

THE PIVOTAL STAND OF TWO PHILIPPINE PRESIDENTS AND THE FUTURE OF WEST PHILIPPINE SEA: ANALYSIS OF SOUTH CHINA SEA DISPUTE

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ABSTRACT

The South China Sea became a melting pot of maritime and territorial dispute. Escalation of conflict in the South China Sea between neighboring countries in Southeast Asia as well China continues to increase and China is a strong factor in the regional situation in the disputed area. Member-countries of the Association of Southeast Asia Nations have a love-hate relationship with China, especially the Philippines. Such a dispute is a complex geopolitical environment where complicated interests of parties involved with the US, Japan, Australia and other countries' national interests are at stake in geopolitical dynamics in the South China Sea. Additionally, this conflict further escalated when the Philippines, covertly initiated by Former President Benigno Simeon Aquino III, resorted to lawfare where the Philippines filed an arbitration case against China in Permanent Court of Arbitration (PCA). The move of the Philippines angered China which resulted in further escalation in the South China Sea and infuriated China when the PCA decided in favor of the Philippines; invalidating their 9-dash line claim. The ruling placed the South China Sea in a complicated and uncertain situation. Recently, President Rodrigo Duterte, seated in the highest office, pivotally changes the foreign policy stance of the Philippines and pursues an appeasement strategy towards China. On the other hand, the policy in the South China Sea of the upcoming President is also necessary to ponder due to its critical role in the future of West Philippine Sea, the interest of US and its allies, and the strategy of China. As China aggressively pursues its national interest and the pivotal change in the foreign policy of the Philippines, the future of the South China Sea will face conflict and uncertainty. This study primarily highlights the foreign policy of the Philippines in relation to their claim in the South China Sea. Added, this study maybe used to scrutinize and critically analyze the current situation in the disputed territory and how the Philippines, and other countries involved handled the complex situation in the South China Sea dispute. This paper presents analysis and discourses on South China Sea geopolitics and the future of the West Philippine Sea, especially the national interest of the Philippines from the changes in its foreign policy.

Key words: South China Sea Dispute, Philippine Foreign Policy, West Philippine Sea, Philippine-China relations, geopolitics

INTRODUCTION

In the Philippines, the President is the head of state and of the government. In the Philippine Supreme Court decision on the case of Pimental Jr., et al v. Office of the Executive Secretary, et al. (2005), the President is the chief architect of foreign policy, and the top authority and representative in foreign affairs of the nation where the President acts as main proponent of nation's foreign policy agenda vested with the authority under the 1987 Constitution to deal with, but not limited to, business of relations.

In international relations, there are no permanent friends but only permanent interests. The stands of countries in the disputed area in the West Philippine Sea are grounded on their national vested interest. Just like the case of claimants in the disputed territory. The maritime and territorial dispute in the South China Sea is a complex and sensitive issue among claimants especially Philippines and China. It is one of the biggest potential flash points in the region (Kim, 2015).

In July 2016, the PCA decided in favor of the Philippines and invalidated the 9-dash line claim of China. China did not adhere to the ruling and continues to escalate tension and island building in the South China Sea. The previously mentioned case was covertly initiated by Former President Benigno Simeon Aquino III but during the time of the PCA decision, the President is Rodrigo Duterte where he welcomed the decision of the arbitration but open to talk with China bilaterally which is strategically opposite to his predecessor.

The problem with current political system in the Philippines, specifically in its foreign policy is the lack of continuity in the policy and tendency to engage in drastic change in the country's stance in the South China Sea every time when succession by election in presidency commenced. Another issue is the hard-line stance of the claimants especially Philippines and China in the territorial and maritime dispute as non-negotiable in their respective national and strategic interest which makes the situation in the South China Sea complex and complicated.

Through the aforementioned arguments, it is necessary to revisit and scrutinize the foreign policy of former Philippine President Aquino III and incumbent President Duterte, and to ponder the plans of the upcoming Philippine President, which will assume office in the middle of 2022, in the West Philippine Sea which is vital to the US, Japan, Australia, with the support of UK, and the other party – China and its allies. Since the Philippines initiated the case against a regional power, China, and won the arbitral ruling, the policy agenda of upcoming Philippine President is critical, vital and possibly, game-changer in the regional situation of the South China Sea especially the role of the Philippines in asserting or downplaying the PCA ruling in the South China Sea. This paper primarily focuses on the foreign policy of the Philippines in relation to their claim in the South China Sea. The goal of this paper is to laid the current situation in the West Philippines Sea; unveil the pivotal foreign policy stance of Former President Aquino III and the current president, Rodrigo Duterte, and its effect in the national interest of the Philippines in the South China Sea. Moreover, this paper will focus on analyzing the action and reaction of China to the foreign policy agenda, and legal and strategic execution of the Philippines in the disputed territory.

