

Philippines-US Relations in a Biden administration and the Changing Global Order*

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The restoration of the Philippines-US Visiting Forces Agreement or VFA during the visit of US Defense Secretary Lloyd Austin in July 30, 2021 is a clear win for the US, seeking to recover lost ground with its former colony that has drawn closer to China in the past five years. The continuation of the VFA will not only move forward the joint military exercises and operations between the Philippines and US security forces. With the reaffirmation of the VFA, it would appear that China has lost an opportunity in President Rodrigo Duterte's last year in office to consolidate the diplomatic gains it has made in the country since 2016.

The renewal of the VFA was a reversal of Duterte administration's earlier pronouncement to terminate the treaty that allows the deployment of US forces to the country. Many factors have been cited to explain this latest turnaround, including the donation of about six million coronavirus vaccines – more than double the number of vaccines from China. Yet, equally consequential was the Biden administration's reaffirmation of the US's commitment to come to the Philippines's defense in the event of an external attack. US State Secretary Antony Blinken's press statement on July 11 asserted that “an armed attack on Philippine armed forces, public vessels, or aircraft in the South China Sea would invoke U.S. mutual defense commitments under Article IV of the 1951 U.S.-Philippines Mutual Defense Treaty.”¹ It was the same message that Secretary Austin conveyed during his recent visit. Thus, as per Presidential Spokesperson Harry Roque, the extension of the VFA was due to the “clarity of U.S. position on its obligations and commitments” under the Mutual Defense Treaty.²

Does the retention of the VFA mean that the Philippines-US relations have come full circle? Will the Philippines' turn to China be a momentary blip due to the force of President Duterte's personality and proclivity? Or is the constant back-and-forth between the Philippines and the US, on the one hand, and the Philippines and China, on the other, a function of the changing geopolitical architecture in the region?

My talk will review the strategic interactions of the Philippines, US, and China as they swing between cooperation and conflict. While acknowledging the importance of presidential prerogative in the crafting of the country's foreign policy agenda, my talk will however stress the changing power balance in the region as a critical factor that, in this conjuncture, has put the Philippines in play.

In order to better appreciate Philippines-US relations in a Biden administration, I will first situate this in the context of the changing power structure of the international system, and the balancing

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efforts that ASEAN and its member-states have adopted in response to the great power rivalries in the region, perhaps today most evident in the maritime disputes in the South China Sea. I will then briefly discuss what is emerging as the Biden foreign policy agenda in Asia/Southeast Asia, and the place of the Philippines in this agenda. By way of a conclusion, I will give an initial assessment of where Philippines-US relation is today amidst the region's changing geopolitical architecture and trace out elements that may provide for a more independent Philippine foreign policy agenda.

Biden administration's catch-up strategy

With his election in 2020, President Joseph Biden assumed what had once been - without a doubt - the most powerful position in the world. More recently, however, the US's global leadership role has been put into question due to former President Donald Trump's "America First" policy. Yet, there were earlier signs of the shifting power balance in the international system, and none perhaps signaled this more strongly than President Barack Obama's "pivot" or rebalancing to Asia. The past two decades have seen China as a rising economic power, lifting with it the economic performance of other countries in and beyond the region. In 2013, three years after it overtook Japan as having the world's second biggest economy, it launched the ambitious Belt and Road initiative, basically a massive infrastructure program aimed at increasing "connectivity" of three continents - a move that could bring into China's sphere of influence many of the 100 or so countries along the belt and road's path.

A pillar of President Biden's foreign policy agenda is the competition between the US and China. While it takes off from President Trump's tough talk, the Biden administration articulates a normative defense of the status quo that his predecessor could not - democracy, human rights as well as a rules-based world order. Such depiction, thus, begs the question: what kind of hegemon will China be; what world order will it promote?

