

## Alumni Perspectives

# **DIPLOMATIC ENGAGEMENT AND NEGOTIATED AGREEMENT *BETWEEN PHILIPPINES AND CHINA:* A CONSTRUCTIVE-REALIST APPROACH IN POST-ARBITRATION: ♦**



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## **Introduction**

The question of whether there will be peace in the Asia Pacific in the immediate future, along with any discussion on defense strategies in regional security, is a quintessential subject of discourse in a realist school. While the interest is on peace, its idea becomes elusive and uncertain when taken as a question, rather than as an assertion of an ideal condition that can be realized through constructivist approaches.

Stepping the dialogue up on the preceding theme, the International Conference held by the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG) in Bangkok in December 2016 closed the year with a thoughtful forum on the prospects of peace, as well as power relations, in the Asia Pacific during the next 15 years. Concerns on hot spots in the region and on how states can manage to prevail or survive in those areas highlighted the policy conversations among scholars, analysts, and other

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♦ This study was presented by the author as speaker at the International Conference on Defense Strategies and Regional Security, with the theme “Will there be peace in Asia Pacific in 2017?,” which was organized by the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG) at Sukosol Hotel in Bangkok, Thailand on 28-29 December 2016.

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professionals from the security community.<sup>1</sup> The conflict zones and potential flashpoints in the Asia Pacific that were in the conference agenda include the East Asia, South Asia, and of course the South China Sea (SCS) area. Outside of this region, meanwhile, are ongoing conflicts in Europe and the Middle East, which make discussions on international relations essentially realist.

The Asia Pacific Region was seen by security analysts as a showground of great powers contending to change or continue the present state of affairs to serve their interests. In what is known in strategic history as the “Thucydides Trap,”<sup>2</sup> power rivalry is reckoned to likely result in war or conflict escalation between a ruling hegemon that strives to maintain the status quo, and a rising power that seeks to revise it. With this thought in mind, there was consensus among policy experts during the International Conference that future scenarios of peace and conflict will be determined by the strategic foreign policies that major powers, as well as other self-interested sovereign states, will have to take in order to be secure.<sup>3</sup>

The realist academic theme of inquiring whether there will be peace in the Asia Pacific in the next few years seems to be a simplistic rhetoric answerable by yes or no. In the real world, however, the facilitating conditions of peace are complex, as the nature of security is. The dilemma of a security complex is that it is characterized by multi-causal forces and drivers whose patterns of behavior are variable at particular strategic moments. It has also various dimensions, which include the dynamics between and among major players that—even if interdependent—have independent policy choices and strategic tracks.

An example of this is the SCS dispute, which I see as a complex web of strategic issues and concerns that are both real and imagined, natural and constructed. This is not just about the security realities that exist out there in the contested sea on which defense strategies

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<sup>1</sup> Ananda Devi Domingo-Almase, “After Travel Report on the International Conference on Defense Strategies and Regional Security in the Asia Pacific held in Bangkok, Thailand on 28-29 December 2016,” (Report submitted to the National Defense College of the Philippines for endorsement to the Department of National Defense, 11 January 2017).

<sup>2</sup>Prof. Graham Allison of the John F Kennedy School in Harvard University coined the phrase “Thucydides Trap” to refer to a condition that brings an established power and a rival seeking to revise the status quo into a foreseeable war. As Thucydides had once written in his book: “What made war inevitable was the growth of Athenian power and the fear which this caused in Sparta.” [See Robert B. Strassler, ed, *The Landmark Thucydides: A Comprehensive Guide to The Peloponnesian War* (New York: Free Press, 1996).]

<sup>3</sup> These thoughts were presented by Director Henning Glaser of the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG) in his opening and closing remarks at the International Conference on Defense Strategies and Regional Security at the Sukosol Hotel in Bangkok, Thailand on 28-29 December 2016. With a realist undertone, he talked about the vulnerable and uncertain security conditions in the Asia Pacific in the coming years as the premise of our academic and policy discussions. From the Hobbesian fear to the Thucydides Trap, Dir. Glaser described the region as a strategic setting of two contending powers, US and China; whereas before it was US and Russia. He said that in an international political system where there is no integrated order, great powers must do something to manage peace and at the same time prepare for any threats to preserve it.

can be made. But this is also about how we look at the security puzzle and frame it from a particular mindset. The security setting, in which multifarious variables operate, is thus not only physical and geographical but also psychological and cultural. This social reality makes a security problem, or perceptions of it, all the more complex.

The question that could frame the security dilemma in the SCS is whether this is a military problem that requires strategic defense, or, first and foremost, a high level political issue that calls for diplomatic measures to resolve or manage it. The answer to this is conditional and perception-based, depending on national values, strategic interests, geopolitical standing, and power capacity of any given state. Understanding the interrelated forces and drivers of peace entails comprehensive thinking of employing constructive approaches, other than defense and military strategies, to shape the conditions of peace and security in the region.

With the foregoing as a conceptual backdrop, I am writing in this article a *constructive realist* perspective<sup>4</sup> on regional security that I presented at the aforementioned International Conference in Bangkok before the close of 2016. The presentation was about the diplomatic engagement and negotiated agreement between Philippines and China in post-arbitration and the implications of this development on regional security and international order.

This study will first give a brief background of the circumstances, consequences, and challenges of the July 2016 Permanent Court of Arbitration's (PCA) decision on the case filed in January 2013 by the Philippines against China's expansive claims in the SCS, among other issues. Second, I will discuss the role of diplomacy and negotiation in defusing misperceptions and adverse reactions in the disputed region after the arbitration.

Third, I will illustrate my perspective in causal loop diagrams (CLDs) to explain how diplomatic engagement and negotiated agreement between Philippines and China, along with

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<sup>4</sup> In a 2016 article with the title "From Policy to Strategy," I discussed that a constructive realist perspective looks at the strategic realm from the paradigmatic lens of *constructivism* and *realism*. The integration of the two theoretical frames facilitate critical thinking and comprehensive understanding of security problems in the real world. To reiterate the purpose of adopting a constructive realist viewpoint, I wrote that:

This is to see clearly and critically the complex dynamics of social agents and their constructed ideals, of power-seeking actors and their material capabilities, and of security realities in the natural setting. More so, this is to think strategically about security problems, and work decisively on viable options, rational solutions, and/or acceptable negotiations on matters of national security.

[Ananda Devi Domingo-Almase, "From Policy to Strategy: The Quest for a Real National Security Strategy in the Philippines," *Philippine Public Safety Review* Vol. 2, No.1 (December 2016): 16-17.]

defense strategy, can figure in the strategic calculus of maintaining stability in the SCS. Significantly, the purpose of using the CLD in analyzing a complex system is to picture out security scenarios, understand forces and drivers, focus on key decision factors, as well as validate perspectives—all of which aid in policy and strategy making.

