

REVIEWING THE MUTUAL DEFENSE TREATY

ALLIANCE OPTIONS FOR GRAY ZONE
SECURITY COOPERATION

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APPMI Research Paper RSA-2019-05



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RECOMMENDED CITATION

Misalucha-Willoughby, Charmaine. 2019. "Reviewing the Mutual Defense Treaty:
Alliance Options for Gray Zone Situations". APPFI Research Paper RSA-2019-05.
Quezon City: Asia Pacific Pathways to Progress Foundation Inc.

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Design by Ariel Manuel
Text set in 11 type Minion Pro

Printed by Rex Printing Company, Inc.

Published by Asia Pacific Pathways to Progress Foundation, Inc.
with the support of Konrad Adenauer Stiftung Philippines.

Executive Summary

One of the hallmarks of the administration of Rodrigo Duterte is its promotion since 2016 of what it calls an "independent foreign policy." This year, there were significant moves in this direction, which in the Philippines' historical context meant adding some distance in the country's relations with the United States, and diversifying partnerships both in the economic and security realms to include more countries, including what used to be seen as non-likeminded ones. Among other measures, there were calls for a review of the 1951 Mutual Defense Treaty by no less than Defense Secretary Delfin Lorenzana, who felt that the treaty provisions were no longer sufficiently clear in how they might help address contemporary security interests of the Philippines, amidst the fast-changing geopolitical environment and persistent internal and external challenges. Foreign Affairs Secretary Teodoro Locsin, Jr. publicly disagreed with Lorenzana on the need for a formal review, preferring the current state of ambiguity and flexibility in interpretation of the mutual obligations as a source of diplomatic advantage.

This paper offers three directions in which a review of the Mutual Defense Treaty might go, thereby reflecting the dynamics and realities of contemporary domestic and international politics. The first offers a scenario where the status quo is maintained and the MDT remains as it is. The outcome would likely be an agreement that is inadequate and myopic towards new situations such as so-called "gray zone" scenarios. Indeed, some MDT critics have long noted the need to re-examine the coverage of the treaty and the concomitant obligations of the two parties, while calling for a "deepening" of the alliance.

Meanwhile, the second scenario is one where the MDT is strengthened via a "widening" process instead, one that encourages the Philippines to

fortify its security partnerships with not just the U.S., but with other countries. Finally, the third scenario requires confronting the possibility of the treaty being abrogated. In this instance, US-Philippine relations itself hangs in the balance because of the embeddedness of the military alliance in the broader framework of ties. Regional stability will also be put at risk if the already tenuous commitment of the U.S. to Southeast Asia were to be further shaken by removal of its treaty obligation to a longstanding ally.

Indeed, whether the MDT is maintained, strengthened, or scrapped depends on how well the Philippines uses its diplomatic toolkit to protect and advocate for its national interests, keeping in mind the growing regional security challenges.



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Reviewing the Mutual Defense Treaty: Alliance Options for Gray Zone Security Cooperation

Charmaine Misalucha-Willoughby
and Aileen San Pablo-Baviera

Introduction

In late 2018, calls to review the Mutual Defense Treaty (MDT) came to the front and center of policy debates in the Philippines.¹ Philippine Defense Secretary Delfin Lorenzana led the call to determine if the MDT should be maintained, strengthened, or scrapped altogether, in light of the country's pursuit of an independent foreign policy direction under President Rodrigo Duterte. Duterte's independent foreign policy was reportedly intended to help bolster the national interest by creating and sustaining meaningful partnerships not just with traditional partners but with new emerging ones, and by facilitating cooperation on regional affairs. Lorenzana's concept of an MDT review could be seen as an assertion of his desire to strengthen bilateral relations with its long-time – not to mention, *only* – ally, even in the framework of the Philippines' independent foreign policy. This was evident in the continued implementation of the Philippines-U.S. Enhanced Defense Cooperation Agreement (EDCA), acquisition of defense equipment from the U.S., and U.S. Secretary of State Mike Pompeo's visit to Manila in March 2019. During his visit, Pompeo issued a statement saying that an armed attack on any Philippine vessel in the South China Sea would trigger

defense obligations under the MDT.² Such assurances quelled some doubts about U.S. commitment to the Philippines and as a result, calls to review the MDT became less intense.

