

ADVANCING A RULES-BASED MARITIME ORDER IN THE SOUTH CHINA SEA: OUTCOME DOCUMENT FROM THE MANILA DIALOGUE ON THE SOUTH CHINA SEA 2024

REPORT BY
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Panel 1: The Coast Guard as Guardians of the Rule of Law at Sea

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Jay Tristan Tarriela

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About this report

To help advance the region's shared interests in a free, open, and rules-based maritime order, The Manila Dialogue on the South China Sea was convened on November 6-8, 2024. The dialogue gathered some of the most influential foreign policy experts, thought leaders, and academics from throughout Southeast Asia and the broader Indo-Pacific. Delegates debated issues, pitched innovative ideas, and offered recommendations to ensure that the rule of law, not coercion and the use of force, prevails in resolving disputes, thus, safeguarding regional peace and stability.

The dialogue is envisioned to be an annual Track 1.5 process focusing on promoting adherence to international law and identifying sound, pragmatic, and actionable policy prescriptions for littoral states surrounding the South China Sea, as well as other interested state and non-state actors.

This report contains a general summary of the discussions. The recommendations contained in this report, unless otherwise specifically noted, were generated by the discussions as interpreted by the lead convenors. This is not a consensus document. Please visit www.scsdialogue.org to access the video recording of the sessions.

The statements made and views expressed in this publication do not necessarily reflect the views of the project sponsors, or the dialogue participants' respective organizations and affiliations. For questions, please email jeffrey@pacforum.org.

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ADVANCING A RULES-BASED MARITIME ORDER IN THE SOUTH CHINA SEA: *OUTCOME DOCUMENT FROM THE MANILA DIALOGUE ON THE SOUTH CHINA SEA 2024*

To help advance the region's shared interests in a free, open, secure, and rules-based maritime order, The Manila Dialogue on the South China Sea was convened on November 6-8, 2024. The dialogue gathered some of the most influential foreign policy experts, thought leaders, and academics from throughout Southeast Asia and the broader Indo-Pacific. Delegates debated issues, pitched innovative ideas, and offered recommendations to ensure that the rule of law, not coercion and the use of force, prevails in resolving disputes, thus, safeguarding regional peace and stability. In pursuit of the dialogue's goals, seven panel sessions and two working lunch roundtables were convened:

- 1: The Coast Guard as Guardians of the Rule of Law at Sea
- 1.5. Beyond the Superpower - Regional Approaches to Maritime Security Burden Sharing: A Konrad-Adenauer-Stiftung Special Working Lunch Roundtable (By Invitation Only/Chatham House Rule)
- 2: Advancing the Rule of Law in the South China Sea - Perspectives from Claimant States
- 3: Rule of Law in the South China Sea: Should the World Care?
- 4: Understanding Recent Threats to the Rule of Law in the South China Sea, 2023-2024
- 5: Peace and Stability in the South China Sea - the Stakes of the International Community
- 5.5. Working Lunch: Exposing Bad Behavior at Sea - Transparency and Countering Malign Influence Operations
- 6: Partnerships for A More Rules-based South China Sea - Roles of External Partners
- 7: Key Takeaways, Policy Recommendations and Next Steps

INTRODUCTION

At the 2024 Shangri-La Dialogue in Singapore, President Ferdinand Marcos, Jr. of the Philippines underscored the importance of resolving maritime differences in the South China Sea on the basis of international law and respecting the legitimate interests and legally settled rights of all parties. The Philippine President made a strong appeal to the international community to take a stand against attempts to subvert the 1982 United Nations Convention on the Law of the Sea -- through excessive claims that contravene its status as the constitution of the oceans, through wanton violations of its provisions, and through attempts to deny the legitimacy of its process and procedures.

To help advance the region's shared interests in a free, open, secure, and rules-based maritime order, *The Manila Dialogue on the South China Sea* was convened on November 6-8, 2024. The dialogue gathered some of the most influential foreign policy experts, thought leaders, and academics from throughout Southeast Asia and the broader Indo-Pacific. Delegates debated issues, pitched innovative ideas, and offered recommendations to ensure that the rule of law, not coercion and the use of force, prevails in resolving disputes, thus, safeguarding regional peace and stability.

The Manila Dialogue on the South China Sea, convened with support from government partners, local and international research organizations, academic institutions, and private foundations, is envisioned to be an annual Track 1.5 process focusing on promoting adherence to international law and identifying sound, pragmatic, and actionable policy prescriptions for littoral states surrounding the South China Sea, as well as other interested state and non-state actors. The inaugural dialogue invited over 100 participants from think tanks, academic, public policy, military and industry, from over 20 countries around the world. Over 100 personnel from media organizations worldwide came to cover the event..

METHODOLOGY

In pursuit of the dialogue's goals, seven panel sessions and two working lunch roundtables were convened with expert speakers invited to each offer 5-7-minute framing remarks on the assigned topics:

1: The Coast Guard as Guardians of the Rule of Law at Sea

1.5. Beyond the Superpower - Regional Approaches to Maritime Security Burden Sharing: A Konrad-Adenauer-Stiftung Special Working Lunch Roundtable (By Invitation Only/Chatham House Rule)

2: Advancing the Rule of Law in the South China Sea - Perspectives from Claimant States

3: Rule of Law in the South China Sea: Should the World Care?

4: Understanding Recent Threats to the Rule of Law in the South China Sea, 2023-2024

5: Peace and Stability in the South China Sea - the Stakes of the International Community

5.5. Working Lunch: Exposing Bad Behavior at Sea - Transparency and Countering Malign Influence Operations

6: Partnerships for A More Rules-based South China Sea - Roles of External Partners

7: Key Takeaways, Policy Recommendations and Next Steps

Expert participants were seated in hollow square setup enabling face-to-face discussions and a conducive environment through which to engage ideas, debate policy proposals, and develop connections.

KEY FINDINGS

Clarity of claims. Critical to having a constructive dialogue on advancing the rule of law in the South China Sea is clear understanding of the disputes and the basis of coastal states' claims. Clarity allows for an examination of claims vis-à-vis international law. While Philippine, Vietnamese and Malaysian positions were clear (i.e., claimed sovereignty over land features deemed as rocks and islands under Article 121 of the UN Convention on the Law of the Sea (UNCLOS), and claimed adherence to specific maritime zones, namely territorial sea, exclusive economic zone (EEZ) and Continental Shelf outlined in the same convention), China's 'nine-dash line' claim remains a mystery. Chinese participants could not articulate what the lines represent in relation to UNCLOS. There was a constant reference to China's historic claims to the South China Sea.

History and modern international law as bases of claims. China's use of historical narratives to legitimize its claims and justify activities within the exclusive economic zones (EEZs) of other nations warrants closer scrutiny. Although numerous academic studies have addressed the history of the South China Sea, often challenging government claims, there have been no prominent, open, and publicly accessible dialogues or conferences that critically examine these "historical claims." Several participants suggested that the next iteration focus on reconciling perceived tensions between historical narratives and international law. This approach could highlight opportunities for compromise and cooperation while countering malign influence operations.

“Delegates debated issues, pitched innovative ideas, and offered recommendations to ensure that the rule of law, not coercion and the use of force, prevails in resolving disputes...”

Growing regional consensus view on the nine-dash line. Most littoral states bordering the South China Sea -- namely the Philippines, Vietnam, Malaysia, and Indonesia -- have explicitly rejected China's nine-dash line claim, with Brunei being the only exception yet to issue a formal rejection. During the dialogue, while Southeast Asian participants expressed differing views on approaches to dispute management, there was a strong consensus that Beijing's sweeping claim lacks any basis

under international law, consistent with the 2016 Arbitral Award.

China as a 'benign' actor? It is difficult to determine whether China genuinely perceives itself as a benign actor defending its rights and responding to "provocations" by others, or if this narrative is merely what Beijing's political leaders want the region and the world to believe.

China's aggressive actions as sources of tension.

Regardless of how China perceives its actions in the South China Sea or seeks to portray itself, most participants regard its coercive behavior and operations within the EEZs of the Philippines, Malaysia, Vietnam, and Indonesia as key drivers of rising tensions. As one participant observed, "For most other parties, China is seen as the bully that disregards international law and operates under the motto, 'might makes right.'"

