



THE SOUTH CHINA SEA/ WEST PHILIPPINE SEA DISPUTE

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The views expressed in this presentation are the personal opinion of the author and do not necessarily represent the position of the Philippine Government.

Ramifications of Dispute

Half of the world's seaborne trade passes through the South China Sea, valued at US\$5.3 trillion annually.*

The South China Sea dispute has the potential to overturn the United Nations Convention on the Law of the Sea (UNCLOS)** the constitution for the oceans and seas of our planet.

For the Philippines, what is at stake in the West Philippine Sea are: (1) 80% of its exclusive economic zone (EEZ), comprising 381,000 square kilometers of maritime space, and (2) 100% of its extended continental shelf (ECS), estimated at 150,000 square kilometers of maritime space, aggregating a huge maritime area larger than the total land area of the Philippines of 300,000 square kilometers, - either the Philippines keeps this huge maritime space, or loses it to China.

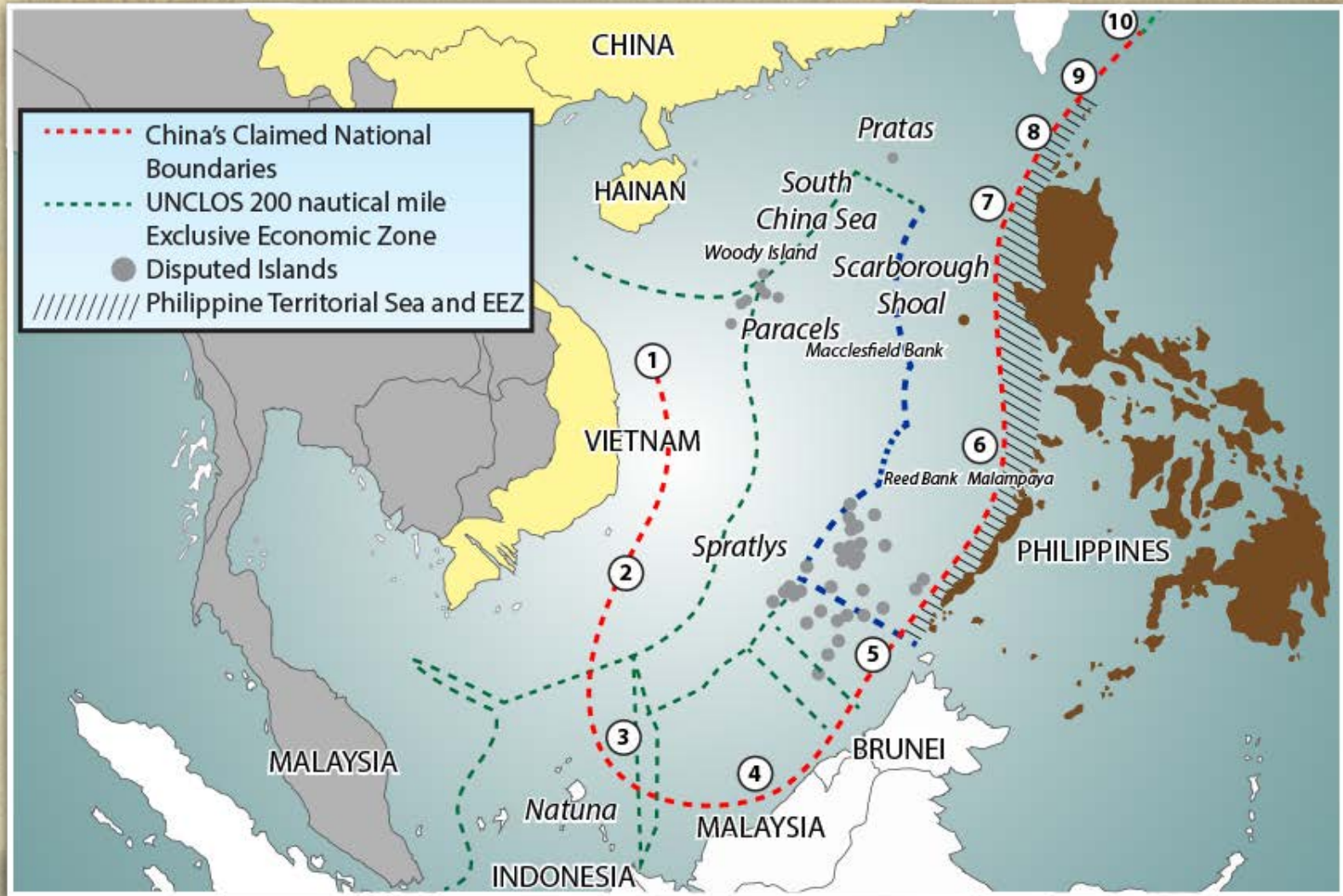
*US\$1.2 trillion bound for U.S.

**One-hundred sixty-seven countries, plus the European Union, are parties to UNCLOS. Party-states to UNCLOS comprise 86% of the total 193 UN member-states.

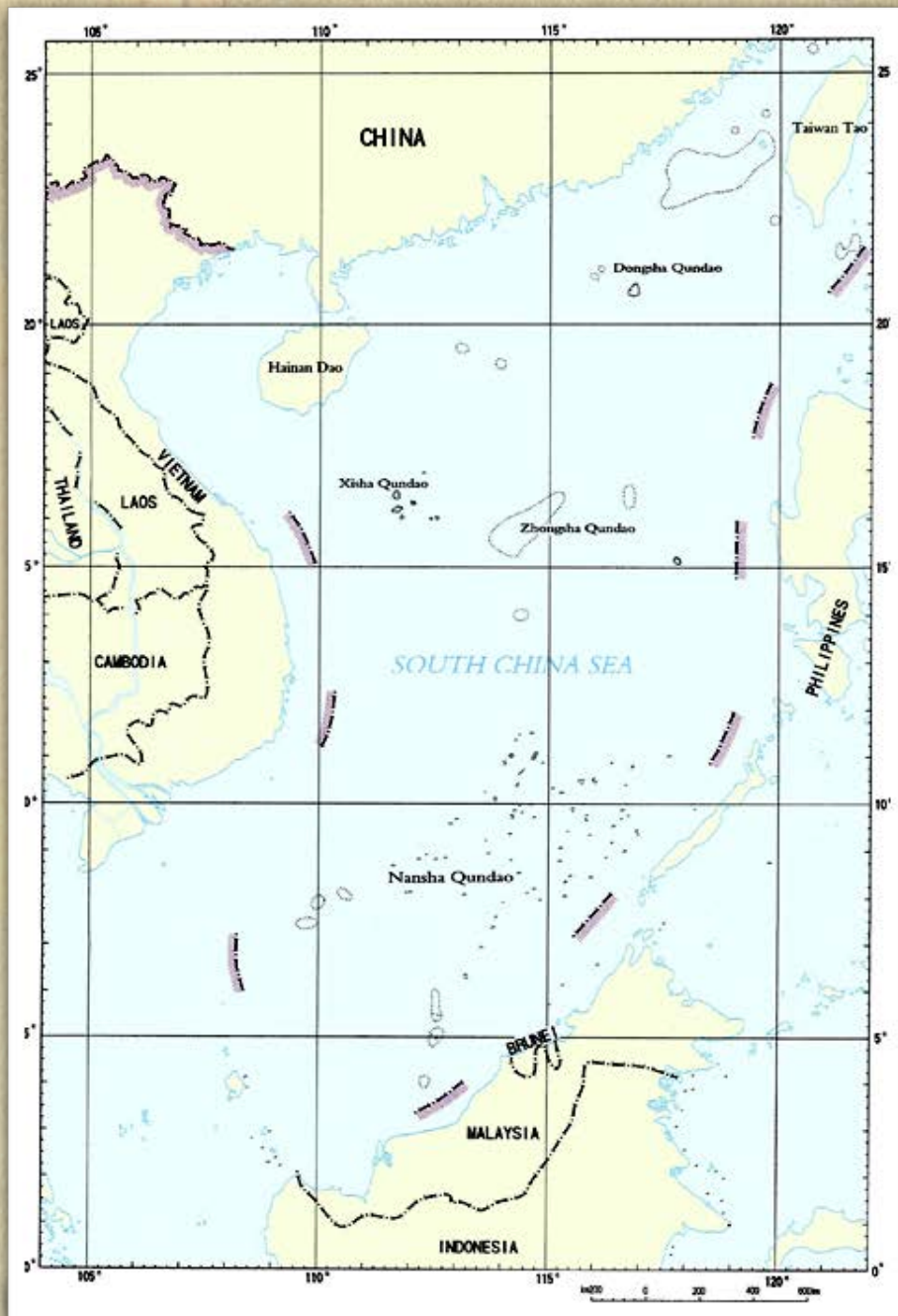
Root Cause of South China Sea Dispute

The root cause of the South China Sea dispute is China's 9-dashed lines claim, which gobbles up large areas of the EEZs and ECSs of the Philippines, Vietnam, Malaysia, Brunei and Indonesia.

China's "National Boundaries" Gobble Up EEZs of Coastal States



China's 9-dashed lines claim encloses 85.7% of the entire South China Sea. This is equivalent to 3 million square kilometers out of the 3.5 million square kilometers surface area of the South China Sea.



Nine-dashed Lines Map
Submitted by
China to United Nations
on 7 May 2009

China did not explain the
legal basis for the dashes.
The dashes had no fixed
coordinates.

The Philippines, Vietnam,
Malaysia and Indonesia
protested China's claim
under this 9-dashed lines
map.

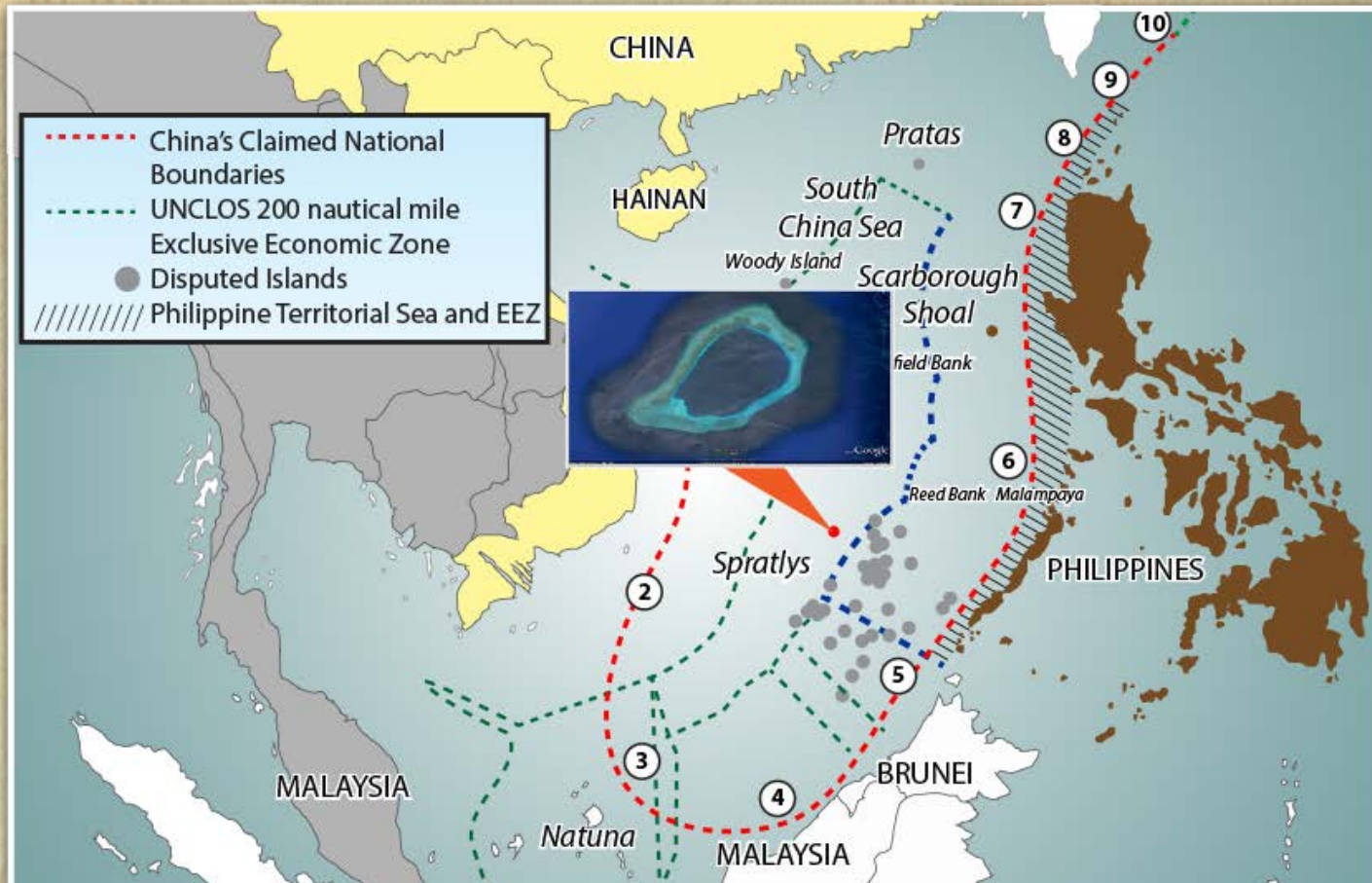
China's 2009 *Note Verbale* Explaining The 9-dashed Lines Map

“China has indisputable sovereignty over the islands in the South China Sea and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof.” - China's *Note Verbale*

The terms “adjacent” and “relevant” waters are not UNCLOS terms. China refuses to explain the meaning of “adjacent” or “relevant” waters. Do these terms mean that China claims all the waters and resources enclosed by the 9-dashed lines?

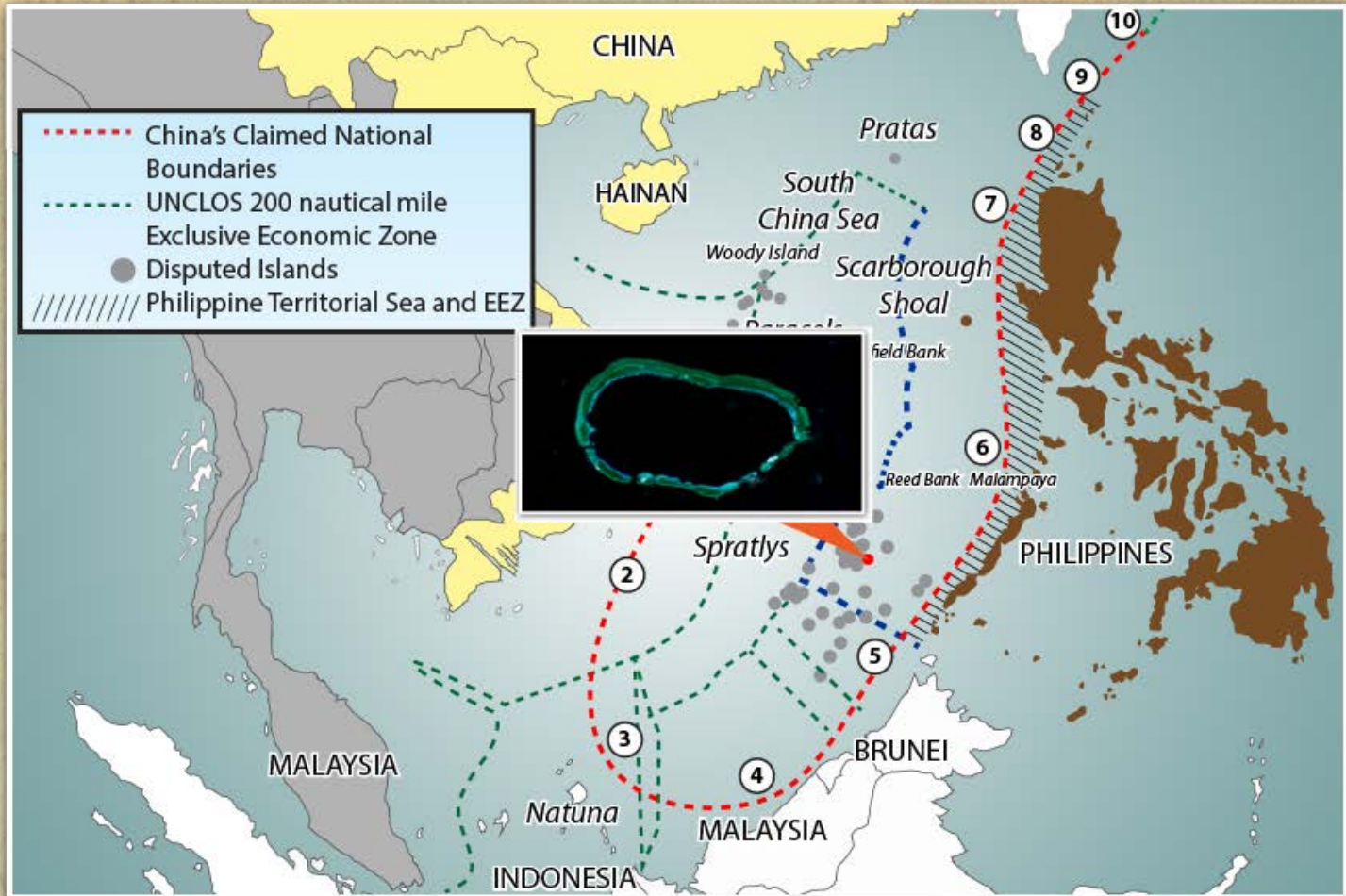
We shall examine China's acts, regulations, declarations, and practices in the South China Sea to understand how China interprets and applies the terms “adjacent” and “relevant” waters.

China Seized Subi Reef in 1988



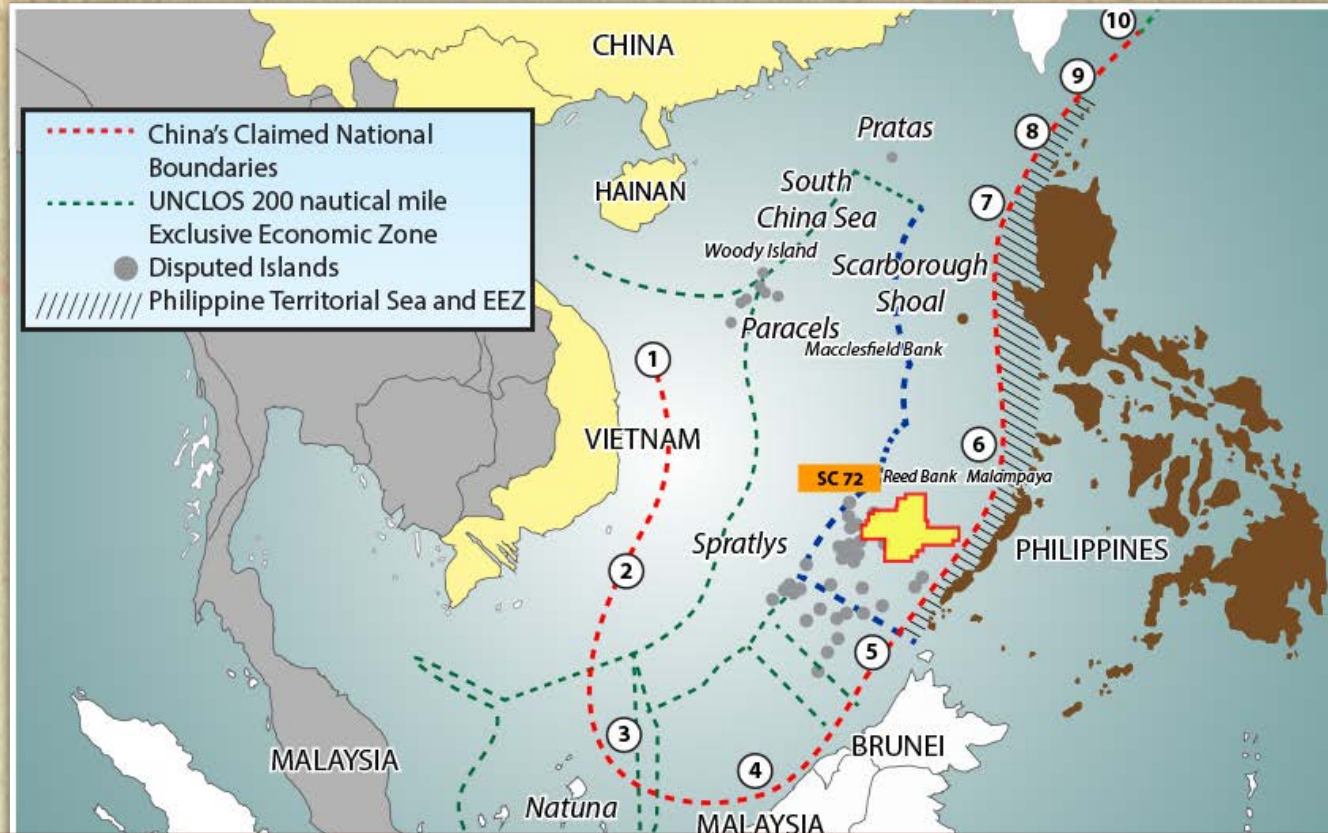
In 1988, China seized Subi Reef from the Philippines by erecting a radar structure and military facilities on the reef. Subi Reef is a Low-Tide Elevation (LTE) outside of the Philippines' EEZ but within its extended continental shelf (ECS). Subi Reef is just outside the 12 NM territorial sea of the Philippine-occupied Pagasa (Thitu) Island. Under UNCLOS, only the Philippines can erect structures or create an artificial island on Subi Reef. The waters of Subi Reef are part of the high seas of the South China Sea.

China Seized Mischief (Panganiban) Reef in 1995



In 1995, China seized Mischief Reef from the Philippines. Mischief Reef, located 125 NM from Palawan, is a Low-Tide Elevation (LTE) within the Philippines' EEZ. As an LTE beyond the territorial sea of any state, it is part of the submerged continental shelf of the adjacent coastal state, which is the Philippines. Under UNCLOS, only the Philippines can exploit its natural resources or erect structures on it.

China Claimed Reed Bank in 2010



In February 2010, the Philippines awarded a Service Contract to Sterling Energy (predecessor of Forum Energy) for Block SC 72 in the Reed Bank. China protested, sending a *Note Verbale* to the Philippines on 22 February 2010, "express[ing] its strong objection and indignation," and asserting "indisputable sovereignty, sovereign rights and jurisdiction over the Nansha Islands (Spratlys) and its adjacent waters." China demanded that the Philippines "withdraw the Service Contract immediately." China sent another *Note Verbale* on 13 May 2010 again demanding that the Philippines "immediately withdraw the decision to award the Service Contract" to Sterling Energy. Block SC 72 is 85 NM from Palawan, well within the Philippines' EEZ, and 595 NM from Hainan.

