

The Spratly's Conflict: Foreign Policy Implications to the Peoples' Republic of China and the Republic of the Philippines

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Abstract - This study, anchored on the theory of realism by Hans Morgenthau (1948), examined the Spratly's conflict and discussed its implications to the Peoples' Republic of China and the Republic of the Philippines. Budgetary allocations of both states for Spratly's were reviewed. China's interest on the Spratly's is manifested by its strong hold of military forces and recorded incursions in the area. Data suggest that China has been strengthening its military capabilities from 2001 to the present. Meanwhile, the conflict over Spratly's pushed the Philippines to upgrade its military capabilities. China and the Philippines confirm their claims over the Spratly's Islands notwithstanding a commitment in the UNCLOS (United Nations Convention on the Laws of the Seas). Evidently, the Spratly's conflict has brought pressure to China and the Philippines in boosting their military presence in the area. Empirically gathered evidences point out expanding military budget in both countries as they advance their claims over Spratly's. Indicatively, the conflict will continue as long as both states hold on to their respective claims. In this respect, China and the Philippines should endeavour to resolve the Spratly's conflict through diplomatic ties. At the same time, work for cooperation by enactment of mutually beneficial bilateral agreements.

Keywords - Military Capabilities, UNCLOS, Budgetary Allotment, AFP's CUP, AFP's Long Term CUP, ASEAN

INTRODUCTION

The Spratly Islands in the South China Sea has been debated by its claimants since the 18th century. Among its claimants are Malaysia, Republic of China, Brunei Darussalam, Socialist Republic of Vietnam, People's Republic of China, and the Republic of the Philippines. These claimants go after Spratly's for the oil and natural resources that the states may exploit in the area.

For several years, the Spratly's conflict has been a crucial issue to its claimants. The Philippines claims the Spratly's for its distance from Palawan, continue its claim amidst the possible consequences of their claim. China, through the historical basis of its claim, pursues amidst the huge distance of the area from the state itself. Due to the fear that areas be seized from them, countries installed their respective flags over their claimed areas. Some claimants delegate ships to take turns in keeping an eye to secure their areas. With this, relationship of both states continues to be strained. If this conflict would not be resolved, an armed conflict may occur thus a solution to this has to be provided.

At present, the popular rival of the Philippines over the Spratly Islands is the People's Republic of China. This study analyzed the efforts that China and the Philippines have been exerting for their claims in the Spratly's. At the same time, assessed the prospective influences of ASEAN and the United Nations Convention on the Laws of the Seas (UNCLOS).

The Realism theory of Hans Morgenthau (1948) can be associated to the Spratly's conflict. Realism argues that the main actors of the international arena are the states. The state aims for the acquisition of power to achieve its national interest. National interest is more prioritized than the state's ideology. Due to the fact that national interest is given the importance, a state has the capacity to go against another state for its pursuit. Such pursuit may deal with any matter, like that of the state's security. This theory is similar to saying that states are egocentric and competitive in nature. A state is willing to take an extra mile to pursue their national interest. A state is willing to

go against or compete with another state for its pursuit.

Meanwhile, another author of the Realism theory is Thomas Hobbes. According to Hobbes, realism in itself has three assumptions. First pertains to the equality of men or states. In the situation of the Spratly's, China and the Philippines will not contend over such islands in the basis of which state is developed or of which state has more alliances. If the allies of both states express their opinions regarding the issue, these opinions are not basis or guarantee to the resolution of such. In like manner, development of the state or the capacity of the state to further its development is also not a basis for the issue's resolution. In the Spratly's conflict, both claimants are of equal footing, as they continue to present their arguments for their claims.

On the other hand, the second assumption of Hobbes deals with the interaction of states in anarchy. China and the Philippines have their individual governments. However, in the Spratly's conflict, there is no particular system that handles the conflict. As much as there are mediators in this conflict, these mediators are not able to control the conflict. In this case, states do what pleases them as long as it is in accordance to their interest.