In this paper, there will be analysis and discourses on how the Philippine government strategizes their maritime and territorial claims in the West Philippine Sea specifically the policies and stance of the then-President Aquino III and the incumbent President Duterte, and how both presidencies formulate their respective relation with China as it aggressively push their national interest in disputed territory.

A BACKGROUNDER ON “WEST PHILIPPINE SEA”

To the Philippine Government, the territorial term “West Philippine Sea” is not synonymous with the South China Sea and cannot be used interchangeably. In other words, the West Philippine Sea is located in the South China Sea but not all areas in the South China Sea are part of the West Philippine Sea. The Philippine Government added, West Philippine Sea can be located in the eastern part of the South China Sea whether it falls on sovereign rights, exclusive economic zone, and other rights of territorial jurisdiction and resource exploitation claimed by the Republic of the Philippines. According to Former Justice Antonio Carpio (2020), the West Philippine Sea refers to the body of water that constitutes the territorial sea, exclusive economic zone, and extended continental shelves of the Philippines. Carpio added, it is only part of the larger sea which is the South China Sea.

The West Philippine Sea is the name coined by the Philippine Government during the term of former President Benigno Simeon Aquino III in 2011 (France-Presse, 2012) and it became an official term in 2012 by virtue of Administrative Order No. 29 issued by the same President. These areas encompass the Luzon Sea as well as the waters around and adjacent to the Kalayaan Island Group and Bajo de Masinloc, also known as Scarborough Shoal. As an effect, the maritime area on the western side of the Philippine Archipelago is named as the West Philippine Sea. Added from the perspective of the Philippines, the term “South China Sea” suggests an impression that China owns the whole area in the South China Sea, especially the disputed territory claimed by the Philippines. In addition, the Philippine Government used the term “West Philippine Sea” as a subtle declaration of opposition to the claims of the People's Republic of China in the disputed area, and it is rhetorically effective to win the support of Filipinos. The Philippine are pushing the term “West Philippine Sea” as an “official” portion in the South China Sea both nationally and internationally. They also wanted to be used by different institution especially the government, academicians and media both local and abroad in their directives, researches, and writings. In this way, the Philippine can inculcate to the mind of the public especially its constituents and people abroad that there is a place or location called as “West Philippine Sea” which counter narrative that Philippine owned the islands and the rightful keeper of resources in the West Philippine Sea.

PIVOTAL STAND OF THE TWO PHILIPPINE PRESIDENTS: FROM CONFRONTATIONAL TO APPEASEMENT TOWARD WOLF WARRIOR DIPLOMACY IN THE SOUTH CHINA SEA

From 2011 to the present, the two Presidents had been strategizing various foreign policies and planning on how to pursue the country's national interest both in the West Philippine Sea and towards China particularly the country's stance in the territorial dispute in the region. It is clear to the People's Republic of China as they internationally expressed that any claim in the South China Sea territorial and maritime dispute should be in bilateral talks or to be discussed between parties in dispute, and any country not part of the claim is highly not welcomed.

In earlier years of the Aquino administration, the Philippine government showed favorable signs toward China when former President Aquino III instructed not to attend the awarding of Liu Xiaobo, a Chinese known for his fight for freedom of expression and assembly (Human Rights Watch, n.d) for the Nobel Peace Prize. According to Brago (2010), the former President said that the non-attendance of the Philippines on the said awarding was primarily due to pursuance of country's “national interest” which is an implied statement from the Philippine Government hoping that China will pardon the five Filipino in pending death penalty for illegal drug trafficking charges. Moreover, in a New York Times article in 2011 as well in the Edmonton Journal, former President Aquino III delegated the mission to China asking for consideration of the verdict of the Filipinos in the death row. Unfortunately, China carried out the execution of the three Filipinos which resulted in nation's hatred toward China and country's mourning due to the death of their fellow Filipinos creating an atmosphere of sadness and animosity in the Philippines. This event prompted former President Aquino III to change his outlook towards China, specifically his intention and policy to the Philippines.

Overall, the Aquino administration strategized the following: (1) Prevent China from occupying the territories in the West Philippine Sea; (2) Engage in alliance in achieving both military and diplomatic support against China; and, (3) Filing a case in PCA against China.

