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## THE STATE AND THE CHANGING FACES AND NATURE OF DIPLOMACY: AN EXPOSITION AND REFLECTION

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### Abstract

This paper aimed to accomplish three objectives. The first objective was to discuss the evolving nature of the state as a political actor while situating it in the international political arena. Here, the state was viewed from social, political, and legal perspectives. As a subject of international law, the roots and development of the state were traced. States deal and coexist with other members of the family of nations through diplomacy. The second objective was to articulate the concept of soft power and its application and manifestations in cultural diplomacy. As Joseph Nye (2004) put forth, states focus not only on their military capability and economic power in pursuing their national interests but also, more importantly, on the exercise of soft power. The exercise of soft power has become imperative as the agenda of world politics has inevitably become a three-dimensional chess game where one can only win with the balance of these three powers. The faces of cultural diplomacy were then explored and personal experiences reflective of citizen diplomacy were cited. The third objective was to explain other faces of modern diplomacy such as defense and climate diplomacy while placing them within the Philippine context. Thus, the Philippines' relationship with key allies and its commitment to the protection of the environment were cited.

Keywords: Cultural Diplomacy, Diplomacy, International Law, Soft Power, State

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### Introduction

Aristotle once said that the state is the highest form of association. Man exercises his rationality by participating in the affairs of the polis, or city-state. From attending to internal matters, the scope extended beyond the confines of the polis, prompting states to interact and forge alliances with neighboring states. The resulting interactions and alliances can be viewed as early manifestations of diplomacy.

Interestingly, Vasilyev (2018) traces the early beginnings of the Romans' interactions with the Hellenistic world during ancient times. As to pre-colonial Philippines, Abinales and Amoroso (2005) narrate that the settlers of the islands already maintained trade and cultural relations with neighboring Southeast Asian countries, and settlements within the archipelago forged alliances with adjacent territories. In these two accounts, collective security became the basis of diplomatic relations.

This paper aimed to articulate the faces and nature of diplomacy. Specifically, it sought to answer the following questions: (1) As a primary subject of international law, what is the state, and how is it viewed from the social, political, and legal perspectives?; (2) What is soft power and how is it manifested in cultural diplomacy?; and (3) What other faces of modern diplomacy can be cited and how are they relevant in the Philippine context?

### Materials and Methods

Data were gathered through a combination of library and internet research. With ease and convenience, books and journals in the library provided the necessary information, as did the academic ebooks, peer-reviewed articles, and other open-access journals using internet research.

## Results and Discussions

### The Emergence of the State

Throughout time, the state became the product of man's primary desire for survival and the attainment of wants and needs. Social contract theorists like Thomas Hobbes, John Locke, and Jean-Jacques Rousseau considered the state as the product of an established order brought about by human cooperation and agreement (Joven, 2017). In 1648, the Peace of Westphalia marked the birth of the modern state, thereby creating the framework for modern international relations. The world political system inevitably emerged based on sovereign states (Patton, 2019).

The modern state boasts eight main attributes. In the words of Abinales and Amoroso (2005), these include a) territoriality, b) exercise of power, c) jurisdiction over a population, d) sovereignty, e) legal personality, f) role as an international actor, g) close association with the nation, and h) compelling ideological appeal. For Justice Isagani Cruz (2003), a legal luminary in Philippine political law, the state is the basic unit of the international community; hence, it is the principal subject of international law. It possesses inherent powers from the moment it was created or formed.

State as a concept did not come to being overnight. De Leon (2014) and Lazo (2013) contend that the state was a product of historical experiences, trial and error, and articulation of political thinkers from different socio-political contexts. The four most discussed theories on the origin of states can thus be cited.

**Divine Right Theory.** This theory is believed to be the oldest idea on which the existence of a state is based. It holds that the state is of divine creation and the ruler is ordained by God to govern the people. Traditional leaders (monarchs) base their authority on the 'eternal yesterday' on this theory (Weber, 1919).

**Social Contract Theory.** Modern democracies base their authority on this theory. Notable social contract theorists include Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. This theory holds that the state was a product of voluntary and collective acts of the people to organize themselves into one coherent state mechanism for their general welfare. Accordingly, a state had been deliberately created by men through a social agreement to which each individual had consented. Hugo Grotius, the father of international law, believed that "kingly states could only achieve complete legitimacy as part of a society of sovereigns to whom they owed certain duties" and "denied that there had to be a supreme sovereign for there to be a law of the society of kingly states or sovereigns" (Bobbitt, 2003).