Lastly, Hobbes stated that the actions of the states are motivated by competition, hesitancy, and progress. These three motivations are interrelated. It is innate for a state to compete with other states and be on top. As much as a state would want to have good relations with the rest of the world, there is still a tinge of competition. However, a state does not compete with any state at any given time. These states are cautious enough whom to compete with. When they have chosen already whom to compete, they aim for success. In this success, their efforts in competing with a particular state would not be put to waste. Success here is synonymous to progress.

Progress is the root of all the competition. In the case of the Spratly's, China is the famous rival of the Philippines aside from Vietnam. As much as China would want to claim and declare Spratly's as their own, the state continues to compete with the Philippines whom it shares the same claim. Both states, continues their dialogue in their respective claims. However, a halt should be given to this issue. Through this, other issues that may arise from this conflict would be prevented, as well.

FRAMEWORK

The popular realist Hans J. Morgenthau (1948) enumerated six principles on political realism in his book 'Politics among Nations'. These principles relate to the Spratly's conflict in one way or another. First realism principle is on the belief that the society is ruled by laws that are created based on the nature of man. The United Nations Convention on the Laws of the Seas (UNCLOS) was created to prevent conflict among states regarding their respective jurisdiction. The UNCLOS can therefore, be an answer to the issue between China and the Philippines on the Spratly's. If this law was considered, the conflict should have been settled. However, amidst the existence of this law, the conflict remained to be unresolved. The UNCLOS was established for the benefit of man. In this case, as much as the law is created for men, men choose not to adhere to this law.

The second principle on political realism is directed towards interest that is explained in the use of power. In other words, use of power has been a definition of interest. Every state has an interest that is being pursued. To materialize a state's interest, may it be domestic or international, power is demonstrated. Power here does not literally mean aggression, but refers to the actions of state for the sake of its interest. Aggression and physical violence are not the only means for the state to show its power. Demonstration of power is evident, when states bravely express their claims and spend for their claimed areas.

The third principle of realism is related to the second principle. When interest is defined as power, this does not imply that such is the only definition of interest. Morgenthau reiterates that interest defined as power is not fixed. When we speak of power, it may mean anything that maintains control of man over man. In like manner, when China expressed its claims on the Spratly's, it made the Philippines resort to actions that would protect its claimed area, and thus, resorting to security measures in its claimed area. This act is not only to secure Philippines' claimed area, but to protect their residing citizens in the area. Power here was not literally done, in a manner wherein China controlled the actions of the Philippines. However, the mere claims of China caused the Philippines to further its security measures on the area. The claims of both states control each other in a way. The

capacity of China and the Philippines to claim areas of the Spratly's, control each other in a manner wherein states have to be: attentive to the actions of the other, watchful of their actions, and tactful in their claims. Without the power of one states to declare its claims on the Spratly's, the other state would not have been mindful of the other state and/or of their very own state. At the same time, such state would have been very much lax in their claims on the areas of the islands.

Another principle in realism according to Morgenthau relates to the moral importance of any action that is done by a state. It speaks of what is morally upright to be done, and what are the things to be done in order to achieve success. Morality and success do not go together at all times. There are instances wherein for success to be achieved, wickedness takes place. However, in realism states are said to be heedful of the actions that they execute. This is because of the other factors that can be affected in the actions that they would choose to take. In the case of the Spratly's, any of the claimants may wage war against another state to take hold of the area, yet this was not considered by any of the claimants. Morally speaking, waging war is not upright for many citizens are killed, and civilians are affected. If state A wages war against state B and wins the war, it is not only state B that have several casualties. In fact, state would also have casualties of its own. In the event of a war, the economy of a state would be unstable, and infrastructures would be devastated. Fortunately, a war has not been waged yet by any of the claimants of the Spratly's, but the cautious actions of the states in dealing with each other can be an example to this principle. After all, an imprecise action in this matter may not only strain their relations from one another but may also affect their citizens.

The fifth principle of realism is on the failure to recognize the moral aspirations of a state in relation to the moral laws that rule the universe. Due to the self-centeredness of a state, it only sees its own reasons as the valid ones. A state fails to understand the core of reasoning of the other state due to its strong belief that its own reasons are the precise ones only. If a state is able to understand the reasons presented by the other state, then conflicts may easily be resolved by meeting halfway. In the Spratly's conflict, China presents its arguments in claiming the Spratly's, and so did the Philippines. However, each state wants its

arguments to be accepted for it to own its claimed area. If the state's arguments are accepted, it may be easy for the other state to give up its claims. Then again, this cannot be easily done.

