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**No. 241**

**The Influence of Domestic Politics on Philippine Foreign Policy:  
The case of Philippines-China relations since 2004**

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**5 June 2012**

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## Abstract

This paper sets out to explore the role of domestic politics in the shaping and implementing of Philippine foreign policy and its relations with China. It examines how domestic politics have driven Philippine foreign policy behaviour towards China; whether the Philippine Government has successfully managed the domestic drivers in promoting the state's interests in its relations with China, and whether there are major constraints that have prevented the attainment of more desirable outcomes in the bilateral ties. It looks at three cases: the Philippines-China joint marine seismic undertaking in the South China Sea; China's participation in the national broadband network project and a railway project; and Philippine reactions to China's execution of three Filipino drug mules.

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# **THE INFLUENCE OF DOMESTIC POLITICS ON PHILIPPINE FOREIGN POLICY: THE CASE OF PHILIPPINES-CHINA RELATIONS SINCE 2004**

## Introduction

Since the normalization of Philippines-China diplomatic ties in 1975, relations have prospered through decades of China's reform and economic growth and its active diplomatic engagement with Southeast Asia, and through the twists and turns of Manila's efforts to march in step with the rest of the fast-growing East Asian region. Relations with China have been considered among the most important foreign policy challenges facing Philippine administrations since that of Ferdinand E. Marcos (1969-1986).

The height of the Cold War found China and the Philippines on opposing sides of the geopolitical divide - including during the Korean War, the Vietnam War, and over Sino-US disagreements over Taiwan. The Philippines' post-colonial economic dependence on the US and the 1951 Mutual Defense Treaty had bound Manila to support Washington's strategic objectives in the region, particularly through its hosting of major U.S. military facilities and echoing of US foreign policy positions . Sino-US rapprochement in the early 70s, on account of their common antagonism towards the Soviet Union, provided an opening for the Marcos government to pursue diplomatic ties with China, as well as with other independently-minded socialist countries Yugoslavia and Romania. At that time, Marcos estimated that ties with the socialist world would help reduce dependence on the U.S., and that ties with China would bring new economic partnerships while helping to undermine Chinese support for the home-grown Filipino communist insurgency.

Marcos made the initial breakthroughs and his government provided a very strong foundation for bilateral ties that to this day, despite serious irritants and growing problems in relations, continues to buttress the Philippine government's and the Filipino people's generally cordial attitude toward China. Successive Philippine administrations built on that legacy, with Corazon Cojuangco Aquino emphasizing her ethnic Chinese ancestry, Fidel V. Ramos meeting territorial challenges from China with persistent dialogue and confidence-building, Joseph Estrada pursuing with

his counterpart a “Framework of Bilateral Cooperation in the Twenty-first Century”, and Gloria Macapagal-Arroyo promoting economic and development cooperation with China with enormous drive.

But today, many observers find relations between the two sides at what may be its lowest point yet since the 1975 normalization. Tensions have particularly been on the rise over competing claims to islands and waters in the South China Sea and their associated fisheries and hydrocarbon resources. In one incident on March 2, 2011, two Chinese patrol vessels approached an oil exploration ship of the UK-based Forum Energy that the Philippines had authorized to operate on Reed Bank off the western Philippine coast, and according to reports appeared to threaten to ram the oil vessel. Manila sent military planes and its Coast Guard against what was seen as an act of intimidation, but the Chinese vessels had left before they arrived.

The Reed Bank is considered by China to be part of the disputed Spratly islands, but it has been an area of Philippine petroleum activity since the 1970s. It is worth recalling that since the Chinese occupation of Mischief Reef in the Spratlys in 1995, Manila and Beijing have been at loggerheads over perceived encroachments on each other’s sovereignty and rights to resources. The two sides signed an agreement outlining “basic principles” for a code of conduct in the disputed area in 1995, and had since heightened confidence building and even jumpstarted low-level defense cooperation. In 2005, they agreed to explore opportunities for joint development of oil resources in the disputed areas, leading to the signing of a 3-year trilateral agreement for a Joint Marine Seismic Undertaking (JMSU) among the national oil companies of the Philippines, China and Vietnam. However, rather than being path-breaking in the resolution of the long-standing conflict, this agreement was allowed to expire with results remaining inconclusive when its constitutionality was questioned in the Philippines. In the last two years, renewed assertiveness by China in relation to its sovereignty claims in the South China Sea and East China Sea has once more contributed to a climate of distrust and apprehension<sup>1</sup>.

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<sup>1</sup> Following the Reed Bank incident, tensions flared up once again in April 2012, when the Philippines was prevented by Chinese Maritime Surveillance authorities from arresting Chinese fishermen who had been caught engaging in illegal fishing in Scarborough Shoal (Bajo de Masinloc or Panatag in Filipino). A standoff between armed vessels of the two countries lasted several days, taking place at a time when the annual Philippines-U.S. Balikatan bilateral military exercises were being held, to be followed by high-level consultations between foreign ministry and defense officials of Manila and Washington.

On the economic front, however, trade has been growing very significantly, by as much as 75% between 2005 and 2007 and reaching a targeted volume of US\$30 billion in 2007. This had decreased by 2010 following a global economic downturn, but Philippine exports to China that year still grew 94.61% over 2009, with China becoming the Philippines' fourth largest export market, taking 11% of total Philippine exports (Dept of Trade & Industry). On the other hand, major loans and investment agreements entered into by the Arroyo government remain unimplemented, having been either suspended or cancelled due to allegations of overpricing, corruption and collusion between Arroyo allies and their would-be Chinese partners. Among these was a 2007 agreement for one of China's biggest firms Zhong Xing Telecommunication Equipment Company Ltd. (ZTE) to build a national broadband network (NBN) in the Philippines, using US\$329 million in loans from China's Export-Import Bank. Another was the so-called NorthRail project --- a US\$503 million deal intended to rehabilitate 80.2 kilometers of railway linking Manila to Pampanga province to its north.

Also affecting people-to-people relations and generating negative mutual perceptions were the botched handling of a hostage crisis in Manila resulting in the deaths of 8 Hong Kong tourists, and on the other side, China's execution of Filipinos who had been convicted by its courts of drug trafficking despite appeals for clemency from Philippine President Benigno Aquino III. These mini-crises in Philippines-China relations were played up very much in the popular media of the Philippines, China and Hong Kong, negatively influencing public opinion.

In examining these examples of specific issues in Philippines-China relations, what stands out regarding Philippine behavior is that domestic politics, or the role and interplay of domestic stakeholders in the Philippine polity, have had a significant effect on foreign policy outcomes. This was true whether the issue at hand had implications for territorial integrity and national security (such as the Spratlys/JMSU problem), on the country's development efforts (such as the major infrastructure projects of NBN and NorthRail), or one that was entwined in the cultural perceptions and identity-images of the Filipino and Chinese publics (such as the execution of Filipino drug mules in China).