Lastly, I will conclude with a summary of the important points raised in the study. This is with the end view of weighing up the use of the military to deter and balance the source of threat, and the use of diplomacy to build relations back and gain from cooperative engagements, albeit standing issues in the SCS. Although unofficial and academic in nature, the perspective in this study can be taken as a Filipino narrative of constructing lasting peace in the region, as well as an Asian way of contributing to foreign policy discourse.

### **The Philippine Arbitration Case on the South China Sea: Causes, Constraints, and Challenges**

In this part of the paper, I will discuss about the reasons and facilitating conditions which led to the course of action of the Philippine government in bringing the maritime dispute with China on the South China Sea (SCS) to the International Tribunal on the Law of the Sea (ITLOS) <sup>5</sup> in January 2013. I will narrate the circumstances that changed the direction of the Philippine foreign policy of dealing with China after the decision of the Arbitral Tribunal in favor of the Philippines in July 2016. This is with the end in mind of understanding the dynamics that play in imposing a ruling on territorial dispute, like in the SCS, in which sovereign states with great disparities of power are involved.

In April 2012, tensions between Philippines and China in the SCS began when Chinese surveillance ships had prevented Philippine authorities from apprehending Chinese vessels found poaching endangered Philippine marine species at the Scarborough Shoal.<sup>6</sup> Known in the Philippines as Panatag Shoal and/or Bajo de Masinloc, the Scarborough Shoal is located 123 miles west of Subic Bay in Zambales, Philippines and 650 kilometres from the nearest major land mass of Hainan in China.

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<sup>5</sup>The International Tribunal for the Law of the Sea (ITLOS) was established by the United Nations Convention on the Law of the Sea (UNCLOS) to adjudicate any dispute raised by State Parties to the UNCLOS regarding the interpretation and application of the law of the sea. The Philippines and China are both parties to the UNCLOS.

<sup>6</sup> Agence France-Presse (AFP), “Stalemate over Scarborough Shoal,” *Rappler*, 15 April 2012, <http://www.rappler.com/nation/3871-stalemate-over-scarborough-shoal> (accessed 27 February 2017).

The standoff prompted then President Benigno S. Aquino III to challenge China's destructive fishing practices, island-building, and territorial claims in the contested sea by filing an arbitration case in ITLOS in January 2013.<sup>7</sup> The Philippine government questioned the validity of China's historical rights and "indisputable" sovereignty over the nine-dash line in the SCS. It must be noted that China's demarcation line covers 90% of the SCS—from Chinese mainland to within the exclusive economic zone (EEZ) of the Philippines, as well as those of Vietnam and Malaysia. The Philippines also complained about Chinese interference of the exercise of Philippine sovereignty and jurisdiction in the West Philippine Sea when Filipino fishermen had been prohibited by the Chinese coastguard from fishing in the area.

Based on the United Nations Convention on the Law of the Sea (UNCLOS), which the Philippines used against China as a co-party to this Convention, artificial islands on submerged rocks are not entitled to territorial sea and EEZ. In taking the case in international court for arbitration, the Philippine government under the Aquino Administration expressed belief that a just resolution of the dispute can somehow make China conform to or respect international law of the common sea.

According to official report from the Department of Foreign Affairs (DFA) in the Philippines, its initiation of arbitration came after the Aquino Administration "had exhausted almost all political and diplomatic avenues for a peaceful negotiated settlement of its maritime dispute with China." The DFA further noted that since "a solution is still elusive" to the date of the filing of the Arbitration Case in January 2013, the government hoped that "the Arbitral Proceedings shall bring this dispute to a durable solution."<sup>8</sup>

As the Philippines pursued its case against China, the former also moved to balance the latter by enhancing its defense cooperation with the United States (US) as treaty ally.<sup>9</sup> The Philippine strategy to bolster its strategic partnership with the US as a global power aimed to square with China, whose rising power enables it to expand its maritime domain in strategic sea lines.<sup>10</sup> To note, the US State Department, through its Bureau of Oceans and

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<sup>7</sup> This refers to "The Republic of the Philippines v: The People's Republic of China," with Permanent Court of Arbitration's (PCA) Case Number 2013-19, otherwise known as the Sought China Sea (SCS) Arbitration.

<sup>8</sup> Matikas Santos and Meg Adonis, "#InquirerSeven FAQ about the Philippines vs. China arbitration case," 12 July 2016, INQUIRER.NET, <http://globalnation.inquirer.net/140839/inquirerseven-faqs-philippines-vs-china-arbitration-case-maritime-dispute-west-philippine-sea-itlos-unclos#ixzz4a295ZZVj> (accessed August 2016).

<sup>9</sup> The Philippines and US bolstered its alliance through an agreement signed by the Philippine Defense Secretary Voltaire Gazmin and US Ambassador Philip Goldberg in Manila in April 2014. Known as the Enhanced Defense Cooperation Agreement (EDCA), this allows the US to have rotational presence in the Philippines and access to its bases for extended periods.

<sup>10</sup> In the language of strategy and defense, the strategic sea refers to sea lines of communication (SLOC) that run through primary routes for trade, cargos, logistics, and naval forces. Ensuring that that SLOC are open is vital to naval operations; in times of war, however, these must be closed for defense.

International Environmental and Scientific Affairs, released in December 2014 a position paper objecting to China's nine-dash line claim that, according to the Bureau, has no basis in international law.<sup>11</sup>

In spite of the ideals and intended outcome of a legal battle, what realistically unfolded was China's non-participation in ITLOS proceedings and non-recognition of the Tribunal's jurisdiction over what the Chinese regarded as an issue of territorial sovereignty that is best resolved by parties concerned.<sup>12</sup> China, with its own world-order conception, posed to challenge the US construction of a rules-based order in Asia. The perception was that the US policy of rebalance in this region is aimed at containing the rise of an Asian power that could rival an American leadership of the world.

In July 2016, the Arbitral Tribunal of the Permanent Court of Arbitration (PCA) resolved that China's historical claim of irrefutable sovereignty over the SCS is not founded on international law. It further ruled that China's prohibition of Filipino fishermen in the Philippine EEZ, artificial island-building, harmful harvesting of Philippine marine species, and provocative actions against Philippine vessels in their area of responsibility violated particular provisions in the UNCLOS.<sup>13</sup>

In the face of international ruling in favor of the Philippines, China was firm in its discourse of historical rights in the SCS and its position of resolving the dispute through bilateral negotiations. Apparently, China remained focus on its national aspiration to reconstruct a world order through bilateral relations, negotiated positions, and economic engagements with neighboring countries, including the Philippines, and with major and middle powers across the region.<sup>14</sup>

The case of the SCS arbitration shows that the legal-institutionalist approach to constrain what was adjudged as an unlawful behaviour in the international system did not

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<sup>11</sup> Ayee Macaraig, "US: China failed to clarify 9-dash line with law," *Rappler*, 9 December 2014, [www.rappler.com/nation/77456-us-study-nine-dash-line](http://www.rappler.com/nation/77456-us-study-nine-dash-line) (accessed 24 February 2017).