In June 2019, however, an incident involving a Chinese vessel's sinking of a Philippine fishing boat reinvigorated discussions on the MDT. An anchored Philippine fishing boat, the FB Gimver 1, was reportedly rammed and sunk by a Chinese fishing vessel in the vicinity of Reed Bank (Recto Bank) in the South China Sea.³ On board the FB Gimver 1 were 22 fishermen, who fell into the water and then were abandoned as they foundered at sea, before being rescued by Vietnamese fishermen and thereafter recovered by the Philippine Navy.⁴ Although no military personnel may have been involved, it is a well-known fact that many Chinese fishermen had been organized into militia by their government, raising doubts as to whether this was an accidental encounter or a deliberate one— a gray zone situation, as it were.⁵ The incident revived resentment against China, and raised questions anew of what the Philippines can do to prevent Chinese aggression in the disputed areas, and under what circumstances MDT can be invoked.

This paper offers three directions in which a review of the treaty might go, thereby reflecting the dynamics and realities of contemporary domestic and international politics. The first offers a scenario where the status quo is maintained –i.e., the MDT in its current form continues to underpin the Philippines-U.S. alliance. The outcome, however, would be an agreement that is inadequate and myopic towards situations such as confrontations in disputed jurisdictions and so-called “gray zone” strategies by adversaries. In this regard, a “deepening” process involving a re-examination of the coverage of the treaty and its concomitant obligations will still need to be undertaken even if the agreement is maintained.

The current language of MDT, particularly Article V, describes the treaty as applying to an *armed attack* on “metropolitan territory of either of the parties, or on the island territories under its jurisdiction in the Pacific, or on its armed forces, public vessels or aircraft in the Pacific.” While various interpretations abound, with some arguing that the current policy demonstrates strong U.S. commitment, the mixed signals received from

various U.S. officials over the decades – including insistence that U.S. does not take sides on the sovereignty issues in the South China Sea, have created doubt about the extent to which the MDT can protect the Philippines on this security issue that it considers the most imminent challenge.⁶ Hence, the need to deepen the alliance to minimize such doubt and thus maximize its intended deterrent effect, not only deterrence of armed attack but, this time, of gray zone scenarios as well.

Meanwhile, the second scenario is one where the MDT is strengthened via a “widening” process that encourages the Philippines to fortify its existing partnerships with other countries. If the MDT reflects the original hub-and-spokes concept of bilateral alliances, a “widening” would involve – among other things - connecting the Philippines with the other spokes, the secondary states allied with the U.S., i.e. Japan, Australia, and Vietnam. This scenario is particularly appealing in light of the current policy environment in the U.S., where the government of Donald Trump is putting pressure on allies to share a bigger part of the burden for their own defense.

Finally, the third scenario requires confronting the possibility of the treaty being abrogated. In this instance, U.S.-Philippine relations itself hangs in the balance because of the embeddedness of the military alliance in the broader framework of bilateral ties. One need only recall the immediate aftermath of the Philippine closure of the American military bases in Clark and Subic in the early 1990s, when the U.S. government’s interest in the Philippines immediately waned once it lost these two prized locations, at least until the post-9/11 Global War on Terror infused new significance into defense and security ties.

At the core of these three scenarios is the need for the Philippines to develop adept diplomacy in the management of relations with the United States, in the context of the gradual transition by the Philippines to greater foreign policy autonomy, U.S. tendency towards isolationism in foreseeable years, and the need for the two sides to cooperate in the face of a more unstable maritime security environment and asymmetrical gray zone challenges. As such, this paper’s policy recommendations rest on how diplomacy on the part of the Philippines can ease the “deepening,” the “widening,” and the “embeddedness” of the MDT.