During the Aquino Administration, China is retaliating by escalating its island-building activity and conducting resources exploitation in the disputed areas. Specifically, these are: (1) small low-tide elevations were transformed into huge artificial islands and equipped with fortified harbors and airports that massively extend the operational capacity of the Chinese Navy and Air force; and, (2) Marine and other water resource was massively exploitation and utilize for trade and commerce, livelihood, and resources accumulation of China and its people. On the other hand, as a strategy to prevent China from this activity in the disputed territory, the Philippines sought to gather political support from leading democracies as a counter-strategy which turn out to be highly successful. As an effect, the Philippines were able to manage to strengthen their security ties with its old ally, the United States, and re-establish and strengthen with other regional powers, such Japan and Australia (Kreuzer, 2018; Castro, 2020).

In 2011, former Secretary of State Hillary Clinton said in a speech that the U.S. will succor their allied countries in South East Asia in the event that military escalation arises. The United States foreign policy dubbed as the "Pacific Pivot" claims to be more committed to its resources and attention to the region in the Pacific. Former US Secretary of State Hillary Clinton in her speech America's Pacific Century called this shift from the "Atlantic Century" to the "Pacific Century". The speech suggested the importance of Asia-pacific in shaping global politics which the Philippine Government interpreted as a sign of succor from the

United States in the increasing tension in the South China Sea. According to De Castro (2020), this declaration changes how the Aquino Administration deals with the dispute in the West Philippine Sea particularly in dealing with China. As a result, the Aquino Administration pursues a balancing approach as a counter-strategy to territorial expansionism and marine exploitation in the West Philippine Sea. Additionally, the conflict over territorial sovereignty and maritime rights in the South China Sea increased dramatically, especially when the Philippines brought the dispute in the PCA against China in the early part of 2013 with no voluntary participation in the case before the PCA as reiterated by China. This resulted in the deterioration of China-Philippine relations where Kreuzer (2018) stated that it was at an all-time low in their diplomatic relations and the claim was similar to the Center for International Relations and Strategic Studies (n.d) where both experienced low points in their bilateral relations.

In 2013, former Philippine President Aquino engage in lawfare by weaponizing international law in their favor which was done through covertly preparing a case against China to PCA asking for the validity of the 9-dash line claim of China. This move angers China and announces that they will not participate in the proceedings and emphasized that any decision from arbitral ruling will not be honored. In July 2016, a legal decision transpired which stirred the stability in South China Sea and further angered China, the PCA finally rendered its award in using language even more strongly opposed to the Chinese claims than most observers had anticipated (Kreuzer, 2018). As an effect, China's claim in the South China Sea will be deemed invalid and if rendered, lost its territorial and maritime claims in the disputed area where Castro (2020) said the decision of the tribunal invalidates the 9-nine dash line claim of China which is, according to the PCA decision, contrary to the international law specifically on the Law of Convention of the Sea.

The Philippines is trying to push its national interest multilaterally through ASEAN. According to Kumar (2017), the ASEAN has been raising this issue with the Chinese government in different fora and this concern is reflected in the DoC (Declaration on the South China Sea). In 2012, there was an instance of a sign of the disunity among members of the ASEAN. Analyzing the interest involved in the said sign, it can be deduced, presumably, a move in favor of China. It was that year when Cambodia, a known ally of China, held the chairmanship of ASEAN. For the first time in the organization's history, a foreign ministerial joint statement could not be issued because of inclusion of a reference to Chinese paramilitary deployment at Scarborough Shoal and Chinese announcement on the exploitation of oil blocks in the Vietnamese EEZ and in references to the Mischief Reef development. As a result, though the Philippines and other claimants like Malaysia and Vietnam wanted to use ASEAN to their advantage, it turned out to be an advantage towards China using Cambodia to pursue their national and strategic interest in the disputed territory. The Arbitral ruling was perceived as weaponizing international law by China and its allies, by asking the tribunal to clarify the real score and interpretation of the maritime and territorial claims in the South China Sea. It is also a strategy of retaliation against China by the Aquino Administration thinking that using military might is a disadvantage to the Philippines but not through law faring. These strategies were not continued, since President Aquino needs to step down due to the expiration of his term and a new President will take in-charge of this matter.

In the 2016 election, Duterte was elected President of the Republic of the Philippines. A month before his assumption in office, the incumbent President showed his willingness to compromise and to break away from the hard line stance against China by the previous administration which resulted in a geopolitical atmosphere of animosity between the Philippines and China; much worse, when the Tribunal invalidates China's claims in the South China Sea, China losses face in the international arena. These series of events lead the portrayal of China as a "bully" of small nations in Southeast Asia.