<sup>12</sup> Ministry of Foreign Affairs of the People's Republic of China, "Position Paper of the Government of the People's Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines," 7 December 2016, [www.fmprc.gov.cn/mfa\\_eng/2xxx\\_662805/t1217147.shtml](http://www.fmprc.gov.cn/mfa_eng/2xxx_662805/t1217147.shtml) (accessed 24 February 2017).

<sup>13</sup> Award of the Arbitral Tribunal re Permanent Court of Arbitration Case Number 2013-19 in the matter of the South China Sea Arbitration between the Republic of the Philippines and the People's Republic of China, 16 July 2016, <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Award.pdf> (accessed February 2017).

<sup>14</sup> In her analysis of China's "belt and road" initiative, Dragana Mitrovic wrote that China's foreign policy, along with those of its strategic partners, can be seen as a move to re-shape the global order to suit Chinese interests. [Dragana Mitrovic, "The Belt and Road: China's Ambitious Initiative," *China International Studies* Vol.4, No. 59 (July/August 2016): 76-95.]

materialize. In a regulated order, this should have brought about predictable outcome of compliance and deference to international law. Realistically, however, the enforcement of an adjudicated ruling is the cul-de-sac of managing law and order in an otherwise anarchic international political system. This is especially true in the case of a small state whose dependence alone in international ruling cannot match a great power's determination to continue doing what it wills.

The SCS conflict is a complex problem with unintended consequences due to interrelated circumstances and systemic arrangements in the international political system. Its anarchic nature or lack of highest governing authority is the cause of having independent foreign policies of sovereign states. It is also the constraint of regulating the states' unilateral actions and behaviour in the pursuit of their own interests. Given this premise, the enduring challenge in post-arbitration is how to construct regional security and international order in ways that adhere not only to national values, national ambitions, and strategic realities, but also to international norms, mutual interests, and shared future.

Along this line, the common concern on good order in the SCS, in which vital security and economic interests are at stake, must be able to facilitate cooperation between Philippines and China as well as among other claimant countries. This will get conflicting parties to work together on areas of mutual interest in the SCS, in spite of differing positions. The challenge of promoting good order at sea calls for preventive diplomacy, maritime confidence and security-building measures, strategic partnerships, and functional cooperation among littoral states.

More than the conventional risk that could spark between the disputants, the non-traditional but real security concerns that threaten the disputed waters need extra attention. These threats include terrorist attacks, piracy, illegal drugs and arms trade, smuggling, human trafficking, illegal fishing, marine natural hazards, etc. that harm national interests. Ensuring the safety and security of the SCS is thus a strategic opportunity for functional cooperation and collaborative actions by claimant countries and other concerned states.

### **The Balancing Force of Diplomacy and Negotiation for Regional Security and International Order**

Diplomacy is an ideal praxis in international relations. As a strategy, it engages with other actors through mutual respect, goodwill, and friendly relations to realize foreign policy

objectives.<sup>15</sup> The conduct of diplomacy is used to reach an agreement and shape foreign policy agenda.<sup>16</sup> The goal is to establish long-term relationships where durable platform for mutual gains can be realized through cooperation, concession, and/or conciliation.

Diplomacy is a strategic tool in statecraft to influence other states' behavior and resolve issues through negotiations and positive inducements—rather than the use or threat of force, sanctions, isolation, and even recourse to international court.<sup>17</sup> Through constant dialogues, state parties find a high ground to promote common interests instead of just standing on their positions to protect their own. Constructive engagement, confidence-building, and cultural sensibility not to arouse animosity are key to regional security.<sup>18</sup> This path is not really too idealistic but reasonably pragmatic, a track that rational actors will take to secure benefits and minimize costs in international relations.

From a policy framework of *constructive realism*<sup>19</sup>, negotiation between and/or among contending parties is a pragmatic approach to conflict resolution. Getting the parties to the negotiating table produce positive results and incremental changes over time. When parties concerned are conciliatory rather than hard-line, it is easy to get to an agreement, come up with realistic solutions, and cultivate long-term relations. If there is trust, they will not be locked to their hard core positions; if there is mutual respect of each other's self-image and face-saving, it is easy to agree and cooperate.

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<sup>15</sup> Vladimir Petrovsky, "Diplomacy as an Instrument of Good Governance," *Modern Diplomacy* ed J. Kurbalija (1998), <https://www.diplomacy.edu/resources/general/diplomacy-instrument-good-governance> (accessed December 2016).

<sup>16</sup> "Ten Principles of Operational Diplomacy: A Framework," *Association for Diplomatic Studies and Training Home Page*, <http://adst.org/6210-2/ten-principles-of-operational-diplomacy-a-framework> (accessed December 2016).

<sup>17</sup> Christopher Amacker, "The Functions of Diplomacy" (20 July 2011), <http://www.e-ir.info/2011/07/20/the-functions-of-diplomacy/> (accessed December 2016).

<sup>18</sup> For discussions on constructive engagement as a strategy in managing the security dilemma in the Asia Pacific, see Ivanica Vodanovich, "Constructive Engagement and Constructive Intervention: A Useful Approach to Security in Asia Pacific," *Focus on the Global South* (2 February 1999), <http://focusweb.org/node/1254> (accessed December 2016). See also Logan Masilamani and Jimmy Peterson, "The 'ASEAN Way': The Structural Underpinnings of Constructive Engagement," *Foreign Policy Journal* (15 October 2014), [http://asean.einnews.com/article\\_detail/229740278?lcode=HbmW3X-mFWEONWUSBPJHkA%3D%3D](http://asean.einnews.com/article_detail/229740278?lcode=HbmW3X-mFWEONWUSBPJHkA%3D%3D) (accessed December 2016).

<sup>19</sup> In a 2015 report published by the Belfer Center of the Harvard Kennedy School (HKS), Hon. Kevin Rudd, former Prime Minister of Australia, advanced the policy frame of *constructive realism* for the US-China relations. The report wrote that:

. . . we should leaven the realist loaf of constructive cooperation at multiple levels to build strategic trust over time. This will not require the wholesale abandonment of strategic thinking or "siwei." But it will require an adjustment to allow for the possibilities of constructive engagement changing deeply grounded strategic mindsets over time.

[Kevin Rudd, *The Future of U.S.-China Relations: Towards a New Framework of Constructive Realism for a Common Purpose* (Cambridge, MA: Belfer Center for Science and International Affairs, Harvard Kennedy School, 2015): 40.]



In the post SCS arbitration, the international community saw the Philippines pivot to China and change foreign policy direction. From the formalities of court to impose a ruling, to the flexibilities of diplomacy to improve relations, the Philippine strategy to deal with China drew world attention on the changing tides in the SCS. The assumption to Office of President Rodrigo R. Duterte in July 2016 and the emergence of a new government regime in the Philippines paved the way for a new era of bilateral ties with Beijing.

