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Whitsun Reef Incident: Duterte's China Strategy Sinking?

By Julius Cesar Trajano

SYNOPSIS

The recent swarming of Chinese militia boats in Whitsun Reef may indicate that President Duterte's appeasement strategy towards China does not really work. Asserting the Arbitral Ruling must therefore be explored by Manila.

COMMENTARY

THE PHILIPPINES has strongly condemned the swarming of hundreds of alleged China's militia boats in the Whitsun Reef, a contested part of the South China Sea that Manila claims to be within its exclusive economic zone. Whitsun Reef itself, which is part of the Union Banks, is claimed by China, the Philippines and Vietnam. The Whitsun Reef incident raised concern that the overwhelming presence of Chinese maritime militia would be a prelude to taking de facto control by China, similar to what it did in the Mischief Reef in 1995 and Scarborough Shoal in 2012.

Meanwhile, the Department of Foreign Affairs in Manila has issued almost daily diplomatic protests to the Chinese embassy demanding that China promptly withdraw its fishing vessels and maritime assets in the Philippine-claimed features in the Spratlys, and to direct its fishing vessels to desist from environmentally destructive activities. It even summoned the Chinese envoy to Manila on 13 April, the first time since the start of the Duterte presidency in 2016, to express the Philippines' utmost displeasure over the lingering presence of Chinese militia boats.

Duterte's Failing Strategy?

This recent development vividly demonstrates that the strategy of President Rodrigo Duterte to avoid confronting China and getting closer with Beijing at the expense of its

security alliance with the United States has not changed the way China behaves vis-à-vis Philippine-claimed territories in the South China Sea.

There have been no changes in China's behaviour, at the expense of Filipino fishermen, whose right to conduct fishing in the South China Sea was upheld by the Arbitral Ruling in 2016 at The Hague. It must be noted that the massive deployment of Chinese fishing boats, reported to be part of the maritime militia, is not something new and has been for many years a strategy of China. It is therefore naïve for Duterte to assume that this strategy would be reversed merely because he chose to be a good friend of Beijing.

Now that the Philippine election season is about to start leading to the 2022 national elections that will mark the end of Duterte's term, the Philippines going back to a more popular confrontational stance towards Beijing should be expected. The race to replace Duterte would include delivering anti-China rhetoric by potential candidates and even by his closest political allies and cabinet members. Duterte did this too in 2016 and it worked.

Now that the appeasement strategy is quickly sinking, Duterte himself should now publicly voice out the Philippines' demand for the withdrawal of Chinese ships, instead of merely relying on statements from his defence and foreign affairs secretaries, to send a strong message to Beijing and the international community.

What Can Manila Do Now?

One solid option for the Philippines is to fully re-embrace its security alliance with the US and must never give it up. Since the issue erupted, US Secretaries of Defence and State Department together with US National Security Adviser have conducted phone calls with their Philippine counterparts several times.

American officials reiterated that the Mutual Defence Treaty (MDT) will be invoked if China attacks Philippine public ships, aircrafts and troops in the South China Sea. The PHL-US military exercises were also resumed on 12 April, in an apparent message to China.

The initiatives of both the US and the Philippines to find ways to enhance the treaty and the Visiting Forces Agreement should be seen as a response to the failure of the appeasement strategy by Duterte. Foreign Affairs Secretary Teddy Locsin Jr just said that he wanted the MDT to be amended to include any Chinese attack on civilian vessels, not just public/military vessels, from the Philippines.

In addition, the Philippines should also now reconsider to conduct joint maritime patrols with the US in the South China Sea as a testament of their iron-clad alliance. And this can be further complemented with multinational freedom of navigation patrols with other regional and extra-regional navies.

Other Options

There are other options that the Philippines can do while strengthening its alliance with the US. Manila can highlight the marine environmental consequences of the swarming

of maritime militia in reefs, illicit harvesting of marine life and overfishing. This can boost Manila's campaign for international support to pressure Beijing.

This should come with strong assertion of the 2016 Arbitral Ruling which found that China's artificial islands and rampant harmful fishing activities violated UNCLOS' environmental protection obligations. Moving forward, protecting the marine environment of the South China Sea may also be used by Manila as a rallying point for constructive collaboration among claimant states, including China, in the future, given that this was highly recommended by the Ruling.

The Philippines can consider the resumption of its long-delayed oil exploration activities within its exclusive economic zone, of course with the protection from its coast guard, navy and air force, to clearly demonstrate that it asserts the implementation of the Arbitral Ruling which it won. But commercial exploration agreements jointly with other claimants should also be considered as a way forward.

This should also be coupled with strong encouragement from the government for Filipino fishermen to assert the country's sovereign right to fishing. The presence of legitimate fishermen from the Philippines facing a huge flotilla of foreign maritime militia posing as fishers in its own exclusive economic zone would always convey a strong moral message for international support.

Seeking a Shared Stance

Definitely, utilising ASEAN mechanisms to collectively engage China on the recent source of tension in the South China Sea should always be in the primary bag of diplomatic strategies of the Philippines. Apart from the Code of Conduct in the South China Sea negotiations, the Philippines can also directly consult and collaborate with other Southeast Asian claimants Malaysia, Vietnam and Brunei.

They can consider joint patrols as well as finding ways to manage and eventually, as recently suggested by former [Philippine Supreme Court justice Antonio Carpio](#), to voluntarily settle their territorial disputes, in order to project a shared stance.

But these multiple pathways all depend on whether Duterte would change his strategy towards the South China Sea. Otherwise, it would be up to the Filipino electorate in mid-2022, as they choose his replacement, to push for a different tack.

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