

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



# 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 Ways of Addressing the WPS/SCS Issue**

# 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.**

# Our waters, our wealth



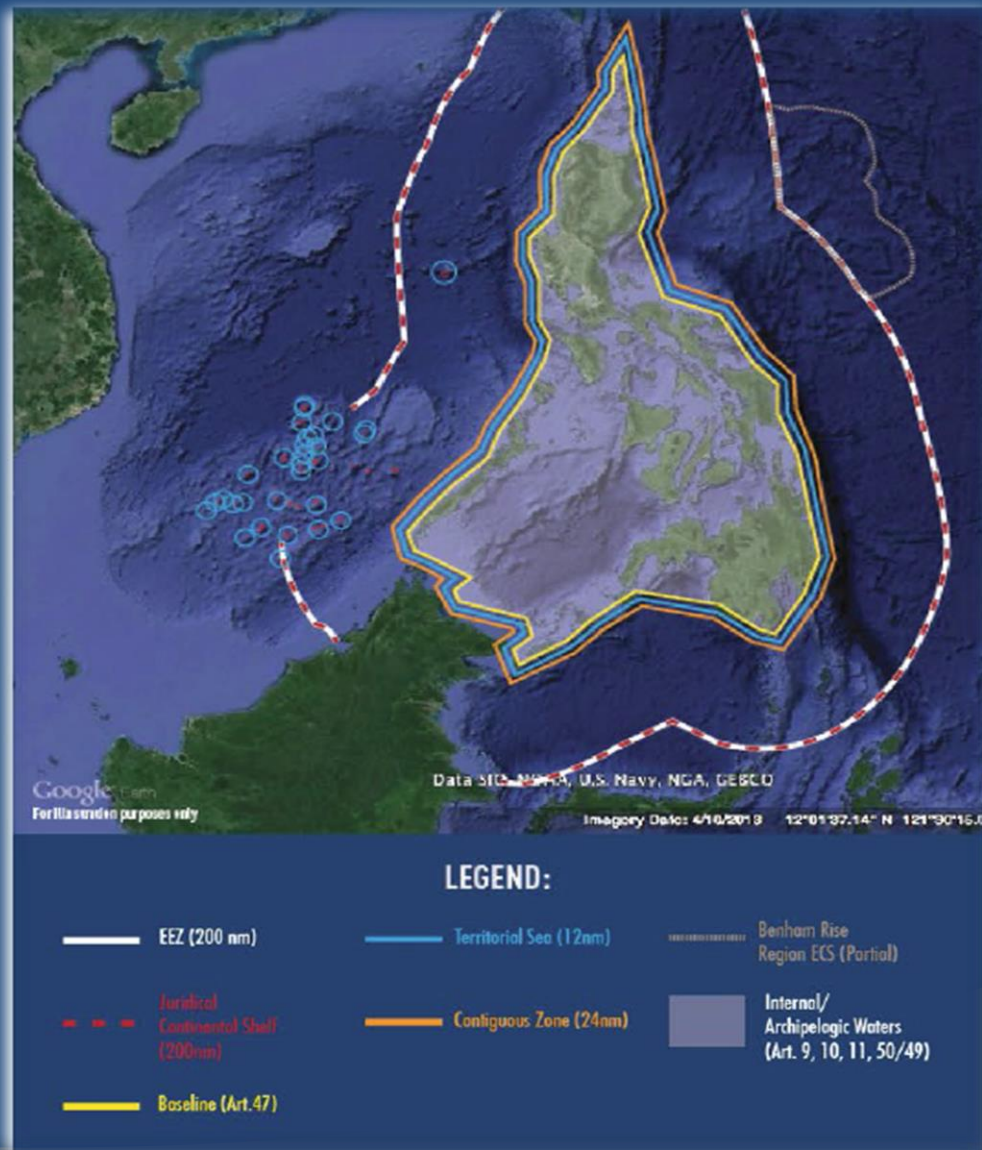
- PH is 2<sup>nd</sup> biggest archipelago in the world, after Indonesia.
- PH has 5<sup>th</sup> longest coastline in the world.
- 55% of PH's 1,490 municipalities are located along the coasts of the PH archipelago.
- PH's 7,107 islands make up only 1/6 of PH territory. The bigger part of PH (5/6) is a vast stretch of waters in and around these islands.

# Our waters, our wealth



- PH sits at the heart of the center of the marine biodiversity in the whole world, which is called the Coral Triangle.
- PH has 1,403,202 registered municipal fisherfolk.
- PH is 7<sup>th</sup> among countries in fish production and 3<sup>rd</sup> in aquatic plants (incl seaweeds).
- At least 5 million Filipinos depend on PH waters for livelihood.

# UNCLOS MARITIME ENTITLEMENTS, AS APPLIED TO PH





# CHINA'S NINE-DASH LINE

## DISPUTED REGIONS

China claims a wide swathe of the South China Sea and its islands.

