



# A FORKED ROAD: CHANGE AND CONTINUITY IN PHILIPPINE POLICY ON THE SOUTH CHINA SEA

Jay L. Batongbacal, JSD

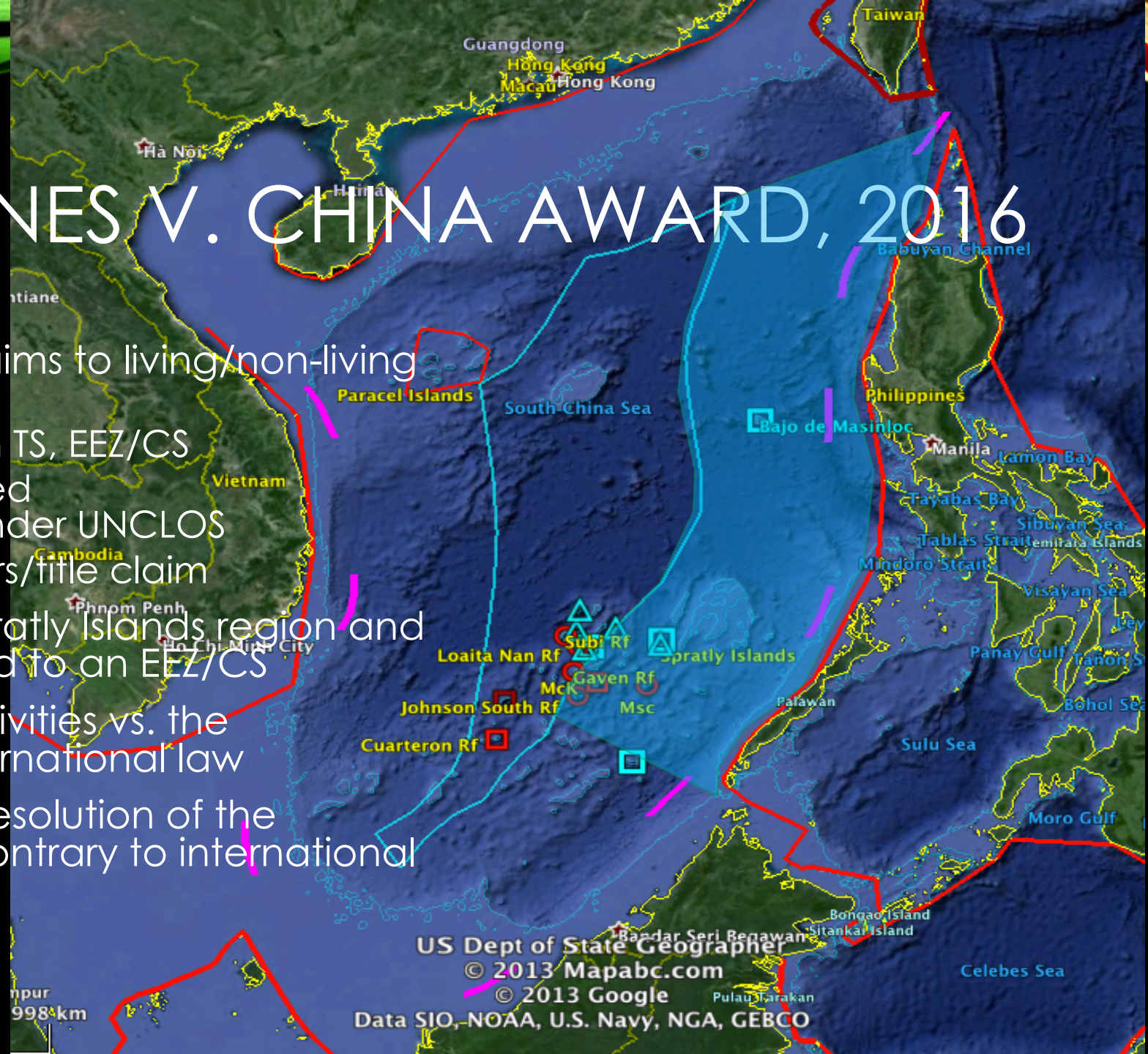
Associate Professor, University of the Philippines College of Law

