



NDCP POLICY BRIEF

A PUBLICATION SERIES ON SECURITY ISSUES AND CONCERNS
BY THE NATIONAL DEFENSE COLLEGE OF THE PHILIPPINES

23 April 2015
No. 1

“Prospects for Japan-Philippine Maritime Security Cooperation in the South China Sea”

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This article is condensed partly from the writer’s lecture during the Roundtable Discussion on “Enhancing Maritime Security in the South China Sea: Prospects for Japan-Philippine Defense and Security Cooperation” which was held on 17 March 2015 at the National Defense College of the Philippines, Camp General Emilio Aguinaldo, Quezon City. It is an academic/Track II perspective and does not necessarily reflect the official position of NDCP or the government.

The SCS and the WPS²

Japan and the Philippines have at least four commonalities, to wit: (1) both are co-located in East Asia; (2) both are situated on the western “land board” of the Pacific Rim; (3) both are archipelagic states; and (4) both are maritime states. As archipelagic states, Japan and the Philippines aim to promote the rule of law and freedom of navigation and overflight in the high seas. Both countries also seek to promote security in their territorial waters and exclusive economic zones (EEZ), and protect their marine natural resources. Likewise, as maritime states, their interests include fisheries and aquatic resources, commerce, navigation, and naval affairs.³ As such, like any other state in the Asia-Pacific, Japan and the Philippines recognize the significance of maritime security in the South China Sea (SCS).

There are two main reasons why the SCS holds strategic value in maintaining regional stability. First, it covers a number of geostrategic chokepoints in the Asia-Pacific. During the Cold War, the part of the SCS now regarded as the West Philippine Sea (WPS) played a central role in the US military strategy of checking against communism. Meanwhile, China recognizes the strategic value of the WPS in its anti-access/area denial (A2/AD) strategy, hence its aggressive seizure, reclamations, building of permanent structures on the contested reefs and shoals at the SCS including those within the Philippine 200

nautical mile EEZ. Second, the SCS is recognized as a vital maritime crossroad through which more than half of the world’s shipping tonnage and 80% of crude oil shipments are transported. The International Association of Ports and Harbors even noted that more than half of the world’s top ten shipping ports are located around the SCS.⁴ Furthermore, according to Professor Peter Dutton of the US Naval War College, if tension between China and its smaller neighbors were to flare up in the SCS, then it will hurt the global economy.⁵

Indeed, instability in the SCS can have a negative impact on the economies of states which conduct trade through the SCS Sea Lines of Communication (SLOCs). Among these states is Japan—with a shipping route that well traverses the SCS. In 2011, the United States Energy Information Administration also noted that Japan’s oil trade—estimated to be 3.4 million barrels/day—passes through the SCS.⁶ Thus, Japan is concerned that China’s territorial assertiveness in the SCS might eventually isolate countries in the Asia-Pacific.⁷

China’s non-stop construction of artificial islands in the Johnson South (Mabini), Gaven (Burgos), and Cuarteron (Calderon) Reefs is indeed alarming. For instance, from 2012 to 2015, China’s reclamation in Johnson South Reef has progressed from being an underwater project to a construction project which raised a mall-like structure.⁸ These are all violations of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the 2002 Declaration on the Conduct of Parties in the SCS. However, despite the disapproval of the international community, China continues its reclamations activities. Now, the problem lies in the fact that these illegal and unilateral Chinese constructions will enable China to establish naval and air bases in the SCS and eventually deny freedom of navigation and overflight in the region. Once this has been achieved, China, notwithstanding its convenient and easy denials, is

logically expected to create and enforce an Air Defense Identification Zone (ADIZ) above the entire SCS where planes of all other countries passing through, whether claimant country or not, would have to identify themselves and seek China's permission first or risk being shot down.⁹ Thus, China's activities in the SCS and the WPS is not just a concern of the claimant countries but a concern of the entire Asia-Pacific region and the whole world.

