietnam.³² After that, the Chinese Navy sank several Vietnamese ships in a confrontation at Johnson Reef in 1988, killing 74 sailors.³³ They followed up by seizing and building posts on several other Vietnamese claims, such as Fiery Cross Reef.³⁴ After the US had withdrawn from the Philippines, China became more assertive when it established an outpost at Panganiban (Mischief) Reef, 125 miles off the coast of the Philippines, in 1995. In 1996, its naval forces engaged the Philippine Navy in a 90-minute gun battle at Capones Island.³⁵

²⁹ Irini Laimou-Maniatis, "The Management of the Sea Lanes of Communication in South East Asia and the ASEAN Regional Forum's Performance," accessed on 26 April 2022, <https://www.files.ethz.ch/isn/23243/Management%20of%20the%20Sea%20Lanes%20of%20Communication%20in%20SE%20Asia.pdf>.

³⁰ Alexander L. Vuving, "outh China Sea: Who Occupies What in the Spratlys?," *The Diplomat*, May 6, 2016, <https://thediplomat.com/2016/05/south-china-sea-who-claims-what-in-the-spratlys/>

³¹ Raul (Pete) Pedrozo, "China versus Vietnam: An Analysis of the Competing Claims in the South China Sea," *A CAN Occasional Paper*, 2014, https://www.cna.org/cna_files/pdf/iop-2014-u-008433.pdf.

³² Toshi Yoshihara, "The 1974 Paracels Sea Battle: A Campaign Appraisal," US Naval War College, 2016, <https://www.jstor.org/stable/pdf/26397933.pdf>.

³³ Ibid.

³⁴ "China's Maritime Dispute," accessed on 26 April 2022, <https://www.cfr.org/timeline/chinas-maritime-disputes>

³⁵ Ibid.

Over the years, the escalation of the situation and the activities in the SCS has been a significant challenge in the pursuit of each claimant country's national security, regional stability, and development and the exercise of territorial integrity and national sovereignty in the region.

1.1.4 China's Aggressive actions in the KIG/WPS

Kalayaan Island Group (KIG) in the West Philippine Sea is an important part of the disputed Spratly Islands in the SCS.³⁶ Besides its natural resources and proximity to the claimant countries, claims in the region are based on historical precedents and their respective interpretations of the provisions of the UN Conference on Laws of the Sea (UNCLOS).

The Philippines' primary concern regarding the territorial dispute is China's assertion of indisputable sovereignty over nearly the entire SCS, including the Bajo de Masinloc and KIG, which are within the Philippine Exclusive Economic Zone (EEZ).^{37 38}

The tension between the Philippines and China escalated after an incident in March 2011 when two Chinese patrol boats harassed a seismic survey vessel operating near Recto Bank. The incident underscored China's continued willingness to apply limited coercion in disputes with Southeast Asian countries over maritime resources such

³⁶ Mark E. Rosen, "Philippine Claims in the South China Sea: A Legal Analysis" *A CNA Occasional Paper*, 2014, https://www.cna.org/cna_files/pdf/iop-2014-u-008435.pdf.

³⁷ Franco Nemesio Gacal, "Territorial Disputes in Spratly: An Assessment of the Philippine Initiatives," (US Army War College, 2013), https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi5qMWC16_3AhWMGqYKHWpUCu0QFnoECCgQAQ&url=https%3A%2F%2Fwww.hsdl.org%2F%3Fview%26did%3D815481&usg=AOvVaw0Nbv-blsvPmGbC8rT3tHi.

³⁸ Hannah Beech, "Where Exactly Did China Get the South China Sea Nine-Dash Line From?" *Time*, accessed 20 April 2022, <https://time.com/4412191/nine-dash-line-9-south-china-sea/>.

as energy resources and fisheries. Following harassment and the ensuing tension between the two counties in the area, exploration and drilling plans were postponed.³⁹

The Philippines tried all reasonable possibilities for a peaceful resolution of its maritime disagreements with China. However, the latter has demonstrated a pattern of increasingly assertive behavior and provocative actions in the WPS. This prompted the Philippines to file a notification and statement of claim opposed to China on 22 January 2013, contesting the validity of China's nine-dash line assertion over the disputed waters.^{40 41}

In a statement issued on 12 July 2016, the Permanent Court of Arbitration (PCA) stated that the tribunal had declared in favor of the Philippines in a case involving China and the WPS, noting that China's historic claims over its '9-dash line' have no legal foundation.^{42 43}

In spite of the final decision of the UN Arbitration tribunal, China asserts its rejection and non-recognition of the UN decision. It further disregarded the tribunal as the organization responsible for foreign affairs on behalf of the people and declared the award void and without effect.⁴⁴ At present, China is exercising de-facto sovereignty over

³⁹ Ian Storey, "China and the Philippines: Implications of the Reed Bank Incident," The Jamestown Foundation, *China Brief*, Volume 11 (2011):8. China and the Philippines: Implications of the Reed Bank Incident - Jamestown

⁴⁰ The Republic of Philippines v. The People's Republic of China, 2013-19 (PCA, 2013).

⁴¹ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy," Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

⁴² Katie Hunt, "South China Sea: Court rules in favor of Philippines over China," CNN World, July 12, 2016. South China Sea: Hague rules in favor of Philippines over China in maritime dispute - CNN

⁴³ Jose Dizon. "The Evolving Developments of Philippine Foreign Policy" Global Vortex Paper series 2021. Canadian Forces College, Toronto, ON, 19 November 2021.

⁴⁴ Shi Jiangtao and Jun Mai, "China's Xi Jinping rejects any action based on international court's South China Sea ruling," South China Morning Post, 12 July 2016, China's Xi Jinping rejects any action based on international court's South China Sea ruling | South China Morning Post (scmp.com)

the Bajo de Masinloc, where Chinese Coast Guard vessels control the presence of other vessels in the region. They continually deploy naval, survey, commercial, and fishing vessels in the disputed PH waters, and intimidate and harass military and civilian patrols, as well as fishermen in the area.^{45 46}

China is also stepping up its reclamation activities in the WPS, focusing on the construction of airstrips and reef fortresses capable of housing thousands of military personnel and further projecting force preponderance in the area.^{47 48}

The increase friction in the contested waters establishes an urgent need for the Philippines to consider the most effective way to strengthen its sovereignty and sovereign rights over the disputed waters.⁴⁹

1.2 Problem Statement:

Considering China's aggressive actions and display of military capability in the SCS, particularly in the WPS. This research explores the possibilities available to the Philippines, focusing on the different instruments of power and recommend actions in reference to other claimant countries' approaches in dealing with Chinese violations of territorial sovereignty in the SCS.

