

We, the People, Can Defend the West Philippine Sea
*(Commencement Speech, University of San Carlos, Cebu City,
20 April 2018)*

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The President of the University of San Carlos, Fr. Dionisio M. Miranda, SVD, the Dean of the College of Law Joan Largo, the Graduating Class of 2018 of the College of Law, and their parents and families, students, faculty and administrative officials of the USC, friends: a pleasant morning to everyone.

Thank you for inviting me to speak before you at your Commencement Exercises. I am truly honored to speak before you today, in this College of Law which is one of the leading law schools in the country.

Graduation is a rite of passage, a singular moment that will be embedded in your mind throughout your life. Your graduation from law school marks the end of your legal education in academe. Graduation, however, is also the start of your legal education in the real world. Indeed, there is still much to learn outside after you leave the gates of this university today.

Graduation is a time for thanking your elders for their unwavering support and faith in you through the years. It is a time for thanking your beloved professors for their selfless perseverance in imparting legal knowledge to you. You would not be what you are today without their invaluable contribution.

Graduation is also a time for thinking about your civic and patriotic duty to your country as you leave the academe and enter the real world. When I graduated from law school in 1975, I thought about how our country could overcome the internal rebellions facing our country then. Those rebellions, the communist and Muslim secessionist rebellions, still linger today after more than four decades. Those rebellions continue to slow down our economic development.

Today, a new threat has emerged, not internally but externally across the South China Sea. China, a nuclear armed state and the

superpower in our region, wants to seize 80 percent of our Exclusive Economic Zone in the West Philippine Sea. The Chinese Foreign Minister Wang Yi declared before an international audience in Washington, DC in February 2016 that the Philippines and China are “very close neighbors” separated only by a “narrow body of water.” That “narrow body of water” is the distance between our shorelines in Palawan and Luzon and China’s nine-dashed line. That means we would have a common sea boundary with China stretching 1,700 kilometers long, starting 64 kilometers off the coast of Balabac Island, our southernmost island in Palawan, to 44 kilometers off the coast of Y’ami Island, our northernmost island in the Batanes.

This huge maritime area that China wants to grab from the Philippines, an area larger than the total land area of the Philippines, is rich in fishery, oil, gas and other mineral resources. If will lose this huge maritime area, we lose it forever.

This generation, and future generations of Filipinos, will never be able to recover this vast area with all its rich natural resources. I call this the gravest external threat to the Philippines since World War II, bar none.

How do we defend our country against this unlawful and unjust aggression by China? We turn to our Constitution, the fundamental law of the land. The Constitution mandates: “The State shall protect its marine wealth in its xxx exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.”

Who in the Philippine State is tasked to defend our national territory and maritime zones? It is the Armed Forces of the Philippines. And who is the Commander-in-Chief of the Armed Forces of the Philippines? It is the President. The President is thus tasked by the Constitution to lead the way in defending our national territory and maritime zones.

How about the Filipino people - you and me – what is our role in defending our national territory and maritime zones? When the Constitution says that the “State shall protect the nation’s marine wealth,” the Constitution also refers to us, to you and me. Every State has four essential components: people, territory, government and sovereignty. We, the Filipino people, are all part of the Philippine State, and we are all duty bound under the

Constitution to defend our national territory and maritime zones.

How can the Philippine State, and you and me, defend our national territory and maritime zones? War is not an option and has never been an option. The United Nations Charter has outlawed war as a means of resolving disputes between States.

Our own Constitution prohibits war as an instrument of national policy. Besides, if we go to war against China, we will surely lose and lose badly. The only option available is to resort to international law.

That is why when China seized Scarborough Shoal in 2012, we did not send the Philippine marines to retake Scarborough Shoal.

We sent our legal warriors to The Hague to have China's nine-dashed line claim declared without legal effect. And we won an overwhelming victory in the arbitration against China. The arbitral tribunal ruled that China's nine-dashed line cannot serve as legal basis to claim any part of the waters of the South China Sea.

International law is the great equalizer in territorial or maritime disputes between a militarily weak state and a militarily strong state. China is a military Goliath with warships, submarines, fighter jets, missiles and nuclear bombs, while the Philippines is a David with a second-hand navy and an air-force with only a dozen light fighter jets.

So, we brought China before an arbitral tribunal under the United Nations Convention on the Law of the Sea, or UNCLOS.

An UNCLOS tribunal is a forum where warships, warplanes, missiles and nuclear bombs do not count. An UNCLOS tribunal decides an arbitration case based solely in accordance with UNCLOS or the Law of the Sea. That is why we won. We should therefore continue to rely on international law in defending our national territory and maritime zones.

After our victory at The Hague, we should have immediately gathered the support of other countries to help us convince China to comply with the ruling. In fact, before the ruling came out, the European Union, and the G7 countries, which include the U.S., U.K., France and Japan, have repeatedly declared that the parties to the arbitration – China and the Philippines – must abide by the ruling of the tribunal.

