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Issues in Philippine-China Relations

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Introduction

When the China Studies Program held its first seminar on the state of Philippine-China relations in 1985 to celebrate the 10th anniversary of the establishment of diplomatic ties between the two countries, Ambassador Chen Song Lu gave the keynote address in which he glowingly reported on the expansion and improvement in bilateral ties. Three years later, when we sponsored another symposium on the same theme in April 1988, just before President Corazon Aquino departed on a state visit to China, Mr. Yu Ming Sheng, Counsellor of the Chinese Embassy, delivered an address that not only touched on expanding economic and cultural ties but also very frankly highlighted some of the emerging irritants in Philippine-China relations. Today, on the occasion of the third symposium on the same theme, the fact that my presentation is entitled "Issues in Philippine-China Relations" is perhaps sadly indicative of how far the ties between the two countries have suffered a turn for the worse. It is my hope, however, that in the process of identifying the problem areas in the relationship, we can also begin to explore ways in which these problems can be resolved.

My paper will touch on four problematic areas not necessarily in order of the intensity of the problem:

- 1) the question of "overstaying Chinese"
- 2) the existing trade imbalance in China's favor
- 3) Philippine relations with Taiwan and its effects on the one-China policy
- 4) conflicting claims over the Spratlys

The "overstaying Chinese"

The issue of the "overstaying Chinese" or "illegal aliens" as the Commission on Immigration and Deportation prefers to call them, captured the spotlight in 1988 on the eve of President Aquino's departure for China. Miriam Defensor-Santiago, CID Commissioner at the time, claimed there were as many as 100,000 Chinese illegal aliens in the country. This statistic has been contested first because she failed to indicate the sources from which the figure was derived and secondly, if the figure were accurate, it would mean that one in every 10 Chinese Filipinos (who roughly number 1 million) is an illegal immigrant. This is highly improbable and a more accurate estimate would be 30 to 50,000.¹

The solution proposed by Santiago in 1988 was an executive order granting legalisation of the status of illegal aliens subject to the following conditions:

- 1) They must have been in the Philippines before January 1, 1984 and have resided continuously in the country.
- 2) The alien must establish he is admissible to the Philippines as an immigrant and has not been convicted of any crime.
- 3) The alien must pay an application fee of P50,000.
- 4) The alien must demonstrate a minimal knowledge of English or Filipino and an understanding of Philippine history and government.²

This proposal was in fact adopted as Executive Order 324 in July 1988 and illegal aliens were given one year (August 1, 1988 to July 31, 1989) to avail of the program. Its implementation was suspended when Congress questioned its legality. The abortive attempt to resolve the issue "once and for all" achieved very little in enhancing Philippine-China relations. As a matter of fact, the publicity it received tended to give a distorted impression that there was a massive influx of Chinese into the country. While it is true that in recent years there have been attempts by visiting Chinese from the PROC to "overstay", the bulk of the "overstaying Chinese" have been in the Philippines for at least two decades.

Some of them belong to the wave of Chinese refugees who entered the Philippines at the outbreak of the Pacific War while others were refugees from the civil war in China. Since then, the influx has been reduced to a trickle. Obviously then, the "overstaying Chinese" problem has been a longstanding one and even prior to 1975 when

diplomatic relations were established between the Philippines and the PROC, it had been a constant irritant in relations between the Taiwan Embassy and the Philippine government. Periodic negotiations on the issue did little to resolve it despite threats by the Philippine government to deport all "overstaying Chinese" to Taiwan.

To a large extent, the "overstaying Chinese" is a problem that Beijing has inherited and over which it has little control. Nevertheless, attempts to restrict the further influx of illegal immigrants have led to the imposition of overly strict visa requirements on Chinese nationals visiting the Philippines such that even legitimate exchange scholars have been subjected to instances of insulting treatment. For some time, the CID required a prohibitive bond of P100,000 for every visiting Chinese national and lifted the requirement only after repeated representations from the Chinese Embassy. Clearly, immigration policies have thus far done little to resolve the problem of illegal immigrants but instead have tended to obstruct the expansion of people-to-people relations.