### Theoretical perspectives

This paper sets out to explore the role of domestic politics in the shaping and implementation of Philippine foreign policy and its relations with China. The arguments presented here are not intended to discredit alternative explanations of foreign policy behavior, such as the neorealist assumption that systemic factors and the structural distribution of power greatly influence how States define their interests. The dominant (IR) international relations theories indeed may be able to explain the driving forces behind the Philippines' approach to China with some lucidity (e.g. the realist explanation of Manila's hedging against China's rise by strengthening security ties with the US, or an institutionalist exposition of Philippines-China mutual accommodation and their growing trade interdependence). *What the paper instead seeks to explore is the role of domestic politics as a variable in Philippine foreign policy behavior, and whether it helps explain apparent 'anomalies' that have occurred in recent years, when desirable foreign policy outcomes for the Philippines (i.e. stability in the South China Sea, successful aid and investment projects from China, favorable mutual perceptions and friendly relations between Chinese and Filipinos), have been thwarted.*

Foreign policy analysts, and even more so foreign policy decision-makers and implementers, have always had to confront the influence of domestic politics on foreign policy choices. There are various ways of explaining this interface between domestic politics and foreign affairs, with some emphasizing the role of interest groups (including lobbies, political parties, and opinion leaders) while others focus on leadership styles and cognitive patterns of primary decision-makers. There are also structural arguments about the nature of the state (strong state vs weak state), as well as a bureaucratic politics model looking at interactions among various subnational actors, particularly in the administrative machinery of the state. While there are indeed different explanations for foreign policy behavior, one can generalize by saying that the influence of domestic politics becomes apparent when foreign policy choices can be better explained causally by the nature or behaviour of the state's "political institutions, cultures, economic structures, or leadership goals" rather than by any other explanation (Fearon, 1998).

Robert Putnam (1988) provides the most popularly accepted theory on how domestic influences can impact on foreign policy, using the metaphor of international negotiations as a “two-level game”. He says:

*“At the national level, domestic groups pursue their interests by pressuring the government to adopt favorable policies, and politicians seek power by constructing coalitions among those groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments. Neither of the two games can be ignored by central decision-makers, so long as their countries remain interdependent, yet sovereign” (434)*

At the first or the ‘national’ level, one effective approach in studying the domestic influences on foreign policy is the above-mentioned “bureaucratic politics” model. Popularized by Halperin et al (2006), it focuses on how various interests and priorities of various government agencies, departments and individuals – and the conflicts among them – can influence how foreign policy is made and implemented. This encompasses interactions within the executive, between the executive and legislative, public and private interests, as well as between personalities which may enter into the decision-making dynamics. Most studies that use the bureaucratic politics model in understanding foreign policy decisions have been done with reference to the United States. In the case of the Philippines, a developing country that is still in the process of building well-functioning governance institutions including for the management of its foreign relations, it is interesting to find a political culture where informal mechanisms and arrangements can and do in fact matter more than formal decision-making processes.

In connection with Philippine relations with China, this paper explores the following questions: (1) How have bureaucratic politics driven Philippine foreign policy behavior toward China? (2) To what extent has the Philippine government successfully managed the domestic drivers in order for it to behave as a “rational, unitary actor” in promoting the State’s interests in its relations with China?; (3) Are there major constraints (institutional, cultural, ideational) that have prevented the attainment of more desirable outcomes in Philippine relations with China?



The study looks at three cases: the Philippines-China “Joint Marine Seismic Undertaking (JMSU)” in disputed territories of the South China Sea (belatedly joined by Vietnam); Chinese participation in the National Broadband Network (NBN) project and the NorthRail project; and Philippine reactions to the Chinese execution of 3 Filipino drug mules. The first two cases were foreign policy-related initiatives under the Arroyo government, while the last was a more recent issue faced by the current government of Benigno Aquino III. Each of these cases corresponds to what Philippine governments since Fidel V. Ramos have referred to as the “three pillars of Philippine foreign policy”: respectively national security, economic diplomacy, and protection and promotion of the welfare of Filipinos abroad. All four may be considered foreign policy crises (particularly the JMSU episode) and were given prominent attention in Philippine and international media, thus generating a fair amount of opinion and analyses. Interestingly, while the Chinese government, its organizations or companies were the other party in each of these foreign policy problems, the Filipino public reserved its harshest criticism for its own public officials and attributed to them -- rightly or wrongly -- either sinister and corrupt motivations (in the cases of JMSU and NBN) or indifference and ineffectiveness (in the drug mules execution case).

One caveat is that foreign policy analysis as a field of study often tends to focus on crises and problems rather than success stories, and the examination of the role and influence of domestic politics even more so implicitly seems to argue that such factors serve to undermine, ruin or frustrate otherwise commendable goals and rational strategies being pursued at the international level. Fearon (1998) notes the contrast that “If a systemic IR [international relations] theory pictures states as *unitary, rational actors*, then a domestic political explanation is one in which domestic political interactions in at least one state yield a *suboptimal* foreign policy relative to some normative standard” (emphasis mine).

Indeed, foreign policy crises among states with normal bilateral relations may be considered ‘anomalies’ because they are discrepancies or deviations from the established pattern or rule, this pattern or rule being (for the Philippines, just as for most other countries) predominantly characterized by regular bilateral exchanges and interactions; the uneventful streams of trade, investment, tourism and people-to-people exchanges; and continuous flow of dialogue and consultations leading to

specific agreements. In that sense, Philippines-China relations are not exceptional. However, what is interesting in the cases under study are both what they reveal about Philippine relations with China seemingly being riddled with crises, and what they reveal about the nature of the Philippine state, its political dynamics, and how these impact on the country's foreign policy.

Another caveat is that this study is necessarily exploratory because of incomplete information about the motivations, calculations and actions of the key players, and inability to verify the accuracy of some of the open sources on which the research is based, given the highly charged political atmosphere in which these issues played out. The research on the cases outlined here relies on news reports, investigative accounts by journalists, commentaries, official reports, and interviews.

### **Uncovering the enigma of the Philippine State**

Theorizing foreign policy means developing a theory of why particular states, with individual, unit-level properties, make particular foreign policy moves at particular times. The “why” is difficult to establish; as Waltz correctly described, a state's foreign policy is “determined by hundreds of highly variable and idiosyncratic factors” (Fearon, 1998). The amount of leverage one country has over another, personal rapport or enmity between their leaders, strong or weak domestic support for a party in power, information available to one side but not the other, the amount of trust or delegated authority an ambassador enjoys from his or her head of government, the psychological state of a decision-maker at the time a foreign policy problem emerges, etc. may each be determining factors in any particular situation requiring diplomacy.

Even allowing for idiosyncracies, however, observers can anchor the study of foreign policy behavior in an examination of the structures, institutional characteristics and dynamics of politics in the particular state.

A recent paper prepared by RAND Corporation, examining Philippine responses to China's rise, appeared to zero in on a number of domestic factors that have been written about by various scholars, as having some explanatory relevance to the topic at hand. *First*, the paper notes that there has been “perennial domestic political instability” since the fall of Marcos in 1986 (except for the Ramos presidency from

1992-1998), resulting in a Filipino public that is “inattentive to the external environment” and political leaders who are “focused on short-term political maneuvering” rather than foreign and security policy issues and strategies (Medeiros et al, 99). Contributing to this inward-looking preoccupation are a communist insurgency, a Muslim separatist movement, terrorist groups and criminal networks. [In this author’s view, however, still more serious problems of instability arise from widespread public cynicism about a government and political system perceived to be corrupt and focused on elite interests, manifesting at one point in class fissures such as the ‘EDSA 3’ movement during which the mostly low-income supporters of the ousted populist president Estrada sought to remove an elite-backed Arroyo, and occasionally in the propensity to resort to extra-constitutional means of political change, including military interventionism.] Such a proliferation of internal challenges have indeed prevented the Philippine political and administrative elite from fixing their sights on more strategic goals or on the external environment.

