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Background Briefing:

ASEAN Summit: Duterte as ASEAN Chair

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Can I ask how you see the South China Sea issue will be handled by Pres. Duterte in the ASEAN Summit in Manila this week and what's the downside and upside of his new approach?

ASSESSMENT: It is already clear with the release of the draft ASEAN chair's statement how President Duterte will handle the ASEAN Summit, especially with respect to the South China Sea. On the one hand, Duterte's hands are tied to ASEAN convention and what the bureaucracy passes up for approval.

On the other hand, Duterte can exert some influence as ASEAN Chair on how issues are brought up and presented to the outside world. One of Duterte's strong points is his less confrontational and more accommodating towards China; this is in line with the current ASEAN consensus. The evidence for this is his dropping of any reference in the Chair's draft statement to "non-militarization and self-restraint in the conduct of all activities, including land reclamation." All other parts of his draft statement on the South China Sea follow past ASEAN formulations. The one new element of note is the inclusion of the words "significant progress" towards a draft framework code of conduct.

Duterte's inclinations are in line with ASEAN's stress on inclusive habits of dialogue and consensus both among its members and in relations with ASEAN's dialogue partners. China responds well - at least in declaratory policy - to "tiding of good joy" from ASEAN. The upswing is that further progress on the framework code of conduct will be made with June as a possible deadline.

Duterte's default anti-American position might come under pressure from other ASEAN members to tone down the rhetoric. It is good that The White House has announced that President Trump will attend the next ASEAN Summit in Manila at the end of this year. Duterte will now be put in the position of not rocking the boat by antagonizing Trump with off the cuff remarks.

To conclude on the upside, on the vast majority of issues to be considered by the ASEAN Summit and Related Meetings, Duterte does not have the full authority to override the concerns of other states. His chair's statements will reflect whatever consensus is hammered out.

There are several downsides to Duterte's approach. Pressing sensitive security issues are swept under the carpet because of the need to forge consensus. Malaysia tried to pioneer an approach that gave recognition to the concerns of "some members" of China's actions in the South China Sea on the one hand, and views by other members on the other. Duterte could have followed suit. Vietnam and Singapore will likely press for a change of wording. We will have to wait until Saturday to see if Duterte's responds to the concerns of other states on South China Sea issues.

ASEAN adopted the circumlocution "legal and diplomatic processes" as code words for the Arbitral Tribunal proceedings and Award in the case brought by the Aquino Administration against China. Of course any mention of the Award would trigger a hostile Chinese response. But Duterte is president of the Philippines that along with China is legally responsible for complying with the Award. Duterte thus contributes to weakening international law by avoiding this issue. There are diplomatic ways of responding, such as last year's statement by the foreign ministers that pulled out the reference to "legal and political processes" from the South China Sea section near the end of the joint statement and inserted it in the second paragraph right at the beginning. In other words, Duterte's accommodating approach towards China is the easy way out; Duterte who has a strong personality, is not acting like a proactive statesman in presenting to China in diplomatic language the genuine concerns held by some members about Chinese militarization of the South China Sea.

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