



# **BRIEFING ON THE WEST PHILIPPINE SEA/ SOUTH CHINA SEA ISSUE**

**By:**

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# KEY MESSAGE



**The West Philippine Sea (WPS) issue is a matter of national interest.**

# PRESENTATION OUTLINE



## I. Core issues

- A. China's claim of "indisputable sovereignty"
- B. China's aggressive behavior

## II. Principles underpinning PH position

- A. Peaceful settlement of disputes
- B. Rule of law

## III. PH's Initiative to Address the WPS/SCS

**Issue: Triple Action Plan (TAP)**

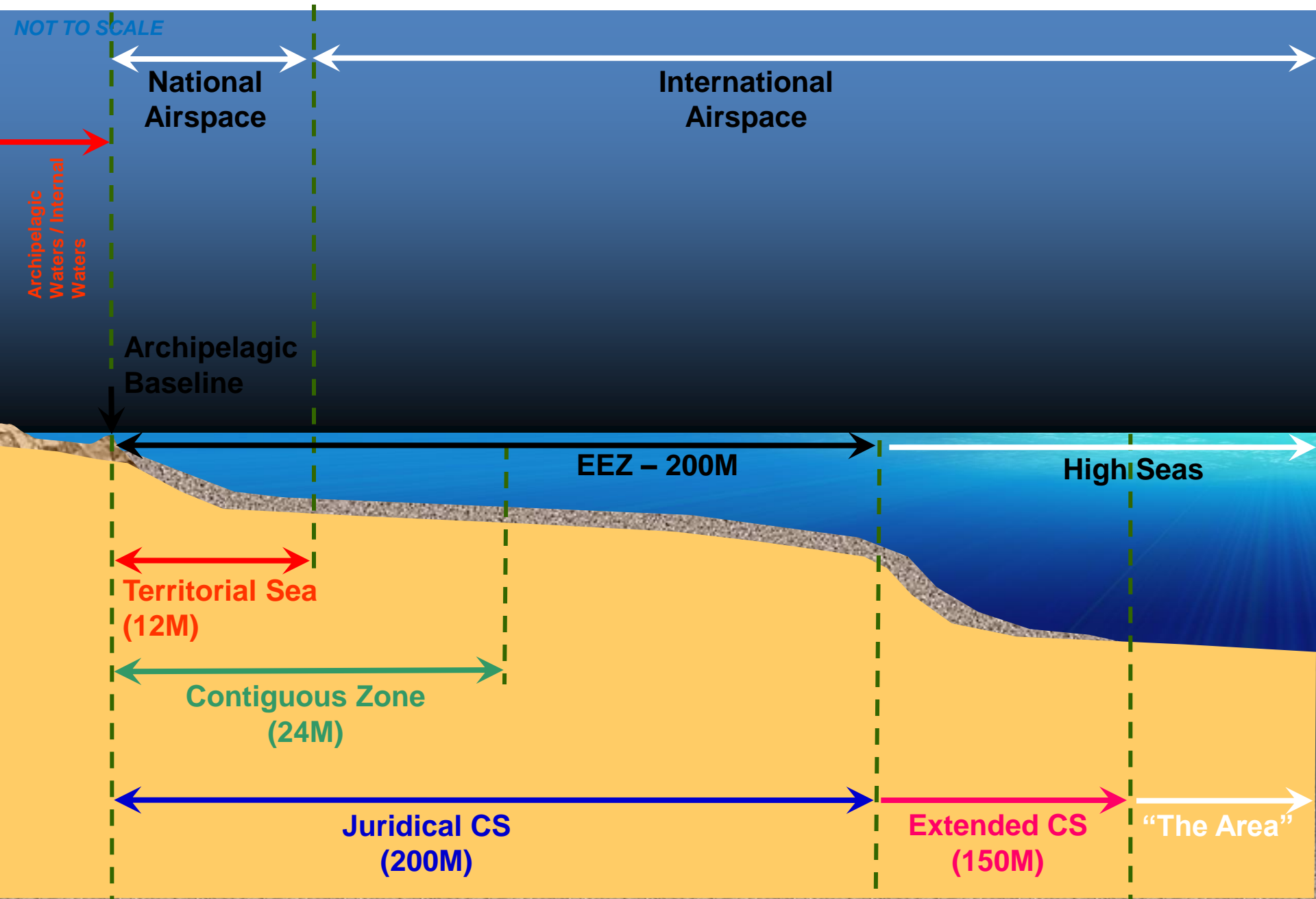
# Core Issue A



One of the core issues is China's so-called "indisputable sovereignty" over nearly the entire South China Sea (SCS) as represented by its nine-dash line claim.