To summarize the events and developments in the West Philippine Sea under the Aquino Administration, the following were to serve as points of reflection. First, he is nonchalant about engaging in foreign relations, and he said that he will only leave the country unless the domestic problems have been solved. There was a sudden shift of foreign policy agenda in 2011 due to the territorial conflict in the West Philippine Sea after execution of three Filipinos by the Chinese Government. According to the Council on Foreign Relation (n.d), there is a increasing escalation activity between the Philippines and China from 2011 to present day from Chinese naval incursion in 2011, Scarborough Shoal Stand-off 2012, island-building in the Paracels in 2016 up to continuous presence of Chinese militia in the guise of being a fisherman and of the aggressive patrol of Chinese Navy while harassing Filipino vessels and fisherfolks.

With an understanding that China is economically and militarily powerful as compared to the Philippines, the latter filed a case before the PCA against China as a counter-strategy in their escalation activity in the West Philippine Sea in 2013. This is an act of confrontation using international law against China who is a regional giant. De Castro (2020), interpreted it as law faring as it was covertly, planned, prepared, and filed where the members of the ASEAN have no knowledge especially on the processes behind the planning and preparation. Their knowledge of the said law faring happened when it was already a case filed against China. The Philippines was able to succeed in their narrative that the problems in the South China Sea are of international concern and was able to successfully receive supports from powerful nations like Japan, Australia, US, and allied countries.

The Duterte Administration took the previous administration's diplomatic atmosphere as an advantage to pursue his intended policy on the West Philippine Sea's geopolitical atmosphere, especially on taking advantage the PCA's ruling in the South China Sea. The policy was pursued by setting aside the ruling to appease China with an aspiration that such action will result to de-escalation and reduction of confrontational activity in disputed territory in order to slow down island-building and to stop the exploitation of marine resources. Moreover, this strategy is highly significant to the President because he aspired to be included in the Belt and Road Initiative (BRI) in order to avail the massive infrastructure investments and loans and this lead or trickle-down into the restoration of bilateral negotiation and re-establishment of diplomatic relations between the Philippines and China. As a result, China became an economic partner of the Philippines for massive infrastructure projects through gaining loans under the BRI with President Duterte thinking and planning to have massive foreign investments to support his programs and projects in the Philippines.

Overall, the Duterte administration strategizes the following: (1) Setting aside Tribunal's ruling on PRC v. RP by engaging in bilateral relations with an intention that it would result in the pacification of escalating activities in the West Philippine Sea; (2) Avail loans from China; and, (3) Hoping for higher Foreign Direct Investment (FDI) to enter the Philippines.

The Duterte Administration pursues appeasement policy to benefit from BRI of China in order to avail massive infrastructure investment and FDI to fund his planned projects and programs. As an effect, the severed bilateral relationship between the Philippines and China was restored under the current administration. According to Kreuzer (2018), the re-establishment in the economic relationship between the two nations was restored and intensified. China has become a significant partner and a source of loans for the Philippine development program that was focused on infrastructure build-up. The appeasement strategy of incumbent administration will not materialize and become a strategic policy if not because or without the confrontational strategy of the previous administration and the invalidation of PCA on China's claim in the South China Sea where China wanted to regain their image in the international arena after the declaration of the arbitration. By compromising financially with the Philippines, China need not necessarily face humiliation in the international community because the complainant became partners. The Philippines appears to be willing to set aside the ruling if granted with a loan from China. On the part of the Philippines, setting aside the ruling is strategic. From the Philippine Government vantage point, it will result in the pacification of the West Philippine Sea and inclusion in the BRI as planned by the Duterte Administration. On the contrary, Kreuzer (2018) and supported by De Castro (2020), said that the de-escalation in the West Philippine Sea was short-lived. China returns to their usual activity in the South China Sea. Though the Philippines is successful in acquiring loans from China, the FDI turn-out is unpromising and the outcome is not what the Philippines has intended in the formulation of the strategy.

The previously mentioned arbitral ruling has put China under pressure but through President Duterte, China was able to save its face through the restoration of the bilateral relations between the two nations. On the part of the Philippines, Duterte is also hesitant to what the majority of the ASEAN member-states' desire because he wanted to avail loans from China through BRI for his massive infrastructure projects and other programs he planned for the Philippines. Hence, when the Philippines became the Chairman of ASEAN, President Duterte is contented on the unpublished and not yet agreed on the framework of Code of Conduct in the South China Sea (CoC) in order for the Philippines to avail the said loan and benefit from increased economic relation from China. This is how Duterte pushed his appeasement strategy and used ASEAN to pursue its goal. While it is promising in the short-term development, it is perceived that in the end, the decision will sacrifice the territory in the West Philippine Sea and will lead the disputed territory difficult to recover. In addition, despite the US and Japan's support of the ruling, both the Philippines and the other ASEAN countries including Vietnam were somewhat muted and hindered. Not to mention the obvious willingness of Cambodia to promote China's interest in the ASEAN. De Castro (2020) added that President Duterte reached out to China for bilateral talks, and this resulted in the improvement of relationships between the two nations leading to better economic cooperation like funding BRI projects, and cooperation of their coast guards to address the problems in the South China Sea dispute. According to Kumar (2017), Chinese assertiveness in the Spratlys has not diminished as evident in the deployment of its survey ship at Benham Rise, out the 'nine-dash lines' and under the Philippine jurisdiction, and development around the Philippine-occupied Thitu Island. Duterte and his secretaries downplayed the aforementioned event in order not to create public discontent while clearly pleasing China in their narratives (Grossman, 2021).