**Necessity or Force Theory.** This theory holds that states must have been created through force, by some great rulers who imposed their will upon the weak. Thus, the state emerged as a result of conquest and coercion.

**Paternalistic Theory.** This theory asserts that states emerged as a result of the enlargement of the family which remained under the authority of a father-like control and leadership. The leader is seen as a potential provider for the needs of the people. The leader directs and guides the people toward prosperity and peace.

### The Montevideo Convention and the State

A state is a community of persons, more or less numerous, permanently occupying a definite portion of territory, having a government of their own to which the great body of inhabitants render obedience, and enjoying freedom from external control. This is the comprehensive definition of the state. In international law, the Montevideo Convention on the Rights and Duties of the States (1933) serves as the basis for determining whether or not an entity is considered a state.

The state has four essential elements: people, territory, government, and sovereignty (Cruz, 2003; Cruz & Cruz, 2014; De Leon, 2014). First, people as an element of the state refers to the human beings living within its territory. Without people, there can be no functionaries to govern and no subjects to be governed. There is no requirement as to the number of people who should compose a state. However, reason dictates that it should neither be too small to be well-governed nor too large to be self-sufficing.

Second, territory is the fixed portion of the surface of the earth in which the people of the state reside. It includes not only the land over which the jurisdiction of the state extends, but also the rivers and lakes therein, a certain area of the sea which abuts upon its coasts, and the air space above them. Hence, territory is three-fold: terrestrial,

fluvial/maritime, and aerial. The Philippines subscribes to the archipelagic doctrine (Batongbacal, 1997; Coquia, 1983). This is likewise embodied in Article I of the 1987 Constitution.

Third, our government is democratic and republican (Article II, Sec. 1, 1987 Constitution). Government refers to the agency through which the will of the state is formulated, expressed, and realized. In international law, government is necessary because it represents the state in its relations with other states. In the national scene, the government acts for the state as *parens patriae*, or guardian of the rights of the people. Government must be distinguished from administration, or the body of men in whose hands are placed for the time being the function of political control. On the one hand, government is an essential element of the state; thus, permanent. On the other hand, administration is not an essential element of the state; thus, temporary.

Fourth, sovereignty may be defined as the supreme power of the state to command and enforce obedience from its people and to have freedom from foreign control. It has two manifestations: a) internal sovereignty or the power of the state to rule within its territory, and b) external sovereignty or independence, the freedom of the state to carry out its activities without control by the other states. In practice, we can say that sovereignty is not absolute because of the development of international relations and international law. A manifestation of the limitation of sovereignty is the doctrine of incorporation. Found in Article II, Section 2 of the 1987 Constitution and aptly held in the case of *Tañada v. Angara* (G.R. No. 118295, May 2, 1997), this doctrine states that the Philippines adopts the generally accepted principles of international law as part of the law of the land.

#### State and Nation

In international law, a state is not equivalent to a nation. While state is a political concept, nation is an ethnic concept (Dannug & Campanilla, 2004). A nation is a group of people bound together by certain characteristics such as common social origin, language, customs, and traditions, and who believe that they are one and distinct from others (De Leon, 2014). Benedict Anderson (2006) considers a nation as an imagined community whose characteristics include being imagined, limited, and sovereign.

On the significance of nationhood in Philippine politics, Joven (2017) explains:

Nationhood is an integral part of politics as citizens work together and are united by a common cause arising from their shared identity. It is a source of political integrity and is used as a means to call on citizens to support government actions. The state is seen as a representative of a particular nation and this gives rise to the concept of a nation-state. The actions of a state are often determined by the values and traditions that are rooted in national identity.

#### Creation and Extinction of States

States are created in any of the following methods: revolution, unification, secession, assertion of independence, agreement, and attainment of civilization. For instance, the United States was created as a result of the revolution against the British rule of the 13 original colonies. Italy was created when the independent city-states of Sardinia, Florence, Naples, Rome, and others united in 1870. Bangladesh was created when it seceded from Pakistan in 1971. The Philippines, regarded as the first republic in Asia, became a state when it declared its independence in 1898. As to agreement, the Netherlands was created by the Congress of Vienna of 1815, Poland by the agreement of the victorious powers of World War II, and Vatican City by the Lateran Treaty. Lastly, Japan became an international person by attainment of civilization (Cruz, 2003).

Under the principle of state continuity, as long as the four essential elements are present, the state shall continue to exist. From the moment of its creation, the state continues to be the same corporate person whatever changes may take place in its international operation and government, provided only that they do not result in the loss of any of its essential elements.

