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# **Duterte's Gambit:**

## **How the Two-Level Game Theory Explains the Odds of Terminating the US Visiting Forces Agreement**

**Ananda Devi Domingo-Almase**

# Abstract

Using Putnam's two-level game theory, this study seeks to explain Philippine President Duterte's gambit of terminating the Visiting Forces Agreement (VFA) with the United States (US), and the odds of negotiating a better deal with the Philippines. It addresses research questions on what value judgement and conception of national interest prompted Duterte to send his 180-day notice of VFA termination on 11 February 2020 and suspend it after 112 days; on the extent of his rational egoism to abrogate the VFA or accommodate concessions from the US; and, on what factors and conditions determine the win-sets of the two parties in the VFA negotiation.

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# Introduction

Ambiguities and uncertainties make us insecure about the future. We fear what we do not understand or know very little about, a maxim that applies to the study of security in international relations.<sup>1</sup> Now more than ever, we live in a world that is uncontrollable and unpredictable.<sup>2</sup> As it is in constant change, we grapple and gamble with the odds that lie ahead. But with theoretical frames, we try to make sense of complex relations in order to explain causations, especially in conflict situations. And with analytical tools, we strive to weigh in our policy choices so as to predict likely consequences, even with limited information.<sup>3</sup> No matter what, difficult decisions that will trigger actions and reactions on other players have to be made with a grain of salt and a bit of luck.<sup>4</sup> Such is the nature of foreign policy in a game of both skill and chance.

With this keynote, I would like to delve once again on the topic of Philippine President Rodrigo Duterte's puzzling policy preference, this time on his gambit to abrogate a crucial defense pact with the United States (US). Just as I wrote in 2017, the strong revisionist tone of his independent foreign policy rhetoric—which had sent shockwaves to the international community in 2016—is indeed a very enticing subject of analysis for academics in the field.<sup>5</sup> My continuing interest on this subject is driven by at least two reasons, as I stated in previous articles on the Philippines' National Security Strategy (NSS).<sup>6</sup> First is that his foreign policy defines the country's strategic direction, after he set aside the 2016 Philippine victory in the Permanent Court of Arbitration's (PCA) ruling against China's territorial claims in the South China Sea (SCS) and undermined the US-Philippines alliance. Second is that his foreign policy conduct directs us towards insightful research puzzles on how and why a weak country like the Philippines behaves in surprising ways.<sup>7</sup>

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<sup>1</sup> The relations of fear and national security in international relations can be found in Buzan's classic text book on this subject, which is a foundational reading for students of Security Studies. [See Barry Buzan, *People, States, and Fear: The National Security Problem in International Relations* (Brighton, Sussex, Great Britain: Wheatsheaf Books, Ltd, 1983).]

<sup>2</sup> On the fear factor in insecurity, Caldwell and Williams wrote that "(h)umans often dread the unknown and the uncontrollable event, such as a random bombing, out of all proportion to the actual threat such as an event poses." [Dan Caldwell and Robert E. Williams, Jr., *Seeking Security in an Insecure World* Third Edition (London, UK: Rowman and Littlefield, 2016), p. 2.]

<sup>3</sup> In discussing the importance of policy analysis in national security affairs, Kugler wrote that the US must figure out beforehand whether its policies are wise and likely to succeed. This is because the US cannot risk failure by trying out plans and strategies just to see whether they would work. [Richard L. Kugler, *Policy Analysis in National Security Affairs: New Methods for a New Era* (Washington, DC, USA: Center for Technology and National Security Policy National Defense University, 2006), p. 1.]

<sup>4</sup> As Kugler wrote about making decisions despite the risks: "Although considerable analytical effort was devoted to developing (the US) strategy and its multiple components, decisions have to be made in the face of considerable uncertainty. Once taken, they set irreversibly into motion a widespread chain reaction that the United States could only partly control." (Underline provided.) [Ibid, p. 2]

<sup>5</sup> Ananda Devi Domingo-Almase, "Reinterpreting Duterte's Independent Foreign Policy Rhetoric," *University of Nottingham's Asia Dialogue*, 29 March 2018, <https://theasiadialogue.com/2018/03/29/reinterpreting-dutertes-independent-foreign-policy-rhetoric/>.

<sup>6</sup> Ananda Devi Domingo-Almase, "Strategic Ambiguity: Deconstructing Duterte's National Security Strategy," *University of Nottingham's Asia Dialogue*, 1 October 2018, <https://theasiadialogue.com/2018/10/01/strategic-ambiguity-deconstructing-dutertes-2018-national-security-strategy/>.

<sup>7</sup> For an analysis of why the Philippines set aside its victory in an international arbitration ruling against China's territorial claims in the SCS, see Ananda Devi Domingo-Almase, "Diplomatic Engagement and Negotiated Agreement Between Philippines and China: A Constructive-Realist Approach in Post-Arbitration," *Daniel K Inouye Asia Pacific Center for Security Studies (DKI-APCSS) Alumni Perspectives*, 13 April 2017, <http://apcss.org/wp-content/uploads/2017/04/Diplomatic-Engagement-and-Negotiated-Agreement-final.pdf>.

## Background of the study

That Duterte's foreign policy behavior is puzzling can be seen in the following chronology of key events and pronouncements since his assumption to office at the end of June 2016. In no time after the Philippines won its case with the PCA in mid-July of the same year, newly elected President Duterte pivoted towards China and upset the Philippines' historic alliance with the US. Slighted by US criticism of his controversial war against illegal drugs,<sup>8</sup> Duterte ordered the US forces to leave Mindanao in the southern part of the Philippine archipelago, stop joint patrols with the Philippine Navy in the SCS, and limit military exercises to humanitarian assistance and disaster response (HADR).<sup>9</sup>

In 2017, with Donald Trump elected as the new US President, Duterte rekindled defense and economic relations with the Americans. In the same year, Duterte agreed on the conduct of additional military exercises and intelligence exchange on counterterrorism with the US.<sup>10</sup> The latter, on the other hand, pledged \$15 million to help rebuild Marawi—the city in Mindanao besieged in 2017 by terrorist attacks and ensuing battles between government forces and Islamic militants.<sup>11</sup> In 2019, the Philippine military, which had received US military assistance amounting to \$300 million since 2015, signed deals with the US and lined up more than 300 security cooperation activities for 2020.<sup>12</sup> But Duterte warned to abandon all this if the US does not reverse its visa cancellation for Philippine Senator Ronald dela Rosa, the former national police chief and implementor of the Philippines' drug war.

In January 2020, Duterte threatened to terminate the Visiting Forces Agreement (VFA) with the US,<sup>13</sup> a treaty that provides the legal framework for the US armed forces and defense personnel who will be visiting the Philippines for joint military exercises and other diplomatic engagements.<sup>14</sup> It must be noted that without the VFA, which had been negotiated after the closure in 1991 of the US bases in the Philippines, the 1951 Mutual Defense Treaty (MDT) between the two countries would be pointless. President Duterte also gave orders to his Cabinet not to travel to the US as a protest against the latter's cancellation of Senator dela Rosa's US visa.<sup>15</sup> Prior to this, Duterte had already made instructions to the immigration bureau to ban entry to the Philippines of three American senators<sup>16</sup> for backing a US measure

<sup>8</sup> Dharel Placido, "Obama to Duterte: Do war on drugs 'the right way,'" *ABS-CBN News*, 8 September 2016, <https://news.abs-cbn.com/news/09/08/16/obama-to-duterte-do-war-on-drugs-the-right-way>.

<sup>9</sup> Ted Regencia, "Duterte to US forces: Get out of southern Philippines," *Aljazeera*, 13 September 2016, <https://www.aljazeera.com/news/2016/09/duterte-forces-southern-philippines-160913003704576.html>.

<sup>10</sup> In an article on the role conception and conduct of Duterte's security policy, I wrote that despite his anti-American rhetoric, his National Security Policy gives importance to the Mutual Defense Treaty with the US and the latter's role in regional security. [Ananda Devi Domingo-Almase, "Role Conception and Conduct of Duterte's Security Policy," *University of Nottingham's Asia Dialogue*, 31 January 2018, <https://theasiadialogue.com/2018/01/31/role-conception-and-strategic-orientation-in-dutertes-philippine-security-policy/>.]

<sup>11</sup> Paterno Esmaguell II, "US donates P730 million to help rebuild Marawi," *Rappler*, 5 September 2017, <https://www.rappler.com/nation/181195-united-states-donation-marawi-rehabilitation-relief>.

<sup>12</sup> Patricia Lourdes Viray, "Philippines, US plan 300 'security cooperation activities' in 2020," *Philstar*, 13 September 2019, <https://www.philstar.com/headlines/2019/09/13/1951508/philippines-us-plan-300-security-cooperation-activities-2020>.

<sup>13</sup> Xave Gregorio, "Duterte threatens to terminate VFA if US does not reverse cancellation of Dela Rosa's visa," *CNN Philippines*, 23 January 2020, <https://www.cnnphilippines.com/news/2020/1/23/Rodrigo-Duterte-Bato-dela-Rosa-visa-Visiting-Forces-Agreement-VFA.html>.

<sup>14</sup> See *Agreement Between the Government of the Republic of the Philippines and the Government of the United States of America Regarding the Treatment of the United States Armed Forces Visiting the Philippines*, <https://www.chanrobles.com/visiting-forcesagreement1.htm#VFA>.

<sup>15</sup> Jason Gutierrez, "Duterte Orders Cabinet Not to Visit U.S. After Official's Visa Is Denied," *The New York Times*, 30 January 2020, <https://www.nytimes.com/2020/01/30/world/asia/rodrigo-duterte-philippines.html>.

<sup>16</sup> "Third US Senator Barred from Philippines Unfazed by 'Strongman Tactics,'" *Coconuts Manila*, 3 January 2020, <https://coconuts.co/manila/news/third-us-senator-barred-from-philippines-unfazed-by-dutertes-strongman-tactics/>.

to ban Filipino officials who had been said to participate in wrongful imprisonment of Senator Leila de Lima, Duterte's political opponent tagged in the drug trade.

Dismayed about US inaction on his demand to withdraw its visa cancellation for Senator dela Rosa, Duterte turned the tables on the US by sanctioning the entry and exit of its armed forces in the Philippine territory. This completely changed the agenda of negotiations and raised the stakes in the game.

On 11 February 2020, President Duterte carried out his threat to end the Philippines-US military alliance when he sent his 180-day notice of VFA termination to Washington.<sup>17</sup> The waiting period of about six months was to give the two parties time to renegotiate contentious terms of the 1998 defense agreement before the deadline set in August 2020. Secretary Teodoro Locsin Jr. of the Department of Foreign Affairs (DFA) in the Philippines then proposed a review of the VFA to address legitimate issues and concerns instead of abrogating it completely.<sup>18</sup>

On 9 March 2020, the Philippine Senate—through a petition for declaratory relief and mandamus—called on the Supreme Court to determine the validity of Duterte's treaty abrogation and compel his office to refer the notice of withdrawal to the chamber for concurrence.<sup>19</sup> In reaction to this, the firebrand President issued a statement that he does not want to be compelled because as far as he is concerned, he is already counting the 180 days for the Americans to pack up and go.<sup>20</sup>

The countdown for the US forces' exit from the Philippines had since been ticking before the coronavirus pandemic forced communities, cities, and countries around the globe into quarantine and lockdown in the middle of March 2020.<sup>21</sup> As the whole world struggled to survive from the widespread disease and deaths, diplomatic attempts to salvage the defense pact across domestic tables of the Philippines and the US seemed to fall between the cracks in these uncertain times.<sup>22</sup>

<sup>17</sup> Arianne Merez and Khristine Sabillo, "Philippines sends notice of VFA termination to US," *ABS-CBN News*, 11 February 2020, <https://news.abs-cbn.com/news/02/11/20/philippines-sends-notice-of-vfa-termination-to-us>.

<sup>18</sup> Jim Gomez, "Duterte says Philippines can survive without America," *Associated Press*, 27 February 2020, <https://www.usnews.com/news/us/articles/2020-02-26/duterte-says-philippines-can-survive-without-america>.

<sup>19</sup> Nicole-Anne C. Lagrimas, "Senators urge Supreme Court to rule on Senate role in termination of treaties," *GMA News*, 9 March 2020, <https://www.gmanetwork.com/news/news/nation/728914/senators-urge-supreme-court-to-rule-on-senate-role-in-termination-of-treaties/story/>.

<sup>20</sup> As quoted by media reporters, the firebrand President's no-nonsense statement was: "They cannot compel me. I refused to be compelled. I have terminated it. *Tapos ang problema ko* (My problem is finished). . . As far as I'm concerned, we are beginning to count the 180 days for them to pack up and go. I am not reneging on the VFA and I'm not going to America to discuss it with anybody." [Darryl John Esguerra, "Duterte refuses to change stance on VFA," *INQUIRER.net*, 9 March 2020, <https://globalnation.inquirer.net/186039/duterte-i-am-not-reneging-on-vfa>.]

<sup>21</sup> Known as COVID-19, the novel coronavirus disease is caused by severe and acute respiratory syndrome with common symptoms of flu, fever, and shortness of breath that could lead to pneumonia and multi-organ failure. The first case of the COVID-19 was identified in Wuhan City in China in December 2019 and travelled quickly to 210 countries and territories, forcing cities and communities around the world into quarantine and lockdown for the first time. On 30 January 2020, the World Health Organization (WHO) declared a public health emergency to alert the international community about the existential crisis of the COVID-19. More than a month later, on 11 March 2020, the WHO raised the alarm at the level of a pandemic, which means the epidemic has become worldwide, crossed national boundaries, and affected large number of people. In mid June 2020, 8,251,224 million people got infected by the virus, while 445,188 died of the disease. ["COVID-19 Coronavirus Pandemic," *Worldometer*, 18 June 2020, <https://www.worldometers.info/coronavirus/>.]

<sup>22</sup> The hardest hit is the US with 2,208,400 million cases of COVID-19 and 119,132 deaths due to the disease by the middle of June 2020. In the Philippines, there were 26,781 cases of infection and 1,103 deaths recorded since the virus had arrived in this country in late January 2020. [Ibid.]