THE VALUE OF WEST PHILIPPINE SEA TO THE PHILIPPINES

Territories and maritime resources in the West Philippine Sea are highly significant to the Philippines. It is equally true to China and other claimants in the disputed territory. Aside from an estimated one-third of global shipping passing in the South China Sea (Hoffman, 2016), As of 2020, there are an estimated of 325,358.94 metric tons of fish and aquatic resources collected in West Philippine Sea annually in the report of Philippine Statistics Authority in July 2021 (Curdis, 2021). The amount of resources is vital to the food production and security of the Philippines. In the recent years, Filipino fishermen are afraid to fish in the West Philippine Sea due to their frightening experience with the Chinese Navy and Coast Guards. Aside from impending danger and threat to safety of Filipino fisherfolk, Baclig (2021) said that such destructive activities resulted to the loss of livelihood of 627,000 of the previously mentioned fisherfolk.

In Atienza & Ochave (2021) stated in an interview that the political analyst claimed that there is \$617 million worth of food resource in the disputed territory which is crucial to country's food security. Additionally, Michael Henry Li. Yusingco, a research fellow at the Ateneo De Manila University Policy Center in Atienza & Ochave (2021), "Fisheries in the West Philippine Sea looks underutilized," China's excursion in the West Philippine cost an estimated amount of P33.1 billion annual losses due to the resources they destroyed in the area.

The destruction is not only economic but also environmental such as the destruction of coral reefs is vital in climate regulation and balance in the ecosystem (Baclig, 2021). Moreover, Agham (Advocates of Science and Technology for the People) warned the impacts of China's destructive excursion in the West Philippines Sea to the food production and security as well as welfare of the fisher folks. The group added that the island building and militarization in the disputed territory have destroyed 16,000 hectares of reefs in 2017.

Despite the aforementioned situation and series of untoward events in the West Philippine Sea, Philippine President Duterte downplay the situation in the West Philippine Sea that opposing China will only result to war which is defeatist stances of the Philippines. Added, the despite of China's excursion in the territory, he will only send a warship if China start drilling for oil. In an interview of Jay Batongbacal, who is a Maritime Law Expert in the Philippines, said the it is completely false that China will engage in a war in case if the Philippine resist China's escalation in the West Philippine Sea. (Fraud Naumann Foundation, 2021). Added, there were public pronouncements from the President Duterte allowing China to engage in fishing activities in the West

Philippine Sea even in the Exclusive Economic Zone of the Philippines while his cabinet secretaries are denying the said pronouncement. What is worst is that he even barred his cabinet, especially his top diplomat Teodoro Locsion, to publicly discuss about West Philippine Sea which an outright public utterance of support to China's stance in the dispute territory (Strangio, 2021). It was reported by US Energy Information (2020) that the West Philippine Sea particular the northwest portion of Palawan is rich in petroleum, oil, gas, and other liquids. In October 2021, President Duterte removed the suspension on gas and oil exploration activities in the West Philippine Sea which was stopped and suspended by his predecessor, Aquino II, and Department of Energy is looking for contracts on the aforementioned oil and gas project (Crismundo, 2021). Which is something that citizen of nation concerned must be vigilant about particularly its impact and relationship to the tension in the disputed territory.

FORETHOUGHT: INTERPRETING PREVIOUS DECISIONS AND THE CURRENT CONDITION IN PROJECTING A FUTURE OF WEST PHILIPPINE SEA

There are obvious hindrances in the decision of the ASEAN member nations and, limitation on pursuing strategic interest of the Philippines in the administration of Aquino III and Duterte, in utilizing ASEAN to push their foreign policy agenda especially in advancing their interest in the disputed territory in the West Philippine Sea. The geopolitical atmosphere in the South China Sea had been influenced by China from trade with the BRI and its Wolf Warrior Diplomacy, an assertive diplomatic approach (Martin, 2021; Smith, 2021). During the Obama administration, the US pursued a "scrupulous non-involvement policy" in the South China Sea. Thus, the Wolf Warrior Diplomacy became effective due to their less interference in the region and China began to aggressively assert their interest in the disputed territory which makes it difficult for claimants especially the Philippines to defend their maritime and territorial claims.