# UNCLOS MARITIME ENTITLEMENTS 2D PROFILE




NOT TO SCALE

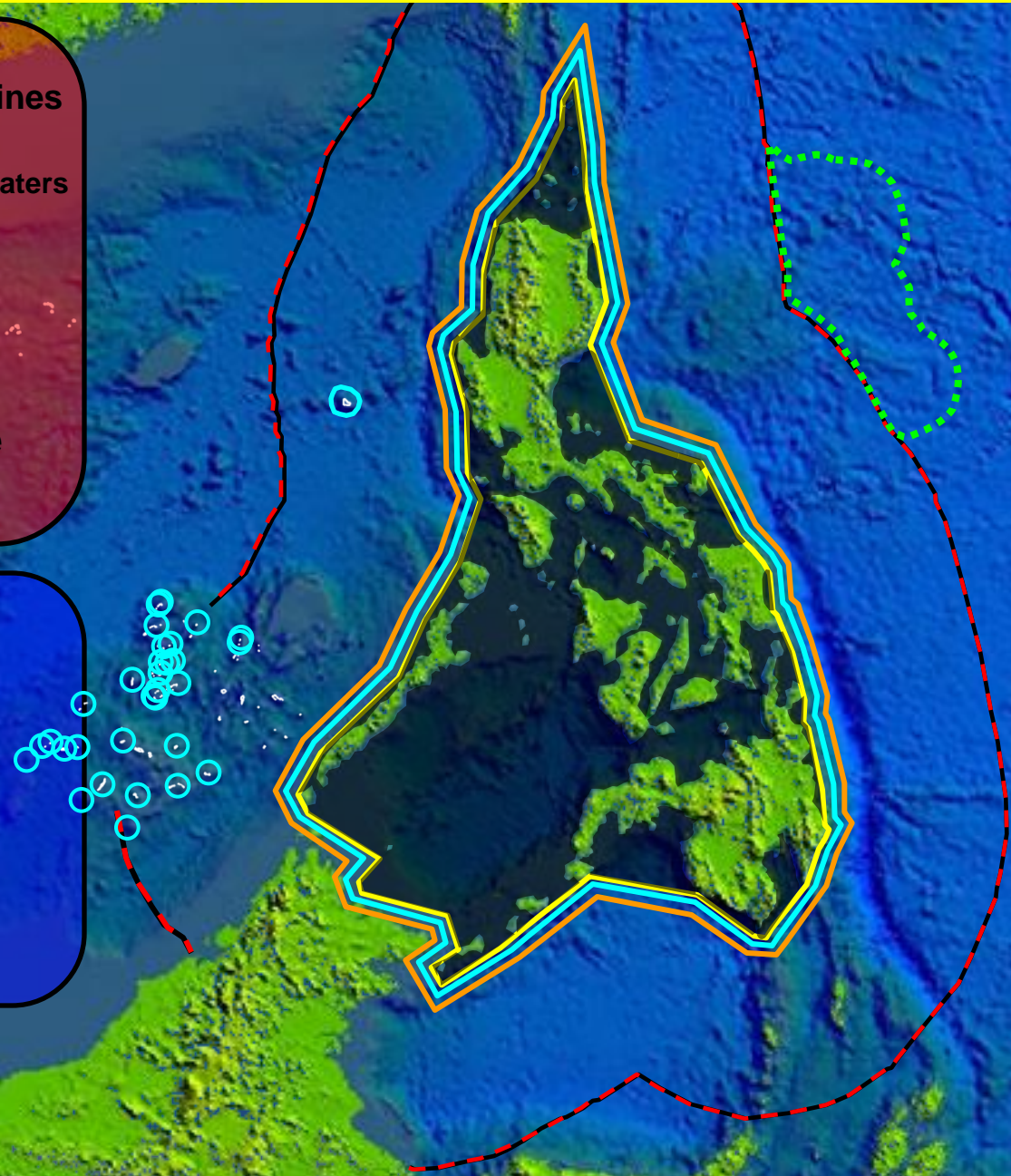




# MARITIME ENTITLEMENTS AS APPLIED IN PH

-  Archipelagic Baselines (Art. 47)
-  Internal / Archipelagic Waters (Art. 9,10,11,50 / 49)
