

# **THE SOUTH CHINA SEA ARBITRATION AS PRESIDENT AQUINO'S GREATEST LEGACY**

***By Ambassador Albert del Rosario  
Chair, Stratbase ADR Institute***  
***August 20, 2021***

**We contend that one of President Benigno S. Aquino III's greatest legacies to the nation is the Award on the South China Sea Arbitration rendered on July 12, 2016 by the Tribunal constituted under the United Nations Convention on the Law of the Sea.**

**There are those who think the Rule of Law in international relations does not apply to Great Powers. President Aquino rejected that view. International Law, he maintained, is the great equalizer among states as it allows small countries to stand on an equal footing with more powerful states. President Aquino believed that those who think "might makes right" have it backwards. It is exactly the opposite, in that right makes might.**

**We pursued a rules-based approach in our dispute with China in the South China Sea which had three tracks: the political, diplomatic and legal. The arbitration case was our last resort given that the political and diplomatic tracks failed to convince China to respect our country's rights and for China to comply with its obligations under international law.**

**Securing the Award had been the centerpiece of foreign policy during President Aquino's administration, and the Award will continue to be a centerpiece of Philippine foreign and security policy for the next administrations.**

**The South China Sea Dispute is an intergenerational challenge that will affect the lives of Filipinos and our Southeast Asian neighbors for decades to come.**

**Given the 10 months left in the Duterte administration, President Rodrigo Duterte, on the other hand, will leave a shameful legacy of squandering the Award in a misguided *quid pro quo* for Chinese loans and investments which have barely materialized to this day.**

**If securing the Award became the centerpiece of foreign policy of the Aquino administration, the Award is the hallmark of shame for the Duterte administration given President Duterte's efforts to undermine it since the start of his term to the prejudice of his countrymen.**

**We recall that, when the Award was rendered in 2016 at the start of President Duterte's term, there was already an order from Malacañang to "downplay" the Award for fear of displeasing China. We can see, in retrospect, how this event portended a treasonous policy of the Duterte administration of "setting aside" the Award.**

**President Duterte has chosen China over Filipinos because he believes Chinese President Xi Jinping is protecting his Presidency in the Philippines.**

**This national treachery would require serious evidence were it not for President Duterte's own admission in 2018 that he "loves Xi Jinping" and his public declaration of Xi Jinping's promise that Xi Jinping will not "allow [President Duterte] to be taken out from...office..."**

**Thus, it is incumbent upon us Filipinos to protect what is ours for the sake of our children and our country.**

**In this coming 2022 elections, we must vote for leaders who will put Filipinos first before China, money and power.**

**At this point, however, what must be done is clear. Given the limited time I have in this forum, let me mention three points.**

**First is adherence to the Rule of Law. The Award is the product of UNCLOS and international law. The Award must be consistently raised before the United Nations General Assembly every year and whenever we can in other international fora. This is when we rely on the UN and other international institutions to serve not only as the primary promoter of the rule of law but also the court of world public opinion.**

**Second is our security. The Award defined what is ours and what is part of the world's commons. We should protect what is ours in the West Philippine Sea by relying on the skill, courage and patriotism of our Navy and Armed Forces, which are capable of developing a credible minimum defense posture against China or any bully or aggressor.**

**Moreover, we must conduct joint patrols and join the Freedom of Navigation exercises of nations like the US, UK, Germany, France, Japan and Australia because they reinforce the norm that there are areas in the South China Sea that are open to the world and does not solely belong to China.**

**Third is the environment. The Award found that China is responsible for having inflicted the most massive, near-permanent and devastating destruction of the marine wealth in the South China Sea, through the building of its artificial islands and military installations. We must make China accountable for this atrocity inflicted on humanity.**

**The University of the Philippines Marine Science Institute conservatively estimated that our country is losing at least P33.1 billion annually from our damaged reef ecosystems due to China's reclamation activities and illegal fishing operations. This sums up to P264.8 billion since the start of 2014 (around the time China started dredging) until the end of this year. This money may be used to save our fish and rehabilitate the marine ecosystem destroyed by China in our waters.**

**Having said these, please allow us to say that we are forever grateful to President Aquino for making the principled and courageous decision to sue China before an international tribunal to defend the rights of his countrymen under international law.**

**As Secretary of Foreign Affairs during that time, I was given the privilege of implementing such a decision to sue China before an international tribunal.**

**Now that we have secured the Award, we are faced with the immense challenge of enforcing the Award, through means which include the three points we mentioned.**

**As a nation, we should regain our ground in protecting the West Philippine Sea. As we go into the 2022 elections, we should be discerning in our choice of leaders who have genuine love for our country.**

**Conversely, the Filipino people should reject candidates whose motives are corrupt and are running for purposes of self-aggrandizement.**

**Former Ombudswoman Conchita Carpio Morales is fond of quoting Cicero to deliver this message. Please allow me to read you this quote attributed by Taylor Cladwell to Cicero because it resonates within us under the present circumstances:**

***“A nation can survive its fools, and even the ambitious. But it cannot survive treason from within.***

***For the traitor appears not a traitor – He speaks in the accents familiar to his victims, and he appeals to the baseness that lies deep in the hearts of all men.***

***He rots the soul of a nation – he works secretly and unknown in the night to undermine the pillars of a city – he infects the body politic so that it can no longer resist. A murderer is less to be feared.”***

**And so, to all Filipinos everywhere: Let us be vigilant against traitors in our midst. We know who you are and whom you have embraced with your undying love to the detriment of our country’s patrimony.**

**Thank you ladies and gentlemen for your most kind attention. END**