The last principle of Morgenthau is on the difference of political realism with the other schools of thought. The difference of realism to the latter is that it is real and profound. This theory is established in interest which is given definition by power. The conflict of China and the Philippines on the Spratly's are grounded for the pursuant of their national interests. One of these national interests is geared towards the security of their state. In order to pursue the security of their respective states, they are to protect their territories, and these territories include their claimed area in the Spratly's. As China and the Philippines continue to secure their territories, this has something to do with their citizens. The security of their territories gives security to their citizens, as well. As mentioned in the previous paragraphs, any action taken, or any progress in the Spratly's conflict would make a huge impact to their respective citizens. Their respective citizens may relish the success of claiming their areas, or may suffer any consequence that may result in their pursuance of their claims.

OBJECTIVES OF THE STUDY

More importantly, this study attempted to understand and explained diplomatic implications behind the Spratly's conflict between China and the Philippines.

MATERIALS AND METHODS

Research Design

This study employs a descriptive qualitative research design with data source from online journal articles and books in print. Empirical evidences are presented to explain and analyze the trends facts will be related to the situation and progress of the conflict. These facts may pertain on the law, budget, and statements of China and the Philippines. Each of the presented facts will be thoroughly analyzed to give the implications of the Spratly's to both states.

Data Gathering Procedure

The procedure of gathering data for this study involves three angles. The three angles are interrelated to give an understanding on the scenario in the Spratly's. At the same time, providing answers on the queries presented by this study. First angle is on the review of the budgetary allocation of China and the Philippines to the Spratly's. Next is on the parameters of the United Nations Convention on the Laws of the Seas. Lastly, the angle that pertains to the good status of the Philippines in the ASEAN for support will be dealt. When all three angles are combined, then, objectives of this study will be attained.

Treatment of Data

In this qualitative research, there are four target areas that are to be dealt with, which are related to the three angles that are mentioned in the above statements. When these target areas are achieved, this study is able to answer the implication/s of the Spratly Islands to China and the Philippines. First the interest of the states to the issue will be analysed, which will be evident on the budgetary allocation of China and the Philippines to the Spratly's. The security that is given by these states to their claimed areas, which can be seen in their military capabilities will be discussed. The law relevant to the issue, which is the United Nations Convention on the Laws of the Seas (UNCLOS) will be tackled. Finally, there will be a look on the Philippines soliciting support from the ASEAN in relation to the conflict. When the four target areas are achieved, the entire situation of the Spratly's would be understood and analysed, thus giving answers of this study.

RESULTS AND DISCUSSION

The data obtained from the Department of Foreign Affairs show that Chinese activities in the Spratly Islands had tremendously increased. The increase in Chinese activities led to six Chinese incursions in the claimed area of the Philippines.

Table 1. Chinese incursions into the claimed territorial waters of the Philippines

Incident 1	February 25, 2011	3 Philippine fishing vessels operating 140 nautical miles west of Palawan were fired with 3 shots by a Chinese vessel.
Incident 2	March 2, 2011	2 Chinese patrol boats (No. 71 & No. 75) ordered MV Veritas Voyager, which was a survey vessel that was operating in the Reed Bank area off Palawan to leave and manoeuvred close, that appeared to threaten MV Veritas Voyager,
Incident 3	May 6, 2011	A Chinese Marine vessel was seen in the Abad Santos Shoal,
Incident 4	May 11, 2011	AFP claimed the alleged flight of 2 Chinese jet fighters into the Philippine air space near Palawan.
Incident 5	May 21, 2011	2 Chinese ships (Surveillance Ship No. 75 and Salvage/ Research Ship No. 707) were observed to head the Southern Bank.
Incident 6	May 24, 2011	A Chinese surveillance vessel and People's Liberation Army Navy (PLAN) ships were reported by Filipino fishermen. These ships were observed to be unloading steel posts, building materials, and buoy 100 nautical miles off Palawan.

