

KARAGATAN OBSERVER | THIRD QUARTER 2023

Summary

The events of 2023 ramped up for the Philippines. In July, the Philippines commemorated the 7th anniversary of the Arbitration Award granted in 2016, securing a milestone legal victory against China. The following month of August saw the Marcos Administration release its National Security Policy 2023-2028, which coincidentally saw many bilateral ties strengthened as envisioned in the policy. The past September most notably saw the government pronounce the Maritime Zones Act as a priority bill, the better for the Philippines to act on the Arbitration. Meanwhile, China stepped up its game, with some branding their acts tantamount to an invasion and warning of escalation.

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Seven Years of the Arbitration

The Department of Foreign Affairs (DFA) [stated](#) that anniversaries "are markers reminding us of the trajectory we have taken as a nation and as a people." The trajectory of the Philippines in this legal arena is a positive one, lauded by allies such as [the United States](#) (US) and [the European Union](#) (EU), but many have argued that more should be done. Thus statements made by [members of the legislative](#), [the academe](#), and [the maritime security sector](#) had the Maritime Zones Act in mind, calling for its passing - a wish ultimately [granted](#) on Sept. 20 when it was declared a priority bill.

Others wished to maximize the arbitration, not just for fortifying domestic policy, but as an instrument to hold China accountable for its actions. In July, Senator Francis Tolentino failed in his [call](#) for the Department of Foreign Affairs (DFA) to prepare for the Philippines to raise Chinese violations of the arbitration at the United Nations General Assembly. More recently, the Department of Justice [recommended](#) the filing of cases against China for [extensive coral harvesting](#) in the West Philippine Sea (WPS).

The Marcos Administration has received [praise](#) for its management of the WPS and other maritime issues, but was called to effectively enforce the arbitration. President Marcos, in his [second](#) State of the Nation Address, [listed](#) the Blue Economy Act as a priority bill. A bill on the [Archipelagic Sea Lanes](#) was filed by Senator Sherwin Gatchalian in early August. This version is different from the [one in the House of Representatives](#) last year. Former Solicitor General and Associate Justice Francis Jardeleza argued that the Philippines, backed by the arbitration, should [seek damage](#) reparations from China for its illegal actions.

An invasion by another name?

Defense Secretary Gilberto “Gibo” Teodoro Jr., speaking in mid-August, [characterized China’s recent activities](#) as an “invasion” through harassment and build-up in the WPS. A few days before, the spokesman for the Philippine Coast Guard (PCG) [slammed Filipinos](#) who defended Chinese behavior as “traitors”. The context for these strong statements can be found in how China has been conducting itself since July.

On July 7, the Armed Forces of the Philippines (AFP) [reported](#) spotting at least 47 Chinese militia vessels swarming Iroquois Reef / Del Pilar Reef (there were 12 back in February), other naval assets near Sabina Shoal / Escoda Shoal, and additional vessels near Reed Bank / Recto Bank. The PCG went so far as to call it the [possible beginning](#) of an occupation. A few days later, former President Duterte [visited](#) Chinese President Xi Jinping to discuss bilateral cooperation. In early August, China’s Ambassador was [summoned to answer](#) for the water cannon incident near Ayungin Shoal, an incident which sparked [backlash](#) from the world. By mid-August, Chinese fishing vessels [resumed](#) their activities across the South China Sea. In mid-September, [Chinese survey ships](#) were spotted in the Philippine eastern seaboard, near Benham Rise / Philippine Rise. A week later, China established a [floating barrier](#) at Scarborough Shoal / Bajo de Masinloc. Filipino [outrage](#) was immediate. It was [removed](#) by the PCG the next day.

These events, and [many more](#) in recent years, have all contributed to the idea of an invasion in plain sight. The sentiment is exacerbated due to information attacks towards and from Filipinos. The DFA [confirmed](#) that China was conducting smear campaigns, including a fabricated order to recall Philippine envoy to the US Ambassador Romualdez. Sec. Teodoro called the Chinese “hypocrites” for [falsely claiming](#) that the BRP Sierra

Madre was dumping its waste into the sea. The government also clarified that it **never agreed** to remove the ship from Ayungin Shoal back in 1999, as a supposed leaked memo stated. The National Security Council **warned** the public about Chinese lies attempting to discredit Filipino positions and incite political division. However, this division may already be present as some members of the “political elite” have **undermined efforts** to deter Chinese activities in the WPS. There is credible reason to believe China’s active interference. Chinese **interventions are not new**, given their prevalence around the world, and the latest example of this is seen in the **strong opposition** to a Canadian inquiry in foreign interference.

