

Pilipinas Conference 2022
Stratbase/Albert del Rosario Institute
November 25, 2021

The West Philippine Sea in 2022
Jay L. Batongbacal

Good morning, everyone!

Thank you for inviting me to this important series of discussions, particularly this session on advancing multilateralism and strategic partnerships, as well as the Philippine foreign policy outlook for twenty twenty-two. The country is approaching another major cross-roads in its foreign policy concerning its biggest and most important competitor for marine resources in this region. In the past five and a half years, the People's Republic of China has engaged in an all-out effort to pursue its core interests in the Southeast Asian maritime commons known as the South China Sea. In 2016, it suffered a serious legal setback because of the Philippines near-total victory in the South China Sea Arbitration, which saw an international tribunal invalidate its excessive, expansive, and ambiguous claims in the South China Sea. From that time onwards China has dug in and engaged in a multi-dimensional effort to actively resist and fight the legal and moral imperatives of the arbitral award, to the point of challenging not only the tribunal's judgment but even international law itself. China's effort in this regard is striking at the very foundation of the international legal order of the oceans, seeking to impose and justify a singular and exceptional position for itself and a vast area of oceanic space. It does so at the expense of the legitimate rights and interests of smaller Southeast Asian States along its south eastern periphery, even though the recognition of such rights and interests had already been carefully and comprehensively settled by the international community in a decade of negotiations for the 1982 United Nations Convention on the Law of the Sea.

Assisting China in its effort has been five years of a permissive, accommodating, fatalistic, and meek foreign policy driven by the mistaken notion that prostrating the country before its more powerful neighbor would be met with sympathy and rewards. The people were regaled with tales of a coming boom of Chinese-sponsored infrastructure projects, financial support, investments, economic rewards, jobs and business opportunities. The President claimed that for the benefit of the country, he needed China more than anything else in our national life. He chose to accommodate China and squander many opportunities to stand up to our more powerful neighbor as it continued to illegally press deeper and deeper into the Philippine exclusive economic zone and continental shelf. Repeatedly he justified inaction and permissiveness as the appropriate response to a threat of war, insisting repeatedly that China's missiles will reach the capital in seven minutes. He distanced the Philippines from its long-standing and traditional allies and friends, cussing and cursing, dragging his feet on vital security arrangements like the Enhanced Defense Cooperation Agreement, even threatening

the pivotal Visiting Forces Agreement, to hinder and restrain our own ability to protect our marine resources, and exposing our marine heritage to massive taking and destruction. It was only this year, after China had already succeeded in achieving its short-term tactical objectives of laying the groundwork for creating levers and means of exercising de facto administrative, military, and paramilitary control of the South China Sea, that he adjusted his posture. And now we are left to face the problem he exacerbated through his policies: having retreated from China as it expanded into the West Philippine Sea, it is now even harder to push them back.

Since I have only ten minutes, let me just raise three points for consideration out of many possible topics. These three main concerns may be considered seriously to define next year's foreign policy challenges. I have labelled them simply as continuity or change, layering the cabbage, and an opportunity for crisis.

Let us talk about the first: Continuity or Change.

Obviously, the choice between continuity or change is foremost on our minds when we consider that the coming elections will seat a new architect of foreign policy. Our natural resources and exclusive rights and entitlements over the West Philippine Sea may not survive another six years of official neglect and lack of adequate protection. Living resources are finite and under threat from both deliberate over-exploitation by malign forces and degradation from pollution and deteriorating environmental conditions. Continuity of the current administration's over-accommodation and deference to only China's interests would be disastrous.

Of the candidates running for the position of President, we must examine carefully and consider not only their present statements of position about the West Philippine Sea, which are merely meant to curry favor with the electorate in the run up to the 2022 elections. We should look at their own track record vis-a-vee the current administration and check for their own silence and or complicity with its China policy. Their role, if any, in the sad history of passive and defeatist deference to a foreign power will be a more reliable gauge of the direction they will most likely take should they take over the Presidency. Some have not hidden their close relationship to China and demonstrate their deference to Chinese interests even now. Others are too late the hero, speaking out only now for "electoral effect" even if they never said a word about the West Philippine Sea since 2016. Only a couple have actually taken positions and publicly declared their disagreement with the administration's policies and decisions about the West Philippine Sea long before the election season.