Coast Guard as guardians of the rule of law. Coast Guard leaders in attendance emphasized that the use of force by Coast Guard agencies should be strictly focused on law enforcement and must avoid causing harm to individuals or damage to property. There was broad consensus that Coast Guard assets, such as patrol vessels, water cannons, and firearms, should not be misused to alter the status quo in disputed maritime areas or to question longstanding maritime presence and operations of another state.

Transparency at sea. Transparency has become a pre-requisite to efforts that counter Beijing's maritime coercion and promote effective dispute management/interactions at sea.

- *Revealing Truth:* Transparency exposes the true sources of tensions, preventing malign influence operations and disinformation campaigns from shaping narratives, public perceptions, or policy decisions.
- *Building Trust:* In negotiations with Beijing, transparency serves as a marker of good faith. It strengthens bilateral and multilateral agreements, ensuring that de-escalation and cooperation mechanisms are resilient and capable of withstanding legal, media, and political scrutiny over time.
- *Ensuring Compliance:* Transparency safeguards adherence to international law and promotes accountability, fostering a rules-based order in maritime governance. Secret agreements often sideline international law and are more likely to include ambiguous terms that can later be exploited to evade accountability in the event of breaches.

The United States, UNCLOS and the Principle of Reciprocity. The United States views UNCLOS as a codification of existing customary international law and aligns with its provisions on navigational rights and freedoms, spanning from territorial seas to the high seas. However, Beijing's imposition of selective restrictions on navigation—for instance, requiring prior notification or

permission for foreign warships to exercise innocent passage in its claimed territorial waters—contradicts these principles. In response, the United States could consider reciprocal measures against Chinese vessels in U.S. waters. Ultimately, this stance could further isolate China on the issue of freedom of navigation, if more states follow the principle of reciprocity.

ASEAN-China Code of Conduct. Most participants are pessimistic about the ASEAN-China negotiations on a code of conduct. Some experts attribute this to Beijing's disregard for existing maritime rules designed to prevent incidents at sea, such as the International Regulations for Preventing Collisions at Sea (COLREGS) and UNCLOS, both of which were negotiated with China's input and participation. Moreover, experts highlight two key issues that are likely to hinder progress in the negotiations: disputes over geographic coverage, such as whether to include specific maritime features like the Paracels and Scarborough Shoal, and disagreements regarding the binding nature of the agreement.

Hardening Vietnamese outposts. Vietnam is strengthening its physical infrastructure on the land features it already occupies to ensure they can withstand coercion. One Vietnamese expert remarked that Vietnam wants to avoid a repeat of the 1974 Paracels and 1988 Johnson South Reef incidents, when China used force to expel Vietnamese forces. Since Hanoi's activities are taking place in areas it already controls, the development of Vietnamese-held outposts is not viewed as altering the status quo. Furthermore, as Vietnam is not engaging in coercive actions against other claimants and has been fostering confidence-building measures with the Philippines—such as conducting joint exercises with the Philippine Coast Guard—Vietnamese activities in the

"For most other parties, China is seen as the bully that disregards international law and operates under the motto, 'might makes right.'"

South China Sea are not seen as a threat.

SUMMARY OF DISCUSSIONS

The Coast Guard as Guardians of the Rule of Law at Sea

In much of Southeast Asia, Coast Guard organizations have become the primary agencies in maintaining maritime safety and security, often in sea areas within national jurisdiction. Over the past couple of years, however, the increasing prevalence of grey-zone coercion at sea has made coast guards more than just constabulary maritime forces. They are now playing important roles in ensuring that littoral states of the South China Sea maintain their jurisdiction over their territorial seas, EEZ, and continental shelf in accordance with international law. Panel 1 focused on the roles of Coast Guard Agencies in securing the rule of law in the SCS.

This panel was moderated by Dr. Satu Limaye, Vice President of East-West Center, and participated by the following panelists from the Philippines, Indonesia, Vietnam, Malaysia, and Japan:

- ADM. Ronnie Gil Latorilla Gavan, Commandant, Philippine Coast Guard (PCG), Philippine Coast Guard

- VADM. Irvansyah, Chief, Badan Keamanan Laut Republik Indonesia – BAKAMLA (Indonesian Maritime Security Agency)
- VADM. Hiraoki Kanosue, Vice Commandant for Operations, Japan Coast Guard
- H. E. Lai Thai Binh, Ambassador of Vietnam to the Philippines
- First ADM. Datuk Che Engku Suhaimi Che Engku Daik, Director, Maritime Affairs of Sabah and Labuan, Malaysian Maritime Enforcement Agency (MMEA)

The discussion began with Gavan's opening remarks on embracing dialogue and cooperation as core elements of strength, aligning with President Ferdinand Marcos' views on the South China Sea dispute. Gavan also outlined three key initiatives the PCG is pursuing: 1) enhancing maritime domain awareness and response by upholding UNCLOS and the arbitral award in its Rules on the Use of Force (RUF), distinguishing the PCG from those acting as “bullies”; 2) strengthening the Philippines' presence in its claimed areas by establishing additional Coast Guard stations to promote effective maritime governance; and 3) pursuing international cooperation and engagement to create a favorable environment for the rule of law.

Meanwhile, Irvansyah framed Indonesia's position in relation to the topic by emphasizing that, although Indonesia is a non-claimant in the dispute, its commitment lies in ensuring the region's stability. Irvansyah highlighted BAKAMLA's active participation in the ASEAN Coast Guard Forum to foster cooperation, build confidence, and address issues through peaceful dialogue. He also noted that Indonesia has established bilateral Coast Guard cooperation through memoranda of understanding (MOUs) with neighboring countries, underscoring its strong commitment to resolving South China Sea issues peacefully.

Kanosue emphasized the distinction between the Coast Guard and the military, stressing the importance of Coast Guard operations being conducted in strict adherence to the principles of proportionality and necessity. He clarified that the use of force by a Coast Guard agency is intended to prevent illegal activities and must never harm individuals or damage property. The use of force should never be misused to infringe on the rights of other nations, and Coast Guard vessels must not be employed to alter the status quo. Kanosue also underscored the importance of fostering strong relations with other Coast Guard organizations, noting Japan's efforts to lead discussions on the universal value of upholding maritime order through the rule of law, including through the Coast Guard Global Summit Tokyo has established.

Daik outlined the Coast Guard's key responsibilities, including law enforcement, search and rescue, counter-narcotics, and environmental protection. He emphasized the critical role of international cooperation in overcoming the Coast Guard's resource limitations and addressing jurisdictional complexities.

To conclude the panel's discussion, Thai Binh, the only diplomat panelist, highlighted Vietnam's efforts to strengthen its Coast Guard's legal framework, modernize its capabilities, and enhance bilateral cooperation with partners such as the Philippines. He emphasized the importance of collaboration over competition in ensuring maritime security.

The plenary discussion focused on the institutionalization and potential of the ASEAN Coast Guard Forum, the role of transparency in exposing unlawful behavior, the need to reconcile differences between Coast Guards and Navies regarding the use of force, and the challenges of rapidly expanding Coast Guard capabilities while ensuring proper training and professionalism.

On the ASEAN Coast Guard Forum, Gavan, the Forum's current chair, noted that institutionalization is a work in progress, though participation has been steadily improving. He views the Forum as a potential “game changer” in fostering an environment conducive to the rule of law. In contrast, Thai Binh emphasized the importance of bilateral relations alongside ASEAN cooperation, noting that some countries still lack the necessary capabilities and mutual trust. He stressed the need to build national capacities before regional cooperation can be truly effective.

Some questions addressed the relationship between Coast Guards and Navies, particularly the need to reconcile differences in the use of force and the principle of proportionality. Panelists highlighted the distinct roles and authorities of these organizations in various national contexts. Overall, the panel reinforced the Coast Guard's critical role as the guardians of the rule of law at sea, the importance of international cooperation and information sharing, and the need to reconcile domestic and international legal frameworks to maintain maritime order and stability in the region.