Source: *Security Cooperation in the South China Sea: An Assessment of Recent Trends*.

With the tremendous threat that was brought about by the Chinese incursions in the claimed area of the Philippines, it is necessary to see the security actions that are taken by the Philippine government.

In the year 2003, the Philippine government created a program that would upgrade the military capability of the state. The Armed Forces of the Philippines' Capability Upgrade Program (CUP) has a long-term goal in developing the external capability of the state. This is an 18-year program that is geared towards the acquisition and development of the defence of the Philippines, which is divided into three phases, as presented.

Table 2. Armed Forces of the Philippines' Capability Upgrade Program (CUP)

First Phase	2006 – 2011	Internal Security Operation (ISO) – equipment acquisition and upgrade for the enhancement of this AFP operation.
Second Phase	2012 – 2018	Transition Phase – from the focus on ISO to territorial defence.
Third Phase	2019 – 2024	Territorial Defence – acquisition which is geared towards this and peacekeeping.

The first phase of the program is still being processed to the present. However, the smooth flow of the Internal Security Operation is not that easy due to the procurement process for military hardware. As of the third year of the CUP, which was 2008, the Armed Forces of the Philippines (AFP) was able to acquire only 34% budget allocation for the acquisition of the military hardware. The problem in the implementation of the CUP is due to the result of various factors. These factors are said to be the following: AFP's shift in priorities, change in the guidelines of the procurement process, and the lack of financial resources. In addition, is the reorganization of various departments, which supervises the arms acquisition with the military, and is dubbed to be inappropriate.

In 2007, President Gloria Macapagal – Arroyo instructed the Department of National Defence (DND) and the AFP not to delay the procurement process of the military hardware that was necessary for the ISO. Due to this, the Reprioritized Capability Upgrade Program (RCUP) was formulated. This program listed the agenda of the Philippine government in speeding up the acquisition of defence material under the CUP, and realigning the procurement process with the mission of the AFP. RCUP reiterated the need to consider military sales or government-to-government transaction by the AFP. This was in the procurement of equipment for the enhancement of efficiency in acquiring defence materials required for the CUP. The restoration of at least 70% of the Philippine military's critical capabilities in conducting internal security operations is the immediate goal of this program. On the other hand, the long-term goal of the program is with

regards to the territorial defence. This territorial defence was AFP's modernization program since the 1990s, wherein the territorial defence is its territorial goal. Amidst the existence of the RCUP, AFP finds itself in square one in arms procurement due to the long process provided by the Implementation Guidelines of the 1995 AFP Modernization Law (Republic Act 7898), and the constant lack of financial support from the Philippine Congress.

The peak of the Reed Bank incident of March 2, 2011 was the time when AFP announced the repairs of the deteriorating runway on one of the islands that are occupied by the Philippines. AFP revealed it will further its military presence on the western area of the state near the disputed Spratly Islands. In fact, AFP chief-of staff Major General Eduardo Oban reiterated the allocation of about Php 8 billion for the acquisition of naval and air assets, which were found necessary in patrolling the maritime borders of the state. However, during the U.S.-Philippine Military Joint Exercise Balikatan 2011, President Benigno Aquino III increased the amount to Php 11.9 billion for a three-year development period of procurement of new patrol craft, gunboats, and ground radars for the Philippine military. The said amount was from the AFP modernization program allocation, and profits of the Malampaya natural gas extraction wells in Palawan.

When President Aquino assumed his office in July 2010, he was prioritizing and pursuing the AFP modernization program in the presence of new security challenges. He ordered his secretary of the Department of National Defence (DND) to ensure materialization of the long-overdue AFP modernization program. This program was seen to strengthen the military capability of the state. In line with the president's priorities, DND and AFP jointly came up with a DND-AFP task force. The joint DND-AFP task force came up with an AFP Long-Term Capability Development Program. The program has the aim of immediate shift in the focus of internal security to territorial defence within three years, from 2011 to 2013. The program has been labelled as an ambitious plan when compared to the CUP of the Arroyo administration. The CUP has a transitory stage that was characterized by the improvement of its internal security capabilities and an increasing shift towards the development of its territorial defence capabilities in 2011. However, in the AFP Long-Term Capability

Development Program there is a goal to develop the capacity of the state to protect its maritime borders and its territorial claim over the Spratly's. Presented below is the budget allocation of the Aquino administration for the aforementioned development program, which is divided to the Philippine Air Force (PAF) and the Philippine Navy (PN).