Director, UP Institute for Maritime Affairs & Law of the Sea



# PHILIPPINES V. CHINA AWARD, 2016

- China's claims in the SCS = claims to living/non-living resources within 9DL
  - Exist only within China's own TS, EEZ/CS
  - Beyond own waters, deemed abandoned/relinquished under UNCLOS
  - No valid historic rights/waters/title claim
- None of the features in the Spratly Islands region and Scarborough Shoal are entitled to an EEZ/CS
- China's maritime assertion activities vs. the Philippines are contrary to international law
- China's actions pending the resolution of the arbitration proceedings are contrary to international law



# CHANGES

	AQUINO ADMINISTRATION	DUTERTE ADMINISTRATION
LEGAL	Pursue UNCLOS Annex VII Arbitration	Shelve arbitration until “later in (Duterte’s) term”
DIPLOMATIC	(1) No talks with CHN until after Award  (2) Push for unified ASEAN position on Award and legally-binding COC with dispute-settlement provisions  (3) Advocate/mobilize international support	(1) “Normalize” relations with CHN; pursue economic cooperation/integration  (2) Remove Award from ASEAN agenda, soften position on COC  (3) Disengage from advocacy, involvement
POLITICAL	(1) Re-energize defense alliance  (2) Diversify security relations	(1) Distance from traditional alliance partners (2) “pivot to China, Russia”



# CHANGES

	AQUINO ADMINISTRATION	DUTERTE ADMINISTRATION
<b>Characteristic</b>	Confrontation	Accommodation
<b>Narrative</b>	Right v. Might, Rule of Law	Might v. Right, <i>Realpolitik</i>
<b>Preferred Mode</b>	Multi-lateralism	Bilateralism
<b>Maritime security arrangements</b>	Alliance-(re)building and enhancement, open security cooperation with traditional allies/external powers	AFP Modernization, downplaying of security cooperation with traditional allies/external powers

# INCIDENTS

- Warning shots against PHL fishermen (April 2017)
- Sandy Cay incident between Pag-asa (Thitu) Island and Subi Reef (August 2017)
- Harassment of PH Navy resupply mission to Second Thomas Shoal (May 2018)
- CCG taking of fish catch from fishermen in Scarborough Shoal (June 2018)

# DEVELOPMENTS

- Combat Air Patrols (CAP) over Scarborough Shoal and Spratly Islands (2016-2018)
- Landings of CAP on Fiery Cross (Spratly), Woody Island (Paracels) (2017-2018)
- Operational radars, jammers on CHN artificial islands (2017-2018)
- Confirmed operation of military cargo/passenger aircraft on Mischief Reef (2018)
- Constant and increased presence of PLA-N, CCG ships on Fiery Cross, Subi, Mischief Reefs (2016-2018)
- Plans to install nuclear power-barges in the Spratlys (likely Fiery Cross, Subi, Mischief) (2018)
- Official stationing of SAR vessel in Subi Reef (2018)
- Official announcement of opening of weather stations in Spratly Islands (2018)

# CONTINUITY

 **SECTIONS** Wednesday, November 7, 2018 **INQUIRER.NET**  **TODAY'S PAPER** 

HEADLINES 316 SHARES    

## Duterte consistent PH won't give up an inch of territory—Palace

By: [Christine O. Avendaño](#) · @inquirerdotnet Philippine Daily Inquirer / 07:23 AM August 24, 2018

Malacañang on Thursday said President Rodrigo Duterte had always been consistent in his dealings with China after the Chief Executive warned of trouble if Beijing unilaterally exploited resources in the South China Sea.