The strategic diplomatic tracks between Philippines and China can be seen in the milestone episodes after the July 2016 Arbitral Tribunal's decision in favor of the Philippine case against China. President Duterte on 8 August 2016 sent former Philippine President Fidel Ramos, along with former Secretary Rafael Alunan III, as special emissary to Hong Kong to "break the ice" and foster goodwill with Chinese diplomats.<sup>20</sup> Regarded by former President Ramos as "old friends," the Chinese officials whom they engaged with were Madam Fu Ying, Chair of the Foreign Affairs Committee of the National People's Congress, and Dr. Wu Shichun, President of China's National Institute of South China Sea Studies.<sup>21</sup>

The two-day meeting of Filipino and Chinese diplomats in Hong Kong was very warm and reassuring. Bilateral ties between Philippines and China were reinvigorated with prospects for fishing cooperation, ecological preservation, transnational operations against illegal drugs, and other joint undertakings. The parties agreed to establish confidence-building measures, taking care not to let differing positions on the SCS issue spoil bilateral relations between their countries. Towards this end, a two-track system was explored to allow Philippines and China to cooperate on mutual areas of concern, while compartmentalizing talks on the SCS dispute in another venue.<sup>22</sup>

In September 2016, our Philippine Council for Foreign Relations (PCFR)<sup>23</sup> was invited by the Chinese People's Institute of Foreign Affairs (CPIFA) to visit Beijing for

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<sup>20</sup> Tyrone Siu, "Ex Philippine leader Ramos travels to Hong Kong as "ice-breaker" with China," *Reuters*, 8 August 2016, [www.reuters.com/article/us-southchinasea-ruling-ramos-idUSKCN1OJ0Q7](http://www.reuters.com/article/us-southchinasea-ruling-ramos-idUSKCN1OJ0Q7) (accessed 23 February 2017).

<sup>21</sup> Venus Wu, "Philippines envoy 'optimistic' about ice-breaking China trip," *World News*, 9 August 2016, [www.reuters.com/article/us-southchinasea-ruling-philippines-isUSKCN10K0JA](http://www.reuters.com/article/us-southchinasea-ruling-philippines-isUSKCN10K0JA) (accessed 24 February 2017).

<sup>22</sup> Francisco Tujay and John Paolo Bencito, "Two-track system explored—Ramos," *Manila Standard*, 14 August 2016, [thestandard.com.ph/news/headlines/213243/two-track-system-explored-ramos.html/](http://thestandard.com.ph/news/headlines/213243/two-track-system-explored-ramos.html/) (accessed 24 February 2017).

<sup>23</sup> The Philippine Council for Foreign Relations (PCFR) is an independent think tank organization devoted to academic dialogues, policy research, and strategic studies on public diplomacy, national security, and economic trade as pillars of foreign policy. The PCFR is composed of eminent diplomats, former Philippine ambassadors, retired generals from the military and the police, industry leaders, and academics who bond together to influence foreign policy, promote Philippine interests, foster friendly relations with other countries, and advocate for international peace and security. The Council was headed by Amb Jose V. Romero, Jr. as President. Former Secretary of the Department of the Interior and Local Government (DILG) Rafael Alunan III

Track II dialogues with the Chinese Vice Foreign Minister, other diplomats, and policy think tanks, including the China Institute of International Studies (CIIS).<sup>24</sup> To note, the milestone meeting of our PCFR delegation with Vice Foreign Minister Liu Zhenmin in Beijing on 13 September 2016 was widely captured by international news and Philippine newspapers as a “new turning point” for Philippines-China Relations. Reuters news agency described the mid-level visit of the Filipino delegation as “the latest part of some carefully calibrated engagement” after the July 12 ruling of the Permanent Court of Arbitration in the Hague.<sup>25</sup>

From the perspective of the Chinese, the Arbitral Tribunal did not effectively resolve the issue in the SCS. From the start, Beijing had viewed the PCA proceedings as counter to the Asian way of resolving disputes between neighbors that must engage through personal dialogue and negotiated settlement. Given the fact that Philippines and China have a long history of close ties, the Chinese Vice Foreign Minister told the PCFR delegates that an issue in the SCS must not disrupt relations between the two nations. He further stated that there is no precondition to resume talks, and that bilateral relations must continue to grow in spite of setback. Along this line, Vice Minister Liu related how China had been working with Vietnam through peaceful dialogues, substantial cooperation, and management of a dispute that he said to be bigger than that of the Philippines.

As a response, Amb. Jose V Romero, Jr., the PCFR President, agreed with Vice Minister Liu that informal dialogues, mutual trust, and personal dealings are more important than formal contracts, codes of conduct, and rules-based proceedings for Asian nations.<sup>26</sup> In

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is also a member of this Council who joined the delegation in Beijing in September 2016. A month earlier, he had accompanied former Philippine President Fidel V Ramos to break the ice in Hong Kong with Chinese diplomats.

<sup>24</sup> As I wrote in my After Travel Report on the visit of our delegation in Beijing in September 2016, the PCFR and the CPIFA were of the same mind in taking the current dynamics in the region as an opportunity to exchange views on foreign policy issues and help our respective governments cooperate on vital areas of mutual interests. [Ananda Devi Domingo-Almase, “After Travel Report on the Philippine Council for Foreign Relations Track II Diplomacy in Beijing, China on 13-16 September 2016,” (Report submitted to the National Defense College of the Philippines for endorsement to the Department of National Defense, 29 September 2016).]

<sup>25</sup> The news report in Beijing highlighted the top Chinese diplomat’s pronouncement to the visiting Filipino delegation on the need for China and Philippines to get their relations back on track and handle disputes appropriately. Noting that bilateral relations “sunk to a low edge for reasons everyone knows,” Vice Foreign Minister Liu asserted, however, that the two countries could continue with confidence building and friendly cooperation for peace and development in the region. [See Ben Blanchard and Manuel Mogato, “‘New turning point’ for ties, China tells Philippines visitors,” *Reuters*, 14 September 2016, <https://www.yahoo.com/news/ties-turning-point-china-tells-philippine-delegation-021134960.html> (accessed 23 February 2017). See also Reuters, “PH-China relations at new turning point,” *Philippine Daily Inquirer*, 15 September 2016.]

<sup>26</sup> Amb. Romero, during the meeting of our PCFR delegation with the Chinese Vice Foreign Minister in Beijing in September 2016, also related how the Philippines and Malaysia are using the “ASEAN way” of setting aside differences on the issue of Sabah, and strengthening cooperative engagements. As Amb. Romero mentioned, the establishment of a confederation with Malaysia, along with Indonesia, known as the MAPHILINDO (Malaya-Philippines-Indonesia), is a testament to the cultural ties and historic cooperation between Malay countries in Southeast Asia even prior to the ASEAN (Association of Southeast Asian Nations).

the spirit of cooperation and understanding between neighbors, Amb. Romero said the Philippines and China can work out durable solution to a maritime issue, and cooperate on several functional areas of concern [e.g. environmental protection, joint fishing, joint scientific exploration, research and development, academic enhancement, cultural exchanges, transnational campaign against illegal drugs, etc.].

