

**Mutating Philippine Foreign Policy on the South China Sea:  
Tracing Continuity and Breaks\***

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**Abstract**

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The approaches of Philippines claims in the South China Sea depend on the policies of different administration since Ferdinand Marcos. Given the political and security landscape of the country resulting to various interests that influenced the foreign policy, responses of each administration has degree of variations. Philippine foreign policy consistently adheres to the principles of national interest and territorial integrity as articulated by the Constitution. However, it failed to establish a long term approach that pursues an ensuring and continuous mechanism that will fortify our sovereign claims over the area.

This paper will provide a historical development of the Philippine claims in the South China Sea from the administrations of Ferdinand Marcos to Benigno “Pnoy” Aquino. Additionally, this paper will identify the foreign policies and the different approaches acted upon by each administration to assert claims in the South China Sea.

Findings of this study proved that the Philippines outlined several approaches to address territorial concerns in the South China Sea. There has been a continuity of policies but not articulated as law; hence it depends on the serving administration. One of the identified long term policy since 1994 was the National Marine Policy but was dormant until the Scarborough Standoff in 2012.

\*A summary of a chapter from a thesis entitled *Philippine Foreign Policy in the West Philippine Sea After the Scarborough Standoff: Implications for National Security*.

The primary concern of this study is; first, to examine the historical developments tracing the continuity and gaps of the Philippine claims in the South China Sea from the administrations of Ferdinand Marcos to Benigno “Pnoy” Aquino. Second, this study looks into the implications of these developments to Philippines bureaucratic institutions involved in crafting policies/strategies related to maritime dispute.

Philippine foreign policy upholds peaceful coexistence and mutual respect with other states, neutrality and ideological openness, and adherence to international law for peaceful resolution of conflict. A challenge to these considerations is the South China Sea that posed concern to the integrity and interest of the Philippines. The Philippine approach to the South China Sea varies particularly that it is dependent to the serving administration. There is a continuity of approaches and policies since the start of its formal claims during the time Ferdinand Marcos but these mechanisms have continually modified based on the demand of the political environment defined by national interests.

Marcos saw the need to ensure the security of territorial integrity affirming sovereignty and independence. He issued PD 1596, which called for areas in the South China Sea including the Kalayaan group of Islands part of the Philippine archipelago instituting a local government unit, the Municipality of Pag-asa as the Philippines northernmost municipality. Ferdinand Marcos foresees the anticipated crises in the Asian region, thus, he ensures a foreign policy that will bring the Philippines closer to Asian neighbors. In his speech he said;

*“ As the situation arises in Asian nations, it would be most dangerous to procrastinate, for we have time to prepare ourselves and strengthen our defense if we act now”.*

Amongst the highlights of the Marcos administration was the establishment of the Zone of Peace Freedom and Neutrality (ZOPFAN) that aimed to set South East Asian nation from any

strategic posturing of super powers. The Philippines also adheres to the Treaty of Amity and Cooperation in Southeast Asia and the Manila Declaration for the Peaceful Settlement of International Disputes. These two initiatives provide the Philippines framework in settling dispute in a peaceful manner so as not to endanger cooperation in the ASEAN region. In 1981 during the adoption of the United Nations International Law of the Sea (ITLOS), Marcos believed that it will have a significant impact to Philippine interests. Hence, he issued EO 738 that established the Cabinet Committee on the Treaty of the Law of the Sea (CABCOM-LOS). The Committee shall held full responsibility for the implementation of the Treaty on the Law of the Sea with respect to political, economic, strategic, and other implications, with the Ministry of Foreign Affairs as the coordinating agency. The Committee was composed of 6 members ; the Minister of Foreign Affairs as Chairman, with the Minister of National Defense, the Minister of Natural Resources, the Minister of Energy, the Minister of Justice, the Director-General of the National Economic Development Authority.

Corazon Aquino succeeded the Marcos regime after the EDSA People's Power Revolution. However, as the Aquino presidency highlights particularly the determination in recovering the hidden wealth of the Marcos, the South China Sea issue was less of a concern. Remarkable development of the Aquino presidency was the modification of the CABCOM-LOS by reconstituting its members adding 6 more members to the original composition including; Department of Finance, Department of Agriculture, Trade and Industry, Budget and Management, and Science and Technology.