In the long run, the problem can only be solved with the collaboration of the Philippine Chinese community which functions as the receiving community. More often than not, Chinese nationals cannot "overstay" unless they receive the protection and support of the local Chinese. Some of the illegal immigrants are harbored because they can be exploited as "cheap labor". Others stay on because they have relatives here. Perhaps a well-defined policy that would allow for legal immigration for those with needed skills or with close family ties here would reduce the number of illegal immigrants in the future.

Trade imbalance

In terms of economic relations between China and the Philippines, the imbalance of trade in China's favour has been a source of concern particularly for the Chinese who take seriously their own principle of maintaining mutually beneficial relations. The persistent trade deficit that has plagued the Philippines can be traced to the fact that it is importing considerable amounts of crude oil from China and only exports small amounts of coco oil, copper concentrates, gold and sugar besides a few other agricultural products. In 1984, the Philippines had a trade deficit of US\$173.7 million.³ In the first half of 1989, the trade

deficit amounted to US\$121 million.⁴

This might seem large and worrisome at first blush but if one were to compare it with the trade relations between the Philippines and other countries, one discovers that it is with Taiwan that the Philippines has developed the largest trade deficit. The balance in favor of Taiwan for the first half of 1989 is US\$226 million which is almost double that of China. The Philippines' trade deficit with China ranks fifth compared to its deficit with Taiwan, Iran, Japan and Singapore.⁵

Economists have agreed that one reason for the Philippines' increasing trade deficit with other countries is its continued dependence on the export of raw materials and an inability to diversify its export. In the bilateral trade between China and the Philippines, the Chinese, to their credit, have always tried to increase their imports from the Philippines. What seems to be missing is a concerted attempt by the Philippine government and the private sector to seriously explore the Chinese market. There seems to be a dire need for more market research and for a more effective marketing strategy. It has been pointed out that the trade balance can be improved by increasing the competitiveness of Philippine products even if they may be agricultural or labor intensive manufactured products. One Chinese complaint has been the uneven or low quality of Philippine products. On another level, the Philippines can profitably explore China's growing need for highly skilled services "that meets Western business standards and at the same time respects local customs".⁶

It should be pointed out that all trade between the two countries is conducted and coordinated through the Philippine International Trade Corporation (PITC) which was created by former President Marcos to facilitate the conduct and implementation of the Philippines' trade with socialist countries. PITC takes the lead in the protocol negotiations and is supposed to act as a catalyst for the Philippine private sector to implement the commitments under the protocols.

A recent development that has raised some consternation and concern among importers of Chinese products has been an administrative order issued by the PITC requiring all importers to submit an export program of Philippine products to the PROC in an amount equivalent to the value of the importation from the PROC. Moreover, the order requires that the export program be implemented and completed within six months from the date of approval of the import application by the PITC.⁷

Most private importers of Chinese products have expressed the fear that the order will in fact strangle rather than expand trade with China. Not all of the importers are engaged in export activities and will have to seek partners willing and able to export to China. The six-month deadline given to implement an export program is also regarded as unreasonably short. Many of those engaged in trade with China feel that these onerous requirements will in effect deter rather than encourage trade with China. If the objective of the PITC is to improve the balance of trade with China, it is doubtful if this will be achieved simply through an administrative order that places the burden of increasing Philippine exports on importers. As indicated above, only concerted and planned efforts to explore and capture a slice of the Chinese market can assure success in the long run.

Finally, it remains to be said that the economic relations between the two countries need not be confined to trade. There are growing opportunities for China to invest in the Philippines in joint ventures and projects. At the moment, China ranks among the top ten investors in the Philippines. Between 1975 and 1984, the growth of Chinese investments averaged 46.6% a year, faster than the average growth of 29.4% for overall foreign investments in the Philippines⁸. This is indicative of the great potential for Chinese investments. In this regard, it should be noted that there have been complaints from Chinese investors about delays and difficulties in the issuance of visas to Chinese nationals. These difficulties have not been encouraging of more investments here and it might be worthwhile for the PITC, the Department of Foreign Affairs and the Commission on Immigration and Deportation to coordinate efforts in facilitating visits by those who could make valuable contributions to the expansion of economic ties.