-  Territorial Sea (12 M) (Art. 3)
-  Contiguous Zone (24 M) (Art. 33)

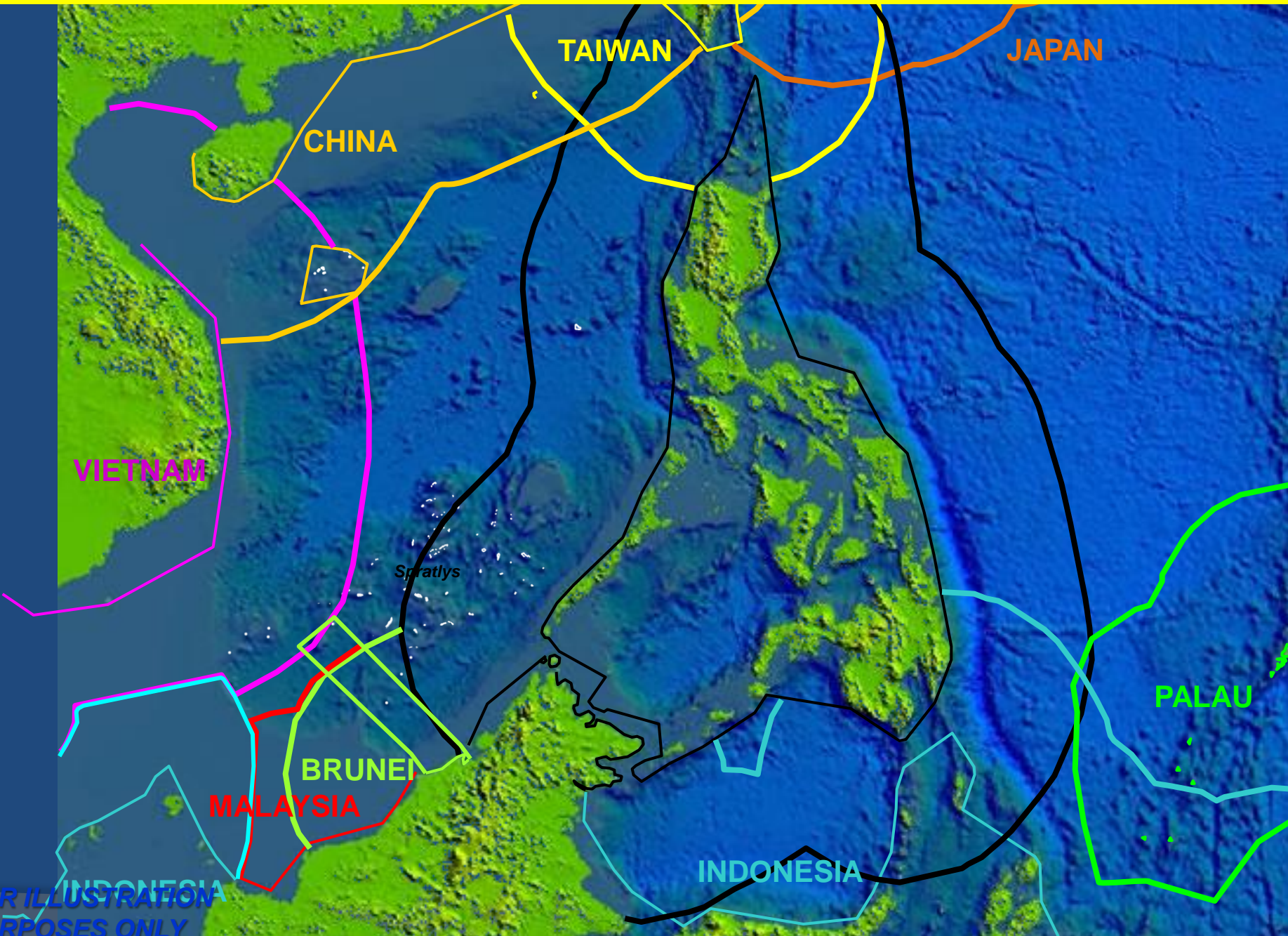
-  EEZ (200 M)
-  **Juridical** Continental Shelf (200 M)
-  Benham Rise Region ECS **Partial**