ADVERTISEMENT 

  **RAPPLER**

## PH hasn't lost 'an inch of territory' over closer China ties – envoy

If you deal with China in a hardball manner, you will face the same equally hard, if not harder approach from the Chinese. This is an important lesson from history,' says Philippine Ambassador to China Jose Santiago Sta Romana

**Camille Elemia**  
@CamilleElemia  
Published 3:26 PM, July 12, 2017  
Updated 3:37 PM, July 12, 2017



# CONTINUITY

South China Morning Post | HK CHINA ASIA WORLD COMMENT BUSINESS TECH LIFE CULTURE SPO

3 SHARES f t + NOW READING Philippine President Rodrigo Duterte will go to war with China if it crosses 'red lines', foreign ministry warns

## Philippine President Rodrigo Duterte will go to war with China if it crosses 'red lines' and claims disputed resources, foreign ministry warns

Foreign Secretary Alan Peter Cayetano said that China trying to extract oil and gas from the South China Sea was one of several actions Duterte forbade

PUBLISHED : Tuesday, 29 May, 2018, 6:30am  
UPDATED : Tuesday, 29 May, 2018, 10:51pm

COMMENTS: 118



ABS-CBN NEWS

Home > News

## 'Kung solohin mo, gulo talaga': Duterte warns of trouble if China monopolizes uranium, oil

Dharel Placido, ABS-CBN News  
Posted at Aug 22 2019 03:20 PM | Updated as of Aug 22 2019 03:47 PM

Save f t g+ in

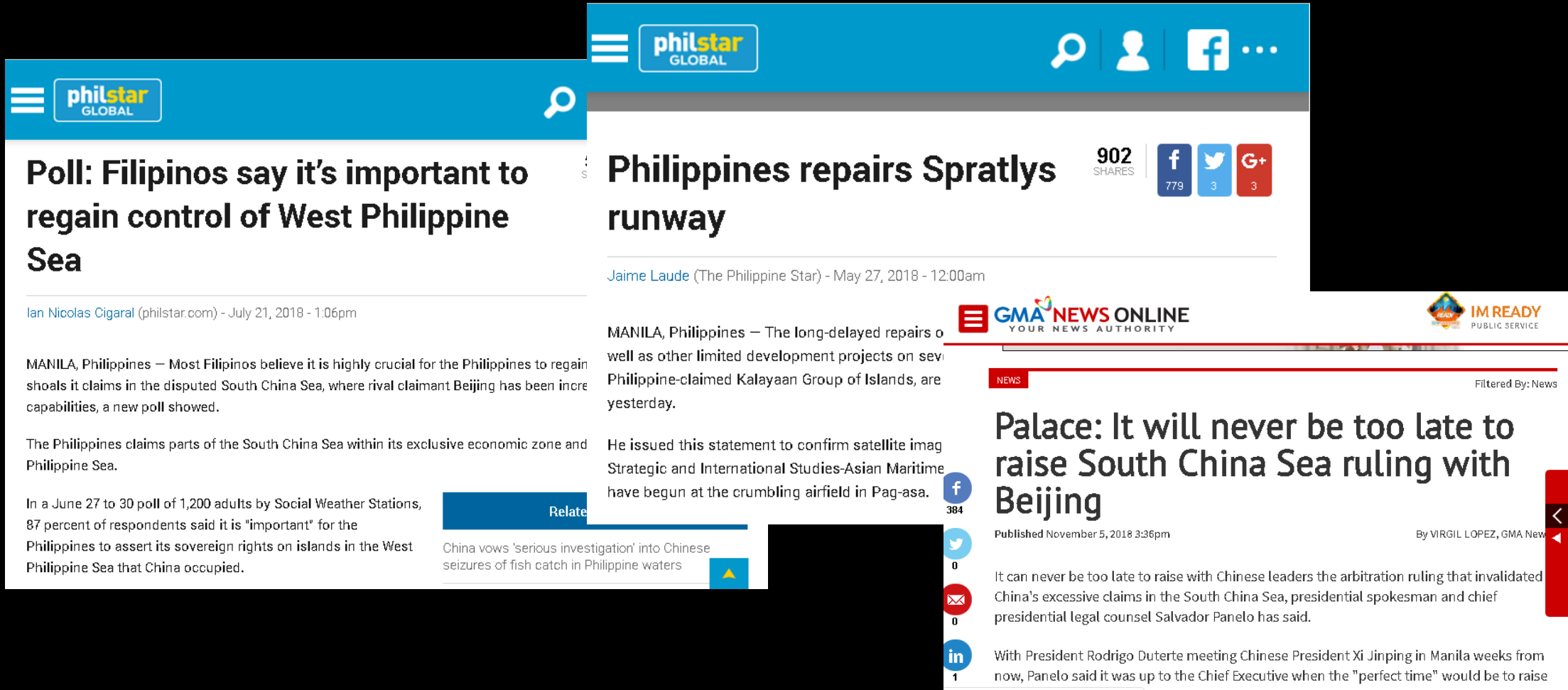
MANILA - President Rodrigo Duterte warned of trouble if China will unilaterally exploit resources in the disputed South China Sea.

