

Issue

Brief

ISSUE NO. 626
MARCH 2023

Small States Wield Nationalism and Lawfare to Navigate Great-Power Competition

Charmaine Misalucha-Willoughby

Abstract

The argument that small states perpetuate international orders—regardless whether those orders are purveyors of inequalities and injustices—holds in the context of the utility of those structures for rule-takers. For these small states, in other words, the benefits outweigh the costs. Small states acquiesce in exchange for benefits that ensue from being a member of the community of nations. This brief uses the case of the Philippines to illustrate such transactional view of global order: its repackaging of the nationalist narrative and its employment of lawfare are accommodations for the existing international order so that it can likewise be accommodated therein.

In the face of great-power competition, countries in Southeast Asia position themselves in different ways. Some engage in balancing, while others prefer hedging. Many, however, are constrained by their lack of capabilities that limits their geopolitical options to bandwagoning. What is clear is that small states' responses to great-power competition are typical of many in the formerly colonised world. As rule-takers, these countries acknowledge that while there is little room in initiating the creation of international orders, there are opportunities to carve out a space for themselves within those orders. While the creation of international orders is the purview and the privilege of the big and mighty, small states can and *do* negotiate their position within that order. They may not be the initiator, but they are complicit in perpetuating that order.

For the Philippines, for instance, supporting the post-1945 United States-centric order serves its national interests. Opposing it was both infeasible and inconceivable, considering the country's violently unique experience in waging the Philippine Revolution of 1896 against Spain and shortly thereafter resisting (but failing) American colonialism in 1899. Before the US granted the Philippines independence in 1946, local elites proliferated and entrenched themselves in politics via familial connections. Henceforth, nationalism became a function of these political dynasties' survival. The version of nationalism that propelled the 1896 Revolution was therefore muted and repackaged to portray a fledgling democracy about to make its debut on the world stage as the post-Second World War dust settled. Therefore, the only way forward for the Philippines was to support the American-led liberal rules-based international order.

Another indication of support was how the Philippines doubled down on its position in the South China Sea disputes and used lawfare. As a full-fledged member of the community of nations as well as a signatory to the United Nations Convention on the Law of the Sea (UNCLOS), the Philippines regularly filed one diplomatic protest after another against China's military installations and creation of artificial islands in what it refers to as the West Philippine Sea. The proverbial straw that broke the camel's back was the standoff in Scarborough Shoal in 2012, as it solidified the Philippines' decision to file an arbitration case against China. The Arbitration Tribunal's awards were overwhelmingly in the Philippines' favour, but the victory was short-lived—perhaps even pyrrhic—when former President Rodrigo Duterte shifted his foreign policy direction towards China. The Philippines' incumbent president, Ferdinand 'Bongbong'

Marcos, Jr., may have a more assertive stance in upholding the country's territorial and sovereign integrity, but as of this writing, he has yet to mention the 2016 award in any platform and any of his international engagements. Nevertheless, the arbitration case has set a precedent for the Philippines, China, and international law, particularly the law of the sea, and therefore serves to sustain the existing international order.

The argument that small states perpetuate international orders, regardless if those orders are sites of inequalities and injustices, holds in the context of the utility of those structures for rule-takers. The benefits, in other words, outweigh the costs. Small states acquiesce in exchange for benefits that ensue from being a member of the community of nations. This is no less true for the Philippines' transactional view of order: its repackaging of the nationalist narrative and its employment of lawfare are accommodations for the existing international order so that it can likewise be accommodated therein.

In International Relations, nationalism is the fuel that legitimises state sovereignty, which then sustains world orders. Ironically, however, the argument that nationalism justifies claims for self-determination exposes an underbelly that undermines the sovereign states system. History is replete with examples of how nationalism has been translated to militaristic attitudes that caused and incentivised foreign aggression; many believe that the First and Second World Wars were waged because of nationalist proclivities. The standard story is that nationalism encourages zero-sum security policies, works against compromises and consensus, and undermines international cooperation. Thus, nationalism poses a serious challenge to world order.

Nationalism, as such, can be seen as subversive, but for many in the post-colonial world, this was the fervour that sparked many independence movements. The Philippine experience in the late 19th century against Spain and the United States demonstrates the close link between self-determination and the destruction of a world order premised on empires, but once independence (from Spain in 1898 and the US in 1946) was achieved, the Philippines burrowed itself in the American-led liberal rules-based international order. However, this cannot be seen as synonymous with unconditional support of the existing order. Throughout the post-independence era, the Philippines appealed to nationalism not to challenge that order but to be accommodated in it. In this sense, the driving force for the Philippines' support of the existing world order is nationalism as a function of regime survival.