Aside from its regional strategic value, the SCS, more specifically the WPS, shows economic value in ensuring Philippine domestic stability. The WPS is indeed highly significant to the country's overall economic welfare. In terms of food security, the Bureau of Agricultural Statistics of the Philippine Statistics Authority estimated that the WPS accounted for 20% of the Philippines' total annual fish catch in 1995.¹⁰ On the other hand, a study funded by the United Nations Environment Programme also estimated the value of WPS fish yield in 2002 to be 773 million pesos.¹¹ In terms of energy security, it is recognized that out of the 16 areas in the country which may hold hydrocarbon deposits, three (3) are located in the WPS.¹² And, in terms of environmental security and marine ecology, the WPS hosts breeding grounds and shelters for fish and other marine organisms. In fact, the World Bank highlighted the Philippines as the "Center of the World's Marine Biodiversity".¹³ Corollary to this, the Kalayaan Island Group in the WPS is rich in mineral deposits of gold, tin, and zircon, among others.¹⁴

Existing Maritime Security Threats in the SCS

Trade and commerce among countries may be compromised as competing territorial and maritime disputes continue. Aside from their political and strategic interests, the increasing demand for marine and hydrocarbon resources fuel the dissenting views of states on territorial and maritime boundaries and island ownership. As the SCS dispute continues, it can be surmised that overlapping maritime claims are already generating concerns in other parts of the world. However, despite the efforts of ASEAN countries to resolve the dispute through peaceful means, China actively pursues its claim in almost the entire SCS through its unilateral and arbitrary nine dash line, which is not recognized by the international community, making it more difficult to promote maritime security in the strategic sea.

Aside from this traditional security concern, the SCS is likewise host to various non-traditional security concerns in the form of various transnational

crimes. The most prominent of which are piracy and maritime terrorism. It is recognized that Southeast Asian waters experience more pirate attacks than anywhere else on the planet. In fact, the International Chamber of Commerce International Maritime Bureau reported that from January to September 2014, 75% of the global piracy attacks occurred in Asia.¹⁵ Notably, these attacks are concentrated on the Straits of Singapore and Malacca and territorial waters of Malaysia and the Philippines.¹⁶

On the other hand, Professor Rommel Banlaoi noted in 2005 that the Jemaah Islamiyah (JI) and Abu Sayyaf Group (ASG) have proven their capabilities to wage maritime terrorism. In 2010, Counter-Terrorism and Security Analyst Andrin Raj noted that JI seeks to stage an attack in the Straits of Malacca, near the Sumatra Coastlines.¹⁷ On the other hand, the ASG, which is well-known for its kidnap for ransom activities across the Philippines, Malaysia, and Indonesia, remains operationally active.¹⁸

Another maritime security issue in the SCS is marine environmental protection of which poaching and illegal, unreported, and unregulated fishing (IUUF) are the pressing concerns. In 2009, the New Zealand Contemporary China Research Centre noted that unsustainable fishing operations pose a direct threat to the fish stocks in the SCS. The research center explained that the supply of fishing resources in the SCS has already reached a critical level, arguing that although fish resources are renewable, a "maximum sustainable yield" must be observed to prevent the extinction of fish species.¹⁹

Further complicating the issue, states have contradictory responses to the problem of poaching and IUUF. For instance, although the Philippines enforces international environmental laws to protect endangered marine species, China encourages fishing operations in the SCS. In fact, it has even unified its maritime agencies under the State Oceanic Administration and has recently deployed a fishing vessel capable of processing fish yield for 9 months.²⁰

The increasing number of maritime disasters is also a disturbing maritime security concern in the SCS. From 2013-2015, there were numerous maritime accidents which occurred in Southeast Asia. Based on the statistics presented in the Safety and Shipping Review 2014, from 2002-2013 there were 1,673 losses worldwide; an average of 139 per year. The maritime areas of Indo China, South China, Malaysia, and Philippines were likewise considered maritime disaster hotspots. In fact, more than 1/3 of

the total losses in the year 2013 were concentrated on Indonesia and the Philippines.²¹

Maritime Security Cooperation in the SCS

As archipelagic states with domestic economies dependent on the freedom and safety of navigation and security of the SLOCS in the SCS, Japan and the Philippines are faced with similar maritime security threats. Hence, promoting maritime security cooperation (MSC) between these two like-minded states presents several advantages:

1. Enhancement of diplomatic efforts to promote the rule of law and good order at sea. Harmonizing diplomatic efforts through MSC engagements entail several initiatives. First, both countries must facilitate quarterly bilateral exchanges between their maritime security agencies and officials. Second, both countries must promote MSC by proactively participating in international/regional organizations and dialogues. Third, both countries must cooperate in implementing international/regional maritime agreements.
 2. Mutual enhancement of maritime security capabilities. Capability development and enhancement may focus on: (1) Maritime security and law enforcement and (2) Humanitarian Assistance and Disaster Relief for maritime disasters. Training and exercises may be pursued by the maritime law enforcement agencies of both countries (e.g. coast guards, fisheries and customs agencies, and port facilities inspection units). In the case of the Philippine Navy (PN) and the Japanese Maritime Self Defense Force (JMSDF), such training and exercises may focus on the technical skills required by the Code for Unplanned Encounters at Sea (CUES) and other international maritime security agreements.
- The interoperability of agencies in responding to maritime disasters should also be enhanced. In this regard, regular joint training and exercises and sharing of best practices and technology—especially between the coast guards, navies, and air forces—in the area of humanitarian assistance and disaster relief (HADR) at sea will greatly benefit Japan and the Philippines.
3. Intelligence sharing and maritime domain awareness (MDA). Through their respective agencies at the strategic and operational levels, Japan and the Philippines may share information regarding maritime security threats of common

concern through specific maritime security intelligence exchange arrangements and quarterly meetings.

Recommendations

To reinforce the commitment of Japan and the Philippines in advancing MSC, the following recommendations must be carefully considered:

1. Conduct quarterly bilateral maritime security meetings and exercises in addition to the existing annual international maritime security conferences such as the Western Pacific Naval Symposium, Expanded ASEAN Maritime Forum, ASEAN Regional Forum Inter-Sessional Meeting on Maritime Security, and ASEAN Defence Ministers Meeting Plus Expert Working Group on Maritime Security.
2. Conduct joint training for the institutionalization of various international agreements which promote maritime security and good order at sea (e.g. CUES, International Ship and Port Facility Security Code, and APEC Counter Terrorism Actions Plan. As noted, Japan and the Philippines are also in the best position to conduct joint training for maritime HADR.
3. Share defense technology to develop and/or enhance facilities and augment equipment. Japan and the Philippines should explore the possibility of conducting joint development projects to provide the PN and the Philippine Coast Guard (PCG) with new facilities and air and naval assets to support their maritime operations and enhance MDA in the SCS. Through an intelligence sharing mechanism between the two countries, more sophisticated data collection systems will benefit not only the Philippines but also Japan.
4. Establish 24/7 operational connectivity in promoting maritime security. This entails a two-fold approach: (1) Regular Informal Dialogue among Japan-Philippine Heads of Coast Guards and Navies and (2) Direct Communications Hotlines between Japan and the Philippines.
5. Release a Joint Statement on the promotion of international maritime laws and agreements, including a call for the prompt conclusion of the Code of Conduct of Parties (COC) in the SCS dispute. The official expression of support from a non-ASEAN actor—with economic, environmental, and maritime security stakes in the SCS—can demonstrate the severe and far-reaching

sense of insecurity and instability brought by the SCS dispute.

6. Explore the possibility of co-hosting an ARF Conference on Marine Environmental Protection. As a template for such conference, Japan and the Philippines may refer to the issues outlined by the United Nations Environment Programme 2000 Action Plan for the Protection and Development of Marine Environment and Coastal States in the East Asia Region.
7. Pursue educational exchanges, joint conferences, and joint researches through the National Institute for Defense Studies (NIDS) of Japan and the National Defense College of the Philippines (NDCP) to strengthen the policy support mechanisms of Japan and the Philippines, especially in the field of maritime security.

Way Ahead

As Japan and the Philippines continue to promote the rule of law and good order at sea in the Asia-Pacific, both countries should seize opportunities to enhance their MSC in the SCS. In addressing various maritime security challenges, complementary diplomatic initiatives between the two countries can be further enhanced through more proactive institutional engagements, capacity-building programs, and sharing of technology. Joint-training and joint-development projects to strengthen institutional ties and address capability gaps will certainly deepen the level of strategic partnership between the two countries.

Cognizant of the multifaceted significance of the SCS, as well as the ubiquitous challenges that confront archipelagic states, the cornerstone of Japan-Philippine MSC should focus on enhancing the maritime situational awareness of both countries for well-informed responses to existing maritime security threats. In this light, mutually beneficial intelligence can be engendered through effective air and maritime surveillance and monitoring activities in the SCS. In conclusion, Japan-Philippine MSC, as part of the wider Japan-Philippine defense cooperation framework, can enhance regional security and development and, ultimately, contribute to greater global security and development.

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Endnotes

¹ The author would like to acknowledge the contribution of the AFP Office for Strategic Studies and Strategy Management in the initial draft of the writer's lecture paper for the Roundtable Discussion on Enhancing Maritime Security in

the South China Sea: Prospects for Japan-Philippine Defense and Security Cooperation on 17 March 2015.