Nevertheless, while the coronavirus catastrophe took the existential problem with the VFA out of the picture, there was quiet diplomacy working behind the scene. On 3 June 2020, the DFA Secretary announced the Philippine government's six-month suspension of the VFA abrogation, upon instruction of President Duterte and "in light of political and other developments in the region."<sup>23</sup> Given the reality that the future of the defense agreement is subject to the forces of politics and pandemic, the negotiating environment between the two opposite parties is thus highly dynamic.

## Research Questions

With the foregoing background, I ask the following questions to analyze President Duterte's policy gambit with the US this 2020. What value judgement and conception of national interest prompted him to send the Philippines' 180-day notice of VFA termination and to suspend it after 112 days? To what extent could his rational egoism abrogate the VFA or accommodate concessions to extend it? What determines the possible deal and no-deal sets for the Philippines and the US on the VFA or a similar arrangement for visiting American forces in this host country in the future?

These research queries aim to generate theoretically substantive discussions on the politics and dynamics of negotiating a defense agreement at international and domestic levels. In the background, events and developments are changing the circumstances of the game and the contours of policy choices, but I assert that the logic of policy analysis remains the same in the epistemic frame.

## Game Theoretical Approach as Framework of Analysis

In treaty negotiation, as well as conflict resolution in international relations, possible agreement between or among parties is decided not just by foreign policy actors on the table but also approved by policy-makers at home. Any agreement that can be reached at the international level has to be ratified by legislative bodies at the domestic level. Particularly, the range of ratifiable agreement in international negotiations is what Harvard Professor Robert Putnam called as the *win-set* size in *two-level* games.<sup>24</sup> His theory recognizes that within this negotiating space, domestic constituents—with their own value preferences and even internal differences—have a vote in the final outcome of an international agreement.

Putnam's game theoretical model in *International Relations* (IR)<sup>25</sup> is key to understanding the extent and/or limits of Duterte's bargaining range in the strategic domain. Hence, I will be using the logic of Putnam's two-level games as framework to analyze Duterte's policy gambit of breaking it off with the US, and the odds of gaining some compensating advantage from such a risky move. This will clarify

<sup>23</sup> According to news report, the diplomatic note states that the suspension "shall start on even date and shall continue for six months," which can be extended by the Philippine government for another six months, "after which the tolling of the initial period in Note Verbale No. 20-0463 dated 11 February 2020 shall resume." [Argyll Cyrus Geducos, "Suspension of VFA abrogation surfaced two weeks ago — Palace," *Manila Bulletin*, 3 June 2020, <https://news.mb.com.ph/2020/06/03/suspension-of-vfa-abrogation-surfaced-two-weeks-ago-palace/>.]

<sup>24</sup> Robert Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* Vol. 42, No. 3 (Summer, 1998), pp. 427-460.

<sup>25</sup> International Relations or IR, which is singular and spelled with initial capitals, refers to the academic course on international relations. Having a claim of equal status with other established courses in Social Sciences, IR is an interdisciplinary study of the power dynamics and relations of sovereign states, as well as non-state actors, in an international political system with no supreme authority. Aside from traditional threats to national security and international order, IR is also concerned with transformations in global affairs and emerging challenges to global commons. [For basic introduction to IR, see Karen A. Mingst and Ivan M. Arreguin-Toft, *Essentials of International Relations* 5th Edition (New York, USA: Norton, W.W. & Company, Inc., 2011). See also Charles Jones, *International Relations: A Beginner's Guide* (London, England: Oneworld Publications, 2014).]

Duterte's staunch position, and also unravel complex political games where policy bets are made and negotiated by multiple players.

Before I discuss the conceptual mechanics of Putnam's two-level game in treaty negotiation,<sup>26</sup> I will first provide a cursory review of how dominant theoretical perspectives in IR see the political game in international relations and set the academic stage for *Foreign Policy Analysis* (FPA).<sup>27</sup> Even if they leave out the small details, worldviews allow us to see the big picture and to probe deeper in search for answers to questions about intricate relations of politics and policies in international affairs.

## Theoretical perspectives on the game of politics in international relations

A simplistic, *neo-realist theory* in IR explains that anarchy structures the rules of the game for sovereign units of the international political system.<sup>28</sup> The absence of a central, governing authority above independent states allows the latter to pursue their national interests, but it also requires them to have their own strategies to protect what their nations value most.<sup>29</sup> This self-help system<sup>30</sup> drives states to acquire economic and military power in order for them to thrive and survive in an anarchic political system.<sup>31</sup>

In a strategic contest, those with the power to do what they can have clear advantage over those who are small and/or weak—unless the latter ally or align with strong ones to survive.<sup>32</sup> It must be recalled that when nations conferred to establish sovereign states<sup>33</sup> and fought wars to secure their interests, small states were those that had no voice, defense capabilities, and significant contribution to international order. They were those that had no choice but to “obey the rules of the game, because they were too weak to be taken seriously when rules were negotiated,” as Wivel et al. wrote in setting the scene for small states in international security.<sup>34</sup>

<sup>26</sup> A user-friendly, scholarly work on Putnam's two-level game approach that I can recommend to students is that of Toshiya Nakamura, “Explanatory Power of the Two-Level Game Approach,” *Journal of Global Communication* No. 8 (2007).

<sup>27</sup> In Alden and Aran's *Foreign Policy Analysis: New Approaches*, FPA is defined as: “the study of the conduct and practice of relations between different actors, primarily states, in the international system. . . FPA is necessarily concerned not only with the actors involved in the state's formal decision-making apparatus, but also with the variety of sub-national sources of influence upon state foreign policy.” [Chris Alden and Amnon Aran, *Foreign Policy Analysis: New Approaches* (New York, USA: Routledge, 2012), p. 1.]

<sup>28</sup> *Ibid.*, p. 16.

<sup>29</sup> In discussing how state capacity determines foreign policy autonomy or dependency, I wrote that neo-realist theory explains the international system as a structural order where power disparity and absence of a central governing authority create tension, competition, and security dilemma for sovereign states. Independent countries make foreign policies and security strategies for national survival, maximum gains, and strategic stability. Perceived as rational actors, self-interested states use foreign policy tools to build up their economies, defense capabilities, and influential power in order to survive and thrive. [Almase, “Reinterpreting Duterte's Independent Foreign Policy Rhetoric,” 2018.]

<sup>30</sup> As Harvard Professor Joseph Nye wrote about understanding international conflicts: “Because international politics is in the realm of self-help, and some states are stronger than others, there is always a danger that they may resort to force. When force cannot be ruled out, the result is mistrust and suspicion.” (Underline provided.) [Joseph S. Nye, Jr., *Understanding International Conflicts: An Introduction to Theory and History* (Boston, MA, USA: Pearson Longman, 2007), p. 4.]

Included in Jones' list of stereotypes in realism is the belief that “(e)ach state must rely in the last resort on its own resources to survive.” [Jones, p. 43.]

<sup>31</sup> As states build up their own defense capabilities to thwart threats against them, their independent efforts to make themselves secure create a security dilemma—a condition that is related to anarchy as the essential characteristic of international politics. Writing in the 17th century England embattled by civil war, English philosopher Thomas Hobbes called the anarchic system of international politics as the “state of nature.” In Nye's essay about Hobbes, the state of nature was described as “a war of all against all because there is no higher rule to enforce order.” [Nye, pp. 3-4, & 15.]

<sup>32</sup> A famous line in classical realism that the “the strong do what they can, and the weak suffer what they must” came from the Melian Dialogue in Thucydides' *History of the Peloponnesian War*. The passage is a quintessential example of a great power with the motive and incentive to pursue its self-interest under conditions of anarchy. [See “The History of the Peloponnesian War by Thucydides,” *Project Gutenberg*, 7 February 2013, <https://www.gutenberg.org/files/7142/7142-h/7142-h.htm>.]

<sup>33</sup> Ending the Thirty Years War (1618-1648), the Treaties of Westphalia established sovereign territorial states and granted monarchs and nations in the West to choose their own religion as appropriate for their own people. [Mingst and Arreguin-Toft, pp. 21-24.]

<sup>34</sup> Anders Wivel, Alyson J.K. Bailes and Clive Archer, *Small States and International Security: Europe and Beyond* (New York,

Realists believe that the only way to achieve and maintain stability in the international system is through balance of power—which, in the real sense of the word, means the use or threat of force. This is despite the fact that the action and reaction of military build-up for self-preservation can also result in a cycle of tension and insecurity for all. No matter what, realists view that power politics, along with its consequent security dilemma, is the state of nature in international relations. Accordingly, this is also the necessary substance of foreign policy decisions and the natural inclination of human actors behind these.

An optimistic, *neo-liberal and institutional theory*<sup>35</sup> in IR, on the other hand, explains that democratic processes and institutions facilitate functional mechanisms whereby states, as well as non-state actors, can work together for common interests of peace and prosperity. International institutions uphold national sovereignty, but they also bind sovereign members to subscribe to international laws and promulgate treaties according to agreed rules of the game. Continuous diplomatic interactions and economic interdependence between and among international actors institutionalize cooperation and at the same time disincentivize defection.<sup>36</sup>

The realist belief that policy actors in an anarchic, self-help system have an incentive to cheat is cancelled out by the fact that they will have to meet again in another political game. Surely, the temptation to defect has undesirable effect in a tit-for-tat system, a forethought which chief negotiators count in their strategic calculus. Thus, it is more likely that rational players will opt to cooperate and/or negotiate to assure themselves of mutual albeit suboptimal gains. This way, they avoid the risks of poor outcomes that will leave them nothing if they do not collaborate.<sup>37</sup>

It must be understood that the idealist construction of an international order is founded on the same anarchic political system and volatile security environment. Given this reality, strategic actors use their foreign policy tools to shape the direction of functional cooperation in ways that promote their interests. They establish norms of conduct and create rules-based regimes in an attempt to regulate and predict behavior of self-governing states. Regularity and predictability in their actions and reactions provide stability and some sense of security. But maintaining the neo-liberal and institutional system is the major challenge and source of insecurity as well. It is for this reason that the proponents themselves, i.e. the great powers in the West, constructed a security order and built alliances against threats to their ideal international community.<sup>38</sup>

Considering the foregoing, the realist recourse to compete and balance power is and will always be central to international relations and foreign policy options especially of powerful nations. The neo-liberal order only provides institutional mechanisms for a geopolitical game in which outcomes are negotiated through power politics and security strategies. It does not seek to change the state of nature in the strategic setting. But let me settle the debate on the real and ideal nature of international political games with the following proposition from Jones' guide to IR:

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USA: Routledge, 2014), p.3.

See also Almase, "Small State Security Syndrome. . ."

<sup>35</sup> Mingst and Arreguin-Toft, pp. 76-80.

<sup>36</sup> As Putnam wrote: "The prospects for international cooperation in an anarchic, 'self-help' world are often said to be poor because 'unfortunately, policymakers generally have an incentive to cheat.' But as Axelrod, Keohane, and others have pointed out, the temptation to defect can be dramatically reduced among players who expect to meet again." [Putnam, p. 483.]

<sup>37</sup> Jones, p. 177

Alden and Aran, p.17.

<sup>38</sup> Take note that while this can unite countries for common security, it can also alienate others with different worldviews. When others outside of the coalition look at the world differently from their own ideological prisms, they could be perceived as threat—especially when they have the power and intent to revise the status quo.

Back in 1977 Robert Keohane and Joseph Nye suggested a face-saving compromise in an influential book about global co-operation: we can look at the world either as the play of state power, in which co-operation is regulated by states with relative advantage in mind, or as a space in which co-operation creates web of interdependence, limiting or reconfiguring the power of states. Which interpretations is the more appropriate guide to action at any point in time is a matter of judgement.<sup>39</sup> (Underline provided.)

Given the realist and liberal dimensions of IR, foreign policy can thus be explained deeply and comprehensively by using both of these perspectives, along with other relevant analytical tools at different levels of analysis. This brings us then to the next approach in understanding the dynamics of foreign policy: *pluralism*. This term refers to a philosophical and political thought that conceptual disagreements, competing interests, and conflicting positions are naturally embedded in a social system.<sup>40</sup> To make sense of all this, a variety of methodological approaches is needed instead of a single one. Considering the diversity and irreducibility of the workings of politics in foreign policy, the pluralist methodology can provide full account of the complex "anatomy of normative differences."<sup>41</sup> Similar to systems thinking, pluralism can help us analyze how key components work as parts of the whole.

A holistic, *pluralist approach* in FPA aims to explore significant drivers of state behavior from various sources of explanation. Aside from looking at the political and economic relations at the strategic level, FPA scholars also look into individual and group decision-making processes to understand reasons, motivations, and even emotions behind the policy output. They unpack the black box of policy-making to examine how and why decisionmakers arrived at a negotiated policy outcome. It must be noted that when presumably rational actors take certain courses of action, they do not just rely on their calculations of hard facts in the real world, but also on their perceptions of realities in the cognitive realm.<sup>42</sup>

## Putnam's two-level game theory in international negotiations

A quintessence of the pluralist approach is Putnam's two-level game theory, which delves into *linkage politics*<sup>43</sup> of international negotiation. Alden and Aran's synopsis of Putnam's game theoretical approach highlights the arenas of political activities across the "domestic-statist-transnational axis" of foreign policy-making.<sup>44</sup> As the authors wrote:

Robert Putnam's 'two-level game' attempts to capture the challenges imposed by complex interdependency on foreign policy decision makers. Writing in the rationalist tradition, he suggests that the decision-making process involves both a domestic arena where one set of rules and interests govern, and an international arena, where a different set of rules and interests prevail. Balancing the logic and demands of the two arenas, which often are in conflict, forms the central dilemma of the foreign policy making as seen by the pluralists.<sup>45</sup> (Underline provided.)

<sup>39</sup> Jones, pp. 43-44.