Historical Background

The Philippines-U.S. relationship is long lasting and complex. Anchored in a defense treaty formed in the early Cold War years, the two countries have since then been conducting joint exercises and military training intended to help boost the Armed Forces of the Philippines' capacity to respond to crises. The alliance likewise provided the United States a major foothold in an otherwise volatile region crucial to its own forward defense.⁷

The origins of this relationship can be traced back to the 1951 signing of the Mutual Defense Treaty, which supplemented the prior existing 1947 Military Bases Agreement. The MDT signified both parties' commitment to peacefully resolve international disputes, develop separate or joint capacities to resist attack, and consult each other when either party's territorial integrity, political independence, or security is under threat of attack in the Pacific. As an ally, the Philippines has supported American foreign policy goals and global military actions (e.g., in Korea, Indochina, and as part of Operation Enduring Freedom in the Middle East), while the U.S. presence in the Philippines was presumed to provide it security cover against external armed threats. As a collective self-defense arrangement, the alliance – then as well as now – serves as a pillar of U.S. policy in Asia.⁸

The U.S. military bases remained operational in the Philippines until 1992, when the bases agreement between the two sides was allowed to expire following acrimonious negotiations and amidst a winding down of the Cold War. Thereafter, the 1998 Visiting Forces Agreement (VFA) provided the legal framework for holding the annual Balikatan joint exercises, ostensibly to train and enhance both sides' capability to address crises or natural disasters. In addition to Balikatan, the U.S. and the Philippines also conduct Cooperation Afloat Readiness and Training exercises (CARAT), which focus on the interoperability of land, sea, and air capabilities. The two countries also signed the EDCA in 2014, which allowed for an increased rotation of U.S. military personnel in the Philippines. EDCA likewise authorizes the construction and improvement of facilities to which U.S. troops can then be granted access. Despite some opposition, the Philippine Supreme Court ruled on the constitutionality of the EDCA agreement in 2016.

China's territorial assertiveness in the South China Sea causes renewed attention to the U.S.-Philippines alliance. While the Philippines has long claimed and occupied certain areas in the South China Sea, including parts of the Spratly Islands and Scarborough Shoal, China pursued a policy of militarizing its own occupied features in the contested territories in 2014. In 2009, it had submitted a map of its territorial claims based on the "nine-dash line" encompassing over 80 per cent of this sea. A standoff in 2012 between Chinese fishermen and Philippine authorities over Scarborough Shoal led to the Chinese establishing de facto control of the shoal and its surroundings, significantly despite (or as others might argue, because of) U.S. involvement in the negotiations for an end to the standoff. This paved the way for the Philippines to file an arbitration case against China under the aegis of the UN Convention on the Law of the Sea (UNCLOS). By July 2016, a tribunal of the Permanent Court of Arbitration ruled in favor of the Philippines, but the election of President Rodrigo Duterte led to a shift in Philippine foreign policy closer to China. During a visit to China in October 2016, Duterte and Chinese President Xi Jinping pledged to improve bilateral ties, particularly on the economic front. Likewise, both sides agreed to resume talks on disputed territories in the South China Sea. Combined with Duterte's anti-U.S. rhetoric, this move cast some doubts on the stability of the U.S.-Philippine alliance.

Calls to review the MDT were strong when 2019 stepped in, which prompted U.S. Secretary of State Mike Pompeo to issue assurances when he visited Manila in March, that: "As the South China Sea is part of the Pacific, any armed attack on Philippine forces, aircraft, or public vessels in the South China Sea would trigger mutual defense obligations under Article IV of our Mutual Defense Treaty."⁹ Although similar confidential statements were given to the Philippines in writing in 1979 and 1995, Pompeo's assurance was significant in that it was made publicly and openly. It also appeared to resolve the more ambiguous language that Article V presented, which had been the source of much uncertainty for Filipinos.