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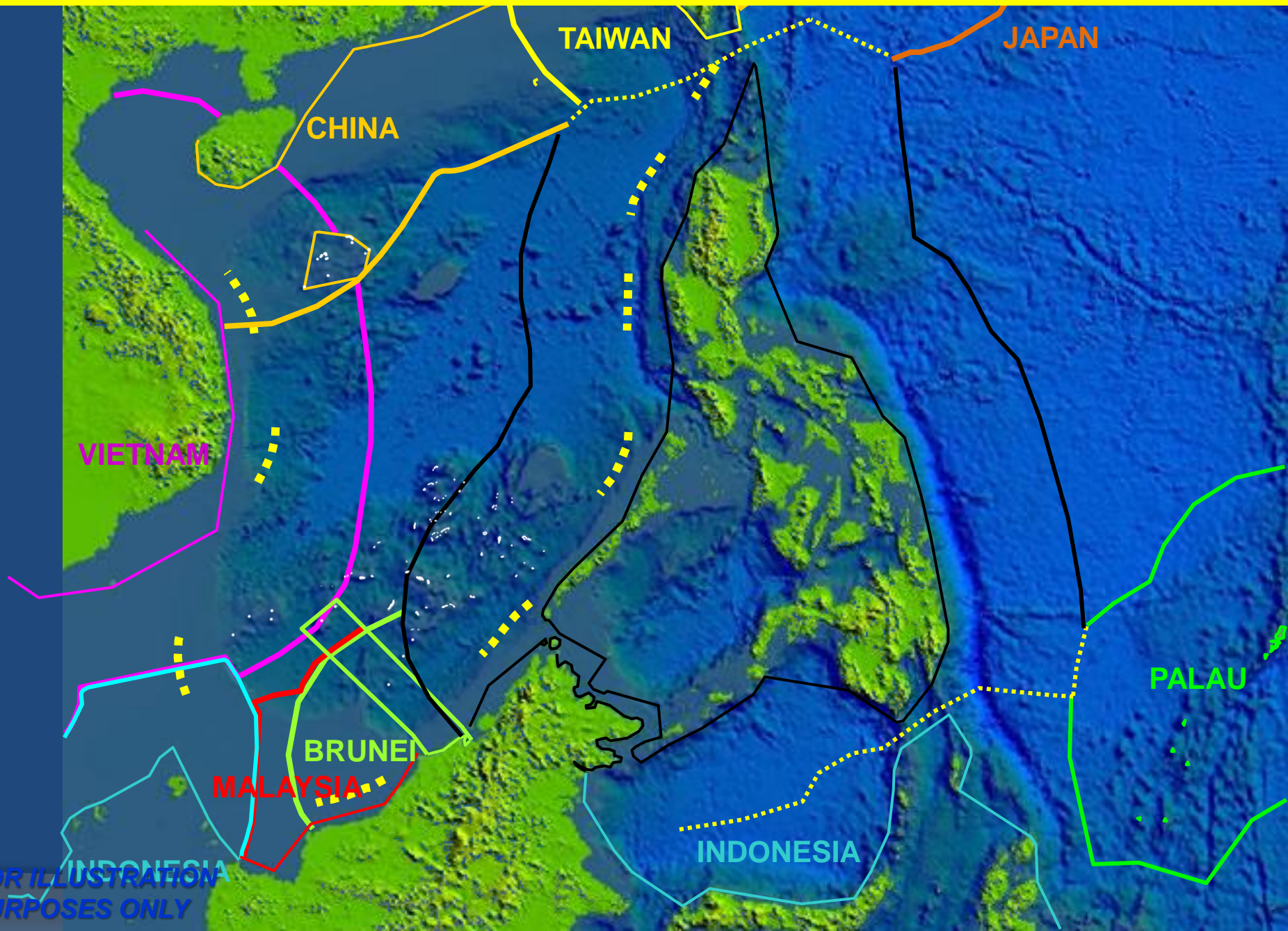
# MARITIME ENTITLEMENTS AS APPLIED BY STATES IN THE SCS