*Second*, the RAND study says, the political system is personality-driven, with no institutionalized or program-focused political parties. Instead, patron-client relationships stretch across the lowest (barangay) to highest (national) levels of government where the goals are to satisfy particular(istic) demands. “Politics is characterized by competition among local elites for access to government patronage” (99). Politicians as well as executives at the national and local levels are in turn expected to be dispensers of patronage and favors to constituents.

From these two long-standing observations, the cumulative effect is general public indifference to developments in the international arena, and the tendency of the ruling political elite to behave only in reactive response to foreign initiatives and external developments or crises.

Philippine democracy, largely patterned after the American system of government, relies on the effective functioning of a system of checks and balances among three co-equal branches of government: the Executive (the President and his/her Cabinet); the Legislature (a Congress with two chambers – a 24-member Senate and currently a 265-member House of Representatives); and the Judiciary (from lower courts all the way to the Supreme Court). The two houses of Congress work independently and at

times in unhealthy competition, with the Senate of the post-Martial Law years becoming known for investigating high-level corruption scandals in government, while the House of Representatives would be typified by shifting coalitions until a pro-government majority would eventually emerge. Among Philippine presidents, Arroyo was seen to be highly successful in using the President's power over the budget to buy the allegiance of many legislators as well as that of elected local officials (Carizo, 2010).

The military, as an institution, had its heyday of political influence during the Martial Law years under Marcos, but since the 1986 Marcos overthrow (ironically triggered by a military rebellion), many soldiers across the generations have felt they had a critical role to fulfill in facilitating political succession outside of electoral exercises. A reformist strand in the Armed Forces even garnered the support of some civil society organizations (traditionally anti-military in outlook) for the legitimacy of using military intervention to effect power transition.

The current president, Aquino III, campaigned and won on a platform of good governance, promising to stamp out corruption perpetuated by the Arroyo government, which itself came to power on the crest of a popular movement against the corrupt and inept former president Estrada. The struggle for clean government remains a challenge, as public office is still seen by many as a stepping stone to the accumulation of private wealth.

### **The formal actors**

As with other countries, foreign policy is largely an executive function in the Philippines, with the president given much leeway as its chief architect, usually relying on key advisers in the Cabinet. This was especially true during the Marcos years, when a strong President and an authoritarian system made it difficult even for career diplomats without personal ties to Marcos to play key decision-making roles. Philippine presidents after Marcos who demonstrated a more activist foreign policy were Fidel V. Ramos, who in the aftermath of US military withdrawal from its bases in the Philippines, decisively turned the country toward a more ASEAN-centered diplomacy, and Gloria Macapagal-Arroyo who was able to successfully balance Philippine relations with both the United States as the Philippines' oldest ally and

China as the region's rising new power. Weak presidents have been challenged on foreign policy issues by the political opposition. A case in point was how Corazon Aquino's support for a new treaty on the US bases was unable to prevent a Senate vote against it. (Medeiros et al, 99)

The Department of Foreign Affairs consists mainly of a professional foreign service, recruited through a highly competitive examination process and trained for the generalist functions of a Philippine diplomat. However, there has traditionally been a significant number of ambassadors who were not trained as part of the career system, but were political appointees of the President. Presidents Estrada and Arroyo both had highly controversial ambassadorial appointees, and were criticized for using foreign service appointments to dispense political patronage. While there has been tremendous improvement in the career training and recruitment into the diplomatic service, Philippine diplomacy is far from being immune to patronage politics. Economic policy, similarly, has to take into consideration the influence on policy of established interests such as foreign investors, landed and financial interests, and other groups that provide political support to the ruling elite. (Medeiros, quoting de Dios, 1998)

Another problem besetting the foreign service, one that may be quite unique to the Philippines, is the inordinate attention and resources that must be devoted by Philippine missions abroad for providing services to Philippine nationals, in particular the huge number of overseas Filipino workers (OFWs) in various parts of the world. Given its limited resources as a developing country, this serves as a constraint to a more strategic and pro-active security and economic diplomacy outlook by the Philippine foreign policy community.

Congress has an important direct role in foreign policy making only in terms of treaty ratification by the Senate, while the House of Representatives can intervene through its authority over appropriations and over appointments and promotions of ambassadors and foreign service officers. The role of Congress has also been critical, however, in some major decisions related to foreign policy such as the Senate vote leading to the closure of US military facilities in 1991, and the Senate ratification of the Philippines-US Visiting Forces Agreement in 1999. More recently, decisions were

made by Congress involving the redefinition of Philippine territory (2009 Baselines Law or R.A. 9522) which have a direct bearing on the disputes with neighboring states over islands and waters in the South China Sea.

Occasionally, too, individual politicians would emerge from Congress to become statesmen and play significant roles in shaping Philippine foreign policy, such as Claro M. Recto and Raul Manglapus.

*Public opinion.* Public opinion in the Philippines is vocal on many things, but is generally not perceived to be knowledgeable or active in foreign policy concerns. The previously mentioned RAND study cites an interview with former National Security Adviser General Jose T. Almonte, who describes the Filipino public as having “no real interest” in foreign policy “unless the interests of certain social groups are directly involved” (Medeiros, p. 98) However, in the latter case, organized networks of NGOs and certain media commentators can claim to have some influence. Foreign policy issues which have had large public constituencies include rights and welfare of overseas workers, globalization and the adoption of neoliberal economic policies.

The rest of this paper examines three episodes in recent Philippines-China relations, with a view to explaining how domestic politics influenced the positions developed and actions taken by the Philippine side. While there is no claim made here that domestic politics provides the only or even the most credible causal explanation of the ultimate outcomes, it is hoped that the narratives can add insight into the complexity of Philippine diplomacy and foreign relations with China.

### **Case # 1: “The Joint Seismic Marine Undertaking” in the South China Sea**

In September 2004, the Philippines and China agreed to engage in a “joint marine seismic undertaking” covering disputed areas in the Spratlys, South China Sea, close to the Philippines’ westernmost island of Palawan. The agreement covered an area of 142,886 sq.km of water, with a view to developing a clearer idea of the hydrocarbon deposits in the area and pinpointing possible drilling locations.

Vietnam initially objected to the agreement because it impinged on its own territorial claims but later joined in, as it feared that cooperation between the Philippines and

China alone would be detrimental to its interests. A *Tripartite Agreement for Joint Marine Seismic Undertaking in the Agreement Area in the South China Sea* was then crafted and signed in March 14, 2005 by the heads of the national oil companies of the three countries – the Philippine National Oil Company- Exploration Corp. (PNOC-EC), China National Offshore Oil Corp. (CNOOC), and PetroVietnam.

The agreement was designed to be a commercial deal, without prejudice to the countries' respective sovereignty claims. Nonetheless, the agreement was hailed in China both as an important step in implementing the 2002 Declaration of Conduct of Parties in the South China Sea which it had signed with ASEAN and as a breakthrough in efforts to implement Deng Xiaoping's formula of shelving sovereignty and pursuing joint development.

The agreement provided that the three parties were to divide the work along the following tasks: China was to gather data, Vietnam was to process it, and the Philippines was tasked with analyzing the information, with all three stages to involve sharing of information and to be completed within three years. The possibility of inviting international oil companies to participate in the actual exploration, if warranted by the seismic survey results, was also considered (Tordesillas, 2006). By allowing foreign oil companies to survey the areas closest to the Philippines, the JMSU paved the way for the possible realization of a joint development zone in the South China Sea as a means of managing the disputes.