Following Corazon Aquino, Fidel Ramos embarked on Development Diplomacy as his foreign policy thrust. Ramos designed a foreign policy that has a holistic approach to the development of security, defense and socio-political aspects. He institutionalized both the DFA

and the DND as co-chair of the political security and sub-committee of the development diplomacy. One of the highlights during Ramos administration was the adoption of the 1992 ASEAN Declaration on the South China Sea. The Declaration emphasize on the necessity to resolve all sovereignty and jurisdictional issues pertaining to the South China Sea by peaceful means without no resort to force and urges all parties concerned to exercise restraint with the view of creating a positive climate for the eventual resolution of all dispute.

In 1994, Fidel Ramos issued EO 186 known as the Expanding of the Coverage of the Cabinet Committee on the Law of the Sea and renaming it as the Cabinet Committee on Maritime Affairs. The Committee and its functions expanded to include the formulation of practical and viable policies and addressing the various concerns which affect the implementation of the United Nations Conventions on the Law of the Sea and other marine related matters . Furthermore, it also encourage the participation of private academic and research institutions involved with marine and ocean-related concerns, through the development of marine research community. In the same year, the National Marine Policy was also adopted. The NMP was an initial effort of the government that will serve as a guideline and framework in coming up with a definitive national marine strategy and ocean management.

Ramos policies set to address problems in the South China Sea was put into test during the the Mischief Reef incident. President Ramos called for the demilitarization in the South China Sea and start cooperative undertakings in the area; he also proposed for a joint development of resources among claimant states in accordance to the Manila ASEAN Declaration. DFA secretary Alberto Romulo in his speech said; “ *the country will exhaust, as appropriate, all peaceful means in resolving the issue.*”

Fidel Ramos was succeeded by Joseph Estrada. The Estrada Administration was focused primarily on poverty alleviation and internal insurgencies in Mindanao. The South China Sea was given minimal attention. However, Estrada understood the need to strengthen defense capacity of the Philippines to defend territorial integrity and sovereignty. The Philippine Senate during the Estrada administration approved of the Visiting Forces Agreement as for one reason would be to deter China's territorial incursion.

Nevertheless, in his first State of the Nation Address (SONA) July 27, 1998 President Estrada included the protection of the territorial security of the region. Former President Joseph Estrada, during his first State of the Nation Address, said;

*“Effective national defense requires not just modern weaponry but better fighting men. Before we spend on expensive hardware, let us have the right kind of soldiers. It is not weapons that win wars but the men who fight them. Until we develop a credible military deterrent, we must depend on the goodwill of our neighbors, on our treaty commitments with the United States, and on the skills of our diplomats in conveying to everyone that we want only peace, stability and shared prosperity. It is said that my stand as a senator against the US BASE Treaty disqualifies me as President from endorsing the Visiting Forces Agreement. On the contrary, because I stood up for the Philippine sovereignty in 1991, now as your President, I have the moral right to stand up for Philippine security today.”*

The Philippine Senate's approval of the Visiting Forces Agreement as believed by the Estrada Administration to deter China posed constraints to the relations of Philippines and China. The Philippines called for the support of the United States to the Spratly issue, however, the United States maintained its neutrality to the conflicting claims in the South China Sea.

Apart from enhancement of defense and security cooperation between the Philippines and the United States for external security, President Estrada called for a peaceful settlement in the South the China Sea together with other ASEAN claimant states as a means to protect territorial sovereignty. During the bilateral meeting with Chinese President Jiang Zemin and President Joseph Estrada in Malaysia they vowed to settle conflicting claims over the islands peacefully that caused the diffusion of the tension in the Mischief Reef and both agreed on the creation of expert groups which will pursue negotiations to enhance confidence-building measures over the Kalayaan Islands.