Table 3. AFP's long term capability development program

Php 426 billion	Budget for the long – term capability upgrade that is allotted for PAF and PN, instead of the Philippine army.
A. Php 200 billion(approximate)	PAF's budget for acquisition of planes
B. Php 134 billion (approximate)	PN's budget for acquisition of vessels and planes.

The current effort of the Aquino administration as it shifted the focus of the AFP from internal security to territorial defence was rooted in a very strategic objective. Aside from having similar objectives as the previous administration's CUP, the Aquino administration aims to develop a comprehensive border patrol. Such an objective can be achieved through the state's acquisition of military equipment that is necessary in protecting their border. This strategy is comprehensive, yet not aggressive for a naval warfighting capacity.

On the other hand, China continues to rise as an economically and militarily inclined power. The assertiveness of China in pursuing their claims in the Spratly's conflict co-relates with its economic and military power as an emerging superpower. The increasing aggressiveness of China in the Spratly's conflict may create tension and disturb the security in the region. However, China continues to assure the world that their claims in the Spratly's are a peaceful one and that the state does not aim to be a hegemonic power. These assurances are amidst the continued increase of the military budget allotment of China to its military capability. Presented in the table below is the budgetary allotment for defence spending by the Chinese government.

Table 4. Defence spending of the people's republic of china

2011	\$91.4 billion	Expected military expenditure for the year, not including military imports.
2010	\$78 billion	Total defence spending, not including military imports.
2009	\$150 billion	According to the U.S. Defence Department, this is the total military-related expenditure of the state including military imports from other states, especially from Russia.
2001-2010	More than \$17 billion	Russian military imports for the decade.
2001-2010	\$150 billion	Estimated military expenditure of China for the acquisition of new weapons.

Source Articles: "Beijing's Buildup Stirs Fears"; and "Is Time Running Out: The Urgency for Full, Final and Equitable Resolution of the South China Sea Imbroglia."

In the table, it is very much evident that China is inclined to boost and strengthen its military defence. Such defence is regardless of internal threats or external threats that are faced by the state. Similar to any other state, China has the aim to strengthen its military capability. In doing so, the state will be able to protect its territory from threats. The state shall also be ready to go against other states, if needed, under any conditions.

In the annual report of the annual session of the National People's Congress, Premier Wen Jiabao reiterated the constant enhancement of China in their military capability. China is not as transparent as other states in showing their defence budget. China does not bluntly show the inclusion of its military-related imports from other states to their state. Through this, state is able to uplift its military capabilities without threatening other states. However, China is still able to threaten other states even if data on military-related imports are not shown because it is evident in its military capability.

The United Nations Convention on the Laws of the Seas (UNCLOS) has existed for decades as a representation of the most comprehensive attempt in having a set of norms and standards. In relation to the Spratly's

conflict, the convention has been ratified by China and the Philippines, yet it is quite ironic to have such conflict amidst its ratification. In fact, with UNCLOS, these states have a common set of norms, principles, and rules regarding oceanic boundaries. In like manner, these states should have been able to determine their respective entitlement to the living and non-living resources in the sea. This convention is supposed to serve as a guide in settling boundary disputes, which is very much relevant to the Spratly's conflict.

With the aforementioned statements, it seems that the convention is insufficient. The involvement of UNCLOS in the conflict is limited for the different arguments of China and the Philippines in the Spratly's, and their different interpretations of the UNCLOS, plus the impreciseness, due to the vague wording of the convention. This results to the prevention of enacting this convention to serve as a guide on the behaviours of both states. However, the UNCLOS is not totally ineffective and insufficient. The burden is not to be blamed on the convention alone.

In the beginning of the UNCLOS, it was evident that the convention would not be that effective and efficient with the attitudes presented by China and the Philippines upon the signing of the convention. In the Philippines' declaration upon signing the UNCLOS, Filipino officials were clear in stating that they are unwilling to reconsider their position on the Spratly's conflict even with the existence of the convention. The Philippines emphasized that the signing of the convention will not make any change in the sovereignty that the state was exercising over any territory like that of the Kalayaan Group of Islands.