The agreement itself was remarkable in terms of Philippine foreign policy on the Spratlys. By agreeing initially to cooperate with China alone, it represented a break from the previous stand of the Philippine government to pursue multilateral solutions to the disputes in the framework of ASEAN and international law, thus accommodating China's preference for a bilateral approach. Some observers criticized the Philippine position as undermining ASEAN solidarity on the issue. (Since Arroyo's term ended, the Aquino III government has indeed been hard pressed to try to restore policy on this question to a more multilateralist framework.)

There are several possible rational explanations for the shift in policy of the Philippine government toward greater accommodation of China: that Arroyo wanted

to play a China card following the strong rebuke from the US over her decision to pull out Philippine troops from Iraq; that the Philippines was becoming frustrated with the glacial pace of ASEAN –China progress in negotiating a regional code of conduct in the South China Sea; or that energy supply concerns were beginning to trump security and sovereignty interests in her government's view. However, the domestic context and the decision-making processes on the issue reveal that there was much more at play.

In March 2008, when the JMSU was on its third year, the political opposition in the Philippines led by three senators pounced on the JMSU to accuse Arroyo of committing treason against the country, after a blog by then journalist Ricky Carandang (2008) had implied that the JMSU was concluded explicitly in exchange for promises of fat loans to the Arroyo government. Attention to the JMSU had also been triggered by a report published the previous month by Barry Wain which appeared in *Far Eastern Economic Review*, titled “Manila’s Bungle in the South China Sea” (Jan/Feb 2008). In this article, Wain revealed, quoting South China Sea expert Mark Valencia, that the Philippines had included even undisputed areas of its continental shelf in the joint seismic undertaking with China. Wain also quoted unnamed Filipino officials as saying that “politicians with business links who have other things going with the Chinese” had persuaded Arroyo to go along.

Although the JMSU agreement had been signed and announced years before, it attained notoriety only after these published comments and in the context of a snowballing movement to impeach Arroyo following a series of electoral and corruption scandals. In particular was one scandal called the “Hello Garci” affair where the President was caught on audio tape discussing with an election commissioner over the telephone what appeared to be plans to rig the mid-term election results. Critics also singled out the fact that the JMSU agreement was shrouded in secrecy, after repeated demands for a public release of its text were ignored by government. Others said it was unconstitutional, while still others asked why it was not subject to ratification by the Senate, as required of treaties.

In tracing the history of the agreement, interestingly, the key Filipino decision makers involved in the Tripartite agreement were not foreign policy nor security experts from



the Department of Foreign Affairs, National Security Council or the Department of National Defense, agencies that had long been handling policy on the Spratly disputes. Instead, there were two individuals who would stand out as its main champions – Speaker of the House of Representatives Jose de Venecia Jr. and the president of the Philippine National Oil Company Eduardo Mañalac (Bordadera, 2008). The third actor was President Gloria Arroyo herself, who stood firmly behind the agreement.

Former Speaker Jose de Venecia Jr., described in one source as an “itinerant internationalist” (Bower, 2010), was at that time a staunch political ally of the Philippine president, working closely to have President Arroyo’s agenda and her political survival supported in the House of Representatives. His support for the President became particularly critical when Arroyo became besieged by the “Hello Garci” scandal, as the threat of impeachment (a process initiated under Philippine law by the House of Representatives) emerged.

Speaker de Venecia also had a background of being associated with Philippine Landoil Resources Group and other oil interests since the 1970s. His website mentions that he is “the first Southeast Asian to drill for oil in the Arab world, in the United Arab Emirates; he was one of the pioneers of the first offshore oil discoveries in the Philippines’ Palawan Island in the mid 1970s, and received citations from the Philippine Government and the Palawan provincial government”. At the same time, he is a “believer in informal diplomacy and the role of parliament in back-channel conflict resolution.” ([www.josedeveneciajr.com/page2.php](http://www.josedeveneciajr.com/page2.php))

On the other hand, Eduardo Mañalac was an oil geologist and industry expert who had had a 28-year long association with China’s Philips-CONOCO before he became head of Philippine National Oil Company. He had also been Undersecretary for Energy from 2003-2004. In his early career, he had been involved in the first geological mapping of the Palawan basin. His vitae mentions that “(h)is most notable international exploration achievement was the discovery of Peng Lai 19-3 in the year 2000, the largest offshore oil field in China for which he received China’s prestigious Friendship Award and the China National Offshore Oil Corporation’s Model Worker

Award. In other words, Mañalac was an expert who likely enjoyed the trust of Chinese oil partners, while he also tended to put his trust in the Chinese.

Personal accounts by various officials who had been involved in Philippine-China relations, and information which surfaced publicly during Senate investigations of the NBN-ZTE affair indicate the crucial role Mr. de Venecia played in not just the JMSU, but as we will see later, other agreements between the two sides. De Venecia claimed in a newspaper interview that the original bilateral agreement that the Philippines had with China had been “debated extensively” by the Cabinet, particularly under Executive Secretary Alberto G. Romulo (who later developed a reputation as the country’s most pro-China foreign minister), then Foreign Secretary Delia Albert and then Energy Secretary Vince Perez (Bordadora, 2008). Other sources report, however, that the Department of Foreign Affairs was largely kept out of the negotiations, and that below the level of Secretary, the recommendation was NOT to proceed with the agreement, on the grounds that ASEAN would consider it a violation of the 2002 ASEAN-China Declaration of Conduct of Parties in the South China Sea<sup>2</sup>, and that there would be questions of constitutional violation, specifically in regard to the provision of the Philippine Constitution reserving the right to engage in natural resources exploitation for Filipino nationals (Interview, R1).

The government’s then Acting Justice Secretary Merceditas Gutierrez reportedly also harbored serious reservations about the JMSU, arguing its unconstitutionality (Carandang, 2008; as related by former Senator Frank Drilon). Based on newspaper reports and separate interviews with staff of the Department of Foreign Affairs and the National Security Council, these two agencies were largely excluded from the processes, but subsequently had to take the flak and the responsibility for rationalizing the decisions that had already been made above their heads.

When news broke in Manila that the JMSU area included parts of the Philippines that were not even disputed by China, there was a public clamor to reveal the exact area in question through maps, which government ignored. Speaker De Venecia in a remarkable gesture to ensure his political survival, joined the calls for transparency,

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<sup>2</sup> For full text of the Declaration, see <http://www.aseansec.org/13163.htm>.

after a member of his own bailiwick the House of Representatives asked that he be investigated for his role in the agreement. Specifically, he was being asked to say if there was indeed a link between the JMSU agreement and China's extension of a soft-loan facility of \$2 billion a year to the Philippine government (Bordadora).

The lack of transparency led to suspicions that the JMSU deal had been agreed upon in exchange for graft-riddled loans from the PRC, including the NBN-ZTE agreement and the NorthRail project of which details are provided below. While de Venecia denies any direct quid pro quo between the JMSU and these deals, the windfall of Chinese investment and loan projects that followed the signing of JMSU – and the Chinese government's commitment to provide US\$2 billion in aid for three years until 2010 – could not help but be noticed.

