

PERSPECTIVE

RESEARCHERS AT ISEAS – YUSOF ISHAK INSTITUTE ANALYSE CURRENT EVENTS

Singapore | 12 April 2024

Something Old, Something New: The Philippines' Transparency Initiative in the South China Sea

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Philippine President Ferdinand Marcos Jr. delivering a speech during the navy's capability demonstration aboard the Philippine navy ship BRP Davao del Sur, a Tarlac-class landing platform dock, off Zambales, facing the South China Sea on 19 May 2023. (Photo by ALI VICOY/POOL/AFP).

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EXECUTIVE SUMMARY

- Since February 2023, the Marcos Jr. administration has embarked on a transparency initiative for exposing China's grey zone tactics within Philippine maritime zones in the South China Sea.
- Officially dubbed as a policy of "measured transparency", the Philippine government has received a modicum of support from like-minded states as well as severe reactions from China.
- Exposing China's unlawful activities in the South China Sea goes as far as the Aquino III administration after the Scarborough Shoal standoff in April 2012.
- At present, public opinion agrees with this approach, further contributing to the political legitimacy of the Marcos Jr. administration. At the international level, Marcos Jr. has attracted the attention, support, and solidarity of major regional powers.
- This measured transparency approach carries with it risks and challenges but it is not sufficient to protect and promote Philippines interests in the SCS. Apart from sustaining this approach, the Marcos Jr. administration must develop and articulate a clear maritime strategy adhered to by the security sector and the civilian bureaucracy.

INTRODUCTION

After a China Coast Guard vessel aimed its laser weapon at a Philippine Coast Guard (PCG) ship on a resupply mission to Second Thomas (Ayungin) Shoal in February 2023,¹ the Philippines embarked on a markedly different approach to counter Chinese assertiveness in the South China Sea (SCS). The government under President Ferdinand Marcos Jr. began exposing China's coercive grey-zone tactics: attempts short of war to deny the Philippines access to its own waters, such as by bullying or blocking ships in transit or by "swarming"—staking out reefs with large numbers of military and paramilitary vessels.

The transparency initiative is not limited to Second Thomas Shoal. Since it began, the Philippines seemed to have become more proactive in defending its maritime rights in the SCS as affirmed by the arbitral tribunal's ruling in 2016. This is a refreshing contrast to the country's seeming inactivity under former president Rodrigo Duterte (2016-2022), whose foreign and security policies appeared chaotic, *ad hoc*, and transactional rather than structured, deliberate, and strategic.² Yet although the Marcos government's new approach is welcome, evidence so far suggests it to be a policy that lacks the qualities of a properly constituted strategy.

This article discusses the main tenets of the new approach of the Marcos administration in the SCS. We argue that some of the principles and motivations behind the transparency initiative are continuations of the approach under former president Benigno Aquino III (2010-2016). So far, this approach has yielded some strategic benefits at home and abroad. These include garnering international solidarity and support from major regional powers as well as cultivating strong domestic public approval for the government's efforts to defend the country's national interest. However, this article argues that merely exposing China's grey-zone tactics is insufficient, given the risks associated with such an approach. There have been many pendulum swings in the country's foreign policy in the recent past and sustaining this approach is the main challenge, particularly amidst potential domestic distractions as well as external developments beyond the control of the Philippines.

WHAT'S IN A NAME?

The Philippines' transparency initiative exposes China's coercive and unlawful actions against an SCS littoral state, effectively debunking Beijing's narrative portraying itself as a benevolent and responsible great power, and the SCS as a peaceful and calm waterway where territorial and maritime disputes can be managed among directly concerned parties. Philippine officials have assigned various names to the new approach. Assistant Director-General Jonathan Malaya, the communications chief of the National Security Council, referred to it as "measured transparency",³ whereas a spokesperson of the PCG described it as "assertive transparency".⁴ Analysts also called it "radical transparency" and "strategic transparency".⁵ Everyone agrees on the need for transparency, but the degree to which the government wants to be transparent is an open question. "Measured" and "strategic" suggest selectiveness on information to be disclosed, while "assertive" and "radical" hint at a determination to expose just about everything.⁶ Unfortunately, bickering over the name and confusion over meanings may indicate bureaucratic in-fighting and the tentative nature of the policy, rather than demonstrate a united resolve and adherence to a whole-of-government approach.