<sup>40</sup> According to Jackson, *pluralism* posits that there is no conceptual consensus and no single, original paradigm that can explain it, only "a colloquy of different academic voices, each one attempting to fasten the reader's attention on recommended ways of understanding and responding to normative issues that arise in the course of international relations..." [Robert Jackson, "Pluralism in International Political Theory," *Review of International Studies* 18 (1992), p. 1.]

<sup>41</sup> Carla Yumantle, "Pluralism," *The Encyclopedia of Political Thought* 1st Edition, ed. by Michael T. Gibbons (New Jersey, USA: John Wiley & Sons, Ltd., 2015), p. 1.

Look in <https://scholar.harvard.edu/files/cyumantle/files/c.yumantle-pluralism.pdf>.

<sup>42</sup> For a comprehensive and in-depth study of the role of perceptions, emotions, and cognitive limitations in decision-making in IR, see Robert Jervis, *Perception and Misperception in International Politics* (Princeton, New Jersey: Princeton University Press, 2017).

<sup>43</sup> "Linkage politics" pertains to strategic interactions between and among actors at international and domestic levels. An actor's behavior is contingent upon another actor's move at any level even in a different issue area. Questions about the circumstances and conditions of political relations, as well as bargaining strategies, make linkage politics an exciting area of research for FPA scholars. [Arthur A. Stein, "The Politics of Linkage," *Princeton Institute for International and Regional Studies* Vol. 33, Issue 1 (October 1980), <https://www.cambridge.org/core/journals/world-politics/article/politics-of-linkage/04BA7C929EAF435863B33613808FDDE8>.]

<sup>44</sup> Alden and Aran, p. 10.

<sup>45</sup> Ibid, p. 8.



From his original work in 1988, Putnam explained the entanglements of diplomacy and domestic politics using the logic of two-level games. He was particularly interested in how multi-party deals<sup>46</sup> became politically possible rather than whether they were economically wise. The objective of his study was to find out how mutually interacting actors and factors at international and domestic levels became intertwined in negotiating trade agreements. Putnam's theory draws our attention to key determinants of a possible agreement, which can be digested as follows: chief negotiators' perceptions of national interests; domestic pressures; bureaucratic politics; power structures; political survival; systemic challenges; and, international lobbying.

Significantly, the pluralist approach to analyzing political games at two levels directs us to questions of what variables coalesce to form a consensus or hinder it, and how domestic and international politics enmesh in the whole process.<sup>47</sup> The interconnectedness of these two political domains in foreign policy making is the premise and not the problem of Putnam's two-level games. The puzzle is how diplomacy and domestic politics become entangled via international negotiation, most especially in multi-party talks. The metaphor of two-level games is useful in determining the win-sets of two or more parties to an agreement that can be ratified by their legislative bodies back home.

**Win-sets in two-level games.** In business economics, the win-sets can be likened to the zone of possible agreement (ZOPA)<sup>48</sup> where negotiators make bargains and concessions to reach an agreement and/or settlement. The objective is to find a common ground that incorporates the interests of parties and allows them to strike a deal. Rationally, this is how it works in a field where stakeholders negotiate their terms and conditions, and calculate the prospect and utility of what is at stake. When negotiations go sour, they can opt to walk away from the table and fall back on a best alternative to a negotiated-agreement (BATNA)<sup>49</sup> somewhere else. It is assumed that a rational player who makes this move is the principal actor rather than a political agent of a complex cluster of competing interest groups. More or less, this is how it works in a one-level game in the business setting. The situation changes when the negotiation game is played out at different levels of foreign policy-making.

In Putnam's game theoretical model, the ZOPA is the area where chief negotiators cooperate with each other on common concerns and at the same time accommodate domestic demands to satisfy their respective constituents.<sup>50</sup> For Putnam, determining the win-sets of negotiators, along with their respective stakeholders, is important in working on a theory of ratification. To begin with, he decomposed the negotiation

<sup>46</sup> Putnam used the example of how diplomacy and domestic politics intertwined at the Bonn summit conference in 1978. This classic case was also the subject of analysis in previous papers [i.e. "The Bonn Summit of 1978: How Does International Economic Policy Coordination Actually Work?" (1986), and "Hanging Together: Cooperation and Conflict in the Seven Power Summits" (1979)], which he co-authored with other scholars. [Putnam, p. 1.]

<sup>47</sup> In analyzing the Bonn accord, Putnam wrote: "...those policy changes would probably not have been pursued (certainly not the same scale within the same time frame) in the absence of international agreement. . . Thus, international pressure was a necessary condition for these policy shifts. On the other hand, without domestic resonance, international forces would not have sufficed to produce the accord, no matter how balanced and intellectually persuasive the overall package. In the end, each leader believed that what he was doing was in his nation's interest—and probably in his own political interest, too, even though not all his aides agreed." (Underline provided.) [Putnam, pp. 429-430.]

<sup>48</sup> Deepak Malhotra and Max Bazerman, *Negotiation Genius* (New York, USA: Bantam Dell, 2008), p. 23.

Marcela Merino, "Understanding ZOPA: The Zone of Possible Agreement," *Harvard Business School Online*, 14 September 2017, <https://online.hbs.edu/blog/post/understanding-zopa>.

<sup>49</sup> Malhotra and Bazerman, pp. 20-211.

<sup>50</sup> In my view, this description is just one dimension of strategic negotiations, which is ideally liberal and institutional. In reality, policy-making is messy even in the domestic political arena where conflicts of interests and competition for limited resources are archetypal. Whose preferences should prevail and get more resources at the expense of others is a constant battle, especially in a liberal democracy. The messiness is further magnified in two-level games of diplomacy and domestic politics where multifarious policy actors play and push their own individual, group, and national interests.

process into two stages: (1) bargaining between chief negotiators to reach tentative agreement at *Level I*, and (2) separate discussions within each group of constituents to ratify or not the agreement at *Level II*. Putnam's writings below explain more accurately the dynamics between these stages:

This sequential decomposition into a negotiation phase and a ratification phase is useful for purposes of exposition, although it is not descriptively accurate. In practice, expectational effects will be quite important. There are likely to be prior consultations and bargaining at Level II to hammer out an initial position for the Level I negotiations. Conversely, the need for Level II ratification is certain to affect the Level I bargaining. In fact, expectations of rejection at Level II may abort negotiations at Level I without any formal action at Level II. . . In many negotiations, the two-level process may be iterative, as the negotiators try out possible agreements and probe their constituents' views. In more complicated cases, . . . the constituents' views may themselves evolve in the course of the negotiations. Nevertheless, the requirement that any Level I agreement must, in the end, be ratified at Level II imposes a crucial theoretical link between the two levels.<sup>51</sup> (Underline provided.)

Putnam defined the win-sets for Level II as the sets of all possible agreements at Level I that can be approved with a necessary majority vote by legislators in countries involved. He cited two reasons as to why the contours of Level II win-sets are crucial for a Level I agreement. First, larger win-sets of domestic constituencies make Level I agreement more likely, with other conditions remaining the same. This means that agreement is possible only if Level II win-sets overlap. Logically, the larger the win-sets, the wider the latitude that they are to converge. The smaller the win-sets of countries involved, the greater the risk that negotiations would fail.<sup>52</sup> Be that as it may, a smart player with a small win-set at Level II can still leverage on his inability to make concessions at Level I in a ruse to press the other party to give in. While this can give him the negotiating power to set the terms and conditions of a possible agreement, his immovable position—which narrows down the win-sets—can also increase the risk of a breakdown of cooperation. The second reason why Level II win-sets act as the baseline for a Level I agreement is that the former affect the distribution of joint gains within the bargaining range.<sup>53</sup>

I modify Putnam's game theoretical model in *Figure 1* to illustrate the win-sets in a zero sum game of two party negotiations. My illustration shows two parallel arrows representing separate policy tracks of parties A and B. The opposite directions of the arrows bare the predetermined *maximum* ( $A_2 - A_1$ ,  $B_1 - B_2$ ), *sub-maximal* ( $A_3 - A_2$ ,  $B_2 - B_3$ ), and *minimum outcomes* ( $A_4 - A_3$ ,  $B_3 - B_4$ ) that can be reached and ratified by both A and B. We can see that their *combined win-sets* are between  $A_4$  and  $B_4$ , the area where both parties will have to make concessions and/or trade-offs if they intend to make an agreement. To wit, either A or B can get a *sub-maximal* outcome, leaving the other with only a *minimum outcome*. It can be seen in *Figure 1* that the pre-set outcomes and negotiating spaces in the two arrows are not uniform as these depend on the value preferences of negotiators and their constituents. Policy positions and perceptions are variable and also flexible, which means that these can be manipulated and/or influenced in the process of negotiation.

<sup>51</sup> Putnam, p. 436.

<sup>52</sup> Putnam's game theory makes important distinction between *voluntary defection* and *involuntary defection* in the case of a failed negotiation. As the author explained: "*Voluntary defection* refers to renegeing by a rational egoist in the absence of enforceable contracts—the much analyzed problem posed, for example, in the prisoner's dilemma and other dilemmas of collective action. *Involuntary defection* instead reflects the behavior of an agent who is unable to deliver on a promise because of failed ratification. Even though these two types of behavior may be difficult to disentangle in some instances, the underlying logic is quite different" (Underline provided.) [Ibid, p. 438.]

<sup>53</sup> As Putnam succinctly explained: "The larger the perceived win-set of a negotiator, the more likely he can be 'pushed around' by the other Level I negotiators. Conversely, a small domestic win-set can be a bargaining advantage: 'I'd like to accept your proposal, but I could never get it accepted at home.' Lamenting the domestic constraints under which one must operate is (in the words of one experienced British diplomat) 'the natural thing to say at the beginning of a tough negotiation.'" [Ibid, p. 440.]

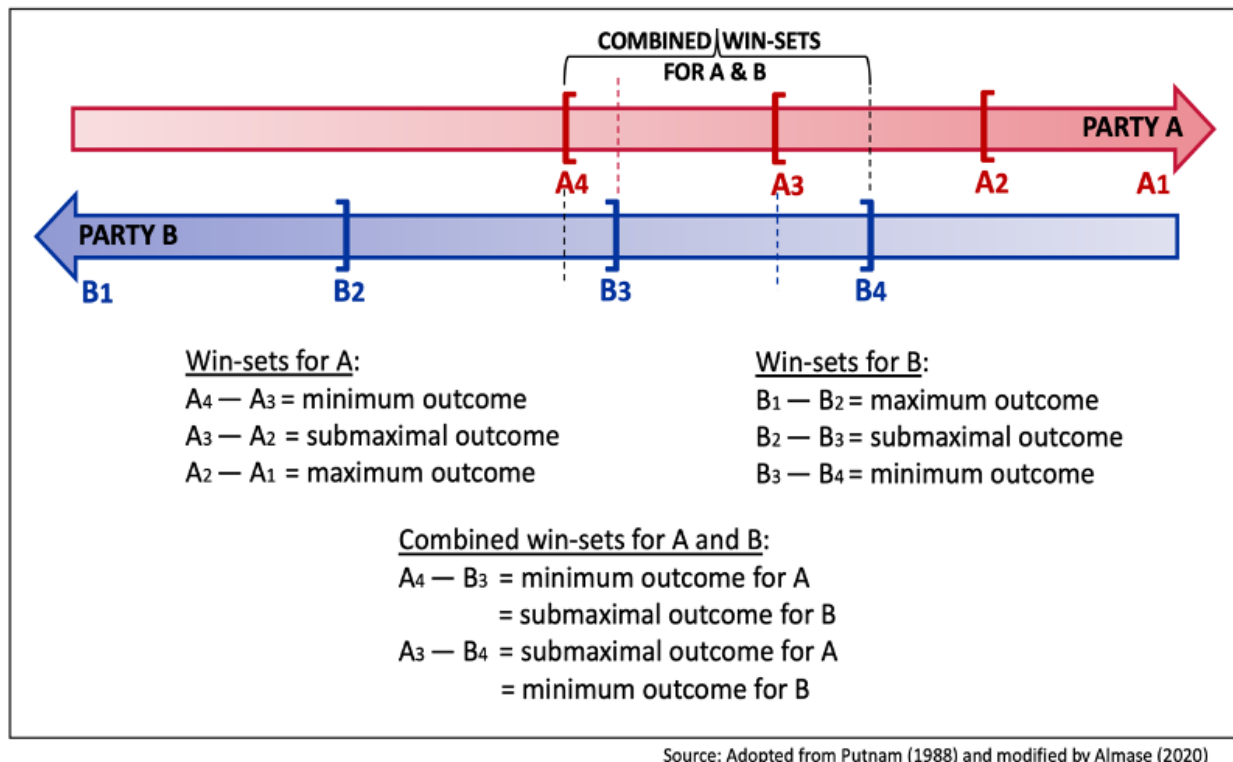


Figure 1. Win-sets in a Zero-Sum Game of Two-Party Negotiations

Within the combined *win-sets*, strategic actors negotiate to increase the odds of getting more benefits than the other. Outside of this area, either player will win or lose as the value of the maximum gains they individually set for themselves is equal to the value of the maximum loss of the other. Since players dislike losing, as *prospect theory*<sup>54</sup> will tell us, they tend to be risk averse and to settle for less than their optimal choices—unless they are faced with bad outcomes. If A and B had knowledge of each other's win sets, they would know which one wins or sacrifices more than the other to reach a mutually satisfying accord.<sup>55</sup>

Obtaining information about the real score in the other camp's win-set, which is a matter of intelligence work, will increase one's room for maneuver. But as Putnam himself asserted, governments generally do not do well in analyzing the Level II dynamics of the other side. That foreign policy actors make decisions on the basis of limited, available information is a given reality.<sup>56</sup> Hence, what decisionmakers can do to manage this limitation is to rely on their perceptions and intuition to "define the situation." As Alden and Aran wrote about the challenges to rational decision-making:

...foreign policy decision makers operate in a highly complex world and their decisions carry significant risks. These include linguistic-cultural barriers, stereo-types, high volumes of, yet incomplete, information. Hence, through processes of perception and cognition, decision makers develop images, subjective assessments of the larger operational context, which when taken together constitute a definition of the situation. These definitions are always a distortion of reality since the purpose of perception is to simplify and order the external environment. Policy makers can therefore never be completely rational in applying the rationalists' imperative of maximization of utility towards any decisions.<sup>57</sup> (Underline provided.)