Unfortunately, after the ruling came out overwhelmingly in favor of the Philippines, President Rodrigo Duterte decided to put aside the ruling in order to secure loans and investments from China. Of course, the countries that supported us in the arbitration could not demand that China comply with the ruling when the Philippine Government itself was not demanding compliance from China.

The original plan was after the issuance of the ruling, the Philippines would campaign for support, not only from the European Union and the G7 countries, but also from all other member states of UNCLOS. We would explain to UNCLOS member states that if China could claim almost an entire sea just because they had the naval or military might, then UNCLOS would collapse as the governing law for the oceans and seas of our planet.

Other states with powerful navies and militaries would also claim their near seas, or grab the exclusive economic zones of their smaller or militarily weaker neighboring states. France is already worried that if China can grab the South China Sea, Russia may also grab the Arctic Ocean. The rule of the naval canon, and not the rule of law, will prevail in the oceans and seas of our planet. It is therefore in the national interest of all UNCLOS member states that China comply with the ruling of the arbitral tribunal.

Unfortunately, this plan was not carried out because of a reversal in Philippine foreign policy under the Duterte administration to instead befriend China even as China continues to encroach on the West Philippine Sea. But all is not lost. We, the Filipino people, as an essential component of the Philippine State, can explain to the citizens of other UNCLOS member states why they must help us convince the Chinese people to comply with the ruling. The Filipino people can engage in a people-to-people conversation with people of other UNCLOS member states, and with the Chinese people, on why China must comply with the arbitral ruling.

Every Chinese General, Admiral, diplomat, bureaucrat, politburo member, or private sector employee, in fact every Chinese citizen, was taught, from grade school to college, that

China owned the South China Sea since 2,000 years ago. The Chinese people were taught this false narrative starting from the time the Chinese Communist Party took over China in 1949. The Chinese people sincerely believe this, even if this is utterly false.

In the arbitration case, the Philippines submitted ancient maps of China from the Song Dynasty to the Qing Dynasty, spanning over 850 years. The Philippines also submitted official declarations of China in the early 1900s. All these clearly showed that China never owned the South China Sea in ancient times or in modern times. Thus, the tribunal, in its ruling, expressly declared that China never historically controlled the South China Sea or its resources. In short, China never owned the South China Sea.

However, the Chinese Government will not comply with the arbitral ruling until the Chinese people understand that China in fact never owned the South China Sea at any time in its history.

If the Chinese Government complies with the ruling and the Chinese people still believe that China owns the South China Sea, then the Chinese people may overthrow the Chinese Government.

That is why we, the Filipino people, must engage the Chinese people in a conversation on the South China Sea. With the help of the other peoples of the world, especially peoples of other countries also prejudiced by China's nine-dashed line claim like the Vietnamese, the Malaysians and Indonesians, we must convince the Chinese people that they never historically owned the South China Sea, and that the oceans and seas of our planet cannot be owned by a single state or one people. The oceans and seas, beyond the limits prescribed by UNCLOS, belong to all mankind. They form part of the common heritage of mankind.

The Chinese people are inherently good people, just like all the other peoples of the world. Unfortunately, they have been exposed to only one historical narrative - that China owned the South China Sea since ancient times - a narrative that the whole world now knows to be false. The Philippines has proven, using China's own ancient maps and modern documents, that this narrative is indeed false. I am certain that the Chinese people will change their thinking once the history of the South China

Sea is properly explained to them in a people-to-people conversation with other peoples of the world.

So dear graduates, parents, faculty members and friends, we, the Filipino people, must take the defense of the West Philippine Sea into our own hands. We can defend the West Philippine Sea through a people-to-people conversation with all the peoples of the world, and with the Chinese people, through social media, blogs, conferences, journals, books and newspapers, online and in print.

This will be a wonderful, rational and peaceful people-to-people conversation – on history, law and equity, the global commons, conservation of biodiversity, creation and management of marine parks, sustainable harvesting of fish stock, environmentally friendly exploitation of natural resources, peace and stability in the oceans and seas of our planet, safety at sea, and the shared destiny of humankind. This people-to-people conversation will be long, spanning a few generations, for we are changing the Chinese people's mindset acquired through a false narrative of history.

To start this inter-generational people-to-people conversation, I have written a book, downloadable for free by everyone. This book explains in layman's language the South China Sea dispute from A to Z. A people-to-people conversation is how the Filipino people, you and me, can take into our own hands the defense of the West Philippine Sea. This is how, on our own initiative and using our own resources as individual Filipinos, we can faithfully comply with our civic and patriotic duty as Filipino citizens to defend our huge maritime area in the West Philippine Sea.

Let it not be said by future generations of Filipinos that today's generation of Filipinos slept while China seized the West Philippine Sea. We, the Filipino people, can defend today the West Philippine Sea. So, let us not delay any longer, let us start this historic people-to-people conversation with other UNCLOS member nations, and with China, today.

Thank you, and once again, congratulations to the graduates.