The state is not immortal. If there is a radical impairment or actual loss of one or more of the essential elements of the state, then that would result in its extinction. For instance, if the population is wiped out because of a pandemic or a thermonuclear explosion, in which not a single individual survived, then the state would be deemed extinguished for losing people as an essential element. A similar case arises where there is emigration en masse of the population. A state likewise dies in case of loss of territory - either the territory is dismembered or annexed by others (e.g.

Bangladesh), or broken up or dissolved by the withdrawal of all its members (e.g. USSR). When there is an overthrow of government without being replaced, it results in anarchy; thus, there is no government. Without government, an essential element, the state dies.

### Roots and Development of Diplomacy

Diplomacy involves various processes of formal and informal dealings between and among states. Berridge et al. (2001) note that the practice of diplomacy as we know it emerged during the Renaissance in Italy. Since then, the endeavor has included politicians, international lawyers, and historians with experience as diplomats.

Diplomacy has seen substantial changes throughout different historical periods. To elucidate these changes, the following questions will be answered: a) how was diplomacy conducted?; b) how were diplomats called and selected?; and c) what were the significant contributions of the period to diplomacy? Much of the discussion in this section is drawn from the works of Anderson (1993), Berridge et al. (2001), and Spies (2019), which provided a chronological and/or thematic narrative of diplomatic history.

First, how was diplomacy conducted? From the ancient times to the Dark Ages, the Renaissance, and the modern era, peoples of the world communicated and established relations with ‘other’ groups by sending representatives, who, as we will see in the next paragraph, have been given various names and selected through different circumstances. While there have been diplomatic practices through trade and cultural exchanges during ancient times, modern diplomatic practices can still be traced to medieval and early modern Europe, where formal customs and conventions in international relations and law began to be institutionalized from the 14th to 16th centuries. Since then, diplomacy has been conducted by ambassadors and consuls who served as resident agents or representatives of their sending governments to foreign states. Likewise, diplomacy has been driven by leaders and foreign ministers via direct diplomacy through congresses, summits, conferences, and international agreements since the 19th century. Today, various forms or faces of diplomacy are present, a testament to its evolving nature. Among the typical ones are cultural diplomacy (Cummings, 2009; Nye, 2004), tourism diplomacy (Baranowski et al., 2019), climate diplomacy (Kuyper & Bäckstrand, 2016), and defense diplomacy (Baldino & Carr, 2016).

Second, how were diplomats called and selected? The ancient Africans, Egyptians, Greeks, and Romans sent their representatives to other lands. These representatives were generally envoys or messengers who visited places, maintained archives and journals, engaged in reciprocal gift-giving with the host country, and attended ceremonies. They were selected only from the most reputable members of the community. In the case of the Greeks, they were known as honorary consuls. Greek ambassadors, chosen by the public based on their rhetorical and persuasion skills, were called *presbeis*. Then, after the fall of the Roman Empire, diplomacy plunged, and much of diplomatic practice was filled by the Roman Catholic Church. From the 13th to 15th centuries, Italian diplomats were among the era's most influential and well-connected diplomats. Hence, Italian diplomacy was associated with a refined societal elite since great intellectuals and artists (like Dante, Petrarch, and Boccaccio) were tapped to be diplomats. Until the Modern Age, envoys were personally selected by the rulers they had to represent and were recruited from the aristocracy. However, things changed when the French Second Republic was proclaimed in 1848. Here, diplomacy started to become a merit-based profession. From aristocratic diplomats, we saw the profession become more heterogeneous and more middle-class. This fact continues to this day.

Third, what were the significant contributions of the periods to diplomacy? The cradles of humankind witnessed the earliest expressions of diplomacy when language as a medium of human communication developed and was used. The concept of diplomatic immunity had roots in ancient times to level the playing field for interactions among diverse communities. The oldest known codified peace treaty in history, that establishing “eternal peace and brotherhood,” is said to have been entered into between Egyptian Pharaoh Ramses II and the King of the Hittites in 1100 BCE. How the Greeks promoted coexistence through alliance-building can be considered an early form of ‘balance of power’ diplomacy. How they promoted the Olympic games can be regarded as the earliest example of sports diplomacy. As to the Romans, precepts of civil law became its most significant contribution to diplomacy. The time-honored *pacta sunt servanda* and the inviolability of envoys became part of international customs. Moreover, while diplomacy had gradual development during the Dark and Middle Ages, an important concept today emerged during the era: determining the seniority of ambassadors based on the date they were accredited to the state.