De Venecia's role demonstrates the importance of informal patronage networks in foreign policy decision-making. On the one hand, President Arroyo was indebted to him and depended upon his influence on other members of the House of Representatives for her political survival, in light of the impeachment threats. Thus, his influence over the President was clear. On the other hand, like Manalac, de Venecia also appeared to have considerable clout with the Chinese. From his website, we know that he is responsible for helping the Chinese Communist Party develop networks with other Asian counterparts.

Jose de Venecia Jr. was president of the Lakas-Christian Muslim Democrats, the ruling party under Arroyo. He takes credit for founding the International Conference of Asian Political Parties (ICAPP), which was launched in Manila in 2000 and convenes every two years. He invited the Chinese Communist Party to join the organization, providing them the first opportunity to network and gain legitimacy with other political parties of the region, until the CCP even hosted the third General Assembly in Beijing in September 2004, and organized an ICAPP conference on poverty alleviation in Kunming in July 2010 (<http://josedeveneciajr.com/page23.php>).

The ICAPP General Assembly in Beijing hosted 82 political parties from 34 countries, of which only 18 were Communist and Left parties from 17 countries. From China's point of view, ICAPP gave it an opportunity to change the image of the

CCP held by other political parties in the region, as one that was “peaceful, open, enlightened and progressive”. Moreover, as “the first of its kind” hosted by the CCP, the General Assembly was seen as conducive to “strengthening the CPC's strategic thinking and administrative capability”(www.china.org.cn).

With his strategic networks, de Venecia was thus able to fashion himself as a gatekeeper for major Chinese investment projects in the Philippines. He became the staunchest champion of JMSU, so confident of his position that in some cases, he appeared to be making commitments to the Chinese side without the necessary consultations or staff work within the Philippine policy mills (Interview, R2). However, after his falling out with President Arroyo over another Chinese-funded project (the NBN-ZTE deal), he tried to distance himself from JMSU.

Nonetheless, he remained committed to the concept of joint development as an approach to the territorial disputes. Reacting to the brewing disagreement between China and US over the South China Sea which emerged at the 2010 meeting of the ASEAN Regional Forum, he is quoted as saying:

“To restore stability to the South China Sea, we should shelve—for future leadership generations to resolve, in a more congenial climate—the prickly question of sovereignty. We should focus instead on sharing equitably the hydrocarbon resources of this great inland sea our countries share—as China, Vietnam and the Philippines are starting to do.

This approach to the South China Sea issue makes unnecessary any need for American interventionism—which will merely complicate the problem and raise the tensions in the area. However, after we work out a common exploration and production-sharing formula, we can invite the most experienced U.S., European and international companies to undertake the drilling in the Spratlys in the South China Sea.” (de Venecia, Jr., Jan 2011 speech)

In the JMSU case, decisions were made outside of the usual channels involving the foreign affairs and defense/security departments (or for that matter even the Department of Energy). Rather than being a case of bureaucratic infighting among agencies with different mandates, this was a case of political interference by well-connected individuals.

Any suspicions of a sell-out of Philippine territorial integrity in exchange for sweetened business deals, or even the mere doubt that the national interest was not

faithfully served by the JMSU agreement, might have been avoided if the regular institutional channels for decision-making on such a critical issue as territorial claims had been honored. Moreover, aside from the energy dimension of the issue, the concerns of other claimant states, security considerations, ASEAN unity of approach, or even balance of power factors – all of which should be familiar issues to the professional diplomats and security specialists who had been working on the subject of the territorial disputes for some time, would have formed a greater part of the calculations before the Philippines offered up its claim areas for joint surveys. The resulting resentment and frustration of career diplomats and bureaucrats at being sidelined in such a critical policy move could also have been avoided.

The JMSU agreement was allowed to lapse in July 1, 2008 and was not extended. While China has expressed interest in pursuing it, the Philippines is far from inclined to do so. President Benigno Aquino III in January 2011 was reported in Philippine newspapers to have said the JMSU “shouldn’t have happened” as it encroached on Philippine territorial waters. (ABS-CBN News, 4 Jan 2011)

## **Case # 2:**

### **The NBN-ZTE deal**

Under the Arroyo government, the Philippines and China were experiencing new heights in bilateral economic cooperation. China’s assistance had been enlisted to help the Philippines develop such priority investment areas as housing, railways, mining, public works and infrastructure, energy and power, industrial parks, economic zones, tourism, agriculture, fisheries and garments and textile factories.

In 2006, the Chinese government offered to give the Philippines aid in the amount of US\$2 billion a year until 2010, from its Export-Import Bank. The Philippines at the time had been negotiating a \$200m loan from the World Bank and the Asian Development Bank, as well as \$1 billion from Japan (Perlez, 2006). Western aid officials were reportedly surprised when the announcement came during a meeting of aid donors at the Asian Development Bank, which has its headquarters in Manila, a few months before the visit of Chinese Premier Wen Jiabao. During Wen Jiabao’s visit in December 2006, Manila and Beijing signed 12 cooperation documents and announced initiatives to expand cooperation not just on economics (including trade,

finance, and infrastructure), but also on defence matters, disaster mitigation, and nontraditional security. They pledged to strengthen educational, cultural, and social exchanges and friendly exchanges at all levels, to draw up a joint action plan for strategic cooperation between China and the Philippines, and to consult and coordinate closely in international and regional affairs.

The attractiveness of Chinese aid to developing countries has been the subject of various studies and commentaries, particularly citing the lack of the types of conditionalities that are often imposed by more stringent Western donors. For instance, the head of the Philippines' National Economic Development Authority Romulo Neri indicated some preference for Chinese aid when he remarked that Chinese aid was free from the usual World Bank requirements of hiring expensive foreign consultants (Perlez, 2006). Others, however, argue that Chinese aid can also be considered "tied aid" because typically the Chinese government imposes the right to name its own contractor and to use Chinese labor.

Another reason why Chinese Official Development Assistance (ODA) is believed by many to be attractive is that there is ostensibly leeway for the leaders of beneficiary countries to engage in corruption.<sup>3</sup> A test case for the latter in the case of the Philippine appeared to be the so-called NBN-ZTE project.

The Chinese telecommunications giant Zhong Xing Telecommunications Equipment Corporation entered into a deal with the Philippine government in 2006 to help build a National Broadband Network (NBN). The NBN was ostensibly for the purpose of linking 2,295 national offices and 24,549 barangay (or village) municipal offices of the Philippine government into a single broadband network, with the concept later on expanded to include linking up the public education infrastructure to grant students and schools better Internet access. The total investment of ZTE of \$329.5 million would be secured through concessional loans by China's Export-Import Bank,

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<sup>3</sup> However, a study conducted for the African Development Bank Group found that:

"Regarding governance, both China and the traditional sources of development finance have rules that discourage corruption in the procurement of aid, but export credits are less well policed. Neither seem to have rules for when or how aid should be restricted when a pattern of corruption characterises an entire recipient government." (Brautigam 2010)

payable at 3% interest over a period of 15 years, with a 10-year grace period (Committee on Accountability of Public Officers and Investigations; henceforth “Committee Report”, November 2009, 72).

