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PHILIPPINE – US DEFENSE COOPERATION: THE IMPLEMENTATION OF “THE ENHANCED DEFENSE COOPERATION AGREEMENT” TO RESPOND CHINA’S ASSERTIVENESS IN THE SOUTH CHINA SEA (2010 – 2016)

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Abstract

China assertiveness in the South China Sea has considered as part of its national ambition to dominate most of the sea area as stated in its claim on the “nine-dashed line”. This China assertiveness could be seen in its more active policy by projected military power in area disputing. As one of the claimant states, the Philippine felt that China’s actions toward the region have harmed their territorial sovereignty over the West Philippine Sea. The disputed matter between the Philippine and China count active to flare up from 2010 to 2016 which marked with several incidents between both of the countries navies in Scarborough Shoal and Second Thomas Shoal. In response to the condition in the South China Sea, the Philippine was trying to enhance their defense posture which considered weak through AFP Modernization Pact initiated by President Benigno Aquino III at the beginning of his administration. Constrained by military budget allowance and limited defense equipment, the Philippine is relying on its military alliance which is the United States that has been created since a long period of time, especially in order to enhance the Philippine external defense. In 2014, both of the countries signed the Enhanced Defense Cooperation Agreement (EDCA) which is the enhancement of the previous defense cooperation agreements: the Mutual Defense Treaty 1951 and the Visiting Forces Agreement 1998. This new defense cooperation agreement considered to play a significant role in supporting Philippine’ effort on responding the internal and external threats, including the unpredictable China militarization in the South China Sea.

Keywords: South China Sea, China Assertiveness, Defense Cooperation, The Philippine – US bilateral relations, Enhanced Defense Cooperation Agreement (EDCA)

Abstrak

Keagresifan Cina di Laut Cina Selatan merupakan suatu ambisi nasionalnya untuk menguasai sebagian besar wilayah laut sebagaimana tertuang dalam “Sembilan Garis Putus-Putus”. Bentuk keagresifan Cina ini terlihat dalam kebijakannya yang lebih aktif dengan cara memproyeksikan kekuatan militer di daerah yang masih disengketakan. Sebagai salah satu negara yang bersengketa, Filipina merasa tindakan yang dilakukan Cina dikawasan telah merugikan kedaulatan teritorinya yaitu Laut Filipina Barat. Masalah sengketa Filipina dan Cina terhitung aktif bergejolak sejak 2010 hingga 2016 yang ditandai dengan beberapa insiden antara kapal angkatan laut kedua negara di Scarborough Shoal dan Second Thomas Shoal. Menanggapi kondisi di Laut Cina Selatan, Filipina mencoba memperkuat postur pertahanannya yang masih lemah melalui Pakta Modernisasi Angkatan Bersenjata Filipina yang diinisiasi oleh Presiden Benigno Aquino III pada awal masa pemerintahannya. Terkendala masalah anggaran belanja dan keterbatasan alutsista, Filipina mengandalkan aliansi militernya dengan Amerika Serikat yang sudah terbentuk sejak lama, terlebih khusus dalam upaya memperkuat pertahanan eksternal Filipina. Pada tahun 2014, kedua negara menandatangani Perjanjian Peningkatan Kerjasama Pertahanan (EDCA) yang merupakan peningkatan dari perjanjian kerjasama pertahanan yang telah terbentuk, yaitu Perjanjian Pertahanan Bersama 1951 dan Perjanjian Kunjungan Pasukan 1998. Perjanjian kerjasama pertahanan yang baru ini dianggap dapat membantu Filipina dalam upaya melawan ancaman internal dan eksternal termasuk militerisasi Cina di Laut Cina Selatan yang sulit untuk diprediksi.

Kata Kunci: Laut Cina Selatan, keagresifan Cina, kerjasama pertahanan, hubungan bilateral Filipina dan Amerika Serikat, Enhanced Defense Cooperation Agreement (EDCA)

1. Introduction

The South China Sea is an important gateway for trade and commercial which plays a significant role on the world's merchant shipping, it is also considered as a critical economic and strategic sub-region in Indo – Pacific. Despite its importance, the South China Sea has also become the site of various territorial disputes for several countries (the Philippine, Vietnam, Taiwan, Malaysia, Brunei, and China) which claimed their maritime sovereignties and have been caused into complex territorial conflict and tension (Lowy Institute, n.d). Between those claimant states, the Philippine and China have shown a significant dispute problem. The dispute over sovereignty issue between both countries have been started during the regime of President Ferdinand Marcos in the mid of 1970s and resurfaced in 2010 when China's foreign policy has proved its assertiveness on showing its core interest in the region (Stratfor, 2013) especially when the Chinese realize that the Philippine continues to advance its claim in Scarborough Shoal or Kalayaan Island Group (KIG). The discovery of China's military structure is one of the examples of China's assertive expansion, moreover when the Philippine find the fact that China's man built islands to be constructed on the Philippine-claimed Mischief Reef which located 135 miles in the west part of Palawan Island (Zhao, 2012).

However, the Philippine administration before 2010 tends to choose diplomatic engagement rather than confrontation. In the same time, the administration still attempted to rejuvenate its security cooperation with the US. Moreover, to increase their military capability in the contested area, the beforetime government chooses to remain calm (Yost, 2013). On the other side, the second quarter of 2010 signified the beginning of President Benigno Aquino III administration, this era was indicated as the rise of Philippine effort to responding Chinese assertiveness in the South China Sea, but also signified negative relations between Aquino and Chinese administration (Lim, 2012). Under the Aquino era, the Philippine government has enhanced its military modernization, especially in naval capabilities. Not only stopped from inside of the national government self-effort, but Aquino also attempted on strengthening the Philippine relations with the United States (Yost, 2013).