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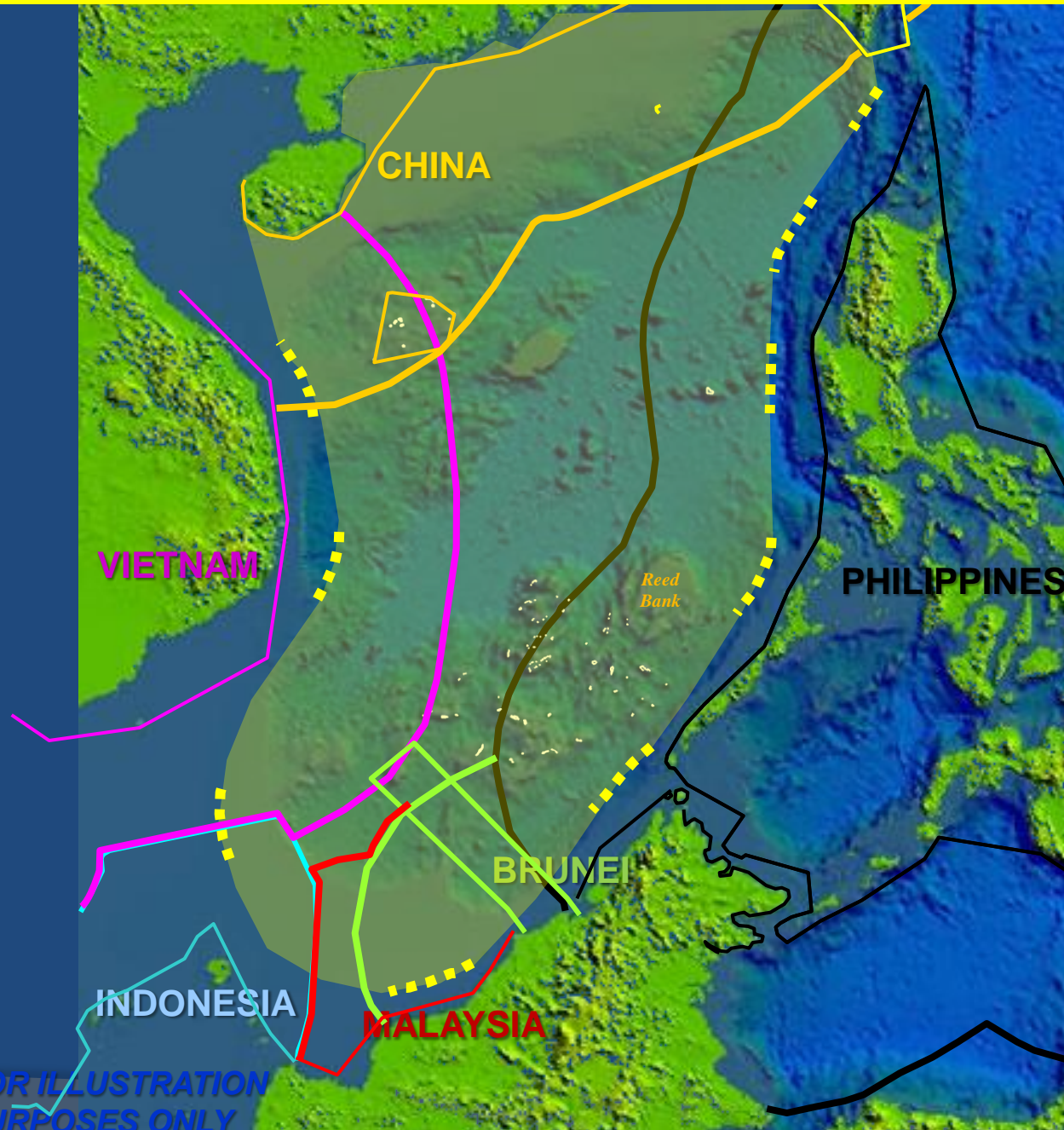
# CHINA'S EXPANSIVE 9-DASH LINE



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# POST-DOC CREEPING ASSERTION: 9-DASH LINE (2009)



from CHINA NOTES VERBALE  
CML/17/2009 & CML/18/2009  
7 May 2009

Attached to these is a map showing 9-dash line indicating China's claim over almost the entire SCS. This was the first time that the 9-dash line was **officially articulated** and submitted to an international body.