With the controversies faced by the Estrada administration he resigned from office and was succeeded by his Vice-President, Gloria Macapagal-Arroyo. Arroyos' foreign policy was guided by its three pillars; preservation and enhancement of national security, promotion and attainment of economic security and the protection of OFWs. Philippine-China relations was at the time of major confidence-building during the Arroyo administration. One of the hallmark of the Arroyo presidency was the adoption of a Regional Code of Conduct in the South China Sea that set as basis for the prevention of conflict and establishment of peaceful resolution among claimant states. Arroyo also passed the RA 9522 that defines the Archipelagic Baseline of the Philippines with the purpose that it provides the extend of territory the Philippines has jurisdiction. Under RA 9522 the Philippines exercise sovereignty and jurisdiction over Kalayaan Island Group under PD1596 and Bajo de Masinloc. It is the first step of Philippine conformity to the requirements of the UNLCOS. Arroyo designated the function and responsibilities of CABCOM-MOA to the Department of Foreign Affairs thereby naming it Maritime and Ocean Affairs. Eventually Arroyo, reorganized the MOAC into Commission on Maritime and Ocean

Affairs under the office of the President and expand its functions as an interagency system that formulates and recommends policy for the management of maritime resources and boundaries.

Benigno “Pnoy” Aquino succeeded the 10 years term of Gloria Macapagal-Arroyo. The stand of the Aquino administration regarding our claims over the South China Sea is clear, in his second State of the Nation Address last July 25, 2011, he stated;

*“ Now, our message to the world is clear: What is ours is ours; setting foot on Recto Bank is no different from setting foot on Recto Avenue”*

Benigno Aquino. President Aquino launched the Zone of Peace, Freedom, Friendship and Cooperation that will provide a framework for separating the disputed territorial features that may be considered for collaborative activities from non-disputed waters. These enclave areas could be designated as JCA wherein civil law enforcement agencies will operate. With this, Pnoy issued the policy Posse Comitatus/ principle of separating civilian authority and prohibiting the use of military in civilian law enforcement (Morales, 2015). In April 2012 the Scarborough Standoff happened, Pnoy issued AO 29 naming the areas including KIG, Scarborough Shoal and Reed Bank part of the West Philippine Sea.

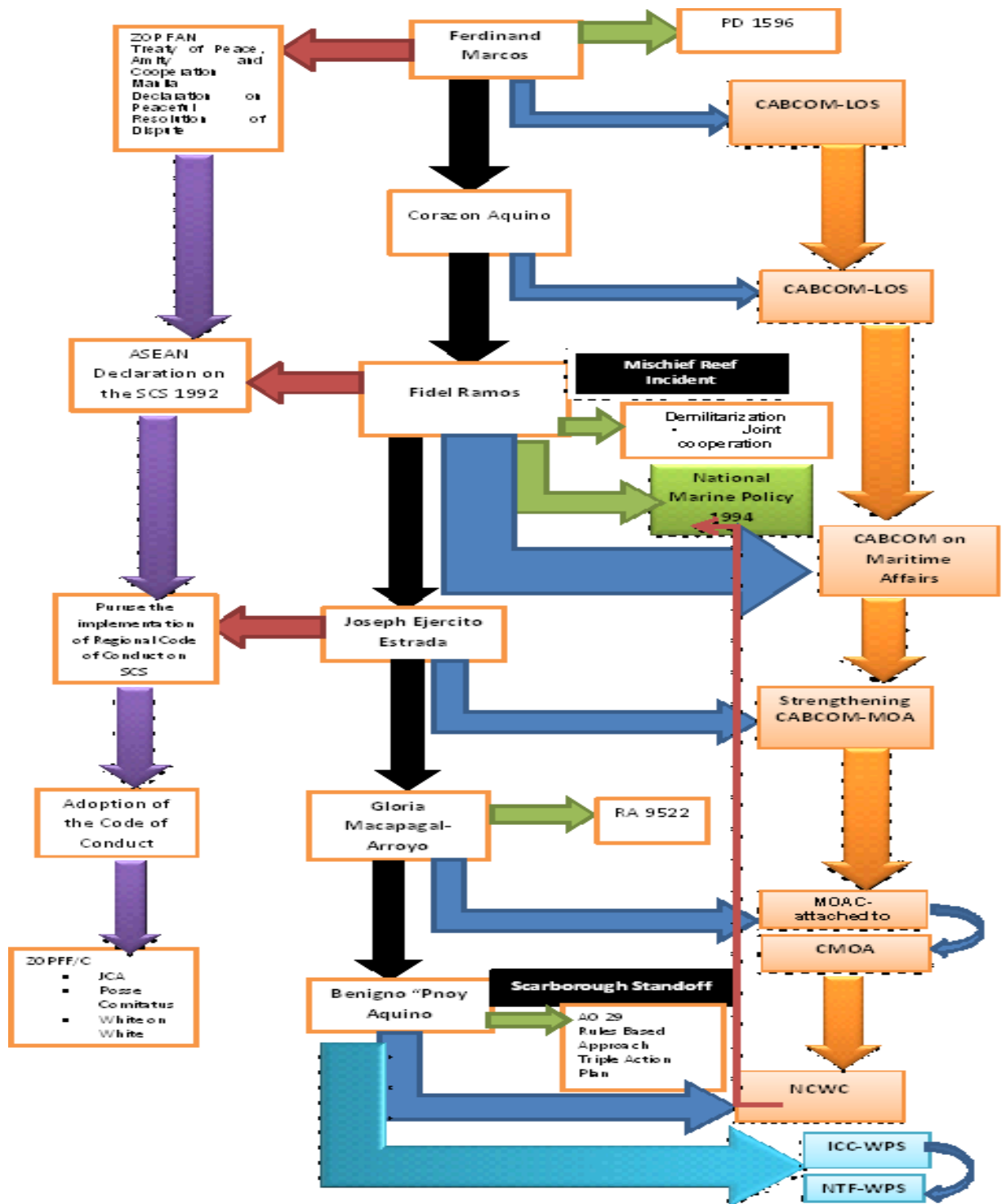
In his 3<sup>rd</sup> State of the Nation Address (SONA) speech Pnoy stated *““We do not wish to increase tensions with anyone, but we must let the world know that we are ready to protect what is ours. We are also studying the possibility of elevating the case on the West Philippine Sea to the International Tribunal for the Law of the Sea, to make certain that all involved nations approach the dispute with calm and forbearance”*.