- - - China's claimed territorial waters
- - - Exclusive Economic Zones
- Disputed islands



Image credits: [www.philstar.com](http://www.philstar.com)



# 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.**

# 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.

# Two tracks:



## Diplomatic Track

- early conclusion of a legally-binding Code of Conduct
- full and effective implementation of the 2002 DOC

## Legal Track

- Arbitration

# ARBITRATION CASE



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



# PH RESPONSE: ARBITRATION

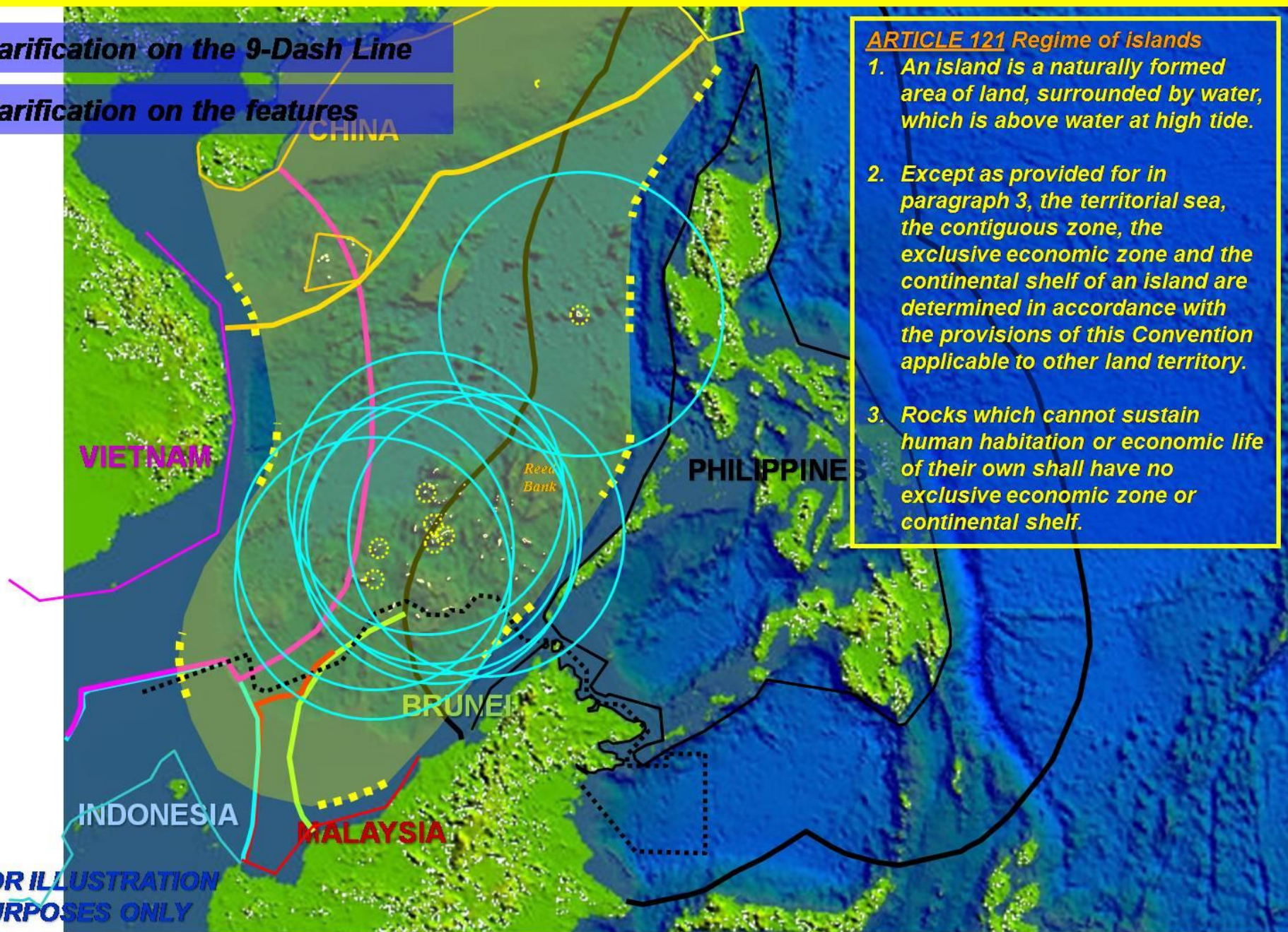
**Clarification on the 9-Dash Line**

**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.

**FOR ILLUSTRATION  
PURPOSES ONLY**



# ARBITRATION MILESTONES



- 22 January 2013 – PH initiated arbitral proceedings vs China
- 30 March 2014 – PH submitted Memorial to Arbitral Tribunal
- 16 December 2014 - Arbitral Tribunal sent questions for the Philippines to answer since China is not participating.
- 15 March 2015 – deadline for PH to submit answers to questions posed by the Arbitral Tribunal
- The oral hearings are scheduled from July 9 to 20, 2015.
- PH will be anticipating the issuance of the award between January and April 2016.