Advancing the Rule of Law in the South China Sea – Perspectives from Claimant States

President Ferdinand Marcos, Jr. of the Philippines, Prime Minister Phạm Minh Chính of Vietnam, Prime Minister Anwar Ibrahim of Malaysia, and President Xi Jinping of China have all articulated the importance of adherence to international law in managing and resolving maritime disputes. Why then are tensions in the South China Sea escalating? This panel assessed how major Southeast Asian claimants – the Philippines, Vietnam, Malaysia and China – view the concept of “rules-based order” vis-à-vis the South China Sea.

The panel discussion began with opening remarks from Hon. Marshall Louis Alferez, Assistant Secretary for Maritime and Ocean Affairs, Philippine Department of Foreign Affairs, and was chaired by Atty. Fretti Ganchoon, Senior State Counsel at the Philippines' Department of Justice. The panelists included:

- Former Senior Associate Justice Antonio Carpio, Chairman, Maritime and Ocean Affairs, Manila;
- Retired PLA Navy Captain Xiobu Liu, Director, Marine Study Center, Grandview Institution, Beijing;
- Dr. Sumathy Permal, Senior Research Fellow, Maritime Institute of Malaysia, Kuala Lumpur; and
- Dr. Hai-Dang Vu, Researcher, Diplomatic Academy of Vietnam, Hanoi.

Carpio underscored that the South China Sea dispute is governed by two key international laws – the United Nations (UN) Charter and UNCLOS. The UN Charter stipulates that all disputes between states must be settled peacefully, prohibiting the use of force in dispute resolution. Meanwhile, UNCLOS provides a compulsory dispute settlement mechanism for resolving maritime

disputes. He stressed the Philippines has adhered to the rule of law by filing an arbitration case per Part XV of UNCLOS following the 2012 standoff at Scarborough Shoal (Bajo De Masinloc). The landmark arbitral award issued in 2016 is binding on both the Philippines and China, as both parties have ratified the Convention. For Carpio, adherence to both the UN Charter and UNCLOS means advancing the rule of law in the South China Sea.

Liu, meanwhile, argued that, notwithstanding the 2016 Arbitral Award, which rendered China's nine-dash line claim without basis under international law, all claimants in the South China Sea dispute have equal standing regarding their claims. Liu clarified that China does not claim sovereignty over the entire South China

Vietnam, in line with overlapping extended continental shelf submissions), a trilateral joint development cooperation room (for Vietnam, the Philippines, and Malaysia, in line with trilateral zones), a quadrilateral joint fishery cooperation room (for Vietnam, the Philippines, Malaysia, and China), and a room open to all, acknowledging the high seas area in the South China Sea. In doing so, Vu emphasized that UNCLOS provides avenues for compromise and cooperation where rights and obligations of both coastal states and user states are enshrined and where disputes can be resolved. He argued that it should serve as a guide for peaceful dispute management and resolution, preventing states from claiming or doing more than what is allowed under

“...the South China Sea dispute is governed by two key international laws—the UN Charter and UNCLOS. The UN Charter stipulates that all disputes between states must be settled peacefully, prohibiting the use of force... Meanwhile, UNCLOS provides a compulsory dispute settlement mechanism for resolving maritime disputes.”

Sea. Instead, he interprets Beijing's sovereignty claim as limited to the four groups of land features: the Paracels (Xisha), the Spratlys (Nansha), the Pratas (Dongsha), and the Macclesfield Bank and Scarborough Shoal (Zhongsha). Additionally, Liu asserted that the nine-dash line is unrelated to UNCLOS, noting that the line merely marks China's maximum claim of rights in the South China Sea and does not imply sovereignty over the entire area. Some questioned this assertion given China's attempts to exercise jurisdiction over most parts of the nine-dash line, well within others' EEZ. Regarding Chinese coercive operations, Liu countered that China is not acting aggressively toward its neighbors. He emphasized that, from the Chinese government's perspective, the 1988 conflict with Vietnam over the Johnson South Reef was the last armed conflict in the region. Overall, his remarks focused on the argument that China has neither used its armed forces nor threatened to do so to resolve disputes in the South China Sea.

Meanwhile, Permal noted the disparity in legal perspectives and the acceptance of the concept of the rule of law among claimant states in the South China Sea. A case in point is how China, through its coast guard, has been employing gray zone tactics against smaller vessels, including those of Malaysia. As the chair of ASEAN in 2025, Permal affirmed that Malaysia is committed to strengthening regional peace, stability, and prosperity by adopting an inclusive approach that considers all claimants in the South China Sea dispute. However, she cautioned that balancing the interests of all regional stakeholders remains a challenge. Nevertheless, Permal clarified that Malaysia does not recognize China's nine-dash line or its 2023 standard map and will continue oil exploration activities within its exclusive economic zone (EEZ) in accordance with UNCLOS.

Finally, Vu framed the South China Sea as "shelter house," with several rooms dedicated to meetings and cooperation among claimant states. These could include a bilateral meeting room (for the Philippines and

international law.

During the plenary discussions, participants broadly agreed on the applicability of international law to the peaceful management and dispute resolution in the South China Sea. UNCLOS was again referenced as central, as it includes provisions for compulsory dispute resolution procedures and obligations pending final settlement. The 2016 Arbitral Award was cited as final and binding on both China and the Philippines. However, participants also pointed out that other claimants, such as Vietnam and Malaysia, shared the same position regarding their rejection of the nine-dash line claim, in line with the Arbitral Award.

Chinese experts in attendance did not necessarily disagree with the view that UNCLOS is relevant to the South China Sea. While the tribunal explicitly rejected the nine-dash line, they emphasized that China does not claim sovereignty over all areas within the line, but only over the four groups of land features located within it. Others, however, expressed dissatisfaction and confusion with this explanation, noting that China's activities in waters within the nine-dash line that are also within the EEZs of other states suggest de facto sovereign jurisdiction. Examples cited included China's interference with the Philippines' resupply mission to Second Thomas Shoal, its coercion of energy companies to halt exploration activities authorized by Southeast Asian states, and its challenges to U.S. Navy operations.

Liu rebutted claims from other participants that China had been violating the International Regulations for Preventing Collisions at Sea (COLREGs), asserting that the incidents in question were "law enforcement" operations.

Rule of Law in the South China Sea: Should the World Care?

Some argue that external actors should refrain from getting involved, directly or indirectly, in the South China Sea issue and should simply allow China and Southeast Asian countries to settle their own differences.

They say external actors simply “stir troubles” and turn the issue into a strategic competition inhibiting cooperation. Others contend that security issues concerning the South China Sea, a major trade route and choke point, are related to the peace and stability of the broader region, and that the involvement of the international community is essential in ensuring that the rule of law prevails, not coercion and force. This session focused on this enduring foreign policy debate, moderated by Brad Glosserman, Senior Adviser, Pacific Forum, with the following experts providing framing remarks:

- Prof. James Kraska, Charles H. Stockton Professor of International Maritime Law, Stockton Center for International Law, U.S. Naval War College
- Prof. Wongi Choe, Professor and Head of Center for ASEAN-India Studies, Korea National Diplomatic Academy
- Dr. Sarah Kirchberger, Head, Center for Asia-Pacific Strategy & Security, Institute for Security Policy, Kiel University
- Prof. Xiaolu Lei, Professor of Law, Wuhan University China Institute of Boundary and Ocean Studies

Kraska discussed the principle of reciprocity in relation to UNCLOS, arguing that if one state undermined the navigational rights and freedoms enshrined in the convention, other states in the region and beyond might respond with reciprocal actions, potentially fragmenting the legal regime governing the seas. Revisiting a Reagan-era policy, he suggested that the United States could adopt reciprocal navigational restrictions, such as refusing to recognize the innocent passage of Chinese warships in U.S. territorial waters or limiting high seas freedoms in U.S. Exclusive Economic Zones (EEZs). He warned that other states might follow this example, exacerbating the issue. Additionally, Kraska noted that Vietnam has been constructing artificial islands in the Spratlys as a countermeasure to China’s actions.