⁴⁵ "DFA asks Chinese envoy to explain intrusion," Reuters, MAR 15, 2022, <https://opinyon.net/world/dfa-asks-chinese-envoy-to-explain-intrusion#title>

⁴⁶ Frances Mangosing, "Filipino fisherman narrates harassment by China Coast Guard near Pag-asa Island," Inquirer.Net, January 26, 2021, <https://globalnation.inquirer.net/193321/filipino-fisherman-narrates-harassment-by-china-coast-guard-near-pag-asa-island#ixzz7RUqV2Fxn>.

⁴⁷ Japan Ministry of Defense, "China's Activities in the South China Sea (China's development activities on the features and trends in related countries)" (Pdf, March 2021). https://www.mod.go.jp/en/d_act/sec_env/pdf/ch_d-act_b_e_210421.pdf

⁴⁸ David Tristan Yumol, "Satellite images show China construction on West PH Sea reef amid pandemic," CNN Philippines, Feb 18, 2021, <https://www.cnnphilippines.com/news/2021/2/18/china-continue-construction-panganiban-reef.html>.

^{49 49} Jose Dizon, "The Evolving Developments of Philippine Foreign Policy," Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

1.3 Significance of the Study:

An important purpose of this study is to identify considerations in selecting appropriate responses and actions for the Philippines in addressing the issue in the SCS. As a result, key stakeholders may also use the results to make informed decisions regarding the Philippine foreign policy formulation aimed at defending sovereignty and territorial integrity.

CHAPTER 2: FINDINGS AND ANALYSIS

The purpose of this chapter is to discuss and interpret the information from document analyses and discussions conducted by the researcher to address the issues raised in the preceding chapter.

There are five (5) sections in which the research findings are presented. There will be discussions in each section regarding the advantages and disadvantages of Claimant countries' actions and engagements using the various instruments of power against China's actions in the SCS. The first section, will focus on the effectiveness of the actions and engagements of Vietnam; the second section will deal with the effectiveness of the actions and engagements of Taiwan; the third section will address the effectiveness of the actions and engagements of Brunei; the fourth section will deal with the effectiveness of the actions and engagements of Malaysia; and the last section will outline the current efforts of the Philippines in the WPS.

2.1 State theme/Discussion 1: Effective Actions and engagements of Vietnam in the SCS against China

Vietnam is one of the significant claimant countries in the SCS. Its claims are based on their inheritance from 1927, 1930 and 1933 French Expedition and the concept of the Continental Shelf as specified in the UNCLOS.^{50 51 52} Vietnam has claimed most

⁵⁰The-Kuang Chang, "China 's Claim of Sovereignty over Spratly and Paracel Islands: A Historical and Legal Perspective," *Case Western Reserve Journal of International Law*, Volume 23, Issue 3 (1991):406. <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1644&context=jil>.

⁵¹ Vo Ngoc Diep, "Vietnam's Note Verbale on the South China Sea," Asia Maritime Transparency Initiative, May 5, 2020, <https://amti.csis.org/vietnams-note-verbale-on-the-south-china-sea/>.

⁵² *Convention on the Law of the Sea*, UN General Assembly, 10 December 1982, <https://www.refworld.org/docid/3dd8fd1b4.html>

part of Paracels, and is asserting sovereignty over the entire Spratly Islands as an extension of the Khanh Hoa Province.⁵³

The tension between Vietnam and China in the SCS heightened into an open confrontation of Chinese and Vietnamese government vessels in 2014, following China's aggressive action of deploying an oil rig within Vietnam's exclusive economic zone (EEZ) in the Paracels islands.⁵⁴ The situation worsened when Chinese naval ships arrested six Vietnamese fishermen in the disputed waters around the oil rig, were both accused each other of ramming their vessels.⁵⁵ These incidents have affected the diplomatic ties between the two countries. Table 1 depicts Vietnam's effective actions and engagements in the SCS against China.

Table 1.1 – Effective Actions and engagements of Vietnam in the SCS against China

Instruments of National power	Courses of Action	Advantages	Disadvantages
Diplomacy	<ul style="list-style-type: none"> ➤ Diplomatic protests ➤ Deepening strategic cooperation with the US and other major powers ➤ Using Association of Southeast Asian Nations (ASEAN) mechanisms to rein in Beijing's ambitions 	<ul style="list-style-type: none"> ➤ Enhanced strategic posture in the SCS ➤ Economic and other cooperation opportunities with other countries ➤ dispute settlement thru confidence-building measures 	<ul style="list-style-type: none"> ➤ More Chinese assertive actions and the growing naval presence in the SCS ➤ Advancement of the US interests

⁵³ Thu Singh, "South China Sea: Emerging Security Architecture," Institute of Peace and Conflict Studies, 2012, <http://www.jstor.org/stable/resrep09360>.

⁵⁴ "Can the Philippines and Vietnam be strategic partners?," Rappler, March 2, 2015, <https://www.rappler.com/world/85499-cirss-commentaries-philippines-vietnam-strategic-partnership/>.

⁵⁵ "China detains Vietnamese fishermen in South China Sea," BBC News, 4 July 2014, <https://www.bbc.com/news/world-asia-28168447>

	➤ Strategic partnership		
Information	➤ Building up of civilian-led Vietnam Fisheries Surveillance Force ➤ preparing for legal battles		
Military	➤ It is upgrading its military and law enforcement capabilities and procurement, offsetting, and retaliatory capabilities. ➤ expanded Vietnam Coast Guard (VGC) presence ➤ Reclamation/militarization of facility	➤ Deterrence against China's maritime coercion	➤ Budget constraints ➤ -Military confrontation
Economics	➤ Economic development and engagement with China ➤ international economic integration	➤ Opportunities for Economic and trade cooperation	➤ China's aggressive military measure to defend its SLOCs

Vietnam employs a multidimensional approach in dealing with the SCS issue. On its White Defense Paper, Vietnam puts diplomacy in the forefront and expressed its commitments with the peaceful resolutions of conflict through dialogues and international integration in accordance with the international law.⁵⁶ Vietnam also advocates international integration, in pursuit of peaceful resolution of conflict.