In a webinar hosted by the ISEAS – Yusof Ishak Institute in February 2024, Malaya identified National Security Adviser Eduardo Año as the architect of “measured transparency”. Malaya also claimed that “measured transparency” was inspired by the military’s information operations during the siege of Marawi in Mindanao in 2017, during which Año was chief of staff of the Armed Forces of Philippines (AFP). In the battle to reclaim the city from Islamic militants, the AFP successfully deployed counter-messaging, promoted civil-military cooperation (such as by bringing the media along in humanitarian operations), and projected an image of transparency in their community engagements (such as by regularly holding press conferences).⁷ Malaya argued that this experience of “measured transparency” in Marawi brought valuable lessons for the Philippines in the SCS context.

In fact, the strategy of “naming and shaming” was a hallmark of former president Benigno Aquino III’s foreign policy, culminating in the historic filing of an arbitration case against China in 2013—probably the Philippines’ most dramatic effort to expose China’s behaviour in the SCS before an international arbitral tribunal and the global community. History shows that the challenge the Philippines is now facing at Second Thomas Shoal is not new, and Manila’s resort to transparency is also not new. Among those that the Philippines exposed and formally complained about during the arbitration was China’s attempt to block a resupply mission to Second Thomas almost a decade ago, in March 2014. The Philippines withdrew its ship at the time and held a press conference afterward to publicise the incident. The Philippines attempted another resupply a few weeks later, this time bringing journalists on board to witness China’s harassment.⁸ The second attempt succeeded, and no public record exists of another incident at Second Thomas under Aquino. Still, in the months and years that followed, China was able to dredge and transform nearby Mischief Reef into a de facto military base, allowing Chinese ships to conduct sustained patrols around Second Thomas and harass incoming Philippine boats more frequently and for longer periods.⁹

PAY-OFFS & TRADE-OFFS OF THE SCS TRANSPARENCY INITIATIVE

Evaluating the effectiveness of the transparency initiative may not offer a straightforward answer because it depends on the objectives set for maritime transparency. If the objective is to facilitate the Philippines’ resupply missions to its SCS outposts, then the approach appears successful. The PCG reported that China had deployed smaller and fewer ships in Philippine waters,¹⁰ and the National Task Force for the West Philippine Sea said that it had accomplished nearly all of its humanitarian missions to Philippine-occupied reefs.¹¹ With regard to Second Thomas Shoal, however, the approach appears less successful. Ship tracking data collected by the Center for Strategic and International Studies from 2021 to 2023 shows that Chinese ships have increased their presence around the shoal, and they have increasingly engaged in physical encounters with Philippine vessels. The US-based think tank also noted that since the Philippines pursued the transparency initiative in February 2023, major incidents substantially increased over Second Thomas.¹² Worryingly, incidents this March included not only damages to Philippine vessels but also injuries to crew.¹³

If the objective is to rally international sympathy and domestic support amid Chinese maritime coercion, then the approach also appears successful. One advantage of the new approach is the strong diplomatic support extended by major powers such as the US, Japan, and Australia. Even countries that used to be muted in Chinese intrusions in the Philippines’ part of the SCS

have voiced their fear and calls for sobriety.¹⁴ The list includes Vietnam, South Korea, India, and several European Union states, which were previously ambivalent about supporting the Philippines after the arbitral tribunal's ruling but are now explicitly siding with Manila.¹⁵ Still, there is the question of audience: whose support must be courted? The Philippines may be preaching to the choir. Although several major powers and Western countries have shown support for the Philippines, other ASEAN states, including fellow SCS claimants, except Vietnam, have been more careful. ASEAN issued a statement of concern with the SCS situation in December 2023,¹⁶ but the veneer of an ASEAN consensus was soon dismantled when Malaysian Prime Minister Anwar Ibrahim echoed Beijing's narrative of China's peaceful rise earlier this year, seemingly unmoved by the evidence produced by the Philippines' transparency initiative.¹⁷

