On Philippine Foreign Ministry’s Statement on the Situation in the South China Sea

On July 12 of this year, Secretary of Foreign Affairs of the Philippines Teodoro Locsin issued a statement that immediately garnered the attention of leading news outlets because it concerned the situation in the South China Sea (SCS), i.e. one of the most volatile parts of the world where (conflicting) interests of countries of the region as well as world powers collide.

Even the very first words of the documents are worthy of note: “Today marks the 4th anniversary of the rendering of the unanimous award in the South China Sea Arbitration case in favor of the Philippines...”. The statement refers to the verdict handed down by the Permanent Court of Arbitration (PCA in the Hague) on June 12, 2016, which the New Eastern Outlook covered earlier. The Tribunal “concluded that there was no legal basis for China to claim historic rights to resources” within the SCS areas falling within the ‘nine-dash line’.

The PCA also ruled that none of the features (such as reefs) claimed by China was capable of generating an exclusive economic zone (EEZ) of 200 nautical miles. These areas of the SCS are the subject of the dispute involving the Philippines and a number of other countries, particularly Vietnam. The Tribunal also concluded that none of the Spratly Islands was “capable of generating extended maritime zones”, i.e. beyond 12 nautical miles.

It was reported that Beijing refused to accept the ruling against it, after all, the PRC did not participate in the arbitration. Soon after the verdict had been announced, China’s Ministry of Foreign Affairs and government made their official stance clear: “the nature and maritime entitlements of certain maritime features in the South China Sea” could not be considered “in isolation from the issue of sovereignty”, and the “Tribunal in the South China Sea arbitration established at the Philippines’ unilateral request” had, [from the beginning], no jurisdiction, and awards rendered by it were null and void and had no binding force.

President of the PRC Xi Jinping reaffirmed the aforementioned view during a meeting with top EU officials at the time, Donald Tusk and Jean-Claude Juncker. The Chinese leader stated that PRC’s “territorial sovereignty and maritime interests in the South China Sea”, under no circumstances, would be affected by the ruling.

Naturally, a number of countries, whose relations with China could be best described as far from straightforward, expressed their approval (to various degrees) of PCA’s verdict. Japan, Australia, Vietnam and a number of other nations were among them. Still, the main beneficiary of the ruling was the United States, i.e. a country located on the other side of the planet in relation to the South China Sea but that (still) concerns itself with all the developments around the globe.

Washington is particularly focused on the South China Sea, a region of strategic importance for Beijing, a key geopolitical rival of the United States. It is vital for China to establish control over the SCS because the main trade route, which the PRC uses to transport essential raw materials (primarily fossil fuels from the Persian Gulf region) and end products to foreign markets, passes through this part of the globe.

Since the United States has the most powerful Navy in the world, Washington has long had a military presence in the SCS, which, in recent years, has increased to unprecedented levels. The author is referring to, among other things, the US sending two aircraft carriers to the South China Sea at the beginning of July this year for military exercises in international waters to reportedly “support a free and open Indo-Pacific”.

Similar wording has often been used by the US in its statements to express Washington’s rejection of PRC’s
On July 12, US Secretary of State Mike Pompeo reiterated his nation’s actual position on the maritime claims in the SCS in an official statement, which began as follows:

“The United States champions a free and open Indo-Pacific. Today we are strengthening US policy in a vital, contentious part of that region — the South China Sea. We are making clear: Beijing’s claims to offshore resources across most of the South China Sea are completely unlawful, as is its campaign of bullying to control them.”

The US official also stated that on July 12, 2016, the Arbitral Tribunal had “sided squarely with the Philippines” and found several atolls and reefs in the SCS “to be in the Philippines’ EEZ or on its continental shelf” (an important ruling for Manila). Arguably, the statement indicated a departure from USA’s former position, which essentially amounted to Washington avoiding any mention about who the aforementioned and other features in the South China Sea belonged to. Until recently, the United States appeared to focus on resolving the ongoing territorial disputes in a peaceful and lawful fashion.

Reports that commented on Mike Pompeo’s statement pointed out the tough wording used to express USA’s in fact long-established position on the claims in the South China Sea. Still, such rhetoric is indicative of the current climate, characterized by an overall escalation of tensions between the two leading nations recently.

It is also worth pointing out the similarly worded statements regarding PRC’s territorial claims in regional seas made in Japanese Defense Ministry’s White Paper, which was released a day after Mike Pompeo had publicized the US position. Without directly mentioning the 2016 PCA ruling, the report included all of Washington’s long-used expressions regarding China’s maritime policies, including the South China Sea one. It also featured more updated rhetoric. The PRC was accused of “even using the Coronavirus pandemic to expand its influence and take strategic superiority”.

Overall, the document served as further evidence of the (perhaps increasing in number) issues plaguing the China–Japan relations.

At this point, the author would like to provide some background information about the statement issued by the Secretary of Foreign Affairs of the Philippines, mentioned at the beginning of the article. The lawsuit was filed with the PCA back in 2013, when the pro-American and anti-Chinese President, Benigno Aquino III, had been in power. However, two months prior to the announcement of the verdict, the 2016 general election had taken place in the Philippines. Rodrigo Duterte had won convincingly and expressed his willingness to quickly improve his nation’s ties with the PRC.

Naturally, Beijing reacted in a positive manner to such a turn of events. The newly elected President showed that his intentions were serious by paying an official visit (the first in many years) to China in October 2016 (i.e. the same year the general election was held). The top government official and his hosts tried very hard to make it look as if the territorial dispute over a number of features in the South China Sea, which plagued the relationship between the two countries, was not extremely serious and could be resolved by mutual agreement.

In fact, the PCA ruling was not mentioned at all, although earlier the Philippines’ Department of Foreign Affairs had welcomed the decision. A few days later after the trip to the PRC, Rodrigo Duterte paid a visit to Japan, where he stated (as reported by The Mainichi Shimbun) that the Philippines “would hold talks with China based only on an international arbitration tribunal ruling in July” 2016.

Despite the pro-Chinese and anti-American stance (mainly for show) taken by the President, his position on the territories, viewed in Manila as belonging to the Philippines, was not at all surprising, especially since the Tribunal ruled in favor of the Philippines.

This nation, which is not among the most powerful or the second most influential countries in the world, continues to navigate (for now quite successfully) the “force field” created by the leading global players. One of the most recent events indicative of the extent of change taking place within the political landscape, occupied by the Philippines, involved President Rodrigo Duterte’s sudden suspension (in the first half of 2020) of his decision to scrap the Visiting Forces Agreement (VFA), signed in 1999 with the United States.

Disagreements over this issue possibly stem from Washington’s long-expressed criticism of the approach used by the
government of the Philippines towards drug trafficking and use, a serious problem for the country. Rodrigo Duterte’s uncompromising (to say the least) stance on the issue of drugs and his methods of resolving it ensured his victory in 2016.

However, moral principles expressed by a leader of a country, such as the Philippines, simply cannot play an important role in the current global political climate.

It is vital to point out once again that Manila is maneuvering in the political landscape of one of the most volatile regions in the world. In fact, the current state of affairs came about through little or no fault of the Philippines and other nations of Southeast Asia.

Global players who are using the rule of law to gain an advantage are the ones that should be held responsible (but the question remains: “Who would dare to do so?”). And July 12 marked (in an unusual manner) the anniversary of one of the court rulings impacting the world powers.

*Vladimir Terekhov, expert on the issues of the Asia-Pacific region, exclusively for the online magazine “New Eastern Outlook”.*