In 2014, the Philippine enhanced a stronger defense cooperation with the US in the form of "Enhanced Defense Cooperation Agreement (EDCA)" which aims to boost the defense capabilities of the Arm Force of the Philippine in dealing with the regional territorial dispute (Mangosing & Santos, 2014). In order to respond to China activities and expansion in the South China Sea, EDCA is perceived as the most credible deterrent options that the Philippine has to respond the China aggressiveness. In the previous time, the Philippine and US have worked on several defense cooperation in which bring that country into a mutual understanding to which sector they need to work on along with the development of new issue and national interest, those are consist of the Military Bases Agreement in 1947, Mutual Defense Treaty in 1951 and Visiting Forces Agreement in 1998. During 2015 to 2016 was become the period of determination for EDCA in order to be constitutionalized, since after all the agreement that has been signed in 2014 was considered as an executive agreement between the Philippine Former Defense Secretary, Voltaire Gazmin and US Former Ambassador to the Philippine Philip Goldberg (Bower, 2015). With the process inside the Philippine' bureaucracy, finally, on January 12, 2016, the Philippine Supreme Court issued a reaffirmation of this agreement constitutionality which paving the way for both countries to working on defense cooperation and let the U.S build their military bases inside the Philippine (Castro, 2016).

The paper focused on how the Philippine conduct such a cooperation with its ally, the United States in the form of "Enhanced Defense Cooperation Agreement" as a most

developed defense agreement between both states to defend China activities and foreign policy that consider as assertive in the South China Sea. The timeline of the paper limited to 2010 – 2016, as it reflects China is going to be assertive by showing its core interest in the SCS (Stratfor, 2013) and signed the period of President Ninoy Aquino III administration.

2. China Assertiveness in the South China Sea

Chinese behavior in the South China Sea was started to grow even before 2009, back in the earliest time since the disclosure on assertive China comes up into the surface. Richard Q. Turcsanyi, on his book *Chinese Assertiveness in the South China Sea*, has reviewed regarding on what condition this policy considered as assertive behavior. Turcsanyi defined the term assertiveness as bold action in inappropriately way, narrowly defined the own interest of an actor even it is contradictory with other, qualitatively/ quantitatively different to the actions of other actor, qualitatively/ quantitatively different to other periods (Turcsányi, 2018).

The table below shows the China actions from 2011 to the present which signified its more active policy in the South China Sea.

Chinese action	Time of occurrence	Category of behaviour
The cable-cutting incidents	2011-2012	Assertiveness (qualitatively new policy behaviour)
The Scarborough Shoal stand-off	2012	Assertiveness (a quantitatively unusually bold action, the qualitatively new policy of economic sanctions)
The Second Thomas Shoal stand-off	since 2013	Assertiveness (an unusually bold action)
The oil rig incident	2014	Assertiveness (a qualitatively new policy move)
Land reclamation, constructions, and militarization of the outposts	since 2014	Assertiveness (a qualitatively and quantitatively unusually bold action)

*Table 1: The Example of China Assertiveness from 2011 to 2014
(Source: European Institute for Asian Studies/ Richard Q. Turcsanyi)*

Two of the incidents happened in the disputed water of the Philippine and China;

- The Scarborough Shoal stand-off in 2012

The Philippine and China engaged in a stand-off in Scarborough Shoal disputed by both countries between April and June 2012. On April 10, Filipino reconnaissance planes spotted Chinese fishing boats in the waters. By the seeing, Filipino's Gregorio del Pilar warship was taken the actions and discovered the protected maritime species catch by a Chinese fisherman. During the arrestment, China was sent their surveillance vessels to prevent the arrest. China has increased their pressure to the Philippine during the stand-off, they presented their most advanced and armed law enforcement ships, allegedly in a total of 90 Chinese vessels and at the time facing for only 2 Filipino ships (Goldman, 2013). China

also cut the banana import from the Philippine and warned their people to travel to the Philippine. This policies finally revoked when the Philippine compiled and withdrew their ships from the Shoal (Zachrisen, 2015). Chinese actions in the stand-off consider as **assertiveness**, it is a qualitatively unusual bold response regarded to the deployment of the Philippine Navy vessel. Added, there is a qualitatively new policy changing by tempted economic sanctions to the Philippine.

- The Second Thomas Shoal stand-off since 2013

The Philippine and China were back to involved in an incident happened in Second Thomas Shoal in May 2013. As Recorded from this date, Chinese fisherman and their enforcement vessel were spotted in this area. The incident started when some Filipino supply boats got blocked by Chinese surveillance vessel when the boats intended to reach the shoal for restocking the supplies of Filipino marines that presented in the spot (Lovell & Himmelman, 2010). The Philippine claimed that this activity had been running since 1999 and never been interfered by China since this blockade happened (Baruah, 2014). In 2014, the stand-off went to resurface when China, again, blocked the Philippine maritime activity that use their civilian vessel to restock the supply and position in the Second Thomas Shoal. The situation later calm down, however, the Chinese vessels still continue to have patrol activity in the area (Green, Hicks, Cooper, Schaus, & Douglas, 2017). Second Thomas Shoal Stand-off incident regarded as one of China **assertiveness** action since it is considered an unusually bold response to a new Philippine action. This incident was similar to what happened in Scarborough Shoal stand-off distinguished from the period and actions counted where Second Thomas Shoal stand-off continues in the long-time blockade.

3. The Making of the Philippine – US Defense Cooperation: Enhanced Defense Cooperation Agreement (EDCA)

The defense cooperation built by both country was experienced many developments, including shift, replenishment, and deletion. It was influenced by the changing in global politics while the security communities still become an important issue pursuing by most of the nation to defend its values and expectations in the right behavior from the external threat (Adler & Barnett, 2002) and the shift in domestic politics experienced by both country. To simplify the process of security relations between the Philippine and US, the writer is trying to separate the era into two in which the Cold War Era which simplified the existence of bipolar system and Post-Cold War Era marks with the rise of various statements and blueprints offered by policymakers in order to signify a more peaceful and balance international order (Adler & Barnett, 2002).

- Cold War Era

During the Cold War Era, the Philippine and the US conducting several agreements and treaties in considering the historical ties, military engagements, and its common interest and threats perception (Padua, 2010):

- US – Philippine Military Bases Agreement in 1947

The Military Bases Agreement granting the US a right to use the bases in the Philippine for the military necessity. In addition, the agreement also stated that the Philippine is open for negotiations with the US by the future request regarding expanding the previous bases, as well to add, exchange or relinquish the bases for the sake of military necessity (Kahimyang, 2012).