Duterte has been recently changing tune about the bitter maritime dispute, as he slammed China for its "nasty" warnings to Filipino pilots conducting patrols over the Spratly Islands.





✍ Duterte hits China's 'nasty words' to patrolling PH pilots






# CONTINUITY







# CONTINUITY



## Australia, Japan to join Philippines-US joint exercises

1.9K |   



NEWS Filtered By: News

### PHL, US to increase number of joint military exercises in 2019 –AFP

Published September 29, 2018 6:12pm

MANILA, Philippines — Forces from Australia and Japan will also join military exercises between the Philippines and the United States.

The 34th Balikatan exercises between Filipino and US troops will be held in Luzon from May 7 to 18.

The Philippine military has also invited the United Kingdom to take part in the exercises.

The Philippines and the United States have agreed to increase the number of joint military exercises in 2019, the Armed Forces of the Philippines announced Saturday.

"The Philippines and US agreed on 281 security cooperation activities for 2019, an increase over 2018," AFP public affairs chief Colonel Noel Detoyato said.

AFP Chief of Staff General Carlito Galvez and US Indo-Pacific Command chief Admiral Philip Davidson approved the military-to-military activities during an annual meeting of the Mutual Defense Board (MDB) and Security Engagement Board (SEB) in Camp Aguinaldo last month.

# ECONOMIC COOPERATION

## BREAKING NEWS

Sandiganbayan First Division will promulgate a ruling on the PDAF plunder case vs ex-senator Bong Revilla on December 7



Search CNN Philippines

Home News World Business Entertainment SportsDesk Life Videos  
Transportation Digital Series The Source

## Udenna-China Telecom wins provisional bid as 3rd telco player

By [Luchi de Guzman](#), CNN Philippines

Updated 06:24 AM PHT Thu, November 8, 2018

Like Share You and 2.5M others like this.



25.8K



184



## Philippines, China to ink deal on New Clark City ind'l park

[Mary Grace Padin](#) (The Philippine Star) - September 3, 2018 - 12:00am

MANILA, Philippines — The government is targeting to sign in November a financing deal with China for the establishment of an industrial park in New Clark City, Pampanga, according to the Bases Conversion and Development Authority.

In an interview, BCDA president Vince Dizon said the Philippines and China want to firm up the agreement on the construction of the New Clark City Industrial Park by November, in time for President Xi Jinping's visit to Manila.

"The target is to sign the agreement in November," Dizon told reporters.



INQUIRER.NET



HEADLINES 1,479 SHARES



## China to finance P743B in PH infra projects

At least 2 loan agreements to be signed when Xi visits Manila in November

By: [Ben O. de Vera](#) - Reporter / @bendeveraINQ

Philippine Daily Inquirer / 05:16 AM October 29, 2018

Infrastructure to be financed by Chinese loans and grants are moving toward implementation ahead of the forthcoming visit of President Xi Jinping in November even as China has yet to provide the Philippine government with a shortlist of contractors for some projects, National Economic and Development Authority (Neda) documents showed.

ADVERTISEMENT



# ECONOMIC COOPERATION

BusinessWorld

f

MANILA 25°C

Today's Paper

Thursday - Nov 8

ECONOMY

EDITORIAL PICKS

## PHL, China to sign at least five agreements during Xi Jinping's visit

October 29, 2018 | 10:14 pm

f

Full Story A A A



AP/REUTERS

DAVAO CITY — The Philippines' economic managers met on Monday with a delegation from top trading partner China, led by State Councillor and Foreign Minister Wang Yi, to prepare the groundwork for at least five deals that are expected to be signed during President Xi Jinping's November visit.

philstar GLOBAL

...