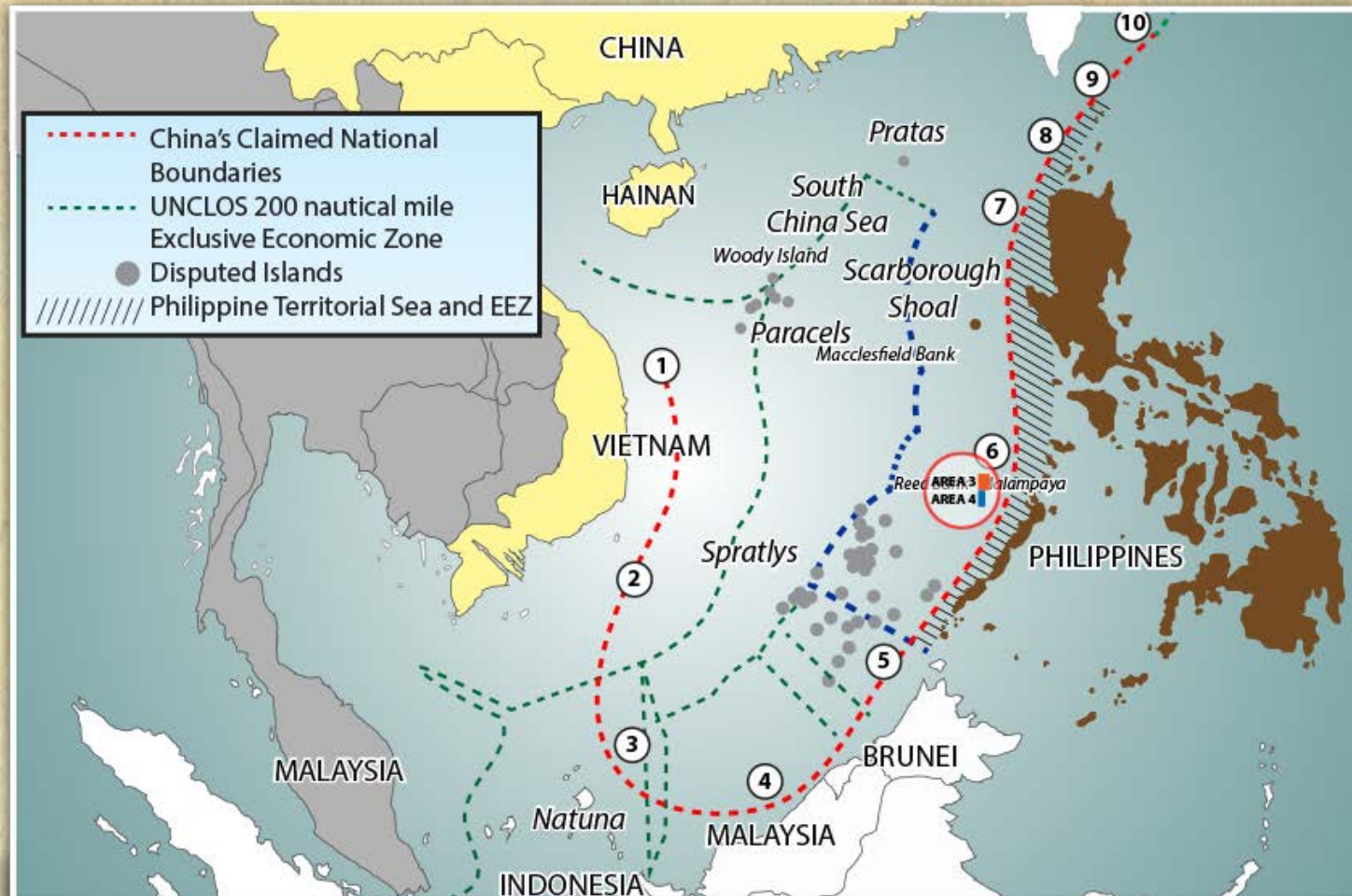
China Interfered Directly with a Philippine Service Contractor for Reed Bank in 2010

On 2 August 2010, the Nido Petroleum office in Manila received an email directly from the Chinese Embassy in Manila. The Embassy requested a meeting between the Chinese First Secretary and the Nido vice-president. The meeting was held on 6 August 2010. The Chinese First Secretary showed the Nido vice-president a map depicting China's 9-dashed lines, and informed him that the area covered by Nido Petroleum's service contract (Block SC 58) was "claimed by" the People's Republic of China. Since then Nido Petroleum has not made any exploration within Block SC 58.



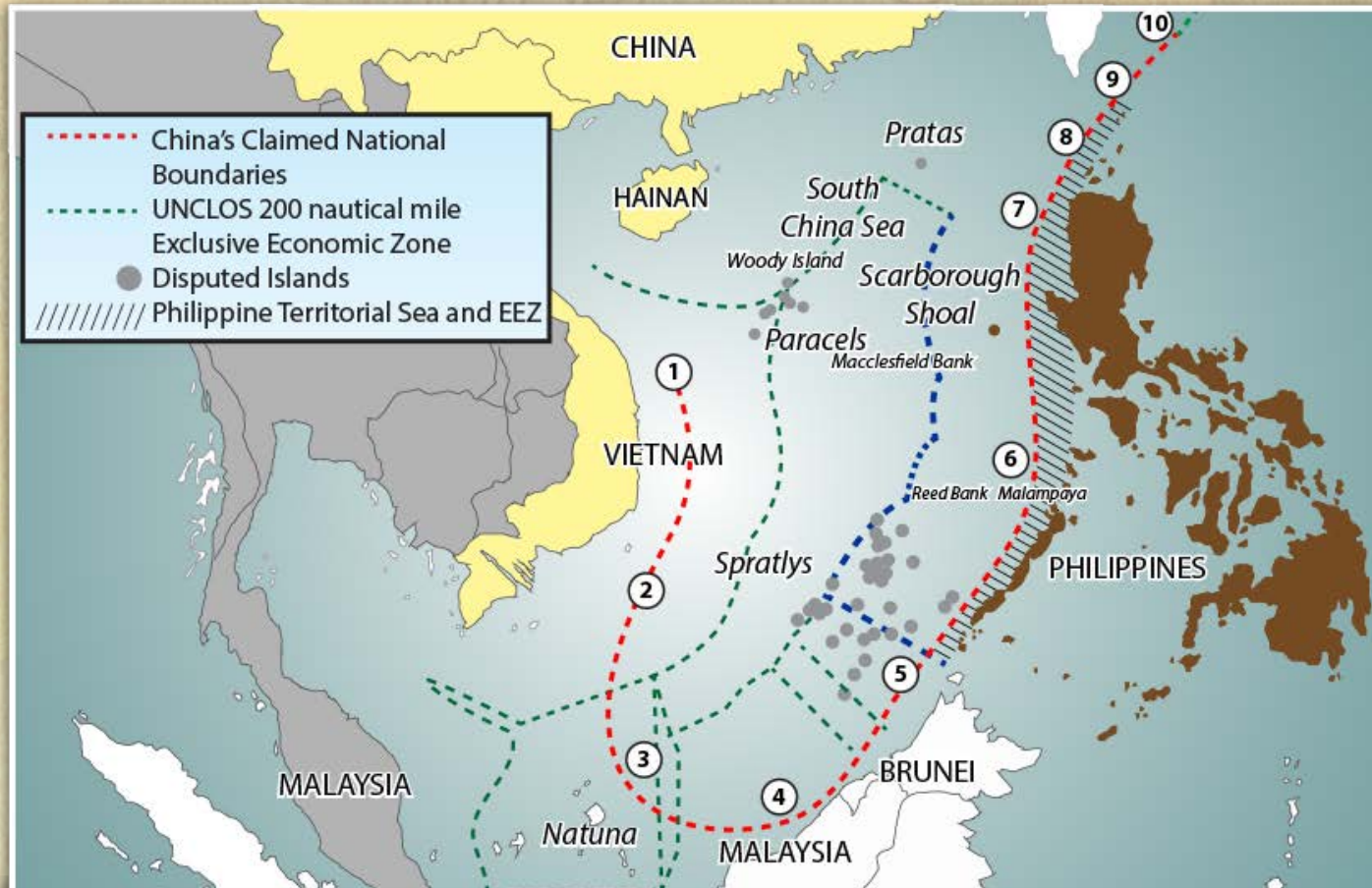
[Memorandum from Rafael E. Seguis, Undersecretary for Special and Ocean Concerns, Department of Foreign Affairs, Republic of the Philippines, to the Secretary of Foreign Affairs of the Republic of the Philippines (30 July 2010); Letter from Mr. Anthony P. Ferrer, Country Representative, Nido Petroleum, to the Office of the Undersecretary, Department of Energy of the Republic of Philippines (7 Oct. 2013)]

China Reiterated its Claim to Reed Bank in 2011

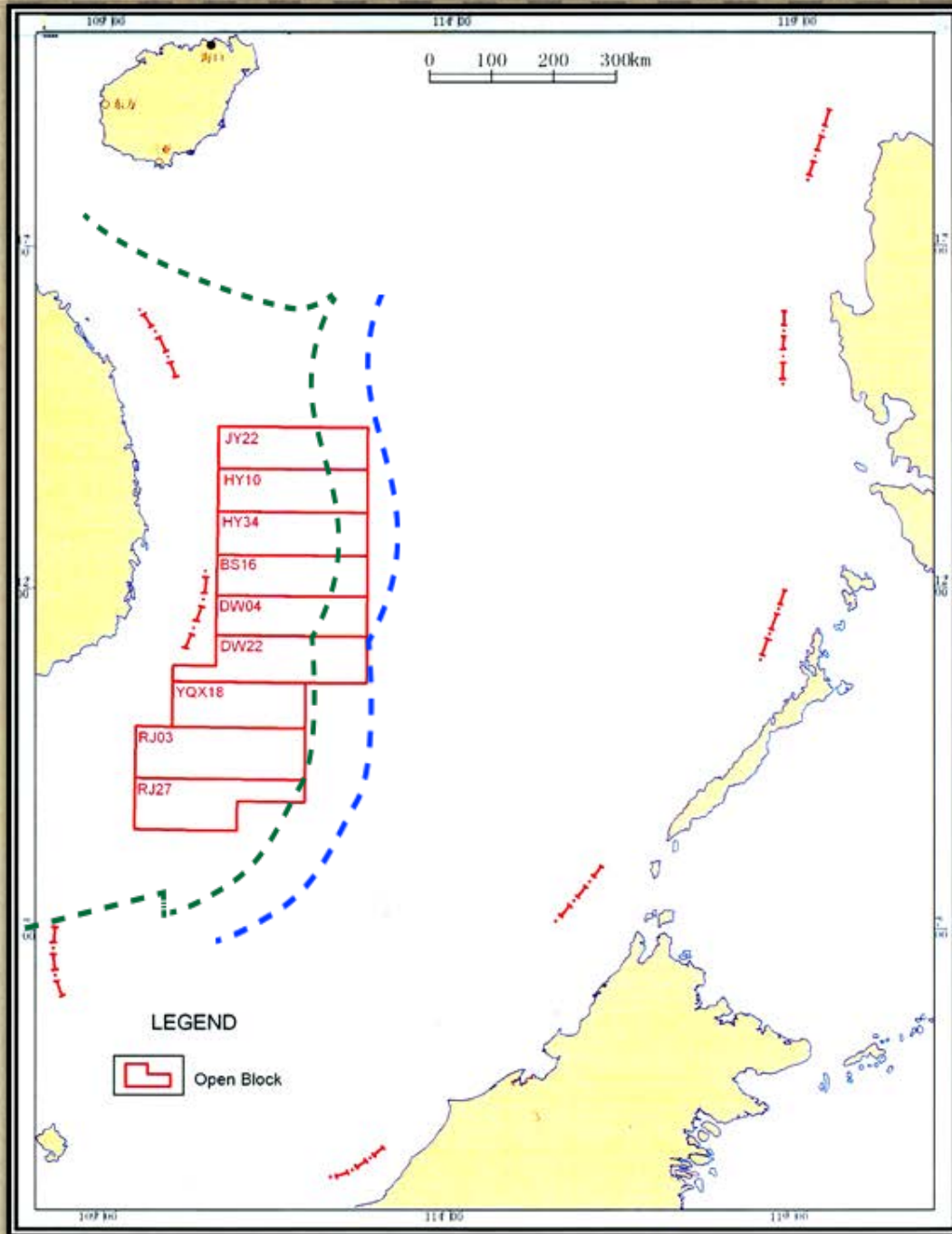


In 2011, the Philippines invited bids for the exploration of Area 3 and Area 4 in the Reed Bank, well within the Philippines' EEZ. On 4 July 2011, China protested and sent a *Note Verbale* to the Philippines, stating: "The Chinese government urges the Philippine side to immediately withdraw the bidding offer in Areas 3 and 4, refrain from any action that **infringes on China's sovereignty and sovereign rights.**"

Chinese Coast Guard Vessels Harassed A Philippine Survey Ship in Reed Bank in 2011



In March 2011, two Chinese coast guard vessels, the CMS-71 and CMS-75, prevented a Philippine-commissioned ship, the MV *Veritas Voyager*, from undertaking oil and gas survey in the Reed Bank, which is entirely within the Philippines' EEZ. The 9-dashed lines cut through Malampaya, the Philippines' largest operating gas field which supplies 40% of the energy requirement of Luzon. Malampaya will run out of gas in 10-12 years.



China Auctioned off Areas within Vietnam's EEZ & ECS

In 2012, China invited an international bidding for the exploration of areas within the EEZ of Vietnam.

China published this map, naming it "Location for part of open blocks in waters under jurisdiction of the People's Republic of China available for foreign cooperation in the year of 2012."

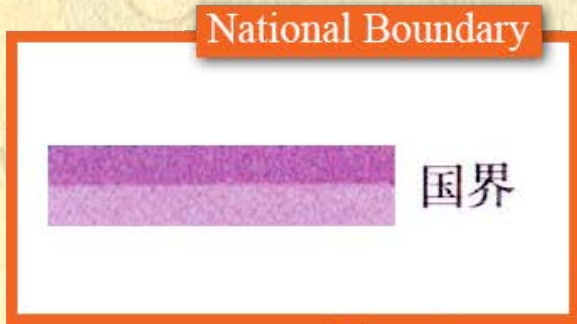
China's 2013 Map with 10-dashed Lines As "National Boundaries"

In 2013, China released a new map of China, adding a 10th dash on the eastern side of Taiwan. In its 2013 map, China claims the 10-dashed lines are its **"national boundaries,"** without again explaining the legal basis or giving the fixed coordinates for the dashes. The 2013 China map was published by SinoMaps Press, under the jurisdiction of China's State Bureau of Surveying and Mapping. This means the 2013 Map is an official Chinese government map.

In its *Note Verbale* of June 7, 2013 to China, the Philippines stated it **"strongly objects to the indication that the nine-dash lines are China's national boundaries in the West Philippine Sea/South China Sea."**

China's claim that the 9-dashed lines are China's **"national boundaries"** contradicts its assurance to the world that there is **"freedom of navigation and overflight in the South China Sea in accordance with international law."**

China Claims 10-dashed Lines in 2013 Map Are China's "National Boundaries"



James Shoal - China's "Southernmost" Border



Since at least 2012, China has been periodically laying sovereignty steel markers on the seabed of James Shoal. China claims James Shoal as its southernmost border. James Shoal is **fully submerged at 22 meters below the water surface**, and is situated **more than 950 NM from Hainan Island and more than 400 NM from Itu Aba**. Under UNCLOS, the maximum maritime zone that a state can claim is 350 NM from baselines along its coast (or 100 NM from the 2500m isobath, a limitation which does not apply to China based on the geology of the South China Sea).

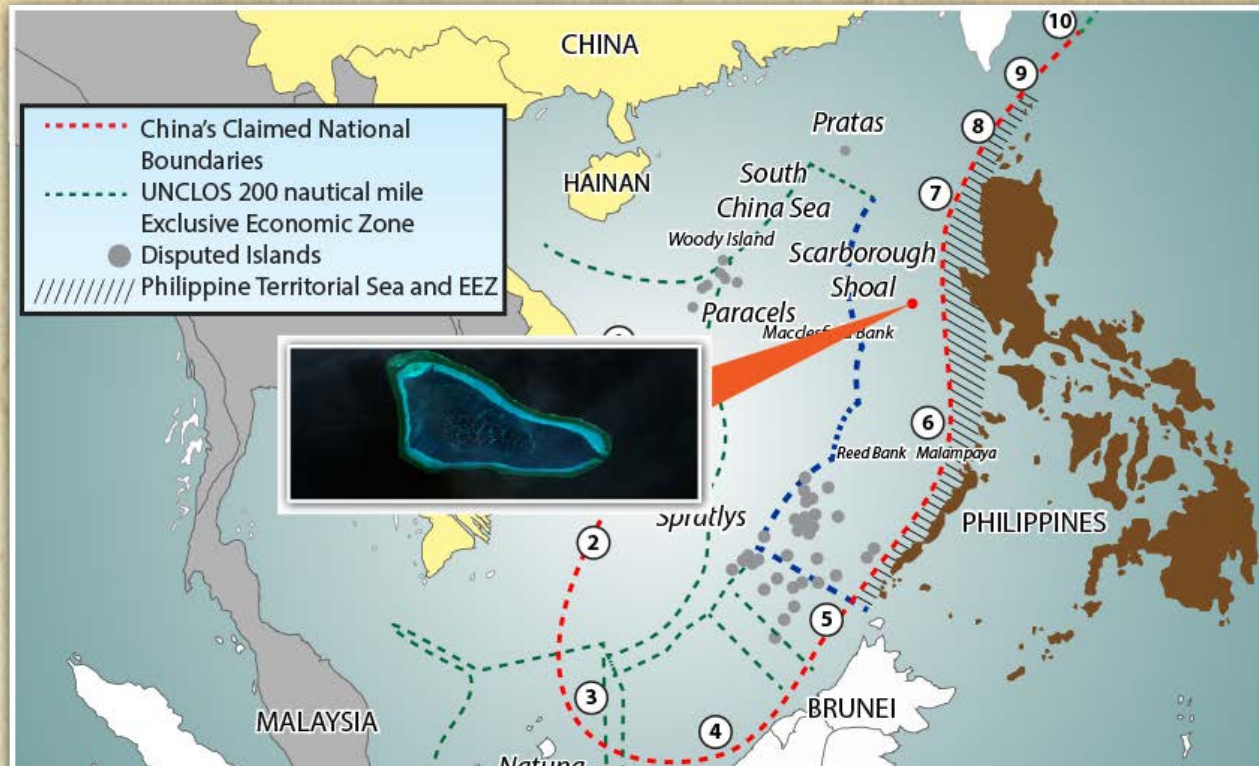
Under international law, a state's border must either be a land territory, a river, or a territorial sea - which are all subject to its full sovereignty. A state cannot appropriate as its sovereign territory a fully submerged area beyond its territorial sea. James Shoal is 80 KM from Malaysia's coast in Bintulu, Sarawak, within Malaysia's EEZ.

China Holds Sovereignty Oath Swearing Ceremony at James Shoal in January 2014



A Chinese taskforce composed of three warships from the South China Sea Fleet of the Navy of the Chinese People's Liberation Army (PLAN) held a sovereignty oath-swearing ceremony on January 26, 2014 in the waters of James (Zengmu) Shoal off the coast of Sarawak, Borneo in the South China Sea. The Singapore *Straits Times* quoted China's Foreign Ministry spokesman Qin Gang that Malaysia did not lodge any protest against China. Photo: Xinhua

China Seized Scarborough (Panatag) Shoal in 2012



In 2012, China seized Scarborough Shoal from the Philippines. In November 2012, following a three-month standoff between Philippine and Chinese vessels around the shoal, China informed the Philippines that Chinese coast guard vessels would remain permanently on the shoal. Scarborough Shoal, including its lagoon, has an area of 58 square miles or 150 square kilometers (15,000 hectares). Located 124 nautical miles from Zambales, Scarborough Shoal is rich in fisheries and is one of the traditional fishing grounds of Filipino fishermen. The shoal is a high tide elevation, with the biggest rock protruding 1.2 meters above water at high tide. China claims that Scarborough Shoal generates a 200 nautical mile EEZ.

China Seized Luconia Shoals in 2013



In 2013, China seized Luconia Shoals from Malaysia. Malaysian National Security Minister Shahidan Kassim posted on *Facebook* last June 4, 2015 the location map of Luconia Shoals, 54 NM from Sarawak, with this statement: **"This small island is not a disputed territory but the foreign ship which came here has intruded into our national waters."**

That foreign ship is the Chinese Coast Guard vessel *Haijing 1123*, which anchored on Luconia Shoals since April 2013 and has remained there up to now.

Luconia Shoals, covering 100 square miles, are one of the largest reef formations in the South China Sea. Luconia Shoals, with a sandbar above water at high tide, are rich in fish, oil and gas. China claims that all geologic features in the Spratlys generate a 200 NM EEZ.



China Installed HD 981 Oil Rig in 2014



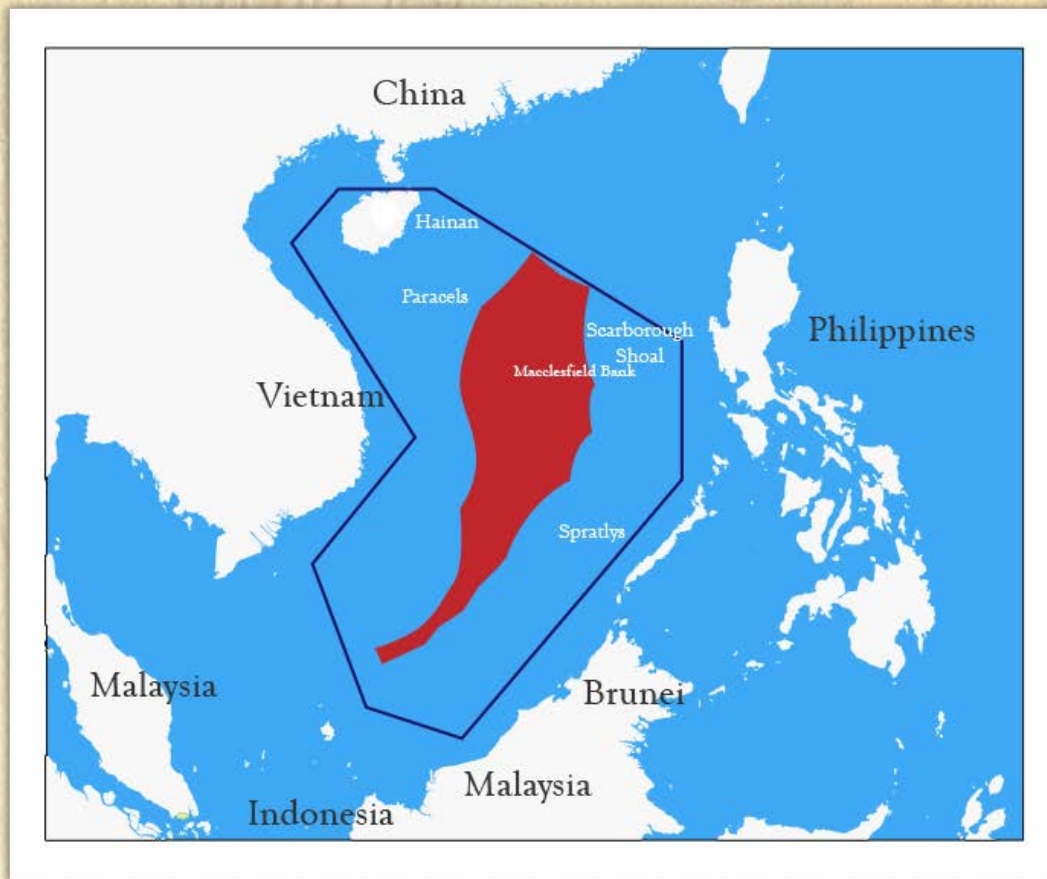
In 2014, China placed its \$1 billion deep-water HD 981 oil rig 130 NM from Vietnam's coast, well within Vietnam's EEZ. In protest, Vietnamese workers in export processing zones in Vietnam rioted, burning several Chinese factories. A Vietnamese fishing boat sank near the oil rig after being rammed by a Chinese vessel. Recent reports reveal that China is building three (3) more type HD 981 rigs for deployment in the South China Sea.