- Mutual Defense Treaty (MDT) in 1951

The treaty agreed to maintain and develop the capacity of individual or collective in against an armed attack. Further, the treaty explains that an armed attack includes the attack of the metropolitan territory of either of the parties and including their island territories recognized by its jurisdiction in the Pacific Ocean, it as well applied to the armed forces, public aircraft and vessels in the Pacific (Philippine Daily Inquirer, 2011). Cold War era has shaped US foreign policy to extend their control and influence in most of the developing countries. The Philippine becomes a fair example to describe the success of the US government in creating a system to pursue their economic and security interest during the Cold War Era (Walker, 2016).

However, the relations between the two countries was not fully stable, the domestic political factor inside the Philippine resulted in the frustration in the body of the US government. Added, the Philippine government was started to realize that US presence in the island did not give any real contribution to the security of the Philippine since, at the time, it did not face a real external threat (Fisher, 1999). In the final year of the Military Bases Agreement (MBA) at 1991 which did not have an extension from a historic 12-11 vote by the Philippine Senate, US military placed in the Philippine was attempted to expulsed. The American military was pulled out from Clark Air Bases as its largest military bases in the Philippine following by the sailed out of American troops from Subic Bay Naval Base which also caused by the eruption of Mount Pinatubo (Jay, n.d)

- Post – Cold War Era

Since 1992, both countries' official repeatedly reaffirmed MDT although the situation makes them unable to create new kind of defense cooperation. President Fidel Ramos (1992 – 1998), stressed the national priority on economic development rather than “controversial” military relationship with the US. However, the *Balikatan* exercises, the exercise between the US and the Philippine Marines for infantry operations still remain but just limited to the marines activities. Further, all exercises involve in the Philippine territory have been suspended by 1996 caused by the rejection of Philippine Supreme court to receive President Fidel Ramos proposal of the extension of a pre-existing Status of Forces Agreement (SOFA) which acknowledge the legal status of US forces in the Philippine (Fisher, 1999). In January 1998, a new substitute of SOFA, the Visiting Forces Agreement (VFA) is put into the account. In this time, the nationalist opposition toward the US was decreased. Former President Joseph Estrada and his Secretary of Defense, Orlando Mercado whose the former Philippine Senate that voted against the extension of MBA, at that chance leading a motion for VFA to be approved by the Senate. The expert claim that the change in the Philippine attitudes toward the US is part of their reaction to China's development in the region (Fisher, 1999).

- Visiting Forces Agreement 1998

This agreement considers as the landmark of the renewed Philippine-US defense relations after the cold war era. It was ratified by the Senate in 1999. VFA makes both countries to found their new strength and significance by the Mutual Defense Treaty that still remaining, a more constant military exercise was having their umbrella to fulfill both countries' strategic defense objectives (Felix, 2005).

- Mutual Logistic Support Agreement (MLSA)

The Foreign Affairs of the Philippine claimed that the MLSA is created to facilitate the existing agreement (MDT and VFA) due to its implementation without changing the national policy (Felix, 2005).

In the vacuum of Philippine – US military cooperation by the beginning of a post-cold-war era, when the relations between both countries was tenuous, the Philippine was

showed concern on China development by the discovery of Chinese construction in Mischief Reef on 1995. The Philippine responding this matter carefully since the Reef is just located about 150 from Palawan Islands of the Philippine. Faced many protests by most of the states in Southeast Asia, China refuses any negotiation and started new construction in the same Reefs with permanent structure in it on 1999 (Fisher, 1999). In the next few years ahead, president to president was just elected in the Philippine while China is more active in claiming their territory in the vast area of the South China Sea. In the era of President Benigno Aquino, the agenda of defending the Philippine territorial sovereignty has come into its peak. The availability of military alliance with the US was used as a tool of the Philippine to enhancing its external defense posture. The issue of terrorism and insurgency in the Philippine makes the government prioritize domestic security, the external support like the US is needed to balance its position to respond China assertiveness.

For more than a century, the Philippine was actively asserting Scarborough Shoal as its northernmost outpost in the South China Sea. Back on years during Spanish colonial era, the Philippine has treated this location as part of their natural extension of its national territory and as US ally this area was used as the place for American forces to exercise and reach its military bases in the Philippine, during the period of cold war (Heydarian, 2011). The Philippine national interest in the South China Sea could be depicted as an effort of defending national sovereignty and territorial entitlement. Looking at several incident happened between the Philippine and China, the Philippine government has responded with several statements which may refer to the perception of threat.

In the Philippine' National Security Policy for 2011 to 2016 released in President Aquino era made it clear that the country specifically put China as one of the countries who includes in its perception of threat toward the global and regional geopolitical issues. The Philippine acknowledge China's huge status quo as a big population, vast natural resources, and large territory, economic growth which unparalleled and rapid industrial and technological breakthroughs. The rise of China and the impact on its foreign policy perceived influence the development on its territorial claims in the West Philippine Sea (National Security Council, 2011). More specific this statement claims that:

"China's more active presence in the West Philippine Sea is motivated by growing need for food sources, increasing demand for energy resources, and renewed stirrings of nationalism"

- NSP 2011 – 2016

Aquino himself also stated in his State of the Nation Adress in 2015 urged about the Philippine concern toward China assertive in the South China Sea:

"Our opponent, no doubt, is much greater in terms of economic or military influence. But on the basis of reason and love for country, we are not far behind"

- Benigno Aquino III (II, 2015)

The same sound of statements also highlighted in the arbitration process issued by the Philippine, in this occasion the country clearly stated that:

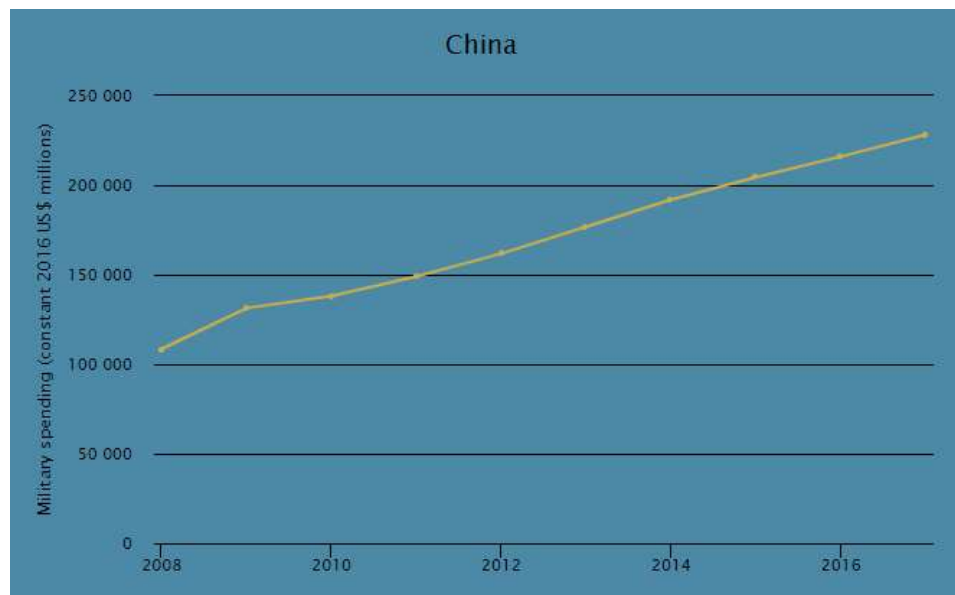
"The Philippine argues that China's assertiveness in "its claim to 'historic rights' over all the waters, seabed, and subsoil within the so-called 'nine-dash line'" has interfered with the Philippine' enjoyment and exercise of its sovereign rights and jurisdiction under the Convention"... "The Philippine considers China's behaviour towards the Philippine and other States bordering the South China Sea to be aggressive rather than cooperative"

- Permanent Court of Arbitration (In the Matter of the South China Sea Arbitration, 2016)

However, looking at the defense posture of both countries in comparison, the Philippines is overpowering by China military capability when it comes to defense budget and the amount personnel as depicted in **Graph 1** and **Graph 2** as well as in **Table 2**, **Table 3**, **Table 4** and **Table 5**.



Graph 1: The Philippine Military Expenditure from 2008 to 2016 (Source: Stockholm International Peace Research Institute)



Graph 2: China Military Expenditure from 2008 to 2016 (Source: Stockholm International Peace Research Institute)

<u>Manpower</u>	The Philippine	China
Active Personnel	172,500	2,183,000
Reserve Components	325,750	510,000
Manpower Available	50,700,000	750,000,000

Table 2: The Philippine' Manpower Data (Source: Globalfirepower)

<u>Land Forces</u>	The Philippine	China
Tank Strenght	45	7,716
Armoured fighting vehicles	778	9,000
Towed Artillery	270	6,246
Self-propelled artillery	0	2,000
Rocket Projector	0	2,050

Table 3: The Philippine' Land Forces Data (Source: Globalfirepower)

<u>Air Forces</u>	The Philippine	China
Total aircraft	158	3,035
Fighters/ Inceptors	0	1125
Transports	85	722
Attack aircraft	1,527	20
Helicopters	91	985

Table 4: The Philippine Air Forces Data (Source: Globalfirepower)

<u>Navy</u>	The Philippine	China
Total Naval Assets	119	714
Aircraft carriers	0	1
Destroyers	0	29
Frigates	4	50
Corvettes	10	39
Submarines	0	73

Table 5: The Philippine' Navy Data (Source: Globalfirepower)

To responds this status quo, the closer relations between the Philippine and US initiated by Aquino administration is expected to have a more deterrence toward China, since the maritime dispute matter of the Philippine and China was reached the new heights. Aquino realized that his country is lacked in defense and having a sharp resource constraint which at the same time, Aquino believe that Manila needs to response the matter quickly. The availability of the alliance between those countries reinforced Aquino's foreign policy decision to work on defense cooperation with the US through the Enhanced Defense Cooperation Agreement in 2014 (Botardo, 2017).

The departure point of this agreement could be seen from June 8, 2012, when President Aquino asked US President Obama to guarantee the security of the Philippine related to the incident with China. President Obama was gave a convincing statement for honour the US obligations as what written in the Mutual Defense Treaty of 1951. President Aquino in different occasion also ask for the US help for developing the capabilities of the Philippine' AFP to have patrol activity in the Philippine' vast area of coastlines and expressed an interest to have US-made land-based radars in order to get the observation of the South China Sea region (Castro, 2016). Since the Philippine has the urgency to defense its territorial sovereignty, the "Framework Agreement on Increased Rotational Presence (IRP) and Enhanced Agreement" was negotiated by both country. This agreement purposed to facilitate the deployment of Amreican troops and instrument by rotational base and re-developing the U.S bases in the Philippine. The concept of rotational basis of US troops to be present in the Philippine was mull over from 2012 to 2013. Afterwards, from 2013 to 2014 both of the country worked on IRP's framework which attempted to support US strategic "pivot to Asia" in which makes the US to have an approval of stationed their forces and equipment for longer periods of time (Whaley, 2013). Simultaneously, this framework aims to help the Philippine' AFP on their development. In addition, the US forces also allowed to use the military facilities of the AFP in which benefited the Philippine to have high-impact and high-value joint exercises with the US in order to promote the capacity-building and inter-operability in the area of MDA, humanitarian and disaster relief as well as deterrence (Castro, 2016).

Finally, in April 2014 the Philippine Defense Secretary Voltaire Gazmin and US Ambassador Philip Goldberg to the Philippine signed the "Enhanced Defense Cooperation Agreement" witnessed by President Obama. One of its significance which is restoring American forces access to the Philippine military strategy perceived could bolster the territorial security posture of the host country. This agreement also attempted to realize Aquino decision in enhancing a closer defense alignment with the US to respond China (Botardo, 2017).