Taiwan and the one-China policy

Certainly, the amount of mainland Chinese investments at present has not been able to keep abreast of Taiwanese investments which have risen very noticeably and significantly in the last three years. According to Board of Investment statistics, Taiwanese investments over the last six months alone have amounted to US\$120 million, making it the second biggest investor in the country. The projection of Jose Concepcion, Secretary for Trade and Industry is that Taiwan will

account for 40% of the US\$1 billion in foreign investments that is expected for this year. Furthermore, trade between the Philippines and Taiwan rose to a record high of US\$516 million in 1988.⁹

The dramatic increase in economic interest from Taiwan in the Philippines has begun to take a toll on Philippine-China relations. Taiwan has unabashedly signalled its intentions to translate its newly acquired economic power into diplomatic clout. With a foreign exchange reserve of US\$70 billion, the Taiwanese government has set aside US\$1 billion as development aid fund for less developed countries. Obviously, this is designed to lure debt-ridden and cash-strapped Third World countries into establishing diplomatic relations with Taiwan.

Since the seating of the PROC in the United Nations in 1971, the Taiwan government has suffered a drastic reduction in its diplomatic ties and today enjoys official relations with only 25 countries despite the fact that it has trade and cultural relations with 140. In the last three years, however, Taiwan has attempted to break out of its diplomatic isolation by embarking on a world-wide strategy to convert its economic wealth into political capital. Small Third World countries hungry for cash have been the most vulnerable to these overtures and lately Liberia and Grenada have reestablished official ties with Taiwan, prompting China to cut off ties with them.

In the Philippines, moves by Taiwan to have bilateral relations upgraded have been gaining ground. These efforts have been multi-layered and multi-pronged. Numerous trade delegations have been sent to Manila recently to meet with Philippine government officials including the President herself. At the same time, visits to Taipei have become very fashionable over the past year especially for a variety of groups ranging from academics, mediamen, to businessmen, legislators and government officials, many of whom have reportedly been guests of the Taiwanese government. The systematic attempts to court influential circles in Manila have yielded political dividends for the Taiwanese. There have been increasing instances whereby the Taiwan government has been referred to as the Republic of China and no less than the President herself committed the *faux pas* on two or three occasions.

When the Chinese Embassy registered its protests against the increasing visits of high level Philippine officials to Taipei, Malacañang issued an executive order banning visits to Taiwan by

government officials and legislators unless they had the prior approval of the Department of Foreign Affairs. Last year the Department of Foreign Affairs openly disapproved such visits. This year, no less than Secretary Manglapus himself has committed a *volte-face*. In an amazing display of double-talk the Secretary would neither confirm nor deny his visit to Taipei in October 1989. Unfortunately for him, both Taiwanese and the local Chinese media could not resist reporting on the event. Since then, the Chinese embassy has indicated its displeasure at the latest violation of the principle of a one-China policy by handing an aide memoire to the DFA. Malacañang's and the DFA's responses seem not to be designed at smoothing Beijing's ruffled feathers but at aggravating the situation.

Perhaps the greatest test to which Philippine-China relations will be subjected will be the final outcome of the pending bill in Congress entitled the Philippine Taiwan Mutual Benefits Act that has been principally authored by Rep. Rodolfo Albano. In essence, the bill seeks to upgrade Philippine-Taiwan relations by formalizing some of the informal relationships that have been in existence since 1975. The rationale given by the author for the bill is that it will generate increased Taiwanese investments and other economic activities that will help spur the economic recovery of the Philippines.¹⁰

The economic argument has been unconvincing since even without the Act, Taiwanese investments have been flowing into the Philippines. As far as private investors are concerned the motivations for investing in the Philippines have been more economic than political. More than anything else, Taiwanese investors have been drawn by the prospects of quick profits, (often in the range of 40 to 50% with recovery of capital investments within two years) that can be gained from cheap labor, low operational costs and low taxes. Industrialists can be expected to begin exporting their labor intensive industries to the Philippines as the Taiwan economy shifts towards an emphasis on high technology. Besides, it is now Taiwan's strategy to invest in Southeast Asian countries as a means of increasing its export outlets and expanding its markets. With or without the passage of the bill, the country can expect a high level of interest from Taiwanese investors and exporters.