## Philippines, China set to sign P175 billion railway loan deal

7.4K SHARES

f

6.8K

8

5

Pia Lee-Brago (The Philippine Star) - November 6, 2018 - 12:00am

MANILA, Philippines — President Duterte and Chinese President Xi Jinping are set to sign this month the P175-billion Philippine National Railways (PNR) South Railways project, a 639-kilometer standard gauge railway line between Manila and Bicol.

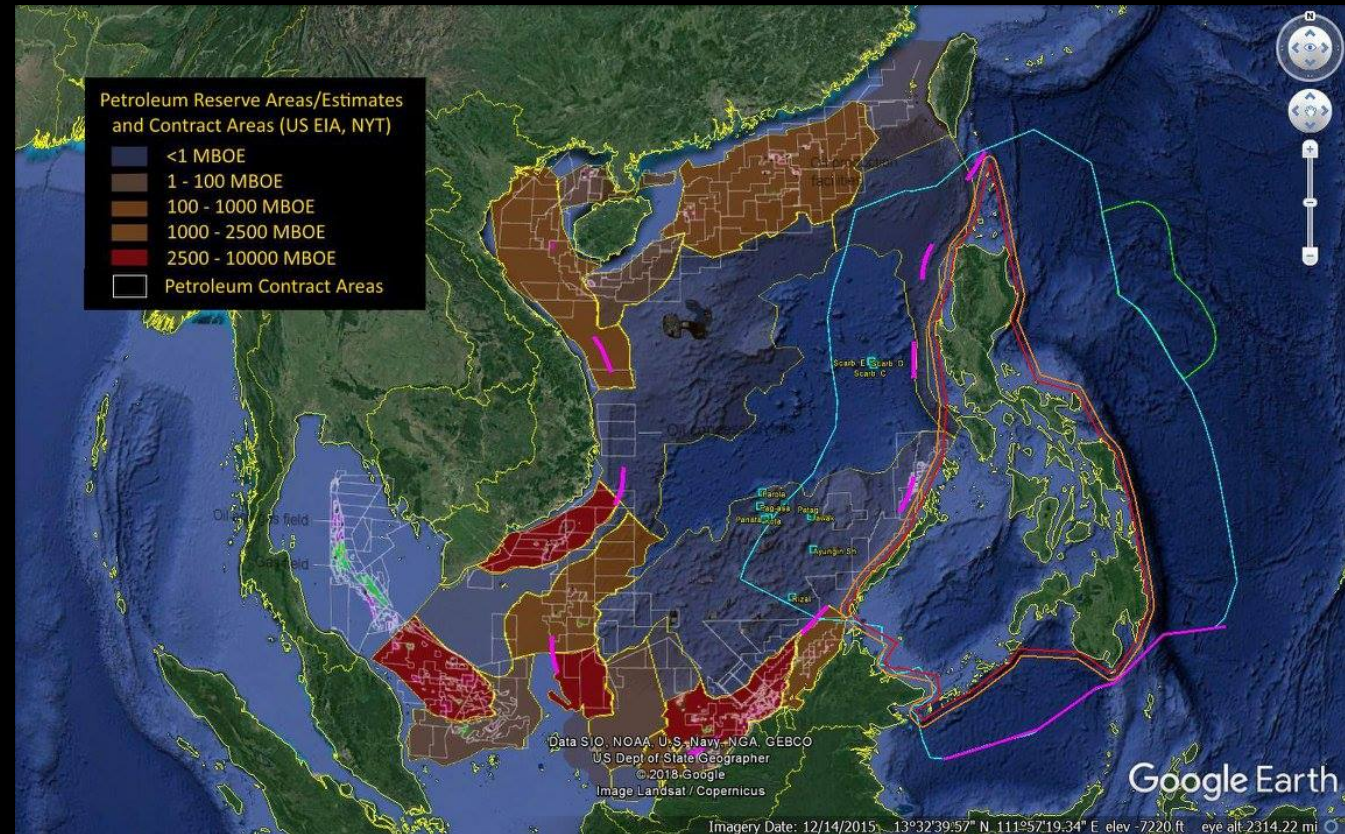
The project, a component of the PNR Luzon System program, is among the big-ticket infrastructure projects to be funded under an Official Development Assistance (ODA) agreement, a Department of Foreign Affairs (DFA) official who asked not to be identified said yesterday.