Critics of the project, led by economics professors of the University of the Philippines, argued that the broadband project was not necessary because the country’s private telecommunication companies could easily provide the needed service, and that previous attempts by the national government to build such an infrastructure had ended in failure. They also said that what the Chinese side was offering was not concessionary loans, but tied aid (Fabella and de Dios, 2010).<sup>4</sup> At \$329.5 M, or even the original cost of \$262m (which reportedly increased due to a change in the required configuration of electronic equipment), technical experts said the project was grossly overpriced. A technical consultant of the project who was later on called by the Philippine Senate to testify on the case even said that the real cost of the project was only US\$50 m. (Committee Report, 69)

The project had been approved originally as a Build-Operate-Transfer (BOT) project, with a private company Amsterdam Holdings, Inc. (AHI) having submitted a proposal to implement it. As a commercial transaction between government and a private company, the Philippine government would not absorb the risk, as there would be no cash out on the part of government, and no government guarantees. Of interest is the fact that the head of AHI was Jose de Venecia III (a.k.a Joey de Venecia), son and namesake of Speaker of the House Jose de Venecia Jr. whose strategic links with the Chinese leadership and gatekeeping role we have already remarked on in the previous section of this paper.

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<sup>4</sup> The authors argued that: “China’s newly-discovered generosity is, of course, nether strange nor totally unexpected. That country is, after all, currently sitting on some 1.33 trillion in foreign exchange reserves. It therefore has an obvious imperative to offload some of these so that they yield a return of some sort, but also in order to deflect the incessant criticism of its policy of undervaluing the yuan. As most parvenu trading powers are prone to do, however, China has sought to use tied foreign assistance as a tool to simultaneously unload some of its reserves and still advance its mercantilist purpose. An obvious solution is to pass off some of its idle reserves as loans to developing countries as an incentive for the latter to import from Chinese home firms, thus sustaining employment and the breakneck growth at home. Moreover, collecting a risk-free three percent (because sovereign-guaranteed) on multimillion dollar loans is not such a bad use of money – it in fact represents a higher return than those Chinese reserves are fetching anyway. In many ways, therefore, China is doing a favor primarily to itself – “very concessionary”, indeed.”

In March 2007, despite indications that the Philippine government including President Arroyo herself had initially preferred to bid out the NBN project as a BOT arrangement, the National Economic Development Authority (NEDA) suddenly agreed to convert the NBN project into a government-to-government project, to be financed through a loan from the Chinese government. As such, the contract would be considered an executive agreement, not subject to bidding rules of the Philippine government; moreover, under the Chinese system of concessionary loans, the Chinese side could designate the contractor, in this case ZTE.

The NBN-ZTE project was ill-fated from the very beginning. The contract was signed in Boao, China in a hurried ceremony witnessed by no less than Arroyo herself, and on the day it was signed, the original copy of the contract of the Philippine side was lost under circumstances that to this day remain a mystery. By September 2007, facing weeks of exposés of corruption and criticism by the political opposition over the deal, President Gloria Arroyo suspended the contract. During a visit to China in October of that year, she cancelled the deal altogether.

The NBN-ZTE story was one of intra-elite competition for the spoils of power and influence. On the one hand was private businessman Joey de Venecia, who no doubt - convinced of his father's influence with the Chinese and with the President - wanted a big piece of action for his small, undercapitalized firm when he bid for the original project under build-operate-transfer terms. On the opposite side was the Chairman of the Election Commission Benjamin Abalos, who was brokering for the Chinese company ZTE -- to whom he had boasted that he was about to become the country's "most powerful man" with the onset of 2007 mid-term elections process. Abalos was apparently backed by Jose Miguel Arroyo, the President's husband. Eventually, supporting the position of the Abalos camp were officials of the National Economic Development Authority and the Department of Transportation and Communication whose roles were critical in converting the deal into a government-to-government agreement, as well as in approval and implementation of the project.

From the information that surfaced during Senate investigations into the "NBN-ZTE scandal", it became evident that Abalos was extracting huge commissions and bribes



from the ZTE partners (ostensibly in the name of the President, her political party and even House Speaker Jose de Venecia Jr). He was also offering bribes himself to the approving authorities (the NEDA Secretary, for one), and to the competing company AHI to persuade it to pull out its interest. It was when a whistle-blower made all this information public that a huge political scandal ensued that forced the President to suspend and eventually cancel the project. Within months, Abalos had resigned as Chair of the Election Commission, Jose de Venecia Jr had been ousted as Speaker of the House, and President Arroyo was in very, very hot water.

By then, ZTE had already paid US\$41m in “advances”, broken down, according to testimonies, as follows: US\$1m as representation fees, \$10m as “success fee”, and \$30m “to aid the administration during the 2007 elections” Another tranche worth US\$5 million would reportedly have been given to Joey de Venecia had he not walked out of a meeting with Abalos and ZTE in China (Committee Report).

The Philippine Senate investigation pieced together details of the corrupt business negotiations gone awry. In November 2009, following thirteen public hearings, four technical working groups and two Supreme Court rulings stretching out over 2 years, the Philippine Senate Committee on Public Accountability of Public Officers and Investigations (Blue Ribbon Committee) concluded its investigation on the so-called NBN-ZTE scandal.

The Committee Report said:

“This is a story of how people in high places: the relatives of the most powerful men and women in government took advantage of their relationships, either with their parent or spouse, to cajole the Executive into entering a contract that would obtain something our country did not need, and that is manifestly disadvantageous to the Filipino people. It is about the war of the most powerful, most influential and most organized syndicates in government, some members of which are public officers, who were at each other's throats because of an alleged double-cross. It is about the never- ending battle among the political elite for economic power, domination and control.”

The report cited the President as being “unable to control and discipline her own men as they fight over their kickbacks. She kept her silence in the midst of the corruption- acquiescing and condoning the deed.”

The President apparently did more than keep silent, however. She played golf upon the invitation of ZTE executives in Shenzhen, at the time when ZTE was lobbying for a contract with her government; she witnessed the signing of a supply contract she knew to be anomalous and in circumvention of Philippine procurement laws, even though the contract specified that it was to be governed under Philippine law.

The Blue Ribbon Committee ultimately recommended filing of charges against the President, the President’s husband, the Speaker of the House, his businessman son, the Chairman of the Election Commission, the NEDA Secretary, the Secretary of Transportation and Communication, the “whistle-blower” and various other officials involved.

Throughout this saga, Philippines-China relations hung on the balance. ZTE, a major company with many similar foreign engagements, and the Chinese government were at pains to distance themselves from the large-scale corruption involved. Prior to the suspension of the NBN project, ZTE officials had issued a press statement that there had been “complete transparency in the proposal, evaluation, and approval of ZTE’s application for the Philippines’ NBN contract” (ABS-CBN News, Timeline, 2008). The cancellation of the project was believed by at least one senator to have caused “serious consternation of the officialdom of the People’s Republic of China” because “ZTE, after all, for all corporate intents and purposes, is a wholly-owned government subsidiary.” Senator Joker Arroyo (no relation to the President) said: “Philippines-China relations, not apparent but very real, was impaired as a consequence of the investigation” (Committee Report).

The close relationship between the Election Commission Chairman Abalos and ZTE officials was indicated by his presence at various meetings which he personally attended and apparently in which he had no official role except, as noted by the Blue Ribbon Committee report, as an “influence peddler”. Abalos himself had admitted that he and ZTE officials were “golfing buddies” and that ZTE had paid for his trips to China (ABS-CBN News, Timeline, 2008).