What is perhaps more germane to the discussion is the way in which Taiwan is trying to wring both political and economic concessions from its position of strength. In a recent move to step up the

pressure on Manila, the Taiwan government brought in a 117-member delegation of businessmen and officials who not only pushed for the passage of the Albano bill but also pressed for additional measures such as a tax treaty that would exempt Taiwanese investors from double taxation, the easing of immigration and importation rules and laws that ban foreigners from owning land or majority equity in local firms.¹¹ In short, the Taiwanese are seeking nothing less than changes in the laws governing foreign investments in the country. In a conference sponsored by the Taiwan government on the theme "A Review of Relations between the Philippines and the Republic of Taiwan", Taiwanese scholars echoing the government's line warned that the Philippines could lose up to US\$3 billion in foreign investments from Taiwan over the next two years if it "fails to relax its one-China policy" since the bulk will come from the public sector.

To reinforce direct pressures coming from the Taiwan government, there are now lobby groups which have been organised presumably with some encouragements from Taipei. On September 25, for instance, a new movement was launched called the "Philippine-Taiwan People's Movement" or PHILTAP whose objective is to work for the abrogation of the one-China policy. It has declared aims of gathering three million signatures within the next three months to support the Philippine-Taiwan Mutual Benefits bill. Whether this move will prosper remains to be seen but one can certainly expect Taiwan to be pouring in resources to serve its political ends.¹²

Apart from the impact that Taiwanese overtures have had on the "proper" observation of the one-China policy, efforts to extract concessions beyond the provisions of existing laws should be considered with some gravity. Their actions have demonstrated that the Taiwanese will not stop at the Philippine-Taiwan Mutual Benefits Act. Any concession made in this direction can only open up the floodgates to further pressures and intervention.

Whether we like it or not, the Philippines has become the arena for the diplomatic struggle between Beijing and Taipei over the latter's "elastic diplomacy". Where Philippine national interests are concerned, it is essential for it to maintain diplomatic ties with the PROC. As a member of ASEAN and the Asian region, the Philippines can hardly afford to ignore a regional power that has a population of 1.2 billion, a nuclear capability and a growing economic potential (not to mention the fact that we do import substantial amounts of crude oil at

"friendship prices"). To this end, it is important to adhere to the one-China policy in the same way that most other nations with ties to China have done. It would be ironical now that ASEAN as a whole is moving towards closer relations with China that the Philippines will begin to move in the opposite direction. By adopting a *de facto* two-China policy, the Philippines will be violating the principle of sovereignty and non-interference while expecting China to adhere to a policy of non-interference in the Philippines.

To the extent that the PROC has expressed tolerance of people-to-people relations with Taiwan, there are indeed few obstacles to the expansion of these ties. What is sorely needed is the declaration of a clear policy that will signal both to Taiwan and to the PROC the parameters of their political relations with the Philippines. Until this is done, and firmly so, the Philippine government will find itself becoming a political football in the tussle between Taipei and Beijing. As Senator Shahani has indicated, there is no real necessity for the Congress to legalize an already existing relationship since it will only jeopardise Philippine-PROC relations.¹³ Neither does the Philippines have to project a mendicant image by succumbing to the pressures from Taipei. We should consider the fact that neither Thailand nor Malaysia have had to suffer the same kind of pressures to which the Philippines has been subjected, yet they have been major recipients of Taiwanese investment capital. In the final analysis, it will be the lure of profits that will draw investors—not political guarantees.

The Spratlys

One last issue in Philippine-China relations that I wish to touch upon is that which relates to the conflicting claims to islands in the Spratlys. The Spratly archipelago, located 550 miles south of Hainan and called Nansha by the Chinese and Truong-sa by the Vietnamese has been claimed in whole or part by China, Taiwan, Vietnam and the Philippines. In this respect, the issue is much more delicate and complex since it involves not only bilateral relations between China and the Philippines but also relations with Vietnam and Taiwan. Apart from the fact that various islands within the Spratly Archipelago have come under the control of different forces, the dispute over the area has been complicated by the discovery of rich oil deposits

around it and the involvement of oil companies.