Framed in this light, the choice between the US and China may be clear for wealthy democracies, the US's traditional allies. This may not be so for the developing world - in the Philippines under the Duterte administration as well as other Southeast Asian countries that have seen a slide toward authoritarianism. Rather, in Southeast Asia, what has animated ASEAN member-states and may determine on whose side of history they will cast their lot is the core principle of sovereignty.

The emergence of a credible challenge to US hegemony is not lost on Southeast Asia, which today may develop into the ground zero in the ongoing great power rivalries. As many have noted, amidst the instability of this present conjuncture, ASEAN has been pulled in two opposite directions. On the one hand, the changing geopolitical architecture coincides with its efforts at regional integration, with the promotion of ASEAN centrality as a way to leverage its strategic location and vast economic market in dealing with external forces. On the other hand, the absence of hegemonic stability provides an opportunity for middle and small states to play off the major powers in order to advance their national interests.

Both strategies are, in fact, rooted in history: the pull toward neutrality may be traced to the non-aligned movement during the decolonization period, while the push to negotiate with competing powers to advance parochial or national interests is as old as colonial rule. These two strategies did not always advance small states' interests. More, they can work at cross-purposes. Today, China's economic dominance in the region and uncompromising position to claim the whole of South China Sea for itself have drawn a dividing line between Southeast Asian continental states

and coastal states. One study noted, the South China Sea issue in today's changing power structure has weakened ASEAN centrality.³

In this light, the Philippines has occupied a unique place in the history of Southeast Asia. It is the only Southeast Asian country that has consistently stood by the US, even during the peak of the non-aligned movement. That it has been the US outpost in the region also sets it apart from its neighbors, including those that also have territorial disputes with China. Given this history, a commentary from the Washington think-tank, the Center of Strategic and International Studies (CSIS), suggests that, despite the "glacial" relations the US has with the Duterte administration, the Philippines remains as "the only country in Southeast Asia that might realistically host" US military operations such as those covered under the VFA.⁴

That said, the presence of US military forces on Philippine soil can be a double-edged sword. It may serve as a deterrent against China's advance into the West Philippine Sea. Yet, it also brings the possibility of the country being thrust into the center of the competition among the major powers. Noteworthy too, despite the opening of diplomatic relations with China in the 1970s, the Philippines' relationship with this rising economic giant did not prosper as much as did its neighbors. Mainly, the Philippines' interaction with China had been circumscribed by its reliance on and closeness to the US.

During a period when there is only one superpower, an almost exclusive relationship with the hegemon may prove a win-win situation for small states. So it was with the Philippines and the US, especially after the collapse of the Cold War. Philippines-US security commitments have in fact proved beneficial to the Philippine state when the focus of the alliance is preserving internal security.

Up until the Scarborough Shoal 10-day standoff between the Philippines and China in April 2012, US commitments as inscribed in the Mutual Defense Treaty had never been tested. The stand-off ended with the Philippines' retreat in light of China's superior firepower. The following month saw the Philippine government sending a top-level delegation to Washington for a 2+2 meeting, aimed at securing US support in presenting a "minimum credible defense" against China's aggression.⁵ The Obama administration's response proved instructive: it committed to helping the Philippines strengthen its maritime patrol capability, but it also clarified that while the US has a national interest in maintaining freedom of navigation in the South China Sea, it would not take a side on the issue of sovereignty, which is at the heart of the Philippines-China dispute.

In response, a Philippine defense official stated that the country did not see the need to invoke US commitments under the Mutual Defense Treaty. Instead, in 2013, the Aquino government filed a case against China at the Hague-based international arbitral tribunal, constituted under Annex VII of the United Nations (UN) Convention on the Law of the Sea (UNCLOS); in 2014, it signed with the US the Enhanced Defense Cooperation Agreement (EDCA) that would allow US rotational forces to use Philippine bases. Despite such efforts by the Philippines to strengthen its hand however, China proceeded to build artificial structures and harass Philippine fishers and marine vessels in the disputed waters.⁶