Hainan's 2014 Fishery Regulations

Article 35 of the Hainan Province's 2014 Fishery Regulations, which took effect on January 1, 2014, mandate that foreign fishing vessels “entering the waters under the jurisdiction of this province (Hainan) to engage in fishery operations or fishery resource surveys shall secure approval from relevant departments of the State Council.”

The Fishery Regulations apply to Macclesfield Bank, which is part of the high seas.

Waters Hainan Claims under its Administration



The enclosed waters under Hainan's administration comprise 2 million square kilometers out of the 3.5 million square kilometers total surface area of the South China Sea. China claims a total of 3 million square kilometers or 85.7% of the waters of the South China Sea. Macclesfield Bank, which is part of the high seas, is within the enclosed waters.

China Imposes a Unilateral Annual 3-Month Fishing Moratorium In the South China Sea

Since 1999, China thru Hainan Province has imposed unilaterally a three-month annual fishing moratorium, from mid-May to end July, on waters in and around the Paracels, Macclesfield Bank and Scarborough Shoal. Violators of the ban face fines, confiscation of fishing equipment, and even criminal charges. **Macclesfield Bank is part of the high seas.**

In a *Note Verbale* dated 6 July 2015, China demanded that the Philippines "respect China's territorial sovereignty, sovereign rights and jurisdiction, and xxx educate its own fishermen, so that they can strictly abide by the fishing moratorium xxx." China warned that "Chinese law-enforcing authorities will strengthen their maritime patrols and other law-enforcing actions, investigate and punish the relevant fishing vessels and fishermen who violate the fishing moratorium xxx."

The High Seas Part of Global Commons

The high seas have always been part of the global commons, whether before or after UNCLOS. The high seas could not be subject to sovereignty by any state, whether before or after UNCLOS.

UNCLOS declares: “The high seas are open to all states, whether coastal or land-locked. Freedom of the high seas xxx comprises, *inter alia*, xxx freedom of fishing” (Art. 87, UNCLOS).

UNCLOS declares: “No state may validly purport to subject any part of the high seas to its sovereignty” (Art. 89, UNCLOS).

Grand Theft of the Global Commons

By appropriating for itself the fishery resources in the high seas of the South China Sea, China is committing a grand theft of the global commons.

All states, coastal and landlocked, are **interested parties in the South China Sea dispute** because China is appropriating for itself the fishery resources in the high seas.

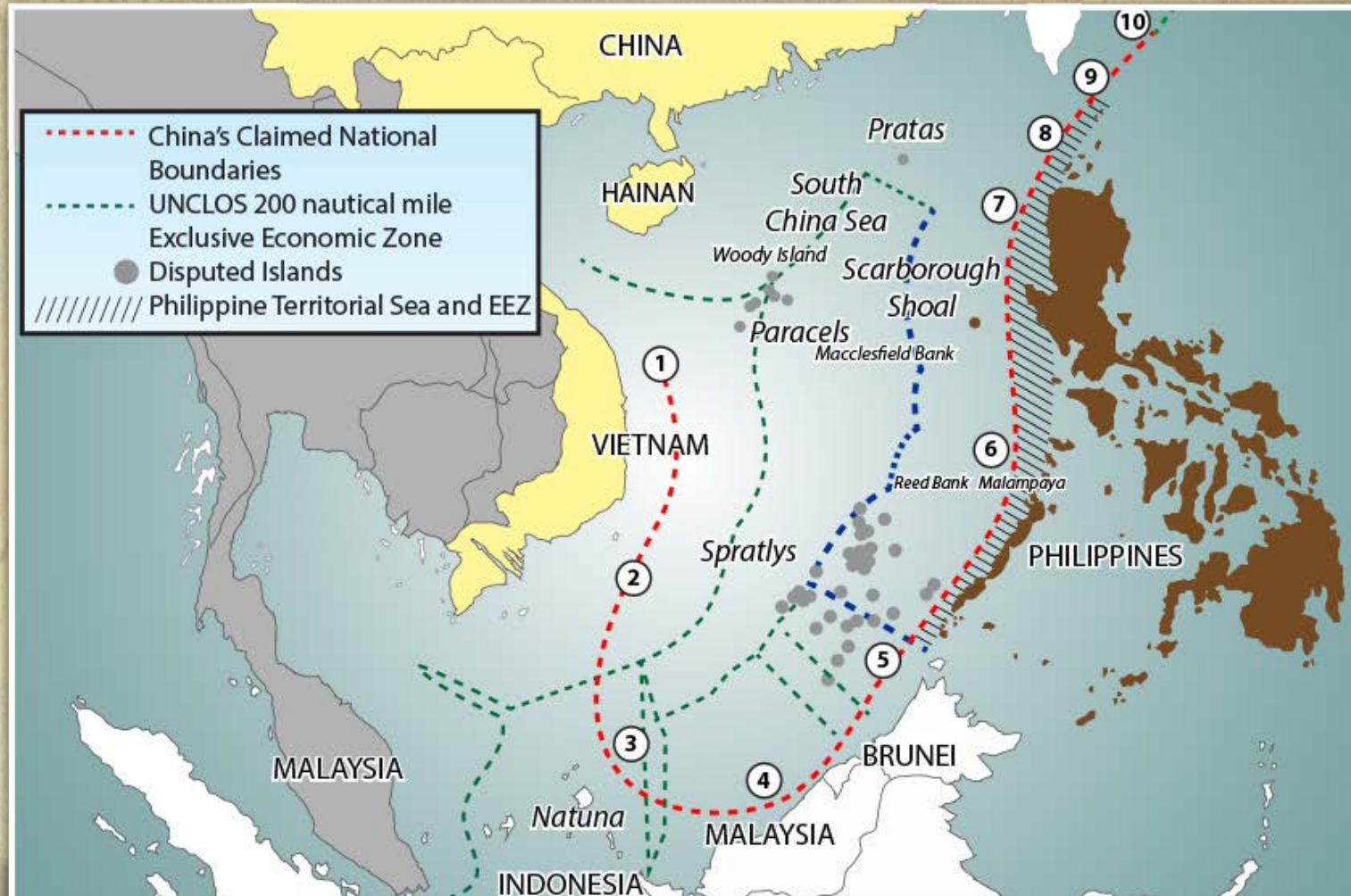
What China Claims under the 9-dashed Lines

All these acts of China, among so many others, demonstrate beyond doubt that China is claiming sovereignty, sovereign rights and jurisdiction to all the waters, fisheries, oil, gas, mineral resources, seabed and subsoil enclosed by the 9-dashed lines.

What is the Effect of China's "National Boundaries" under the 9-dashed Lines?

The Philippines loses about 80% of its EEZ facing the West Philippine Sea, including the entire Reed Bank and part of the Malampaya gas field. Malaysia loses also about 80% of its EEZ in Sabah and Sarawak facing the South China Sea, as well as most of its active gas and oil fields in the same area. Vietnam loses about 50% of its total EEZ. Brunei loses about 90% of its total EEZ. Indonesia loses about 30% of its EEZ facing the South China Sea in Natuna Islands, whose surrounding waters comprise the largest gas field in Southeast Asia.

Philippines' Sliver of Territorial Sea and EEZ



The Philippines will be left with a sliver of water as its territorial sea and EEZ. The Philippines and China will have a very long common sea border – 1,300 kms – from Balabac Island in southern Palawan to Yamin Island in northern Batanes. The dashed lines are just 64 KMs from Balabac Island, 70 KMs from the coast of Burgos, Ilocos Norte, and 44 KMs from Yamin Island.

China's Continuing Mass Production of Warships

China is mass-producing destroyers, frigates, corvettes and other warships at a faster rate than any other country in world history during peacetime.

According to the U.S. Office of Naval Intelligence, “During 2014 alone, more than 60 naval ships and crafts were laid down, launched, or commissioned, with a similar number expected through the end of 2015.”

China's Type 056 Corvette



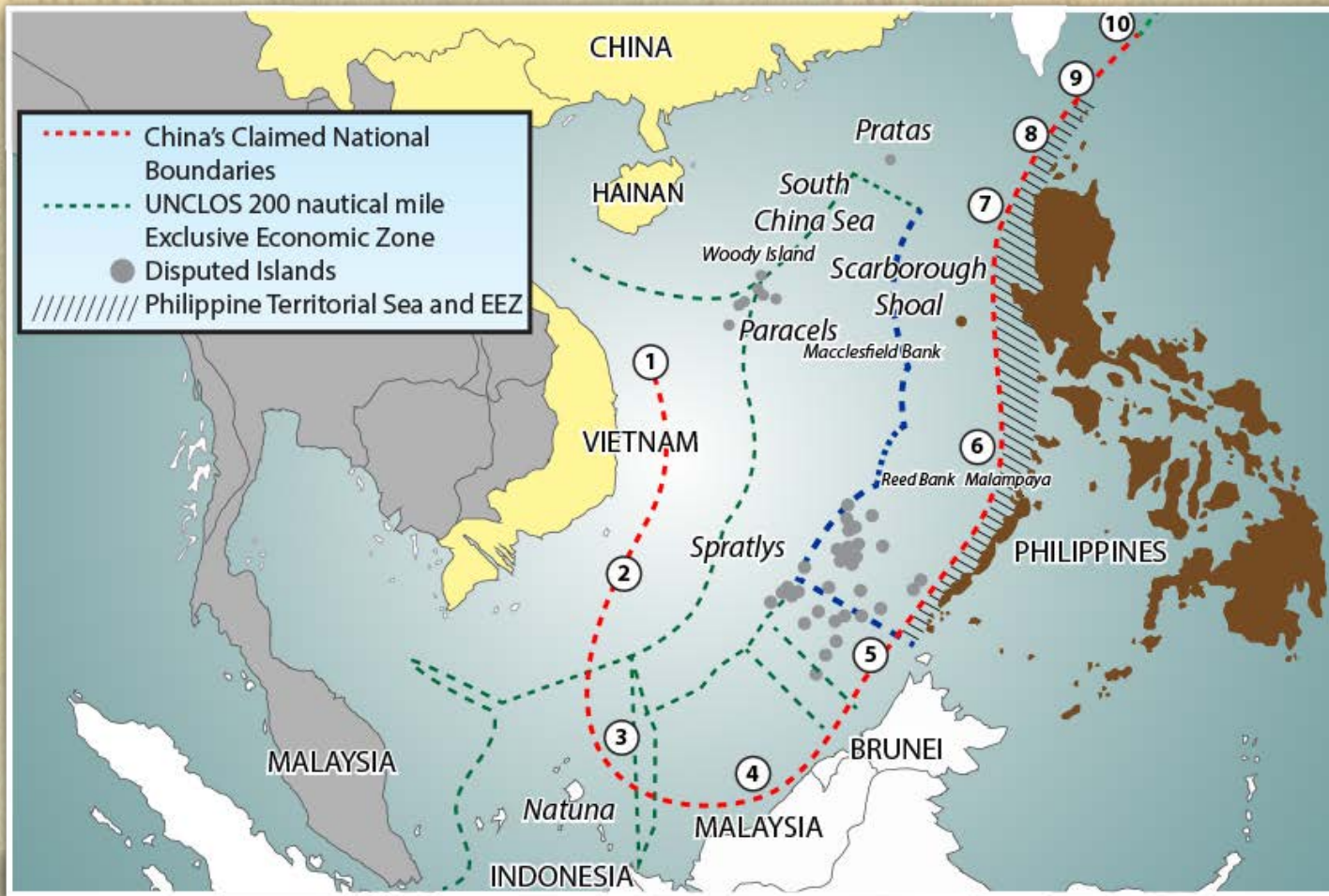
China launched its 25th Type 056 Corvette last March 19, 2015, out of a total planned 40 Type 056 Corvette fleet. The PLA Navy believes that it can control the South China Sea with 20 of these Corvettes.

China's Second Navy - The Coast Guard



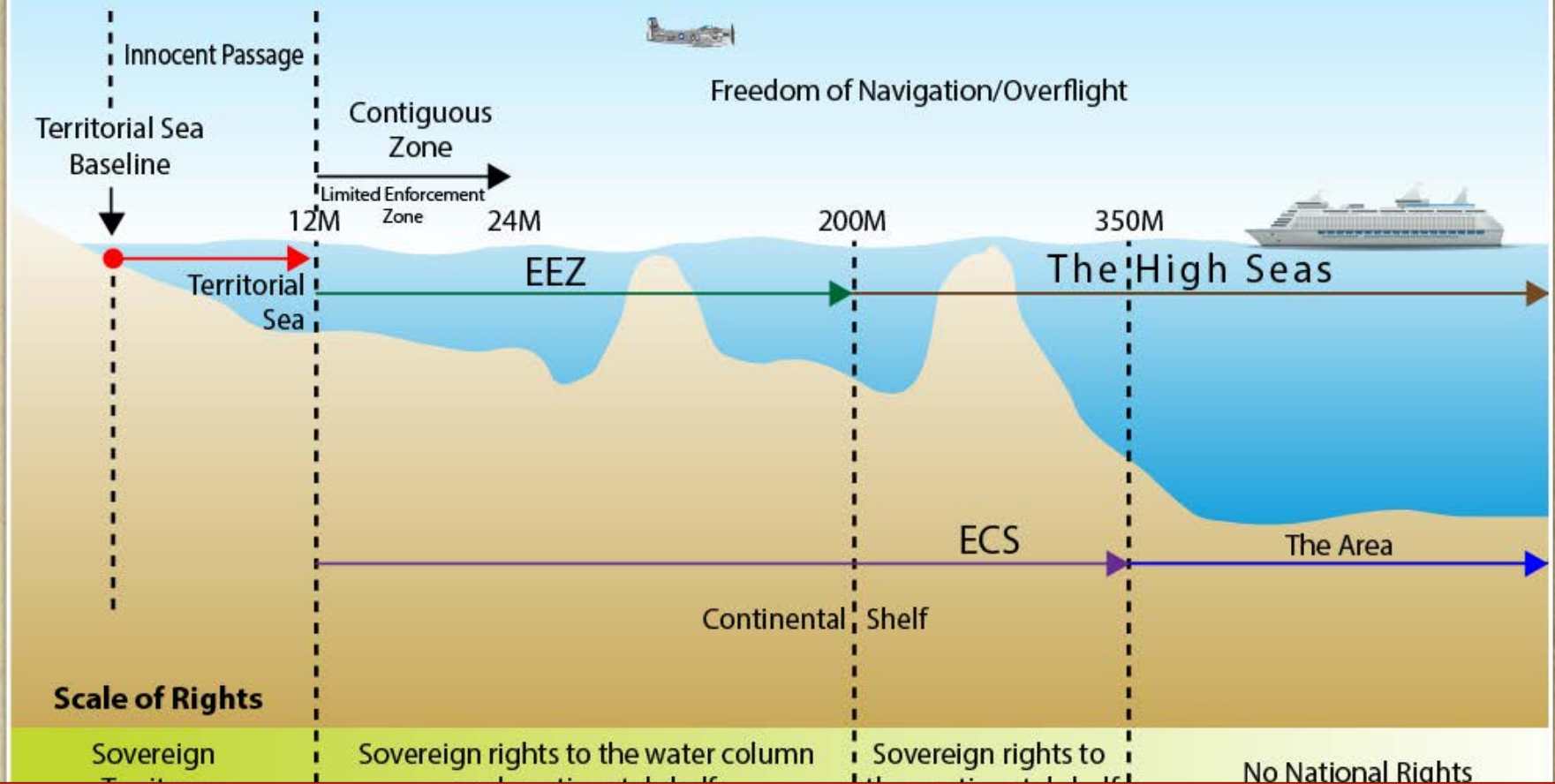
China will deploy this year a 10,000-ton coast guard vessel, the world's largest blue water coast guard vessel. A second 10,000-ton sister ship is under construction. China has more coast guard vessels than Japan, Vietnam, Indonesia, Malaysia and the Philippines combined. China's Coast Guard is the largest blue water coast guard fleet in the world.

2015 China Military Strategy



Under its 2015 “China Military Strategy,” China will shift from “offshore waters defense” to the combined “offshore waters defense” and “open seas protection.” The CMS states: “The traditional mentality that land outweighs the sea must be abandoned, and **great importance** has to be attached to managing the seas and oceans and protecting maritime rights and interests.”

Maritime Zones under UNCLOS



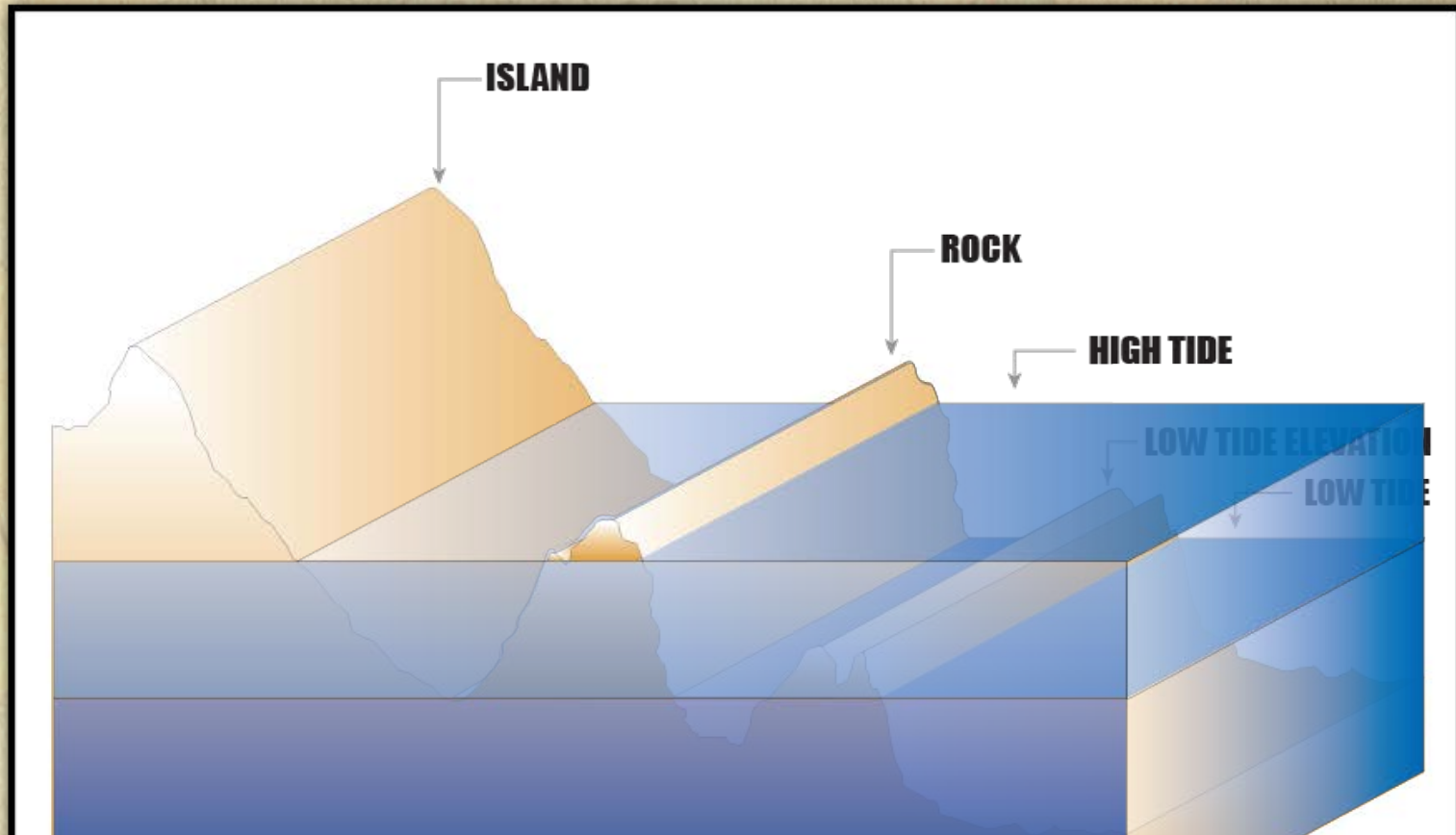
An island above water at high tide is entitled to a 12 NM territorial sea. If such island is capable of human habitation or economic life of its own, it is entitled to a 200 NM EEZ. If there is a natural prolongation of its extended continental shelf, it is entitled to an ECS up to where the natural prolongation ends, but not exceeding 150 NM from the outer limits of its EEZ. The maximum maritime zone a coastal state can claim is 150 NM from the outer limits of its 200 NM EEZ (or 100 NM from the 2500 meter isobath, a limitation which does not apply to China based on the geology and geomorphology of the South China Sea). China is claiming maritime zones more than 150 NM from the outer limits of its EEZ.

Low-Tide Elevation (LTE)

A Low-Tide Elevation (LTE) is a naturally formed area of land (rock, reef, atoll or sandbar) surrounded by water, above water at low tide but submerged at high tide.

An LTE is part of the submerged continental shelf. An LTE is not land or territory, and has no territorial sea or territorial airspace (Art. 13, UNCLOS). An LTE beyond the territorial sea is not subject to appropriation by any State (*Nicaragua v. Colombia*, ICJ, 2012).

Low Tide Elevation vs. Rock/Island



A low-tide elevation is not entitled to a territorial sea or any maritime zone. A rock above water at high tide is entitled to a 12 NM territorial sea. An island capable of human habitation or economic life of its own is entitled to a 12 NM territorial sea and a 200 NM EEZ, and if there is a natural prolongation of its extended continental shelf, it is entitled to an ECS up to the end of such natural prolongation but not exceeding 150 NM from the outer limits of its EEZ (or 100 NM from the 2500 meter isobath, if applicable).