Chinese claims to the Spratlys are historically rooted and date back to the 15th century. These claims have been reinforced by Chinese assertions that the continental shelf in the South China Sea is an extension of the Chinese mainland and that therefore the disputed islands rightfully belong to China. Despite these claims, the South Vietnamese Government under Nguyen Van Thieu in 1974 issued a decree annexing 11 islets there and occupied six of them with troops. China, however, did not respond in any forceful way. One reason perhaps is that the Spratlys are more than 750 miles from the nearest Chinese military base. Another might have been China's desire not to provoke Southeast Asian fears of Chinese domination in the region by asserting its claims militarily. Moreover, Taiwan has based its claims over the Spratlys on the argument that they historically belong to China and has stationed a military garrison on Itu Aba Island. While registering formal protests against Taiwan's presence on Itu Aba, China has implicitly treated the presence of Taiwanese Chinese as better than no Chinese at all and as preferable to Vietnamese or Philippine occupation.¹⁴

On the Vietnamese side, it should be noted that at the end of the American-Vietnam War, Hanoi's forces seized the Spratlys even before their troops entered Saigon. This underscores Hanoi's concern for the oil potential in the area more than the historical claims it has put forth. Even before the end of the Vietnam war, Hanoi had taken steps toward exploring the Tonkin Gulf and other parts of the continental shelf by entering into an agreement with an Italian oil company. However, the disputes over the Spratlys and the absence of a sea boundary agreement between China and Vietnam have frustrated Vietnamese offshore oil activity.¹⁵

The Philippines, on the other hand, has been relatively more successful in the matter of oil exploration around the Spratlys. Both security reasons and the oil factor have been cited as motivations for the Philippines' claims to some islands within the Spratly archipelago. During World War II, the Japanese used the Spratlys as a staging post for the invasion of the Philippines. Thus, it has been argued, the Spratly island group should come under Philippine control for security reasons.¹⁶

According to the late Carlos Romulo in his protests against South Vietnam's and Taiwan's forceful establishment of their claims to the

disputed islands, the islands of Lawak, Pag-asa, Kota, Likas and Parola had been acquired by the Philippines by right of occupation. These islands, according to Romulo, in fact do not form part of the Spratly group and hence are outside the claims of China, Taiwan and Vietnam. Furthermore, he has argued that the distance between the Spratlys and Palawan is only about 250 miles whereas they are 350 miles from Vietnam, 950 from Taiwan and 550 miles from Hainan Island. Although the Philippine government asserted its claims to the Spratlys only recently, there was an attempt by a Filipino named Tomas Cloma to claim some of the islands between the late 40s and early 50s. Cloma led a fishing expedition to the Spratly group in search of richer fishing grounds. In 1956, he served notice that he was claiming ownership of the Spratlys basing it on the right of discovery and occupation. However, he did not have the backing of the Philippine government then. The armed confrontation that followed Cloma's claims between Taiwanese troops and 40 Filipinos ended with Cloma's men being driven out, outnumbered and outgunned.¹⁷

The Philippine government has now stationed marines on the tiny islands and maintains a garrison. It has insisted on resolving the dispute in the United Nations and in the International Court of Justice. Although the Philippine government has based its claims on right of occupation and security reasons, it is clear that its stake in the oil discoveries around Palawan has been the prime motivation in its interests in the Spratlys. During the time of the Marcos regime, the Philippines allotted concession zones in the South China Sea to oil companies and these zones cover an extensive area that overlaps with Chinese claims. The most conspicuous of these is the so-called Seafront concession in the Reed Bank area of the Spratlys, where a consortium of Amoco and Swedish interests made a strike in 1976. The oil companies were warned by China that their activities constituted encroachments on Chinese territorial integrity and sovereignty.

In 1976, Romulo claimed that the Reed Bank is within the continental shelf of the Philippines and therefore within the economic exploitation zone of the country. The Philippine claim is based on the UN Convention on continental shelves. In previous discussions with China the Philippine government purportedly suggested a division of the South China Sea under which the Philippines would give up its claims to islands in the Paracels for the Reed Bank and other unspecified portions of the Spratlys.