Regarding legal actions, Vietnam supported the Philippines' application for arbitration against China and submitted its own argument to the PCA, advocating a better

⁵⁶ 2019 Viet Nam National Defence White Paper, prepared by Ministry of National Defence (Viet Nam, 2019).

approach to resolving disputes, and rejecting the nine-point claim.⁵⁷ Vietnam recognizes the role of the international community in resolving maritime disputes and has become active in internationalizing the SCS issue through bilateral and multilateral mechanisms and partnerships such as the ASEAN Regional Forum (ARF), the East Asia Summit (EAS), the Asia-Pacific Economic Cooperation (APEC) and the United Nations (UN).⁵⁸

Recognizing the importance and advantage of strategic partnerships in economic, political, and informational regional advancement, Vietnam has been working on improving ties with the United States⁵⁹ and also has strategic partnerships and relationships with Russia⁶⁰ and India,⁶¹ which has been growing robustly over the years.

Vietnam's partnership with the US has implications on its relationship with China, brought about by the rivalry between the two hegemons. Deepening ties between Vietnam and the US would create more tension in the SCS and entail intimidation from China. China is also trying to convince Vietnam to resolve the dispute bilaterally and keep the US from interfering with the issues in the SCS.⁶²

⁵⁷ Julio S. Amador III and Jeremie P. Credo, "Can the Philippines and Vietnam be Strategic Partners?," Foreign Service Institute, February 2015, <https://fsi.gov.ph/2905-2/>

⁵⁸ "Vietnam Tacks Between Cooperation and Struggle in the South China Sea," International Crisis Group, 7 December 2021, <https://www.crisisgroup.org/asia/north-east-asia/china/318-vietnam-tacks-between-cooperation-and-struggle-south-china-sea>.

⁵⁹ Nguyễn Khắc Giang, "U.S.-Vietnam Partnership Goes Beyond Strategic Competition with China," United States Institute of Peace, 19 April 2022, <https://www.usip.org/publications/2022/04/us-vietnam-partnership-goes-beyond-strategic-competition-china>.

⁶⁰ Nikola Markovic, "Russia and Vietnam: An alliance of convenience," The Interpreter, 2 August 2021, <https://www.lowyinstitute.org/the-interpreter/russia-and-vietnam-alliance-convenience>.

⁶¹ India reaffirms commitment to ties with Vietnam," ThePrint, 7 January 2022, <https://theprint.in/india/india-reaffirms-commitment-to-ties-with-vietnam/797640/>.

⁶² Khang Vu, "China's Wedge Strategy Towards the US-Vietnam Partnership," The Diplomat, August 25, 2021, <https://thediplomat.com/2021/08/chinas-wedge-strategy-towards-the-u-s-vietnam-partnership/>.

All claimant countries are extremely concerned about China's Gray Zone strategy.⁶³ It involves the use of the PLA Navy, the Coast Guard, Research vessels, and Military Militia disguised as fishing vessels in order to ascertain a permanent presence in the SCS without creating a military response risk.⁶⁴ ⁶⁵ To counter this strategy, Vietnam is bolstering the presence of its Coast Guard in the disputed waters and strengthening its civilian-led Vietnam Fisheries Surveillance Force.⁶⁶

On military actions against Chinese behavior in the SCS, Vietnam is investing more on improving and upgrading its military and law enforcement strength and capabilities to establish credible defense and deterrence in case of external aggression or war.⁶⁷ From 2010 to 2019, Vietnam's defense spending has significantly increased⁶⁸ primarily to procure anti-access capabilities such as submarines, tanks, and missiles⁶⁹ to deter coercion and counter China's capability.⁷⁰ Vietnam also pursued reclamation of its

⁶³ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy" Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

⁶⁴ Adrien Chorn and Monica Michiko Sato, "Maritime Gray Zone Tactics: The Argument for Reviewing the 1951 U.S.-Philippines Mutual Defense Treaty," Center for Strategic Studies and International Studies, 1 October 2019, <https://www.csis.org/maritime-gray-zone-tactics-argument-reviewing-1951-us-philippines-mutual-defense-treaty>

⁶⁵ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy," Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

⁶⁶ Robert Beckhusen, "Vietnam's Plan to Counter China Is a 'People's War' at Sea," WARISBORING, May 23, 2018, <https://warisboring.com/vietnams-plan-to-counter-china-is-with-a-peoples-war-at-sea/#:~:text=At%20sea%2C%20Vietnam%20will%20have,China%20Sea%2C%E2%80%9D%20Grossman%20adds.>

⁶⁷ 2019 Viet Nam National Defence White Paper, prepared by Ministry of National Defence (Viet Nam, 2019).

⁶⁸ "Government defense expenditure as a share of real government spending in Vietnam from 2010 to 2019," Statista, accessed on 29 April 2022, <https://www.statista.com/statistics/1050575/vietnam-government-defense-expenditure-share-of-real-government-spending/>

⁶⁹ Felix K. Chang, "Resist and Reward: Vietnam's Naval Expansion," Foreign Policy Research Institute, November 6, 2019, <https://www.fpri.org/article/2019/11/resist-and-reward-vietnams-naval-expansion/>

⁷⁰ Derek Grossman, "Military Build Up in the South China Sea," (RAND.org, 2020), https://www.rand.org/content/dam/rand/pubs/external_publications/EP60000/EP68058/RAND_EP68058.pdf.

claimed territory in the SCS⁷¹, which they claimed to be used for defensive purposes and in accordance with international law.

While exploring strategic partnerships and economic integration with neighboring countries and regional powers, Vietnam considers its economic and geographical relationship with China crucial in its regional peace and development. China remains to be Vietnam's biggest trade partner and investor.⁷² Both countries agreed to continue their bilateral relations and economic engagement, notwithstanding the SCS issue and dispute. China also expressed its willingness to deepen its comprehensive strategic cooperation with Vietnam in the succeeding years.