In our meeting with Amb. Wu Hailong, President of the CPIFA and host to our visit in Beijing, he emphasized the importance of maintaining close relations among Asian brothers and sisters in order to overcome “small problems that happen sometimes in a family.” Even if China and Philippines have “small problems,” Amb. Wu said these must not affect and disrupt our long history of friendships and kinships. According to him, we must reach out to each other bilaterally and more personally to work out solutions to small problems.<sup>27</sup>

Our diplomatic dialogues in Beijing concluded with great optimism for future policy directions that will strengthen bilateral relations between Philippines and China. Based on common values and mutual trust, the Filipino delegation and the Chinese diplomats agreed in principle that collaborative actions can be taken to construct a common future of peace and progress in our Asian region. Our Track II exchanges, although unofficial in nature, aimed to steer the policy discourse and shape the direction of Philippines-China relations.

The auspicious narrative of our Council’s visit in Beijing impressed a warming of bilateral ties between Philippines and China, after the first Philippine envoy had broken the ice with Chinese officials in Hong Kong a month earlier. Although informal, both of these diplomatic tracks upended cold relations with Beijing, and opened doors for continuous diplomatic engagement for a negotiated settlement between the two countries. A month after our Council’s visit in Beijing, the Presidents of Philippines and China formally commenced walking the talk on re-established bridges for official dialogue.

In October 2016, Philippine President Rodrigo R. Duterte met with Chinese President Xi Jin Ping in Beijing to renew bilateral ties and strengthen partnerships in both political and economic aspects. In his historic state visit in China in post-arbitration, President Duterte recognized China’s self-righteous role and worldview and declared a foreign policy separate

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<sup>27</sup> During our meeting with CPIFA President Amb. Wu Hailong, PCFR President Amb Romero said close contacts and academic exchanges between our institutions enable us to understand each other and dispel misconceived notions about our countries in post arbitration. Our Filipino delegation was in agreement with the Chinese mindset that temporary setbacks in Philippine-China relations could be overcome through continuing dialogues and mutual respect between neighbors, rather than through formal rules and impersonal proceedings between two distant states.

from the US. His bold statements caught the international community by surprise, but nevertheless earned him respect from the Chinese. President Duterte's foreign policy change resulted in \$24 billion worth of economic investments and infrastructure projects for the Philippines.<sup>28</sup> Several cooperative measures and joint undertakings were also agreed upon during the President's pivot to Beijing. These range from maritime safety, anti-illegal drugs campaign, technology development, trade and agriculture, transportation and communications, tourism, and information sharing, among others.<sup>29</sup>

With an altered view of the threat situation and Philippine security, President Duterte began charting the country's independent policy to engage with China and other like-minded states in Asia. Albeit its standing treaty alliance with the US that undergirds the constructed world order, the Philippines is bent on pursuing a self-determining policy to align with other powers' worldview conception, such as the principle of non-interference in domestic affairs. It must be noted that President Duterte's war against drugs in the Philippines had been criticized by the US because of alleged abuse of human rights and extrajudicial killings in his country.

While President Duterte's speech acts ran counter to the PCA Case against China, a strategy of asserting independence in foreign policy and statesmanship towards China begot positive responses and huge economic benefits from Beijing. The Philippine choice to go to China, as well as the option to switch allies played along quite well with the projection of freedom of maneuverability to peacefully manage the dispute with a great power Asian neighbor.<sup>30</sup> This allows the latter to save face and commit to its time-honoured principle of good neighborliness especially towards small countries that recognize its self-image as big brother in Asia.

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<sup>28</sup> Pia Ranada, "What Duterte accomplished in China," *Rappler*, 23 October 2016, <http://www.rappler.com/nation/150049-duterte-accomplishments-china-visit> (accessed December 2016).

<sup>29</sup> President Duterte's state visit in China resulted in the following agreements: Memorandum of Understanding (MOU) on the Establishment of a Joint Coastal Guard Committee on Maritime Cooperation; Protocol on Cooperation between the Philippine Drug Enforcement Agency and the Narcotics Control Bureau of the Ministry of Public Security of China; MOU on Production Capacity and Investment Cooperation; Agreement on Economic and Technological Cooperation between the Government of China and the Philippines; MOU on Strengthening Trade, Investment and Economic Cooperation; MOU on Drafting China-Philippines Economic Cooperation Development Plans; Tourism MOU Implementation Plan 2017-2022; MOU on the Lists of Transportation and Infrastructure Cooperation Projects; MOU on Financing Cooperation between the China's EXIMBANK (Export-Import Bank of China) and the Department of the Treasury of the Philippines; Agricultural Cooperation Action Plan 2017-2019; MOU on Supporting Conduct of Feasibility Studies for Major Projects; MOU on News Information Exchange Training and for Other Purposes; MOU on Cooperation on Animal and Plant Inspection and Quarantine. [Ruth Abbey Gita, "Philippines, China ink maritime cooperation," *SunStar*, 20 October 2016, [www.sunstar.com.ph/manila/local-news/2016/10/20/philippines-china-ink-joint-maritime-cooperation-504701](http://www.sunstar.com.ph/manila/local-news/2016/10/20/philippines-china-ink-joint-maritime-cooperation-504701) (accessed 20 October 2016).]

<sup>30</sup> Hans H. Indorf, *Strategies for Small-State Survival* (Malaysia: Strategic and International Studies, 1985): 13. See also Leah Sherwood, "Small States' Strategic Hedging for Security and Influence," September 2016, <http://trendsituation.org/small-states-strategic-hedging-for-security-and-influence/> (accessed January 2017).

The Philippine diplomacy and advocacy for peace can be taken as a policy of dissuasion—whereby taking the option to refrain from provocative actions, in a move to gain soft power image and long-term benefits through cooperation—appeals to the source of threat.<sup>31</sup> In this case, restraint on the part of a great power is seen not as a weakness but as an honorable exercise of keeping the peace in its region.

### **Framing the Security Problem: A Perspective of Positive Loops in Post Arbitration**

In this part of the paper, I will attempt to construct a broad picture of the security dynamics in the region through causal loop diagrams (CLDs). When the narrative of a security dilemma is illustrated in a theory-based CLD, the analysis can track facilitating conditions, policy routes, and likely consequences. With proper framing, the interpretive analysis of a complex problem has an explanatory power, if not actually predictive, to account for causes, understand interrelations, and make sense of outcomes.