Thus far, nothing definite has resulted from the discussions between the Philippines and China. During President Aquino's visit to China in April 1988, she released a statement that Beijing had agreed to shelve the Spratly dispute for an indefinite period and pledged not to attack Filipino troops. The Philippines of course has recently attempted to underscore its claims to the islands by holding local elections on those it occupies. Interestingly, China did not protest the holding of the elections and has indicated a willingness to settle competing claims on the basis of discussions. Nevertheless, Sino-Soviet and Sino-Vietnamese relations will be crucial determinants in the way China will react to rival claims. The dispute with Vietnam over the islands will remain a continuing source of friction between the two countries and the future of Sino-Vietnamese relations will determine the way in which these competing claims will be resolved. In recent months, China has signalled its apprehensions over possible attempts by the Philippines and Vietnam to enter into a secret agreement over the Spratlys. Obviously, any peaceful settlement of the issue will require multilateral discussions among all the claimants. The potential for the outbreak of conflict is always there although at this point in time, China has indicated that the Spratlys is an issue it is willing to place on the back burner as far as the Philippines is concerned.

Conclusion

Among the four issues in Philippine-China relations that I have highlighted the most pressing and disturbing is obviously that which involves the triangular relations between the two countries and Taiwan. Apparently, China has thus far assumed a relatively soft posture towards Philippine violations of the one-China policy. In contrast, Taiwan's attitude has been decidedly aggressive and even arrogant at points. It is important for the Philippine government not to buckle under pressure and to hold discussions with both parties so that an acceptable solution can be arrived at. The terms should be set by the Philippines and not China nor Taiwan.

Notes

¹ See the paper of Teresita Ang See in Bernardita Churchill, ed., *PHILIPPINE-CHINA RELATIONS: AN ASSESSMENT, 1975-88* (Manila: China Studies Program, De La Salle University, 1989), the speech of Miriam Defensor Santiago in the same forum and the discussion that ensued.

² See *TULAY*, Vol. 1, No.1, June 12, 1988 (Manila: World News, 1988) p. 1.

³ Jesus Estanislao, "Philippines-China Trade Relations" in Chia Siow Yue and Cheng Bifan eds., *ASEAN-CHINA ECONOMIC RELATIONS: TRENDS AND PATTERNS*, (Institute of World Economics and Politics and ISEAS, 1987) p. 168.

⁴ Source: National Statistics Office, Central Bank and Department of Trade and Industry.

⁵ *Ibid.*

⁶ Estanislao, *op. cit.*

⁷ See Administrative Order, SOCPEC -89-08-01 of the Philippine International Trading Corporation, regarding importation from the People's Republic of China issued on August 30, 1989.

⁸ Estanislao, *op. cit.*, p.181.

⁹ Cindy M. Benedicto, "ROC Spreading its Money Around" in *The Free China Journal* (Taipei) 27 June, 1988.

¹⁰ See House Bill No. 16421 (Philippine-Taiwan Relations Act), House Bill No. 22181 (The Philippine-Taiwan Beneficial Relations Act of 1989) and substitute bill (The Philippine-Taiwan Mutual Benefits Act) submitted to the Committee on Foreign Affairs, House of Representatives, Philippine Congress.

¹¹ See news item by Mynardo Macaraig, "Taiwan money ready at a political price" in *Philippine Daily Globe*, Sept. 15, 1989 and the news item entitled "Taiwanese Team unfazed by China's criticism" in *Philippine Daily Inquirer*, Sept. 17, 1989.

¹² News item in *Manila Bulletin*, Sept. 25, 1989.

¹³ Leticia Ramos-Shahani, "One China Policy" and "Redefining Our Policy Towards Taiwan" in *Foreign Relations Journal*, (Philippine Council for Foreign Relations) Vol. IV, No. 2, June 1989, pp. 99-105.

¹⁴ Selig S. Harrison, *CHINA, OIL AND ASIA: CONFLICT AHEAD?* (New York: Columbia University Press, 1977) p. 198.

¹⁵ *Ibid.*, p. 204

¹⁶ Bernardino Ronquillo, "Manila's Quest for Security" *Far Eastern Economic Review*, Feb. 25, 1974, p. 28.

¹⁷ *Ibid.*