Nonetheless, these efforts did not stop China from continuously harassing Vietnamese vessels and its military expansion in SCS.⁷³ Over the years, despite Vietnam's objections, China has continued to conduct marine scientific research and deploy Chinese fishing vessels in Vietnam's Exclusive Economic Zone (EEZ).⁷⁴

⁷¹ Yan Yan, "South China Sea: Vietnam's clandestine island-building is a threat to maritime cooperation with China," South China Morning Post, 18 November 2021, <https://www.scmp.com/comment/opinion/article/3156306/south-china-sea-vietnams-clandestine-island-building-threat>

⁷² "Vietnam becomes China's sixth-largest trading partner," NhanDan, January 19, 2021, <https://en.nhandan.vn/business/item/9513202-vietnam-becomes-china%E2%80%99s-sixth-largest-trading-partner.html>

⁷³ Shashank Bengali and Vo Kieu Bao Uyen, "Sunken boats. Stolen gear. Fishermen are prey as China conquers a strategic sea," The Los Angeles Times, November 12, 2020, <https://www.latimes.com/world-nation/story/2020-11-12/china-attacks-fishing-boats-in-conquest-of-south-china-sea>

⁷⁴ Carlyle A. Thayer, "Chinese Assertiveness in the South China Sea and Southeast Asian Responses," *Journal of Current Southeast Asian Affairs*, (GIGA German Institute of Global and Area Studies, Institute of Asian Studies and Hamburg University Press, 2011), <https://journals.sagepub.com/doi/pdf/10.1177/186810341103000205>.

Standoffs among the Chinese and the Vietnamese coast guard and navies also continued in the disputed waters, fueling the unresolved conflict.⁷⁵

Further, modernization and beefing up of military capabilities and expansion of maritime militia may have established a deterrence against China's coercion. However, given the decline in the procurement of significant capabilities due to limited budget,⁷⁶ China's capabilities are still far advanced.⁷⁷

2.2 State theme/Discussion 2: Effective Actions and engagements of Taiwan in the South China Sea against China

The existing territorial conflicts between Taiwan (The Republic of China) and China is a remnant of the 1940 Chinese civil war, wherein China claims the independent nation of Taiwan as its province, while the latter asserts its sovereignty.⁷⁸

Despite the political divide between Taiwan and China, both countries' claims in the SCS share a specific origin.⁷⁹ Like China, Taiwan asserts sovereignty and jurisdiction over all disputed islands, and its territorial claims based on historical precedent.⁸⁰ Taiwan

⁷⁵ Liu Zhen, "China and Vietnam in standoff over Chinese survey ship mission to disputed reef in South China Sea," South China Morning Post, 12 July 2019, <https://www.scmp.com/news/china/diplomacy/article/3018332/beijing-and-hanoi-stand-over-chinese-survey-ship-mission>.

⁷⁶ Nguyen The Phuong, "Why is Vietnam's Military Modernisation Slowing?" Yusof Ishak Institute, 2021, <https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2021-96-why-is-vietnams-military-modernisation-slowng-by-nguyen-the-phuong/>

⁷⁷ "Vietnam Beefs up its Maritime Militia, Still Dwarfed by China's," Benar News, February 20, 2022, <https://www.benarnews.org/english/news/philippine/vietnam-maritime-militia-south-china-sea-02202022220650.html>

⁷⁸ Jennifer Lynn Cucchisi, "The Causes and Effects of the Chinese Civil War, 1927-1949," Seton Hall University, 2002, <https://scholarship.shu.edu/cgi/viewcontent.cgi?article=3416&context=dissertations>

⁷⁹ "What's behind the China-Taiwan divide?" BBC News, May 26, 2021, <https://www.bbc.com/news/world-asia-34729538>.

⁸⁰ "South China Sea Disputed Waters," VOA News, accessed 27 April 2022, <https://projects.voanews.com/south-china-sea/taiwan/>.

currently occupies and controls the Itu Aba Island, the largest island in the SCS.⁸¹ With China's intent to claim the island, Taiwan establishes its claim on the island.

Taiwan maintains a non-aggressive stance in the SCS, but China's aggressiveness is evident in its actions. In 2020, China denied Taiwan access to Pratas Island, which is part of Taiwan's jurisdiction.⁸² China also continuously challenges and pressures Taiwan through incursions of military aircraft into Taiwan's Air Defense Identification Zone (ADIZ).⁸³ According to Taiwan's Ministry of National Defense, the number of Chinese incursions into its ADIZ reached its highest level in September 2021 following an unusually high number for the period.⁸⁴ China has also been putting hangars and radar systems in its occupied features and islands in the SCS.⁸⁵

Table 2 shows Taiwan's effective actions and engagements in the SCS against China.

Table 2.1 – Effective Actions and engagements of Taiwan in the SCS against China

Instruments of National Power	Courses of Action	Advantages	Disadvantages
Diplomacy	➤ De facto control of islands/non-aggression	➤ No military confrontation	➤ China's continuing aggressive

⁸¹ "Itu Aba Island," Asia Maritime Transparency Initiative, accessed 27 April 2022, <https://amti.csis.org/itu-aba-island/#:~:text=Itu%20Aba%20Island%20is%20a,of%20the%20feature%20in%201956>.

⁸² Felix K. Chang, "China's New Pressure on Taiwan in the South China Sea," Foreign Policy Research Institute, November 16, 2020, <https://www.fpri.org/article/2020/11/chinas-new-pressure-on-taiwan-in-the-south-china-sea/>

⁸³ Ralph Jennings, "Wary of Beijing, Taiwan Doubles Down on South China Sea Island," VOA News, March 29, 2021, https://www.voanews.com/a/east-asia-pacific_wary-beijing-taiwan-doubles-down-south-china-sea-island/6203884.html

⁸⁴ "China-Taiwan military tensions 'worst in 40 years,' BBC News, October 2021, <https://www.bbc.com/news/world-asia-58812100>

⁸⁵ Ralph Jennings, "Wary of Beijing, Taiwan Doubles Down on South China Sea Island," VOA News, March 29, 2021, https://www.voanews.com/a/east-asia-pacific_wary-beijing-taiwan-doubles-down-south-china-sea-island/6203884.html

	<ul style="list-style-type: none"> ➤ Peaceful settlement of the conflict ➤ Ties with US 		actions and the growing naval presence in SCS
Information	<ul style="list-style-type: none"> ➤ Coast guard cooperation. ➤ MOU with the United States. 		
Military	<ul style="list-style-type: none"> ➤ Training of troops ➤ Additional defense capability ➤ military exercises 	<ul style="list-style-type: none"> ➤ “ready at all times” 	<ul style="list-style-type: none"> ➤ additional spending
Economics	<ul style="list-style-type: none"> ➤ Joint Development 	<ul style="list-style-type: none"> ➤ 	<ul style="list-style-type: none"> ➤

On diplomacy, Taiwan expressed that it would continue to develop and bolster its presence in Itu Aba, but it has no intention of militarizing the area,⁸⁶ as it exercises non-aggression and recognizes the multilateral mechanisms in resolving maritime disputes in the SCS under the United Nations Convention on the Law of the Sea (UNCLOS).⁸⁷