<sup>54</sup> Jack S. Levy, "Prospect Theory, Rational Choice, and International Relations," *International Studies Quarterly* Vol. 41, No. 2 (March 1997), pp. 87-112.

<sup>55</sup> Putnam explained that uncertainty about the win-set size can act both as a bargaining device and a stumbling block in two-level games. He noted that negotiators have an incentive to understate their win-sets, especially when they exploit political divisions "by saying in effect, 'You'd better make a deal with me, because the alternative to me is even worse.'" [Putnam, pp. 452-453.]

<sup>56</sup> Alden and Aran, p. 20.

<sup>57</sup> Ibid., 19.

Strategic players manage the so-called "bounded rationality"<sup>58</sup> of a game theoretical model by supplementing limited information with intelligent guess, inter-subjective perceptions, and intuitive logic. To generate more information and insights, they also confer and collaborate with one another through informal, diplomatic channels like academic fora and controlled intelligence exchanges. With confidence-building, players will likely opt to work together to minimize losses in the outcome of negotiation and also to benefit from long-term relations. This neo-liberal and institutional perspective is normative and prescriptive, which is the nature of FPA in IR.

**Determinants of win-sets in two-level games.** In Putnam's study of two-level games, the research question is what factors and circumstances affect win-set size.<sup>59</sup> I digest Putnam's answers by abstracting key constructs in three broad areas of concern: (1) power distribution, political preferences, possible coalitions, and bureaucratic politics at Level II; (2) political system, policy-making processes, and legal-institutional frameworks at Level II; and, (3) strategic skills and bargaining power of chief negotiators at Level I.

(1) In the first area of win-set determinants at Level II, the constituents [i.e. legislators, political parties, bureaucrats, interest groups, think tanks, the (social) media] have their own perceptions and positions regarding the stakes in an international agreement. If constituents are interested and well-informed, more likely they will be active in policy articulation and agenda setting instead of being quiet in policy consultations or conversations. For those who have political investment on a foreign policy issue, the perceived gain or loss from the outcome of negotiation is high. In this case, constituents can pressure and/or affect a negotiator's bargaining power. But for those who have no political participation and/or interest, the cost of no agreement is low. Here, the lack of political tension and even policy position among constituents at Level II have at least two effects: the negotiator will be on his own to manipulate the win-set at Level I, and the other party that needs the agreement may have a hard time getting it.

If political conflict on a policy issue is high among the constituents, there is a possibility that agreement will not be reached on the table or ratified by legislative body at Level II. If the stakes are high for a party in the negotiation game, a stalemate will be costly. But it will be a different story if the cause of no agreement is the preference for a status quo or for some BATNA that has greater value for the party that walks away.

Putnam distinguished between *homogenous* and *heterogenous* political divisions that affect win-set size in different ways. Homogenous political divide is a condition wherein staunch opposition from constituents at Level II exerts pressure on a chief negotiator who, as a result, tries to meet domestic demands and expectations when negotiating at Level I.<sup>60</sup> Heterogeneous political cleavages, on other hand, are disagreements among constituents on what policy position should be taken by the agent at Level I. What is interesting in this type of political conflict is that the lack of consensus among constituents at Level II can be exploited by negotiators at Level I and swayed towards supporting mutually beneficial outcomes.

<sup>58</sup> A term coined by Herbert Simon, "bounded rationality" recognizes the cognitive limitations and computational capacity of a decision-maker in coming up with a rational choice. [See Herbert Simon, "Bounded Rationality" in *Utility and Probability* ed by Eatwell J., Milgate M., and Newman P. (London, UK: Palgrave MacMillan). Look in <https://link.springer.com/chapter/10.1007/978-1-349-20568-45#citeas>.]

<sup>59</sup> Nakamura wrote that Putnam's win-sets can be explained fully by combining political theories, e.g. bureaucratic politics, class analysis, and neo-corporatism. He also cited Milner's three explanatory factors in determining win-sets, which are *interest, institutions, and information*. [Nakamura, pp. 168-169.]

<sup>60</sup> In describing the political dynamics between Level I and Level II, Putnam wrote: "Glancing over his shoulder at Level II, the negotiator's main problem in a homogenous conflict is to manage the discrepancy between his constituents' expectations and the negotiable outcome. . .The effect of domestic division, embodied in hard-line opposition from hawks, is to raise the risk of involuntary defection and thus to impede agreement at Level I. The common belief that domestic politics is inimical to international cooperation no doubt derives from such cases." (Underline provided.) [Putnam, p. 444.]



According to Putnam, groups who are less worried about the cost of no-agreement can be activated when the issue is politicized, a tactic that has strategic implications on enlarging win-sets. Diplomats can also target constituents on the other side in order for the latter to help influence their government towards adopting favorable outcomes at Level I. Transnational alignments and cross-table alliances on particular issue area(s) may emerge through various diplomatic channels between counterparts in government as well as non-government organizations (NGOs) at Level II.<sup>61</sup>

Significantly, functional meetings and cooperation among foreign constituents provide opportunities for both sides at Level II to shape each other's policy preferences as well as domestic coalitions around particular issues of concern.<sup>62</sup> Known as *reverberation*, positive political effect can be realized using the suasive element of diplomacy in international relations. When domestic audiences perceive the foreign messenger as an ally, they will regard persuasive messages from the latter as important inputs to an indispensable agreement. But when they see the other as an adversary, more likely they will take the political tactic as undue interference in domestic affairs. In this case, international pressures without trust building could create domestic backlash and result in possible breakdown in negotiation.<sup>63</sup>

(2) In the second area of win-set determinants at Level II, Putnam discussed ratification procedures under a democratic regime of separation of powers. The constitutional requirement for a two-thirds vote in the senate is certainly a challenge to negotiators at Level I, which is very true in a pluralist democracy. Notwithstanding this legal-institutional framework, political culture and traditional practices also define the rules of the game at Level II. If constituents defer to their national leader's party leadership and policy direction, a deal he entered into at Level I will likely be ratified. Conversely, if there is strong opposition—or what Putnam described as homogenous political division—at Level II, an arrangement agreed in principle at Level I will be stalled or even scrapped by domestic constituents. When this happens or is likely to happen, a negotiator who is caught in political conflict at home will not only have to grapple with internal demands from opposing bloc at Level II, he might also lose his credible posture at Level I or worse, his seat at the negotiating table.

The degree of independence or dependence of a chief negotiator at Level II can very well affect the country's win-set size. It must be noted that in high politics of diplomacy and national security, a chief negotiator—who is also a chief of state—exercises some degree of autonomy and even secrecy in international negotiation. Strategic decision-making, in this regard, is exclusive to the executive domain. It will be very costly if a chief of state is captured by society and bureaucracy in matters of defense and security policy.<sup>64</sup> Having said this, we shall now go to the next area of what determines win-set size, this time at Level I.

<sup>61</sup> That "domestic divisions may actually improve the prospects for international cooperation" was explained by Putnam with this example: "...consider two different distributions of constituents' preferences as between three alternatives: A, B, and no-agreement. If 45 percent of the constituents rank these A > no-agreement > B, 45 percent rank them B > no-agreement > A, and 10 percent rank them B > A > no-agreement, then both A and B are in the win-set, even though B would win in a simple Level-II-only game. On the other hand, if 90 percent rank the alternatives A > no-agreement > B, while 10 percent still rank them B > A > no-agreement, then only A is in the win-set. In this sense, a government that is internally divided is more likely to be able to strike a deal internationally than one that is firmly committed to a single policy. Conversely, to impose binding ex ante instructions on the negotiators in such a case might exclude some Level I outcomes that would, in fact, be ratifiable in both nations." (Underscore provided.) [Ibid, pp. 444-445.]

<sup>62</sup> Ibid, p. 449, 454.

<sup>63</sup> Ibid, p. 456.

<sup>64</sup> Putnam also recognized that: "*ceteris paribus*, the stronger a state is in terms of autonomy from domestic pressures, the weaker its relative bargaining position internationally." This is a double-edged sword for diplomats from entrenched dictatorship who cannot claim that political divisions at Level II can preclude a disadvantageous deal. This means that a negotiator can no longer use as an alibi or threat the possibility of an involuntary defection to push for maximum gains. [Ibid.]

(3) The third and last area of win-set determinants is focused on the role, skills, and strategies of a chief negotiator at Level I. His formal link between Level I and Level II makes his position unique and strategic, allowing him to maneuver in two political domains. Operating in two worlds, a chief negotiator cautiously looks at international affairs for threats and opportunities, and at the same time consciously keeps an eye on domestic politics for policy demands and also for his own political survival.

A chief negotiator's outlook in two-level games depends on his role play or role perception either as *agent* or *principal* of his domestic constituents. If he acts as agent, he will bring to the table the value preference of his constituents, mindful of a possible ratification struggle that can undercut his ability to reset the negotiating space. On the other hand, if he plays as principal, he will pursue his preferred policy and strategic direction, confident of his strong political standing at home and implacable image abroad. This correlates well with Putnam's theory that a chief negotiator with high trust ratings can easily secure the formalities of ratification for his foreign policy initiatives at Level I.<sup>65</sup>

Aside from role performance, a chief negotiator's skills are crucial to win-set size and possible international agreement. I gather some essentials to negotiate winning outcomes, and these are: information processing; sense-making; strategic thinking; multi-disciplinary knowledge; cost-benefit analysis; critical insights; effective communication; interpersonal relations; and, leadership. A skilled negotiator is someone who is seasoned in the field and experienced in the ways of politics and diplomacy. He is also strategic in employing ways and means in his tool kit to shape perceptions, sway opinions, recalibrate options, build relations, exploit leverage points, and even restructure the negotiation. He is also, as I would expect, well-educated on relevant theories and logical frames of two-level games.

Putnam discussed that a chief of state who negotiates at Level I has the power to give conventional side-payments, inducements, and "generic good will" to encourage ratification and expand the win-set at Level II.<sup>66</sup> With this, the political leader can revamp his cabinet, reorganize the bureaucracy, and/or even ask majority party in the senate to change committee chairmanships in a bid to tip the balance towards his preferred agreement. He can also target constituents on the other side by wooing opinion leaders, establishing contact with opposition bloc, and offering foreign aid in a move to relax domestic constraints of the opposite party.<sup>67</sup>

In some instances, a strategic negotiator also tries to reinforce the domestic political standing of the opposite player at Level I by publicly giving the latter diplomatic compliments. It must be noted that negotiators have always had strong interest in each other's popularity as a factor of increasing win-set size.<sup>68</sup> Nonetheless, Putnam warned that while large win-sets are desirable to reach an agreement, an initially large one for a negotiator could weaken his bargaining position vis a vis the other party. This means that he has a tendency to easily give in to proposals that, unknowingly, yield maximum outcomes for the other side.<sup>69</sup>

<sup>65</sup> Ibid, p. 451.

<sup>66</sup> Ibid., p. 450.

<sup>67</sup> Ibid., p. 454.

<sup>68</sup> Ibid., pp. 451-452.

This tactic of praising a sovereign counterpart to influence one's preference on the negotiating table can be seen in Philippine President Duterte's compliments of US President Trump after the former's notice of VFA termination in February 2020. Duterte called on Filipinos in the US to vote for Trump in the coming elections in November of the same year, saying the latter deserves to be reelected for his favorable reaction on the Philippines' move to terminate the VFA. [Karen Lema and Helen Popper, "Philippines' Duterte says Trump deserves to be re-elected," *Reuters*, 15 February 2020, <https://www.reuters.com/article/us-philippines-usa-defence/philippines-duterte-says-trump-deserves-to-be-re-elected-idUSKBN2090FL>.]

See also Genalyn Kabling, "Duterte tells Filipinos in the US: Vote for Trump," *Manila Bulletin*, 10 March 2020, <https://news.mb.com.ph/2020/03/10/duterte-tells-filipinos-in-the-us-vote-for-trump/>.

<sup>69</sup> Ibid., p. 450.

**Key assumptions on the president as chief negotiator in two-level games.** I would like to end my review of Putnam's theory of diplomacy and domestic politics in two-level games by stressing two key points on the motives of a chief negotiator in the person of a president. First, he has his own independent conception of the national interest, perception of what is best for the country, and interpretation of the way things are—which he has the power to meld with the country's official position.<sup>70</sup> The belief that a chief negotiator acts as agent of his constituents at Level II may not always be true even in a democracy.<sup>71</sup> That a chief negotiator plays more as principal at Level I is obvious in the performance of his other imposing roles as the chief of state, chief executive, chief architect of foreign policy, chief legislator, commander-in-chief, and even "voice of the people" in the domestic domain.<sup>72</sup>

Second, a chief negotiator can always use his political resources at Level II and his diplomatic privileges at Level I to pursue his agenda in the strategic setting. As president, he will see to it that his policy choices will be enacted with enduring power at Level II. He will strive to strengthen his bargaining position and mobilize public opinion through political coordination and public addresses.<sup>73</sup> He will shift the balance of power at Level II in favor of domestic policies that he prefers for exogeneous reason, or in support of an international agreement that he insists for a strategic purpose.

As Putnam wrote: "international negotiations sometimes enable government leaders to do what they privately wish to do, but are powerless to do domestically."<sup>74</sup> To say that chief negotiators are instrumental in reaching Level I agreement is an understatement. They are in fact the conduits of linkage politics not only within their own political domains [i.e. vertical relations between Level I and Level II] but also across diplomatic tables [i.e. horizontal relations between negotiators at Level I and between foreign counterparts at Level II]. It is through this strategy that transactional relations among Level II players create political entanglements and synergistic linkages, which are the substance of Putnam's two-level analytic game.

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<sup>70</sup> Ibid., p. 457.