Still, the incident in Reed Bank in June 2019 rocked the boat, so to speak, once again. While the cause may be insufficient to trigger MDT obligations, this incident cast light yet again on gray zone strategies, defined here as actions through which countries seek strategic advantage over another, and which

are coercive in nature but remain below the threshold of armed conflict. Some call this gray zone as “the space between war and peace.” Gray zone strategies (which may include military, diplomatic, informational, and economic tactics) are part of the new dynamics and geopolitical realities that the MDT is unable to address. Hence, this recent event behooves the updating of the treaty while keeping to its logic and spirit. The following sections offer three paths that a review of the MDT might take.

Maintaining the MDT

One way of reviewing the MDT is via a deepening process that involves a reexamination of the coverage of the treaty and its concomitant obligations. Contemporary dynamics and realities prompt this reexamination: in the South China Sea, gray zone strategies add another layer of complexity to an otherwise already volatile situation.

Activities such as unilaterally setting up oil rigs in contested areas, coast guard harassment of fishermen, the construction of artificial islands, and the use of fishing and oil exploration activities to advance sovereignty goals, can potentially undermine the rules-based order and thereby destabilize the region and increase the risk of conflict. Although the use of gray zone strategies is not new, what is unprecedented is their new forms and more extensive scope and effect today. Since gray zone strategies are multifaceted, deterring them requires an equally variegated response, the key of which is a more sophisticated diplomacy.

Falling under the broader umbrella of deterrence theory, gray zone strategies are efforts that advance one’s security objectives without the need to resort to direct confrontation or the use of force. Avoiding a threshold that leads to war is therefore critical.¹⁰ During the Cold War, gray zone strategies included a variety of means like psychological warfare, covert military operations, subversion of political systems, and paramilitary and information activities. Today, similar strategies are used in other non-traditional areas. Common amongst these are their ambiguity and incrementalism, two factors that keep the efforts below the threshold of conventional war.

China uses a range of gray zone strategies in the South China Sea. What is unique about its deployment of these strategies is the use of civilian tools like fishing vessels, paramilitary tools through a maritime militia, and government vessels via its coast guard.¹¹ In the security sphere, an example of China's gray zone strategies in the South China Sea is military intimidation. In 2017, for instance, the Vietnamese government authorized Talisman Vietnam, a subsidiary of Spanish energy company Repsol, to drill for gas within the country's exclusive economic zone. China's Foreign Ministry quickly warned the Vietnamese ambassador in Beijing to either stop drilling or suffer military action.¹² Often, China uses maritime law enforcement assets like the coast guard, or civilian vessels manned by civilian personnel, or fishermen's militia organizations.

China complements its gray zone strategies in the security sphere with actions in the political and diplomatic sphere, thus accounting for an expanded definition of the "gray zone." For example, building artificial islands and dual-use facilities, not to mention the promotion of the "nine-dash line," are a function of China's efforts to manipulate borders and alter the status quo in the South China Sea. Tapping legal narratives to legitimize their claims may be considered a gray zone tactic as well. For instance, claiming jurisdiction based on historical rights that predate the UNCLOS, using legal arguments to justify why it chose to ignore the arbitral ruling, regulating fisheries under cover of protecting marine life, and funding scholarship initiatives on alternative approaches to international law may be said to be political gray zone strategies.¹³ Similarly, using cyberspace and the media as a platform for propaganda mechanisms and information operations falls under this category.

In the economic sphere, co-opting state-affiliated business and economic coercion in general have been cited as examples of gray zone strategies. The China National Offshore Oil Corporation (CNOOC) is illustrative of an entity tapped as a strategic tool to advance Chinese interests. In 2012, CNOOC offered an international tender of oil and gas blocks in the South China Sea to foreign investors. Interestingly, the areas on offer were well within Vietnam's exclusive economic zone and continental shelf. Likewise, the China Communications Construction Company and 23 other state-

owned enterprises participated in land reclamation and construction projects in Mischief Reef, Subi Reef, and Fiery Cross Reef.¹⁴ Finally, economic coercion entails the use of trade, aid, investments, and threats of sanctions to influence state behavior. The Philippines felt the brunt of this in 2012 when Philippine banana imports were banned in China following the standoff in Scarborough Shoal.¹⁵