² On 5 September 2012, the President of the Philippines issued ADMINISTRATIVE ORDER NO 29 which named certain portions of the South China Sea as the West Philippine Sea. Section 1 of the Administrative Order reads "The maritime areas on the western side of the Philippine archipelago are hereby named as the West Philippine Sea. These areas include the Luzon Sea as well as the waters around, within and adjacent to the Kalayaan Island Group and Bajo de Masinloc, also known as Scarborough Shoal." The WPS falls within the 200 nmi EEZ while the waters beyond the EEZ continue to be referred to as the SCS.

³ Palma, Mary Ann. *The Philippines as an Archipelagic and Maritime Nation: Interests, Challenges, and Perspectives*. Singapore: Rajaratnam School of International Studies. 2009

⁴ "Strategic Interests in the South China Sea," *China Business Philippines*. (2011).

http://chinabusinessphilippines.com/index.php?option=com_content&view=article&id=1614:strategic-interests-in-the-south-china-sea&catid=28:the-phoenix-a-the-dragon&Itemid=74

⁵ Everett Rosenfeld, "Chinese naval push could affect global trade," CNBC.com, 29 August 2014, accessed 09 March 2015, <http://www.cnbc.com/id/101952236>.

⁶ www.technology.org. The South China Sea is an important world energy trade route. April 10, 2013. <http://www.technology.org/2013/04/10/the-south-china-sea-is-an-important-world-energy-trade-route/> (accessed March 14, 2015).

⁷ Reuters. "Testing Beijing, Japan eyes growing role in South China Sea Security." 13 March 2015

⁸ *Ibid*

⁹ *Ibid* <6>

¹⁰ Bureau of Fisheries and Aquatic Resources, Department of Agriculture. *Philippine Fisheries Profile, 2002*. Government Report, Department of Agriculture, 2002.

¹¹ Samonte-Tan, Giselle and Ma. Celeste Armedilla. *Economic Valuation of Philippine Coral Reefs in the South China Sea Biographic Region*. National Coral Reef Review No.3. 2004

¹² The Asian Center and Institute for Maritime Affairs and Law of the Sea, University of the Philippines. *The West Philippine Sea: The Territorial and Maritime Jurisdiction Disputes from a Filipino Perspective: A primer*. The Asian Center and Institute for Maritime Affairs and Law of the Sea, University of the Philippines, 2013.

¹³ The World Bank Group. *Philippines Environment Monitor 2005: Coastal and Marine Resource management*. Manila: The World Bank Group.

¹⁴ The Asian Center and Institute for Maritime Affairs and Law of the Sea, *op. cit.*, p. 18

¹⁵ International Chamber of Commerce International Maritime Bureau Report Piracy and Armed Robbery Against Ships Report for the Period: 1 January – 30 September 2014

¹⁶ Dehart, Jonathan. *Pirates of the Southeast Asian Seas*. The Diplomat. 2013. <http://thediplomat.com/2013/07/pirates-of-the-southeast-asian-seas/>

¹⁷ The Journal of Turkish Weekly (2010). <http://www.turkishweekly.net/oped/2646/the-straits-of-malacca-under-the-threat-of-a-maritime-terrorist-attack.html>

¹⁸ Banlaoi, Rommel. *Maritime Terrorism in Southeast Asia: The Abu Sayyaf Threat*. US Naval War College Review. 2005; CBSNEWS.com. Separatist Terror. n.d. http://www.cbsnews.com/htdocs/abu_sayyaf/framesource_time.html (accessed March 20, 2015).

¹⁹ Schlick, Katrina. *Fisheries Agreement in View of the South China Sea Disputes*. New Zealand Contemporary Research Centre China Papers No. 19. 2009

²⁰ Erickson Andrew, and Gabe Collins. *New Fleet on the Block: China's Coast Guard Comes Together*. Wall Street Journal Blog. <http://blogs.wsj.com/chinarealtime/2013/03/11/new-fleet-on-the-block-chinas-coast-guard-comes-together/>; The South China Sea's commons: Behind and beyond sovereignty disputes, Eva Pejsova, Accessed 4 March 2015, http://www.iss.europa.eu/uploads/media/Alert_30_South_China_Sea.pdf

²¹ Allianz Global Corporate & Specialty. *Safety and Shipping Review 2014*. Allianz Global Corporate & Specialty, 2014.