# KEY MESSAGE



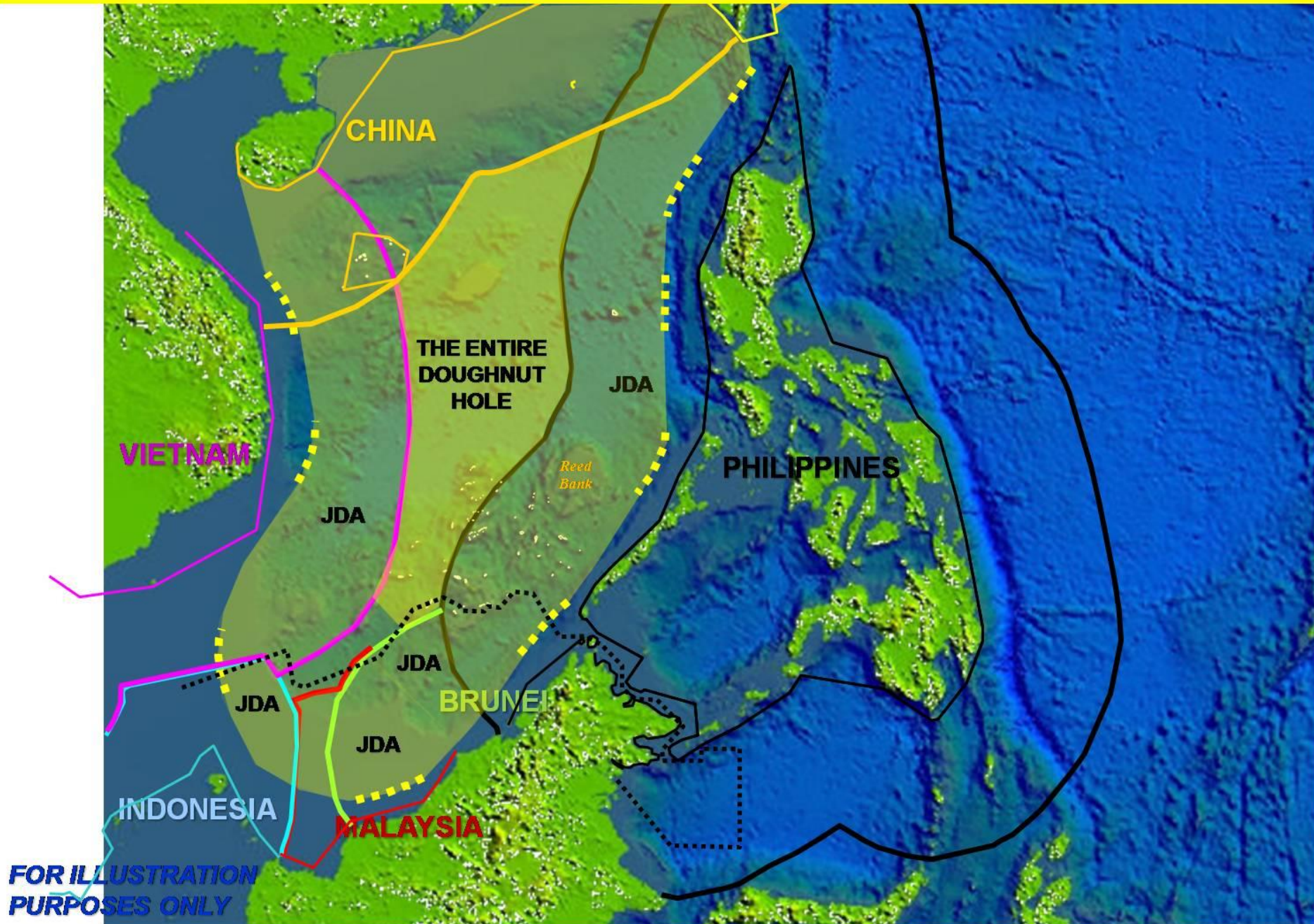
**We maintain that our dispute in the West Philippine Sea is not the sum total of our relations with China.**

# RESPONSE TO CHINA'S POSITION

China's position: PH should have pursued bilateral negotiations and consultations with China instead of filing an arbitration case.

China's position: PH should agree to China's Joint Development proposal.

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



# Why SCS is Important to AU

- ⦿ Australia's current position:
  - Does not take sides on sovereignty or territorial issues
  - Rules-based solution, including UNCLOS
  - Non-use of force or threat of force to resolve conflicts
  - Maintenance of freedom of navigation in the SCS
  - Support for the early conclusion of the Code of Conduct



# Why SCS is Important to AU

## ● Trade interests

- 50% of global trade travels through SLOCS
- Source of 10% of world's protein requirements
- Hydrocarbons – diverse estimates
- Marine environment resource

## ● Structural Interests

- the existence of uncontested global commons
- an international economy oriented towards development and free trade norms
- Australia benefits from the ascendancy, vitality and continuing evolution of a rational, egalitarian, rules-based international order.
- Australia has a structural interest in a benign strategic order in the Indo-Pacific Peninsula

## ● Relational Interests

- its alliance commitment to the United States.
- Australia's acceptance as part of the Asia-Pacific region



# SUMMARY