The Philippines utilized Rules Based approach and Triple Action Plan as its strategies to assert claims in the area. Pnoy issued EO 57 that established the National Coast Watch System that provides a coordinated interagency for maritime security operations. The roles and

responsibilities of the CMOA was transferred to the NCWS. The NCWS will provide guidelines to the NCWC in the formulation and recommendation of policies for maritime affairs. One of the roles of the NCWC is to update the 1994 NMP. Apart from the NCWC a specific interagency committee for the West Philippine Sea was also established the ICC-WPS a recommendatory body that is tasked to ensure the steadiness of the diplomatic and political efforts for the government as it pursue a continuous implementation of strategies that defines Philippine foreign policy with regard to the West Philippine Sea issue yet maintaining good relations with China. PNOY issued memo circular 94 that established the National Task Force for the WPS, roles of the ICCWPS was transferred to the Task force. The Task force is responsible to create an area-level force task force responsible to orchestrate the mandate of different member-agencies and a tactical level task force responsible to perform all the mandates in accordance to the guidelines provided by the task force.



Fig. 1. Different policies/approaches of Philippine presidents' vis-à-vis South China Sea



The approach of Philippine government posed two implications in as far as this study is concern. First, policies along the line of national territory including maritime areas are stable and fix. Necessary amendments were made to clearly develop extent of territorial boundaries in compliance to the requirements provided by UNCLOS. The Philippines has been consistently adhering to international and regional declarations for the peaceful resolution of maritime dispute. In line to the different interagency committees, modification of these agencies in terms of their functions and compositions were made to meet the demand of existing political environment. . Thus, existing policies mutate out from previous policies formulated taking account personality of leaders, domestic, regional and international political landscaped are considered variables in policy-making.

Second, at the implementation level, the Philippines failed to sustain the realization of these policies. Hence, despite the continuity policies, gaps in the development assertion in the South China Sea are inevitable. Personal approaches in line with the interest of each administration in dealing with China also differ that consequently influence the capabilities of the Philippines to sustain its claims in the South China Sea. The lack of commitment and proper experience from different agencies that composed the interagency committees challenged the continuity of the policies particularly that people working for this agencies lack an archipelagic consciousness affecting policy-making processes. Furthermore the Philippines focus on combatting internal security threats as well as the country's limited assets to patrol coastal areas also impedes the realization of policies formulated.

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