<sup>71</sup> Despite the constitutional separation of powers among the executive, legislature, and judiciary in a democratic republic, a strong and energetic president is central to establish good government. Notably, it was Alexander Hamilton who succinctly stated in the American Federalist Papers in the 18th century that "energy in the executive is a leading characteristic of good government." Thus, neither congress nor the judiciary can provide the needed energy that the executive is capable of doing as the latter is designed for the purpose of ensuring the job and survival of government. [Ananda Devi Domingo-Almase, "The President Who Addresses the Nation: Understanding Presidential Role in Agenda Setting and Legislation," *A Saga of Administrative Thought in Presidential Rhetoric: An Analysis of the State of the Nation Addresses and Speeches of Philippines Presidents, 1935-2006* (Unpublished dissertation, National College of Public Administration and Governance, University of the Philippines, 2007), pp. 22-23.]

<sup>72</sup> In my review of the literature on the role of the president as chief legislator and policy leader, I wrote that the president can directly initiate, influence, and affect the legislature with imposing messages and addresses to congress. His legislative power is not just legitimized by constitutional provisions, but also bolstered by traditional notions that the president is the "voice of the people" or the moral spokesperson with the prerogative to articulate the real sentiment of the public. This is the principle of *vox populi vox dei*, i.e. the voice of the people is the voice of God, and the major premise of the theory of representation for the people cannot govern, and the president has become their surrogate. The personification of this political authority on and in behalf of the people can be seen when the president speaks *ex cathedra* from atop his pyramid of votes. But such awe-inspiring and infallible presidential influence could be easily corroded by waning public trust, especially in a multi-party electoral system where presidents got elected by marginal votes of plurality. [Ibid., pp. 25-26.]

<sup>73</sup> Ibid., p. 24.

<sup>74</sup> Putnam, p. 457.

## Explaining Duterte's Policy Move and Motivation on the VFA Termination

Putnam's two-level game theory can help explain the political dynamics surrounding President Duterte's policy gambit on domestic and strategic boards. The game theoretic analysis can also unravel the cognitive forces at work at the level of the individual—such as the underlying reason why the player behaves in a particular, puzzling way. Hence, questions about the player's motivation and definition of the situation cannot be left out in the equation.<sup>75</sup> How Duterte defines the operational context of the game is key to understanding what motivated him to send the 180-day notice of VFA termination on 11 February 2020, and to suspend this after 112 days.

It can be noted that the policy motivation of the firebrand Philippine leader is self-explanatory, for he makes sure his reasons and intentions are delivered loud and clear from his presidential pulpit. Duterte's strong and sharp messaging does not lie in the subtext of his rhetorical drama, but there is always a tendency that this could be misread by ethnocentric critics.<sup>76</sup> It is in this light that the analysis of decision-maker's cognition and culture is included in Putnam's two-level game theory for insights into foreign policy and strategy.

According to Professor Robert Jervis, in his 1976 book on *Perception and Misperception in International Politics*, the good reason for looking into a national leader's perception, judgment, and choice is that these set foreign policy and, ultimately, international politics. To quote from Jervis' preface of the 2017 edition of his classic book:

It would seem hard to explain international politics, let alone the foreign policy a state follows, without investigating its decisions, which presumably rest in part on its perception of the environment. More specifically, except for the rare instances in which the state has a dominant strategy—that is, one that is best no matter how the other side does—inferring others' intentions and motives is crucial for setting foreign policy.<sup>77</sup> (Underline provided.)

For Harold and Margaret Sprout, in their theory of the relationship of human cognition and international politics in the 1950s, foreign policy can be explained with reference to the psychological, situational, and socio-political milieu of individuals involved in decision-making.<sup>78</sup> Particularly, the two authors distinguished the *operational environment* where political games are played out, from the *psychological environment* where images of the other are formed and made as grounds for policy decisions.<sup>79</sup> Sprouts' ecological perspective of human affairs in the international political system ushered in a new genre of explaining foreign policy choices other than the rational approach to FPA. Relatedly, Stanford Professor Emeritus Alexander George asserted that decision-makers have their own operational code [i.e. set of principles and perceptions], which they use to assess problems and develop policy responses.<sup>80</sup>

<sup>75</sup> It can be argued that Duterte's perception of what matters most to the Filipino nation is also a product of social construction. This means that his conception of national interest, along with his definition of the situation, is influenced by his geographic community with common sense of history [e.g. common sentiments of *Mindanaoans* in southern Philippines about the 20th century American colonialism], even if his social group does not necessarily represent the national psyche.

<sup>76</sup> Pinar Bilgin, *The International in Security, Security in the International* (711 Third Avenue, New York, USA: Routledge, 2017), p. 20.

<sup>77</sup> Jervis, p. xvii.

<sup>78</sup> Valerie M. Hudson, "The History and Evolution of Foreign Policy Analysis," *Foreign Policy: Theories, Actors, and Cases* ed. by Smith, Hadfield, and Dunne (Oxford, England: Oxford University Press, 2008), p. 14.

<sup>79</sup> Alden and Aran, p. 19.

<sup>80</sup> *Ibid.*, p. 23.



On the whole, aside from looking at threats and power politics in the security environment, another way of explaining a foreign policy dilemma is to unpack powerful modes of thinking [e.g. value formation, self-characterization, intentions, conceptions of security, perceptions of threat] in a state actor's psychological milieu. If FPA scholars opt to use both realist and constructivist lenses, as the pluralist approach suggests, they will be able to see clearly and comprehensively the function of *strategic culture* in determining national security policy.<sup>81</sup>

## How Duterte moves in the strategic game

At this juncture, I would like to review some key points from my previous expository writings on President Duterte's defense and security policies, which led to this two-level game analysis. In a 2018 article on Duterte's independent foreign policy rhetoric, I concluded with a statement that in spite of his idiosyncratic conduct in international affairs, which is obviously atypical for a weak state, he knows how to bargain and play the game.<sup>82</sup> I followed through with this observation in a 2020 article on Duterte's power aces and policy bets for Philippine security, which I explained using the metaphor of cards on the table.<sup>83</sup> The following are quoted from this article as the sequel to this comprehensive analysis of Duterte's gambit on the VFA:

At the two-tier game of national security, Philippine President Rodrigo R. Duterte is showing his hand with the cards face-up. As the primary securitising actor in the domestic sphere, he plays his trump card of using the forces of the state to wage war against illegal drugs and criminality inside the country. But as a rational security player at the strategic arena, he calculates the odds and concedes the weakness of his armed forces to challenge China's assertiveness in territorial waters and features claimed by the Philippines in the contested South China Sea (SCS).

The Philippines' 2016 victory in international arbitration's ruling on the SCS issue could be an ace for Duterte, but he knows too well this can be outmaneuvered by a great power with the high card. His country's alliance with the United States could also be an advantage for Duterte to "not miss a trick" in the strategic game. But Duterte's strong assertion of an independent foreign policy away from the US, which had once occupied the Philippines as colony, has led to a pivot to China even after the SCS arbitration.<sup>84</sup> (Underline provided.)

In the foregoing article, I discussed that Duterte's stratagem to bandwagon with China and play tough on his negotiating position with the US this 2020 can affect the political calculations of big players and their ways of shaping strategic outcomes.<sup>85</sup> Despite its limited power capabilities, the Philippines can still leverage on its modest sources of influence to maximize economic, diplomatic, and security benefits from great powers. But I also wrote that there are strategic risks in betting on extreme balancing [i.e. abandoning defence agreements with the US and *bandwagoning* with China as its rival power], which President Duterte needs to offset with counter mitigating measures. How he will hedge<sup>86</sup> through capacity building and constructive engagements on other fronts [e.g. economic

<sup>81</sup> For discussions on how "strategic culture" significantly shapes national security policy, see Ananda Devi Domingo-Almase, "From Policy to Strategy: The Quest for a Real National Security Strategy in the Philippines," *Philippine Public Safety Review* Vol. 2, No. 2 (2016), pp. 18-23.

<sup>82</sup> Almase, "Reinterpreting Duterte's independent foreign policy rhetoric."

<sup>83</sup> Ananda Devi Domingo-Almase, "Cards on the table: Duterte's power aces and policy bets for Philippine security," *University of Nottingham Asia Dialogue*, 14 February 2020, <https://theasiadialogue.com/2020/02/14/cards-on-the-table-dutertes-power-aces-and-policy-bets-for-philippine-security/>.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> For discussions on weak states' hedging behavior with China, see Cheng-Chwee Kuik, "How Do Weaker States Hedge?: Unpacking ASEAN States' Alignment Behavior Toward China," *Journal of Contemporary China* Vol. 25, No. 100 (2016), <https://www.>

trade and multilateral diplomacy] is an enduring challenge for the Philippines that exhibits what I called the *small state security syndrome*.<sup>87</sup>

In a game of cards, players who hold the aces will win if they play their hand well and show the high card at the most opportune time. But unlike the game of cards, the political dynamics of interdependent sovereign actors are not governed by a one-time, zero-sum contest in which the winner takes all and leaves the table. In the international system, political games continue to play out in different policy regimes where various interests are at stake and negotiated. As I wrote in the previous article, international politics is all about betting one's cards with others and getting as much stakes as possible within their common win-sets. Towards this end, a sovereign actor like President Duterte will have to play smart in a move to produce modest outcomes with minimal losses, if maximum gains are not really politically attainable.<sup>88</sup>

## What motivates Duterte to send and suspend his notice of VFA termination

From my analyses of President Duterte's security policies and speech acts since 2016, I would say that his policy moves are conceivably rational albeit egoist. Duterte's game plan to pivot to China and disengage from the US is convinced by his own valuation of the national interest—even if his foreign policy direction is also colored by his sentiments against the Americans.<sup>89</sup> His gameplay with the US may be deemed erratic by his critics, but I would argue that his focus on core interests is deterministic. This is because of the cognitive consistency in President Duterte's perception of what is best for the nation, which guides his domestic and foreign policies. Specifically, the focal interests in his policy statements are as follows: Filipino welfare at home and abroad; public safety and order in the country; self-determination and sovereignty; economic growth and development; and, national survival.<sup>90</sup>

In the Philippines' National Security Policy (NSP) for 2017-2022, the foremost national security interest is public safety—along with law and order and criminal justice—followed by a broad spectrum of socio-political and economic concerns inside the country. Security from external threat is also one of the numerous concerns in the internally focused and development-oriented NSP of the Duterte administration.<sup>91</sup> Nevertheless, it is clear from the President's candid and consistent pronouncements that the use of force to counter traditional threat from another state is not part of his strategic calculus.<sup>92</sup> In fact, the

[tandfonline.com/doi/abs/10.1080/10670564.2015.1132714](https://doi.org/10.1080/10670564.2015.1132714).

<sup>87</sup> Almase, "Small state security syndrome..."

<sup>88</sup> Almase, "Cards on the table."

<sup>89</sup> Gregory Poling, Director of the Asia Maritime Transparency Initiative at the Center for Strategic and International Studies, was quoted for his opinion that President Duterte "has been anti-American his entire adult life and has been consistently saying he wants to sever the alliance and bring the Philippines into a strategic alignment with China." Prashanth Parameswaran, Senior Editor at the Diplomat, also stated that Duterte's decision to abrogate the VFA "is chiefly the product of Duterte's deep, decades-long anti-US sentiment." [Christopher Woody, "A major ally's decision to scrap an important deal with the US raises the stakes in competition with China," *Business Insider*, 24 February 2020, <https://www.businessinsider.nl/philippine-vfa-exit-raises-stakes-in-pacific-competition-with-china-2020-2/>.]

<sup>90</sup> Almase, "Cards on the table."

<sup>91</sup> National Security Council, 2017-2022 *National Security Policy for Change and Well-Being of the Filipino People*, <http://nsc.gov.ph/attachments/article/NSP/NSP-2017-2022.pdf>.

<sup>92</sup> For instance, in President Duterte's State of the Nation Address (SONA) in July 2017, following the release of the Philippines' National Security Policy (NSP) in April 2017, the use of force in the domestic domain was clear in the role given to the military, but the function of defense in the strategic setting was ambiguous. In promoting Philippine interests in the international community, there was no reference made to defense as a component of national security. What the President reported to the nation was the warming of relations with China, the improved negotiating environment on the South China Sea (SCS) issue, and the easing of tensions in the SCS post arbitration. Apparently, the President's SONA in 2017 did not communicate any threat perception on the contested maritime area that could warrant a strategic defense policy. [See Almase, "Explaining the Philippines' Defense Policy."]

US presence in the SCS, which is aimed at balancing China's military threat in the disputed waters, would make him all the more insecure, according to him. This was his reaction to suggestions that the Philippines involve the US in the SCS. Dismissing this as academic crap, President Duterte said calling the Americans will bring the Philippines on the verge of war with China and endanger the lives of 110 million Filipinos under his responsibility.<sup>93</sup>

A self-determined national leader and international agenda setter, President Duterte had since declared in 2016 a Philippine foreign policy independent from the US but controversially inclined to China, which the US sees as a rival power in Asia.<sup>94</sup> What drove Duterte's recent policy maneuver to revise the long-standing defense pact with the superpower can be explained by a deeper understanding of the *underlying* cause aside from the *proximate* cause. This means that we need to look beyond the events and circumstances that happened the way they happened before Duterte's notice of VFA termination on 11 February 2020.

Presidential spokesperson Salvador Panelo stated that President Duterte's decision to abrogate the VFA was a "consequence of a series of legislative and executive actions by the US government that bordered on assaulting our sovereignty and disrespecting our judicial system."<sup>95</sup> The actions made by the US, which were said to offend Duterte, are as follows: its accusation of extra-judicial killings and human rights violations in the Philippines' war against illegal drugs; its condemnation of wrongful arrest and imprisonment of Duterte's staunch political critic, Senator Leila de Lima, for her alleged involvement in the drug trade; and, its cancellation of US visa for Senator dela Rosa, the former national police chief and drug war implementor.

