



**Expert Views:**

## **Implications of the U.S. military’s return to the Philippines**

SCSTT Editorial Team / *Perspectives*, 6 / 2016

**Experts offer their reactions to the Philippine government’s decision to allow U.S. military forces to return to Philippine soil.**

**Over twenty years after expelling American military forces from the Philippines, on January 12, 2016, the Philippine Supreme Court rejected a petition from lawmakers alleging that the Enhanced Defense Cooperation Agreement (EDCA) with the United States was unconstitutional. The decision paves the way forward for U.S. facility installations within Philippine military bases and the return of U.S. troops on a rotating basis. In your view, what are the implications of the ruling for security and stability in the South China Sea?**



On 12 January 2016, the Supreme Court of the Philippines declared that not only the Enhanced Defense Cooperation Agreement (EDCA) is constitutional but also that it is an executive agreement, rather than a treaty. The court held that the EDCA does not require Senate concurrence as a treaty normally does.

Such a ruling is likely to have destabilizing effects on regional peace. First of all, it paves the way for full implementation of the EDCA alongside the 1951 Mutual Defense Treaty (MDT) and the 1999 Visiting Forces Agreement (VFA). Those treaty and agreements will enable strengthened presence of the US military facilities, equipment and troops in the South China Sea through the Philippine military bases and thus further militarize the region. Secondly,

if China feels threatened by such trends and takes reactionary moves, tensions in the region may continue to build. Thirdly, China’s sense of insecurity caused by the enhanced US–Philippine military alliance may further damage the already-suffering China–Philippine relations since the Philippines unilaterally initiated the arbitration case against China in January 2013. All scenarios highlighted above are interrelated and may have a compounding effect that causes a downward spiral in regional relations.

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The Supreme Court’s decision upholding the constitutionality of the Philippines–U.S.



Enhanced Defense Cooperation Agreement (EDCA) paves the way for enhanced maritime security and stability in the South China Sea. The agreement underscores the continuing importance of the U.S.–Philippine defense alliance in maintaining peace and stability in Asia-Pacific by allowing the U.S. to preposition defense materials at agreed locations in the Philippines; granting U.S. forces, ships and aircraft increased access to Philippine bases on a rotational basis; improving opportunities for bilateral training; enhancing interoperability and individual and collective defense capabilities of the parties; contributing to the long-term modernization of the Armed Forces of the Philippines (AFP); and assisting the Philippines in developing a more robust maritime security and maritime domain awareness architecture. For the past 70 years, the U.S. has played a pivotal role in preserving regional stability and providing opportunities for increased economic prosperity in Asia-Pacific. Ten years of war in Central Asia, however, have shifted America’s focus from the region. Now that the wars are over, the United States is committed to rebalancing its presence in Asia-Pacific. The EDCA will facilitate U.S. efforts to maintain a more persistent presence in the region to deter aggression and allow for greater collaboration with the AFP and other regional partners on issues, like territorial and maritime disputes in the South China Sea, which have the potential to disrupt international peace and security, as well as the global economy.

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The ruling paved the way for more proactive military collaboration between the Philippines and the United States based on the EDCA. It certainly has implications concerning peace and stability in the South China Sea. Though the ruling is made by a Court, a judicial organ, such a decision has a very strong political backing and is highly controversial in the strict legal sense. As the Philippines is confronting China in respect to the South China Sea issues, it is desperate to seek military support from strong external powers, particularly the US.

As for the US, it certainly welcomes the decision of the Supreme Court. The EDCA is part of the overall rebalancing strategy, as is the manipulated arbitration case against China. The actual execution of the EDCA can certainly give the US more leverage to contain China in the South China Sea. It is perceived that this judicial decision will further complicate the situation in the South China Sea and brings no good to regional peace and security.

It is significant that in American military strategy development in recent years, lawfare has been emphasised in various ways and is regarded by the American military as a weapon of actual war. In that sense, a victory of lawfare can be as significant as a victory of warfare. Against that background we can see how the Philippines and the US have worked together in the use of



international arbitration and the domestic legal system.

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The decision that the agreement is constitutional—despite considerable domestic opposition—reverses more than two decades of a trend toward real independence in foreign and defense policy. While some may argue that the Philippines is using the US to “protect” it in its maritime quarrel with China, it is actually being used in a much larger strategic context by the US. Indeed, the Philippines is now clearly part of the US-led strategy to constrain and contain China. Because the South China Sea has become a nexus of US–China competition, increasing US and Chinese militarization of the region will lead to an increased intensity and frequency of incidents there, resulting in further insecurity and instability.