This is demonstrated in the discussions below on the Philippines' alliance with the US and the recent pivot to China. In using nationalism to justify a regime or guarantee its survival, the country was carving out space for itself while remaining embedded in—and thus propping up—the post-1945 order. Hence, nationalism was a means to be co-opted into the wider order. This argument supports the overarching thrust here that many small states like the Philippines use the strategy of accommodation to navigate great-power competition: of accommodating others and being accommodated in return in the same space.

“As rule-takers, small states acknowledge that while there is little room in initiating the creation of international orders, there are opportunities to carve out a space for themselves within those orders.”

Nationalism as Subversion

The Philippine Revolution of 1896 is the origin story of the present Filipino nation-state. The years 1896 to 1902 were volatile and violent as Philippine revolutionaries battled against Spain (with the help of the Americans) and against the US immediately thereafter. During this period, the US quickly moved from sympathy to pacification.¹ From the American perspective, the newly birthed Filipino nation had to undergo a period of guardianship that re-casted the Revolution years via a colonial education system.² Framed against the argument that nationalism is an act of subversion against existing orders, it is no wonder that the zeal and passion that was sparked by Andres Bonifacio and Jose Rizal had to be somehow tempered and kept in line.

The events of 1896-1898 (the Philippine Revolution) and 1899-1902 (the Philippine-American War) were centuries in the making. Since the beginning of the Spanish conquest in the 1560s, state power was mediated through the Catholic Church. Clerical dominion lasted centuries due to the commercialisation of agriculture in the late 1700s and the role played by the so-called *mestizos* (the progeny of Spanish-Filipino or Chinese-Filipino intermarriages) in establishing businesses in the countryside, thereby resulting in the landed social class—the *hacendados*. Their growing wealth made it possible to send their children to study in Europe, who were then referred to as *ilustrados* (enlightened ones).

These *ilustrados* quickly became the colony's intelligentsia and mounted a cultural opposition to Spanish clerical and political power.³ By the late 1800s, the Spanish empire did not have the economic and political clout to stanch the rising demands of the landed classes in the Philippines, so the knee-jerk reaction was repression. In this context, Rizal, the central figure of the Revolution, wrote two novels, *Noli Me Tangere* and *El Filibusterismo*, that led to his execution in 1896.

Rizal is remembered today as the First Filipino due to his representation of 'the Philippines' in his novels and as such he is the first 'to imagine this social whole.'⁴ However, the insurrection that started in 1896 originated outside the *ilustrado* class. It was instead a 'revolt of the masses' led by Bonifacio.⁵ He formed the Katipunan, a secret revolutionary society, and launched an insurrection that would be quickly suppressed. Nonetheless, the movement spread to the nearby provinces, with young *mestizos* taking up leadership positions.⁶ One of these was Emilio Aguinaldo, who proclaimed the Republic of the Philippines in 1899 (and had Bonifacio executed in 1897).

Nationalism as Subversion

Aguinaldo's Republic was fragile and embroiled in geopolitics. By April 1898, the US went to war with Spain on behalf of the Filipinos, but by December of the same year when the Treaty of Paris was signed and the Philippines was essentially sold to the US, the Americans transformed rapidly from sympathiser to coloniser.⁷ The years until 1902 were brutal as the US crushed all opposition. The fervour of Philippine nationalism had to be tempered and moved within the bounds of law and order with the guiding hand of the Americans, much like a child that needs a carefully cultivated environment to grow and flourish.⁸

Nationalism as Co-optation

That Filipino nationalism fuelled independence from Spain and sparked the nation's birth is thus far in line with the standard argument that nationalism challenges world orders. The other side of the coin, however, is that nationalism can likewise be used to sustain orders, primarily if—as in the case of the Philippines—it serves the function of regime survival. The key to understanding this is the role of the oligarchy and its co-optation by the US via the creation of a bicameral legislature with numerous provincial and elective offices.⁹ 'Cacique democracy' was then cemented, where the oligarchy wielded these newly created offices to entrench and consolidate their local bases.¹⁰

While the outbreak of the Second World War and the Japanese occupation disrupted Philippine society, cacique democracy reached its apex after the US granted the Philippines independence in 1946. With the guiding hand of the Americans now gone, the oligarchs could no longer rely on their so-called big brother and had to hire private armies to protect their holdings. Henceforth, these caciques-turned-political dynasties recognised that their survival was now tied to the state. Framed as such, their appeal to nationalism, i.e., expressions and articulations performed for and on behalf of the nation-state, is revealed as a function of regime survival. We see this in several instances.