Choe, meanwhile, highlighted South Korea’s vital interest in maintaining stable maritime trade routes in the South China Sea. He emphasized that South Korea can no longer remain a passive observer as the rules-based maritime order in the region erodes. Stability in the South China Sea is critical for South Korea’s trade-dependent economy, and the country feels a responsibility to collaborate with like-minded states to ensure peace in the region. Choe countered China’s narrative of promoting regional stability, pointing out that ongoing harassment of smaller nations, such as the Philippines, contradicts claims of fostering peace.

Kirchberger examined the increasing involvement of European navies in the Indo-Pacific, citing recent engagements and policy statements from Italy, Turkey, Germany, France, Norway, Greece, Denmark, and the United Kingdom. He attributed the EU’s heightened maritime security presence in the Indo-Pacific to the transparency initiatives led by the Philippines, which have raised awareness among European policymakers about the challenges posed to the global liberal international order by Chinese activities in the South China Sea.

Lei argued that freedom of navigation, both for civilian and military vessels, is “generally respected” in the South China Sea, citing statistics she had collected. She acknowledged that China may react in specific scenarios,

such as when foreign military vessels enter China’s claimed territorial waters or approach military exercises. However, she insisted that these responses do not impede legitimate passage. According to Lei, the disputes in the region are more focused on sovereignty over land features than on issues related to freedom of navigation.

During the plenary discussions, notable issues centered on U.S. and Chinese activities in the South China Sea. Kraska raised the possibility of the United States adopting a more reciprocal approach to navigational regimes in the near future, suggesting that Chinese restrictions on freedom of navigation might be met with similar actions by a new U.S. administration. Chinese participants defended their country’s actions, arguing that incidents like the use of water cannons by the China Coast Guard were responses to “provocations” by other nations and were “not intentional.” They also emphasized that, alongside UNCLOS, regional and bilateral mechanisms play a role in managing disputes in the South China Sea. Some participants underscored that the South China Sea is a global issue, rejecting the notion of “external” actors, and stressed that all states have a stake in ensuring the rule of law prevails.

Peace and Stability in the South China Sea: The Stakes of the International Community

Serving as track 1 equivalent of the preceding plenary session, a diplomatic roundtable was held featuring ambassadors from select countries that have expressed an interest in the South China Sea.

- H.E. David Hartman, Ambassador of Canada to the Philippines
- Hon. Marykay Carlson, Ambassador of the United States to the Philippines
- H.E. Endo Kazuya, Ambassador of Japan to the Philippines
- H.E. Hae Kyong Yu, Ambassador of Australia to the Philippines
- H.E. Andreas Pfaffernoschke, Ambassador of Germany to the Philippines

The session was moderated by Professor Dindo Manhit, President of Stratbase ADR Institute with H.E. Jose Manuel Romualdez, Ambassador of the Republic of the Philippines to the United States of America, serving as the session’s keynote speaker.

Romualdez highlighted the need for a rules-based international order and the centrality of the 1982 UNCLOS and the 2016 arbitral award in that pursuit vis-à-vis the South China Sea. The Ambassador referenced the Philippines’ proactive engagement with China, the United States, Japan, Australia, Canada, Germany and ASEAN countries, in emphasizing the importance of alliances and partnerships to ensure adherence to international law and to the international rules-based order in Southeast Asia’s maritime commons.

Yu stressed the economic significance of the South China Sea noting that 1.2 billion dollars’ worth of seaborne trade move out of Australian ports daily, with 44 percent passing through the South China Sea. Hence, the Australian Ambassador underscored that her country’s capacity-building efforts represent a recognition of how the promotion of international law in the South China Sea helps ensure Australian economic well-being for the long term.

Yu also referenced the Philippines’ newly enacted laws on Maritime Zones and the Archipelagic Sea

Lanes as tangible examples of advancing the rule of law at sea, noting that aligning domestic legislation with international law guarantees freedom of navigation and overflight for all.

Likewise, Endo made a similar point when he highlighted Japan's reliance on maritime transport for resources and energy. He explained that Japan is responding to the security challenges posed by China in both the East and South China Seas. He cited the establishment of the National Security Council and efforts to increase Japan's maritime law enforcement capabilities. In the South China Sea and the broader region, he cited Japan's cooperation with ASEAN countries, the provision of patrol vessels and surveillance systems to the Philippines, and human resource training for maritime practitioners. These efforts enable partner countries to protect their own maritime zones as entitled to them by UNCLOS and promote international law in the process. Finally, the Japanese Ambassador stressed that, to maintain and strengthen the international order based on the rule of law, strengthening cooperation not only with the Philippines but also with its allies and like-minded partners, including the United States, Australia and ASEAN member states will be critical for Tokyo.

Hartman also highlighted the importance of the South China Sea for Canada in terms of trade and security. "It is very much at the forefront of Canadian national interests... in order for us to continue to be prosperous, we have to be able to trade and engage with the world." He also expressed concern over China's destabilizing actions, noting Canada's commitment to call out abuses of international law, enhance its presence in the region and support maritime domain awareness needs of Southeast Asian states through technological innovation as articulated in Ottawa's Indo-Pacific strategy.

Carlson reaffirmed U.S. support for the 2016 Arbitral Award and called out what she perceived as China's "might makes right" approach. She referenced China's "increasingly dangerous and escalatory actions over the past 18 months, including violent interference with the Philippines' high seas freedom of navigation near the Second Thomas Shoal, use of water cannons, ramming, and other aggressive actions in violation of international law, which she also described as "disregard for lives and livelihoods." The U.S. Ambassador emphasized that "the stakes and the consequences are high" for the international community, citing the estimated \$4 trillion U.S. dollars of world trade that pass through the South China Sea annually, the abundant biodiversity, and the rich fishery resources that support the livelihoods and critical dietary needs of millions of people. "The collective voice of the international community is loud and getting louder, and it speaks to our common resolve in support of international law and the standards that benefit us all."

Meanwhile, Pfaffernoschke referenced the impact of Russia's aggression against Ukraine to argue that defending the rules-based order globally is important. He shared that there are discussions in Berlin about potential German support for the Philippines at the United Nations if/when Manila decides to bring the South China Sea issue to the General Assembly. While committed to the Indo-Pacific, Pfaffernoschke admitted that Germany's resources are limited. He said, "There are probably growing needs for defense expenditures. There are

growing needs because we have more dangerous theaters in the world, and resources are limited." Nevertheless, the German Ambassador mentioned Germany's increasing engagement in the region, including agreements with the Philippines involving training, armament delivery, cybersecurity, and maritime security.

Of-note: the Philippines has an existing Visiting Forces Agreement with the United States and Australia and is actively working for similar arrangements with Japan, Canada, Germany, and France. These were referenced by the senior diplomats during the discussions as tangible demonstration of the importance of international cooperation and partnerships in addressing regional security challenges.

Understanding Recent Threats to the Rule of Law in the South China Sea, 2023-2024

2023-2024 saw a significant increase in the frequency and intensity of high-tension incidents in the South China Sea. These tensions have led to discussions about whether some of the actions could still be classified as 'gray' or could already be classified as 'use of force,' or 'armed attack'. In this panel, experts reviewed recent incidents to generate insights into the root causes of the heightening tensions and evaluated how these incidents have gradually threatened the rule of law in the South China Sea. Chaired by retired Ambassador Laura Del Rosario, current President of Miriam College, the panel included the following experts:

- Prof. Bo Hu, Director, South China Sea Strategic Situation Probing Initiative;
- Prof. Jay Batongbacal, Professor, University of The Philippines College of Law
- Ray Powell, Director, Sealight-Gordian Knot Center For National Security Innovation, Stanford University
- Dr. Hai Do, Deputy Director General, East Sea Institute, Diplomatic Academy of Vietnam
- Prof. Frega W. Inkiriwang, Associate Professor, Republic Of Indonesia Defense University

Hu argued that China's claims in the South China Sea have been "consistent" since 1947 and that its policy has always been to maintain the status quo. He insisted that China's recent actions are aimed at strengthening its capabilities to safeguard its claimed maritime rights. Hu contended that China's operations at sea over the past two years have been driven largely by Beijing's concerns over the Philippines potentially occupying features in the area. He accused the Philippines of conducting provocative operations and issuing statements that, in his view, threaten China's sovereignty and maritime rights in the South China Sea. Furthermore, Hu criticized the United States for allegedly abandoning its longstanding neutrality by increasing its presence in the region and encouraging the Philippines and other nations to support its Indo-Pacific Strategy, which he claimed was specifically designed to counter China.