The overall increase in international support for the Philippines is also reflected in domestic public opinion. Surveys have shown that Filipinos strongly approve of the Marcos administration's approach in the SCS disputes, which includes the transparency initiative.¹⁸ As domestic public opinion solidifies, even the country's political elites, notably senators, have had no choice but to rally behind the government's policy.¹⁹ Some of these now-vocal senators included former allies of Duterte, who had previously either defended the ex-president's soft stance on China or stayed silent amid news of Chinese maritime coercion.²⁰

But if the objective is to dissuade China from pushing ahead with its coercive grey-zone tactics, then the approach has not succeeded. China persists in conducting blockades and swarming in the SCS. Although China has so far refrained from inflicting economic punishments,²¹ the Philippine Foreign Affairs Department is not discounting the possibility in the future.²² Additionally, in recent weeks, Chinese hackers have repeatedly attempted to breach Philippine government websites and email servers, including the PCG's.²³ Disinformation has also increased, targeting academics, journalists, and the general public through social media.²⁴ Pro-Beijing narratives are also being echoed in the public discourse by Filipino influencers and groups seen as proxies for China.²⁵

If the objective is to ease maritime tensions between the Philippines and China, then the approach has clearly had the opposite effect. Rhetoric from both sides has heated up, and China has also made veiled threats of force.²⁶ These are raising worries about escalating prospects of armed conflict in the region.

China, of course, bears much of the responsibility for the situation. Not only is China the prime mover of coercive grey-zone tactics, it is also an outlaw. The arbitral tribunal already ruled in 2016 that China has no right to prevent Filipinos from accessing waters 200 nautical miles west of the Philippine archipelago in the SCS. The panel also ruled that China has no right to claim, much less commandeer, mid-ocean reefs that submerge at high tide, like Second Thomas Shoal. At best, China, like the rest of the world, enjoys freedom of navigation in the Philippines' exclusive economic zone—but not freedom to swarm.

China also categorises any action in the SCS that falls short of acquiescing to its demands as provocation. Other than inaction or appeasement, the Philippines finds itself with little meaningful leeway to defend its maritime rights without "provoking" China. In any case, none of the Philippines' actions so far have matched China's seizure of Scarborough Shoal,

construction of militarised artificial islands, use of coercive grey-zone tactics, and undermining of the rule of international law. The Philippines has too few and too small ships to effectively challenge the much larger fleets and vessels of the People's Liberation Army–Navy and even the China Coast Guard. The Philippines also has too tiny and too underdeveloped installations in the SCS to support advanced military operations. The installation on Second Thomas, the decommissioned World War II warship BRP *Sierra Madre*, is the poorest in condition among the Philippines' SCS outposts. The ship is so besieged by leaks and rust and so exposed to the elements that no soldier would survive there for long without regular resupplies.²⁷ China objects that Philippine resupply missions include construction materials, but these are necessary to provide decent living conditions for Philippine soldiers.²⁸ The materials being sent are also too rudimentary compared to the coastal defence and ground-based missile systems that China has built on its illegally occupied reefs in the SCS. China's anger towards the Philippines is simply too disproportional to its own maritime activities.