After the Treaty of Westphalia in 1648, traditional diplomacy or the French system of diplomacy ushered in. By this, a sovereign state-centric system in Europe aimed at the pursuit of national self-interest was established. Thus, concepts such as statesmanship, the balance of power, and the community of states bolstered this state-centric European politics. Today's practice of sending permanent representatives abroad goes back to the 15th century. As resident embassies were established in foreign states, a corollary concept surfaced: the diplomatic corps or the body of diplomats. The professionalization of diplomacy came in the 19th century when recruitment shifted from personal, confidential, and subjective to merit-based.

#### Soft Power and Cultural Diplomacy

Nye (2004), the proponent of soft power, observes that societies that improve their abilities to cooperate with friends and allies may gain comparative advantages against rivals. For him, states not only focus on their military and economic powers, but also, more importantly, with the exercise of soft power. This exercise becomes imperative because the agenda of world politics has inevitably become a three-dimensional chess game where one can win only with the balance of the three. Soft power is getting your desired outcomes without the use of threats or coercion. To achieve ends, soft power uses attraction, persuasion, and influence. If other countries see one's power as legitimate, having been inclined to due to the influence exerted, then it is logical to assume that this state would be met with less resistance. If one country's culture and ideology are attractive, others would follow the same. In this regard, cultural diplomacy can be one of the various faces of diplomacy.

Cummings (2009) defines cultural diplomacy as "the exchange of ideas, information, values, systems, traditions, beliefs, and other aspects of culture, with the intention of fostering mutual understanding." Experience has shown that cultural diplomacy may take numerous yet practical forms. Watching anime from Japan, drama series from South Korea, and US' Hollywood and India's Bollywood movies unconsciously introduces audiences to their values and cultures. Audiences become oriented with the other country's beliefs, become fascinated about the picturesque places nature has endowed these countries, and at times become prospective visitors.

Through the years, cultural diplomacy has been advanced through the promotion of education. For instance, scholarship grants, cultural exchange programs, and conferences on social issues are made available by developed countries. As to scholarship grants, the generous funding offered by the likes of the United States (Fulbright Scholarship), the United Kingdom (Chevening Scholarship), Australia (Australia Awards), and Japan (Monbukagakusho Scholarship), to name a few, allowed deserving students to pursue graduate courses abroad. As to cultural exchange programs, the Ship for Southeast Asian and Japanese Youth (SSEAYP) Program and the Japan-East Asia Network of Exchange for Students and Youths (JENESYS) Programme have gained popularity and are endorsed by the National Youth Commission. The Study of the US Institutes, a program sponsored by the US Department of State, likewise offers young professionals an opportunity for professional growth.

Concerning cultural exchange programs, this author was fortunate to participate in the JENESYS Programme in 2008, the first batch of Filipino students to have been sent to experience and learn about Japan. Concerning conferences on social issues, this author attended the Initiative for Peace: Conflict in Mindanao Conference in 2012. Sponsored by the Li Po Chun – United World College of Hong Kong, this conference focused on conflict resolution and management. With the case of Mindanao as a reference, participants looked at the conflict from different perspectives and realized that disputes could be resolved using peaceful means like negotiations and dialogue.

With this wide array of opportunities, one can account for the following realizations. First, in a globalized world overwhelmed with multifarious advances in science and (information) technology, states build and strengthen cultural ties to advance amity and cooperation in the international scene – as if it were a family of nations where each is a valued and productive member thereof. Second, as links are broadened between and among people, we are not surprised to develop solidarity and mutual understanding among the participants. These links provide youths adequate opportunities to come together to share, learn, and experience each other's rich and glorious cultures and discuss and substantially articulate their views on pertinent national and international issues that affect them. These links allow us, the participants, to gain knowledge and experiences worthy of being shared with our contemporaries and generations to come. Third, youths can learn values from these cultural exchange programs. They get to share their values, beliefs, customs, and traditions with others in the process. Everyone gets to know something he might not have known or understood before. Hence, respect and camaraderie are fostered in an environment where tolerance and open-mindedness are present, where each one's opinions are appreciated. Lastly, participating in these exchange

programs develops active citizenship. We can participate in nation-building, join civil society, and be involved in the political process. As today's youths will be tomorrow's leaders, these activities need to be sustained to have the training and exposure necessary to prepare and equip us for our future roles.

Participating in cultural exchange programs and tourism activities allows the common tao to join in what Fulda (2019) refers to as "new" diplomacy or citizen diplomacy. As the US Center for Citizen Diplomacy explains, this kind of diplomacy holds that "every global citizen has the right, even the responsibility, to engage across cultures and create shared understanding through meaningful person-to-person interactions" (<https://www.centerforcitizendiplomacy.org/about-us/understanding/>).