Batongbacal countered that the fundamental source of insecurity in the South China Sea lies in Beijing's pursuit of military and strategic objectives aimed at controlling and dominating the first and second island chains. He argued that this approach denies littoral Southeast Asian states their legitimate maritime rights and interests. Batongbacal observed that China often portrays resistance by Southeast Asian states as being instigated by

the United States, suggesting that Beijing seeks to frame non-acceptance of its claims as siding with Washington.

Powell highlighted that Southeast Asian states often fail to recognize the distinct nature of the Philippines' security situation compared to theirs. He described China's coercive activities against Manila in the South China Sea as a form of "maritime occupation," noting that the Philippines is the only littoral state in the region with Chinese military bases within its exclusive economic zone. Powell recommended countering this "occupation force" through a strategy of resistance, which includes legal action ("lawfare"), publicizing incidents, and monitoring Chinese force movements. He remarked, "Imperialists don't simply pack up and leave because they are in the wrong. Rather, they withdraw when the accumulated costs of occupation over time outweigh the perceived benefits."

Hai outlined six key threats to the rule of law in the South China Sea:

- 1) non-compliance with UNCLOS, most notably China's nine (9)-dashed line;
- 2) the interference with the legitimate and longstanding exploration and exploitation activities conducted by other countries for resources in their own maritime zones, such as the imposition of the fish ban and the disruption of oil and gas operations;
- 3) aggressive operations at sea, particularly the use of China Coast Guard and militia vessels to harass others;
- 4) rejection of international legal decisions;
- 5) the encroachments on sovereignty; and
- 6) the militarization of contested domains.

To withstand these threats, Hai recommended that regional countries continue to build their maritime capabilities, improve economic and political resilience to reduce vulnerabilities to coercion, and maintain constructive engagement with China.

Inkiriwang talked about how the competing claims for natural resources in the region have exacerbated regional discord, noting that Jakarta is not exempt from tensions considering Indonesia's recent encounters with China Coast Guard in the vicinity of North Natuna Sea. Inkiriwang argued that U.S.-China strategic competition complicates regional security dynamics and that increasing military presence by regional actors and external powers leads to an environment not conducive to confidence-building and peaceful dispute management and resolution.

Exposing Bad Behavior at Sea: Transparency and Countering Malign Influence Operations

How does transparent accounting of events and confrontations at sea support efforts aimed at promoting a rules-based maritime order? How can governments safeguard their institutions and the public from foreign malign influence operations that seek to confuse their people, poison political discourse, and make outright violations of international law seemingly acceptable and coercion, justifiable? These were the questions explored by a panel of experts, chaired by Dr. Bich Tran, Postdoctoral Fellow, Lee Kuan Yew School of Public Policy, and included the following experts:

- Assistant Director General Jonathan Malaya, National Security Council of the Philippines

- Commodore Jay Tarriela, Chief of the West Philippine Sea Transparency Office
- Phuong-Thao Nguyen, PhD Candidate, Osaka School of International Public Policy, Osaka University
- Rear Admiral Kazuhiro Yamamoto (Ret., JMSDF), Program Director of Security Studies, Sasakawa Peace Foundation (SPF)

Malaya articulated the Philippines' policy on "measured transparency" and strategic communication to advance the rule of law in the South China Sea. This policy comprises four components:

1. Developing public interest and support for the Philippine position.
2. Promoting Philippine narratives grounded in adherence to international law, both domestically and internationally.
3. Building international consensus and support.
4. Formulating a communications protocol.

Malaya emphasized that Manila's South China Sea strategy operates independently of Washington's preferences. Instead, the Philippines is championing transparency and resisting China's coercion to protect its maritime rights and interests while ensuring a rules-based maritime order conducive to regional peace and prosperity. He cited the regular rotation and resupply missions to Second Thomas Shoal, which remain fully Filipino operations despite suggestions of U.S. escorts, as evidence of Manila's strategic autonomy on the issue.

Tarriela underscored the importance of publicizing incidents to garner international support and deter further encroachment. He argued that the transparency initiative is yielding positive results, citing increased public awareness in the Philippines and internationally. The initiative ensures that facts prevail over disinformation and that policy approaches grounded in international law are prioritized over those that appease aggressors.

For Tarriela, increased capacity-building efforts by international stakeholders and a growing chorus of governments calling for adherence to international law are among the successes of the transparency campaign. While some doubts exist within policy circles about the initiative's long-term effectiveness, he advocated doubling down on transparency efforts. Reversing course, he warned, would benefit China, undermine international law, and allow malign narratives to reshape regional and global perceptions, ultimately influencing public policy to the detriment of maritime governance.

Phuong-Thao focused on China's influence operations and disinformation campaigns targeting Vietnam. She revealed two primary methods used by

"... increased capacity-building efforts by international stakeholders and a growing chorus of governments calling for adherence to international law are among the successes of the transparency initiative..."

malign operators to sway the Vietnamese public:

- Misquoting prominent political figures and policy statements to portray them as anti-West and pro-China.
- Recruiting local Vietnamese staff for foreign state media to shape narratives favorable to Beijing while suppressing or countering negative information about China's maritime conduct.

Phuong-Thao highlighted several narratives preferred by China within Vietnam's information ecosystem:

- Emphasizing a shared heritage between China and Vietnam.
- Promoting the notion that China is willing to set aside differences in favor of win-win cooperation.
- Presenting China as a more responsible and constructive international actor compared to the West.
- Suggesting that alignment with the United States will not help Vietnam resolve bilateral issues with China.

She proposed media literacy and education campaigns alongside legislative measures to counter state-sponsored disinformation and malign influence operations in Vietnam and Southeast Asia more broadly.

Yamamoto highlighted the risks posed by the Chinese maritime militia's ambiguous "gray" status and aggressive behavior at sea. While these militia members receive military training and operate under the control of the People's Liberation Army (PLA), they pose as ordinary fishermen to enforce China's claims and normalize Chinese presence in contested waters.

Participants noted the dilemma this poses:

- Using law enforcement assets like Coast Guard vessels to confront the militia could be perceived by China as provocative and might justify escalation.
- Conversely, using military assets to address their actions could lead to similar outcomes.

Yamamoto warned that failing to push back against the militia's swarming presence in maritime zones risks de facto Chinese occupation and a gradual shift in the status quo. He suggested that Beijing formally acknowledge the militia's existence and provide them with training in international law, including humanitarian and environmental standards. If Beijing continues to deny their existence, he proposed that Tokyo treat them as ordinary criminals under domestic law.

Partnerships for a More Rules-based South China Sea – Roles of External Partners

Partnerships with external actors have proven essential in ensuring that the littoral states of Southeast Asia have the needed capacity to protect their maritime zones, benefit from their maritime entitlements, and fulfill their maritime obligations under international law. This panel looked at the policies and efforts of other actors interested in helping the region defend the rule of law in the South China Sea. Chaired by Pacific Forum's Brad Glosserman, panelists included:

- Professor Alessio Patalano, Department of War Studies, King's College London;
- Professor Brahma Chellaney, Center for Policy Research, New Delhi;
- Captain Furuya Kentaro, Japan Coast Guard Academy;

- Gregory Poling, Asia Maritime Transparency Initiative – CSIS, Washington, D.C.; and
- Jennifer Parker, Expert Associate, National Security College, ANU

Parker echoed the earlier comments by the Australian Ambassador that Australia is invested in the South China Sea because it is important to its own national interest. First, two-thirds of Australia's trade passes through the South China Sea. Second, Australia has the third largest EEZ in the world. If international law was not respected in the South China Sea, Australian trade could be jeopardized (e.g., subjected to coercion) and the legal regimes underpinning Australian sovereign rights over its EEZ could unravel. Parker added that issues in the South China Sea are not isolated arguing they are linked to relevant global issues, such as matters pertaining to the use of force. She referenced China's recent operations against Australian warships that have put Australian sailors at risk. Below are some of these operations to contextualize this issue:

- May 2024: A Chinese Air Force fighter dropped flares in front of an Australian Defence Force helicopter in the Yellow Sea.
- November 2023: A Chinese warship emitted sonar pulses that injured Australian navy divers, clearing fishing nets from the warship's propellers within Japanese EEZ in the East China Sea.
- June 2022: A Chinese Air Force fighter dropped chaff in front of an Australian Defence Force patrol jet in the South China Sea.
- February 2022: A Chinese warship directed a dangerous laser at an Australian Defence Force aircraft around the Arafura Sea, north of Australia.

