2016

How will the next Philippine president navigate the turbulent waters of the South China Sea?

Lowell Bautista

University of Wollongong, lowell@uow.edu.au

Publication Details

L. Bautista, 'How will the next Philippine president navigate the turbulent waters of the South China Sea?' (2016) 23 February The Interpreter 1-2.
How will the next Philippine president navigate the turbulent waters of the South China Sea?

Abstract
The leadership change in Manila after the May 2016 presidential elections will certainly have significant impact on the country’s policy towards China over the ongoing dispute in the West Philippine Sea. The change in Philippine leadership may portend either continuity or dramatic foreign policy shifts when it comes to this heated issue.

Keywords
turbulent, philippine, waters, next, president, will, navigate, south, sea, china

Disciplines
Arts and Humanities | Law

Publication Details
L. Bautista, ‘How will the next Philippine president navigate the turbulent waters of the South China Sea?’ (2016) 23 February The Interpreter 1-2.
How will the next Philippine president navigate the turbulent waters of the South China Sea?

25 February 2016 11:22AM

The leadership change in Manila after the May 2016 presidential elections will certainly have significant impact on the country’s policy towards China over the ongoing dispute in the West Philippine Sea. The change in Philippine leadership may portend either continuity or dramatic foreign policy shifts when it comes to this heated issue.

The Philippine electorate does not seem to place a high premium on this matter however, as current debates appear to focus largely on domestic issues oblivious to the possible broader, geopolitical implications of the election outcome.

The arbitration case

In January 2013, the Philippines initiated international arbitration against China over territorial and maritime disputes in the South China Sea, which is known as the West Philippine Sea in Manila. It was a bold move that has been labelled a game changer in the continuing saga of longstanding and conflicting territorial claims in the South China Sea. The Philippines decided to take legal action after a series of increasingly aggressive and provocative actions, including a tense standoff in April 2012 between the Philippines and China over Scarborough Shoal (Bajo de Masinloc) which escalated tensions in the South China Sea to their highest level since the 1994 Mischief Reef incident.

In October 2015, the Permanent Court of Arbitration issued an award on jurisdiction and admissibility, largely ruling in favour of the Philippines. The unanimous award found the Tribunal was properly constituted in accordance with Annex VII of the UN Convention on the Law of the Sea, and that China’s non-appearance did not deprive the Tribunal of jurisdiction. The Tribunal also ruled that the arbitration case filed by the Philippines did not constitute an abuse of process, and that there is no indispensable third party whose absence deprives the Tribunal of jurisdiction. The Tribunal ruled it has jurisdiction to consider 7 out of the 14 submissions of the Philippines; all those except the submissions that consider issues that do not possess an exclusively preliminary character, which the Tribunal reserves to the merits phase. The Tribunal concluded hearings on the merits in November 2015, and an award on the merits and remaining jurisdictional issues is expected in 2016.

The position of the Philippine presidential candidates

Since territorial and maritime disputes, as a subset of foreign policy, do not figure very prominently in national debates, it is not a surprise that this
issue is hardly the centrepiece of the platforms of the current presidential aspirants. This makes it harder to discern where they stand on this crucial problem. The complexities of the West Philippine Sea issue, at the regional and global levels, demands that the next Philippine president approach this sensitive matter ingeniously and deliberately. Who among the candidates will navigate the turbulent waters ahead and steer the country to safety?

The strategy of the current Aquino Administration, to pursue a legal course that has so far been strategic, effective and decisive, will likely continue under either Mar Roxas and Grace Poe. It would not be a surprise if Roxas, the Administration standard bearer, chose to continue Aquino's strong stance against China when it comes to these disputes, using available international legal institutions and processes. He acknowledges the limited options available to the Philippines given China's military superiority, which leaves legal and diplomatic options the reasonable and viable alternatives to curtail China's illegal occupation of the West Philippine Sea.

Independent candidate Grace Poe also supports the arbitration case with China, but prefers a more multilateral diplomatic approach involving other states in the region, and one that nurtures and respects other aspects of Philippine-China relations, especially trade. Overall, it appears that continuity will be Poe's general policy direction; proceeding with the arbitration case while improving the country's defence capability by strengthening the Philippine Navy and Coast Guard to enable them to safeguard the national interests.

Jejomar Binay, the current vice president and opposition candidate, has been vocal in his criticism of the Aquino Administration's arbitration case against China. Thus, foreign policy with China in respect of the West Philippine Sea under his administration would likely be a sharp departure from current trends. Binay advocates joint ventures with China over the resources of the South China Sea, and prefers bilateral dialogue with Beijing, given its economic might and importance as a trade partner. This is the same position espoused by presidential aspirant Rodrigo Duterte, long-time Mayor of Davao City in the southern island of Mindanao, who prefers bilateral negotiations with China on a non-confrontational and less formal basis.

The final candidate, Senator Miriam Defensor-Santiago, recognised for her legal expertise, has taken a strong position against Chinese incursions into Philippine waters and recent Chinese reclamation activities in the South China Sea, and also supports the Philippine arbitration against China. However, Senator Santiago's foreign policy position on many other issues, reflective of her often controversial and somewhat unpredictable behaviour, diverges sharply from that of the Aquino Administration.

The next Philippine president and post-arbitration

The timing of the crucial arbitration tribunal ruling on the Philippine maritime dispute with China, expected in mid-2016, could not be more opportune. Many expect the ruling will favour the Philippines. If this happens, the region should be ready for greater tension and the possibility of conflict as China flexes its military and economic muscles, and the rest of the world, especially the Philippines, recalibrates its strategy. Of course, China's response and subsequent behaviour to the ruling will be a defining moment for Beijing, a nation at the cusp of superpower status.

The role of the Philippine president, under the Constitution, as the chief architect of foreign policy is a pivotal one. The next Philippine president will shoulder tremendous responsibility to ensure the country is able to adeptly navigate the intricate and turbulent waters that lie ahead. The arbitration case against China has raised the stakes, not just for the Philippines, but for other claimant states, as well as other countries in the region and beyond. The rest of the world is watching the leadership change in Manila very closely, because, whether the Philippine electorate is aware of it or not, continuity or dramatic change in diplomacy and foreign policy in relation to China over the West Philippine Sea will all depend on the new man or woman in Malacanang in May 2016.

Photo by George Calvelo / Barcroft India / Barcroft Media via Getty Images

Hide

1 Comment