### The Other Faces of Modern Diplomacy

In modern diplomacy, Baldino and Carr (2016) consider the practice of military-to-military engagement as an indispensable tool in protecting strategic interests. This engagement finds application in the Asia-Pacific region. Defense diplomacy refers to "the nonviolent use of a state's defense apparatus to advance the strategic aims of a government through cooperation with other countries," which involves various activities like "training exercises, port visits, education activities and programs, and the integrated use of militaries for the provision of material equipment and aid."

The conduct of Balikatan exercises between the Philippines and the United States is regarded as a manifestation of defense diplomacy. For Radics (2004), these exercises enhance the skills and capabilities of both states and improve the interoperability of their armed forces. For instance, in April 2023, both countries formally opened the largest Balikatan exercises with over 17,500 combined troops. Not only do these exercises signify a more robust security relationship between the longtime allies, but they also serve as "an important opportunity to train shoulder-to-shoulder and build trust and confidence that enable [our] forces to respond to crises and contingencies as a team" (De Leon, 2023).

The alliance between the two states is, therefore, beneficial and reciprocal, especially at the height of the West Philippine Sea issue, when China is observed to have been doing acts deemed violative of Philippine sovereignty (Atienza, 2022; Cabico, 2023; Dela Peña, 2023; Lema, 2022). This author vehemently disagrees with Yang's (2018) observations. Yang might have forgotten China's provocative actions in the West Philippine Sea when the following contentions were made: that "opposing hegemonism and power politics is the political guiding principle of China's diplomacy" and that "maintaining international fairness and justice is a consistent position of China's diplomacy." It is apparent that China does not walk the talk.

The United States also benefits from these exercises. The US continues to have a dependable and strategic ally in the Pacific and the exercises provide a perfect opportunity to evade potential controversy that would likewise be associated with launching an all-out war in the region (Radics, 2004).

From defense diplomacy, another type that aims to 'defend' us from nature's course can be cited: climate diplomacy. The world faces climate change. Now, more than ever, caring for the environment becomes an inevitable aspect of modern diplomacy. Environmental justice stems from a growing recognition that the right to the environment is a fundamental right that ought to be protected (Bueta, 2012). Various scholars of international environmental law define environmental justice. For Liu (2000), environmental justice is "the goal of achieving adequate protection from the harmful effects of environmental agents for everyone, regardless of age, culture, ethnicity, gender, race, or socioeconomic status." For Salzman and Thompson (2007), environmental justice refers to "the equitable distribution of burdens of the environmental harms among various groups."

Two international instruments which promote environmental justice and are thus entered into by states can be cited. First, the 1972 United Nations Conference on the Environment gave rise to the 1972 Stockholm Declaration, which is considered the primary document in international environmental law. It states in clear and express terms the right to the environment. It was the first world conference to make the environment a major issue. Here, the participants adopted a series of principles for sound management of the environment (<https://www.un.org/en/conferences/environment/stockholm1972>). Second, the Rio Declaration was a product of the 1992 United Nations Conference on Environment and Development, otherwise known as the "Earth Summit." Held in Rio de Janeiro, Brazil on the occasion of the 20th anniversary of the first Human Environment Conference in

Stockholm, Sweden, the summit concluded that the concept of sustainable development was an attainable goal for all the people of the world, regardless of whether they were at the local, national, regional, or international level (<https://www.un.org/en/conferences/environment/rio1992>).

As Kuyper and Bäckstrand (2016) note, addressing this global concern is not the sole responsibility of states. As such, the United Nations and non-state actors also had their share throughout the unfolding of international climate agreements – from the United Nations Framework on Climate Change in 1992 up to the Kyoto Protocol (1997), Copenhagen Accord (2009), and Paris Agreement (2015).

As environmental protection is involved, one will always be reminded of the landmark case of *Oposa v. Factoran* (G.R. No. 101083, July 30, 1993), where the Supreme Court found the occasion to articulate the right of intergenerational responsibility as anchored on the people's right to a healthful and balanced ecology (Art. II, Sec. 16 of the 1987 Constitution). Accordingly, the present generation is duty-bound to protect the environment and its resources so that future generations could inherit and use them. Doing so upholds each person's inherent right to survival and self-perpetuation.

### Conclusion

States have always been the principal subjects of international law. The way we understood the concept of the state was reflective of the prevailing socio-political context. States have always been practicing diplomacy.

Diplomacy is a means through which states deal and coexist with other members of the family of nations. This paper explained and cited reflections on cultural diplomacy, citizen diplomacy, defense diplomacy, and climate diplomacy.

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