The MDT is unable to recognize gray zone strategies, let alone their multifaceted nature. A review of the treaty would appear paramount to ensure that the logic and spirit of the text adhere to current realities and operations. However, employing such an expanded definition of gray zone to include what have earlier been known as “political warfare” or “economic statecraft” may not help clarify but may obfuscate even further the future or potential role of the MDT. As such, the core feature of the MDT being defense obligations, the operative elements that should be examined on whether the MDT is relevant to gray zone situations are: first, whether there is use of coercive material capabilities and instruments; and second, whether there is even an implicit threat of force. Thus, banning banana imports, and use of legal warfare or “lawfare” would not be considered gray zone issues for MDT application, but intimidation by an armed coast guard or hostile operations by fishing militia undertaken under the watch and within striking distance of their warships would.

That said, deepening the coverage of the MDT to include ways to respond to gray zone strategies requires reliance on diplomatic processes, to provide a framework and context for all other responses, including – as a last resort – of a military type. Several possible diplomatic maneuvers for the Philippines include the following.

First, the Philippines must reach out to China to emphasize an intention to de-escalate then resolve tensions. Indeed, Duterte’s foreign policy has already done this. However, it bears reiterating that this diplomatic overture is an effort to set the context for reassurance initiatives and is not tantamount to cooptation. The goal is to minimize the risks of escalation and take away the incentives to resort to gray zone activities. On the flip side, if not managed properly, this can likewise be turned into a platform for appeasement.

Failing the diplomatic overture (or even simultaneous with it), a second maneuver for the Philippines is to take the lead in mounting a diplomatic push to generate a regional or international reaction to gray zone activities. This is an effort to internationalize the issue and therefore persuade others that such events are not done in isolation. However, the success of this maneuver highly depends on the Philippines' ability to securitize the issue. As such, the consequences of gray zone strategies need to be brought up at regional and international organizations like the Association of Southeast Asian Nations (ASEAN) and the General Assembly of the United Nations (UN). It bears emphasizing that this maneuver can take the form of a simple official diplomatic protest or if warranted, a major diplomatic campaign.

In sum, the pervasiveness of China's use of gray zone strategies in various spheres is sufficient cause for reviewing the MDT and trying to deepen its scope and relevance. But a review will likely find that the MDT, as it currently stands, can only take a back seat. Critical to deterring gray zone strategies is diplomacy, aimed at preventing escalation and garnering support among regional and international partners. But just as critical to deterring gray zone actions and to effective diplomacy are continuing efforts to deepen the scope of alliance cooperation, beyond the MDT provisions on armed attack, to help address asymmetrical gray zone scenarios.

Deepening the bilateral alliance with the U.S., however, is only one way of ensuring the continuing relevance of the treaty. The limitations of the current provisions of the MDT tell us that we need to ensure that the U.S.-Philippine alliance complements and is complemented by other arrangements involving other actors and partners.

Strengthening the MDT

A second way of upholding the MDT, and the value of the alliance itself, is instituting efforts to ensure that it is complemented by other bilateral or multilateral arrangements. In other words, the MDT – and in essence, U.S.-Philippine alliance relations – can be strengthened even in the framework of an independent foreign policy, if the Philippines– like the U.S.

–persists in harnessing other opportunities and diversifying its strategic options via broadening the range of partners. The Philippines can particularly leverage its partnerships with Australia, Japan, and Vietnam.