DOMESTIC FOUNDATIONS OF MARCOS JR.'S SCS POLICY

Although the transparency initiative is not new, the current policy differs in two important respects from previous ones. First, the Marcos administration seems more assertive than the Aquino government. The increased confidence is a function of the legal clarity that the arbitration win now affords the Philippines. The Aquino government, while tough on rhetoric, was much softer on the ground because they were trying to avoid incidents that may jeopardise the Philippines' case. This confidence is further bolstered by the US' explicit endorsement of the arbitral tribunal ruling and Washington's unambiguous security reassurances that their mutual defense treaty applies to "armed attacks on either nation's armed forces or public vessels anywhere in the South China Sea".²⁹

Second, Marcos himself so far appears more tamed in his rhetoric than his officials are. He refrained from mentioning the disputes, much less calling out China, in all his previous state of the nation addresses. Although happy to paint himself as a defender of the Philippines' maritime entitlements, Marcos often balances his public statements with declarations of openness to continued dialogue with China. This messaging affords Manila room to remain cooperative with Beijing. Indeed, unlike under Aquino, no dialogue mechanisms are being cancelled, and the other aspects of Philippines-China relations remain largely business as usual. Marcos probably wants to keep it that way. Fortunately, it seems that China is balking at being the first to cut off bilateral ties with the Philippines despite reacting that way before towards the Aquino government.

The transparency initiative conveniently aligns with Marcos's regime legitimacy considerations. Surveys since the Duterte administration have consistently shown that Filipinos support a more assertive approach to the SCS disputes. The transparency initiative satisfies this yearning and is a popular policy for Marcos to champion. Indeed, public opinion polls in 2023 show that Marcos's approval rating for handling the SCS disputes increased to 58 percent.³⁰ Marcos also seems to base his legitimacy on economic performance and, counterintuitively, adherence to democratic rules—even if only at face value, for performativity's sake. He is aware of the baggage associated with Chinese developmental assistance and has pulled the Philippines out of some China-funded infrastructure projects.³¹ He is also aware of his association with authoritarian politics, not only through his father but also through his electoral

alliance with Duterte and his daughter Sara. By explicitly aligning with the West, Marcos is simultaneously able to court higher quality sources of developmental funds and boost his democratic credentials, allowing him to claim membership in the free world.

Moreover, toning down reliance on China and painting himself as a democratic leader also allow Marcos to implicitly criticise Duterte and, in the process, distance himself from his autocratic predecessor. Rifts with the Dutertes are an unavoidable consequence of Marcos's legitimisation strategies.

CONCLUSION & PROSPECTS

Going forward, sustaining the transparency initiative depends on external factors such as how committed the US will be in supporting the Philippines and how long China's patience will remain. It will also depend on the Philippine government's ability to weather domestic political disturbances that rifts in the Marcos-Duterte alliance could unleash. Yet the first step is for the Marcos administration to clarify the objectives it wants to achieve with transparency. Of course, the new approach can be used as leverage to request for more concrete support from major powers, but towards what end should the Philippines garner support for? Isolating China diplomatically, rallying regional states and major powers, enhancing Philippine maritime domain awareness, modernising the AFP and the PCG, establishing new security partnerships, or all? The government will need to think strategically about this.

Some red lines must be drawn, however. We believe that transparency should not be a bargaining chip that the Philippines can dial down in exchange for concessions from China. Manila must remain steadfast in exposing Beijing's coercive grey-zone tactics. Relying solely on quiet diplomacy could be dangerous. Left behind closed doors, Philippine leaders may promise deals that are unconstitutional, or China may make up accounts of Philippine promises. Indeed, China keeps referring to various supposed deals on Second Thomas Shoal, and previous Philippine leaders are avoiding public scrutiny of whether these promises were indeed made. Quiet diplomacy must be conducted alongside transparency operations to keep China in check that its reassurances in meetings matches its behaviour at sea. The Philippines must make it clear that the transparency initiative is reactive to breaches of international law, peace, and stability in the SCS. As long as China behaves in line with these norms, there would be nothing to expose.

Although the maritime transparency initiative is a necessary step forward, it alone does not transform the Philippines into a rational strategic actor in world affairs under Marcos Jr. Ultimately, the government must have strategic hindsight to recognise what worked in the past and what did not, and apply those lessons accordingly. It must also have strategic foresight to forge ahead towards a more comprehensive strategy on the SCS.

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