China's Island-Building in the Spratlys

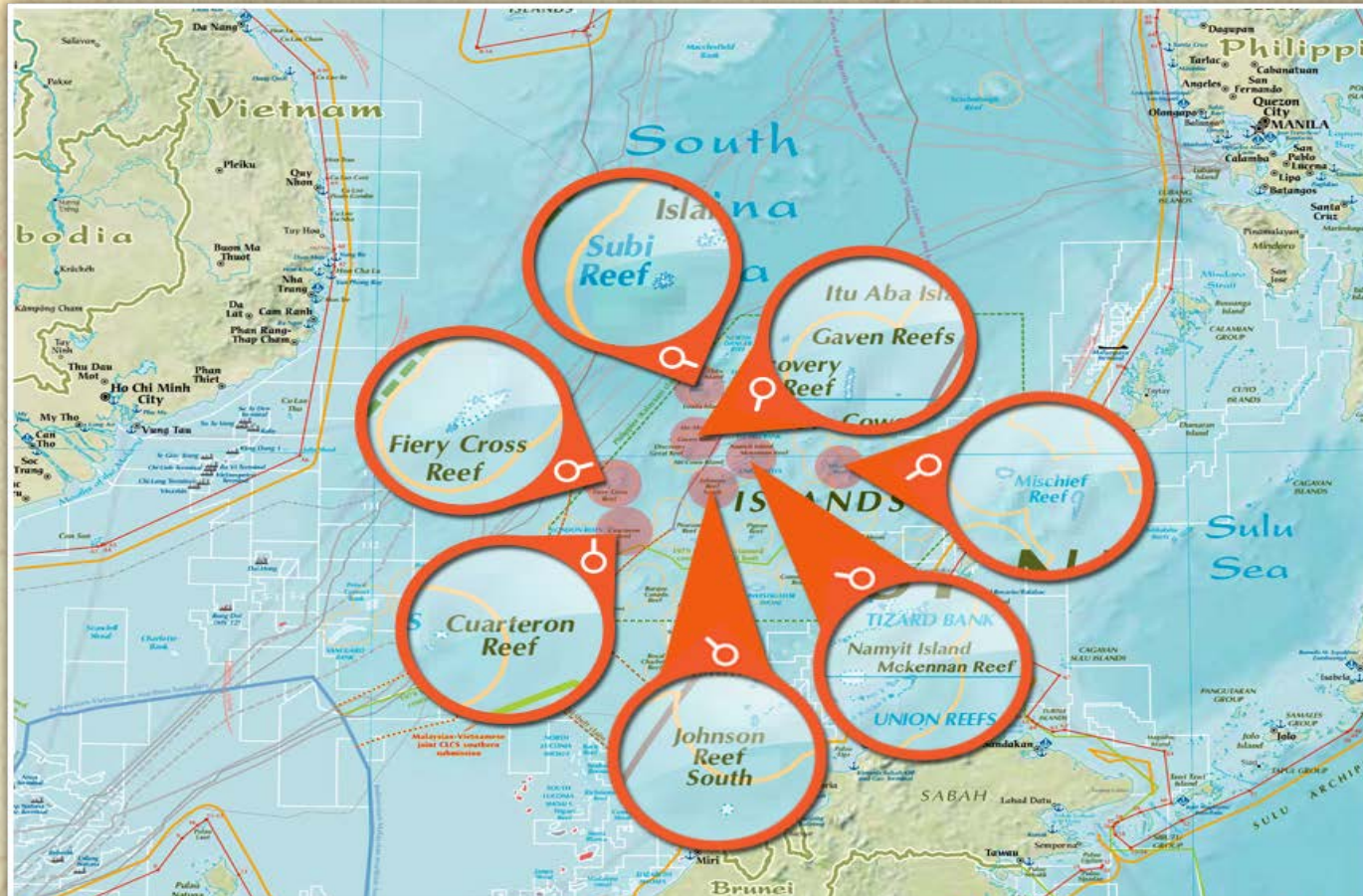
China has built artificial islands on seven (7) reefs: Fiery Cross Reef, Cuarteron Reef, Gaven Reef, Johnson South Reef, McKennan Reef, Mischief Reef and Subi Reef. These are all the reefs China occupies. However, China has actually also dredged ten (10) other reefs for filling materials for the seven reefs on which China has built islands.*

China has explained: “The primary purpose of these activities is to improve the working and living conditions of personnel stationed there, to better fulfill our international obligations concerning maritime search and rescue, disaster prevention, and mitigation, and to enable China to provide better services to vessels from China, her neighbors, and other countries sailing in the South China Sea.”**

* J. Ashley Roach, an ASIL member, Captain, JAGC, USN (retired), Office of the Legal Adviser, U.S. Department of State (retired), and Global Associate and Senior Visiting Scholar at the Centre for International Law (CIL) (2014–2015), National University of Singapore; see <http://english.vietnamnet.vn/fms/marine-sovereignty/137126/china-s-shifting-sands-in-the-spratlys.html>

** Statement of Wang Min, China's deputy permanent representative to the United Nations.

China's Island-Building on Seven Reefs



There are about 750 small maritime features in the Spratlys. The vast majority are submerged at all times while others are exposed only at low tide. There are, at most, only 28 features that remain above water at high tide. The largest high-tide feature, Itu Aba, is only 0.43 square kilometer. The rest range in size from a high of 0.36 square kilometers (Pagasa) to a low of less than 2 square meters.

Fiery Cross (Kagitingan) Reef Before Island-Building



Fiery Cross Reef is about 1 meter above water at high tide. It is just outside the Philippines' EEZ but within its continental shelf. In 1987, UNESCO agreed that China would build a weather station on Fiery Cross Reef as part of UNESCO's global oceanic survey. That weather station would later turn out to be a Chinese military air and naval base.

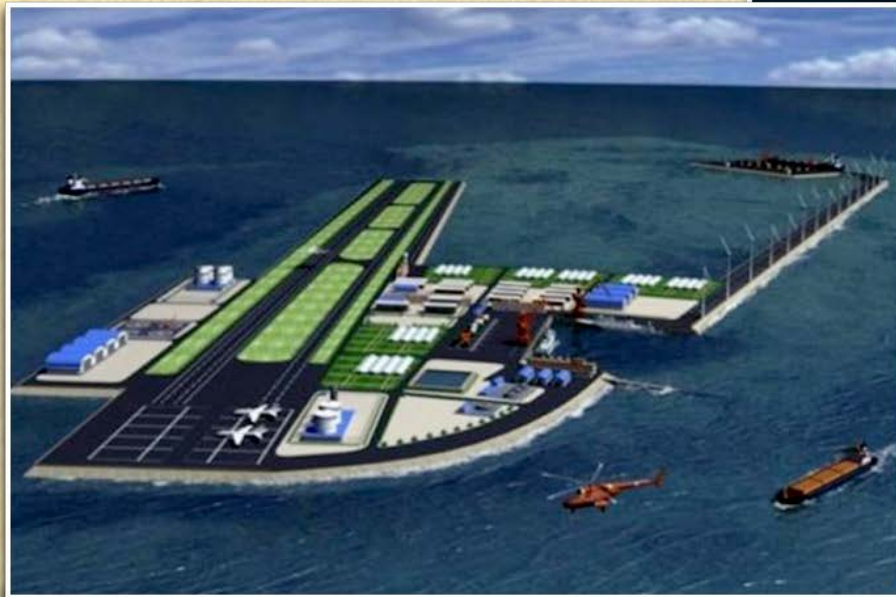
China's Airbase with Seaport on Fiery Cross Reef

Source: China State Shipbuilding Corporation



One of the islands built by China is an airbase with a seaport, completed in June 2015. The airbase, with a 3,000 meter runway, is on a 274-hectare area on Fiery Cross Reef, larger than 213-hectare Woody Island which hosts China's airbase in the Paracels. This artificial island will also be larger than the combined area of the 20 largest islands in the Spratlys, and more than twice the area of Diego Garcia Island, the U.S. airbase in the Indian Ocean.

June 2015 Chinese Photo of Completed Island-Building on Fiery Cross Reef - 274 Hectare Airbase With 3 KM Runway



As Admiral Harry Harris, commander of the U.S. Pacific Command stated, “A 10,000-foot (3 KM) runway is large enough to take a B-52, almost large enough for the Space Shuttle, and 3,000 feet longer than what you need to take off a 747.” Admiral Harris also stated that China is building on Fiery Cross Reef hangars for tactical fighters.

China's Strategic Bomber H-6K with 7,000 KM Range



The H-6K can carry under its wing pylons six conventional or nuclear armed CJ-10A cruise missiles with 2,200 KM range. Although the H-6 was first domestically produced in 1968, this upgraded version, using composite materials, modern avionics and a powerful radar, first entered service only in October 2009.

Test Flights on Fiery Cross Reef Runway - January 6, 2016



Johnson South (Mabini) Reef Before Island-Building



Image Credit: Johnson South Reef image via Google Earth

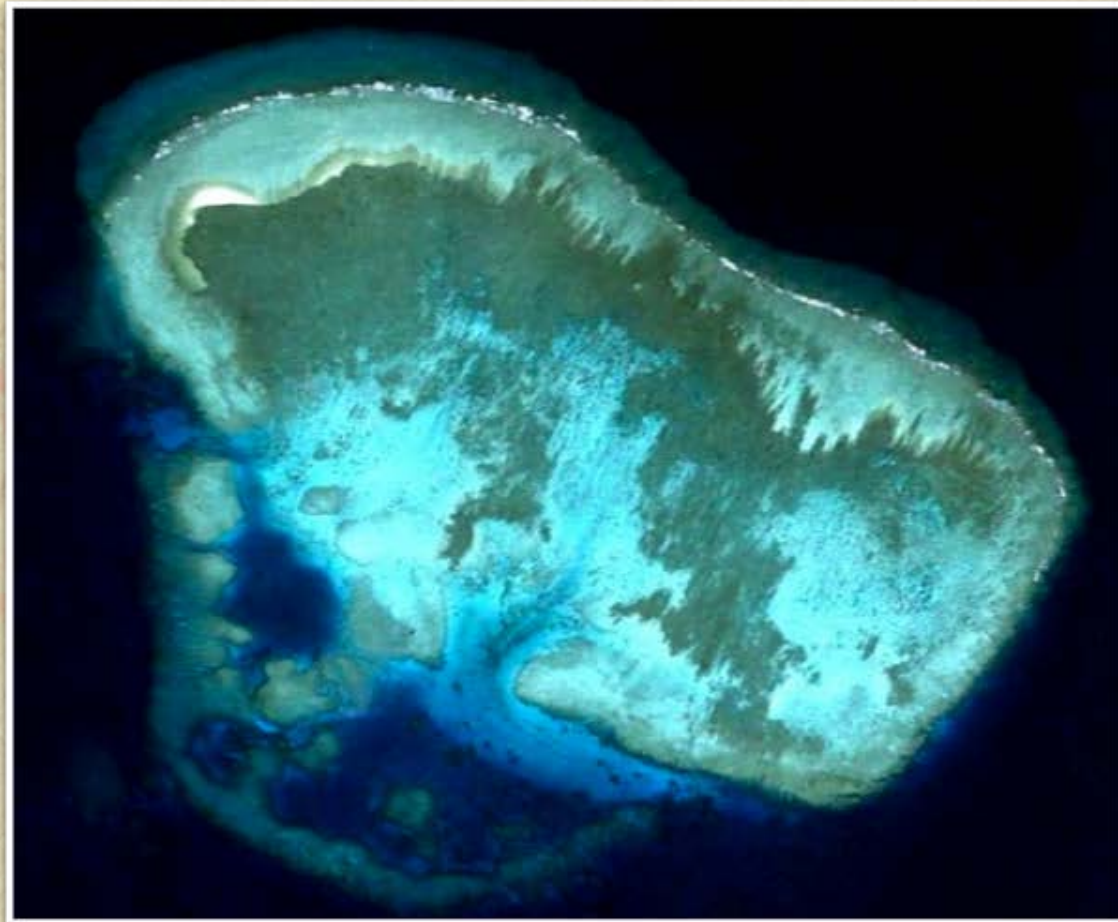
Johnson South Reef is an LTE within the Philippines' EEZ. [Note: Chinese, Philippine and other countries' nautical charts designate this as an LTE. Only the U.S. nautical chart designates this as a high tide feature.]

Johnson South (Mabini) Reef December 26, 2015



In 1988, Chinese naval forces forcibly dislodged the Vietnamese soldiers guarding this LTE. Over 77 Vietnamese soldiers died in the battle. Johnson South Reef is within the Philippines' EEZ. As of November 2015, China has created an artificial island of 10.9 hectares in Johnson South Reef.

McKennan (Chigua) Reef Before Island-Building



McKennan Reef is an LTE within the Philippines' EEZ. It is within 12 NM of Sin Cowe Island.

McKenna (Chigua, Hughes) Reef May 5, 2015



As of November 2015, China has created an artificial island of 7.2 hectares in McKenna Reef.

Gaven (Burgos) Reef at Start of Island-Building



Gaven Reef is outside of the Philippines' EEZ but within its continental shelf. Gaven Reef is an LTE within 12 NM of Namyt Island.

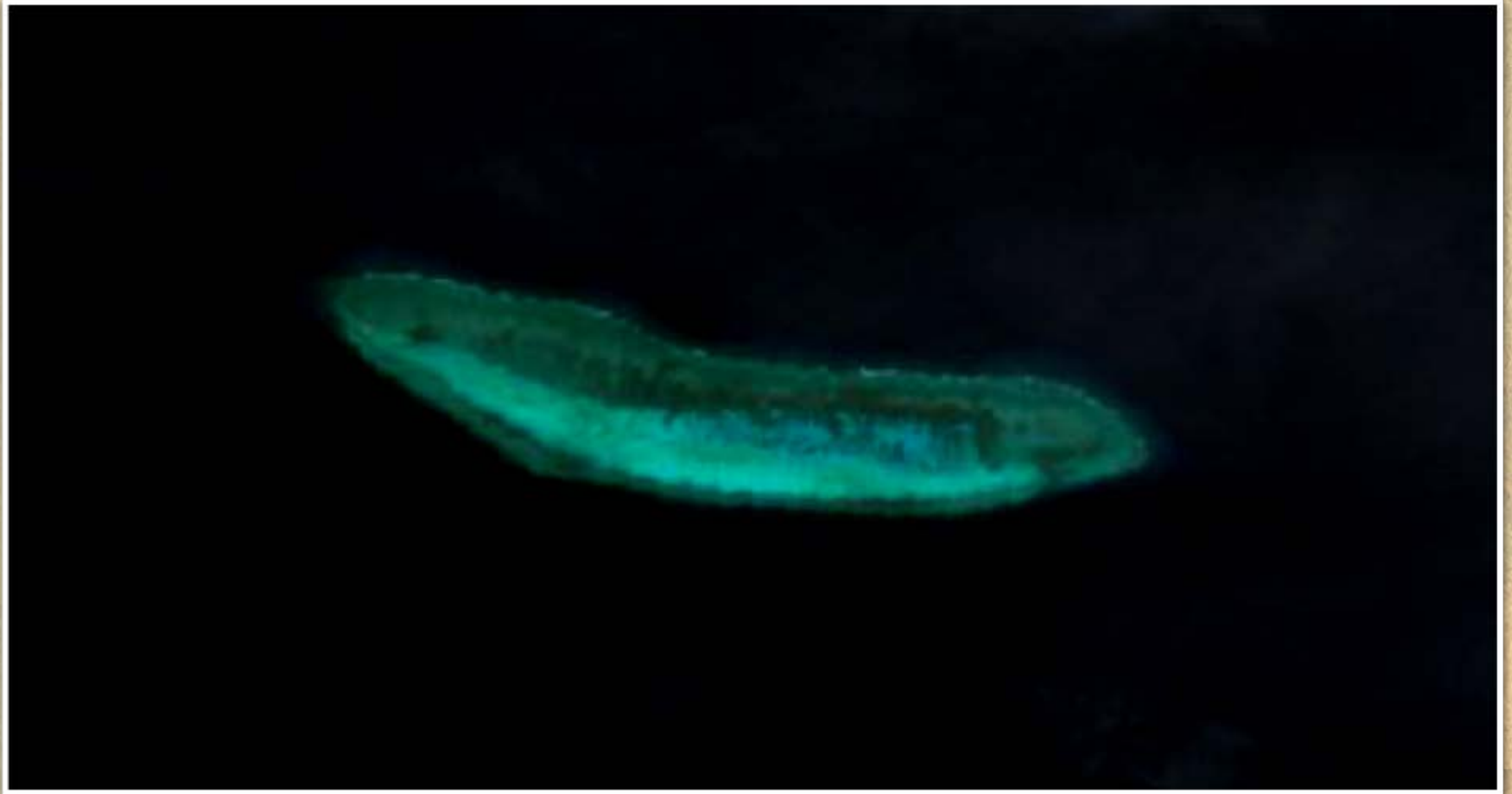
Gaven Reef May 9, 2015



As of November 2015, China has created an artificial island of 13.6 hectares in Gaven Reef.

Cuarteron (Calderon) Reef Before Island-Building

China Sea



Cuarteron Reef is outside the Philippines' EEZ but within its continental shelf. It is above water at high tide.

Cuarteron Reef May 7, 2015



Cuarteron Reef is a tiny rock above water at high tide just outside the Philippines' EEZ. As of November 2015, China has added 24.6 hectares to Cuarteron Reef.

Subi (Zamora) Reef Before Island-Building



Subi Reef is an LTE outside of the Philippines' EEZ but within its continental shelf. Subi Reef is just outside the 12-NM territorial sea of the 36-hectare Pagasa (Thitu) Island, the largest island occupied by the Philippines in the Spratlys. Subi Reef is 231 NM from Palawan and 502 NM from Hainan.

Subi (Zamora) Reef January 8, 2016



Under UNCLOS, Subi Reef, an LTE in the high seas, cannot be used as a military facility. Article 88 of UNCLOS mandates that **“the high seas shall be reserved for peaceful purposes.”** The total area of Subi Reef, including the lagoon and rim of the reef, is 16 sq. km. In its original state, the Subi Reef’s lagoon was 22 meters deep. Subi Reef’s location, size and depth make it ideal for a naval base with an airfield.

Subi (Zamora) Reef December 23, 2015



3 Km runway/air strip

Under UNCLOS, Subi Reef, an LTE in the high seas, cannot be used as a military facility. Article 88 of UNCLOS mandates that “**the high seas shall be reserved for peaceful purposes.**” The total area of Subi Reef, including the lagoon and rim of the reef, is 16 sq. km. In its original state, the Subi Reef’s lagoon was 22 meters deep. Subi Reef’s location, size and depth make it ideal for a naval base with an airfield. As of December 23, 2015, China has created an artificial island of 500 hectares in Subi Reef.

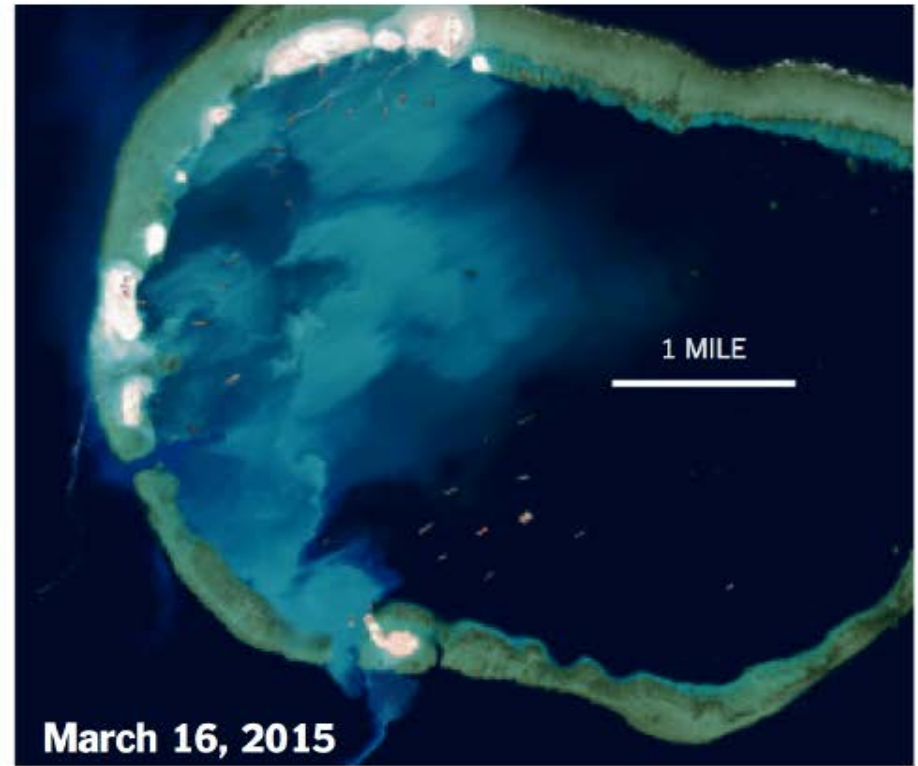
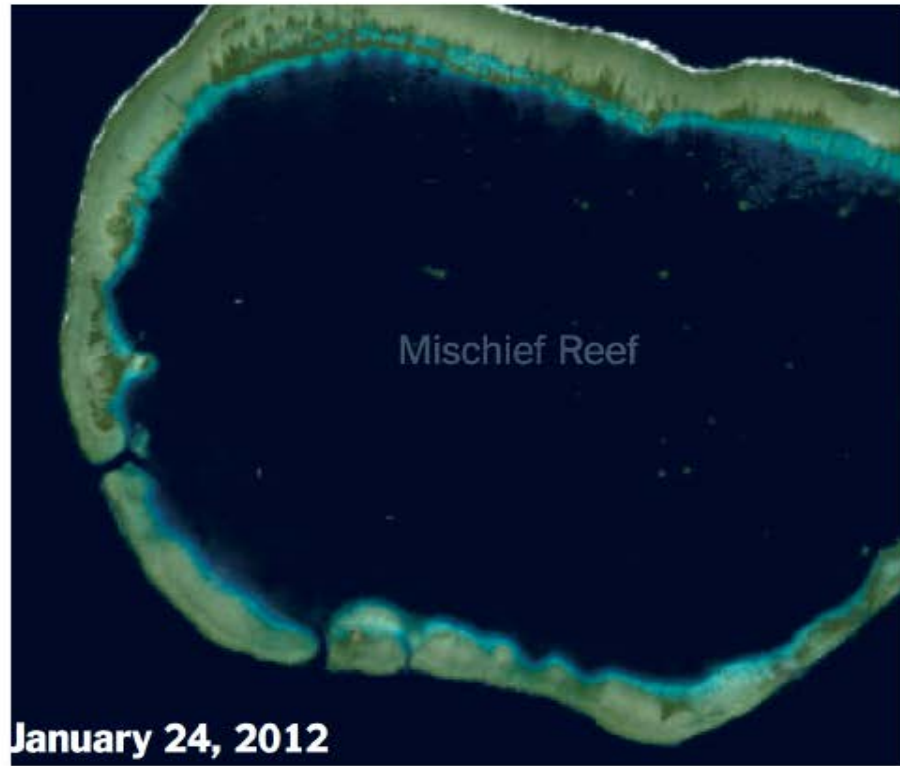
Center Portion of Subi Reef Runway December 21, 2015



