

# Aquino policy on the South China Sea: Are we ready for tough times ahead?

By AILEEN SAN PABLO-BAVIERA

The territorial disputes and maritime jurisdiction issues in the South China Sea will be a continuing bone of contention between the Philippines and its neighbors, especially China, for many years to come.

Since the 1990s, the Philippines has been proactive in seeking cooperative, rules-based approaches to managing the disputes, relying on both bilateral as well as multilateral diplomacy. Bilaterally, the Philippines entered into agreements with China and Vietnam in 1995 and 1997 pledging self-restraint and urging cooperation on non-sensitive areas. Many high-level exchanges were held, including among military officials. Even at the height of tensions over Mischief Reef, bilateral trade and people-to-people ties between Beijing and Manila thrived.

Multilaterally, the Philippines also spearheaded the 1992 Manila Declaration by ASEAN states, the negotiation of an ASEAN-China code of conduct (COC) which resulted in the 2002 Declaration of Conduct (DOC), and even the ill-fated Joint Marine Seismic Undertaking (JMSU) with China and Vietnam which was allowed to lapse after being implicated in alleged corrupt and treasonous activities of the previous regime.

The JMSU fiasco was a logical outcome of the way the Arroyo administration allowed domestic

politics and regime interests to dominate the country's China policy, with disastrous consequences for our security and foreign policy. Today, we are still trying to get relations back on track and are farther than ever from agreement on how to manage the disputes.

In the meantime, a new layer of security challenges looms over Southeast Asia, with the maritime disputes at its core. Several regional states have recently worked to delineate territories and boundaries (in our case, the 2009 Baselines Law), increasing tensions with China. Oil exploration activities have been on the rise. China's increasing assertiveness and growth in military capabilities cause concern. Sino-American rivalry for strategic influence in East Asia is casting a big shadow over attempts to solve the disputes peacefully.

This is the security environment in the South China Sea that the Aquino government now confronts.

The Aquino administration has confidently articulated its preferred multi-dimensional approach to the disputes. This is expressed in the Philippine proposal to turn the South China Sea into a "Zone of Peace, Freedom, Friendship and Cooperation". This approach places ASEAN at the center of any solution, which is appropriate because a non-threat-

ening, neutral and moderate ASEAN is acceptable to China and other stakeholders. It emphasizes rules-based solutions and reliance on international law, a fundamental principle if we are to prevent a situation where military might becomes the final arbiter.

The approach is inclusivist, cognizant of states with a particular interest in freedom of navigation such as Japan and the United States. However, caution must be exercised to ensure that non-claimants play a role supportive of a peaceful and equitable settlement, rather than one that exacerbates tensions in the region. The Aquino policy also rightly stresses the need to build the capability of the Armed Forces and the Coast Guard, so that the country may not only strengthen its defenses but in the future contribute its share to keeping order at sea.

Where the Aquino policy differs from the past is in its readiness to confront the issues directly underpinning the conflicts, shifting attention from confidence building activities to trying to clarify the basis of the claims, including calling for a determination of non-disputed from the disputed areas. Knowing the exact metes and bounds of the contested areas may help better define the possible areas for cooperation or even future joint development of resources.

What appears to be lacking in the emerging

policy of the Aquino government is a strategy of re-engagement with China. During the President's state visit to China which was arguably touted a success, the two parties "agreed to disagree" on this issue. That said, there is a great need for both sides to assure each other of their commitment to peaceful resolution, which means continuing dialogue and mutual persuasion about even divergent perspectives. The Philippines – and China, too – should start stepping back from the tough, unfriendly rhetoric as a gesture of goodwill and peaceful intent.

Also lacking is follow-up action on the proposed ASEAN-China Code of Conduct. Frustration and impatience over the difficult drafting process may be understandable; however there is no greater need for such an agreement than now. Given the worrying security environment described earlier, an agreement by the claimant states, recognized and supported by neighbors as well as extra-regional states, that focuses on measures to avoid armed conflict and reduce the risk of miscalculation at sea, is imperative.

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