Meanwhile, in response to the actions of China, Taiwan has increased the training of its military and defensive capability to prepare for a possible invasion of China.⁸⁸ Taiwan also established ties with the US and stepped up by expanding both countries’

⁸⁶ “Taiwan says it won’t militarize island in South China Sea,” Benar News, March 22, 2022, <https://www.benarnews.org/english/news/philippine/taiwan-says-wont-militarize-island-in-south-china-sea-03222022130503.html>

⁸⁷ “South China Sea Issue,” Ministry of Foreign Affairs Republic of China (Taiwan), accessed May 1, 2022, <https://en.mofa.gov.tw/theme.aspx?n=1462&s=40&sms=294>

⁸⁸ Ralph Jennings, “Wary of Beijing, Taiwan Doubles Down on South China Sea Island,” VOA News, March 29, 2021, https://www.voanews.com/a/east-asia-pacific_wary-beijing-taiwan-doubles-down-south-china-sea-island/6203884.html.

coast guard cooperation through a memorandum on cooperation and sharing information in protecting Taiping Island.⁸⁹ The US also supplies advanced weapons and missile upgrades to Taiwan as ready capability in case of attack and invasion.⁹⁰

Taiwan's rejection of China's claims would likely entail more intimidation and heightened military tensions between the two. Involving the US will also make China more aggressive in asserting its claims.

2.3 State theme/Discussion 3: Effective Actions and engagements of Brunei in the South China Sea against China

Brunei is the most passive claimant in the SCS. Brunei has claimed over features (Louisa Reef, Owen Shoal, and Rifleman Bank) within its EEZ as UNCLOS defines.⁹¹ Nonetheless, given its limited capacity and resources, it does not claim sovereignty over these features.⁹² In order to capitalize on Brunei's limited resources, China has carried out a number of investments and infrastructure projects in Brunei making them dependent on Chinese foreign investments.⁹³

Table 3 presents Brunei's effective actions and engagements in the SCS against China.

⁸⁹ Lin Chia-nan, "Taiwan, US sign coast guard MOU," Taipei Times, March 27, 2021, <https://www.taipeitimes.com/News/front/archives/2021/03/27/2003754573>

⁹⁰ Ralph Jennings, "Wary of Beijing, Taiwan Doubles Down on South China Sea Island," VOA News, March 29, 2021, https://www.voanews.com/a/east-asia-pacific_wary-beijing-taiwan-doubles-down-south-china-sea-island/6203884.html.

⁹¹ South China Sea Disputed Waters," VOA News, accessed 27 April 2022, <https://projects.voanews.com/south-china-sea/taiwan/>.

⁹² Joshua Espeña and Anne Uy, "Brunei, ASEAN and the South China Sea," The Interpreter, accessed on 30 April 2022, <https://www.lowyinstitute.org/the-interpreter/brunei-asean-and-south-china-sea>

⁹³ Ibid.

Table 3.1 – Effective Actions and engagements of Brunei in the SCS against China

Instruments of National Power	Courses of Action	Advantages	Disadvantages
Diplomacy	<ul style="list-style-type: none"> ➤ Closer ties with both the US and China ➤ Negotiations based on UNCLOS ➤ Multilateral Partnerships ➤ Uphold international law while building more effective and integrated maritime security capabilities. 	<ul style="list-style-type: none"> ➤ The Peaceful settlement of the conflict ➤ Economic and other cooperation opportunities with other countries 	<ul style="list-style-type: none"> ➤ Advancement of other countries' interest in the SCS
Information	<ul style="list-style-type: none"> ➤ Improve maritime surveillance to monitor potential security threats. 	<ul style="list-style-type: none"> ➤ Non-confrontation 	<ul style="list-style-type: none"> ➤ No firm action to address possible threats and intimidation
Military	<ul style="list-style-type: none"> ➤ regional coordinating mechanisms and multilateral naval exercises 	<ul style="list-style-type: none"> ➤ Economic growth and opportunities with other nations ➤ interoperability and joint operations; stronger defense ties with foreign allies; 	<ul style="list-style-type: none"> ➤ Too much reliance on other countries' capabilities
Economics	<ul style="list-style-type: none"> ➤ Economic relations with China 	<ul style="list-style-type: none"> ➤ Boosted trade and cooperation 	<ul style="list-style-type: none"> ➤ Advancement of China's interest

Brunei's engagement and actions in the SCS are heavily focused on regional coordinating mechanisms and multilateral naval exercises. Brunei acknowledges that

cooperation is more productive than confrontation when dealing with maritime disputes.⁹⁴

On diplomacy, Brunei's "two-step approach"⁹⁵ encourages bilateral negotiations and adherence to the UNCLOS. This approach also gives Brunei the choice to closely work with China, the US and other major powers in the region to advance its national development.⁹⁶ While it would be beneficial to the country's economy, this action will entail complex decision-making, especially when it comes to the conflicting interests of these countries.

Brunei's military actions are also geared toward military cooperation, such as regional coordination and multilateral navy-to-navy exercises.⁹⁷ Such mechanisms will enhance interoperability and joint operations and strengthen defense ties between Brunei and other countries.⁹⁸ Brunei's actions also include improving maritime surveillance, which will aid in monitoring maritime security threats.⁹⁹

Brunei's non-confrontation stance in the SCS and its inclination to bilateral partnerships is one way of resolution of conflicts. It will likewise bring economic growth.

⁹⁴ Vivek Ganesh, "An ASEAN do-over: prospects for Brunei's chairmanship," Foreign Brief, August 20, 2020, <https://www.foreignbrief.com/asia-pacific/south-east-asia/an-asean-do-over-prospects-for-bruneis-chairmanship/>

⁹⁵ Joshua Espeña and Anne Uy, "Brunei's Two-Step Approach to the South China Sea," War on the Rocks, August 7, 2020, <https://warontherocks.com/2020/08/bruneis-two-step-approach-to-the-south-china-sea/>

⁹⁶ "Defending the Nations's Sovereignty," *National Defence White Paper 2021*, prepared by Ministry of National Defence (Brunei Darussalam, 2021).