Similar to the Philippines' declaration was the Chinese declaration upon signing the UNCLOS. China focused their attention to the disputed Spratly Islands. In fact, China emphasized that the Kalayaan Group of Islands has been a Chinese territory, for it is part of the Nansha Islands. At the same time, China emphasized that the adjacent waters and resources of the Nansha Islands are part of Chinese sovereignty.

Evident as it appears, it goes to show that from the beginning of this convention, the Philippines and China has been unwilling to change their claims. This is to adhere to the norms, principles, and rules of the UNCLOS. Amidst the broad and complicated provisions, that are stipulated in the convention, there are basic key concepts that are

embodied in the UNCLOS. These key concepts are as follows: the 200 nautical-mile EEZ, historical entitlement and claim, assumption of that those provisions take precedence over earlier norms/principles/rules embodied in earlier agreements, legal definition of an island, right and privileges of archipelagic states, use of baselines to outline territorial waters, and practice of sovereignty over new territories. However, despite the large scope of the convention as well as its contribution in successfully resolving oceanic disputes, concepts of the UNCLOS are still not able to resolve the Spratly Islands issue. Add to that the unwillingness of the Philippines and China to change their positions on the issue, amidst the existence of the convention, as presented in their respective declarations.

In August 1995, China and the Philippines came up with an agreement after a month of bilateral talks. A joint statement was released at the conclusion of both states bilateral talks. The joint statement outlined the following principles: resolution of the Spratly's conflict in a friendly manner, pursuance of confidence-building measures without using force, and settlement of the conflict with reference to international law. During the Estrada administration, the Philippines pursued confidence-building measures through the bilateral interactions of the state with China. This was emphasized in the official state visits of the President Joseph Ejercito – Estrada in 2000 and President Gloria Macapagal – Arroyo in 2001. Aside from this, the Philippines brought the Spratly's conflict to the international arena through the United Nations (UN), the ASEAN Regional Forum (ARF), and with its partners in ASEAN. However, China blocked the efforts of the Philippines in the UN and ARF, but the Philippines was able to gain support with the ASEAN member states. Such support was due to the released outlined principles in the 1995 joint statement. The status of the Philippines in the ASEAN allows the state to solicit support from its member states.

CONCLUSIONS AND RECOMMENDATIONS

China and the Philippines are poised in upgrading their military capabilities to defend their respective states. This defence includes their respective territorial claims over the Spratly islands. Such

upgrade was brought about by their need to protect their pursued claimed areas. China's military expenditure tremendously increased through the years, and the Philippines came up with military capability programs. On the other hand, the UNCLOS will not be able to resolve this issue for China and the Philippines has declared that the ratification of the convention does not change their claims in the Spratly's. The maintenance of the Philippines' good status in the ASEAN will enable the state to maintain the support that its member states are giving the state. These supports will strengthen the state's claims over the Spratly's.

The conflict is endless as long as China and the Philippines continue their claims. Unless one of the states or both states give up its claim, the conflict will continue without any resolve. Along this line, two possible solutions are recommended. First is through sharing the claimed areas between the claimants, whenever feasible. As noted, rich oil and natural deposits in the area are the driving factors over the disputed territories.

The agreement has to be something that will allow both states to gather the resources from time to time and share it between them. In this manner the resolution of the Spratly's conflict is done through diplomatic means, for the agreement has to pass through several meetings and negotiations between conflicting parties, before an agreement is created. Continued bilateral talks between China and the Philippines would ease the tension. At the same time, these negotiations would give rise to the agreement and other possible ways for the resolution of the conflict.

On the other hand, China and the Philippines may result to a diversion process. In this case, the states would shift their attention from conflict to the pursuance of their diplomatic ties and cooperation. Existing bilateral agreements between both states may be reviewed for its further implementation. Both states may create and engage in other mutually beneficial bilateral agreements. These agreements will allow the relationship of both states to stabilize. Aside from that, these will also make the states progressive.

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