Source:www.ft.com

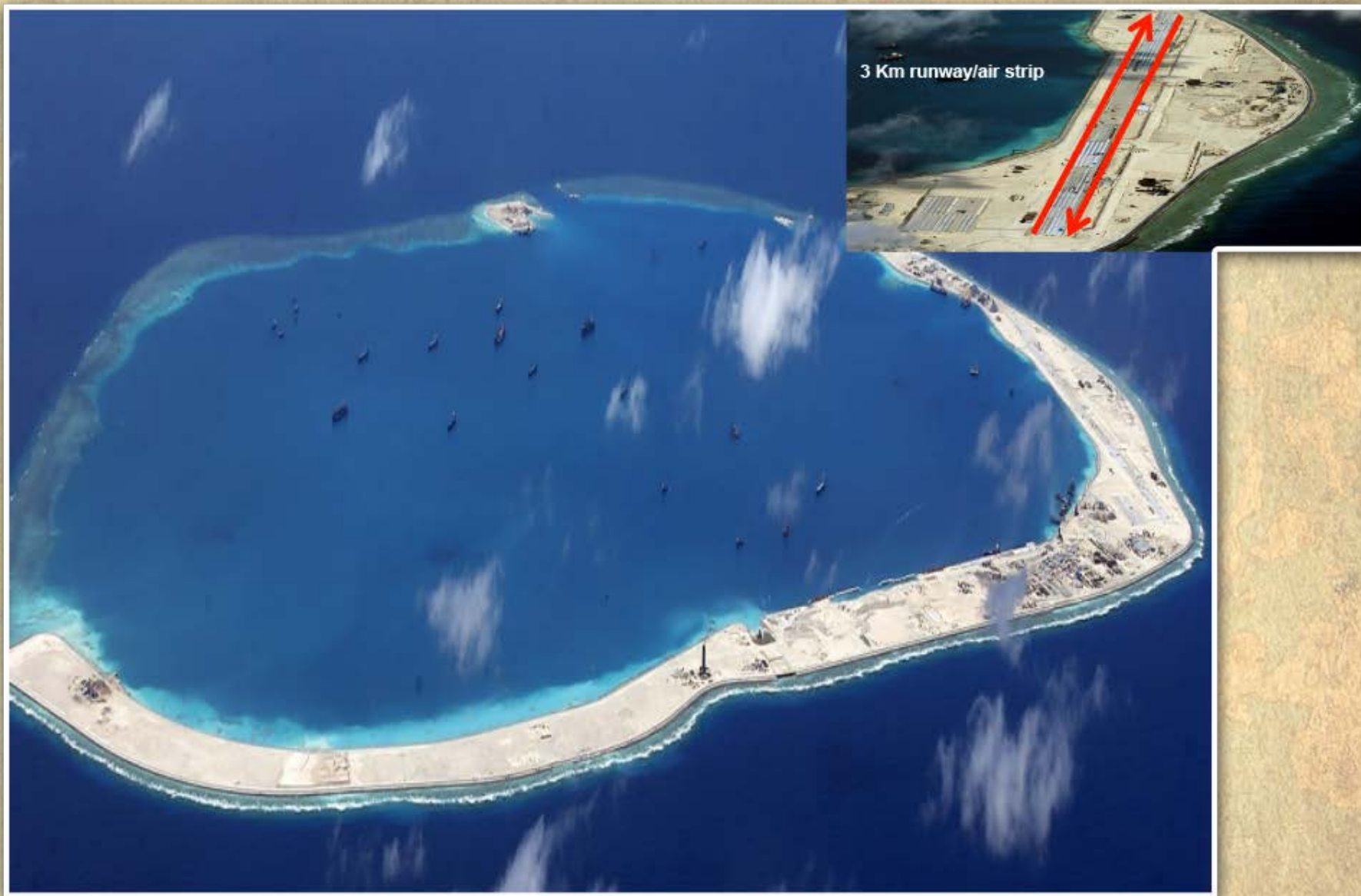
Mischief (Panganiban) Reef

January 2012 and March 2015



Mischief Reef is a circular atoll with a diameter of 7.4 KM, and its lagoon has an area of 3,600 hectares. The average depth inside the lagoon is 26 meters. As of November 2015, China has created an artificial island of 590 hectares out of a planned 800 hectares. China can garrison thousands of troops on Mischief Reef. Mischief Reef is 125 NM from Palawan and 596 NM from Hainan.

Mischief (Panganiban) Reef December 24, 2015



Mischief (Panganiban) Reef January 8, 2016



The northwest side of Mischief Reef as of January 8, including a 1,900 foot seawall and newly-constructed infrastructure including housing, an artificial turf parade grounds, cement plants, and docking facilities.

Source: www.ft.com

Mischief Reef and Palawan, 125 NM Distance



Mischief Reef is an LTE that is 125 NM from Palawan, well within the 200 NM EEZ of the Philippines. As an LTE, Mischief Reef is part of the submerged continental shelf of the Philippines. With an air and naval base in Mischief Reef between Palawan and all the Philippine-occupied islands in the Spratlys, China can block Philippine ships re-supplying Philippine-occupied islands in the Spratlys.

Island-Building Violates the Declaration of Conduct

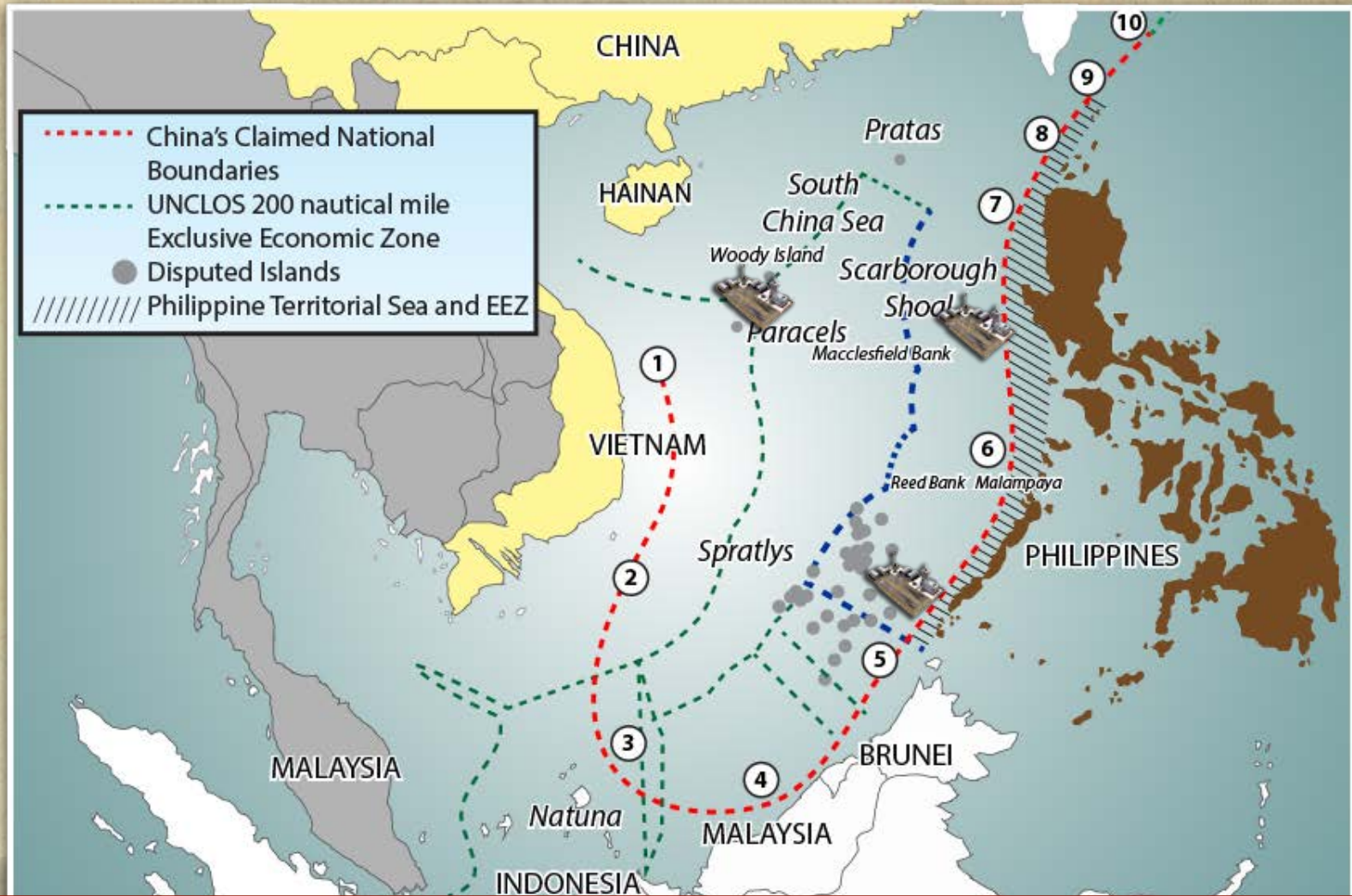
China's island-building violates the 2002 Asean-China Declaration of Conduct, which states that the parties undertake to exercise self-restraint, like "refraining from action of inhabiting on presently uninhabited islands, reefs, shoals, cays and other features."

China's New Airbase on Woody Island, the Paracels



Woody Island has an area of 213 hectares. It has a 2,700 meter runway that can handle all of China's 4th generation fighter aircraft as well as the H-6K strategic bomber.

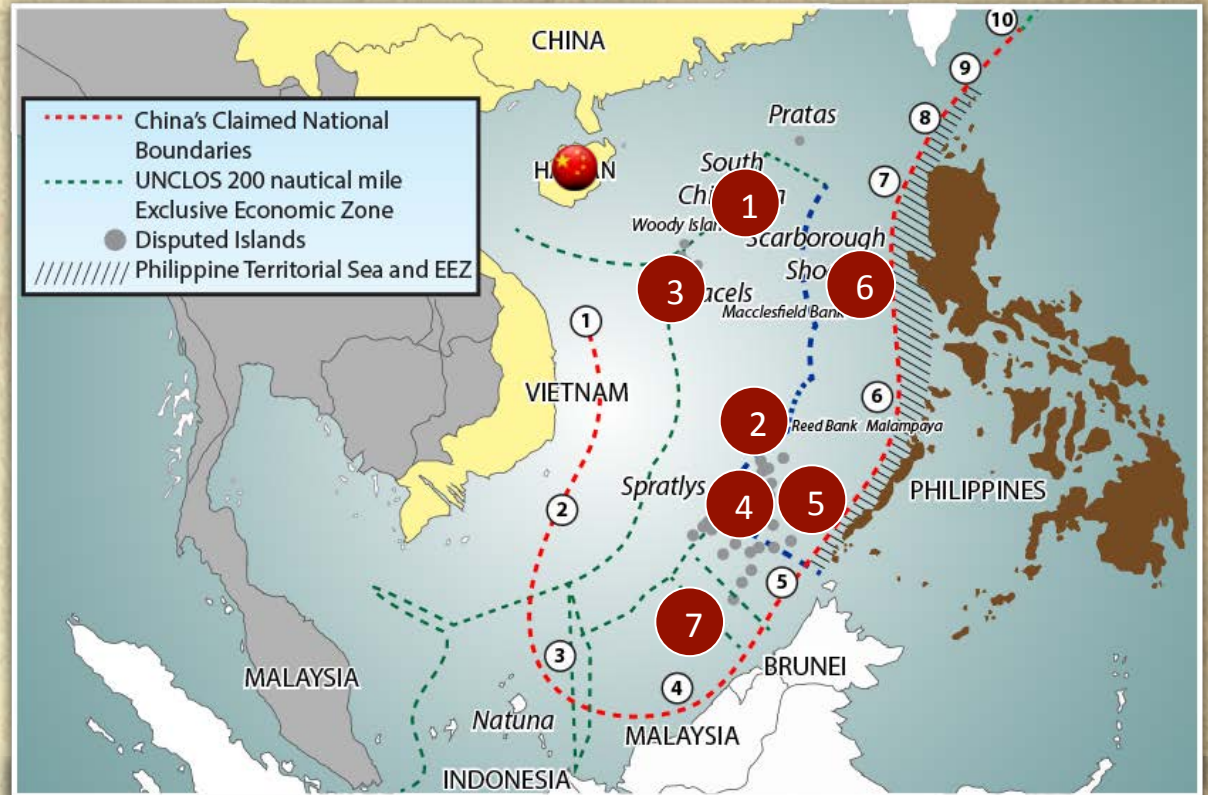
An ADIZ in the South China Sea?



China conducted in June 2015 its first air-sea military drill in the Bashi Channel between Taiwan and the Philippines. China announced that in the future it would conduct regular air-sea military drills in the Bashi Channel.

China's Creeping Expansion in the SCS from 1946 to 2015

Before World War II, China's southernmost defense perimeter was Hainan Island. Before the war, China did not have a single soldier or sailor stationed in any SCS island outside of Hainan Island. Right after the war, China took over the Amphitrite Group of the Paracels and Itu Aba in the Spratlys following the defeat of the Japanese, moving China's defense perimeter southward. In 1974, China forcibly dislodged the South Vietnamese from the Crescent Group of the Paracels. In 1988, China forcibly evicted Vietnam from Johnson South Reef, moving further south. China's defense perimeter in the Spratlys.



In 1995, China seized Mischief Reef from the Philippines, just 125 NM from Palawan and 594 NM from Hainan. In 2012, China seized Scarborough Shoal from the Philippines, just 124 NM from Luzon. In 2013, China seized Luconia Shoals from Malaysia, just 54 NM from Sarawak's coast. In 2014, China started island-building on rocks and submerged areas in the Spratlys to construct air and naval bases.

China's Grand Design in the South China Sea

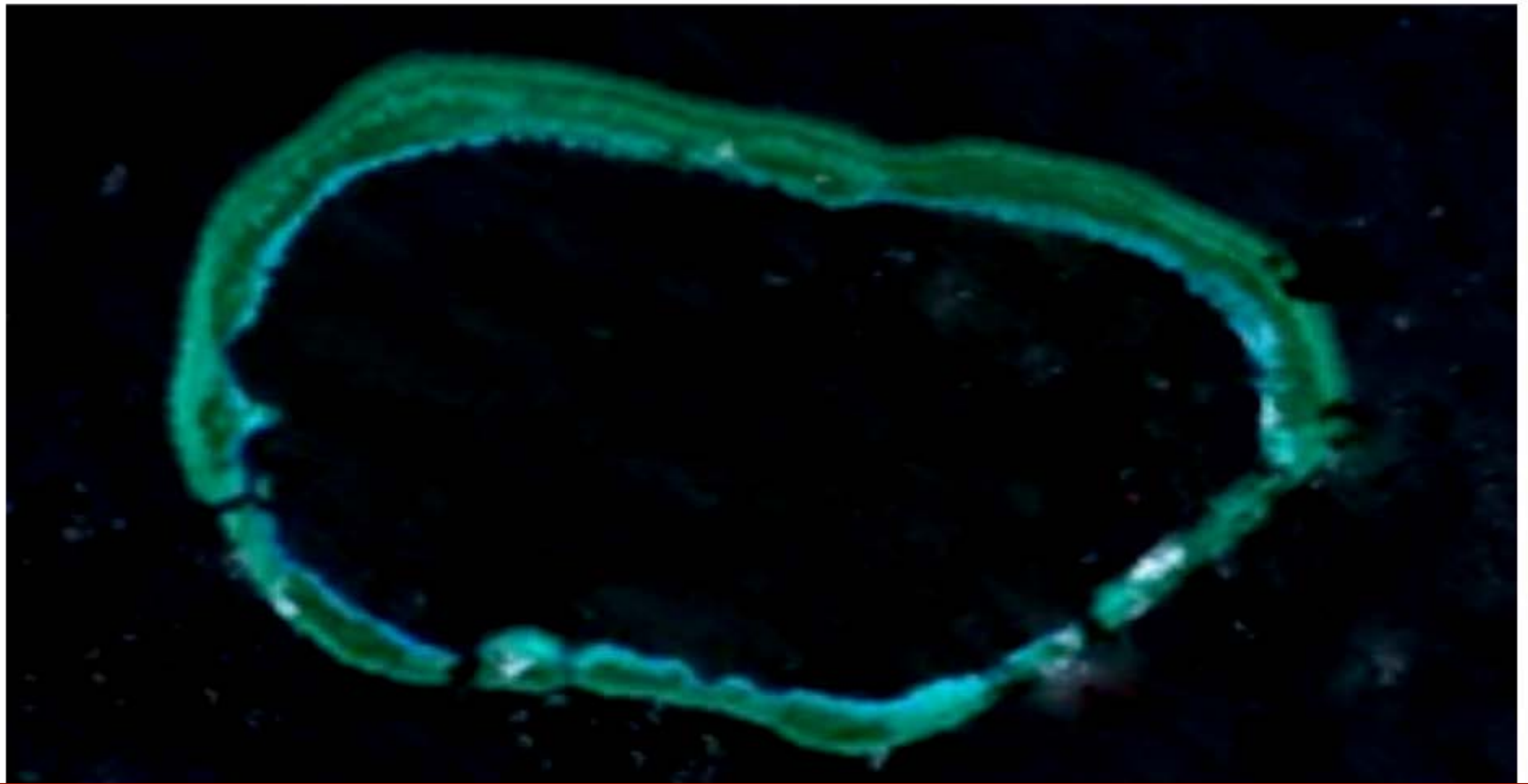
China's grand design is to control the South China Sea for economic and military purposes. China wants all the fisheries, oil, gas and mineral resources within the 9-dashed lines. China already takes 50% of the annual fish catch in the South China Sea as more than 80% of its coastal waters are already polluted. China has the largest fishing fleet in the world with 70,000 vessels. China's per capita fish consumption is the highest in the world at 35.1 kg/year to feed 1.4 billion people, while the rest of Asia's per capita consumption is only 21.6 kg/year.

China is the largest net importer of petroleum in the world. The South China Sea is rich in methane hydrates - said to be one of the fuels of the future. China wants to secure all these methane hydrates for itself.

China also wants the South China Sea as a sanctuary for its nuclear-armed submarines - free from surveillance by U.S. submarine-hunting Poseidon airplanes or U.S. nuclear attack submarines.

The island-building in the Spratlys is not a knee-jerk response to the Philippines' arbitration case but part of China's long-term grand design. As Zang Jie, head of the Asia Pacific Security program at the government-linked Chinese Academy of Social Sciences, stated: "China has wanted to do this for a long time. Now it has the dredging boats, the money and the people. So it is doing it."

Mischief Reef - A 30-Million Year Work of Nature



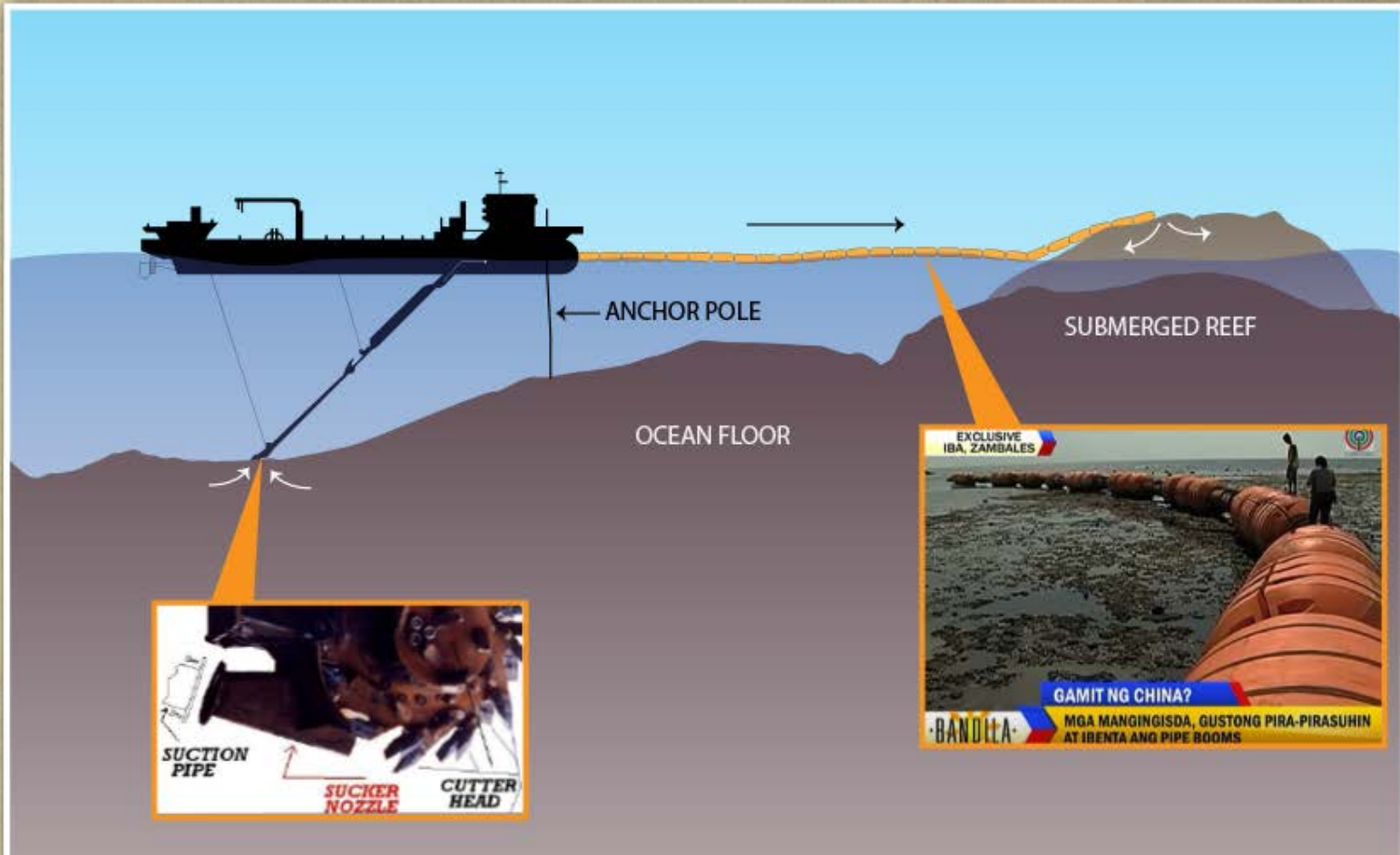
It takes 30 million years for the reefs of an atoll like Mischief Reef to form. Reefs are the breeding ground of fish. In the Spratlys, the eggs and larvae spawned by fish are carried by currents to the Sulu Sea, the coasts of Palawan, Luzon, Malaysia, Brunei, Indonesia, Vietnam and even China. All the reefs in the seven built-up sites of China are now dead. Reefs need clear waters to grow. Island-building makes the waters in nearby reefs turbid, unhealthy for both reefs and fish. The coral reefs in the South China Sea comprise 34% of the world's total coral reefs, despite the South China Sea occupying only 2.5% of world's total ocean surface.