If we care about the West Philippine Sea and the natural resources there that are ours by legal right and entitlement under international law, we cannot elect a President and Vice President who will again take a defeatist stance against our increasingly assertive neighbor. Next year, twenty twenty-two, we are likely to see China become even more assertive and insistent about its excessive claims, which brings us to the second challenge.

Layering the Cabbage.

By cabbage, here, we refer to the so-called Cabbage Strategy, which China continues to employ as a means of establishing de facto control and dominance over the South China Sea, including our portion of it, the West Philippine Sea. Last week's incident involving the interference with the resupply mission to our outpost on the BRP Sierra Madre is a very, very clear indication that China intends to continue using grey zone operations to squeeze us out of the West Philippine Sea and the Kalayaan Island Group.

Grey Zone Operations are activities undertaken by China and meant to achieve specific objectives, in this case the acquisition of control and dominance over large areas of the sea, while avoiding the conditions that enable us to take measures for the defense of our territories and jurisdictions. They fall just short of being lawfully characterized as acts of aggression or the use of force contrary to the United Nations Charter and international law, but effectively enable them to wrest control of land and sea territories. Like guerilla warfare, grey zone operations allow China to take away the West Philippine Sea and Kalayaan Island Group without firing a single shot.

These operations are part and parcel of the so called Cabbage Strategy, by which China seeks to encircle each one of our outposts in the West Philippine Sea with layers upon layers of Chinese influence and control. Our islands are being surrounded by supposedly civilian fishing vessels that are actually part of their military-controlled maritime militia. They are backed up by the presence of the China Coast Guard. Just at the horizon, on call, are the People's Liberation Army Navy or Air Force. By inundating the area with these different agents, China intends to make it increasingly difficult for us to maintain our access to our areas and to undertake legitimately without interference our own resource activities.

It is expected that China will ramp up other supposedly civilian activities and exercises of governmental authority such as law enforcement operations through the China Coast Guard, marine scientific research by its fleet of advanced research vessels, environmental monitoring and management using monitoring instruments and platforms, resource exploitation such as fishing operations in other countries' E-E-Z's and petroleum exploration carried out unilaterally in other countries' continental shelf areas, and employment of lawfare to undermine our own faith in international law and our legal position established by the South China Sea Arbitration.

In the background, China will also continue to expand its military might to ensure military dominance over smaller countries and to challenge external powers. The People's Liberation Army Navy and Air Force will continue expanding their presence and operations in the South China Sea through exercises and patrols. They will take advantage of their big three military bases on Fiery Cross, Subi, and Mischief Reefs and protected by four smaller installations, to gain military control of the South China Sea. They will expand the reach of their aerospace operations, including the use of hypersonic weapons, to create an umbrella of force ready to

deploy at a moment's notice against any perceived threat to their interests, regardless of the negative impact and collateral damage they may inflict on the smaller regional countries or their respective interests.

China's plans for acquiring control and dominance of the South China Sea is not only designed to be slow and incremental. It can also be rapid and dynamic, taking advantage of opportunities that may arise. And this brings us to the third challenge: that the year 2022 also happens to be

An Opportunity for a Crisis

With an election comes a power transition, during which it may be difficult for government to respond to crisis on account of uncertainties in decision-making and decision-makers. The elections create an opportunity that could be exploited: a time when government and its responses will be slow and uncertain. Historically, tensions in the West Philippine Sea tend to flare up during the summer months before the typhoon season, when all the claimants are able to freely and intensively operate at sea. Last week's incident at Second Thomas Shoal demonstrated that China will not lose an opportunity to change the status quo in its favor by cutting off the resupply lines to the derelict BRP Sierra Madre. In 2016, we also saw that China prepared and mobilized its forces to begin reclamation works on Scarborough Shoal and convert it into an artificial island. These two represent potential crises that can be instigated to occur during that time of power transition.

Our security forces must therefore be extra-vigilant about activities taking place in these areas claimed by China. We must coordinate closely with allies and partners to ensure that there are no gaps in our maritime domain awareness, and that there is a sufficient flow of information and that immediate action can be taken to prevent an induced crisis that could result in either the loss of presence on Second Thomas Shoal, or the potential conversion of Scarborough Shoal into an artificial island.

These, I think, are the three major concerns and challenges for the West Philippine Sea that we must attend to in the coming year 2022. They are not meant to be comprehensive nor exclusive, but I believe that they will be the most important and will define the course of events in the years the follow. Let us think carefully about how we should respond to these challenges, together with the other pressing issues that confront our country as it moves forward to a change in leadership.

Thank you very much.