First, the Philippines began its journey as an independent state around the same time the Cold War was heating up. Owing to its role in ushering Philippine independence in 1946, the United States insisted that the country remain in its sphere of influence. In this regard, the American rhetoric of containment was applied and was duly supported by the Philippines. The analogy of dominoes falling was repeatedly asserted regarding the fledgling countries in Southeast Asia. To prevent this, the containment strategy was crafted on the dual assumptions that communism was a threat and that the United States must play a central role in stemming the contagion.

Containment resonated in the Philippines because of the growing threat posed by a communist guerrilla movement called the Hukbalahap. However, acceptance of the US containment strategy came with some qualifications as the Philippines negotiated its position under the American sphere of influence. This is evident in how Filipinos managed to push for the Rehabilitation Act in 1946, which provided compensation for war-damaged private properties. The Trade Act also detailed policies on Philippine trade preferentials in US markets. Similar commitments were extracted from the US on the military

Nationalism as Co-optation

front. The Military Assistance Agreement of 1947 aimed to provide military and naval training to Philippine personnel, authorise equipment maintenance, and sanction the transfer of supplies. The agreement then became the basis for the signing of the Military Bases Agreement (MBA) in 1947 and the Mutual Defense Treaty (MDT) in 1951.

Another indication of the Philippines' appeal to nationalism was its decision in 1991 not to renew the MBA, which translated to the closure of major facilities at Clark Air Base and Subic Bay Naval Complex and the withdrawal of American troops from the Philippines. The principal driver of this decision was that the communist threat had all but disappeared with the collapse of the Soviet Union. While there were several threats to international security, they were almost inconsequential. In this calculation, the maintenance of military bases in the Philippines had ceased being cost-efficient.¹¹ Thus, the Philippines asserted its independence by pushing the Americans to withdraw their military bases from the country. Despite this, the MDT remained in place. An incident in the Spratlys in 1995 would draw the Philippines and the United States closer again. The rise of low-level threats in the South China Sea paved the way for the Visiting Forces Agreement in 1999, which permitted the US military to hold joint exercises with the Philippines.

By the time the September 11 attacks took place, Philippine-US relations seemed back on track, and this prompted Philippine President Gloria Arroyo to give her unqualified support to the US, knowing full well that local terrorist groups like the Abu Sayyaf could finally be defeated under the banner of the 'War on Terror'.¹² Unlike the time when the Philippines passed the buck for defeating the Hukbalahap and thereafter acquiesced to the containment strategy, this time the Philippines pushed back and declined the US' request that it be allowed to station troops in the country on the basis that the move could inflame anti-American sentiment among the Muslim population.¹³ Nevertheless, US troops were allowed into the country by the start of 2002 as part of the *Balikatan* exercises. By 2003, cooperation between the Philippines and the United States included joint military exercises, military assistance, access agreements, and political and military consultations. The alliance has been "revitalised" and was strengthened even further when the White House designated the Philippines as a Major Non-NATO Ally.¹⁴

Nationalism as Co-optation

The Enhanced Defense Cooperation Agreement (EDCA) is the latest instrument to complement the MDT. Geared towards strengthening the alliance by developing the Philippines' minimum credible defence posture and thereby improving both countries' individual and collective defence capacities in a changing geostrategic environment, the main feature of EDCA is an explicit provision that the US would not establish permanent bases in the Philippines. Instead, the US would be granted access to and use designated areas owned and controlled by the Philippines. The push for EDCA stemmed from shifting the Armed Forces of the Philippines (AFP) from internal to external security. The focus on internal security was largely due to local insurgency movements. However, China's assertive moves in the South China Sea prompted the Philippines to no longer take external security for granted. In this context, EDCA was designed to let the Philippines play a leading role in strengthening the alliance. Despite its significance, EDCA was challenged in the Philippines for its constitutionality. Critics argued that the agreement violates the sovereign and territorial integrity of the Philippines, even though the government stated that this was nothing more than an implementing agreement of the MDT.¹⁵ In July 2016, the Supreme Court ruled that the EDCA was constitutional.¹⁶


Around the time of the EDCA ruling was when President Rodrigo Duterte came to power. He made it clear early in his term that he was separating from the United States and reinvigorating relations with China.¹⁷ The pivot to China can be explained in the context of a tit-for-tat strategy. After all, a reinvigorated bilateral relationship with China translated to support for Duterte's war on drugs despite mounting criticisms from the US, the European Union, and the International Criminal Court that found evidence of crimes against humanity being perpetrated in the country.¹⁸ Closer ties with China also meant support for Duterte's flagship 'Build, Build, Build' program, to which China offered US\$24 billion in investment pledges in 2016. However, the return on investment was lacking as Duterte ended his term in 2022.¹⁹ China also benefited from the exchange. For one, the 2016 arbitration award has been downplayed. Any talk about the South China Sea was marginalised during the Philippines' chairmanship in the Association of Southeast Asian Nations (ASEAN) in 2017. Furthermore, maritime incidents involving the Chinese militia and Filipino fisherfolk were understated, and the patrols and presence of the armed forces and the Philippine Coast Guard (PCG) were constrained. As long as the Philippine position remains the same, China can be assured of enjoying these benefits indefinitely.