Noteworthy, the Obama administration's response to the Philippines' victory at the international arbitral tribunal in 2016 did not deviate from its 2012 stance. As noted in a study, the US legal-political position asserted the right to "freedom of navigation and overflight, and access to the marine commons in the South China Sea" while maintaining neutrality on the question of sovereignty.⁷ The US also called on the rival claimants to peacefully resolve their disputes, without suggesting a path forward in view of China's flat rejection of the arbitral ruling. That the

US did little else has been attributed to the fact that the US itself has not ratified UNCLOS on which the ruling was based.⁸

Since then, the US has reaffirmed its commitments to the Mutual Defense Treaty, apparently as a way to stabilize Philippines and US relations. In fact, Secretary Blinken's July 11 statement references the Trump administration's position on the South China Seas issued a year before. The July 13, 2020 statement was a rare moment when, citing the 2016 arbitral decision, the US recognized the "sovereign rights" of coastal states – specifically citing the Philippines and Malaysia, and its commitments to the Philippines under the Mutual Defense Treaty.⁹ That the treaty has become front and center in the two countries' relations may be explained by the CSIS commentary that stressed the importance of the VFA and EDCA in projecting US power over the South China Sea and providing bases for rotational US forces under the Indo-Pacific Command.¹⁰

More, the US's "return" to the region is also consistent with its economic interests. In February 2021, President Biden issued Executive Order on America's Supply Chains or EO 14017 that called for a review of factors such as the pandemic but also the geopolitical and economic competition that could render the country's supply chains vulnerable. The EO states that "close cooperation on resilient supply chains with allies and partners who share our values will foster collective economic and national security and strengthen the capacity to respond to international disasters and emergencies."¹¹

The collapse of the supply chains due to the pandemic has highlighted the importance the South China Sea, both as a major shipping passageway and source of strategic resources. About one-third of the world's maritime trade, worth about US\$5.3 trillion, passes through its waters every year. In fact, as early as 1995, the US had set its sights on this important sea lane that connects the Middle East and the Suez Canal to North Asia, and considered the waters south of the Spratly Islands and the Straits of Malacca, Sunda, and Lombok as among the region's maritime chokepoints.¹² At the same time, South China Sea itself is resource-rich: untapped oil and natural gas have been estimated at 11 billion barrels and 190 trillion cubic feet, respectively.¹³

The Philippines: Prospects for an Independent Foreign Policy?

What does this all mean to the Philippines? With the signing of the VFA, can we anticipate a return to the status quo ante President Duterte?

Before answering these questions, allow me to focus on the Philippines-China relations in the past five years. Needless to say, how the Philippines-US relations will translate on the ground will be influenced by and will affect Philippines-China relations.

At the start of the Duterte administration, Beijing's proposition to the Philippines had been for the two countries to focus on what unites them, that is, on economic development rather than on their territorial dispute – a give and take that owes much to Deng Xiaoping Thought on "strategic restraint" and joint development.¹⁴ Nevertheless, five years of this arrangement have not brought the two countries closer to a negotiated solution or eased tension in the seas. Thus one can argue that China's deployment of more than 200 ships, believed to be militia vessels, to Whitsun or Juan Felipe Reef in April was equally a factor as the US's reaffirmation of its obligations under the Mutual Defense Treaty in the extension of the VFA.

That said, while the Philippines-US security relations seem to be back on track, it is not clear how this brings the Philippines closer to securing the West Philippine Sea. As noted by security

experts, the US commitment to come to the Philippines defense in case of an attack may fall flat in light of China's deployment of "gray zone tactics," like the use of militia ships that allow it to advance its hold over territories without risking an armed confrontation.

In fact, by making the Philippines a node in US military strategy in Asia, the country becomes vulnerable to a war not of its own making. It is instructive, for instance, that – if we are to believe an analysis that the standoff at Scarborough Shoal and Whitson Reef were attempts by China to test the pressure points of a new US administration – it chose to do so both times in Philippine territorial waters – regardless of its relations with the Philippine administration at the time. More, the US also has similar alliances with Taiwan (and the Taiwan Strait), and Japan (and the Senkaku Islands) – both of which are likewise in China's crosshairs.