The sanction of the US against Senator dela Rosa, a loyal political ally of Duterte, was "the last straw that broke the camel's back," according to Panelo.<sup>96</sup> This, in effect, was the *proximate* cause of the treaty abrogation, but not the *underlying* cause that must be unraveled and resolved. Certainly, the non-revocation of the US visa cancellation for the Philippine Senator—which preceded the termination notice—is not equal to the value of what is consequently at stake: the fate of the US-Philippines alliance and the Philippines' defense posture without the US.<sup>97</sup> The *underlying* cause of Duterte's policy decision is his utterly sensitive disposition on issues of self-determination, national dignity, and sovereign rule that should be free from outside interference and intimidation. As a sentimental leader of a country with a painful memory of its colonial history, Duterte is offended when the US throws its weight around the former colony. That being said, the Philippine President demands no less than due respect from foreign policy actors transacting business with his government. As Panelo spoke for the President,

<sup>93</sup> President Duterte said: "Why will you call America? That will all the more bring us to the verge of war. . . I have to protect the interest of my country, the life of the Filipino, 110 million." [Dona Magsino, "Duterte: Dragging US into South China Sea dispute will bring Philippines closer to war," *GMA News Online*, 27 June 2019, <https://www.gmanetwork.com/news/news/nation/699167/duterte-dragging-us-into-south-china-sea-dispute-will-bring-philippines-closer-to-war/story/>.]

See also Ananda Devi Domingo-Almase, "Fishing in troubled waters: Defence status as an explanatory factor for Duterte's soft stance in the West Philippine Sea," *University of Nottingham Asia Dialogue*, 16 August 2019, <https://theasiadialogue.com/?s=fishing+in+troubled+waters+almase>.

<sup>94</sup> Almase, "Reinterpreting Duterte's independent foreign policy rhetoric."

<sup>95</sup> Darryl John Esguerra, "Malacanang: Duterte won't entertain US initiative to save VFA," *Inquirer.net*, 11 February 2020, <https://newsinfo.inquirer.net/1227322/fwd-malacanang-duterte-wont-entertain-us-initiative-to-save-vfa>.

<sup>96</sup> Office of the Presidential Spokesperson, "Sen. Bato's visa cancellation last straw—Palace," 27 January 2020, <https://www.facebook.com/notes/office-of-the-presidential-spokesperson/sen-batos-visa-cancellation-last-straw-palace/1075275506140834/>.

<sup>97</sup> In Woody's report, the VFA termination will endanger hundreds of military exercises with US visiting forces in the Philippines, considering also that the latter has been hosting US training with other countries in the region. Moreover, US Special Forces troops stationed in the Philippines have been helping in the fight against ISIS-linked militants in the southern part of this country. [Woody, "A major ally's decision to scrap an important deal with the US raises the stakes in competition with China."]

the latter “terminated the VFA because he doesn’t want (the Americans), as a matter of pride and principle, to step on our sovereignty.”<sup>98</sup>

Duterte’s behavior to save face is typical of a rational egoist<sup>99</sup> who will walk away from the table if humiliated. Along this line, it is noteworthy to recognize what critical FPA scholars pointed out as key but neglected drivers of foreign policy: honor, status, and respect of a national leader.<sup>100</sup> Face saving then can make or break negotiations, and if this happens, the affected negotiator will just have to rely on his BATNA that could upset another player’s interest.

Notably, President Duterte’s press release that the Philippines can survive without America<sup>101</sup> gives premium to *political security*<sup>102</sup> [i.e. sovereignty and self-determination of the state, legitimacy and capacity of the governing authority, autonomy and efficacy of its policies, and honor and dignity of a free nation]. Duterte’s pivot to China—which can be interpreted as bandwagoning with a strong adversarial power-turned-partner—is motivated, on other hand, by *economic security*<sup>103</sup> [i.e. trade and investment, access to markets and resources, job creation, and sustainable levels of growth]. While *military security*<sup>104</sup> is also being sought through long-term military modernization of the Armed Forces of the Philippines (AFP), his avoidance of a war against China<sup>105</sup> is driven by his conception of the national interest as well as calculation of national survival.

During the pandemic lockdown, the Philippines fought hard to protect and save lives of Filipinos in this country and overseas. At the same time, it also made sure that public safety, as the foremost national security interest, is in order in the homeland. It is precisely for this reason that Duterte relaxed his staunch position and suspended for 180 days on 3 June 2020 his notice of VFA termination that he had sent to the US on 11 February 2020. With this, Philippine Defense Secretary Delfin Lorenzana was quoted as saying that US aid [e.g. equipment in quarantine facilities] to his country is expected to increase in the next six months, following Duterte’s suspension order. Along this line, it was reported that early in May 2020, the Philippines had received \$5.9 million from the US to curb the spread of the coronavirus disease, bringing the total amount of assistance to more than \$15.2 million.<sup>106</sup>

<sup>98</sup> Gabriel Publico Lalu, “Talks on possible VFA replacement doesn’t have Duterte’s blessing—Panelo,” *Inquirer.net*, 1 March 2020, <https://newsinfo.inquirer.net/1235231/talks-on-possible-vfa-replacement-doesnt-have-dutertes-blessing-panelo>.

<sup>99</sup> A decision-maker’s rationality is constrained by limited information and knowledge, as well as personal experience and existing perceptions that act as screen to seeing and interpreting new evidence. Perceptions, which are called as belief system, “have an integrating function, permitting the individual to synthesize and interpret the information,” as Mingst and Arreguin-Toft wrote in *Essentials of International Relations*. The mind-set almost always strive for cognitive consistency to reinforce certain predisposed thinking patterns. [Mingst and Arreguin-Toft, p. 164.]

<sup>100</sup> Jervis, p. xxiv.

<sup>101</sup> See “Duterte says Philippines can survive without America,” *Sunstar*, 27 February 2020, <https://ph.news.yahoo.com/duterte-says-philippines-survive-without-040700360.html?guccounter=1>.

<sup>102</sup> In Copenhagen school of thought, threats to national security emanate from various sectors: military, political, economic, societal, and environmental. The referent of political security is national sovereignty, which is the constituent principle of the state, along with national ideology and identity. According to Buzan, Waever, and de Wilde, “sovereignty can be threatened by anything that questions recognition, legitimacy, or governing authority.” [Barry Buzan, Ole Waever, and Jaap de Wilde, *Security: A New Framework of Analysis* (Boulder, Colorado: Lynne Rienner Publishers, Inc, 1998), p. 22.]

<sup>103</sup> Compared to *political security*, which is traditionally a component of national security, the idea of economic security is recently constructed as part of the security discourse. Threat of economic crisis and regression, which has broad consequences to state survival, can also be taken as a matter of national security, especially when the president says so and makes it a core national interest. [For discussions on the economic security agenda, see Buzan et al, pp. 95-117.]

<sup>104</sup> Like political security, *military security* takes the state as the referent that the armed forces protect and defend. But *military security* is also about the military itself that must prevail over the enemy. [For discussions on the military security agenda, see Buzan, et al, pp. 49-70.]

<sup>105</sup> Almase, “Fishing in troubled waters...”

<sup>106</sup> Geducos, “Suspension of VFA abrogation surfaced two weeks ago — Palace,” *Manila Bulletin*, 3 June 2020, <https://news.>



## Why Duterte moves the way he does in the two-level game

Ideally, a country representative who negotiates on and in behalf of his domestic constituents works within the latter's expectations of the minimum and maximum outcomes that can be agreed upon at Level I and ratified at Level II. At the same time, he also takes into account, as much as possible, the win-set(s) of the other player in a bilateral negotiation to know the range of their combined win-sets. This way, a chief negotiator is able to assess the window of possible agreements that can be worked out in simultaneous international and intranational political games.

Putnam's game theoretical model explicates how domestic pressures, other than the perception and prerogative of a chief negotiator, can significantly affect his win-set and negotiating power. This is especially true in a western, liberal democracy where international agreements are subject to domestic political processes and governmental balance of power. But this may not be true in all democracies in the world.

In an Asian country like the Philippines, traditional practice, leadership style, and personality factor blend with democratic structures of policy-making. This can explain why President Duterte consistently received excellent trust ratings from Filipinos<sup>107</sup> despite US criticism of his undemocratic methods. As a matter of fact, his patrimonial leadership of the ruling party enables him to play tough on terminating the VFA as a gambit to gain advantage despite the risk.

Notwithstanding the Senate's petition for the Supreme Court to determine the former's authority to approve treaty abrogation, President Duterte can still influence the domestic win-set through side-payments, institutional arrangements, and speech acts. Without re-election, which is a critical factor for a chief negotiator's political survival, he also has less worry to do what he personally wishes to do via his foreign policy until the end of his term in 2022.

According to Theros Wong, in her 2019 study on the power of ethnic politics in foreign policy making, "Duterte's decision does not require him to produce trade-offs between Putnam's two-level game: international and domestic stakeholders."<sup>108</sup> In particular, she found that the Philippine President's economic interest in foreign policy is aligned with the needs of his constituents. Thus, Duterte's popularity among the Filipino people gives him political boost and support for his foreign policy initiatives.

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[mb.com.ph/2020/06/03/suspension-of-vfa-abrogation-surfaced-two-weeks-ago-palace/](https://mb.com.ph/2020/06/03/suspension-of-vfa-abrogation-surfaced-two-weeks-ago-palace/).

<sup>107</sup> See "SWS survey: Most Filipinos say Duterte doing an 'excellent' job as President," *CNN Philippines*, 21 January 2020, <https://cnnphilippines.com/news/2020/1/21/sws-duterte-satisfaction-excellent.html?fbclid>.

<sup>108</sup> Theros Wong, "The Power of Ethnic Politics in Foreign Policy Making Decisions: A Comparison of Malaysia's Mahathir and the Philippines' Duterte on the Belt Road Initiative," *NYU Abu Dhabi Journal of Social Sciences* (October 2019), p. 11. Look in <https://sites.nyuad.nyu.edu/jss/wp-content/uploads/2019/10/JSS-19-20-Submission-1-5.pdf>.

## Determining the Deal and No-Deal Sets of the Philippines and the US in the VFA Negotiation

A deeper understanding of the dynamics in the VFA negotiation requires melding realist and liberal premises at international and domestic levels, with cognitive factors at the individual level. This whole, pluralist package provides intellectual order to analyzing possible win-sets for a defense agreement between the Philippines and the US in the midst of a changing security landscape this 2020.

### Perspective on possible win-sets for Philippines-US defense agreement

With reference to the conceptual win-sets of two parties in a zero-sum game in *Figure 1*, I will attempt to approximate and illustrate the deal and no deal sets of the Philippines and the US in the VFA negotiation. This will give substance to Putnam's game theoretical model in which two opposite parties negotiate within their overlapping win-sets to reach an agreement with varying outcomes [e.g. maximum, submaximal, minimum] for each player. Duterte's 180-day suspension in June 2020 of his notice of VFA termination gives the two parties sufficient time to straighten out issues and bargain a better deal on the negotiation table.

The framework in *Figure 2* is parsimonious and perceptual. Here, I intend to capture the big picture rather than the unknown scales of what each party values the most and the least. The outlook is on common and contrasting interests between the Philippines and the US. This will give us an idea on possible win-sets that both countries can afford to make or take, given President Duterte's demands and sentiments. Two parallel, opposite arrows in red and blue represent the policy directions of the Philippines and the US as the two parties to the VFA. Following the logic of the zero sum game, the win-sets of the two parties in *Figure 2* can be found in the middle or between the columns of their respective areas of *maximum outcome* and *no-agreement*. The *combined win-sets* are the ZOPA where the two countries are willing to make and/or accept concessions even if these are less than their desired *maximum outcome*. Theoretically, rational actors are not expected to make trade-offs that are below their submaximal interests, which means they can forge an agreement only within their allowable negotiating room.

Outside of the *combined win-sets* are the no-deal sets of both parties, where either one of them can walk away from the table and take an alternative course of action. This is the logic of a game where the maximum gains of a player is more or less equal to the maximum loss of the opposite side. Hypothetically, if the stakes in negotiation are high for both parties, they will be willing to make concessions and/or trade-offs to avoid the huge cost of having no agreement. Under this condition, they can restructure the game into a win-win negotiation using diplomacy as a strategy for cooperation.

Let us start off by specifying the major conditions in the area of *no-agreement* for the Philippines, which can be found on the left side of the red arrow in *Figure 2*. Specifically, these are: US criticism of Duterte's war against illegal drugs; US denial of Duterte's demand to revoke the US visa cancellation for Sen. Dela Rosa, the former national police chief tagged in the Philippine drug war; and, perceived US intervention in domestic politics. On the side of the Philippines, which President Duterte represents, all this was perceived to be detrimental to the country's self-determination to decide on internal security matters, to its self-image as an independent nation that is not subordinate to America's policy imposition and, most of all, to the national leader himself with a reputation of executing his will.