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# Core Issue B

China has demonstrated an increasingly assertive, and sometimes aggressive, behavior in the South China Sea to advance its nine-dash line claim.



# Examples of China's Assertive Actions in the WPS/SCS (1)



- The establishment of Sansha City to administer the groups of island in the South China Sea, including the Spratlys;
- Blockading Bajo De Masinloc and driving our fishermen away with water cannons;
- Preventing the rotation and resupply of provisions to Philippine personnel stationed at the Philippines' Ayungin Shoal;



# Examples of China's Assertive Actions in the WPS/SCS (2)



- The issuance of new fishing regulation that requires foreign fishing vessels to obtain approval from Chinese authorities before fishing or surveying in the SCS;
- Declaration of an Air Defense Identification Zone (ADIZ) over the East China Sea with the threat of imposing the same over the SCS;
- The frequent conduct of military exercises and patrols in the SCS;

# Examples of China's Assertive Actions in the WPS/SCS (3)



- Reclamation activities and massive destruction of marine environment in Mabini Reef (Johnson Reef), Chigua Reef (McKenna and Hughes), Calderon Reef (Cuarteron Reef), and Burgos Reef (Gaven Reef);
- Violations of safety zones of the Galoc Oil Field, an ongoing operational PH oil platform, located 60 KM (37 M) northwest of PH's Palawan Province; and
- Unilateral placing of HD981 Oil Rig in the waters off Vietnam and use of force against Vietnam.



# PHILIPPINE GOVERNMENT'S POSITION ON THE WEST PHILIPPINE SEA ISSUE

**“What is ours is  
ours.”**

**- H.E. Benigno S. Aquino III  
President  
Republic of the Philippines**





# KEY MESSAGE



**The Philippine Government and the Filipino people are determined to defend what is legitimately ours.**

# Guiding Principles



- 1) Peaceful settlement of disputes;  
and
- 2) Primacy of the rule of law, which  
we believe is the great equalizer.

# Triple Action Plan



There is a need for urgent action to reduce the rising level of tension in the South China Sea.

Triple Action Plan or TAP: comprehensive, constructive and brings together various initiatives to address the provocative and destabilizing activities in the region without prejudice to existing territorial claims



# Triple Action Plan



<i>Approach</i>	<i>Rationale / Principle</i>	<i>Proposal</i>
<b>Immediate</b>	There is an urgent need to immediately cease the destabilizing and provocative actions in the SCS.	The PH therefore proposes the calling for a <b>cessation</b> of specific activities that escalate tensions.
<b>Intermediate</b>	During the moratorium period, there is a special need to manage tensions until a final resolution can be obtained.	The PH therefore reiterates the call for the <b>full and effective implementation of the DOC</b> and the <b>expeditious conclusion of the COC</b> .
<b>Final</b>	There must be a settlement mechanism to bring the disputes to a final and enduring resolution anchored on international law. The Philippines is pursuing such a resolution through Arbitration.	The PH believes that the <b>Arbitration award</b> will clarify the maritime entitlements for all parties, which will be the basis for the settlement of maritime disputes.