The official said Xi's visit will take place after the Asia-Pacific Economic Cooperation



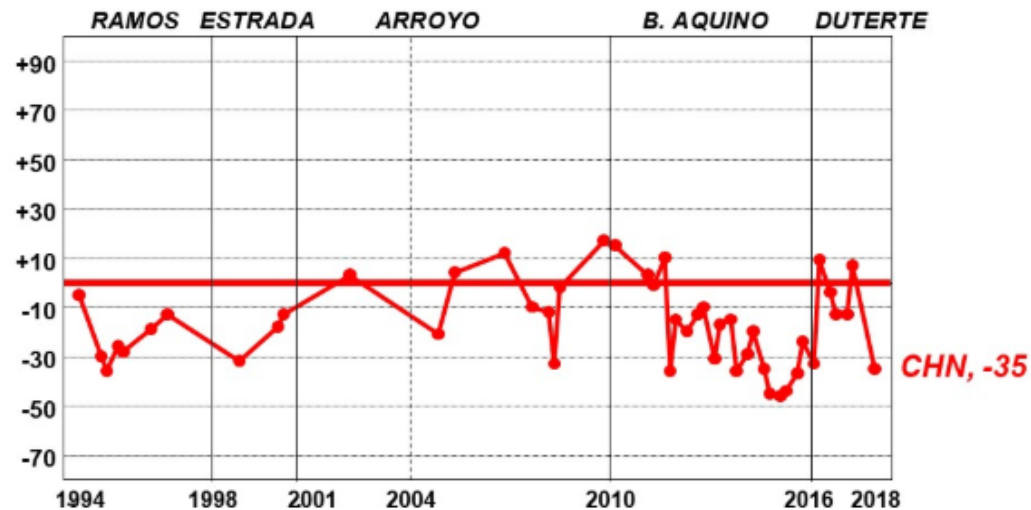
# JOINT DEVELOPMENT

- PH moratorium on all petroleum exploration contracts still in place
- PH and CN talks on joint development
  - PH statements (2018):
    - SFA Cayetano: "better than Malampaya," "60-40 split," "CN to pay for everything,"
    - Pres Duterte: "like co-ownership"
  - CN silent, no response to any public statements of PH Pres, SFA
- "No deadline" for JD talks
- At best, a general "framework agreement" in Nov 2018



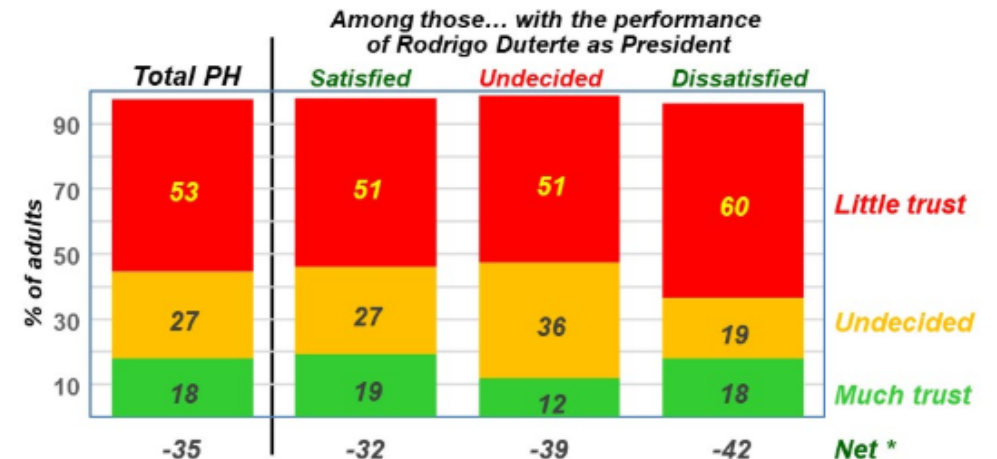
# A FORKED ROAD

**NET\* TRUST IN CHINA: PHILIPPINES,**  
**AUG 2004 TO JUNE 2018**



\* Net trust (% Much trust minus % Little trust) correctly rounded.