The purpose of this defense cooperation is to promote the alliance agreement on “interoperability, capacity building towards AFP modernization, maritime security, strengthening AFP for external defense, maritime domain awareness (MDA), and humanitarian assistance and disaster response” (HADR) (Bacani, 2014). However, there are several principles that need to apply in the implementation which consist of:

- The Philippine sovereignty needs to be place in the utmost respect
- All activities conducted by the US supposed to have the requirement of the Philippine consent
- Attempted to follow the Philippine Constitution, laws and jurisprudence
- It is not allowed for the US to have permanent presence in the Philippine Soil
- The benefit should be gain mutually
- All the facilities that be used are in the Philippine full control
- Non-exclusivity of use the agreed area just for US armed forces
- Nuclear weapons is not allowed
- The enhancement of AFP capabilities through joint training exercises
- This agreement should pursue the US commitment for long-term AFP capability built-up (Bacani, 2014)

As well as several limitations which becomes essential things of this agreement. First, this is not a formal treaty. Clearly written in Article VI, Section 21 of the 1987 Philippine Constitution stated that:

“No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate”

- *Philippine Constitution 1987* (Jison, 2014)

The Senate of the Philippine is one of the legislative body who represent the sovereign will of the Filipino. In this particular article clearly said that for every treaty or international agreement needs to be consulted from the Senate as the people representative which in fact the EDCA was not passed on as it is just an executive agreement. However, this condition also really helpful the president to circumvent the right of the Senate to check and conclude the agreements as what happened to a repudiation of a proposal to prolonged the US military present for another 10 years in several areas of Philippine (Jison, 2014). However this agreement was constitutionally agreed by the Philippine Supreme Court as it is stated the access and use of AFP facilities by the US Military will be “at the invitation of the Philippine and with the full respect for the Philippine Constitution and Philippine Laws”. The Philippine Department of Foreign Affairs in further also stated that:

“The constitutional provision which prohibits the establishment of foreign military bases... or facilities in the country except under a treaty duly concurred in by the Senate does not apply to EDCA. The defining features of “foreign military bases” – extraterritoriality, exclusivity in use and foreign ownership – will not be applicable in the Agreed Locations. On the other hand, the entry of US military troops for military exercises and other approved activities is already allowed under the PH-US Visiting Forces Agreement (VFA) which is a treaty concurred in by the Senate and upheld by the Supreme Court. The provisions of EDCA, an executive agreement, are consistent with the Philippine Constitution, laws, and jurisprudence”

- *The Philippine Department of Foreign Affairs* (Philippines Department of Foreign Affairs, 2014)

In other hand, the EDCA is filled with so many reciprocal provision in which there is no clear instruction on how the points of agreement will be attained by both country, for example, regarding the agreed location stated in the agreement where the US is allowed to build its facilities and put defense material which then approved just limited to the Philippine

military bases, it means there is a possibility for the AFP to build new bases in another area as America wants which really beneficial for the US (Jison, 2014). Further on this matter, Prof. Merlin M. Magallona in Ateneo Law Journal emphasize that:

“Despite the constitutional prohibition on allowing foreign military presence in Philippine soil absent a treaty duly concurred by at least two-thirds of all the members of the Philippine Senate. The charge, it has been said, was that the EDCA circumvented the constitutional proscription by masquerading itself as a “temporary” executive agreement that needs no ratification by the Senate. It was further avowed that despite the United States categorically stating that it does not wish to establish permanent military bases in the country”

- Prof. Merlin M. Magallona, *University of the Philippines* (Magallona, 2014)

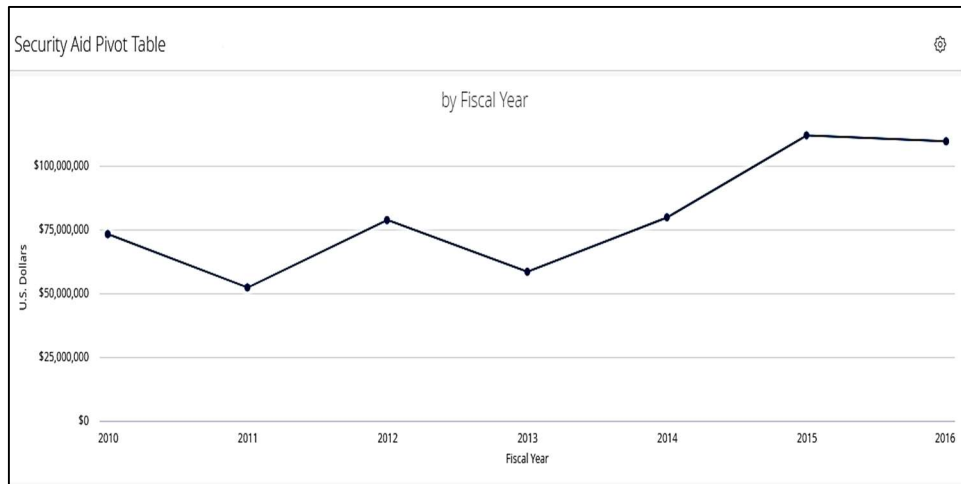
In line, with the interoperability principle as wants to be promoted by both of the country alliance could be use by the US to apply their own interest in the Philippine soil. Even though inside the agreement stated that the US is not allowed to build the permanent military bases in the Philippine soil, the interoperability attempted by both countries will still entail a deployment of military facilities and forces that are weak in clarity when it comes to the determination of its longevity and the parameter of “permanent”. Due to the fact that this new agreement merely implements the Mutual Defense Treaty (MDT) and the Visiting Forces Agreement (VFA) that were previously executed by the Government of the Philippines and the US that allowing the US to deploying their military in the Philippine in the rotational basis (Public Affairs Service - Philippine Department of National Defense, 2016). The Enhanced Defense Cooperation Agreement that is not allow the permanent bases in the Philippine soil would be just a rhetoric explanation that in fact, the US does not care if it is consider as permanent or not. However, the Philippine decision to work with the US is consider as the Philippine quick action to respond Chinese assertiveness which could not predict how big it will be, the military presence from its alliance could temporarily help the Philippine in the complexity of defensive neorealism and the concept of balance of power. As long as the US really do their commitment not just exclusively pursue for their national interest but also for the sake of territorial sovereignty of its ally.