If the past five years have shown that the country continues to need the US to serve as a deterrent against China's expansion in the West Philippine Seas, the period has also opened lines of communication with China that will be critical if the two countries are able to find a peaceful solution to their maritime territorial disputes. Equally important, the five years had brought the Philippines closer to the balancing efforts characteristic of ASEAN diplomacy. The Philippines had been able to come out of the shadow of the US albeit briefly, allowing its neighbors a glimpse of its agency. This break from tradition may facilitate the coming together of a broader diplomatic front around the 2016 arbitral decision, especially with other Southeast Asian countries with maritime territorial disputes with China and are themselves walking a tightrope.¹⁵

With the signing of the VFA, some have predicted that the alliance is stabilizing. Yet, the region today is different from how it was when the security treaties were signed more than 60 years ago. Today, the shifting geopolitical architecture in the region and the world has put states in play. The competition among major powers, especially between the US and China, may give the Philippines and other small states some space for policy maneuver and leverage to chart out their own destiny.

ENDNOTES

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³ Alan Yang, "The South China Sea Arbitration and Its Implications for asean Centrality" in *Asian Yearbook of International Law*, Vol. 21, 10 September 2017, pp. 83-95.

⁴ Michael Green and Gregory B. Poling, "The U.S. Alliance with the Philippines" commentary, Center for Strategic and International Studies, 3 December 2020. Accessed on August 15, 2021, <https://www.csis.org/analysis/us-alliance-philippines>.

⁵ Dona Z. Pazzibugan, with AFP and AP reports. “US neutral in Scarborough standoff but will help upgrade Philippine Navy,” *Philippine Daily Inquirer*, 2 May 2012.

⁶ See Elaine Tolentino and Myungsik Ham, “The entrapment of asymmetry: the Philippines between the US and China,” *Bandung Journal of the Global South* (2015) Vol. 2, No. 20, pp. 2-15.

⁷ Jacques deLisle, “Political-Legal Implications of the July 2016 Arbitration Decision in the Philippines-PRC Case Concerning the South China Sea: The United States, China, and International Law,” *Asian Yearbook of International Law*, Vol. 21, 10 September 2017, p. 51.

⁸ *Ibid.*, pp. 80-81.

⁹ Michael R. Pompeo, “U.S. Position on Maritime Claims in the South China Sea” Press Statement, US Embassy in Laos, July 21, 2020. Accessed on 5 August 2021 at <https://la.usembassy.gov/statement-by-secretary-michael-r-pompeo-u-s-position-on-maritime-claims-in-the-south-china-sea/>.

¹⁰ Green and Poling, “The U.S. Alliance with the Philippines” commentary.

¹¹ White House, United States of America, “Executive Order on America’s Supply Chain,” 24 February 2020. Accessed on 5 August 2021 at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-americas-supply-chains/>.

¹² See John H. Noer with David Gregory, *Chokepoints: Maritime Economic Concerns in Southeast Asia*, (Washington, DC: National Defense University Press, 1996).

¹³ Data from <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>

¹⁴ Truong-Minh Vu, “The Logic of Strategic Restraint and Prospects for Joint Development in the South China Sea,” in Alfred Gerstl and Mária Strašáková, eds, *Unresolved Border, Land and Maritime Disputes in Southeast Asia*, Leiden and Boston: Brill, 2017, pp. 231–249.

¹⁵ The lack of any progress in the bilateral negotiations between Manila and Beijing may, in fact, push small countries’ push toward multilateralism as the way to go to settling the maritime territorial disputes. See, for instance, Nguyen Hong Thao and Nguyen Thi Lan Huong, “The South China Sea Arbitration Award: 5 Years and Beyond,” *The Diplomat*, 12 July 2021.