The Australia-Philippine relationship prides itself in having a long history of bilateral cooperation. Since establishing diplomatic relations in 1946, the two countries have had strong people-to-people links, sustained development cooperation, deep economic ties, and robust security exchanges. People-to-people links are visible in trade, investment, cultural exchange, education, tourism, and migration. Based on 2016 data, there were 8,206 Filipino students in Australia and 216,400 Australian visitors to the Philippines.¹⁶ In terms of development assistance, Australia extends targeted advice and technical assistance to the Philippines to effect reform efforts and capacity development. For 2018-2019, the total Australian official development assistance to the Philippines is at an estimated AU\$85.4 million.¹⁷ Security cooperation between the two sides focuses primarily on the fields of maritime security and counter-terrorism.

The 1995 Memorandum of Understanding on Cooperative Defense Activities laid the foundation for the Joint Defense Cooperation Committee to provide policy direction and monitor activities. By 2012, a Status of Visiting Forces Agreement entered into force that since then served as the comprehensive legal and operational framework for defense cooperation. Australia has also participated in the annual U.S.-Philippine Balikatan exercises since 2016.¹⁸ The relationship, which embodies their shared interests and values, was upgraded to a comprehensive partnership in 2015. With this new arrangement, the two sides reaffirmed their commitment in the areas of politics, economics, defense, law and justice cooperation, education, and development cooperation.¹⁹ An interesting aspect of the bilateral relationship is that both Australia and the Philippines are only quasi-allies, i.e., both are treaty allies of the United States but are themselves not each other's allies. Hence, the comprehensive partnership, while not necessarily elevating the relationship to an official alliance, nevertheless reiterates and reinforces the two sides' commitment to work together.²⁰

Meanwhile, Japan and the Philippines, also quasi-allies, have always had a vibrant economic relationship, which engendered close diplomatic ties

and a strategic partnership. Japan is one of the Philippines' most important trading partners with a total trade of US\$18.8 billion in 2015.²¹ This is propped up by the Philippines-Japan Economic Partnership Agreement (JPEPA). Likewise, Japan is the Philippines' largest donor of official development assistance. In 2009, both countries agreed to upgrade their relationship into a strategic partnership and in 2011, added more provisions on bilateral security cooperation. They reaffirmed their commitment in 2015 and issued an action plan that outlined specific areas of cooperation, including maritime domain awareness, information sharing, and capacity-building.²² Agreements on defense cooperation and the transfer of defense technology and equipment accompanied the 2015 agreements.²³

Vietnam and the Philippines are the two most vocal actors against China's assertiveness in the South China Sea. Hence, the bilateral relationship revolves mostly around collaboration in the maritime domain, as well as strengthening ASEAN and improving their economic partnership. As with Japan, the Philippines also has a strategic partnership with Vietnam where mechanisms involving hotlines and working groups were set up during Philippine President Benigno Aquino III's administration. By 2017, Vietnam and the Philippines were on the third iteration of their bilateral naval exchanges on Southwest Cay (occupied by Vietnam) and Northeast Cay (occupied by the Philippines) in the Spratly Islands. This is a good example of bilateral intra-ASEAN confidence building in the South China Sea.

Such a diversified network of partners is logical given contemporary regional dynamics. Given that all three partnership arrangements mentioned here as well as the alliance with the U.S. have concern about an assertive China as their common denominator, the Philippines has nothing to lose and everything to gain by leveraging its bilateral networks. Should alliance ties with the U.S. fail to deliver better security assurances for the Philippines, the Philippines should ensure that improved security relations with these other partners translate into new reliable and timely mechanisms for joint crisis response and management, including for certain gray zone situations. New partners may also be engaged in multilateral diplomacy, perhaps even an inclusive and constructive dialogue on gray zone challenges and their implications, raising the issue's overall profile while seeking better management approaches.

In sum, while the MDT is strictly between the U.S. and the Philippines, one possible direction towards strengthening it is to ensure its alignment with other bilateral arrangements.

Scrapping the MDT

Assuming that the alliance is all there is to the relationship is detrimental in the long term. The U.S.-Philippine bilateral relationship is broader than the alliance. Hence, a review of the treaty needs to take this into consideration. If the result of reviewing the MDT is to scrap it altogether, then what becomes of the other aspects of the bilateral relationship? The Philippines should re-orient its relationship with the U.S. to anchor it less on the MDT or on the military dimension of ties, and more on other shared social, political and economic links.