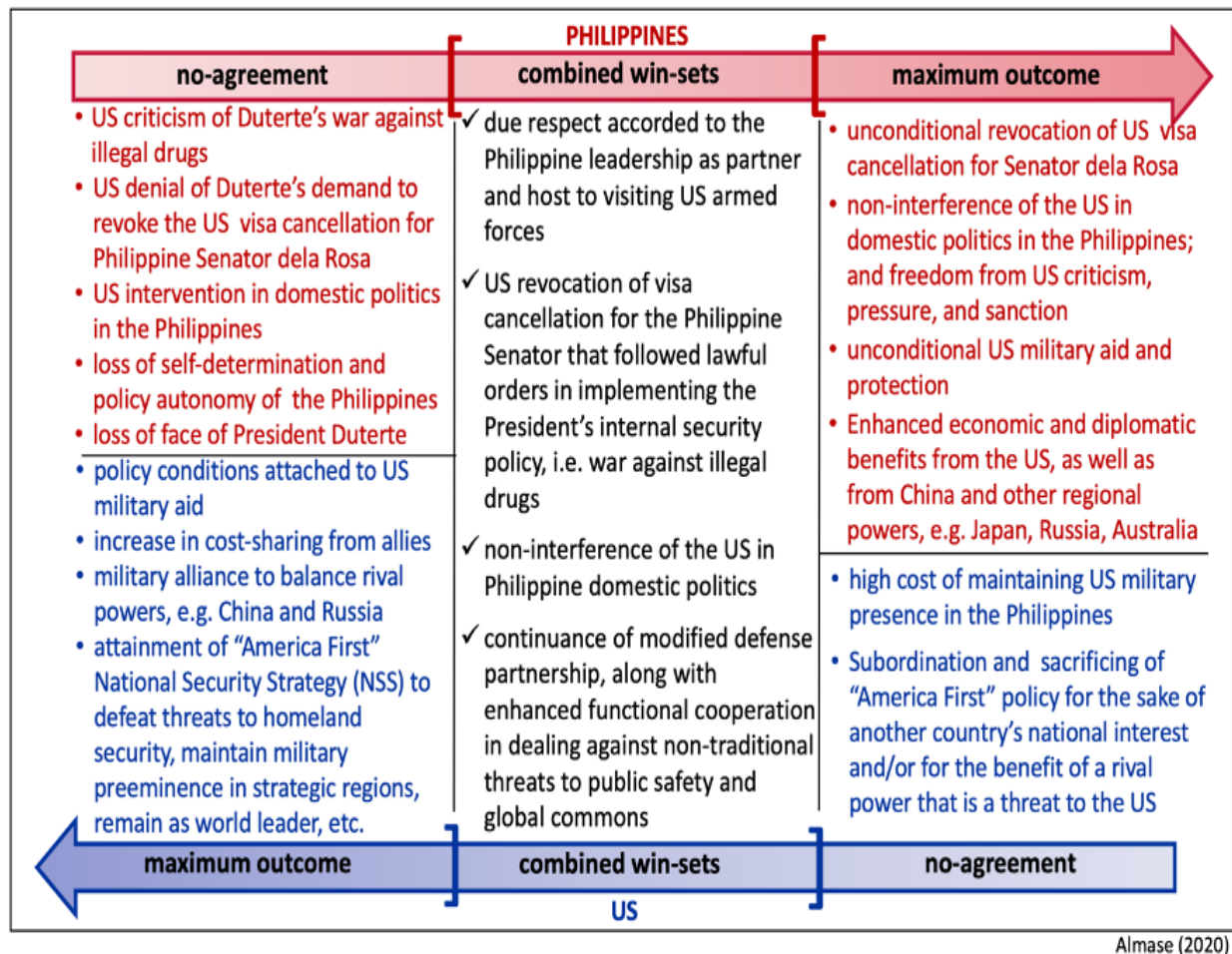


Figure 2. Perspective on Possible Win-Sets for Philippines-US Defense Agreement

Below the *no-agreement* side of the Philippines, as the frame of reference in *Figure 2*, is the assumed *maximum outcome* for the US. The latter's policy direction in blue arrow points to the left, which is opposite to the Philippines' course of action that goes to the right. Using a mirror-imaging perspective, the *maximum outcome* for the US can be taken as follows: policy conditions attached to US military aid; increase in burden-sharing from allies;<sup>109</sup> military alliance to balance rival powers [e.g. China and Russia];<sup>110</sup> and attainment of US President Trump's National Security Strategy (NSS) that places American interests above any other nation.<sup>111</sup>

Regarded as an important window into Trump's thinking, the "America First" NSS is aimed at optimizing the realist interests of the US in a world that is believed to benefit from unparalleled American

<sup>109</sup> Peter Feaver, in his article on Trump's National Security Strategy (NSS) in December 2017, wrote that: "While the NSS does have some boilerplate language about what we have achieved with our allies, I suspect that our allies will also note that they are just as often referred to as rivals as they are as partners – and just as often called out for not doing enough as they are acknowledged for what they have done." (Underline provided.) [Peter Feaver, "Trump's National Security Strategy," *Foreign Policy*, 18 December 2017, <https://foreignpolicy.com/2017/12/18/five-takeaways-from-trumps-national-security-strategy/>.]

The US interest to increase cost-sharing from a defense ally is evident in the case of its recent negotiation with South Korea. [Saheli Roy Choudhury, "Trump signals he wants South Korea to pay more for US military presence there," *CNBC*, 21 April 2020, <https://www.cnbc.com/2020/04/21/trump-signals-he-wants-south-korea-to-pay-more-for-us-military-presence-there.html>.]

<sup>110</sup> That China, along with Russia, is viewed as a competitor challenging American power and attempting to erode US security and prosperity is stated in Trump's NSS. [See National Security Strategy of the United States of America, December 2017, p. 2. Look in <https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>.]

<sup>111</sup> In the American NSS, the four vital interests are: (1) protecting the American people and securing the homeland; (2) strengthening the American economy; (3) preserving peace through military strength; and, (4) advancing American influence. [Ibid, p. 4.]

progress and power.<sup>112</sup> The impressed *maximum outcome* for the US—in its relations with allies—can be taken from the American NSS, which declares the following interest:

... we will **preserve peace through strength** by rebuilding our military so that it remains pre-eminent, deters our adversaries, and if necessary, is able to fight and win. We will compete with all tools of national power to ensure that regions of the world are not dominated by one power. We will strengthen America's capabilities—including in space and cyberspace—and revitalize others that have been neglected. Allies and partners magnify our power. We expect them to shoulder a fair share of the burden of responsibility to protect against common threats.<sup>113</sup> (Underline provided.)

The *maximum outcome* for the Philippines on the right side of the red arrow in *Figure 2* is the reverse of its *no-agreement* stance on the left side. The following comprise this country's *maximum outcome*: unconditional lifting of the US visa revocation for Senator dela Rosa; non-interference of the US in the Philippines' domestic politics and in Duterte's policy choices—which should be free from US criticism, pressure, and sanction; unconditional US military aid and protection; and, enhanced economic and diplomatic benefits from the US, as well as from other regional powers [e.g. China, Russia, Japan]. Below this *maximum outcome* for the Philippines are what I assume as the walk-away points of the US with reference to its core interests. Hypothetically, the US will opt not to make a deal if the cost of maintaining the US military presence in the Philippines is way too high, and if the "America First Policy" is to be sacrificed and subordinated for the sake of another country's national interest and/or for the benefit of a rival power.<sup>114</sup>

Judging from the grounds for *no-agreement* of the US, which are not actually contrary to the conditions for *no-agreement* of the Philippines, I reckon that there is a workable ZOPA between the two parties for resolving issues regarding the VFA or for coming out with a similar arrangement for US visiting forces in the Philippines in the future. It can be seen in *Figure 2* that the entries in the *combined win-sets* of the two countries redress Duterte's underlying cause for termination as well as address the allies' common concerns—without having to sacrifice America's security and geo-political interests in the Indo-Pacific.<sup>115</sup>

The *combined win-sets* include the following agenda: due respect for the Philippine leadership as partner and host to visiting US armed forces; US revocation of visa cancellation for the Philippine senator that followed lawful order to implement the president's internal security policy [i.e. war against illegal drugs]; non-interference of the US in Philippine domestic politics; and, continuance of a modified defense partnership, along with enhanced functional cooperation in dealing against non-traditional threats to public safety and global commons [e.g. terrorism, pandemic, natural disasters, etc.].

If the above-mentioned conditions are seriously considered and taken in good faith, these will facilitate possible resolution of the VFA problem and/or modification of the defense accord between

<sup>112</sup> Feaver.

<sup>113</sup> National Security Strategy of the United States of America, p. 4.

<sup>114</sup> Hanson, in his interpretation of US President Trump's "America First Policy," wrote the following: "This is not abandoning our role as leader in positive changes around the world. It is an understanding that we will not subordinate U.S. interests to any organization, entity, or other nation. We will expect groups we belong to, like the United States, to produce outcomes that positively affect the security and prosperity of American citizens. Where they do not, we will move to change them. This is the essence of America First, a strong country that serves its own people and in doing so makes the world a safer and better place for all." (Underline provided.) [Jim Hanson, "An America First National Security Strategy," *Security Studies Group*, 18 December 2017, <https://security-studies.org/america-first-national-security-strategy/>.]

<sup>115</sup> See United States Department of Defense, *Indo-Pacific Strategy Report*, 1 June 2019. <https://media.defense.gov/2019/Jul/01/2002152311/-1/-1/1/DEPARTMENT-OF-DEFENSE-INDO-PACIFIC-STRATEGY-REPORT-2019.PDF>.



the two allies in a changed security landscape. Getting the parties on the table enlarges the room for negotiation, which can accommodate broader win-sets. The Philippines and the US will have to meet halfway if their diplomatic and defense relations are to endure amid these challenging times.

Understanding President Duterte's sensitivities and targeting long-time Filipino partners in the security community are key for the US to maintain close relations with the Philippines and continue talks on a modified defense agreement.<sup>116</sup> The US, with high trust ratings from the Filipino public, can do so much to positively reverberate strategic benefits from an enduring alliance by playing soft and smart across the second level game in the Philippines.

What the US stated in its NSS regarding the pillar of advancing American influence in the world is important in lifting its political sanction against the Philippine senator, as demanded by President Duterte. According to the US, it must compete for positive and lasting relationships around the world by encouraging aspiring partners and strengthening diplomatic, economic, and security ties with allies and long-time friends. Furthermore, the Trump administration wrote the following in its NSS:

We are not going to impose our values on others. Our alliances, partnerships, and coalitions are built on free will and shared interests. When the United States partners with other states, we develop policies that enable us to achieve our goals while our partners achieve theirs.

Allies and partners are a great strength of the United States. They add directly to U.S. political, economic, military, intelligence, and other capabilities. Together, the United States and our allies and partners represent well over half of the global GDP. None of our adversaries have comparable coalitions.<sup>117</sup>

(Underline provided.)

If the above policy statements in Trump's NSS are to be taken at face value, there will be no good reason for the Philippines-US relations to drift apart just because their democratic governments have peculiar value preferences and executive prerogatives in administering their own internal security affairs. Moreover, it will be contrary to the promoted principles in its NSS if the US insists on imposing its values on the Philippines by criticizing President Duterte's public security strategy and penalizing Filipino officials involved in the securitization of the drug problem within their own jurisdiction.

Trump's candid reaction to the VFA termination, which he shrugged off as an opportunity for the US to save a lot of money,<sup>118</sup> was a conspicuous divergence from the US strategy of strengthening and re-energizing long-standing military relations with important allies like the Philippines in Southeast Asia.<sup>119</sup> Letting go of a strategic alliance was also a marked departure from the publicized American NSS to work closely with allies and partners in order to magnify US influence and sustain favorable balances of power in competitive regions.<sup>120</sup>

<sup>116</sup> To quote from Woody's article: "There are a number of reasons the VFA may ultimately survive. Philippine military and security forces value the relationship, under which they receive military assistance, training, education and weapons." [See Woody, "A major ally's decision to scrap an important deal with the US raises the stakes in competition with China."]

<sup>117</sup> National Security Strategy of the United States of America, p. 37.

<sup>118</sup> See "Trump shrugs off PH Decision to end military pact: We save money," *CNN Philippines*, 13 February 2020, <https://cnnphilippines.com/news/2020/2/13/Visiting-Forces-Agreement-Philippines-US-Duterte-Trump.html>.

<sup>119</sup> National Security Strategy of the United States of America, p. 47.

<sup>120</sup> *Ibid.*, p. 46.

## Strategic implications and pandemic complications

Senior columnist Prashanth Parameswaran, in his article on the significance of ending the US-Philippines' VFA, articulated that this will create broader consequences for both countries. And as he wrote:

For Washington, while alliance management has never been an easy affair, this would constitute the biggest blow to any of its treaty alliance relationships in Asia since the end of the Cold War, at precisely the time when the United States is trying to refocus itself on geopolitical competition with major powers, principally China and Russia. For Manila, this would degrade a significant source of security that it has continued to rely on even as its military capabilities remain limited and the threat posed by China remains in spite of Duterte's much-ballyhooed charm offensive to Beijing.<sup>121</sup> (Underline provided.)

I agree with the view that Duterte's notice of termination has damaging implications on the Philippines' defense posture, but I would argue that the perceived cost of no agreement could be higher on the part of the US rather than the Philippines—especially when Duterte does not see China as threat. In the case of the US, it will lose not only its close military relations with the Philippines, which it had once occupied as a strategic territory in the western Pacific Ocean, but also its self-proclaimed status as preeminent power and security guarantor in this region. Duterte's abrogation of the VFA would also serve as precedent for other countries to reassess their security relations with the US, especially its policy conditions for military aid.<sup>122</sup>

With China posing as an attractive alternative for countries in the periphery, it may be in the best interest of the US to tinker with the diplomatic act of lifting its political sanction against the Philippines. This means reversing the US visa revocation for the Philippine Senator and respecting Duterte's policy autonomy, even if this entails setting aside human rights controversy in his domestic war against illegal drugs. If the US visa for the subject senator is given back as an act of good will to the Philippines as host to US visiting forces, this will boost American influence and also attract other countries in China's neighborhood. It must be noted that the "America First" NSS pointed to China as a rival power that undercuts and threatens US interest in Asia.<sup>123</sup> Just how high is the US premium on imposing its brand of democracy and rule of law on the Philippines, at the expense of America's realist principle, is a rhetorical question that matters in the strategic equation of the VFA negotiation.

The geopolitical competition, in which the US is committed to win, became even more complex due to complications brought about by the 2019 strain of the coronavirus disease or COVID-19. The unimaginable onslaught of this pandemic—which swept and shocked countries regardless of size and strength this 2020—tested the mettle of great powers to lead in managing the global crisis. The spotlight was on the US, which has the highest number of cases and deaths due to COVID-19. By mid June 2020,

<sup>121</sup> Prashanth Parameswaran, "The Significance of Ending the US-Philippines Visiting Forces Agreement," *The Diplomat*, 12 February 2020, <https://thediplomat.com/2020/02/the-significance-of-ending-the-us-philippines-visiting-forces-agreement/>.

Rabena and Silverberg acknowledged, among others, that the VFA's abrogation could jeopardize ongoing construction of military facilities and advanced installation of defense articles in the Philippines. [Aaron Jed Rabena and Elliot Silverberg, "Is the US-Philippines Alliance Obsolete?," *The Diplomat*, 22 April 2020, <https://thediplomat.com/2020/04/is-the-us-philippines-alliance-obsolete/>.]