Countries like US, Japan, and Australia who have direct interests in the South China Sea are subtly pushing their social, political, and economic interests which were mentioned in the statement regarding the value of West Philippines Sea in the disputed territory. According to Drifte (2016), Japan knew that their interest in Southeast Asia will be at stake if their traditional enemy (China) will take over most of the territory in the South China Sea as it would undermine their national interest in the disputed waters especially if China succeeded in their goal. Knowing that there is a lack of mutual trust and deteriorated relation between Japan and China, the Philippines utilized it into their advantages. It happens that the Philippines and Japan have the same enemy in the disputed area, and both can benefit from their cooperation through helping one another in their international narrative that "China is a bully" of a small and less powerful nation like the Philippines which is a better co-operative strategy. Drifte (2016), expounded that Japanese interest in the disputed territory is not only of economic interest but also a geostrategic concern in the stability of the ASEAN member-states where Japan see it with vital importance. It also shows that Australia have similar interests with Japan where Doronilla (2016) narrated that Australia supports the freedom of navigation and overflights in the disputed territory but in reality, is that, Australia, like Japan, is using the previously mentioned advocacy as a façade to promote its national interest behind that banner. As I see it, the move of Australia, Japan, the United States and their allied States was an indirect way of saying that our strategic interest is at compromise if China control the territories in the South China Sea. Aside from being rich in natural and marine resources such as oil, gas, fish, and others, according to the Lowly Institute, South China Sea is a significant route for commerce where it is used as a gateway for trade and commerce especially of shipping goods from one country to another. Added, in South China Sea, there are \$5.3 trillion worth of goods per year passes through the South China Sea (China Power, 2021).

It is highly significant to US, Australia, and Japan to maintain freedom of navigation and overflight because their goods are transported in that area. US trades are amounting to \$1.2 trillion and almost half of Japan's maritime trade passed in the South China Sea. Added, similar situation also happens to Australia. If controlled and owned, the passing vessel needs to ask permission from the host country who owns the area. What is more problematic is the host country will put a tax to foreign maritime vessels and aircraft passing through the said territory. If not, then all countries, both sea vessels and aircraft, are free to pass in the South China Sea. Hence, the disputed areas have an economic and strategic benefit to the aforementioned countries.

To culminate the argument and evidence previously stated, the appeasement strategy of the Duterte Administration only became an advantage when his predecessor Aquino decided to confront China in the West Philippine Sea and brought the case before the tribunal. It so happened that the strategy of the Philippines to stop China in their escalation in the West Philippine Sea did not materialize. In fact, it worsens. The island-building continues and the militarization of the islands is still progressing. There is continuing massive exploitation of the marine resources in the disputed territory. Thus, both Aquino and Duterte Administration, from open confrontation and lawfare strategy to appeasement policy did not result in the outcome planned by the Philippines. Initially, there were few confrontations and escalations in the early years of the Duterte Administration but in the later years, Chinese assertiveness and island building in the West Philippine Sea continues even on a massive scale with more installations of state of the art and modern military technology. Kreuzer (2018) suggested that the situation in the South China Sea became problematic and complex. He reiterated that one of the scarcest resources that are obviously not present among claimants was "mutual trust". To return the stability in the South China Sea, "mutual trust" is an imperative or sine qua non and without it, the binding CoC (Code of Conduct in the South China Sea) will not materialize. To sum it all, the Philippines' strategy in the West Philippine Sea is highly unsuccessful in stopping China's assertiveness and island-building in the disputed territory. China lost face in the international arena while the Philippines proved to the world that without a strong military, the enforcement of international ruling is futile and will make the Philippines dependent on other countries like the US, Japan, and Australia.

The countries in Southeast Asia should ponder establishing "mutual trust" not only with the member countries but also with China. While appeasing China, the Philippine Government should modernize their military for them to be capable of protecting their territory and through this the Philippines with the help of other ASEAN member states can assert the stability and regional peace in the South China Sea in the future. Moreover, while maintaining good relations with China, the ASEAN countries should find ways to make the US and its allies ensure that the South China Sea, if the conflict between China and members of ASEAN arises,

the US will succor the ASEAN in the said conflict. In addition, the Philippines should find ways to make the US and its allies ensure that the West Philippine Sea, if the conflict between China and the Philippines ascends, is part of the parameters of the Mutual Defense Treaty. This is to make sure that the US will clearly abide by it to gain strong support and cooperation from all members of the ASEAN. These factors are vital in the realization of the goal of the ASEAN and stability in the South China Sea. In this way, the conditions in the South China Sea might be favorable to the ASEAN, its regional interests, and the realization of the goal of the Philippines on stability in the South China Sea. In this way, the condition in the West Philippine Sea might be favorable to the Philippine Government and its national interest.