In particular, the US will use its assets ‘placed’ in the Philippines to enhance its intelligence, surveillance and reconnaissance of Chinese coastal defenses and activities in the South China Sea, and, if necessary, respond to them. It may incorporate Japanese military assets into its strategy. China will certainly view these arrangements with concern and include these assets and the Philippines in general in its worst-case scenario planning. In other words, China will likely target the Philippines with missiles and other assets to be used in the event of war.

While many of its fellow ASEAN members are hedging between China and the US, the Philippines has irrevocably cast its fate with the US in its competition with China for regional if not global hegemony. This may be a decision the Philippines will regret as China’s economic, political and military power inexorably waxes while that of the US wanes.

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The Philippine Supreme Court’s decision to uphold the opening of military bases to the United States in its territory is not a surprise at all for the Chinese. Given lingering tensions in the South China Sea, nationalistic sentiment in Manila has heated up. Growing dependency on U.S. military presence in the Philippines has turned into an issue of common sense broadly shared by the two countries, and the Philippines will continuously ask for more military engagement from the US to counter China’s assertiveness. The consequences are as one would anticipate.

The expanded presence of American military forces in the Philippines does not necessarily suggest heightened confrontation between China and the U.S. As a hegemonic power in the Asia-Pacific, the U.S. maintains a wide range of military presence in the entire region. Without renewed use of Philippine military bases in the way of rotating deployment, the U.S. military could also project its combative power instantly



throughout the region. The Philippines’ new offer of eight bases to U.S. forces does not ultimately change its military posture in the West Pacific Rim, nor does it put China in any kind of jeopardy yet. It seems that Beijing does not need to overreact to it.

Nevertheless, such an extension of American military forces into the Philippines is a big signal of “militarization” of the South China Sea. Beijing’s island construction will likely become more unstoppable. It is also a clear justification indeed for Chinese hardliners to demand speedier “militarization” and island construction in the Spratly Islands.

These trends are ominous. The Philippines is trying to draw the U.S. closer. Meanwhile, Beijing is attempting to expand its presence in the disputed waters. The problems here are how it might end up and who might benefit.

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The Enhanced Defense Cooperation Agreement (EDCA) between the Philippines and the United States, which is considered a mere implementation of existing laws and treaties, remains a bare-bones framework agreement on logistics whose specifics have yet to be determined. It would be safe to say that the Philippine Supreme Court’s decision is timely, as the Philippines needs the EDCA in order to

modernize its military, thereby achieving the end-goal of developing what Manila has called “minimum credible defense” capability in the face of a variety of threats including China’s territorial assertiveness in the South China Sea. Obviously, national defense should not only be associated with waging wars but also reducing the risk of and preventing armed conflict.

My observation has been that, so far, the enhanced U.S. military presence in the South China Sea is not directed against China and does not affect Manila’s arbitration case against Beijing. It does, however, reassure Southeast Asia of the U.S. presence and its commitment to “international rules and norms that include the area of maritime disputes” as stated by U.S. President Obama. It seems to me that the EDCA is not aimed at China, since Washington takes no position on the disputes over sovereignty in the South China Sea.

More importantly, it would be worth emphasizing that the U.S. rebalance to Asia strategy has been boosted by the EDCA. A balance of power anywhere in the world should be welcomed.

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The implementation of the Enhanced Defense Cooperation Agreement (EDCA), thanks to its



recent concurrence by the Philippine Supreme Court, will surely go some distance in revitalizing bilateral security relations between Manila and Washington. However, the new security agreement, which has been characterized as an Executive Agreement rather than a treaty that would demand Senate ratification, does not provide any direct guarantee of American military support in every possible contingency in the South China Sea, specifically if the Philippines and China get into a direct conflict over disputed features in the area. Also, the EDCA, contrary to its critics' claims, does not represent the re-establishment of Cold War-style American bases in the country. The U.S. will only gain negotiated, rotational access to prized Philippine bases for a decade. Moreover, the U.S. is not going to pay large-scale rents to the host country, which will actually cover any transportation and utility costs for the visiting forces.

The EDCA, however, could provide some element of 'latent deterrence' against further Chinese provocations within the Philippines' exclusive economic zone, or this is at least what Manila hopes. The expected increase in American military presence on Philippine bases adjacent to the South China Sea, from Subic and Clark to Oyster Bay, means that China will have to take

into consideration potential American military intervention in the event of escalation in the disputed waters. The EDCA will also enable the two allies to strengthen their inter-operability, further coordinate their maritime security policy, and more effectively manage the transfer of technology and dispensation of military assistance from America to the Philippines.

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#### CITATION:

SCSTT Editorial Team, "Expert Views: Implications of the U.S. military's return to the Philippines," *Perspectives* 6 (2016), Taipei: South China Sea Think Tank.

<http://scstt.org/perspectives/2016/513/>

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