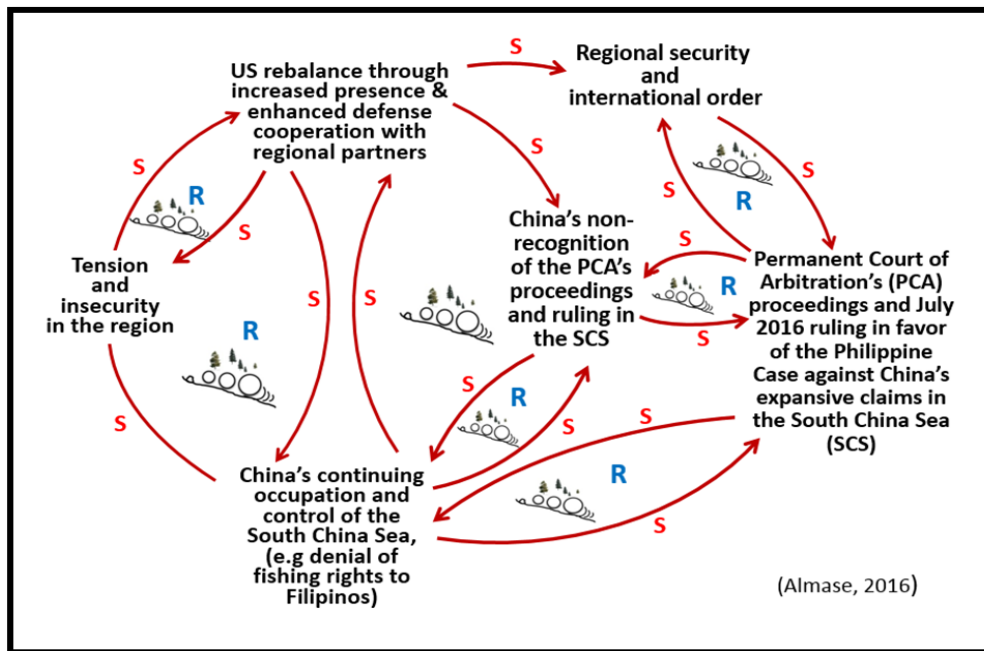
In constructing and interpreting a CLD, there are basic terms, labels, and/or symbols that we need to take into account, such as: “S” for same and “O” for opposite, and “R” for reinforcing and “B” for balancing. These are used to describe the directions of the arrows, the kinds of relations between variables, and their recurring cycles in a system. For instance, if the back and forth directions of arrows between two variables are both labeled with “S,” it means that their relation is “R” or reinforcing. If the directions of the arrows between two variables are labelled differently, with one having an “S” and another with an “O,” then the relation is “B” or balancing. In an “R” or reinforcing loop, the situation, whether good or bad, continues without an intervening variable in the picture. Whereas, in a “B” or balancing loop, the situation changes, again whether good or bad, as a result of an intervention in the form of policy and strategy applied in the operational realm.<sup>32</sup>

The foregoing dynamics of a CLD can be seen in Figure 1 with the title “Reinforcing Loops of Defense and Military Build-Up.” Central in this diagram is the Permanent Court of Arbitration’s (PCA) decision on the SCS dispute in July 2016 because of the critical importance and implications of the international ruling on strategic stability in the region.

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<sup>31</sup> Indorf, 1985: 26.

<sup>32</sup> Daniel H. Kim, “Guidelines for Drawing a Causal Loop Diagram,” *The Systems Thinker* Vol. 3, No. 1, (February 1992), <http://www.cs.toronto.edu/~sme/SystemsThinking/2014/GuidelinesforDrawingCausalLoopDiagrams.pdf> (accessed December 2016).



**FIGURE 1. THE REINFORCING LOOPS OF DEFENSE AND MILITARY BUILD-UP**

Despite its balancing act, the PCA decision in favor of the Philippine case against China resulted in the latter's continuous non-recognition of the ruling and occupation of the contested sea. The causal loop in this regard is marked as "R" or reinforcing. The US rebalance strategy in Asia also did not soften China's staunch position on its territorial claims in the SCS. Notwithstanding the US military presence and enhanced defense cooperation with the Philippines and other allies in the region, the arrows in the CLD still reinforce ("R") a recurring cycle of tension and insecurity in the SCS. This can be seen in China's concomitant military build-up to deter the probability of US offensives to enforce an international ruling. Thus, without the causal loop of diplomacy and other constructive approaches, conventional defense and legal strategies alone will not suffice to manage the SCS dispute.

Figure 2 tells of an idealist narrative about the “balancing” loops of diplomacy and negotiations, which I will later connect to the preceding causal loop. It can be seen in the diagram that the two-way diplomatic initiatives between Philippines and China are the driving forces towards a new turning point in Philippines-China relations. These drive constructive foreign policy of cooperative engagements and diplomatic negotiations in a bid to arrive at pragmatic solutions for mutual interests of peace and prosperity. In Figure 2, this

is represented by the “balancing” (B) effect of negotiated settlement on fishing rights, maritime cooperation, and other issues and concerns.

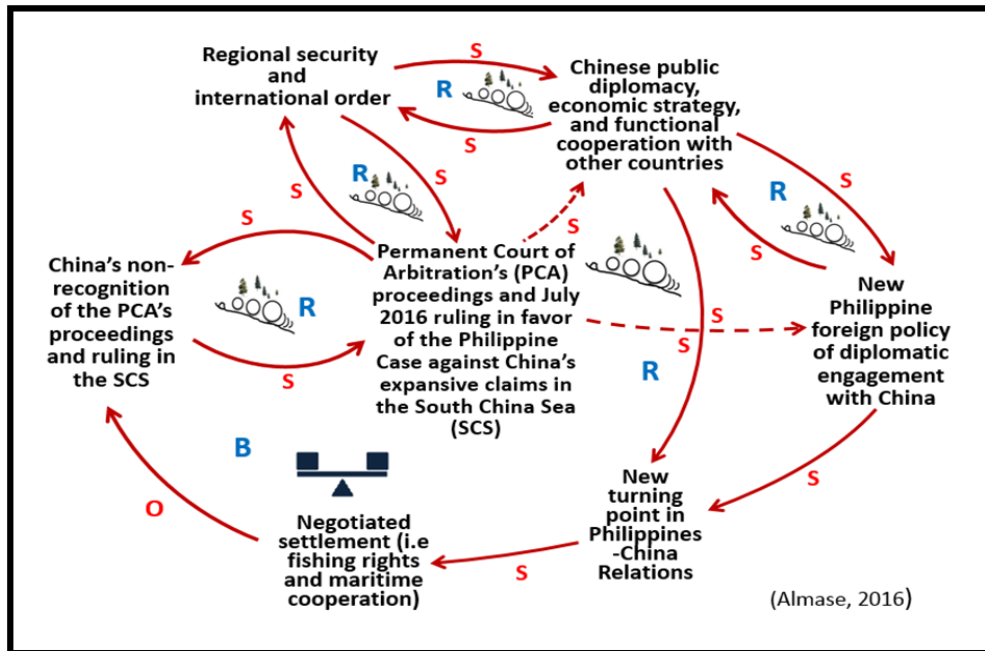


FIGURE 2. THE BALANCING LOOPS OF DIPLOMACY AND NEGOTIATIONS

That the quest for regional stability is mutually beneficial to state parties, both great and small, can be seen in the dynamics that shape China’s foreign policy behavior. The prevailing international order facilitates China’s development diplomacy in the international community, even if the same system is also used as the ground and rationale for the SCS arbitration ruling against China. But Beijing’s constructive strategies of global economic engagements and cultural exchanges are not determined by the recent international ruling; they are sourced from China’s national vision and policy of taking the lead in international economy to boost its political influence in world affairs.