# ARBITRATION CASE: MILESTONES

- ⦿ January 2013 – PH filed case with arbitral tribunal of UNCLOS
- ⦿ March 30, 2014 – PH submitted its Memorial
- ⦿ December 15, 2014 – deadline given by court for China to submit its counter-Memorial

# ARBITRATION CASE



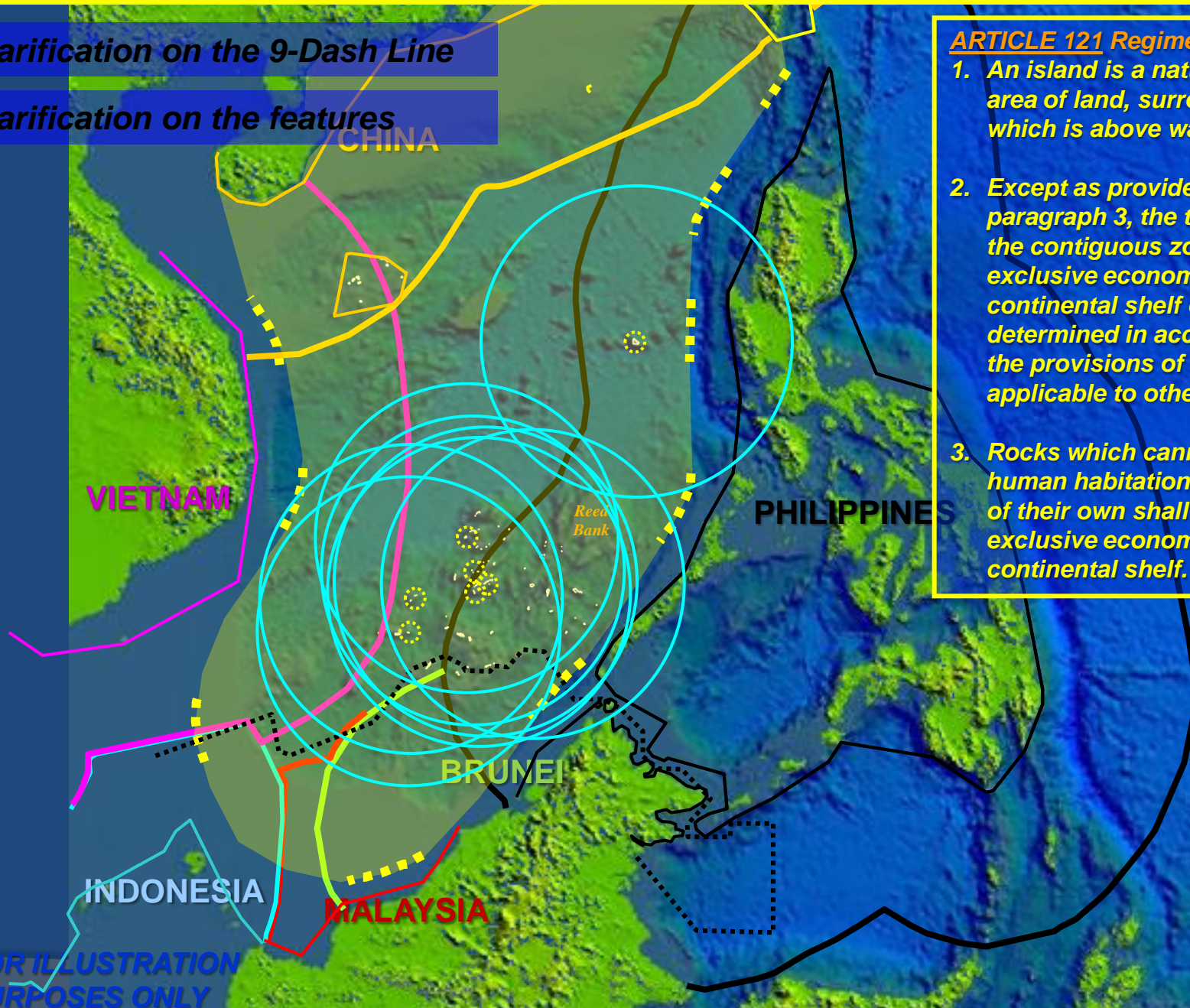
**The Philippines' arbitration case is not about determining sovereignty over territories or maritime boundary delimitation.**



# PH RESPONSE: ARBITRATION

Clarification on the 9-Dash Line

Clarification on the features



## ARTICLE 121 Regime of islands

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.
2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.
3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.