4. The Implementation of the Philippine – US Defense Cooperation: Enhanced Defense Cooperation Agreement (EDCA) to Respond China Assertiveness in the South China Sea

4.1 US Military Alliance Support for the Philippine on Defense

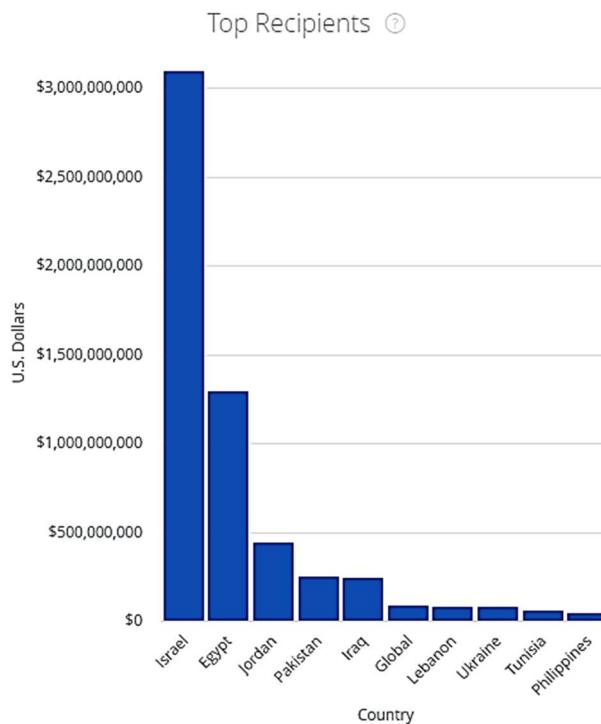
The US supports in the form of a military alliance for the Philippine on their defense has been made even before the EDCA created in 2014. Counted from 2010, the US has supported the Philippine in the form of Foreign Military Financing (FMF), Modernization and Improvement of the Philippine Military Capability, and the US – Philippine Military Training. Those supports consider could bolster the Philippine capability on external defense.

- US Foreign Military Financing for the Philippine



*Graph 3: US Security Aid Pivot for the Philippine from 2010 to 2016
(Source: US Security Assistance Monitor/ Center for International Policy)*

The graph above shows the annual aids that the Philippine receives from the US counted from 2010 to 2016 where marks the period of China’s more active policy in the region. This annual aids are showing stagnancy year per year, but also showing a decent improvement in 2015 and 2016 where the Enhanced Defense Cooperation was tried to be implemented.



*Graph 4: Total Foreign Military Financing - Top Recipients in 2016
(Source: US Security Assistance Monitor/ Center for International Policy)*

Specifically, for the US Foreign Military Financing (**Graph 4**), the Philippine gets a total of US\$50.000.000 per 2016. This amount still far enough if compared to what Israel got which counted more than US\$3.000.000.000, however, it is still considered a high amount of

money considering it is the one and only Southeast Asian country that shows up in the chart (US Security Assistance Monitor, n.d).

In the year of 2016, the Philippine claim that the US granted them the biggest US aid package in 15 years for support them to enhance their ill-equipped military posture which is a double amount of budget from Washington usually granted in each year. This biggest aid budget is not just coming from the US Foreign Military Financing (FMF), but also from the new US Southeast Asia Maritime Initiative as a maritime capacity-building program. In its implementation of defense transaction from this source of the budget, the Philippine has purchased nearly \$1 billion of military equipment made in the USA from 2012. The transaction consisted of 12 FA-50 light fighter jets and 2 US Coast Guard cutters (Frontera, 2016). The aid that has been boosted during that year is mostly spent on several items consist of small arms, communication equipment, and replacement parts in hardware and coastal radar that usually be used for maritime security (Rappler, 2016).

- US Support to Modernize and Improve the Philippine Military Capability

The US is extending support to the Philippine by modernizing and improving its military capability. The support is also derived from the Philippine confrontation with China in the South China Sea issue. In 2012, the US has improved the Philippine navy by transferred two naval vessels, deploying fighter jets and built a coastal radar system. In addition, the US also has transferred two decommissioned coastguard for the Philippine which consist of the Gregorio del Pilar to replaced a second world war vessel as Philippine newest ship and another one that arrived in 2012 (Leon, 2012).

- US – Philippine Military Training – Exercises *Balikatan*

Balikatan is an annual military training conducted by the Philippine and US which focused on a variety of missions that consist of combined military operations (Defense Visual Information Distribution Service (DVIDS), n.d). *Balikatan* is a Tagalog word which means “shoulder-to-shoulder”, this exercise is conducted under the MDT to fulfill both of the countries mutual training and their readiness on varieties of threat (Global Security, n.d). The US perceived this exercises as important despite the aid and support on the Philippine military improvement. This exercise could guarantee that the Philippine later could response every issue related to the defense matter in an efficient manner. In this section, the writer is trying to highlight the summary of *Balikatan* exercises year per year from 2010 to 2016. Along with this assessment, the writer pursue to have an analysis on how the *Balikatan* exercises transform from an annual military training consider as US support to the activities that purposed to ensure the Philippine right in the West Philippine is secure.