Parker said Australia has increasingly become more vocal in calling out China's behavior at sea noting that her country has also started to publicize Chinese harassments. However, Parker highlighted the dilemma on Australia's part given that China is its largest trading partner.

Chellaney argued that, while a rules-based order is essential for regional peace and security, the future of the South China Sea is unlikely to be decided by international rules and norms. Instead, the role of the United States in ensuring that rules prevail is the most important among the external partners. He cited two reasons. First, he argued the United States stands to lose more in Chinese domination of the region. Second, the mutual defense treaty with the Philippines is at stake. Chellaney suggested looking for ways to impose costs on China within a specific timeframe, given that every year, the world is witnessing changes to the circumstances in the South China Sea. Chellaney also said that India has a strong interest in the South China Sea because its sea frontiers extend to the entrance of the critical waterway. He said whatever transpires in the South China Sea has an impact on India's maritime interests.

Furuya referenced Japan's regional maritime initiatives when he argued that the role of external players is to assist countries bordering the South China Sea in strengthening their ocean governance capabilities. He noted that Japan is doing its own share of advancing international law through a three-pronged approach: diplomacy, capacity-building, and joint operations, and exercises. Furuya said Japan has engaged in a diplomatic

effort by promptly issuing diplomatic notes, initiated capacity-building programs through maritime asset provisions and human resource development, and joint training and exercises with Coast Guard agencies throughout the region.

Patalano meanwhile argued that, to forge partnerships, actors must acknowledge the changing character of maritime security, which would then require a reflection of the opportunities for partnerships. The change in the character of maritime security pertains to how actors are now focused on State's capacity for governance. He noted that practical cooperation around improving standards of practice is at the forefront of how actors cooperate with one another. To this, crafting a vocabulary in maritime security that all actors are able to understand could help. He cited efforts to develop the first Regional Maritime Security Center of Excellence between the United Kingdom and India, aimed at establishing an intellectual lighthouse where different perspectives can be harnessed together to create a shared vocabulary on maritime security.

Poling stressed that it is important for external partners to support the Philippines in imposing reputational and diplomatic costs on China. These could build up over time and pressure Beijing to seek compromises in the South China Sea in good faith. Poling also recommended that the Philippines seriously consider seeking a UN General Assembly resolution calling for compliance with the 2016 Arbitral Award and UNCLOS. Manila could also seek an advisory opinion with an appropriate international legal institution, that would call out China's actions violative of the said award and other relevant international laws. While reasonable compromises compliant with international law may be difficult under Xi Jinping, a UNGA resolution and an advisory opinion by a world court, coupled with the 2016 Arbitral Award and major power's support for a rules-based management and resolution of disputes could serve as groundwork for future Chinese leadership to seek compromise in matters concerning the South China Sea issue.

Key Takeaways, Policy Recommendations and Next Steps

Pacific Forum's Carl Baker chaired the final session that focused on some of the key takeaways and observations from the two-day discussions, with discussants that included:

- Rear Admiral Rommel Ong (RET., AFP)
Professor of Praxis, Ateneo School of Government
- Dr. John Bradford
Executive Director, Yokosuka Council on Asia-Pacific Studies (YCAPS)
- Prof. Bec Strating
Director, La Trobe Asia & Professor of International Relations, La Trobe University

Strating circled back to the dialogue's central concept of advancing the rule of law, emphasizing that everyone is subject to it, with no exceptions. She reasserted the value of UNCLOS as the constitution of the ocean, negotiated by states to ensure peace and stability. Strating noted the problematic tendency of treating domestic laws as superior to international law, undermining the rule of law's universality.

Moreover, she argued that some actors obscure the truth and provide ambiguous justifications to legitimize illegal claims and bad behavior, often resorting to disinformation to distort objective reality. Strating suggested broadening the scope of discussions to include non-traditional security challenges such as marine environmental protection, fisheries, and the blue economy, highlighting their interconnection with broader regional security concerns.

Ong offered several recommendations as key takeaways from the discussions. Notable recommendations include developing the emerging ASEAN Coast Guard Forum as a norm-setting institution and establishing a "division of labor" mechanism among major powers to promote a rules-based maritime order (e.g., India ensuring the rule of law in the Indian Ocean, Japan in East Asia, and Australia in the South Pacific). Ong also suggested conceptualizing a more efficient and cost-effective deterrence posture, such as India facilitating regional states' production of BrahMos missiles and the United States repositioning key assets like the Typhon Missiles in strategic Philippine locations.

Bradford argued that the Philippine strategy of "proactive measured transparency" has been transformative. By presenting facts, photos, and videos, in a timely fashion, the Philippines enables observers to understand developments, form informed opinions, and mobilize international support for the rule of law. This transparency also empowers governments to take decisive action. Bradford commended the contributions of research organizations specializing in transparency, particularly the Asia Maritime Transparency Initiative (AMTI) and the South China Sea Strategic Situation Probing Initiative (SCSPI). Notably, AMTI's Greg Poling and SCSPI's Hu Bo actively participated in the dialogue.

Baker noted an imbalance in the dialogue's focus, observing that "user state" rights received extensive attention due to the presence of ambassadors from major trading nations, while "coastal state" interests were not comprehensively addressed. Baker echoed Strating's point, emphasizing that future discussions should include issues critical to advancing a rules-based maritime order, such as fisheries, piracy, and multilateral cooperation on marine environmental protection.

ABOUT THE LEAD CONVENORS

Dr. Jeffrey Ordaniel is non-resident Adjunct Senior Fellow and Director for Maritime Security at the Pacific Forum. Concurrently, he is also Associate Professor of International Security Studies at Tokyo International University (TIU) in Japan. He holds a Ph.D. in International Relations and specializes in the study of offshore territorial and maritime entitlement disputes in Asia. His teaching and research revolve around maritime security and ocean governance, ASEAN regionalism, and broadly, U.S. alliances and engagements in the Indo-Pacific. From 2016 to 2019, he was based in Honolulu and was the holder of the endowed Admiral Joe Vasey Fellowship at the Pacific Forum. Dr. Ordaniel convenes the annual track 1.5 South China Sea Dialogue. His current research on maritime security in Asia is funded by the Japan Society for the Promotion of Science (JSPS), 2020-2024.

Commo. Jay Tarriela is currently serving as the Chief of the West Philippine Sea Transparency Group under the Office of the Commandant, Philippine Coast Guard. He successfully completed his Ph.D. at the National Graduate Institute for Policy Studies (GRIPS) under the GRIPS Global Governance (G-cube) Program in Tokyo as a Japan International Cooperation Agency (JICA) ASEAN Public Policy Leadership scholar. He has participated in various military and coast guard training programs both in his home country and internationally. Dr. Tarriela holds a graduate degree from the Philippine Merchant Marine Academy Graduate School and a Master of Policy Studies from GRIPS and the Japan Coast Guard Academy. He was among the first batch of participants in the Maritime Safety and Security Program jointly launched by both institutions in 2016. Furthermore, Dr. Tarriela was selected as part of the inaugural cohort of the 2021 Pacific Forum U.S.-Philippines' Next Generation Leaders' Initiative. Additionally, he has been chosen as a fellow for the 2021 East-West Center US-Philippines Alliance Fellowship in Washington, DC, USA. Dr. Tarriela has authored analyses and policy briefs for *The Diplomat*, *The National Interest*, and Pacific Forum's *Issues & Insights*, RSIS' IDSS Paper, among others.