On the other hand, the new Philippine foreign policy of engaging with China, due to the new personality in the presidency as the source, reinforces China’s conciliatory attitude towards the Philippines. The state visit of the Philippine President in Beijing in October 2016, preceded by two diplomatic missions of Filipinos in Hongkong and Beijing, brought about a generous economic package, an encouraging diplomatic stage, and a strategic leverage of negotiations between the two countries.



The diplomatic engagements and prospects for negotiated agreements between Philippines and China “balance” the security problem without prejudice to each other’s national interests. To manage security in areas of conflicting claims, bilateral agreements, preventive diplomacy, and confidence-building are needed between the two countries. Addressing non-traditional security threats must be the focus of cooperation between them and among other littoral states. This can be done in the areas of information-sharing, threat analysis, and contingency planning.

Figure 3 shows a bigger picture when defense and diplomatic strategies are combined for regional security and international order. This is the systems view of a complex problem with multiple forces and drivers that could simultaneously happen, reinforce, and/or balance each other.

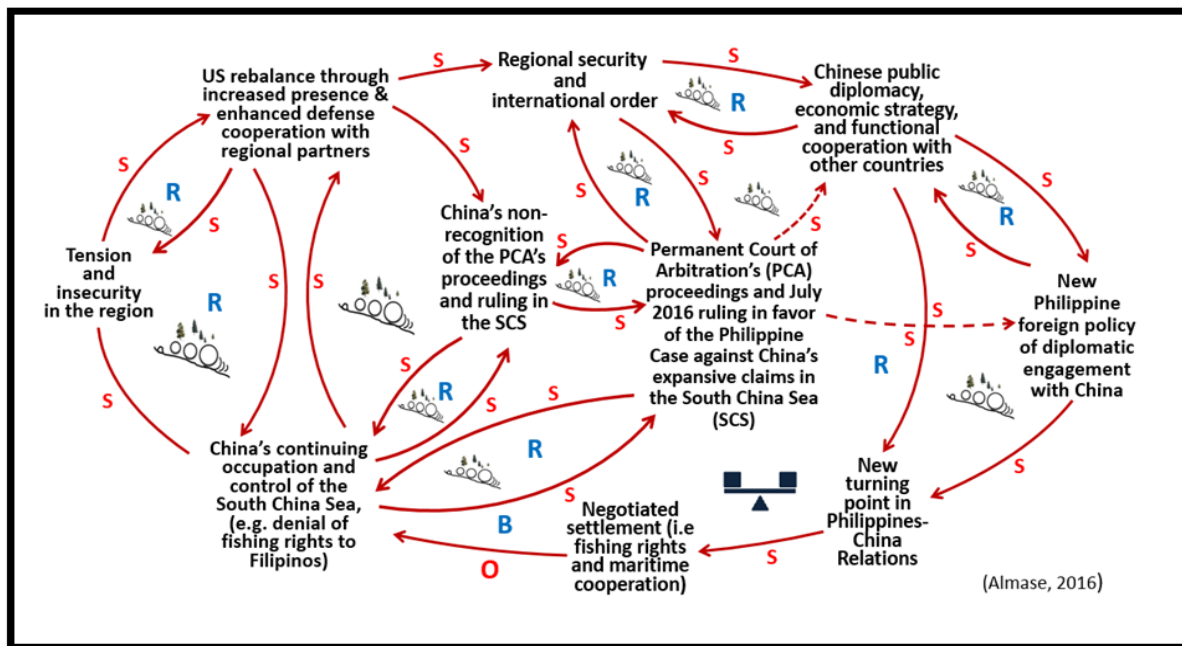


FIGURE 3. THE BALANCING FORCE OF DIPLOMACY AND NEGOTIATIONS FOR REGIONAL SECURITY AND INTERNATIONAL ORDER

The comprehensive frame above shows two tracks: on the left side is the defense strategy of military alliances and use or threat of force for deterrence; on the right side is the diplomatic approach of confidence-building and functional cooperation for dissuasion. The one on the right is idealized, in the language of a CLD, as a “balancing” act in managing the security dilemma in the SCS.



Figure 4 shows what are termed as “vicious” and “virtuous” causal loops of hard and soft power strategies employed by China, US, and Philippines. The span of each loop suggests the disparity in comprehensiveness of the strategy employed to create positive impact on the policy regime of security. The red loops reinforce a condition of insecurity with increased military presence and enhanced defense posture. Deterrence prevents the situation from escalating, but the threat to use force does not also lessen tension between rival powers nor change the status quo despite the PCA ruling on the SCS.

It must be noted that the diplomatic solution that is being sought does not seek to make irrelevant the strategy of real balancing with defense alliances, as can be seen on the left side of the CLD. Nevertheless, as the perspective shows, the recourse to project military power and defense build-up alone holds up the prevailing problematic condition and threat perceptions in the region.