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# KEY MESSAGE



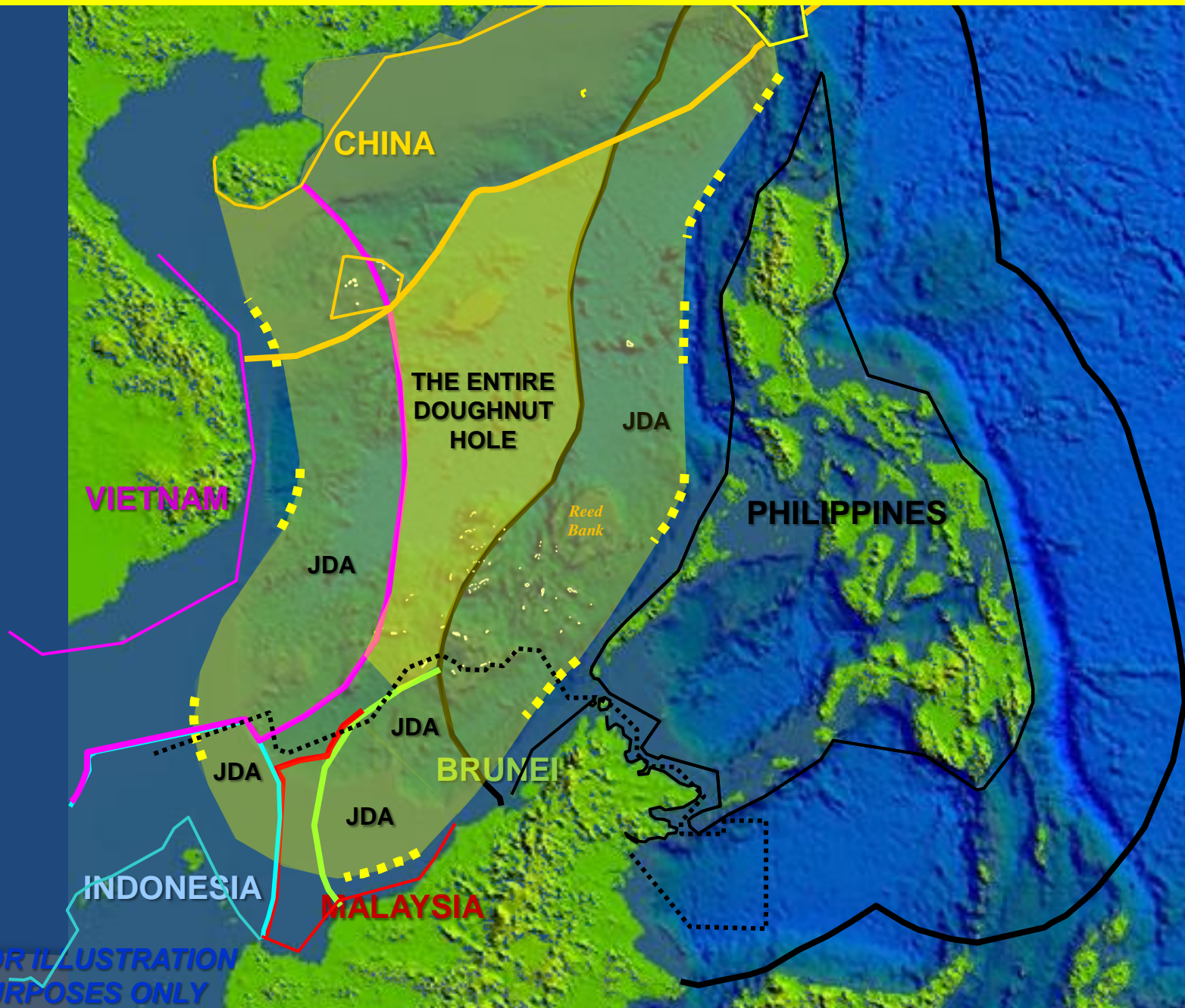
**We maintain that our dispute in the West Philippine Sea is not the sum total of our relations with China.**

# RESPONSE TO CHINA'S POSITION

1. PH should have pursued bilateral negotiations and consultations with China instead of filing an arbitration case; and
2. PH should agree to China's Joint Development proposal.



# APPLICATION OF CHINA'S CONCEPT OF JD IN THE SCS



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*Thank you.*