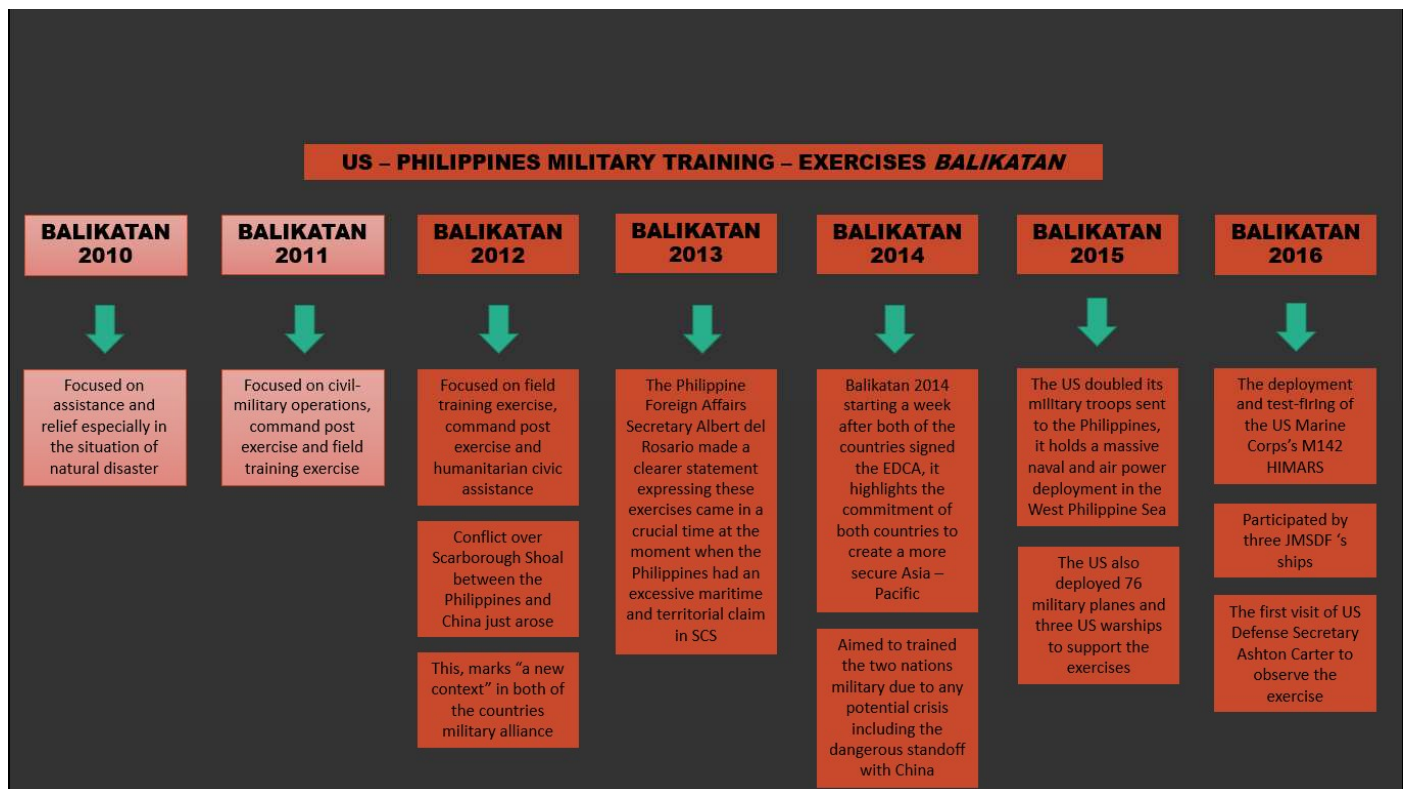


Figure 1: Annual "Balikatan" Exercises from 2010 to 2016

The Annual *Balikatan* from 2010 to 2016 shows the development in the strategic environment of the Philippines and emphasize a new context of the alliance between the Philippine and the US. The Philippines was faced the new external threat including the South China Sea issue which becomes the concern of both countries alliance to enhanced their defence cooperation not only in the non-traditional threat issue, but also in responding the assertive China in the region.

4.2 The Implementation of EDCA to Respond China Assertiveness in the South China Sea

This particular section is relatable to the previous one. EDCA is the enhancement of the previous Philippine and US treaties and agreement including the 1951 Mutual Defense Treaty and 1998 Visiting Forces Agreement. The Implementation of Enhanced Defense Cooperation Agreement signified as part of US support to the Philippine in the light of enhancing Philippine military capability to be more deterrent to China in the conflict of the South China Sea.

Several interoperability movements have been conducted through the Philippine – US military training on *Balikatan* (2014 – 2016) and several bilateral and multilateral joint military training that purposed to enhance the defense and military capability especially on the side of the Philippine. Due to the limitation of time, which means the EDCA was just entering its second year, there is no significant differentiation from what is the EDCA has been implemented compared with to the previous agreement and treaties. To have a sharper understanding related to EDCA implementation, the writer would scrutinize the implication into specific upgraded policy containing inside the EDCA which signified more intimate

defense cooperation between the Philippine and the US. In which, the agreement on Philippine-US agreed on location as part of the EDCA objective. This extension of bases which allow the US to stationed their troops and equipment is one of the way of both counties to have a bigger vast covered area to deploying more enhanced defense cooperation which established in the long period of time. The Enhanced Defense Cooperation Agreement created to equalize the cooperation with the new development of threats and the regional stability.

- The Overview of the Philippine – US Agreed Location

In the Enhanced Defense Cooperation Agreement Article, I, number 1b, 1c, and 1d both of the countries are agreed to have Agreed Location which allows the US to stationed their troops in the Philippine soil. Further, the article also highlights the limitation of activities where both countries could do consist of security cooperation exercises, humanitarian assistance, and disaster relief, joint and combined training and another future activity under the consent of both parties (Official Gazette, 2014). In 2016, the Philippine and the US announced five agreed locations where the US forces granted access under the Enhanced Defense Cooperation Agreement to increase the military presence through rotational of ships and planes for humanitarian and maritime security operations.

The five agreed locations are at Antonio Bautista Air Base in Puerto Princesa, Lumbia Air Base in Cagayan de Oro, Basa Air Base in Floridablanca, Fort Magsaysay in Nueva Ecija and Mactan-Benito Ebuair Air Base in Cebu.



Figure 2: Five Agreed Location under EDCA to placed US troops and Equipment
(Source: The Philippine Daily Inquirer)

In addition, the Philippine was also offered the US to use their former bases located in the Clark Air Base in Pampanga and in Subic Naval base in Olongapo as well another two sited in the Palawan Island that is near to the South China Sea (Katigbak, 2016).