⁹⁷ Asura Salleh, "Brunei Darussalam's Conceptualization of Maritime Security," Asia Maritime Transparency Initiative, November 22, 2021, <https://amti.csis.org/brunei-darussalams-conceptualizations-of-maritime-security/>

⁹⁸ Jon Grevatt, "Brunei outlines military development plans," Janes, June 30, 2021, https://www.janes.com/defence-news/news-detail/brunei-outlines-military-development-plans_18667

⁹⁹ Shareen Han, "Brunei wary of miscalculation in South China Sea dispute," TransportBN, June 14, 2021, <https://thescoop.co/2021/06/14/brunei-wary-of-miscalculation-in-south-china-sea-dispute/>

However, this gives the impression that the country will not assert its sovereignty over its claims and will give way to intimidation. It will also encourage too much reliance on the capabilities of other countries and eventually lead to the advancement of China's and other countries' claims in the SCS.

2.4 State theme/Discussion 4: Effective Actions and engagements of Malaysia in the South China Sea against China

Malaysia's claim in the SCS is based on the projection of its continental shelf extending the South and the East China Sea.¹⁰⁰

Table 4 shows Malaysia's effective actions and engagements in the SCS against China.

Table 4 – Effective Actions and engagements of Malaysia in the SCS against China

Instruments of National Power	Courses of Action	Advantages	Disadvantages
Diplomacy	<ul style="list-style-type: none"> ➤ Territorial Patrols ➤ In collaboration with China to procure four littoral mission ships ➤ Establishing a bilateral joint dialogue mechanism with China 	<ul style="list-style-type: none"> ➤ Less confrontation with China in the SCS 	<ul style="list-style-type: none"> ➤ Advancement of China's interest in the SCS
Information			
Military	<ul style="list-style-type: none"> ➤ Patrols/military exercise ➤ Presence in claimed islands and features ➤ acquisition of large combat ships 	<ul style="list-style-type: none"> ➤ Assertion of sovereignty 	<ul style="list-style-type: none"> ➤ Limited budget/ military capability

¹⁰⁰ *Convention on the Law of the Sea*, UN General Assembly, 10 December 1982, <https://www.refworld.org/docid/3dd8fd1b4.html>

Economics	➤ One Belt, One Road Initiative with China	➤ Economic cooperation	➤ Power rivals and tension in SCS
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Malaysia started to procure significant capabilities and establish a presence in its claimed features when China sent the Chinese Coast Guard to patrol and maintain a presence in South Luconia Shoal in 2013.¹⁰¹ Several aggressive actions and standoffs between China and Malaysia followed in 2019 and 2020 when China harassed the Malaysian oil rig and supply vessels.¹⁰²

Despite China's growing assertiveness in the SCS, Malaysia's economic interest outshines its security interests. According to Malaysia, China is not a threat and its engagement with it is in accordance with its national interest, making existing bilateral ties more important than the dispute over the SCS.¹⁰³

On the economy, The One Belt, One Road Initiative (OBOR) was signed by Malaysia, with the goal of fostering regional and cross-continental connectivity and trade opportunities between China and Eurasia through Infrastructure construction.¹⁰⁴ The OBOR encourages economic trade and cooperation, which can provide financial benefits

¹⁰¹ Ian Storey, "Malaysia and the South China Sea Dispute: Policy Continuity amid Domestic Political Change", Yusof Ishak Institute, 20 March 2020, https://www.iseas.edu.sg/wp-content/uploads/2020/02/ISEAS_Perspective_2020_18.pdf

¹⁰² Ralph Jennings, "China and Malaysia, Usually Friends, Land in Another Maritime Standoff," VOA China News, November 30, 2020, https://www.voanews.com/a/east-asia-pacific_voa-news-china_china-and-malaysia-usually-friends-land-another-maritime-standoff/6198970.html

¹⁰³ Ivy Kwek and Chiew-Ping Hoo, "Malaysia's Rationale and Response to South China Sea Tensions," Asia Maritime Transparency Initiative, 29 May 2020, <https://amti.csis.org/malaysias-rationale-and-response-to-south-china-sea-tensions/>

¹⁰⁴ Jose Dizon. "The Evolving Developments of Philippine Foreign Policy" Global Vortex Paper series 2021. Canadian Forces College, Toronto, ON, 19 November 2021.

for the national development of the Philippines.¹⁰⁵ ¹⁰⁶ However, while OBOR provides many economic engagement opportunities, it also has an economic and military applications.¹⁰⁷

The OBOR will also have a considerable strategic effect, mainly on the character of sea power in geopolitics.¹⁰⁸ This will speed up and improve the efficiency of land transport across the whole of the Eurasian continent.¹⁰⁹ Air and shipborne cargo will be diverted to the railways during peacetime, while a road or railway network will be a safer option to move by sea during wartime, avoiding the risk of interception by overseas navies.¹¹⁰ Long-term, OBOR diminishes the US Navy's competitive edge as the primary tool for US foreign policy and its basis for geopolitical dominance, as well as its effectiveness.¹¹¹ As China gains access and control of strategic resources and routes, it will pose a challenge to US economic, political, and security interests in the area.¹¹²

2.5 Philippines' Efforts in Securing the West Philippine Sea

Table 5 shows the current actions and engagements of the Philippines in Securing the WPS.

¹⁰⁵ Junhua Zhang, "What's driving China's One Belt, One Road initiative?," East Asia Forum, 2 September 2016, What's driving China's One Belt, One Road initiative? | East Asia Forum

¹⁰⁶ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy," Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ambassador Chas W. Freeman, Jr., "The Maritime Dimension of "One Belt, One Road" in Strategic Perspective," Remarks to a Center for Naval Analysis Workshop with the Rajaratnam School of International Studies, Middle East Policy Council, accessed 4 November 2021.

¹¹¹ Jose Dizon. "The Evolving Developments of Philippine Foreign Policy" Global Vortex Paper series 2021. Canadian Forces College, Toronto, ON, 19 November 2021.

¹¹² Ibid.