THE MANILA DIALOGUE ON THE
SOUTH CHINA SEA

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2025 Agenda





THE MANILA DIALOGUE ON THE **SOUTH CHINA SEA**



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THE MANILA DIALOGUE ON THE SOUTH CHINA SEA 2024

BACKGROUND



BACKGROUND

At the 2024 Shangri-La Dialogue in Singapore, President Ferdinand Marcos, Jr. underscored the importance of resolving maritime differences in the South China Sea on the basis of international law and respecting the legitimate interests and legally settled rights of all parties. The Philippine President made a strong appeal to the international community to take a stand against attempts to subvert the 1982 United Nations Convention on the Law of the Sea -- through excessive claims that contravene its status as the constitution of the oceans, through wanton violations of its provisions, and through attempts to deny the legitimacy of its process and procedures.

To help advance the region's shared interests in a free, open, and rules-based maritime order, we are convening *The Manila Dialogue on the South China Sea*. The dialogue will gather some of the most influential foreign policy experts, thought leaders, academics, officials and maritime practitioners from throughout Southeast Asia and the broader Indo-Pacific. It is envisioned to be an annual Track 1.5 process focusing on promoting adherence to international law and identifying sound, pragmatic, and actionable policy prescriptions for littoral states surrounding the South China Sea, as well as other interested state and non-state actors. Participants will debate issues, pitch innovative ideas, and offer recommendations to ensure that the rule of law, not coercion and the use of force, prevails in resolving disputes, thus, safeguarding regional peace and stability.

CONVENORS

Organizers and Partners

The Manila Dialogue on the South China Sea is convened jointly by several nongovernment and public institutions. The lead convenor is WPS (We Protect our Seas) Advocacy Group, a non-government, nonprofit, and nonpartisan organization duly registered with the Philippines' Securities and Exchange Commission. It seeks to organize support for principled approaches to resolving disputes in the West Philippine Sea and the broader South China Sea through rigorous research and dialogues involving academia, public policy, military, and industry throughout Southeast Asia and beyond.

The Manila Dialogue on the South China Sea is convened with support from government partners - the National Security Council - Philippines, the West Philippine Sea Transparency Office, the Philippine Coast Guard, the Philippine Information Agency, and the Presidential Communications Office (PCO).

The inaugural dialogue is also made possible with generous support from international and local partner institutions. International partners include Konrad Adenauer Stiftung (Germany), Asia Maritime Index-Tokyo International University (Japan), the Pacific Forum Maritime Security Program (USA), and Yokosuka Council on Asia Pacific Studies-YCAPS (Japan/USA). Local partners include the Ateneo Policy Center, ADR Institute-Stratbase, the University of the Philippines-Institute for Maritime Affairs and Law of the Sea, and the Local Government Development Institute.

To support future iterations of the dialogue, please contact the lead convenor, Dr. Jeffrey Ordaniel (jeffrey@pacforum.org).



THE MANILA DIALOGUE ON THE SOUTH CHINA SEA 2024

AGENDA NOV. 6



TRACK 1 MEETINGS

November 6-8, 09:00-17:00



A meeting room at the Grand Hyatt Manila has been made available for track 1 meetings. Heads of government agencies in attendance can request to use the designated meeting room to meet their counterparts throughout the dialogue.

COCKTAIL RECEPTION & OPENING DINNER

Wednesday, November 6, 18:00-20:30

Cocktail/networking reception begins at 18:00. Program begins at 18:50.



DR. JEFFREY ORDANIEL

Lead Convenor, The Manila Dialogue on the South China Sea

AGENDA SETTING



GEN. EDUARDO AÑO (RET., AFP)

National Security Adviser, Philippines

OPENING REMARKS



ADM. RONNIE GIL LATORILLA GAVAN

Commandant, Philippine Coast Guard (PCG)

INTRODUCTION OF THE KEYNOTE SPEAKER



HON. FERDINAND MARTIN ROMUALDEZ

*Speaker, House of Representatives
19th Congress of the Philippines*

KEYNOTE ADDRESS



H.E. FERDINAND MARCOS, JR.

President of the Philippines

KEYNOTE REMARKS



REPRESENTED BY

LUCAS BERSAMIN

Executive Secretary, Office of the President of the Philippines



PRE-PROGRAM

Thursday, November 7, 09:15-09:45

09:15 - 09:45

REGISTRATION & NETWORKING

Grand Ballroom I

The event venue opens at 09:00 for registration and networking.
Coffee/tea will be served.

PANEL 1

Thursday, November 7, 10:00-11:45

OPENING PLENARY:

THE COAST GUARD AS GUARDIANS OF THE RULE OF LAW AT SEA

In much of Southeast Asia, coast guard organizations have become the primary agencies in maintaining maritime safety and security, usually in sea-areas within national jurisdiction. Over the past couple of years however, the increasing prevalence of grey-zone coercion at sea has made coast guards more than just constabulary maritime forces. They are now playing important roles in ensuring that littoral states of the South China Sea maintain their jurisdiction over their territorial seas, exclusive economic zone (EEZ) and continental shelf, in accordance with international law. This panel will focus on the roles of coast guard agencies in securing the rule of law in the South China Sea.



ADM. RONNIE GIL LATORILLA GAVAN

Commandant, Philippine Coast Guard (PCG)



VADM. IRVANSYAH

*Chief, Badan Keamanan Laut Republik Indonesia - BAKAMLA
(Indonesian Maritime Security Agency)*



VADM. HIROAKI KANOSUE

Vice Commandant, Japan Coast Guard (JCG)



FIRST ADM. DATUK CHE ENGKU SUHAIMI CHE ENGKU DAIK

*Director, Maritime Affairs of Sabah and Labuan,
Malaysian Maritime Enforcement Agency (MMEA)*



H.E. LAI THAI BINH

Ambassador of Viet Nam to the Philippines

Panel Chair



DR. SATU LIMAYE

Vice President, East West Center



WORKING LUNCH

Thursday, November 7, 12:00-13:30

BEYOND THE SUPERPOWER - REGIONAL APPROACHES TO MARITIME SECURITY BURDEN SHARING: A KONRAD-ADENAUER-STIFTUNG SPECIAL WORKING LUNCH ROUNDTABLE (BY INVITATION ONLY/CHATHAM HOUSE RULE)

The roundtable discussion delves into the evolving maritime security landscape in the Indo-Pacific and beyond, emphasizing the necessity for regional powers and smaller nations to collaboratively share responsibilities. Aiming to reduce dependence on any single superpower, the discussion will examine various strategies to rejuvenate regional alliances, forge innovative partnerships, and diversify security efforts to address emerging threats.

Participants will also explore how nations balance their relationships with major powers to safeguard maritime interests. Additionally, the session will offer insights into building resilient alliances/partnerships by underscoring the importance of collaborative strategies and the equitable distribution of security responsibilities in a multipolar world.



DANIELA BRAUN

*Country Director, Konrad-Adenauer-Stiftung (KAS) Philippines
WELCOME REMARKS*



COMMO. JAY TARRIELA, PCG

*Chief, West Philippine Sea Transparency Office
SETTING THE STAGE*



DR. ALEXANDER VUVING

*Professor, Daniel K. Inouye Asia-Pacific Center for Security Studies (APCSS), Honolulu
CALLING REGIONAL POWERS AND ALLIANCES TO ACTION*



DR. COLLIN KOH

*Senior Fellow, S. Rajaratnam School of International Studies
CALLING REGIONAL POWERS AND ALLIANCES TO ACTION*



PROF. BEC STRATING

*Director, La Trobe Asia & Professor of International Relations, La Trobe University
FORMULATING AN APPROACH*

Moderator for Open Discussion



BEA CUPIN

Senior Multimedia Reporter, Rappler

Note:

Invited participants should proceed to Apartment 301, 3/F.
Lunch for the rest of the participants will be available at the Grand Kitchen (1F).



LUNCH

Thursday, November 7, 11:45–13:30

LUNCH BREAK

The Grand Kitchen

Please proceed to the Grand Kitchen, 1F.

Be back to the Grand Ballroom 1 by 13:30 or earlier.