Chinese Reef Killer Dredges 4,500 Cubic Meters of Sand per Hour



The *Tiang Jing Hao* (Heavenly Whale) dredger, a 127 meter-long seagoing cutter suction dredger designed by the German engineering company Vosta LMG. At 6,017 gross tons, this dredger is the largest in Asia. China has dozens of dredgers in the Spratlys.

How Dredging Is Done in the Spratlys

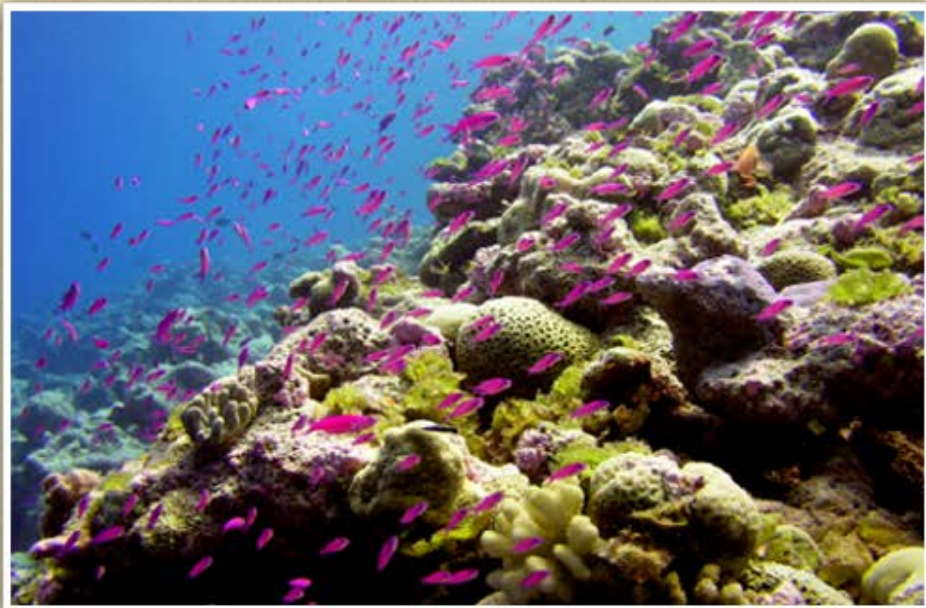


Coral reef and hard sediment on the seabed are pulverized by the rotating cutter. Pulverized materials are sucked into the ship. Pulverized materials are transported by pressure through a floating pipe. Pulverized materials are deposited on the rim of the reef.

Fiery Cross Reef January 28, 2015



According to Dr. John McManus, a renowned marine biologist who has studied the marine life in the Spratlys, China's island-building is the "most rapid permanent loss of coral reef in human history. It's a terrible, terrible thing to do this."



Who can create artificial islands, or erect structures on LTEs, in the EEZ or ECS?

Only the adjacent coastal state has the right to create artificial islands, or erect structures on LTEs, within its EEZ or ECS (Arts. 60 & 80, UNCLOS). Thus, such artificial islands or structures put up by other states within the EEZ or ECS of a coastal state are illegal under UNCLOS.

Thus, Article 60, Part VI of UNCLOS, on “Artificial islands, installations and structures in the exclusive economic zone,” states:

- “1. In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:
 - (a) artificial islands;
 - (b) installations and structures for the purposes provided in Article 56 (exploitation of non-living resources in the seabed, marine scientific research, protection and preservation of marine environment) and other economic purposes;
 - (c) xxx.”

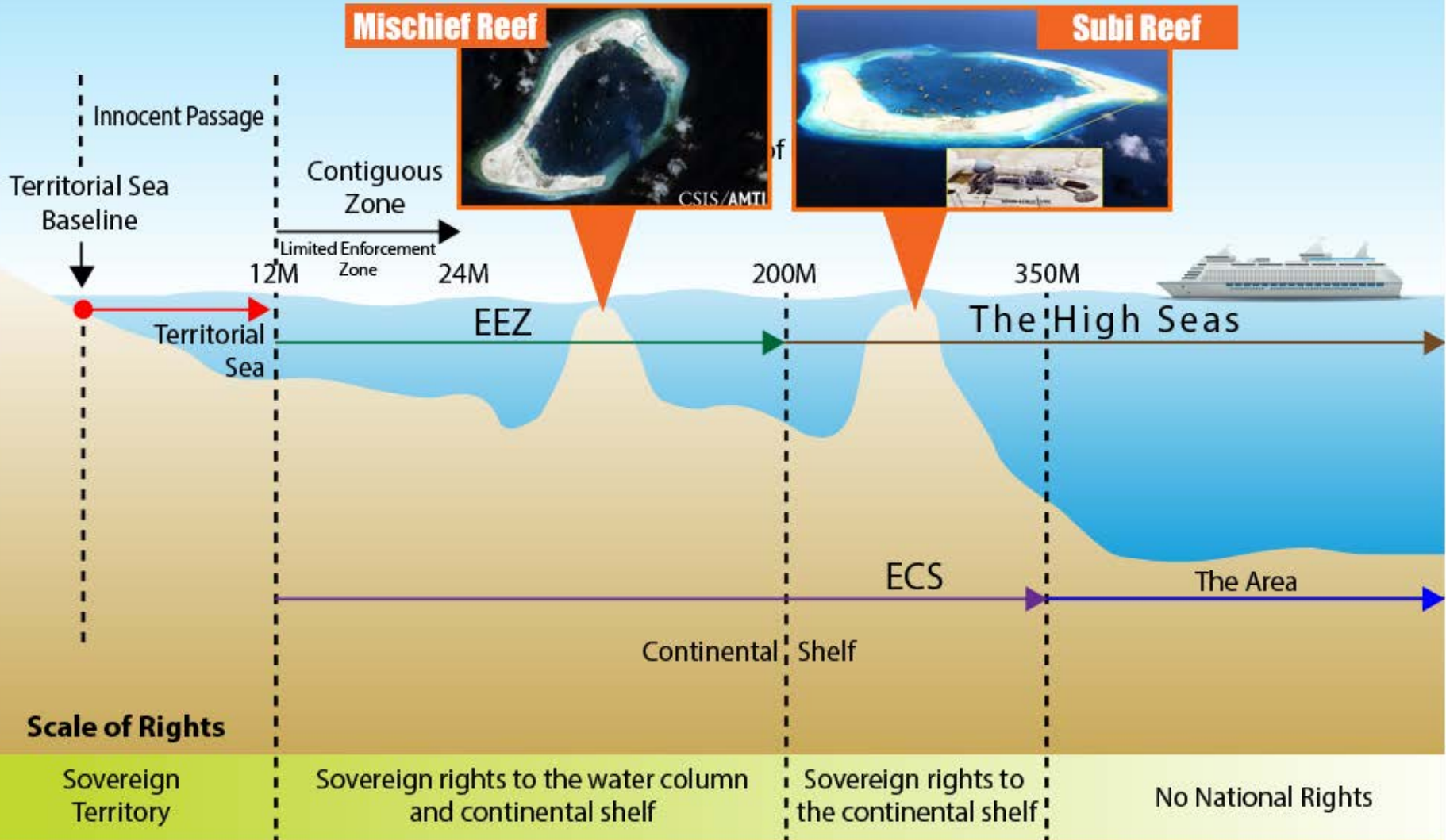
- “2. The coastal state shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health safety and immigration laws and regulations.”

Article 80, Part VI of UNCLOS, on “Artificial islands, installations and structures on the continental shelf,” states:

“Article 60 applies *mutatis mutandi* to artificial islands, installations and structures on the continental shelf.”

Clearly, China’s island-building on LTEs in the EEZ and ECS of the Philippines violate UNCLOS and are thus illegal under international law.

Maritime Zones under UNCLOS



Do LTEs and artificial islands acquire a maritime zone if by island-building they are raised above water at high tide ?

No. UNCLOS defines an island as a “naturally formed” area of land, surrounded by water, and above water at high tide. (Art. 121, UNCLOS)

Article 60(8) of UNCLOS provides:

“8. Artificial islands, installations and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone, or the continental shelf.”

Article 2(2) of UNCLOS states that “sovereignty extends to the air space over the territorial sea.” While a coastal state’s artificial structure installed within its own EEZ is entitled to 500-meter safety zone (Article 60(5), UNCLOS), an illegally installed structure by another state is not entitled to this legal 500-meter safety zone. A legal right cannot arise from an illegal act.

Can a state claim “historic rights” in the EEZ of another state?

Historic rights cannot be invoked to claim natural resources in the EEZ of another state. UNCLOS granted to coastal states “sovereign rights” to exploit its EEZ. “Sovereign rights” means supreme rights, superior to the rights of other states. This extinguished all historic rights or claims by other states in the EEZ of a coastal state. The word “exclusive” in the term EEZ means the economic exploitation of the zone is **exclusive** to the adjacent coastal state.

China actively participated in the negotiations of UNCLOS from 1973 to 1982. China aligned itself with the developing coastal countries which demanded a 200 NM EEZ where the coastal state has **exclusive sovereign rights** to exploit the EEZ. China never claimed that historic rights could be an exception to the exclusive sovereign rights of coastal states in the EEZ. In fact, the 200 NM EEZ was agreed upon on the clear understanding that all historic claims of other states in the EEZ of a coastal state are deemed extinguished.

A Coastal State Has Inherent Right to its Continental Shelf

“The rights of a coastal state over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation” (Art. 77(3), UNCLOS). As the ICJ has explained, the rights of a coastal state “exist *ipso facto* and *ab initio*, by virtue of its sovereignty over the land.”*

“[I]f the coastal state does not explore the continental shelf or exploit its natural resources, **no one may undertake such activities without the express consent of the coastal state**” (Art. 77[2]). This is an express prohibition to the application of historic rights claimed by other states in the continental shelf of another coastal state.

The continental shelf of a state covers its EEZ and extended continental shelf.

**North Sea Continental Shelf Cases (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. Netherlands)*, Judgment, ICJ Reports 1969, paragraph 19.

Historic Rights under General International Law

Historic rights cannot be claimed in the EEZ, ECS or high seas. Even assuming, *quod non*, historic rights can be claimed, the following conditions must first be satisfied for historic rights to be valid:

First, the state actually exercised authority over the area where it claims historic rights;

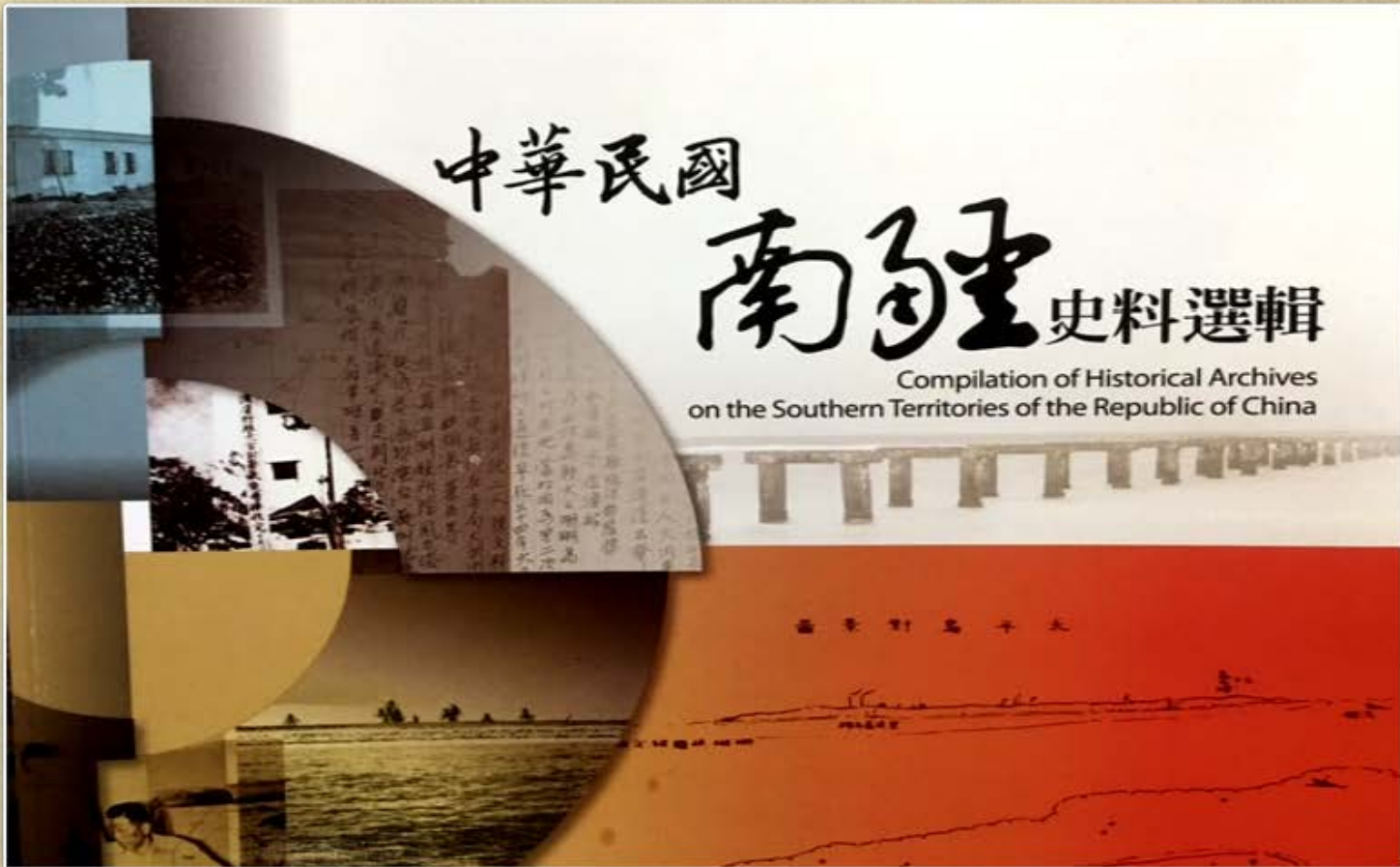
Second, the state exercised that authority continuously and for a long period of time; and

Third, other states either acquiesced in or failed to oppose the exercise of such authority.*

China's 9-dashed lines claim fail to satisfy any of these conditions.

*United Nations Secretary General, *Juridical Regime of Historic Waters, Including Historic Bays*, UN Doc No. A/CN.4/143 (9 Mar. 1962), paragraph 80.

*Compilation of Historical Archives on the Southern Territories
of the Republic of China - Published in July 2015 by Taiwan*



This is a compilation of the most important documents relating to the 9-dashed lines culled from the thousands of records in the Kuomintang historical archives. The Kuomintang brought the records with them to Taiwan when they fled the mainland in 1949.

Kuomintang's Compilation of Historical Archives

The Tribunal invited the Philippines to comment on Taiwan's official publication entitled *Compilation of Historical Archives on the Southern Territories of the Republic of China* published in July 2015. The Philippines made the following comments, among others:

1. Of the tens of thousands of historical records reviewed by the experts who compiled the archives, **not a single document could be identified asserting China's claim to the South China Sea before 1907.**
2. Taiwan's President Ma himself wrote in the *Preface* of the book that China's "**sovereignty over the South China Sea islands**" dates only to the "**early 20th century,**" 1935 to be exact, with the publication of the *Map of the South Sea Islands and Maritime Features*. The claim to **sovereignty** refers only to the islands and their territorial seas.
3. The book contains a **timeline of key events** that summarizes China's historic evidence in support of its historic rights claim. **The chronology of event starts in 1907.**
4. The events in the timeline from 1907 to 1935 refer to China's claims to the Pratas and the Paracels, not to the Spratlys. **Chinese claims to the Spratlys started only in 1935.**

Timeline of Key Events Starts in 1907

中華民國南疆史料彙編

Compilation of Historical Archives
on the Southern Territories of the Republic of China

大事紀

1900

▶ 1907

清光緒 33 年

日人西澤吉次入侵東沙島。

▶ 1909

清宣統元年

在清外務部授權下兩廣總督袁樹勳與日本國廣東駐在總領事議訂「交還東沙島條款」。

兩廣總督張人駿派水師提督李準率員勘查西沙群島，並奏請清廷派員籌辦東西沙島。



1910

▶ 1910

清宣統二年

廣東省試辦開發東沙島物產。廣東水師提督李準奉粵省總督張人駿之命偵巡調查東沙及西沙群島。

1920

▶ 1921

民國 10 年

廣東省政府批准廣東商人何瑞年組織之西沙群島實業公司，開發西沙群島礦產。

▶ 1925

民國 14 年

外交部照會日本公使，未經我國允許，不得往東沙島採捕，並請轉令日本漁民速即退出，勿得再行越界捕魚。

海道測量局建設東沙島氣象臺，並建立航路。

▶ 1926

民國 15 年

東沙島及西沙島隸屬海軍軍事區域，歸海軍管轄。

海道測量局籌建西沙觀象臺。

▶ 1928

民國 17 年

廣東中山大學與廣東南區黃後公署至

Taiwan Debunked China's Incredulous Historic Claim to the South China Sea

In its Position Paper dated 7 December 2014 submitted to the UNCLOS Tribunal, China made this incredulous claim: “Chinese activities in the South China Sea date back to over 2,000 years ago. China was the first country to discover, name, explore and exploit the resources of the South China Sea Islands and the first to continuously exercise sovereign powers over them.”

Taiwan's publication of *Compilation of Historical Archives on the Southern Territories of the Republic of China*, using the extensive archives of the Kuomintang, the originator of the 9-dashed lines, has definitively debunked the PROC's claim that the 9-dashed lines were “formed in the long course of history,” dating back two thousand years ago.

2002 ASEAN-China Declaration of Conduct

The South China Sea dispute shall be resolved “in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea.”

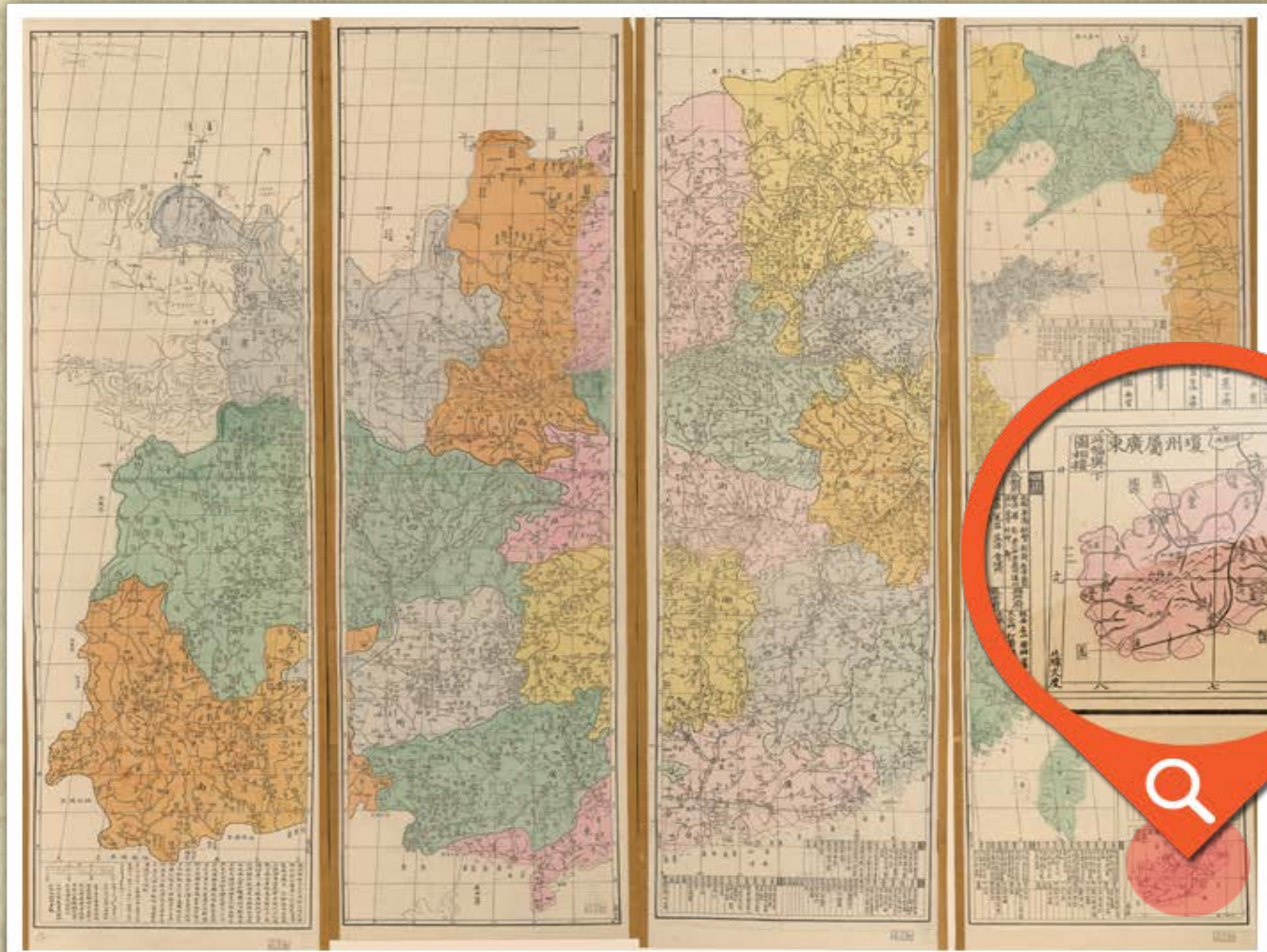
China Insists on Respect for Historical Facts

After the Philippines filed in January 2013 its arbitration case against China under UNCLOS, China's Foreign Minister Wang Yi declared that the South China Sea dispute should be resolved in accordance with "historical facts and international law."