Table 5 – Current Actions and engagements of the Philippines in Securing WPS

Instruments of National Power	Courses of Action	Advantages	Disadvantages
Diplomacy	<ul style="list-style-type: none"> ➤ Balancing of powers ➤ Leveraging allies/International Support ➤ Confidence-building measures and collaboration among the claimant-States in the SCS ➤ De facto control of islands/non-aggression ➤ Arbitration ➤ Formulation of Code of Conduct 	<ul style="list-style-type: none"> ➤ Strengthening strategic partnerships ➤ Avoidance of confrontation with other claimant states ➤ Adherence to PCA Ruling ➤ Strengthening enforcement of the PCA ruling ➤ Gain the respect from international partners and other states 	<ul style="list-style-type: none"> ➤ Limited capability for military confrontation ➤ At risk for harassment and intimidation by greater powers ➤ Increased assertiveness of other major claimants in SCS ➤ China does not respond positively to self-restraint.
Information	<ul style="list-style-type: none"> ➤ Inter-agency engagements ➤ Leveraging allies and the international support 		
Military	<ul style="list-style-type: none"> ➤ Independent capability build-up/upgrade ➤ Coordinated Patrols/military exercise ➤ cooperative maritime security and defense arrangements with other countries 	<ul style="list-style-type: none"> ➤ the diplomatic settlement of disputes 	<ul style="list-style-type: none"> ➤ Limited defense budget ➤ Limited capability for military confrontation ➤ Slow improvement of capabilities ➤ Lack/limited resources prevent acquisition of equipment for building capabilities

			➤ At risk for harassment and intimidation by greater powers
Economics	<ul style="list-style-type: none"> ➤ Regional partnership ➤ Sustainment of bilateral and multilateral cooperation 	<ul style="list-style-type: none"> ➤ More opportunities for trade and development partners ➤ Expanding strategic partnership ➤ Avoidance of confrontation with other claimants 	<ul style="list-style-type: none"> ➤ A cycle of borrowing and spending ➤ Economic failure ➤ Weak economic development

In dealing with international engagements and issues of the SCS, the Philippines invokes Article II, Section 7 of the 1987 Philippine Constitution states that "the State shall pursue an independent foreign policy in its relations with other states, the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination".¹¹³ The article promotes maintaining equidistant relations with all countries and not allowing the maritime dispute to impact broader friendships and cooperation.¹¹⁴

In diplomacy, the Philippine action is limited to filing diplomatic protests and leveraging allies and international support through participation in confidence-building measures and other bilateral, regional, and global mechanisms that support peace and security with international partners.¹¹⁵

¹¹³ *1987 Constitution of the Republic of the Philippines*, (Chan Robles Virtual Law Library, 7 July 1998), <https://www.chanrobles.com/philsupremelaw1.htm#.YZX9jaJBzIV>.

¹¹⁴ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy." Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

¹¹⁵ *AFP Territorial Defense Plan "Kalasag"*, AFP, 2018-2022

The Philippines needs international legal support from other nations to challenge Chinese assertions of ownership and rights.¹¹⁶ Only in the Support from the international community would the Philippines' strengthen its resolve to implement the PCA ruling in the WPS.¹¹⁷

The quest for an independent foreign policy is not just a constitutional requirement, it is also a belief that the Philippines cannot depend on other states forever to defend themselves.¹¹⁸ It aspires to be free of the decrees of foreign relations and pursues an armed forces that is sufficient and credible on its own.¹¹⁹ By doing so, the Philippines is able to increase its defense budget and develop a more independent defense posture.¹²⁰ However, with the limited resources of the Philippines, the drawback lies in the slow development of capability.¹²¹

As part of recent ASEAN conferences, the Philippines called on ASEAN claimant nations to unite against China's bullying stance on the West Philippine Sea.¹²² The mutual cooperation between and among claimant countries to create a free zone of waters outside each country's territorial waters is commendable and demonstrates respect for the United Nations' archipelagic doctrine.¹²³

¹¹⁷ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy." Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

In addition to ASEAN, the Philippines has forged diplomatic relations with Indonesia, and Malaysia despite mutual territorial claims in the WPS, and with other non-claimant nations like Russia, Australia, Japan, and US.¹²⁴

One of the Philippines' strategic actions in safeguarding territorial integrity is to modernize the deterrent and self-defense capabilities of our ground, naval, littoral, and air forces. In upgrading its capability, the Armed Forces of the Philippines (AFP) will address the legitimate security needs of the Philippines, including safeguarding the country's economic rights within its EEZ and extended continental shelf and ensuring the well-being of the troops stationed and civilians in the country's owned and occupied areas. However, capability shortfalls in significant equipment and communications, detection, and identification systems for territorial defense, needs to be addressed. Moreover, the AFP has yet to improve its logistic systems to include the establishment of strategic/coastal defense platforms, air/seaports, surface, and air sensors/RADAR, and ground-based air defense systems in order to sustain 24/7 monitoring of entry and exit of foreign and local assets in the SCS and Philippine Rise.

On the eastern seaboard, the AFP, through its Northern Luzon Command (NOLCOM), has been conducting Maritime Patrol utilizing the assets of the Philippine Air Force (PAF) and the Philippine Navy (PN). Additionally, the unit performs an annual symbolic underwater flag-raising ceremony in the Philippine Rise by planting the Philippine flag on the subsurface of the undersea features, an explicit display of authority by the Philippines over the area.

¹²⁴ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy." Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

The PN and PAF asset procurement and enhancement programs are underway with the Horizon 2 of the AFP Modernization Plan. Horizon 1 has increased the PN's Offshore Combat Floating assets to six (6) offshore patrol vessels and ten (10) patrol ships. The frigates (BRP Del Pilar and BRP Alcaraz) are currently deployed in the Philippine Rise to support the country's presence in the region. A total of 18 PAF aircraft are used for maritime patrol, and the PAF is anticipating the delivery of two additional Long Range Patrol Aircraft (LRPA) in the near future to enhance its capability in this regard. The PAF is also planning to establish Air Defense Surveillance Radar Systems with a fixed and mobile radar to cover the East sea areas. Likewise, the C4ISTAR (Command, Control, Communications, Computers, Intelligence, Surveillance, Targeting Acquisition, and Reconnaissance) is part of the AFPs Modernization that will enhance the self-defense capability of the AFP.

Further, the existing C4ISTAR is limited, and there are no capabilities for electronic and cyber warfare for a national maneuver force. Despite the limited capabilities for territorial defense operations (TDO), the AFP remains optimistic about the results of the revised modernization program and continues to conduct maritime surveillance and reconnaissance missions in the WPS and Philippine Rise to bolster maritime domain awareness. Ongoing capability build-up efforts involving the Philippine National Police-Maritime Group, Philippine Coast Guard, Philippine Navy, and Philippine Air Force are also being made to protect the Philippines' territory, sovereignty, and maritime interests.

Furthermore, to enhance cooperative maritime security and defense arrangements with other countries, the Philippines is engaged in joint and combined training to enhance interoperability and collaboration.