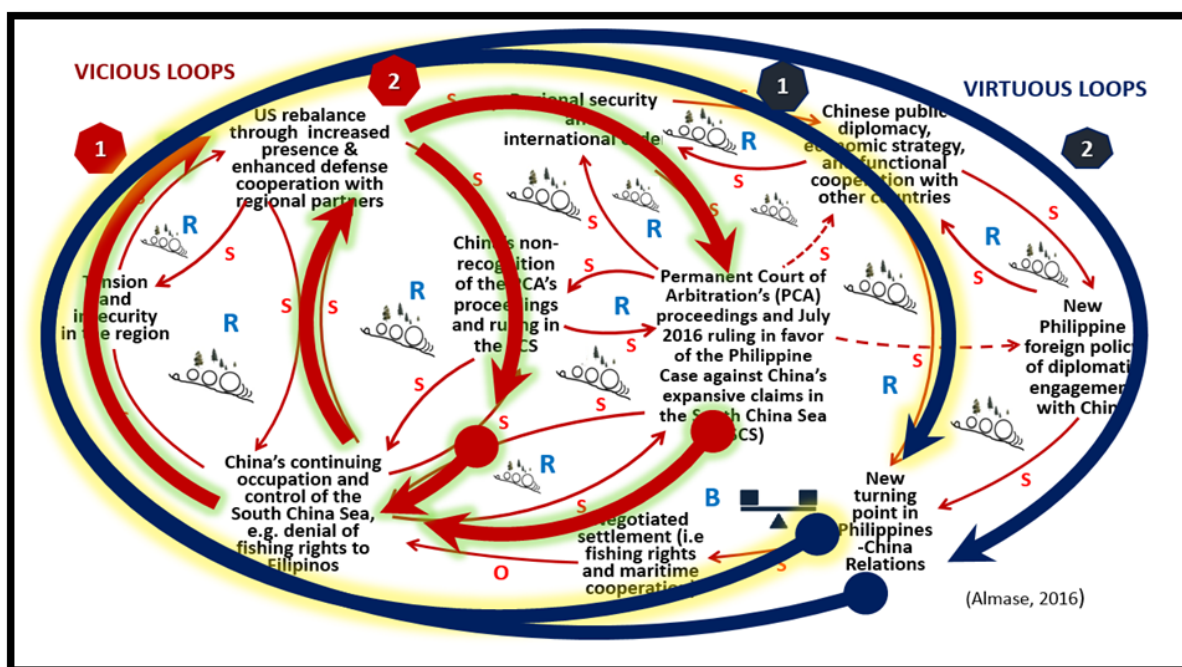


FIGURE 4. THE CAUSAL LOOPS OF DEFENSE AND DIPLOMACY FOR REGIONAL SECURITY AND INTERNATIONAL ORDER

To effectively weigh up options in the strategic calculus, the principle of any defense strategy provides a way out by raising not only the cost on the other side of a possibility of aggression, but also the benefits for both parties of the prospect of peace and cooperation. Thus, we can see that the blue loops “balance” the red ones through diplomatic engagement and negotiated agreement between Philippines and China in a bid to soften up the latter’s position in the SCS.

Overall, the causal dynamics in the SCS dispute is a quintessence of real and ideal scenarios that can be worked out through strategic foreign policies pursued by states. While the illustrations appear to simplify complex relations in a conceptual frame, there is no assumption of solid or unitary variables as the case in linear scientific models. Rather, the premise in modelling a security dilemma is that the variables are by themselves subsystems with internal dynamics and causal loops (i.e. domestic politics, decision-making processes, leadership styles, social institutions, and other variables within the country). But in the systems level of analysis in international relations, analysts are more concerned about the bigger picture or strategic frame that guides foreign policymaking.<sup>33</sup>

## Conclusion

This study provides a brief background on the reasons and facilitating conditions that led to the course of action of the Philippine government to bring the South China Sea (SCS) dispute with China to the International Tribunal on the Law of the Sea (ITLOS) in January 2013. It narrates the circumstances that changed the direction of the Philippine foreign policy towards China after the favorable decision of the UN Tribunal in July 2016.

The study illustrates the narrative through causal loop diagrams (CLDs) to show the interplay of multiple forces and drivers of security in the region of the disputed waters. The analytical diagrams draw attention to strategic interventions, chain reactions, and cyclical directions of complex security conditions. The significance of the academic analysis is that it communicates a frame of thinking of how a security dilemma like the SCS issue is understood from a comprehensive perspective, and intended to be resolved through balanced approaches to durable peace and security in the region. This way, policy actors can avoid focusing on quick fixes that fail in the long run and cause vicious cycles of a recurring same old problem. In looking at the big picture, strategic actors can unravel the structural forces which underlie a meta problem, and come up with a mix of effective strategies to address systemic challenges.

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<sup>33</sup> The dominance of realism to explain state behaviour, rational interest, and interactions with other states in the international political system is discussed by Chris Alden and Ammon Aran in *Foreign Policy Analysis: New Approaches* (New York: Routledge Taylor and Francis Group, 2012): 3-4. See also Shirley Telhami, "Kenneth Waltz, Neorealism, and Foreign Policy," *Security Studies* Vol. 11, No. 3 (2002). Look in <http://www.tandfonline.com/loi/fsst20>.

While a diplomatic solution through negotiation is being sought in post-arbitration, the policy perspective does not seek to make irrelevant the institutionalist approach of international law as political leverage along with the realist strategy of defense as security cover. However, the use or threat of force to enforce the rule in the maritime area could only achieve short-term results of suppressing conflict and dissent in international relations.

In the case of a small state, there is no doubt that its limited power bases and capacities cannot afford to tread hard balancing in order to be secure. Mere alliance and alignment with a rival of a source of threat cannot neutralize conventional insecurity caused by a superior power to a small one. Smart strategy then calls for constructive approaches by a small power to get along well with other countries, big and small, while building up its own capacities and power sources to protect its national interests.

The conceptual models convey a constructive realist worldview that in order to attain reliable security order and lasting peace in the Asia Pacific, there is a need to balance defense with diplomacy as well as development. Common strategic thought ways for mutual interests and benefits will pave the way for maritime and security cooperation as the norm for countries bordering the SCS.

Diplomatic activism—through bilateral ties, negotiated agreements, multilateral engagements, institutional arrangements, functional cooperation, economic interdependence, and global interconnectedness—reinforces virtuous loops of peaceful relations and conflict prevention. These dynamics make the possibility of military confrontation remote in the Asia Pacific because it is in the best interest of and most beneficial to all countries to maintain peace and stability in their region. This thought elucidates the answer to the question of whether there will be peace in the Asia Pacific in the immediate future—as the conference theme of the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG) in Bangkok in December 2016.

As regards the “Thucydides” tendency—which was used as one of the frames of discussions during the CPG International Conference—I would like to conclude my article by referring to the Journal article featured in the *China International Studies* (CIS) for July-August 2016. The Chinese Journal, copies of which were distributed to us during our Track II diplomatic engagement in Beijing in September 2016, advanced an argument printed on its cover page: “Thucydides Trap: A Fallacy in China-US Relations.” Succinctly, the Chinese

perspective is unequivocal in saying that the threat perception is just a theoretical hypothesis that can be averted and unlikely to be realized.<sup>34</sup>

On the whole, the way forward to sail in the tides of the contested sea is not easy. However, with trust building and continuous diplomatic engagements, consensual agreements can be worked out, and positive incremental changes can be taken as milestones for the continuance of regional security and international order.

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<sup>34</sup> Cai Cuihong, in response to a threat perception of a likelihood of war between China and US, wrote the following in his article on "The 'Thucydides Trap' Discourse in China-US Relations" :

Fortunately, avoiding falling into the "Thucydides Trap" has become the common view at the top levels in China and the US with the explication of this conception. Just as President Xi Jinping mentioned in his speech at Seattle during the visit to the US, there is no such thing as the so-called "Thucydides Trap" in the world and both countries shall persist in the correct direction of building a new pattern of major country relations.

[Cai Cuihong, "The 'Thucydides Trap' Discourse in China-US Relations," *China International Studies*, Vol. 4, No. 59 (July/August 2016): 40-60.]

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