**TRUST IN CHINA, BY SATISFACTION WITH**  
**PRES. RODRIGO DUTERTE: PHILIPPINES, JUN 2018**

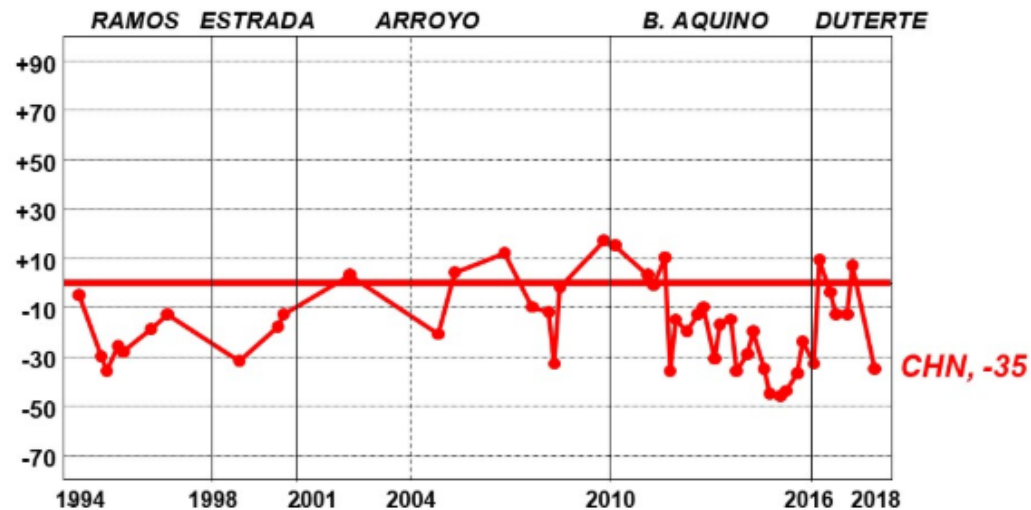


\* Net Trust (% Much Trust MINUS % Little Trust) correctly rounded. Blank spaces are Don't Know and No Answer.



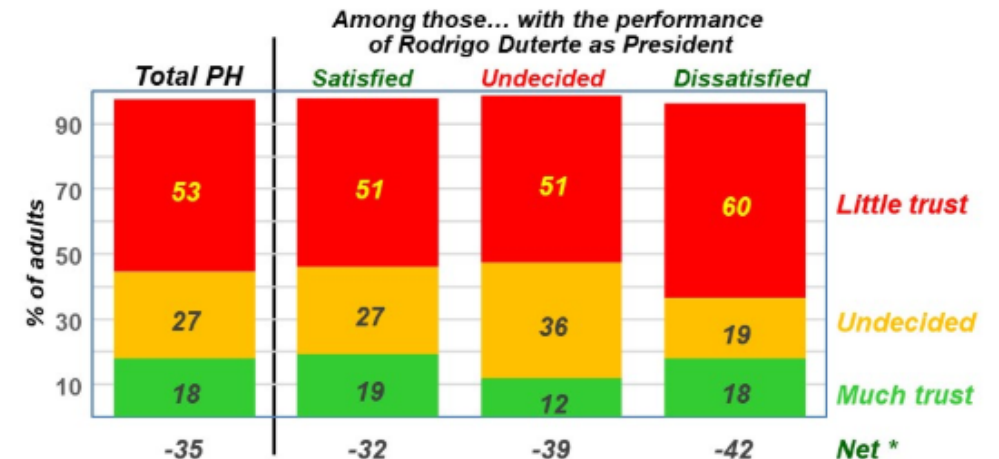
# A FORKED ROAD

**NET\* TRUST IN CHINA: PHILIPPINES,**  
AUG 2004 TO JUNE 2018



\* Net trust (% Much trust minus % Little trust) correctly rounded.

**TRUST IN CHINA, BY SATISFACTION WITH**  
**PRES. RODRIGO DUTERTE: PHILIPPINES, JUN 2018**



\* Net Trust (% Much Trust MINUS % Little Trust) correctly rounded. Blank spaces are Don't Know and No Answer.

# CONCLUSION