In the economic arena, maintaining bilateral relations with other countries is essential for Philippine national security. At present, the Philippines is exploring regional partnerships and sustaining bilateral and multilateral cooperation already in place. Bringing these partnerships together will increase opportunities for trade and strategic alliances and attract foreign trade and investment, allowing for the strategic development of the country's economy and the growth of its financial resources. As a result, the country will also be able to leverage and balance allies and partners within international law.¹²⁵ This action would, however, entail higher budgets and higher defense spending, which the country does not have.¹²⁶ A limited economy like the Philippines might find itself in a perpetual cycle of borrowing and spending.¹²⁷

¹²⁵ Jose Dizon, "The Evolving Developments of Philippine Foreign Policy." Global Vortex Paper series 2021, Canadian Forces College, Toronto, ON, 19 November 2021.

¹²⁶ Ibid.

¹²⁷ Ibid.

CHAPTER 3: SUMMARY AND CONCLUSION

3.1 **Summary of Findings:** Recommended actions to form part of Philippine defense policy and other actions to be considered

China's actions in the SCS have greatly affected other claimant countries' (Philippines, Vietnam, Indonesia, Malaysia, and Brunei) exercise of sovereignty and national interest in the disputed waters. This aggressive behavior also triggered several standoffs and military confrontation between and among claimant countries over the years, thereby affecting each country's approach to maritime disputes.

All of the claimant states to the SCS abide by the UNCLOS and have been implementing mechanisms that are consistent to the clauses outlined in the Law of the Sea. However, China's increasingly assertive behavior in the SCS necessitates diverse actions across the instrument of national power that would best serve the interest of a particular country.

On diplomacy, Vietnam, Taiwan, Brunei, Malaysia and the Philippines have put recognition and importance to the peaceful settlement of maritime disagreements in the SCS. Strategic and regional partnerships as well as the solidarity of the international community are crucial in attaining international peace and stability, and the pursuit of national interest of each claimant country. As a matter of fact, the Philippines has also been doing these diplomatic actions and negotiations in dealing with the WPS issue. The filing of an arbitration case and the PCA ruling submitted by the Philippines against China in 2014 was an eye opener for the international community in the aggressive behavior of China. After the arbitration, Vietnam has become more bold in internationalizing the SCS issue. While this action will not stop China from its

aggression, bilateral and multilateral mechanisms and partnership with allies and strategic partners will ensure that actions of claimants and other countries in the SCS will be synchronized and highly coordinated.

On Information, Vietnam and Brunei's informational engagements, the involvement of each country's maritime and law enforcement, and other stakeholders such as the Coast Guard and local fishermen are also effective in monitoring potential maritime security threats and countering China's Gray Zone strategy as it will prevent military confrontation and allow national legislations and policies to be applied to foreign and civilian vessels transiting in each country's EEZ. The Philippines' current efforts in this aspect also include monitoring and surveillance of foreign vessels' activities thru the conduct of sovereignty patrols (SOVPAT) such as long range maritime, naval and air. Naval patrols involve gray ships, maritime patrols are interagency in nature, while SOVPAT involves all stakeholders.

On Military, while each country's aim is to enforce international laws and compel China to abide these laws and stop its expansionist activities to ensure freedom of navigation, commerce and air space, military actions are likewise crucial to deter and prepare for possible attacks of China. Vietnam, Taiwan and Malaysia are investing more on their military capabilities to prepare for China's more assertive behavior. Considering China's military strength and power, the modernization and upgrade of military capabilities of each claimant country will provide retaliatory actions and more teeth in asserting its sovereignty, if not at par with China. The Philippines also maintains a minimum credible deterrence posture in the WPS thru modernization of its capabilities and provision of military courses of actions to achieve political ends, interests and

objectives, however, with the current logistics and capability shortfall, certain action plans are necessary.

In line with diplomacy, the best economic action that each country should undertake is to maintain international economic integration. All claimant countries are sustaining their existing cooperation and partnerships with other countries despite the SCS issue. The partnership with regional powers such as Russia, Japan and US will be an opportunity to boost the country's economic trade and commerce.

With the anticipation that China will continuously pursue bolder moves in the SCS and will not refrain from undertaking illegal operations therein, these actions are proven effective in establishing deterrence against such aggressive behaviors

3.2 Conclusion: Due to the findings, what specific actions should the PH Government and other claimant countries take against Chinese violations of territorial sovereignty in the SCS

In safeguarding territorial integrity and sovereignty, the Philippines is bound to assert its rights and jurisdiction over its territory, including the WPS. The country should continue and modify its actions in dealing with Chinese violations in the SCS. Based on the specific actions of Vietnam, Taiwan, Brunei, and Malaysia, practical actions that were effective in deterring China's aggressive actions boil down to three: expediting the upgrade of self-defense capability, leveraging allies through confidence-building measures, and the establishment of national legislations.

As for capability upgrades, the Philippines has set up its Defense systems with limited deterrent options due to the lack of advanced defense hardware, such as maritime situational awareness and surface/air platforms that are stationed within the country's

owned and occupied territory. In addition, the existing military and law enforcement units within the SCS and WPS only have limited self-defense capabilities, resulting in some areas not being constantly monitored. Likewise, national development will be relatively slow due to unresolved maritime issues. This, however, is not an irresolvable situation, as other parties can be engaged to facilitate such efforts. By leveraging allies through confidence-building measures, the continued engagement with ASEAN and other countries will promote peace and security, the rule of law, and the diplomatic resolution of disagreements.¹²⁸ It also calls for strengthening collaboration and a diplomatic approach with countries sharing common maritime borders and interests.¹²⁹ It aims to pursue the implementation of the Declaration of Conduct (DOC) and the conclusion of a legally-effective Code of Conduct (COC) while engaging in confidence-building measures in the region.¹³⁰

Moreover, in the absence of relevant national security legislation, other claimant-States may take advantage of the exploitation and exploration of natural resources, particularly in the EEZ. The passage of relevant national security legislation will establish maritime boundary delimitation with adjoining countries facilitating commitment and obligations under international law, notably UNCLOS.

¹²⁸ Mingjiang Li, "Managing Security in the South China Sea: From DOC to COC," *Kyoto Review of Southeast Asia*, March 2014, <https://kyotoreview.org/issue-15/managing-security-in-the-south-china-sea-from-doc-to-coc/>.

¹²⁹ Ibid.

¹³⁰ Ibid.

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