Nationalism as Co-optation

The Philippine-US relationship under Duterte was interesting. He had always carried a strong anti-US position, even when he was still Mayor of Davao. During his presidency, one might recall the dramatic policy shifts: from wanting to abrogate the Visiting Forces Agreement (VFA) in early 2020 after his chief of police's US visa was cancelled, to suspending the abrogation at the height of the COVID-19 pandemic, to finally cancelling the abrogation after US Secretary of Defense Lloyd Austin's visit to Manila in mid-2021. This vacillation raises the question of expectations in the new administration of Marcos, Jr.

There is room for optimism in the incumbent administration as the president seems more inclined to put the West Philippine Sea front-and-centre. After his election in May 2022, he adopted a foreign policy based on being “a friend to all and an enemy to none.” By the close of 2022, the US earmarked US\$100 million in foreign military financing and American Vice President Kamala Harris' visit to the country reiterated the importance of the alliance.²⁰ The most recent iteration of the Bilateral Strategic Dialogue in January 2023 coincided with a visit from the *USS Nimitz* as part of the US commitment to uphold freedom of passage in the South China Sea. The most striking development in the Philippine-US alliance, however, is the confirmation in early February 2023 of four additional military bases in the Philippines under the EDCA.²¹

The role of the oligarchs and political dynasties cannot be discounted in how the Philippines used nationalism to further entrench the country in the current order. This experience challenges the standard notion that nationalism undermines world orders. While this was accurate insofar as the Philippine Revolution in the 19th century, post-1946 independence indicates instances where the local elites guaranteed their survival by appealing to nationalist sentiments.

In this regard, nationalism sustained the American-led liberal rules-based international order. Indeed, the details of this experience are unique to the Philippines, but many in the post-colonial world appeal to nationalism also as a function of regime survival. This is indicative that while many small states subscribe to the American-led order, they do so in a utilitarian fashion: they are accommodating to the demands and requirements of the existing order because they want to be accommodated in return. 

(This brief is an expanded version of the author's chapter in ORF's Raisina Files 2023, 'Adrift at Sea: Lighthouse in the Tempest?'.)

Charmaine Misalucha-Willoughby is Associate Professor at the Department of International Studies of De La Salle University. She is Senior Editor of *Asian Politics and Policy* (Wiley), Co-Editor of *Bandung: Journal of the Global South* (Brill), and a member of the Board of Trustees of the Foundation for the National Interest, a think tank in Manila, Philippines.

- 1 Benedict Anderson, *The Spectre of Comparisons: Nationalism, Southeast Asia, and the World* (Quezon City: Ateneo de Manila University Press, 2004).
- 2 Reynaldo Clemeña Ileta, *Pasyon and Revolution: Popular Movements in the Philippines, 1840-1910* (Quezon City: Ateneo de Manila University Press, 1979); Reynaldo Clemeña Ileta, *Knowledge and Pacification: On the US Conquest and the Writing of Philippine History* (Quezon City: Ateneo de Manila University Press, 2017); Malini Johar Schueller, *Campaigns of Knowledge: US Pedagogies of Colonialism and Occupation in the Philippines and Japan* (Quezon City: Ateneo de Manila University Press, 2019).
- 3 John N. Schumacher, *The Propaganda Movement, 1880-1895: The Creation of a Filipino Consciousness, the Making of the Revolution* (Manila: Solidaridad, 1973); Cesar Adib Majul, *Political and Constitutional Ideas of the Philippine Revolution* (Manila: University of the Philippines Press, 1967).
- 4 Anderson, *The Spectre of Comparisons: Nationalism, Southeast Asia, and the World*, 230.
- 5 Teodoro A. Agoncillo, *The Revolt of the Masses: The story of Bonifacio and the Katipunan* (Quezon City: University of the Philippines, 1956); Teodoro A. Agoncillo, *Malolos: The Crisis of the Republic* (Quezon City: University of the Philippines, 1960); T. M. Kalaw, *The Philippine Revolution* (Mandaluyong: Jorge B. Vargas Filipiniana Foundation, 1969).
- 6 Alfred W. McCoy and Ed C. de Jesus, eds., *Philippine Social History: Global Trade and Local Transformations* (Quezon City: Ateneo de Manila University Press, 1982).
- 7 Frank Hindman Golay, *Face of Empire: United States-Philippine Relations, 1898-1946* (Quezon City: Ateneo de Manila University Press, 1997).
- 8 Reynaldo Clemeña Ileta, "Knowing America's Colony: A Hundred Years from the Philippine War," in *Philippine Studies Occasional Papers Series No. 13* (Hawaii: University of Hawaii at Manoa, 1999).
- 9 Floro C. Quibuyen, *A Nation Aborted: Rizal, American Hegemony, and Philippine Nationalism* (Quezon City: Ateneo de Manila University Press, 1999); Michael Cullinane, *Ilustrado Politics: Filipino Elite Responses to American Rule, 1898-1908* (Quezon City: Ateneo de Manila University Press, 2003).
- 10 Anderson, *The Spectre of Comparisons: Nationalism, Southeast Asia, and the World*.
- 11 Renato Cruz de Castro, "The Revitalized Philippine-US Security Relations: A Ghost from the Cold War or an Alliance for the 21st Century?," *Asian Survey* 43, no. 6 (2003): 971-988.
- 12 Deidre Sheehan and David Plott, "A War Grows," *Far Eastern Economic Review*, October 11, 2001.