Ancient Maps of China and the Philippines

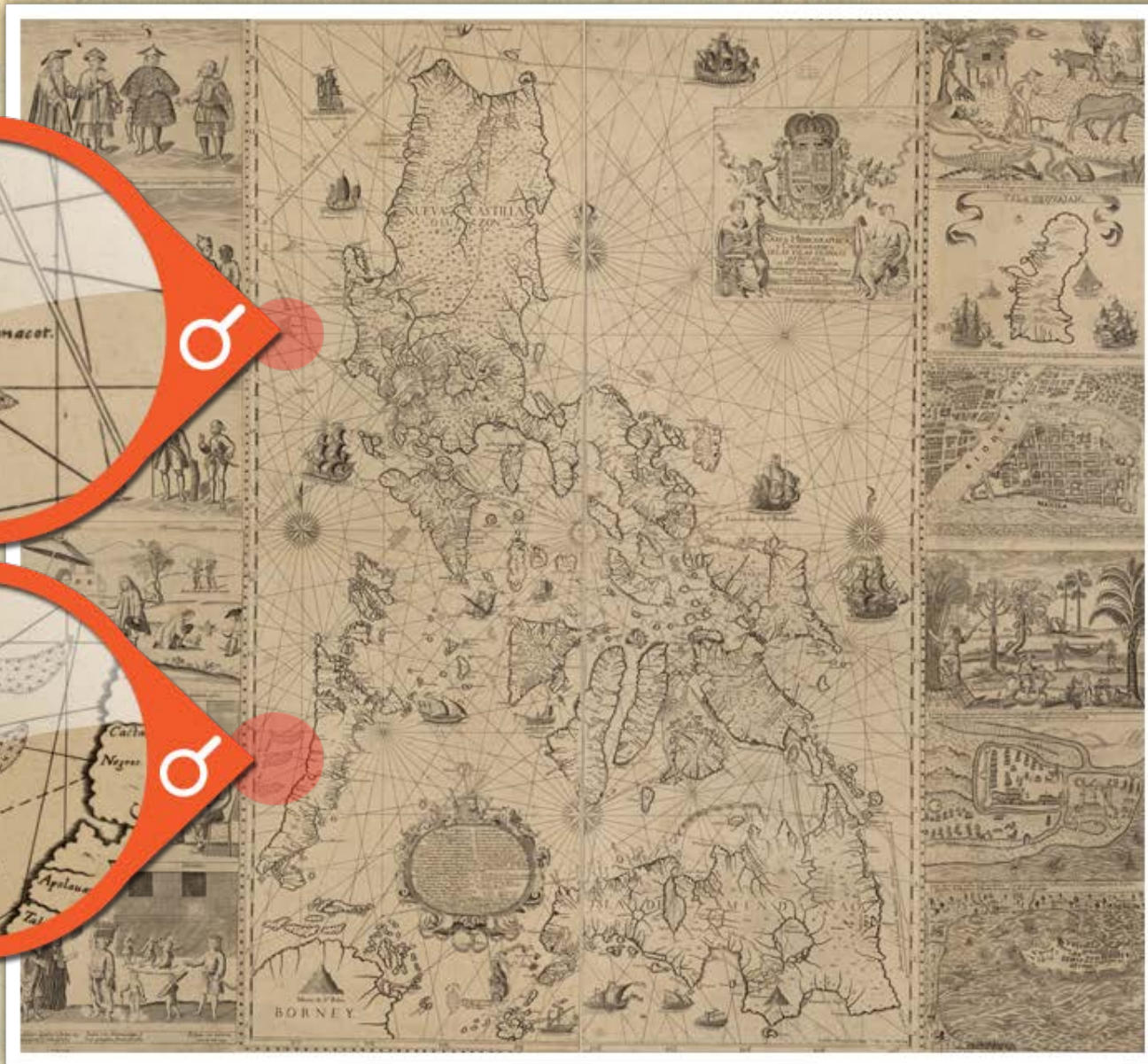
Official and unofficial maps of China from 1136 during the Song Dynasty until the end of the Qing Dynasty in 1912 show that the southernmost territory of China has always been Hainan Island. Official and unofficial maps of the Philippines from 1636 until 1933 show that Scarborough Shoal has always been part of the Philippines. The first name of Scarborough Shoal is “Panacot,” which appeared in the 1734 Murillo Velarde map published in Manila.

1896 “Huang Chao Zhi Sheng Yu Di Quan Tu” or The Qing Empire’s Complete Map of All Provinces.



During the Chinese dynasties, Hainan Island was a part of Guangdong Province. Hainan became a separate province only in 1988.

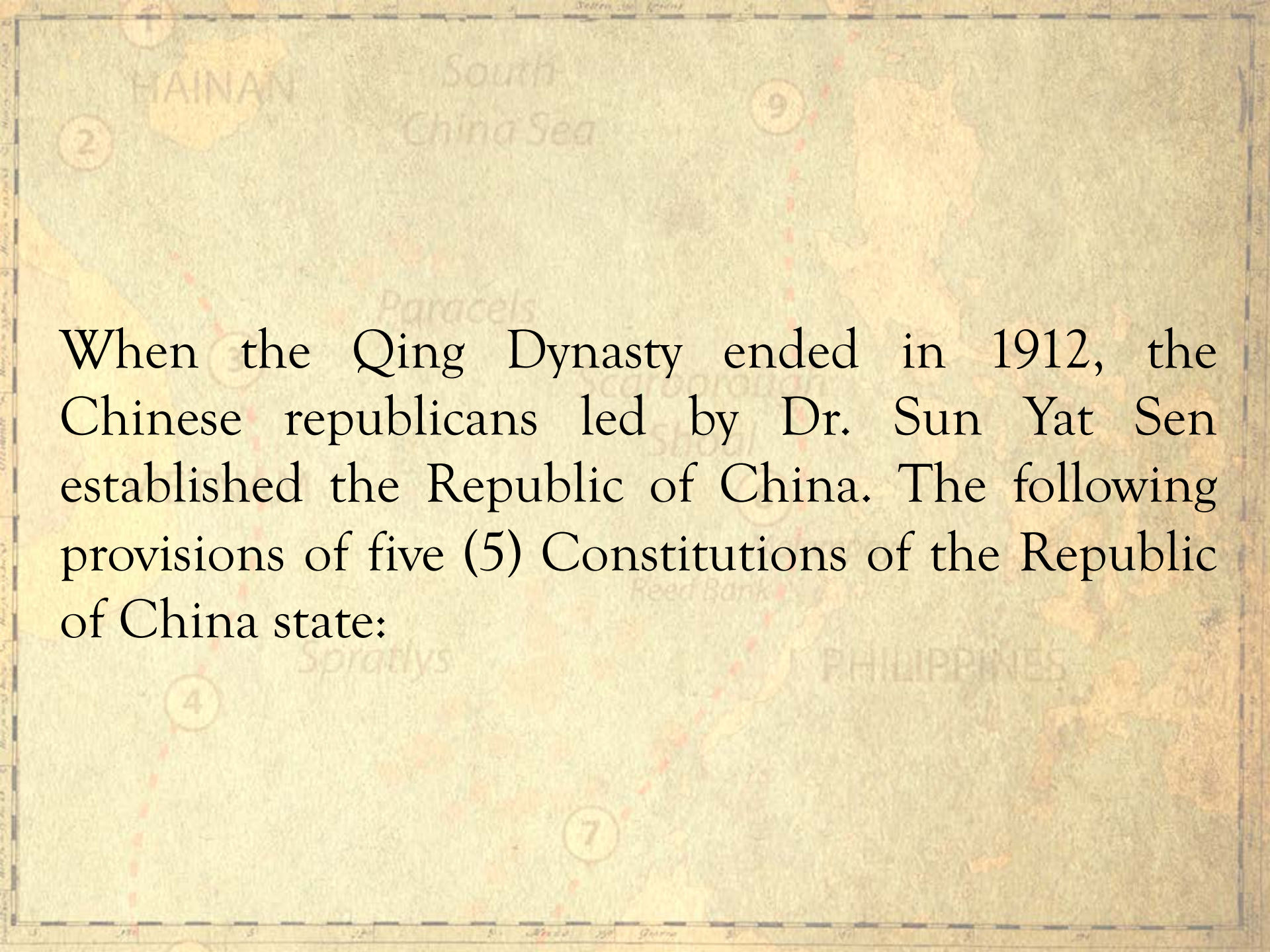
1734 Murillo Velarde Map



1695 Coronelli Map of Southeast Asia



This 1695 map, entitled *Isole dell' Indie*, shows the Spratlys as part of the Philippines. This map was created by the Venetian Vincenzo Coronelli, a Franciscan monk. The map was published in Venice in 1695. Coronelli, famous for his atlases and globes, became the Father General of the Franciscan Order. The Franciscans arrived in the Philippines in 1578.

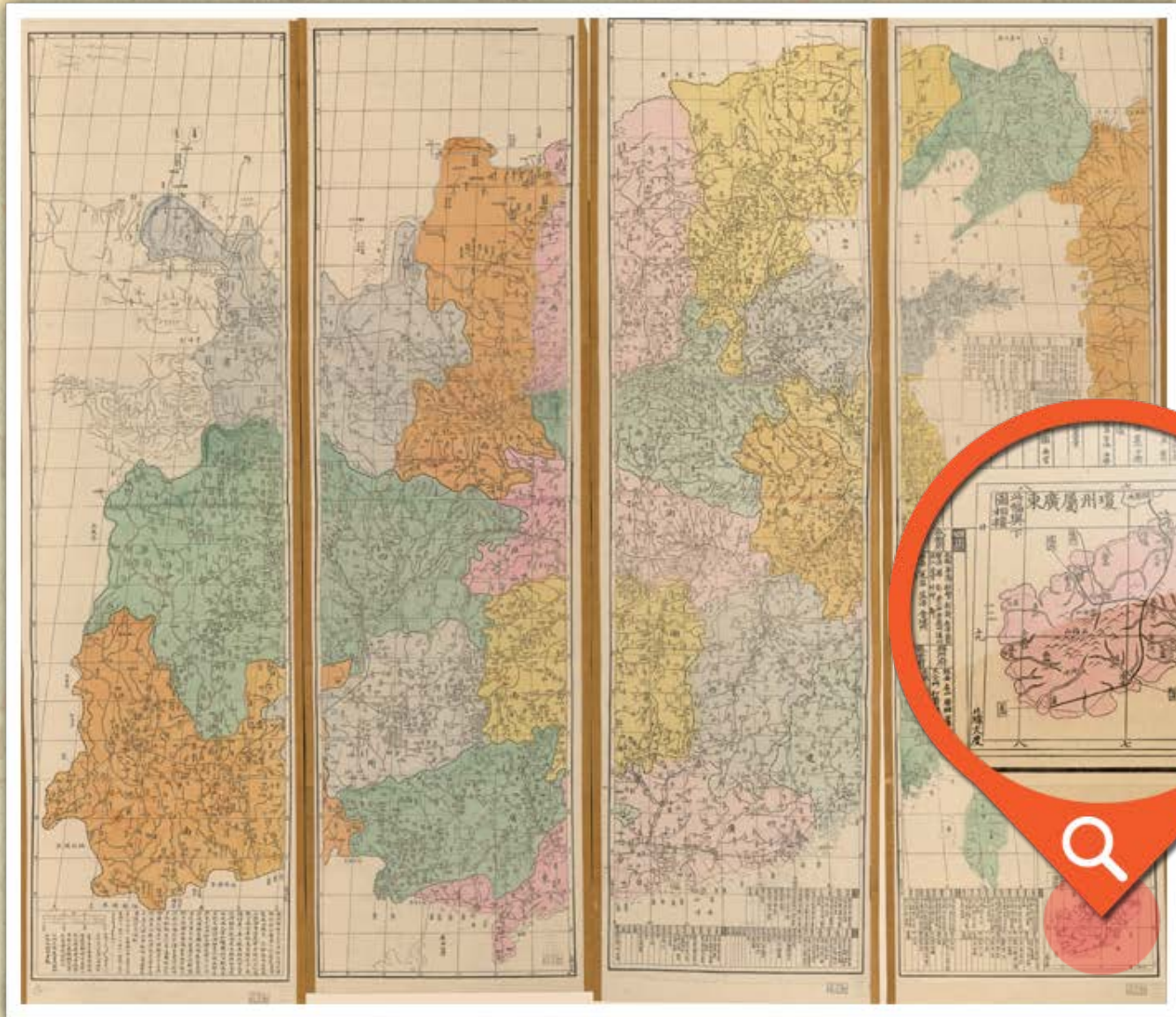


When the Qing Dynasty ended in 1912, the Chinese republicans led by Dr. Sun Yat Sen established the Republic of China. The following provisions of five (5) Constitutions of the Republic of China state:

Constitution of 1912

Article 3, Chapter 1, of the Provisional Constitution of the Republic of China of March 11, 1912 states: “The territory of the Republic of China is composed of 22 provinces, Inner and Outer Mongolia, Tibet and Qinghai.” As we have seen in the 1896 map of the Qing Dynasty, one of the 22 provinces is Guangdong, which includes Hainan Island as the southernmost territory of China.

1896 “Huang Chao Zhi Sheng Yu Di Quan Tu” or The Qing Empire’s Complete Map of All Provinces

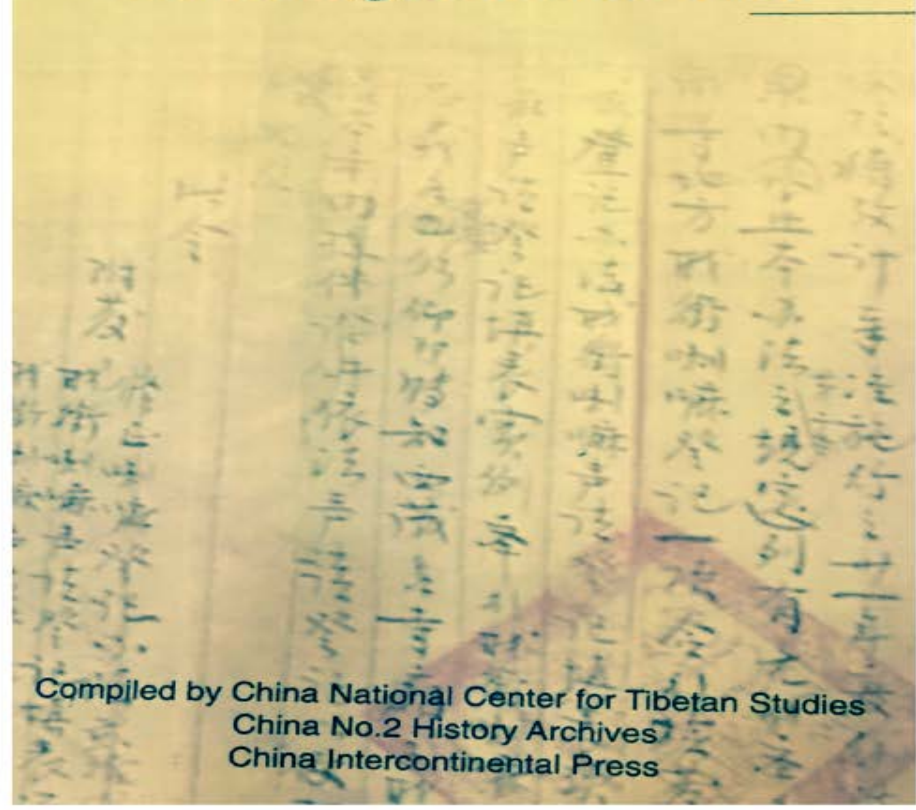


Constitution of 1914

Article 3, Chapter 1 of the Constitution of the Republic of China of May 1, 1914 states: “The territory of the Republic of China continues to be the territory of the former empire.” The editorial comment in the *Regulations of the Republic of China Concerning Rule over Tibet* (1999) explains the words “former empire” as “referring to the Qing Dynasty.”

Official Publication of PROC: Territory of Republic of China Is the Same as Territory of the Qing Empire, with Hainan Island as Southernmost Border

**Regulations of the Republic of China
Concerning Rule Over Tibet**



Compiled by China National Center for Tibetan Studies
China No.2 History Archives
China Intercontinental Press

All constitutional provisions cited are from an official publication of the People's Republic of China entitled *Regulations of the Republic of China Concerning Rule Over Tibet* (China No. 2 History Archives, China International Press, January 1, 1999).

“Former empire” means the Qing Dynasty

Page 3 of the *Regulations* state:

The Provincial Constitution of the Republic of China issued on May 1, 1914 stipulated: “The territory of the Republic of China continues to be the territory of the former empire (*referring to the Qing Dynasty--Ed.*)”;

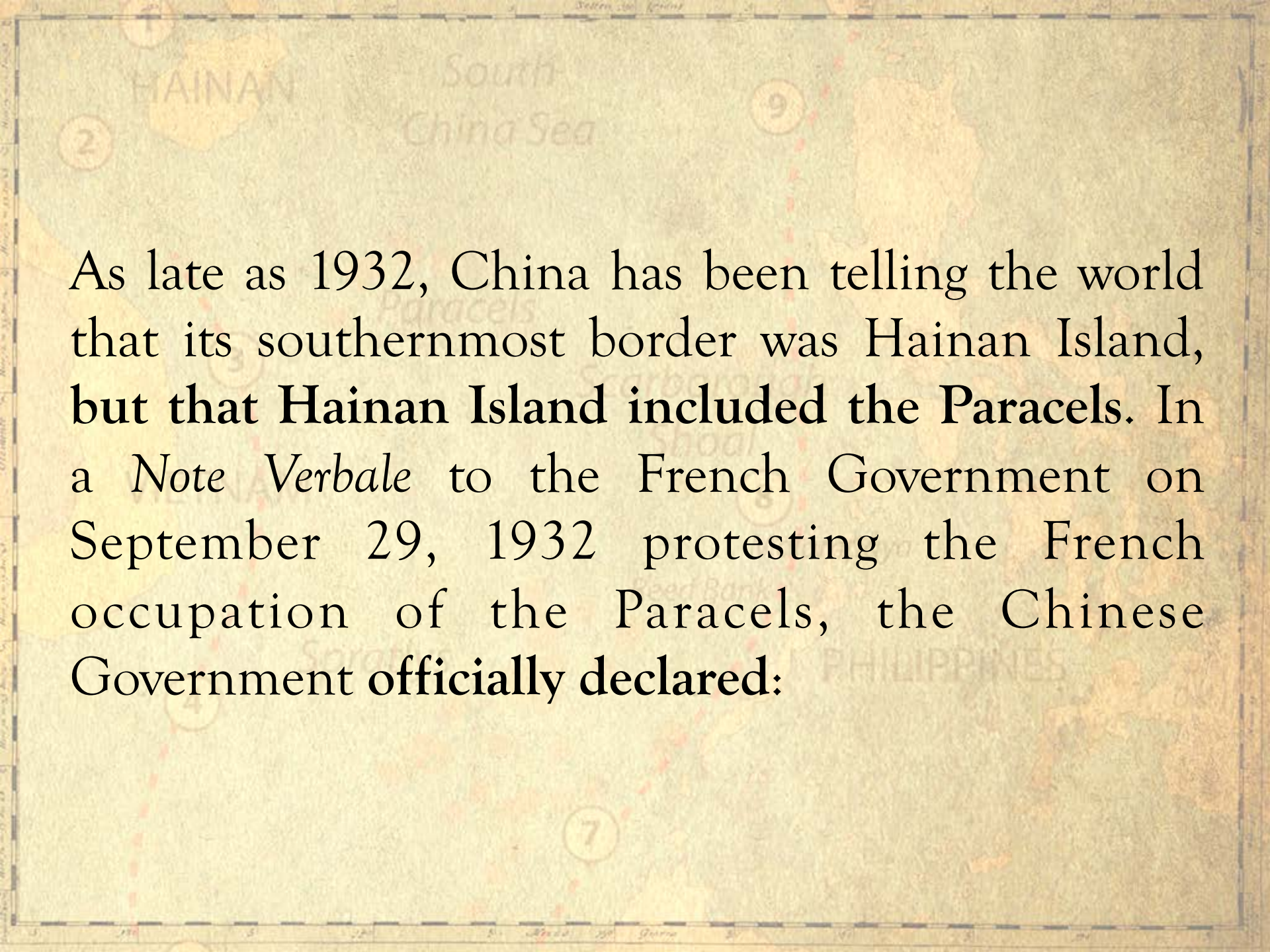
The Provincial Constitution of the Republic of China issued on May 1, 1914 stipulated: “The territory of the Republic of China continues to be the territory of the former empire (*referring to the Qing Dynasty—Ed.*)”; “People of the Republic of China, irrespective of race, class and religion, are equal in law.”

Constitutions of 1924, 1937 and 1946

Article 3, Chapter 2, of the Constitution of the Republic of China of October 10, 1924 states: “The territory of the Republic of China continues to be the traditional territory.”

The Constitution of the Republic of China of January 1, 1937 states: “The territory of the Republic of China continues to be the territory it owned in the past.”

Article 4, Chapter 1 of the Constitution of the Republic of China of December 25, 1946 states: “The territory of the Republic of China shall be that encompassed by its traditional boundaries.”



As late as 1932, China has been telling the world that its southernmost border was Hainan Island, **but that Hainan Island included the Paracels.** In a *Note Verbale* to the French Government on September 29, 1932 protesting the French occupation of the Paracels, the Chinese Government **officially declared:**

② “Note of 29 September 1932 from the Legation of the Chinese Republic in France to the Ministry of Foreign Affairs, Paris

③ On the instructions of its Government, the Legation of the Chinese Republic in France has the honor to transmit its Government’s reply to the Foreign Ministry’s Note of 4 January 1932 on the subject of the Paracel Islands.”

④ XXXX

⑦

“xxx The eastern group is called the Amphitrites and the western group the Crescent. These groups lie 145 nautical miles from Hainan Island, and form the southernmost part of Chinese territory.” (Emphasis supplied)

xxx [Source: *Sovereignty over the Paracel and Spratly Islands*, Monique Chemelier-Gendreau, Annex 10, Kluwer Law International, 2000]

1933 “Zhonghua Min Guo Fen Sheng Xin Tu”



Despite Chinese maps that appeared in the 1930s and 1940s showing the Paracels as part of China, China's Republican Constitutions of 1937 and 1946 still declared that its territory remained the same as the territory of the former empire.

Screenshot from China's Manila Embassy Website



Huangyan Island was first discovered and drew into China's map in China's Yuan Dynasty(1271-1368AD). In 1279, Chinese astronomer Guo Shoujing performed surveying of the seas around China for Kublai Khan, and Huangyan Island was chosen as the point in the South China Sea.

1. It is China who first discovered Huangyan Island, gave it the name, included it into its territory, and exercised jurisdiction over it.

Huangyan Island was first discovered and drew into China's map in China's Yuan Dynasty(1271-1368AD). In 1279, Chinese astronomer Guo Shoujing performed surveying of the seas around China for Kublai Khan, and Huangyan Island was chosen as the point in the South China Sea.