PANEL 2

Thursday, November 7, 13:45–15:30

ADVANCING THE RULE OF LAW IN THE SOUTH CHINA SEA: PERSPECTIVES FROM CLAIMANT STATES

President Ferdinand Marcos, Jr. of the Philippines, Prime Minister Phạm Minh Chính of Vietnam, Prime Minister Anwar Ibrahim of Malaysia, and President Xi Jinping of China have all articulated the importance of adherence to international law in managing and resolving maritime disputes. Why then are tensions in the South China Sea escalating? This panel will assess how major claimant states – the Philippines, Vietnam, Malaysia and China – view the concept of ‘rules-based order’ vis-à-vis the South China Sea.

Opening Remarks



MARSHALL LOUIS ALFEREZ

*Assistant Secretary, Maritime and Ocean Affairs Office,
Department of Foreign Affairs, Philippines*



ANTONIO CARPIO (PHILIPPINES)

Chairman, Institute of Maritime and Ocean Affairs, Manila



CAPT. LIU XIAOBO (RET., PLA NAVY) (CHINA)

Director, Marine Study Center, Grandview Institution, Beijing



DR. SUMATHY PERMAL (MALAYSIA)

Senior Research Fellow, Maritime Institute of Malaysia, Kuala Lumpur



DR. HAI-DANG VU (VIET NAM)

Researcher, Diplomatic Academy of Vietnam, Hanoi

Panel Chair



FRETTI GANCHOON

Senior State Counsel, Department of Justice, Philippines



PANEL 3

Thursday, November 7, 15:45-17:15

RULE OF LAW IN THE SOUTH CHINA SEA: SHOULD THE WORLD CARE?

Some argue that external actors should refrain from getting involved, directly or indirectly, in the South China Sea issue and should simply allow China and Southeast Asian countries to settle their differences. They say external actors simply “stir troubles” and turn the issue into a strategic competition inhibiting cooperation. Others contend that security issues concerning the South China Sea, a major trade route and choke point, are related to the peace and stability of the broader region, and that the involvement of the international community is essential in ensuring that the rule of law prevails, not coercion and force. This session will discuss this enduring foreign policy debate.



PROF. JAMES KRASKA

Charles H. Stockton Chair of International Maritime Law, U.S. Naval War College



DR. CHOE WONGI

*Professor, Department of Indo-Pacific Studies and
Head, Center for ASEAN-Indian Studies, Korea National Diplomatic Academy (KNDA)*



DR. SARAH KIRCHBERGER

*Head, Center for Asia-Pacific Strategy & Security, Institute for Security Policy,
Kiel University*



PROF. LEI XIAOLU

*Professor of Law, China Institute of Boundary and Ocean Studies,
Wuhan University*

Panel Chair



BRAD GLOSSERMAN

Senior Adviser, Pacific Forum





PANEL 4

Friday, November 8, 09:15-10:30

UNDERSTANDING RECENT THREATS TO THE RULE OF LAW IN THE SOUTH CHINA SEA, 2023-24

2023-2024 saw a significant increase in the frequency and intensity of high-tension incidents in the South China Sea. These tensions have led to discussions about whether some of the actions could still be described as 'gray' or could already be categorized as 'use of force,' or 'armed attack'. In this panel, experts will review these incidents to generate insights into the root causes of the heightening tensions and evaluate how these incidents have gradually threatened the rule of law in the South China Sea. The session will also explore actionable recommendations to prevent further escalation and discourage coercion and use of force.



PROF. HU BO

Director, South China Sea Strategic Situation Probing Initiative (SCSPI)



PROF. JAY BATONGBACAL

Professor, University of the Philippines College of Law



RAY POWELL

Director, Seelight-Gordian Knot Center for National Security Innovation, Stanford University



DR. HAI DO

Deputy Director General, East Sea Institute, Diplomatic Academy of Vietnam



PROF. FREGA W. INKIRIWANG

Associate Professor, Republic of Indonesia Defense University

Panel Chair



AMB. LAURA DEL ROSARIO (RET., DFA)

President, Miriam College



PANEL 5

Friday, November 8, 10:45-12:30

SPECIAL ROUNDTABLE WITH AMBASSADORS **PEACE AND STABILITY IN THE SOUTH CHINA SEA - THE STAKES OF THE INTERNATIONAL COMMUNITY**

What exactly are the stakes for the international community in the South China Sea? In this Diplomatic Roundtable, the Ambassadors of Japan, Australia, the United States, Germany, and Canada will explain why their governments want more rule of law in the South China Sea and what they are doing to advance it.

Keynote Remarks



H.E. JOSE MANUEL G. ROMUALDEZ (TBC)

Ambassador of the Republic of the Philippines to the United States of America



H.E. ENDO KAZUYA

Ambassador of Japan to the Philippines



H.E. DAVID HARTMAN

Ambassador of Canada to the Philippines



H.E. HAE KYONG YU

Ambassador of Australia to the Philippines



HON. MARYKAY CARLSON

Ambassador of the United States to the Philippines



H.E. ANDREAS MICHAEL PFAFFERNOSCHKE

Ambassador of Germany to the Philippines

Panel Chair



PROF. DINDO MANHIT

President, Stratbase ADR Institute





WORKING LUNCH

Friday, November 8, 12:30-13:45

WORKING LUNCH PLENARY

EXPOSING BAD BEHAVIOR AT SEA: TRANSPARENCY AND COUNTERING MALIGN INFLUENCE OPERATIONS

How does transparent accounting of events and confrontations at sea support efforts aimed at promoting a rules-based maritime order? How can governments safeguard their institutions and the public from foreign malign influence operations that seek to confuse their people, poison democratic political discourse, and make outright violations of international law seemingly acceptable and coercion, justifiable?

Opening Remarks



JONATHAN MALAYA

Assistant Director General for Strategic Communications, National Security Council Philippines



COMMO. JAY TARRIELA, PCG

Chief, West Philippine Sea Transparency Office



PHUONG-THAO NGUYEN

PhD Candidate, Osaka School of International Public Policy, Osaka University



RADM. KATSUYA YAMAMOTO (RET., JMSDF)

Program Director, Security Studies, Sasakawa Peace Foundation

Panel Chair



DR. BIC TRAN

Postdoctoral Fellow, Lee Kuan Yew School of Public Policy





PANEL 6

Friday, November 8, 14:00-15:30

PARTNERSHIPS FOR A MORE RULES-BASED SOUTH CHINA SEA: ROLES OF EXTERNAL PARTNERS

Partnerships with external actors have proven essential in ensuring that the littoral states of Southeast Asia have the needed capacity to protect their maritime zones, benefit from their maritime entitlements, and fulfill their maritime obligations under international law. This panel will look at the policies and efforts of other actors interested in helping the region defend the rule of law in the South China Sea.



JENNIFER PARKER

Expert Associate at the National Security College, Australian National University



PROF. BRAHMA CHELLANEY

Professor of Strategic Studies, Center for Policy Research, New Delhi



CAPT. KENTARO FURUYA

*Captain, Japan Coast Guard,
Adjunct Professor, National Graduate Institute for Policy Studies*



PROF. ALESSIO PATALANO

*Professor of War & Strategy in East Asia, Department of War Studies (DWS),
King's College London*



GREGORY POLING

Director, Asia Maritime Transparency Initiative-CSIS, Washington, DC

Panel Chair



DR. JEFFREY ORDANIEL

*Director for Maritime Security, Pacific Forum
Associate Professor, Tokyo International University*





PANEL 7

Friday, November 8, 15:45-17:30

PLENARY DISCUSSION

KEY TAKEAWAYS, POLICY RECOMMENDATIONS AND NEXT STEPS

As the inaugural dialogue concludes, this final session will look at some of the key takeaways from the two-day discussions, including highlighting the most contentious debates for further consideration, the most innovative policy solutions, and other key observations. The session will also solicit ideas for next steps, including potential themes and agenda for the next iteration.



RADM. ROMMEL ONG (RET., AFP)

Professor of Praxis, Ateneo School of Government



PROF. BEC STRATING

Director, La Trobe Asia & Professor of International Relations, La Trobe University



DR. JOHN BRADFORD

Executive Director, Yokosuka Council on Asia-Pacific Studies (YCAPS)

Moderator



CARL BAKER

Executive Director, Pacific Forum

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