At some points during the Senate investigation, there were summons issued to Manila-based ZTE officials to participate in the proceedings, but these were largely ignored by ZTE. Perhaps conscious of the possible negative repercussions on foreign relations, the Senate did not insist. Nonetheless, the Committee report noted that:

“An investigation must be done on the ZTE Corporation, as well, in order to determine its role in the whole mess. While we must, the government must, encourage the influx of foreign investors and corporations in order to contribute to employment and wealth creation in the country, these corporations must be warned not to participate in illegal transactions. These companies must not contribute or encourage the corruption of public officers. It is also worth mentioning that ZTE should be warned in the manner that it conducts its business in the Philippines.”

The warning seems to have been taken to heart at least by a new Chinese ambassador Liu Jianchao who arrived in the aftermath of the NBN-ZTE scandal. After the May 2010 elections, he was the first foreign ambassador to meet with President-elect Benigno Aquino III, who had run a campaign on promises of going after corrupt officials. During the call, he assured Aquino III that China was ready to cooperate with the incoming administration in ensuring that contracts between the two countries would be "transparent and clean" (Calica, 2011).

In this story, Abalos (an election commissioner) and his apparent backer Jose Miguel Arroyo (a presidential spouse with no official position), were the sources of political interference in economic negotiations that were properly the business of the executive departments under the command responsibility of the President. The fate of the business deal was closed during informal meetings organized by Abalos at a popular golf course in Manila as well as in Shenzhen, where he brought the key players together. Had the loan agreement been consummated and the project implemented, the result would have been complicity of the Chinese company in the defrauding of the Filipino people, who would end up paying for a loan that had fattened the pockets of politicians for a broadband network that could all along have been acquired at far less cost.

In the previous case, it was then Speaker Jose de Venecia Jr. whose political interference in crafting the JMSU agreement with China subverted the proper decision-making processes for foreign and external security policy, leading to ill-advised measures that rendered President Arroyo vulnerable to public accusations of treason, no less.

De Venecia Jr. was also involved in an even bigger investment deal – the NorthRail project – that would have been China’s biggest investment in the Philippines, involving a US\$503m soft loan also at highly concessionary rates. Here, he even claimed credit for “convincing two Chinese presidents, two Chinese Prime Ministers, two Speakers of Parliament, and three Chinese Ambassadors to the Philippines for China to undertake the project,” which would have constructed 80 kilometers of railway between Metro Manila with two northern provinces (Landingin, 2010)

Like the NBN-ZTE deal, the NorthRail project never took off amid accusations of overpricing and corruption. The Chinese contractor designated by the PRC government, was China National Machinery and Equipment Corp (CNMEC). In this case, political pressure from Speaker De Venecia and local government officials who stood to benefit from the rail links to Manila had hurried the signing of the agreement, despite lack of technical specifications. Residents of communities to be displaced by the railway have filed a case in Philippine courts, effectively preventing any progress on the ground. Years after the 2004 signing, with the Chinese side having put in a significant amount and with the costs of the project ballooning, there is as yet nothing to show by way of a railway being built. To make matters worse, the Philippine government is expected to pay \$400,000 or P20.8 million in penalties and interest for every month of delay. This led business journalist Roel Landingin (2010) to write: “At heart, the Northrail project is a tragic tale of what happens when cheap Chinese aid money hooks up with weak governance in a borrowing country”.<sup>5</sup> Unlike the cancellation of the JMSU and the NBN-ZTE deals, however, the Aquino government has agreed with the Chinese government to reconfigure and proceed with this project.

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<sup>5</sup> More details about how these Chinese aid projects are structured may be viewed in congressional testimony to the U.S. China Commission provided by CSIS Senior Adviser Ernest Bower on February 4, 2010. These are available at [http://csis.org/files/100204\\_bower\\_testimony.pdf](http://csis.org/files/100204_bower_testimony.pdf).

### **Case # 3: The execution of Filipino drug couriers in China**

This final case examines the role of leadership populism in reaction to a more recent irritant in the relations between the Philippines and China. The case refers to the imprisonment of Filipinos on various drug-related charges in China, where the punishment for smuggling 50 grams of heroin or other drugs is death. Just as there are many Chinese nationals serving or awaiting sentence in Philippine prisons due to involvement in drug manufacturing, there are over 200 Filipinos in Chinese prisons who have been arrested for smuggling prohibited drugs into the country on behalf of international syndicates (Padua, 2011).<sup>6</sup> Organized criminal groups have also been known to take advantage of Filipino overseas workers who consent to traffic drugs for them.

In March 2011, three of these Filipino drug mules were executed in China. This was the first time China would be executing Filipino prisoners, and the matter had to be handled with great sensitivity by both parties. The Philippine government asked for a stay of the execution. The Chinese side argued that their judicial authorities had already made the decision following due process where the rights of the accused had been safeguarded, and that their side had fulfilled international obligations in the process. Mindful that the tensions over the issue were taking place alongside heightened disagreements over territorial disputes in the South China Sea, the Chinese Foreign Ministry spokesperson expressed the hope that "We would not like to see any impact on bilateral relations" (Agence France Press, 3-30-2011).

A month before the execution, President Aquino III sent his vice-president Jejomar Binay as his special representative to convey a request that the Chinese government commute the sentences of the three Filipinos. Binay returned home only partially successful, as the Chinese reportedly promised to review the case. But the news was welcomed by Filipinos, as indicated by the boost in Binay's popularity in public opinion surveys where he garnered the "most trusted public official" rating (GMA

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<sup>6</sup> The Philippine Drug Enforcement Agency estimates that there are 695 Filipinos detained in various jails abroad because of drug trafficking. Of this number, 328 are in China, 86 in the Middle East and Africa, 156 in the Americas, and 125 in Europe. There are also 73 Filipinos on death row in China, eight in Malaysia, and one in Indonesia.

News, Pulse, 3-24-2011). Instead of commutation, a temporary one-month reprieve was granted but the executions were still scheduled to take place.

As background, the imprisonment and execution of Filipinos overseas is a potentially explosive issue in Philippine politics, ever since the execution in Singapore of domestic helper Flor Contemplacion in 1995, following her conviction for killing another Filipino. Contemplacion's fate received much sympathy from a broad segment of the Filipino population, many of whom believed that it is poverty that drives Filipinos to seek work abroad, and that she would not have suffered such a fate were it not for government neglect in the first place. This execution almost ruptured diplomatic ties with Singapore, and led to the axing by then President Fidel Ramos of the Secretaries of Labor and of Foreign Affairs, bowing to public pressure for failing to prevent the execution. It also resulted in the passage of new laws mandating government protection of the rights and welfare of Filipino migrant workers abroad. The same threat of public opprobrium over failure to help overseas workers had led the government of Gloria Arroyo to advance its troop pull out from Iraq, in the case of truck driver Angelo dela Cruz who had been held hostage by militants. In the China case, among the three Filipinos executed was Sally Villanueva, a Xiamen cellphone dealer and mother of two, who claimed she had been duped by her recruiter into carrying a bag with a secret compartment filled with 4 kg of heroin. The other two Filipino mules had carried 4 to 6.9 kilograms of heroin each.

The decision to execute the three was met with condemnation by the Catholic Church, which had years earlier worked to overturn the death sentence in the Philippines. Prayer vigils were held to seek divine intercession, and the television networks pounced on the issue, perhaps helping to stir up public indignation. Amnesty International and its Philippine organization, which had also been lobbying for abolition of the death penalty, saw China -- long criticized as having the largest number of prisoner executions worldwide-- as an easy target. Migrant workers' NGOs and leftist political groups expressed sympathy for overseas workers who they argued were not only duped into the drug trafficking trade, but were victims of a government that in their view pushed Filipinos into these circumstances by its failure to provide solutions to chronic poverty and unemployment.