Analysis: “We imagine a future, and our imaginings horrify us.”

There are **fears** that China is about to take control of most of the South China Sea (SCS). All stakeholders in the region are escalating their activities, China most of all. One of the major actions conducted by China in recent months is the publishing of a **new national map** that **included** part of Taiwan, which was met by international **outrage**, particularly from its neighbors. The Philippines **protested**, but it needs to keep up with the rest of China’s activities. It needs to be proactive instead of reactive.. It can do so by abiding and going beyond the **guiding principles** of the recently released guiding National Security Policy (NSP). Concern over **Taiwan** has propelled the Philippines to focus on a credible defense, so much so that Taiwan was **explicitly mentioned** in the NSP..

President Marcos recently **reaffirmed** commitment to the military modernization (currently at 36% accomplishment rate) and improvement. The Philippines has seen developments in the **formulation** of an Air Defense Identification Zone, plans for **additional** military assets (naval, shore-based, and cyber), the **deployment** of additional naval ships, and, due to the increase in Chinese activity, the Department of National Defense (DND) has decided to **expedite** the overall program. DND **earlier stated** that it was seeking “non-traditional sources” to address gaps in modernization. The attention given for military improvement will have a positive effect on national security. Indeed, the country’s focus on the defense industry **could yield benefits** to the entire economy.

While some like Amb. Teodoro Locsin, Philippine envoy to China, **believes** that the Philippines ultimately stands alone, it is nevertheless incumbent to foster international ties. It is fortunate that the Philippines' network of allies have, as mentioned above, responded with support during the commemoration of the arbitration anniversary and during the water cannon incident near Ayungin Shoal. The alliances and partnerships are more evident in the assistance given to Philippine defense. The Philippines has signed contracts with **Israel** for long-range patrol aircraft, engaged in negotiations with **France** for submarines, discussed with **Sweden** the possibility of aircrafts, received support from **Japan’s Komeito party** for vessels for the PCG, received assurances of additional support from **India** in BrahMos systems as well as maritime and cyber security, confirmed that

South Korea would supply patrol vessels. The Philippines also continues to make use of donations from the US in the form of patrol ships.

This assistance is not limited to asset acquisition but also in strengthening interoperability and engaging in military exercises. The Philippines held the [Exercise Alon 2023](#) with Australia last August. A month later the Philippines and Australia [upgraded their relationship](#) to strategic partner, agreeing to annual defense meetings and discussions for joint patrols. Allies such as [India](#), [Italy](#), and [France](#) have expressed interest in expanding relations to joint exercises, as well as [other countries](#) like Germany and Canada. Japan and the US recently started working [with](#) both the Philippines and Australia for regional peace, to which the United Kingdom has also expressed interest. The EU offered to [assist](#) in information sharing.

All these are good and should be continued. But the Marcos administration can and should do more, as it is able. It has been suggested to construct a [permanent forward base](#) to replace the crumbling Sierra Madre. Another suggestion is for the PCG to [purchase](#) “white ships” (non-military vessels) to counter Chinese activities near the crumbling Sierra Madre. The US is reportedly in talks to build a [civilian port](#) facing Taiwan. While it would inevitably draw China’s ire, any of them or something similar would help secure the long term maritime security of the Philippines.

Take the example of Vietnam and its utmost seriousness in protecting its sovereignty. It received [assets](#) from regional allies and elevated its [relationship with the US](#) into a Comprehensive Strategic Partnership. Controversially, Vietnam also [banned](#) the movie “Barbie” over a map that contained China’s dashed line. Vietnam persisted despite [criticism](#) of being paranoid and engaging in cultural censorship. The Philippines was [called on to follow](#) suit, but ultimately [decided against it](#) as the map did not meaningfully resemble China’s claim.

Overall, the lesson remains the same: The Philippines should not only continue on its current trajectory, but must also find all possible and meaningful ways of sustaining regional peace while improving its national security. Just as paramount, is the socio-cultural aspect. China has used information and (seemingly) innocuous images in box office movies to advance its agenda. It has also taken pains to divide society to present itself as more favorable than it is. Vigilance and persistence are what the Philippines should embody as it treks toward credible self-defense. Whatever the future may hold, the Philippines must be as ready as it can be.