- 13 Michael Richardson, “US Allies in Asia Will Support Action, but within Limits They Set,” *International Herald Tribune*, September 19, 2001; Michael Richardson, “Southeast Asia Bars Help by US Troops in Fighting Terror,” *International Herald Tribune*, December 14, 2001.
- 14 Renato Cruz de Castro, “Philippines Defense Policy in the 21st Century: Autonomous Defense or Back to the Alliance?,” *Pacific Affairs* 78, no. 3 (2005): 403–422; “Fact Sheet: Announcements Related to the Visit of President Arroyo,” The White House, May 19, 2003.
- 15 Supreme Court of the Philippines, “Petition for Certiorari and Prohibition with Prayer for TRO and/or Preliminary Injunction. Bayan et al. vs. Defense Secretary Voltaire Gazmin et al.,” May 2014.
- 16 Edu Punay, “SC Rules with Finality: EDCA Constitutional,” *Philippine Star*, July 27, 2016, <https://www.philstar.com/headlines/2016/07/27/1607106/sc-rules-finality-edca-constitutional>.
- 17 Melina Delkic, “Duterte: Philippines Separating from ‘Discourteous’ US, Turning to China,” *ABC News*, October 21, 2016, <https://abcnews.go.com/International/duterte-philippines-separating-discourteous-us-turning-china/story?id=42946680>.
- 18 “China: ‘We Understand and Support’ the Philippines’ Drug War,” *Business Insider*, October 14, 2016, <https://www.businessinsider.com/afp-china-says-supports-philippines-duterte-drug-war-2016-10>; *International Criminal Court, Report on Preliminary Examination Activities 2020*, December 14, 2020. <https://www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-eng.pdf>.
- 19 Willard Cheng, “Duterte Heads Home from China with \$24 Billion Deals,” *ABS-CBN News*, October 21, 2016, <https://news.abs-cbn.com/business/10/21/16/duterte-heads-home-from-china-with-24-billion-deals>; Alvin Camba, “How Duterte Strong-armed Chinese Dam-builders but Weakened Philippine Institutions,” *Carnegie Endowment for International Peace*, 2021. https://carnegieendowment.org/files/202106Camba_Philippines_final1.pdf.
- 20 “US grants Philippines \$100 million in foreign military financing,” *Reuters*, 14 October 2022. <https://www.reuters.com/world/us-grants-philippines-100-million-foreign-military-financing-2022-10-14/>; US Embassy in the Philippines, “Vice President Kamala Hariss’s Trip to the Philippines,” *US Embassy in the Philippines*, 22 November 2022. <https://ph.usembassy.gov/vpharrisinph/>.
- 21 US Department of Defense, “Philippines, US Announce Four New EDCA Sites,” *US Department of Defense*, 1 February 2023. <https://www.defense.gov/News/Releases/Release/Article/3285566/philippines-us-announce-four-new-edca-sites/>.



Ideas . Forums . Leadership . Impact

20, Rouse Avenue Institutional Area,
New Delhi - 110 002, INDIA
Ph. : +91-11-35332000. Fax : +91-11-35332005
E-mail: contactus@orfonline.org
Website: www.orfonline.org