While the request for clemency for the three drug mules was pending, the Philippine government made two controversial foreign policy decisions in the hope that the Chinese would be persuaded to act favorably on clemency. The first was to not attend the Nobel Peace Prize awards ceremony in Oslo, where Chinese dissident Liu Xiaobo was being honored. In what many observers see as a blunder, Pres. Aquino III explicitly linked the decision not to attend the Nobel ceremony with the hope of saving the lives of the three drug couriers, thus giving the action the ludicrous semblance of supporting a Chinese “boycott” of the award (even though the Chinese government denied it had called for such a boycott)(Pedrosa, 12-19-2010).

The second was a decision to deport 14 Taiwanese, along with 10 mainland Chinese who were arrested in the Philippines, to Beijing rather than to Taipei. The 24 had been facing fraud charges in China, and the PRC government had made representations for them to be returned to face trial in Beijing. The deportation to Beijing naturally infuriated the government in Taipei where over 72,000 Filipinos reside and work. Aquino defended the deportation, saying that at the time of the arrest of the Taiwanese, “there was a red flag from the Interpol (to arrest them) and when their identification was being requested, they failed to present proper identification and in that regard, we did what was the proper thing to do” (Legaspi, 2011). His spokesman Edwin Lacierda added “The evidence is in China, the crime was committed in China, so it was in our best interest, in our national interest to deport them to China”. Some quarters in the Philippines linked this action to appeasement of China on account of the drug mules, but also on account of the Philippine authorities’ poor management of a hostage-taking in Manila in 2010 that had left eight Hong Kong tourists dead (Pamintuan, 2011).

This incident led to major frictions between Manila and Taipei, especially as the latter government was in the midst of presidential elections in which cross-Straits relations was a sensitive matter. Taiwan accused the Philippine government of interfering in cross-Straits relations, and retaliated by imposing new burdensome visa requirements for Filipino workers deploying to Taiwan. Manila had to do much to mollify the Taiwan government.

While the Aquino government appeared to be bending over backwards to save the 3 drug couriers from death row, public opinion in the Philippines was actually much more divided on the decision of China to execute them. Some prominent commentators even questioned why the Philippine government was going to such great lengths on behalf of persons who had been found guilty of committing very serious crimes.

“If (the Filipino drug mules) had not been caught, imagine how many lives in China would have been destroyed because of them....Now, put yourself in the shoes of the Chinese people and then think about the Filipinos who would become drug addicts if some Chinese brought in the same amounts of drugs into the country.” (Tulfo, 2011)

“The Filipino drug mules now languishing in Chinese jails have brought nothing but disgrace to their compatriots and their country. Just as disgraceful are the attempts of publicity-hungry politicians like (Vice President) Binay to take on the role of saviors of criminals who are the least deserving of salvation. The politician’s call for the Chinese authorities to become merciful ring hollow.” (Mariano, 2011)

Eventually, some congressmen chimed in and opined that the limited resources of the Philippine government would be better spent on more important things than lobbying for clemency or arranging family visits to Filipino compatriots who had already been convicted and sentenced to die (Cabacungan, 2011).

Notably, the execution issue did not contribute much to anti-China sentiment in the Philippines, unlike the more emotional responses in the wake of several later incidents in the South China Sea and perceptions of Chinese high-handedness toward the Philippines, where at one point, a call for a boycott of Chinese products garnered 70% support from 30,000 participants in an online survey conducted in July 2011 (Adriano, 2011).

It appears therefore that in the handling of the “Filipino drug mules” case, the Philippine government was again taking a populist position that previous governments (Ramos in the Contemplacion case, Arroyo in the Angelo dela Cruz case) had already



taken with respect to the need to assure the public that the welfare of overseas workers (albeit misplaced in the case of drug traffickers) would always be its priority. In the context of overall Philippine relations with China, tensions in the South China Sea and the tougher position that the Aquino government was taking at the time towards Beijing on the territorial disputes may have implied a need to avoid approaching China from a supplicant's position vis-à-vis other aspects of relations. However, for the Aquino government it did not seem to matter that in the process of pleading for clemency for its nationals, it risked being perceived by Beijing as weak and vulnerable whenever the welfare of its nationals were concerned. The Aquino government even risked criticism of its own human rights policy (by "boycotting" the Nobel award given to a well-known Chinese human rights advocate), its respect for the rule of law (by appearing to coddle criminals such as drug mules), and it risked unraveling the fragile arrangements that make up the Philippines' one-China policy (by deporting Taiwanese to the rival Beijing government). All of these may have been considered worthwhile in the name of assuring the Filipino public of government's commitment to the struggling overseas Filipinos, but questions arise as to whether higher national interests were being served.

### **Concluding Observations**

The JMSU and NBN-ZTE affairs (as well as the Northrail episode) are instructive of the role of informal players and the longstanding practices of patronage in influencing policy and foreign policy-related decisions even at the highest levels of decision making. In these two instances, the mandated agencies e.g. the Cabinet, and career foreign service, were marginalized and decisions were railroaded by the top leadership (Pres. Arroyo herself) acting under pressure from informal advisers, cronies and interest groups. The formal institutions and processes of governance pertaining to the respective areas of national security, foreign policy and foreign investments were subverted along the way, and took on instrumental roles only in rationalizing decisions. By affirming the cancellation of the JMSU and NBN-ZTE projects, the Aquino III government was driven by its priority agenda of restoring good governance, correcting perceived policy errors, and bringing to justice the perpetrators of these anomalous undertakings.

These cases also indicate how domestic corruption and the political polarization such as that surrounding the Arroyo government in its final years can undermine the advancement of perceived higher-order national or even regional interests. In the case of the JMSU, the opportunity to shift the approach toward the South China Sea territorial disputes from bilateral conflict to one of regional cooperation possibly leading to joint development is foregone, and the momentum for similar initiatives may be long in coming again. Renewed bilateral tensions between Manila and Beijing since Aquino assumed office bear this out (see Baviera, 2011).

On the other hand, as an outcome of the Philippine handling of the NBN-ZTE/NorthRail issues, the potentially huge impact of the massive assistance and investments promised by the Chinese remains unrealized, while greater caution in future economic negotiations may slow down the process of economic cooperation henceforth. Were it not for the strategic importance of the Philippines in the context of China's ASEAN and South China Sea policies, and perhaps China's need for land and mineral resources in this neighboring state, the NBN-ZTE fiasco might have proved to be a major disincentive for further Chinese investment and ODA.

The costs in terms of relations with China may also be deemed high in certain quarters, especially as the complicity in corruption of the Chinese partner organizations caused embarrassment to the PRC government, validating criticisms of its ODA policy as undermining good governance goals.

In the third case of how the Aquino government managed Filipinos' involvement in drug trafficking in China, the challenge was how to balance the need to demonstrate to the Filipino public its commitment to protection of nationals, with the need to accord respect for Chinese law while promoting cooperation against transnational crime. Actions of the Philippine government with respect to China were directed mainly at pandering to even non-rational public expectations of "justice" for Filipinos (although at the national level, more preventive measures were put into place), rather than the latter. The inexperienced Aquino government was unwise to link the issue of saving the lives of drug couriers with other unrelated issues (e.g. the Nobel awards boycott or deportation of Taiwanese), but it was what a populist leader would do.

(This paper was written in July 2011).

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