Recently, a trilateral organization was created with Australia, United Kingdom, and the US (AUKUS) resorted to an agreement for security in the Asia-Pacific region which is something to critically scrutinize their real intention in the region specifically in the South China Sea. Furthermore, the timing of the establishment of the organization, the member-countries involved, and their activity in the Asia Pacific appear to counter China's hegemony in the region. The behavior of China in the South China Sea and the counter-strategy of AUKUS are critical in the future of the West Philippine Sea and South China Sea as a whole.

The foreign policy agenda of the upcoming Philippine President in the West Philippine Sea is vital to US and its allies, and as well as to China. It was the Philippines who initiated the case against China questioning their 9-dash line with the Philippines winning the arbitral ruling which resulted to invalidation of China's claim in the South China Sea as decided by PCA. The policy agenda of upcoming Philippine President is critical, imperative and possibly, game-changer in the regional stability and security of the South China Sea especially the Philippines on the PCA ruling in the South China Sea.

It is expected that the Philippines and China's standoff will continue even after the current President. It will continue up to the next administration until other parties decide to give up the disputed area. More importantly, the 2022 election is vital in the future stance of the Philippines in the West Philippine Sea, the fact that a newer president will take over President Duterte. The foreign policy agenda of the upcoming Philippine President is highly significant to the international community, especially the future of ASEAN and allied countries like the US, Japan, and Australia.

In the analysis and discourses, it had been concluded and discussed that there are overlapping and complex interests in the South China Sea. Maritime and other resources in the territory are vital to every claimant where they see it as an opportunity and potential for their country's growth and development. This is primary reason of their uncompromising policy in the South China Sea dispute where respective countries will not yield to the aspiration of other countries in interest which complicates the situation for regional powers in Asia, the disputed territory is crucial in their growing influence in the region and it is equally true to US and Australia. Moreover, for countries outside Southeast Asia, such as Japan, US, and Australia, they have to assert freedom of navigation and overflight in freeing themselves from the possible cost if a country owns the region and make flow of trade efficiently from and to their countries. Aside from that, the US wanted to maintain its influence in the region by countering China's hegemony in Southeast Asia. In the case of the Philippines, the Constitution provides a provision on the changing of its President through election every six (6) years and as a result, foreign policy agenda in the West Philippine Sea hampered and later on, expected to be changed by the predecessors (successors?). This shows that the current political system and legal mandates in the Philippines produces a discontinuity in its stance in the disputed territory and in the case of the two Philippine Presidents, Aquino and Duterte are pivotal.

REFERENCES

- Atienza, K. & Ochave, R. (2021). *Duterte to keep ties with China despite incursions — Palace*. Business World.
<https://www.bworldonline.com/duterte-to-keep-ties-with-china-despite-incursions-palace/>
- Baclig, C. (2021). *On World Oceans Day, threats to West Philippine Sea gain relevance*. Inquirer.net.
<https://globalnation.inquirer.net/196833/on-world-oceans-day-threats-to-west-philippine-sea-gain-relevance>
- Brago, A. (2010). *"Philippine Nobel no-show a bid to save drug mules in China"*. Sin Chew Daily. Agence France-Presse.
- Carpio, A. (2020). *West Philippine Sea Lecture by Senior Assoc Justice Antonio Carpio* [Video]. Youtube.
<https://www.youtube.com/watch?v=1S3vRL5IIcw>
- Center for International Relations and Strategic Studies (n.d). *Philippine-China relations: Beyond territorial dispute*. Foreign Service Institute. <https://www.fsi.gov.ph/philippines-china-relations-beyond-the-territorial-disputes/>
- China Power Team (2021). *"How Much Trade Transits the South China Sea?"*. China Power.
<https://chinapower.csis.org/much-trade-transits-south-china-sea/>
- Clinton, H. (2011). *America's Pacific Century*. U.S. Department of State. Diplomacy in Action
- Conde, H. (2011). *Philippines Says China Executes Three Filipino*. The New York Times.
<https://www.nytimes.com/2011/03/31/world/asia/31philippines.html>
- Council for Foreign Relation (n.d). *China's Maritime Dispute*. Council for Foreign Relation.
<https://www.cfr.org/timeline/chinas-maritime-disputes>
- Crismundo, L. (2021). *Resumption of oil exploration in WPS, gain from Hague ruling*. Philippine News Agency.
<https://www.pna.gov.ph/articles/1147337>
- Curdis, C. (2021, August 21). *DA promotes sustainable livelihood for WPS fishers*. Philippine News Agency.
https://www.pna.gov.ph/articles/1151821?fbclid=IwAR2bBOwT9VB9Mi5h8B7mG0TbCxONSUrLamurPy4zcumztCj_q3XDe
- Castro, R. (2020). *The Limits of Intergovernmentalism: The Philippines' Changing Strategy in the South China Sea Dispute and Its Impact on the Association of Southeast Asian Nations (ASEAN)*. Journal of Current Southeast Asian Affairs.
- Doronilla, A. (2016). *Australia boosts PH in South China Sea dispute*. Inquirer.net.