U.S.-Philippine relations are founded on strong historical and cultural links. While the security aspect of this relationship has the MDT at its core, this is complemented by economic, commercial and people-to-people ties. In terms of trade and investments, the U.S. is one of the largest foreign investors in the Philippines. In 2011, the two countries agreed to the new Partnership for Growth (PFG) where overcoming constraints on economic growth are the focus. Among the mechanisms of the PFG are the creation of a more transparent and consistent regulatory regime in the Philippines, to create a more open and competitive business environment that makes the ease of doing business a reality, to strengthen the rule of law through an efficient court system, and to support fiscal stability through a more streamlined revenue administration and expenditure management.²⁴

U.S. assistance to the Philippines also encompasses disaster relief and recovery. The U.S. has provided US\$143 million in assistance after Typhoon Haiyan in 2013.²⁵ In support of ongoing humanitarian relief in Marawi, the U.S. contributed an estimated US\$26.4 million.²⁶ The U.S. Department of State, Department of Defense, and the U.S. Agency for International Development (USAID) have existing programs in conflict-ridden areas in Mindanao with the goal of strengthening the foundation for peace and

stability there. People-to-people ties are equally strong, with an estimated 4 million U.S. citizens of Philippine ancestry in the U.S., and around 220,000 U.S. citizens in the Philippines.²⁷ Programs like Fulbright and the International Visitor Leadership Program deepen these connections.

In the short-term, scrapping the MDT is bound to have consequences for the broader bilateral relationship of the U.S. and the Philippines far more serious than the consequences of the bases closure in 1992. More importantly, given the current geopolitical environment of an assertive rising China and unclear U.S. commitment to both bilateral alliances and the multilateral cooperative security architecture that was built since the end of the Cold War, there could also be grave consequences for regional stability if a treaty that binds the U.S. to defend at least one country against a potential regional hegemon should be abrogated. If the Philippines' desire for a truly independent foreign policy should ultimately require abandonment of the MDT, it must do all that is possible before that time comes to ensure that the U.S. remains invested in the welfare of its people, its economic prosperity, domestic political stability, and security against external threats, such that protection by the U.S. will arise not out of treaty provisions but out of a firm solidarity.

Conclusion

While calls for reviewing the MDT have been overpowered by more pertinent issues, it remains in the background not only of U.S.-Philippine relations, but also of the Philippines' foreign relations. The bilateral relationship of the United States and the Philippines covers a wide range of aspects, with the alliance playing only a small, albeit central, role. Given its longstanding nature and the fact that the realities of 2019 are not exactly the same as 1951, a review is prudent at the very least.

Secretary Lorenzana early this year said that the MDT should be reviewed to see if it should be maintained, strengthened, or scrapped altogether. These three scenarios were examined here. If the MDT were to be maintained, then it would be blind to the consequences of gray zone

strategies and irrelevant if no other framework for diplomatic engagement on gray zone challenges were in place. Only if it deepened its role in relation to the changing security milieu can the MDT sustain its rationale. If, on the other hand, the MDT were to be strengthened, then it should be updated to complement and be complemented by other security partnerships and arrangements. Finally, scrapping the Treaty altogether would risk not only the broader U.S.-Philippine relationship but regional stability as well. Indeed, whether the MDT is maintained, strengthened, or scrapped depends on how well the Philippines uses its diplomatic toolkit to protect and advocate for its national interests, keeping in mind the growing regional security challenges.