However, in a document entitled *China's Sovereignty Over Xisha and Zhongsha Islands Is Indisputable* issued on January 30, 1980, China's Ministry of Foreign Affairs **officially declared** that the Nanhai island that Guo Shoujing visited in 1279 was in **Xisha** or what is internationally called the **Paracels**, a group of islands more than 380 NM from Scarborough Shoal. China issued this official document to bolster its claim to the Paracels to counter Vietnam's strong historical claims to the same islands. This Chinese **official document**, published in *Beijing Review*, Issue No. 7 dated February 18, 1980, states:

No. 7 February 18, 1980

BEIJING REVIEW

北京周報

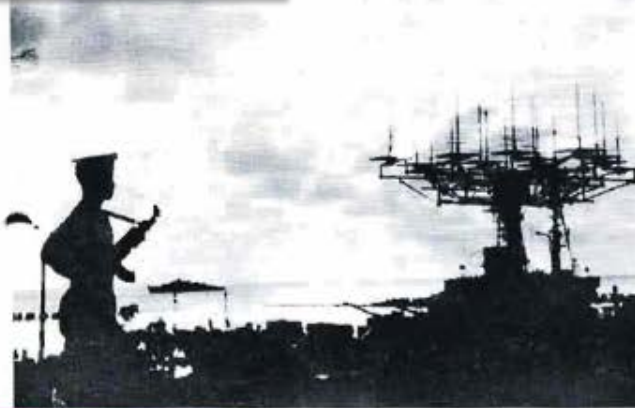
A CHINESE WEEKLY
OF
NEWS AND VIEWS

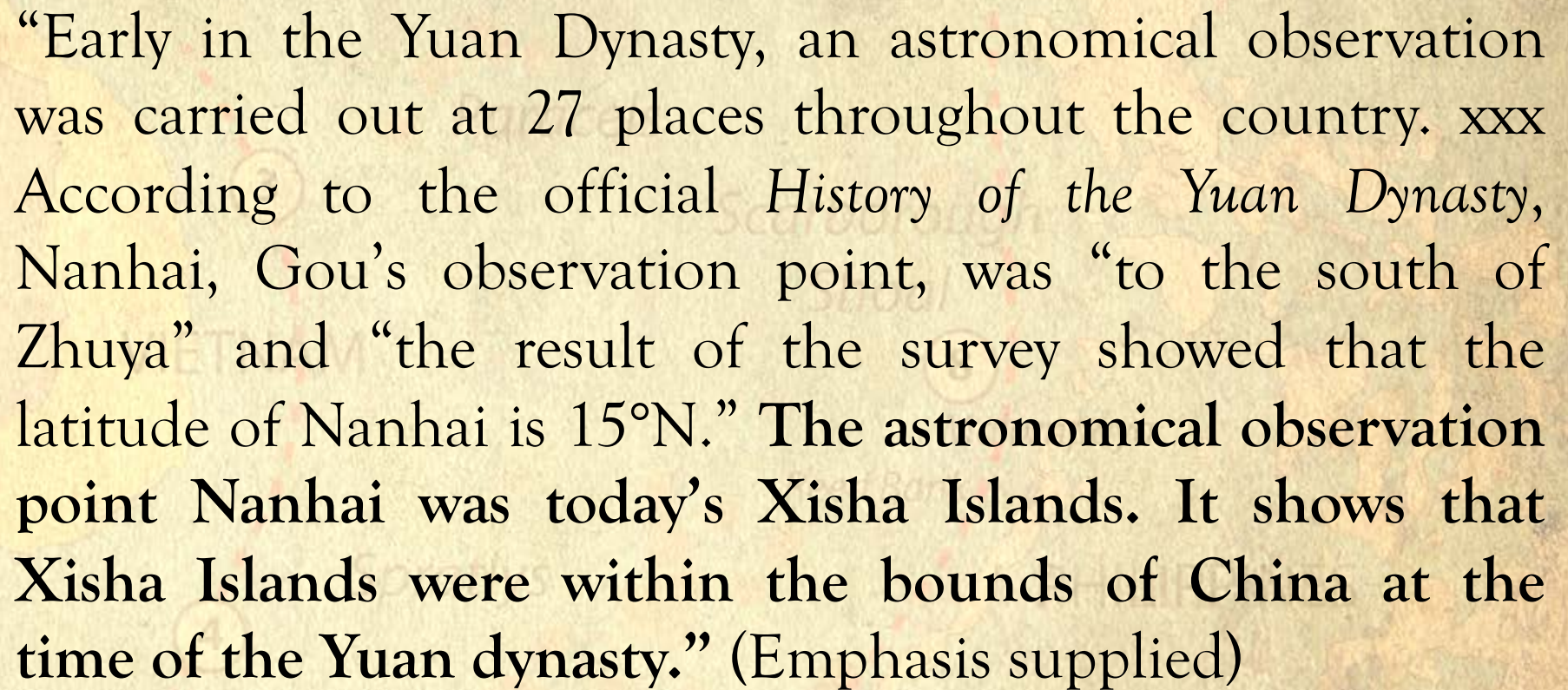
China's Indisputable
Sovereignty Over Xisha
And Nansha Islands

China's Indisputable
Sovereignty Over Xisha
And Nansha Islands.

●
Make Every Day Count
In the 80s

●
Mounting Tension on Kampu-
chean-Thai Border





“Early in the Yuan Dynasty, an astronomical observation was carried out at 27 places throughout the country. xxx According to the official *History of the Yuan Dynasty*, Nanhai, Gou’s observation point, was “to the south of Zhuya” and “the result of the survey showed that the latitude of Nanhai is 15°N.” The astronomical observation point Nanhai was today’s Xisha Islands. It shows that Xisha Islands were within the bounds of China at the time of the Yuan dynasty.” (Emphasis supplied)

Gaocheng Observatory

This 12.6 meter high stone observatory in Henan Province is the only extant astronomical observatory among the 27 that Guo Shoujing built during the Yuan Dynasty.





What is the legal basis of the Philippines' claim to Scarborough Shoal

The 1898 Treaty of Paris between Spain and the United States drew a rectangular line wherein Spain ceded to the United States all of Spain's territories found within the treaty lines. Scarborough Shoal lies outside of the treaty lines.

However, two years later, in the 1900 Treaty of Washington, Spain clarified that it had also relinquished to the United States “all title and claim of title, which (Spain) may have had at the time of the conclusion of the Treaty of Peace of Paris, to any and all islands belonging to the Philippine Archipelago, lying outside the lines” of the Treaty of Paris. Thus, Spain ceded Scarborough Shoal to the United States under the 1900 Treaty of Washington (*Treaty between Spain and the United States for Cession of Outlying Islands of the Philippines, signed November 7, 1900.*).

In 1938 the U.S. Had Already Determined Scarborough Shoal Is Part of Philippine Territory

When the issue of whether Scarborough Shoal forms part of Philippine territory, Secretary Cordell Hull of the U.S. State Department stated in his *Memorandum of July 27, 1938* to Harry Woodring, Secretary of War:

Because of the absence of other claims, the shoal should be regarded as included among the islands ceded to the United States by the American-Spanish Treaty of November 7, 1900*... In the absence of evidence of a superior claim to Scarborough Shoal by any other government, the Department of State would interpose no objection to the proposal of the Commonwealth Government to study the possibilities of the shoal as an aid to air and ocean navigation.

*Treaty of Washington; boldfacing supplied.

Source: A CNA Occasional Paper, *Philippine Claims in the South China Sea: A Legal Analysis*, Mark E. Rosen, JD, LL.M [citing François-Xavier Bonnet, *The Geopolitics of Scarborough Shoal*, available at www.irasec.com.] (2014)

From 1960s to 1980s, Scarborough Shoal was used by the American and Philippine military as an **impact range** for their warships and warplanes. *Notices to Mariners* were issued worldwide by American and Philippine authorities thru the International Maritime Organization of the United Nations whenever bombing runs were made. Not a single country registered any protest to these military activities.

Philippine Navy Notice to Mariners in September 1981

Bombing and gunnery exercise using live ammunition have taken place at 15 degrees 07 minutes North, 117 degrees 46 minutes East within 20 mile radius. The exercises are conducted more or less on a daily basis and likely to continue indefinitely.

LUZON, W. COAST - SCARBOROUGH SHOALS -
PC&GS Chart 4200

Bombing and gunnery exercises using live ammunition have taken place at 15 degrees 07 minutes North, 117 degrees 46 minutes East within 20 mile radius. The exercises are conducted ^{more or less} on a daily basis and likely to continue indefinitely.

All ships, watercraft, ~~and~~ aircraft and others concerned are advised to take necessary precaution from the above mentioned coordinate.

(FROM NAVAREA XI COORDINATOR: H D 63-81)

The Philippine Navy issued a *Notice to Mariners* on 18 September 1981 warning mariners that the U.S. Navy would undertake gunnery and bombing exercises in Scarborough Shoal.

Bureau of Coast and Geodetic Survey, Notice to Mariners, February 24, 1983

The Bureau of Coast and Geodetic Survey announces the following navigational warnings to all mariners and others concerned in surface navigation

The missile firing ranges are bound as follows:

Vessels may be requested to alter course within the above areas due to firing operations and are requested to monitor VHF Channel 16, 500 KHZ or other appropriate marine broadcast frequencies for details of firing schedules before entering above areas.

The Bureau of Coast and Geodetic Survey announces the following navigational warnings to all mariners and others concerned in surface navigation.

NAVPHIL. 24/83

LIECHU, NW. COAST - LIECHU SEA -
PCGS Chart 4705

Intermittent missile firing operations were reported February 1983 to take place 0001Z to 2400Z Monday through Sunday within OPAREAS RP/225 and RP/D-25A, at vicinity of Foro Pt., San Fernando, La Union.

The missile firing ranges are bound as follows:

RP/D-25

- a) 18 degrees 02 minutes North,
117 degrees 48 minutes East;
- b) 15 degrees 08 minutes North,
119 degrees 44 minutes East;
- c) 14 degrees 41 minutes North,
119 degrees 00 minute East;
- d) 17 degrees 33 minutes North;
117 degrees 04 minutes East;

RP/D-25A

- a) 15 degrees 30 minutes North,
119 degrees 30 minutes East;
- b) 16 degrees 10 minutes North,
119 degrees 30 minutes East;
- c) 16 degrees 30 minutes North,
119 degrees 35 minutes East;
- d) 16 degrees 30 minutes North,
120 degrees 05 minutes East;
- e) 16 degrees 37 minutes North,
120 degrees 11 minutes East;

- 2 -

- f) 16 degrees 44 minutes North,
120 degrees 03 minutes East;
- g) 18 degrees 00 minute North,
118 degrees 02 minutes East;
- h) 18 degrees 02 minutes North,
117 degrees 48 minutes East.

Vessels may be requested to alter course within the above areas due to firing operations and are requested to monitor VHF Channel 16, 500 KHZ or other appropriate marine broadcast frequencies for details of firing schedules before entering above areas.

Vessels inbound and outbound for Subic Bay and/or San Fernando Harbor are advised to monitor appropriate message traffic/broadcasts for schedule missile exercise firings.

(INFORMATION FROM ISMATIC DAILY MEMORANDUM NO. 28;
HYDROFAC 175/83(91))

Taiwan's President Ma Ying-jeou Statement

In September 2014, Taiwan's President Ma Ying-jeou, who belongs to the Kuomintang Party, which controlled the Chinese mainland government in 1947 that adopted the 9-dashed lines, clarified the extent of China's claim under the lines.

President Ma declared that the claim was **limited only to the islands and their adjacent 3 NM (now 12 NM) territorial sea**. President Ma unequivocally stated that there were **“no other so-called claims to sea regions.”**

This express clarification from Taiwan directly contradicts China's claim that China has **“indisputable sovereignty”** over all the waters enclosed within the 9-dashed lines.

President Ma Ying-jeou: A Law of the Sea Scholar

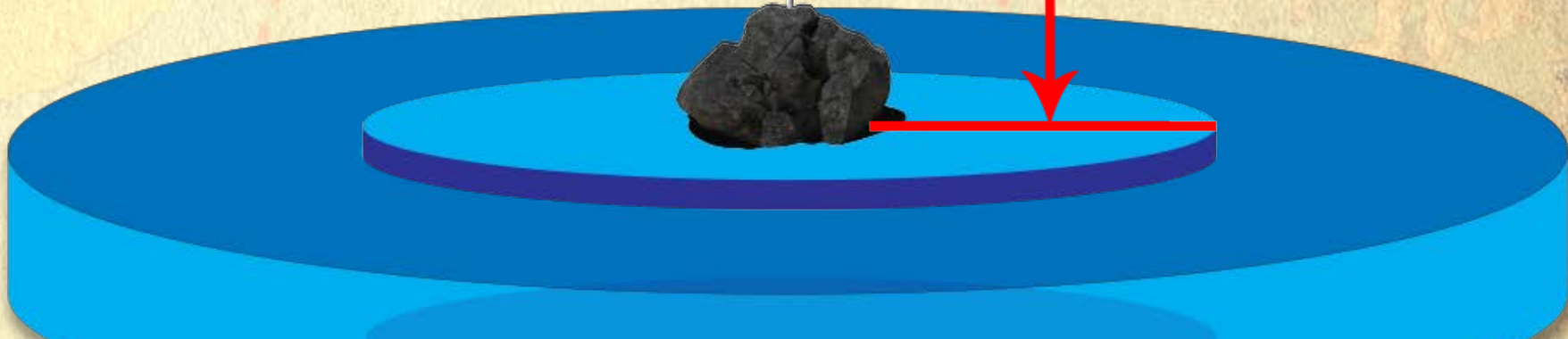
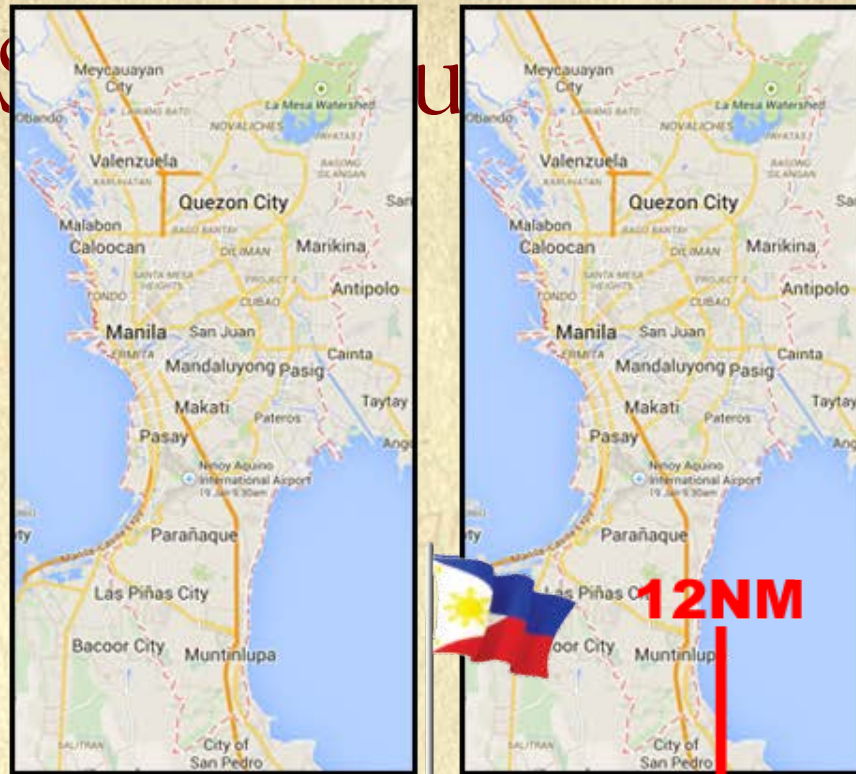
In an October 21, 2014 interview with the *New York Times*, President Ma, who earned an S.J.D. from Harvard University with specialty in the Law of the Sea, stated:

“There is a basic principle in the Law of the Sea, that land dominates the sea. Thus marine claims begin with land; however, even if it is logically this way, when resolving disputes, it is not impossible to first resolve resource development issues. xxx.”

Scarborough Shoal

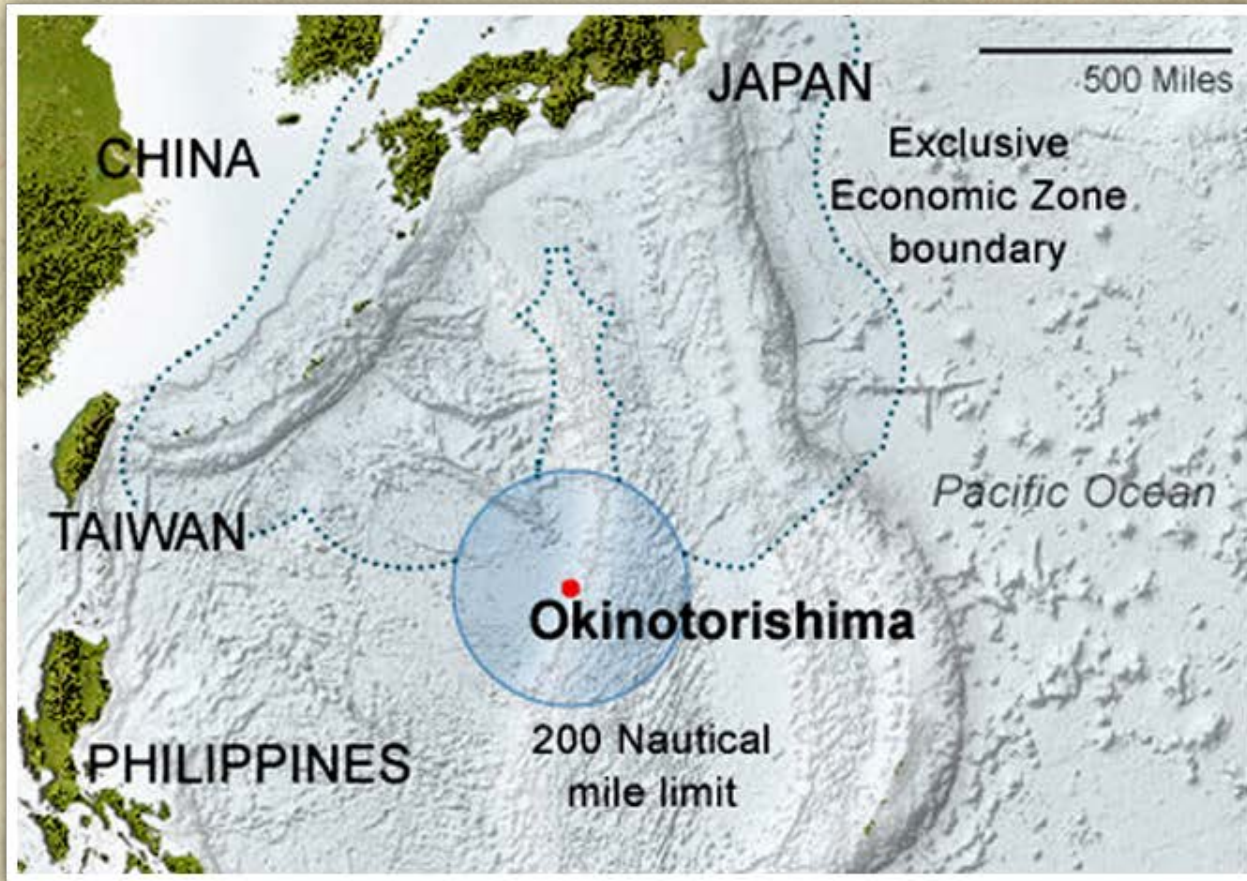


Why fight over rocks like Scarborough Shoal? What is the value of these rocks?



As an island, Scarborough Shoal is entitled to a 12 NM territorial sea around it. This amounts to 155,165 hectares of maritime space, more than twice the land area of Metro Manila of 63,600 hectares.

Okinotorishima



Japan's Okinotorishima Rock In Philippine Sea: Preventing Erosion of Tiny Rock



This rock is about 7 inches above water at high tide. Japan reportedly spent US\$600 million to prevent erosion in three Okinotorishima rocks.

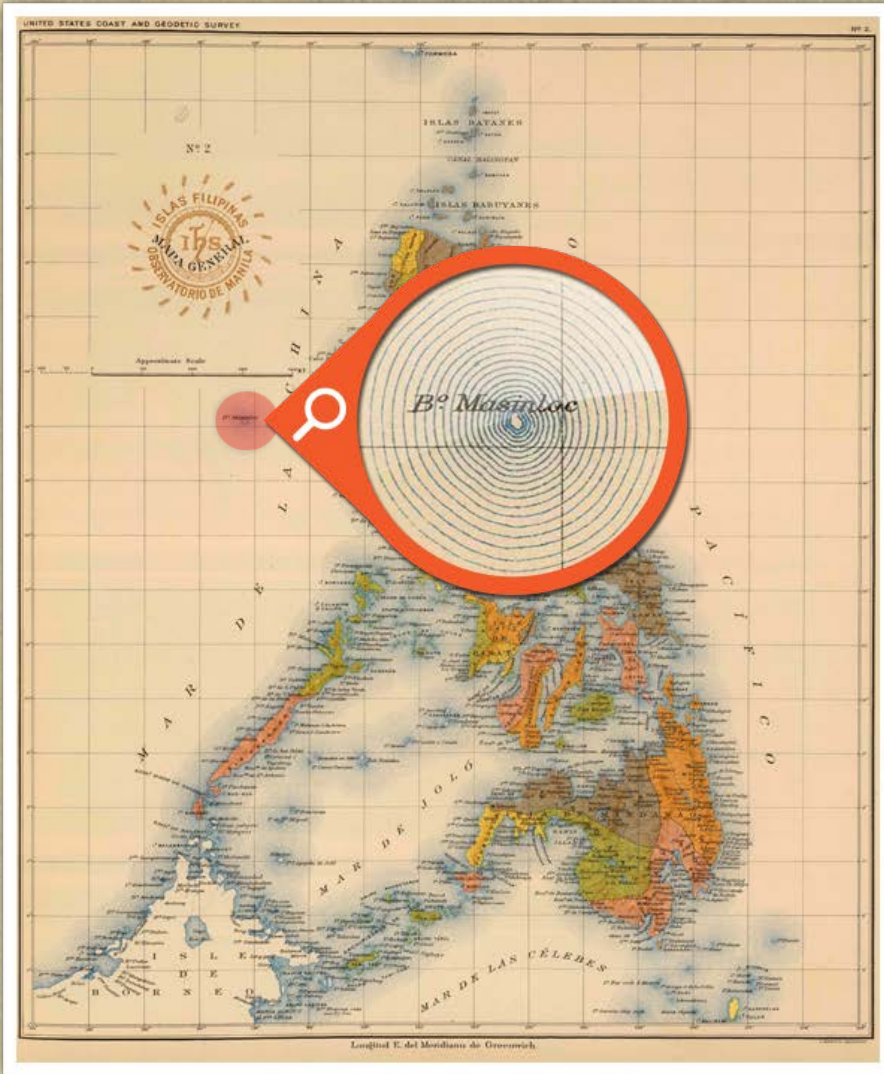
Why is it important to apply UNCLOS to the South China Sea dispute?

If UNCLOS does not apply to the South China Sea dispute, as when China's 9-dashed lines are allowed to gobble up the EEZs of coastal states as well as the high seas, then UNCLOS, the constitution for the oceans and seas, cannot also apply to any maritime dispute in the rest of the oceans and seas of our planet. It will be the beginning of the end for UNCLOS. The rule of the naval cannon will prevail in the oceans and seas of our planet, no longer the rule of law. There will be a naval arms race among coastal countries.

Conclusion: A Historic Battle

The Philippines today is engaged in a historic battle to defend over 500,000 square kilometers of its maritime space (EEZ and ECS) in the West Philippine Sea, an area larger than the total land area of the Philippines of 300,000 square kilometers. This huge maritime space is part of Philippine national territory since the Constitution defines the “national territory” to include **“the seabed, the subsoil, xxx and other submarine areas”** over which the Philippines has **“sovereignty or jurisdiction.”** Under UNCLOS, the Philippines has **“jurisdiction”** over this huge maritime space.

Can the Philippines prevent China from gobbling up this huge maritime space? All citizens of the Philippines - both government personnel and private individuals - have a solemn duty to prevent the loss of this huge maritime space. It is a duty to ourselves, and to future generations of Filipinos.



End