- <https://opinion.inquirer.net/92433/australia-boosts-ph-in-south-china-sea-dispute>
Drifte, R. (2016). Japan's Policy toward the South China Sea – Applying “Proactive Peace Diplomacy”. Peace Research Institute Frankfurt.
- Edmonton Journal (2011). China Executed three Filipinos, Official says. Press Reader.
<https://www.pressreader.com/canada/edmonton-journal/20110331/281822870328670>
- France-Presse, A. (2012). *Philippines renames coast “West Philippine Sea”*. South China Morning Post.
<https://www.scmp.com/news/china/article/1035119/philippines-tags-coast-west-philippine-sea>
- Fraud Naumann Foundation (2021, July 19). *“Never Give Up, Never Surrender” West Philippine Sea*. Fraud Naumann Foundation.
<https://www.freiheit.org/philippines/never-give-never-surrender-west-philippine-sea>
- Gavilan, J. (2021, Nov. 10). *FAST FACTS: Why the West Philippine Sea is important*. Rappler.
<https://www.rappler.com/environment/things-to-know-importance-west-philippine-sea/?fbclid=IwAR3vhh9AjSigIJ5OOcelBWtRzG7tTjZyG0TS5yVEaKwXvxpUHddC0fl8tYE>
- Grossman, D. (2021). *China has lost the Philippines despite Duterte's best efforts*. Rand Corporation.
<https://www.rand.org/blog/2021/05/china-has-lost-the-philippines-despite-dutertes-best.html>
- History New Network (2011). *Hillary Clinton: America's Pacific Century*. The George Washington University.
<https://historynewsnetwork.org/article/142343>
- Hoffmann, J., et al (2016). *Review of Maritime Transport, 2016*. United Nations Conference on Trade and Development.
https://unctad.org/system/files/official-document/rmt2016_en.pdf
- Human Right Watch (n.d). *Liu Xiaobo*. Human Right Watch. <https://www.hrw.org/tag/liu-xiaobo>
- Kim, J. (2015). *Territorial Dispute in the South China Sea: Implications for Security in Asia and Beyond*. Air University Press.
- Kreuzer, P. (2018). *Dealing with China in the South China Sea*. Peace Research Institute Frankfurt.
- Kumar, Y. (2017). *The Philippines and ASEAN- Building Synergies*. <https://jgu-dev.s3.ap-south-1.amazonaws.com/Article-3-The-Philippines-and-ASEAN-Building-Synergies-by-Yogendra-Kumar.pdf>
- Lowly Institute (n.d). *South China Sea*. Lowly Institute Organization. <https://www.lowyinstitute.org/issues/south-china-sea>
- Martin, P. (2021). *Understanding Chinese “Wolf Warrior Diplomacy”*. The National Bureau of Asian Research.
<https://www.nbr.org/publication/understanding-chinese-wolf-warrior-diplomacy/>
- Philippines Supreme Court (2005). *Pimental Jr, et.al v. Office of the Executive Secretary, et.al*. Official Gazette.
- President of the Philippines (2012). *Administrative Order No. 29*. Official Gazette.
<https://mirror.officialgazette.gov.ph/2012/09/05/administrative-order-no-29-s-2012/>
- Smith, Z. (2021). *New Tail for China's Wolf Warrior Diplomat*. Center for Strategic & International Studies.
<https://www.csis.org/analysis/new-tail-chinas-wolf-warrior-diplomats>
- Strangio, S. (2021, May 19). *Philippine President Imposes Cabinet Gag Order Over South China Sea*. The Diplomat.
<https://thediplomat.com/2021/05/philippine-president-imposes-cabinet-gag-order-over-south-china-sea/>
- USEI (2020). *Philippines*. US Energy Information. <https://www.eia.gov/international/analysis/country/PHL>

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