• **The Use of US Non-Permanent Military Bases in the Philippine to Respond China Assertiveness in the South China Sea**

If take a look deeper to the agreed location that the US can deploy their troops and military facilities are majority located in air bases rather than naval facilities. This is could facilitate the Pentagon intention to insert American air force power in the Philippine soil which could consist of air-refueling tankers, deployment of fighter-bombers, and P-8 maritime patrol aircraft (Katz, 2016). By stationing this kind of aircraft in the main island of the Philippine, Luzon had proof the US significance in the region in the context of armed confrontation with China. In this occasion, the Philippine air forces also could get an opportunity to have trained with American counterparts in the five agreed locations.

Along with the US (especially the Air Forces) on their strategy of rebalancing toward Asia, United States Air Forces (USAF) has been deploying their 12 F-22s to Kadena Air Force Base in Japan and 24 F-16s to Kunsan Base in South Korea. Those five agreed locations under EDCA are fitted to USAF strategy and increase the number of the temporary duty assignment of the Air Forces in United States Pacific Command (USPACOM) area of operations (Schogol, 2013). Moreover, base on the agreement on allowing the US forces to enter the Philippine with the rotational basis, the USAF technically can expand their strategic bombers aircraft rotationally in the Western Pacific for at least counteract China's militarization in the South China Sea (Taylor, 2016). The Subic Naval Base is really close to the Scarborough Shoal which located 230 km from the west of Zambales the Western part of the Philippine. From the area, the US has been discovered China activity that suspected were building a more land reclamation in the South China Sea (Quismundo, 2016).

After strategic talks in Washington in 2016, both of the countries agree to show their opposition toward China militarization of the outpost in the South China Sea since any installation of the new military asset is always end up with more escalating tension (Quismundo, 2016).

Looking at this urgency, both sides have announced to prospect bigger funding from the US for the Philippine maritime security initiative to boost its external defense and to utilize the new bases agreed by both countries which require a high amount of funding. The US Ministry of Defense also had proposed to their Congress of providing a total \$50 million in order to help them to build maritime security in the region along with the US strategic pivot to Asia, in this case, the Philippine as stated in medias would get "the lion's share" as US alliance in the region. This budget is purposed to improve the radar and other monitoring capabilities in the South China Sea, this at least could help the Philippine to get updated information and a good Maritime Domain Awareness in case of China started to have a new development in the area disputed (Katigbak, 2016). Both of the countries also discussed for any further options to response Chinese militarization and working on unilateral actions to be addressed in the South China Sea. Until the end of President Benigno Aquino administration, the effort on developing more rigid and strong defense cooperation through the facilitation of agreed location is still being cultivated. The US Ambassador to the Philippine, Philip Goldberg claim that the movements would take place very soon (Quismundo, 2016). The effort to developing the agreed location as bases for those countries to be stand by with many possibilities of internal or external threat is not merely created to irritate China on their assertiveness in the South China Sea. However, at the very least, the Philippine has an asset to

be more deter to China and be ready in case of armed clashed happened in the disputed water with its balancing strategy with the US.

5. Conclusion

As one of the claimant states in the region, the Philippine has become the victim of Chinese assertiveness that was harmed their territorial sovereignty over the West Philippine Sea looking at several incidents that happened including the Scarborough Shoal stand-off in 2012 and the Second Thomas Shoal stand-off since 2013. China assertiveness in the South China Sea has shaped the Philippine threat perception which needs to be immediately responded. The United Nations Arbitral Tribunal result which leads the Philippine to win the case could not fully make the Philippine relax since China still pursue new development in the area of dispute.

Among the Philippine Presidents that were felt the dispute with China, President Benigno Aquino III was the one that is the most showing effort in assessing the Philippine claim in the West Philippine Sea, it may derive from China more active policy that takes in time of his administration. However, the problem fell to the Philippine Defense Postures that are considered lack, looking at the number of military stuff. Aquino was made an effort through the Arm Forces of the Philippine Modernization Pact in 2012 aims to cover the country with “a minimum credible defense” strategy which again, still lack in ways of implementation and defense budget.

The US commitment on its “iron clad” in Asia has improved both of the countries defense relations through the Enhanced Defense Cooperation Agreement (EDCA) signed in 2014. It is not just to shows the US responsibility to help its ally to faced their internal and external threat, but also in order for the US to implement their strategic pivot to Asia and keeping the regional stability. The EDCA itself is an enhancement of the Philippine-US previous defense treaty and agreement including the 1951 Mutual Defense Treaty and 1998 Visiting Forces Agreement which allows the US to build temporary bases in the Philippine agreed locations and the deployment of US forces on the rotational bases.

The EDCA was not merely created to respond to China assertiveness toward the South China Sea, there are no particular articles written in the agreement that is specifically projected to China. However, the EDCA purposed to enhance the Philippine (including) external defense posture to respond the external threats where China is including in it. The US financial aid, support on the Philippine military modernization and military training plays important roles in this cooperation. Through the EDCA, along with the implementation of five agreed locations in the Philippine, the US could deploy much bigger military forces, facilities and brings an improvement to the Armed Forces of the Philippine in order to enhance their internal and (especially) external defense.

However, EDCA was filled with so many reciprocal provisions in which there is no clear instruction on how the points of agreement will be attained by both countries, it is referred to the implementation of the agreed locations. The agreement is not allowing the US to build the permanent bases in Philippine soil, but through the interoperability that served as one of the purposed by both countries in the agreement may be misused by the US to deploy their military troops and facilities without considering the limitation which just allowed them to build the non-military bases in the specific location agreed by both countries.

In another hand, this defense cooperation perceived by the Philippine as the most credible deterrent action in order to respond to China assertiveness in the South China Sea. It is planned to make the Philippine be readier in case of facing an armed clashed with China with better preparation and better capability to monitor China’s development in disputed

water through the Maritime Domain Awareness (MDA) by the help of the US. More projects on the implementation are still discussing by both countries. Only time who can answer the implication of this agreement which of course will depend on the development of that threat and movement in both of the country foreign policy.

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