<sup>122</sup> Uri Friedman, "America Is Alone in Its Cold War With China," *The Atlantic*, 17 February 2020, <https://www.theatlantic.com/politics/archive/2020/02/us-china-allies-competition/606637/>.

<sup>123</sup> The "America First" NSS wrote that: "China and Russia challenge American power, influence, and interests, attempting to erode American security and prosperity. They are determined to make economies less free and less fair, to grow their militaries, and to control information and data to repress their societies and expand their influence." [National Security Strategy of the United States of America, p. 2.]

the US recorded 2,208,400 million cases and 119,132 deaths, compared to China with 83,221 cases and 4,634 deaths.<sup>124</sup> In retrospect, the first case of the COVID-19 had been identified in Wuhan City in China in December 2019 and travelled quickly to 210 countries and territories. The pandemic had forced cities and communities around the world into quarantine and lockdown for the first time. According to some studies, effective control of the pandemic in China had resulted in flattening the curve of COVID-19 cases in this country as early as March 2020.<sup>125</sup>

If the effective securitization of the public health crisis were the subject of a geopolitical competition in this region, the US would not win against the Asian giant. Given its motivation to balance if not contain China's rise, the US could be on top of things if it had performed impressively in the fight against COVID-19 on the world stage. But the lackluster performance of the US in securitizing this non-traditional security threat at domestic and international levels upset its popular and powerful image as world leader. Moreover, the US threat to withdraw its funding support to the World Health Organization (WHO), over what President Trump saw as a mishandling of the pandemic,<sup>126</sup> was viewed as untimely and unbecoming of a nation that wants to lead the world.<sup>127</sup> If the US reneges on its pledge to the WHO, this will weaken the pillar of advancing American influence and encouraging partners towards its cause and/or crusade.

Along this line, it is worth noting the powerful introductory message in Trump's NSS; to wit: "a strong America is in the vital interests of not only the American people, but also those around the world who want to partner with the United States in pursuit of shared interests, values, and aspirations."<sup>128</sup> This passage from the "America First" NSS has the vestige of soft power, which Harvard Professor Joseph Nye popularized for US foreign policy in a different time of American leadership. Soft power, according to Nye's theory of power in world affairs, flows from a country's attractive culture, constructive policies, and positive image that can get others to cooperate for a common cause. Soft power applies emotional and intellectual persuasion to allure others towards its policy direction, which is opposite to hard power that uses force projection to make an impression.<sup>129</sup>

It must be taken into account that in this time of great humanitarian crisis, the kind of power that can attract others will come not from the most formidable military that can contain a rival, but from the most effective policy that can fight the virus and help heal the world. The COVID-19 catastrophe is a gamechanger, forcing players to shift positions, reconsider options, and recalibrate national strategies. This is the new security landscape on which negotiators will have to navigate to get a better deal from international agreements.

For Richard Haass, President of the Council on Foreign Relations and former Policy Planning Director for the US Department of State, the idea that the world has changed with the pandemic outbreak is incorrect. The title of his article captures this argument: "the pandemic will accelerate history rather than reshape it." From the perspective of the veteran American diplomat, US leadership has already been waning and that its model has also already lost its appeal long before the COVID-19.<sup>130</sup>

<sup>124</sup> See "COVID-19 Coronavirus Pandemic," *Worldometer*, 18 June 2020, <https://www.worldometers.info/coronavirus/>.

<sup>125</sup> K.K. Rebecca Lai and Keith Collins, "Which Country Has Flattened the Curve for the Coronavirus?", *The New York Times*, 19 March 2020, <https://www.nytimes.com/interactive/2020/03/19/world/coronavirus-flatten-the-curve-countries.html>.

<sup>126</sup> Christine Wang, "Trump threatens to permanently cut off WHO funding, withdraw U.S. membership," *CNBC*, 18 May 2020, <https://www.cnn.com/2020/05/19/trump-threatens-to-permanently-cut-off-who-funding-withdraw-us-membership.html>.

<sup>127</sup> See "Factbox: Global reaction to Trump withdrawing WHO funding," *Reuters*, 15 April 2020, <https://www.reuters.com/article/us-health-coronavirus-trump-who-reaction/factbox-global-reaction-to-trump-withdrawing-who-funding-idUSKCN21X0CN>.

<sup>128</sup> National Security Strategy of the United States of America, p. 1.

<sup>129</sup> Joseph S. Nye, Jr., *Soft Power: The Means to Success in World Politics* (New York, USA: Public Affairs, 2004).

<sup>130</sup> Haass' view of what he called as a post-American world is as follows: "One characteristic of the current crisis has been

Haass' notion that a "post-American world" is unfolding has serious implications on the political calculations of key players and stakeholders in the VFA negotiation. Whether or not America's power arsenal is actually diminishing is beside the point; the fact that its attractiveness is waning is the policy issue. Perceptions about a declining American leadership, both from within and outside of the US, are a wake-up call for the latter to recalibrate its power projection and strategic communication to allure others and influence their behavior. Reality matters in the strategic calculus, but perceptions matter most in winning the trust and confidence of allies and aspiring partners. Powerful cognitive factors shape national interests and priorities—all of which determine the deal and no-deal sets of the Philippines in the VFA negotiation game at the time of the pandemic.

## Summary

Using Putnam's two-level game theory, I endeavored to explain President Duterte's gambit of terminating the VFA with the US, and the odds of negotiating a better deal for the Philippines. In the first part of the study, I provided a brief background of events that led to research inquiries on the following: what value judgement and conception of national interest prompted Duterte to send his 180-day notice of VFA termination in February 2020 and suspend it after 112 days; the extent of his rational egoism to abrogate the VFA or accommodate concessions to extend it; and, what factors and conditions determine the win-sets of the two parties in the VFA or a similar arrangement for US visiting forces in the Philippines in a changed security landscape. I addressed these questions in comprehensive and stand-alone essays in the academic paper.

The second part of the study is on the game theoretical approach as the framework of analysis. Here, I reviewed relevant theories on international politics as the beginning of understanding the dynamics of international negotiations. From realism to liberalism, I discussed the value of negotiating to avoid conflict, resolve issues, and cooperate on common interests. I also emphasized that negotiators, as well as policy actors, make decisions based on their objective calculations of facts and events at national and international levels, and also on their subjective perceptions of realities at the individual level. Intersubjectivity or social agreement validates and reinforces individual beliefs, which are powerful drivers of policy choices.

With this conceptual backdrop, I moved to Putnam's two-level game theory to explain how domestic and international politics enmesh in the negotiation process, and how cognitive factors coalesce to form a consensus or hinder it. I illustrated in *Figure 1* the idea of *combined win-sets* in a zero sum game model of two party negotiations—with *maximum*, *sub-maximal*, and *minimum outcomes*. I clarified that Putnam's pluralist approach does not intend to predict the turn-out of negotiation; rather, it aims to provide a framework of analyzing general patterns of behavior and possible determinants of parties' win-sets. Significantly, Putnam's game theoretical model gives intellectual order to the study of Duterte's foreign policy gambit amid the dynamic political, security, and natural settings of the two-level games. As I stressed in the beginning, the logic of policy analysis will remain the same in the epistemic frame even when events and developments change the contours of policy choices and the circumstances of the game.

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a marked lack of U.S. leadership. The United States has not rallied the world in a collective effort to confront either the virus or its economic effects. Nor has the United States rallied the world to follow its lead in addressing the problem at home. Other countries are looking after themselves as best they can or turning to those past the peak of infection, such as China, for assistance." (Underline provided.)[Richard Haass, "The Pandemic Will Accelerate History Rather Than Reshape It," *Foreign Affairs*, 7 April 2020, <https://www.foreignaffairs.com/articles/united-states/2020-04-07/pandemic-will-accelerate-history-rather-reshape-it>.]



The third part of the study explained how President Duterte moves in the strategic game, what motivates him to make the gambit in abrogating the VFA, and why he moves the way he does in the two-level game. Duterte's notice of termination communicates an express sentiment against the Americans, following a series of events that challenged his will and ego to defend what he saw as an affront to his country's honor and sovereignty. I characterized Duterte's idiosyncratic conduct in international affairs as atypical for a weak state, but asserted that he knows how to bargain and play the game. Despite being small, relative to big players, Duterte is capable of affecting the political calculations of those with the power to shape strategic outcomes. By playing tough in sending the notice of VFA termination, he is able to set the terms and leverage on his BATNA, e.g. pivot to China, which he knows has strategic cost to the US. In this regard, Duterte is able to win American aid for his country even as his notice of VFA termination remains hanging.

President Duterte's focus on the Philippines' core interests is unfailing, even if his policy decisions appear to be swerving. In his speech acts, the non-negotiable interests that determine his policy actions are as follows: Filipino welfare at home and abroad; public safety and order in the country; economic growth and development; self-determination and sovereignty; and, national survival. The explanatory factors that empower Duterte to push for his foreign policy initiatives are his dominant personality, excellent trust ratings, and patrimonial leadership of the ruling party. Thus far, his strong disposition and popular domestic support magnify his negotiating power to manipulate the win-set and make a smart deal at the two-level game of defense agreement.

The fourth part of the study is on the possible deal and no-deal sets of the Philippines and the US in the VFA negotiation which I illustrated in a parsimonious, concept frame in *Figure 2*. My intention was to capture common and contrasting interests between the two parties in order to give us an idea of the *combined win-sets* within which both countries can afford to take concessions and make an agreement. Considering that the conditions for *no-agreement* of the Philippines are not actually contrary to what I assumed as the grounds for *no-agreement* of the US, I reckoned that there is a window of resolving issues on the VFA and/or coming out with a similar arrangement for US visiting forces in the Philippines in the future.

As can be seen in *Figure 2*, the key areas of concern in the *combined win-sets* of the two countries redress Duterte's cause for termination and at the same time address the allies' common interests—without having to sacrifice America's security and geo-political ambition in the Indo-Pacific region. To reiterate, the *combined win-sets* include the following: due respect for the Philippine leadership as partner and host to visiting US armed forces; US revocation of visa cancellation for Senator dela Rosa that followed lawful order to implement the President's internal war against illegal drugs; non-interference of the US in Philippine domestic politics; and, continuance of a modified defense agreement, along with enhanced functional cooperation in non-traditional security concerns [e.g. terrorism, COVID-19 pandemic, natural disasters] to public safety and global commons.

In the last part of the study, I added a postscript on the strategic implications of the VFA termination not just on the Philippines and the US as parties in negotiation, but also on China that has a stake in its outcome. No doubt, if the VFA is terminated, this will have damaging effects on the Philippines' defense posture and also on the American foothold in a region where the US is poised to compete with China. However, I argued that the cost of no agreement could be higher on the part of the US than that of the Philippines that has already pivoted to China for diplomatic and economic benefits since 2016. If the problem with the VFA were not addressed, Duterte's defection would serve as precedent for peripheral countries to bandwagon with China as an attractive alternative.

Moreover, given the perception of a declining American leadership, I surmised that it is in its best interest to tinker with the diplomatic act of lifting its political sanction against the Philippines [i.e. reversing the US visa revocation for the Philippine Senator], as demanded by President Duterte, and respecting his securitization of the drug problem in the Philippines. Just how much value does the US give to imposing sanction on the Philippines' drug war—at the expense of losing an alliance amid great power competition in the Asian region—is a rhetorical question that matters in the strategic equation of stakeholders in the VFA negotiation. Further, the ensuing COVID-19 pandemic is a gamechanger, forcing players to shift positions, reconsider options, and recalibrate national strategies. And as I earlier wrote, negotiators will have to navigate on this new security landscape of global health emergency to get a better deal from international agreements.

It cannot be denied that President Duterte's gambit to terminate the VFA made an impact on the psychological environment of the US security strategy. If the problem is not deconstructed in this dimension, the impending separation of the Philippines from the alliance will have serious strategic implications on the operational setting. I asserted that Duterte's political grievance and sensitivities must be deeply understood in order to get to the bottom of the VFA termination notice. Furthermore, I propounded that alignment across domestic tables of Filipino and American defense partners is key to maintain discreet, diplomatic discussions on a mutually beneficial defense agreement. Given America's very good trust ratings from the Filipino public,<sup>131</sup> the US can do so much to positively reverberate attractive gains from the VFA, or a similar arrangement of US visiting forces in the host country, by playing soft and smart at the second level game of transnational politics as well as informal diplomacy.

As the praxis in a neo-liberal and institutional order, diplomacy and cultural sensitivity are essential to unravel Duterte's adversarial mood in his policy move. This is especially warranted to avoid a falling-out between allies, and also to help maintain strategic stability in their region. Nothing can beat diplomacy as a constructive tool of engaging a hardline actor and influencing his behavior to keep him on the negotiating table.<sup>132</sup> Without this crucial starting point, no agenda can be talked about for a possible agreement on whether to continue or change a high-value defense alliance in Asia. The journey towards this end is through continuous dialogues and functional cooperation on other fronts that can be used as platforms for a negotiated agreement at the highest level. Diplomatic engagements and positive inducements are thus needed to rekindle warm relations and enable opposite parties to manage solutions to disagreements.

<sup>131</sup> Christina Marie Ramos, "SWS: US trust rating 'very good', China 'neutral,'" *Inquirer.net*, 16 April 2019, <https://globalnation.inquirer.net/174516/sws-us-trust-rating-very-good-china-neutral>.

<sup>132</sup> In the 2017 article on "Diplomatic Engagement and Negotiated Agreement Between Philippines and China: A Constructive-Realist Approach in Post-Arbitration," I wrote the following: "Getting the parties to the negotiating table produce positive results and incremental changes over time. When parties concerned are conciliatory rather than hardline, it is easy to get to an agreement, come up with realistic solutions, and cultivate long-term relations. If there is trust, they will not be locked to their hard core positions; if there is mutual respect of each other's self-image and face-saving, it is easy to agree and cooperate." [Almase, "Diplomatic Engagement and Negotiated Agreement Between Philippines and China...," p. 8.]

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