NOTES

- ¹ Mara Cepeda, "Lorenzana to review Mutual Defense Treaty: 'Is it still relevant to our security?'" *Rappler*, 28 December 2018. <https://www.rappler.com/nation/219819-lorenzana-to-review-mutual-defense-treaty>
- ² Pia Ranada, "Philippines gets timely assurance from oldest ally," *Rappler*, 2 March 2019. <https://www.rappler.com/newsbreak/in-depth/224729-mike-pompeo-visit-philippines-gets-timely-assurance-from-oldest-ally>
- ³ Associated Press, "South China Sea collision talk threatens to rock China-Philippines relations," *The Diplomat*, 12 June 2019. <https://thediplomat.com/2019/06/south-china-sea-collision-talk-threatens-to-rock-china-philippines-relations/>
- ⁴ Steven Stashwick, "Chinese vessel rams, sinks Philippine fishing boat in Reed Bank," *The Diplomat*, 14 June 2019. <https://thediplomat.com/2019/06/chinese-vessel-rams-sinks-philippine-fishing-boat-in-reed-bank/>
- ⁵ Zhang Honzhou, "Beijing has a maritime militia in the South China Sea. Sound fishy?" *South China Morning Post*, 3 March 2019. <https://www.scmp.com/week-asia/geopolitics/article/2188193/beijing-has-maritime-militia-south-china-sea-sound-fishy>
- ⁶ Gregory H. Winger, "Be careful what you wish for: a historical retrospective on the Philippines-U.S. Mutual Defense Treaty," *APPFI Commentaries*, 25 February 2019. <https://appfi.ph/resources/commentaries/2530-be-careful-what-you-wish-for-a-historical-retrospective-on-the-philippines-us-mutual-defense-treaty>

- ⁷ “Forward defense” is a U.S. strategic concept which calls for containing or repulsing military aggression as close to the original line of contact as possible so as to defend its own territory.
- ⁸ “Collective self-defense” refers primarily to the well-established UN Charter right of states to defend *other States*. This right pertains to when a State may use force against or in the territory of another State. In the U.S., however, the terminology of collective self-defense appears in the Standing Rules of Engagement (SROE) applied by U.S. forces and is defined as “[t]he act of defending designated non-U.S. citizens, forces, property, and interests from a hostile act or demonstrated hostile intent.” <https://www.justsecurity.org/61232/collective-self-defense-partner-forces-international-law-say/>
- ⁹ Article IV states: “Each Party recognizes that an armed attack in the Pacific area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes.”
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Established in 2014, Asia Pacific Pathways to Progress Foundation, Inc. (APPPFI) is an independent policy think tank that aims to promote peace, development, and cultural understanding for peoples of the Philippines and the Asia Pacific through research, international dialogue, and cooperation. It is the Philippine member of the regional network ASEAN Institutes for Strategic and International Studies.

The organization's work focuses on the implications of international and regional developments for the Philippines and its foreign relations. It has dedicated programs which cover international security developments, maritime affairs, connectivity and integration, and China.

Principally, APPFI undertakes three major activities. First, it conducts and publishes policy-oriented research, disseminates the same to relevant stakeholders, and provides quarterly analyses of regional developments. Second, it organizes roundtable discussions and national as well as international conferences, solely or in partnership with other institutions. Third, it hosts exchanges and develops issue-based partnerships with governmental and non-governmental organizations, academic institutions, and the private sector in the Philippines and the Asia Pacific.

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The RSAP examines the evolving security environment, the role of multilateral and other forms of security associations, and institutional developments that affect Philippine and regional security. RSAP will be a hub producing research, intelligent commentary, and policy briefs from leading experts and specialists in the Philippines and the wider Asia-Pacific region.



Closely linked to, but independent from the Christian Democratic Union of Germany, Konrad Adenauer Stiftung (KAS) Philippines is a German political foundation. Established in 1964, KAS Philippines was the first ever KAS office in Asia. Ever since its inception, KAS has been actively working in the Philippines under the principles of freedom, justice, and solidarity.

With the main purpose of developing programs that boost the country's democratic institutions and processes, KAS strongly believes that human dignity and human rights are at the very heart of their work. Thus, KAS regards people as the starting point of its initiatives towards social justice, democratic freedom, and sustainable economic activity. KAS Philippines creates, develops, and sustains networks within the political and economic arenas by bringing people together who take their mandates seriously in society.

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