

**“GOVERNMENT MUST LISTEN TO ITS PEOPLE:**

**PRIMACY IN OUR WATERS”**

***OPENING REMARKS BY AMB. ALBERT DEL ROSARIO***

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**Exactly three years ago, on the 12<sup>th</sup> of July 2016, the Tribunal constituted under the United Nations Convention on the Law of the Sea or UNCLOS declared that China’s claims to historic rights, or other sovereign rights or jurisdiction, with respect to the maritime areas encompassed by its “nine-dash line” defy and violate international law.**

**We succeeded in invalidating China’s “nine-dash line” and in clarifying our entitlements including our Exclusive Economic Zone (EEZ).**

**This was a huge victory for our country and the international community, as it signaled the triumph of the rule of law in one of the most important bodies of water on Earth, *i.e.*, the South China Sea.**

**However, the problem we face today is that the Award we won has been shelved, resulting in more unlawful acts of intimidation and bullying in the South China Sea. As recent as Monday this week, the President said that his verbal agreement allowing the Chinese to fish in our EEZ is “constitutional” despite the clear constitutional mandate that says the “use and enjoyment” of our EEZ is “reserved...exclusively to Filipino citizens.”**

## **I. AN IMPEACHABLE OFFENSE**

**What then should we as Filipinos do?**

**On this note, I would like to share with you interesting statements lifted from the transcript of President Duterte's October 16, 2016 departure speech, as he embarked on his State visits to Brunei Darussalam and China**

**President Duterte said:**

***“[M]any are wondering how I would deal with China on the matter of the China Sea or West Philippine Sea.***

***We will stick towards our claim. We do not bargain anything though. We continue to insist that it's ours and that the Tribunal, the international decision will be taken up and, but there will be no hard impositions.***

***We will talk and we will, maybe paraphrase everything in the judgment and set the limits of our territories, the special economic zones. It will be— no bargaining there. It is ours and many of you are just—wanting to ask the question.***

***That is it. No bargaining of our territories whether within the turf or to the 200, it will remain a special concern and I will be very careful not to bargain anything for after all I cannot give what is not mine and which I am not empowered to do by any sketch of imagination.***

***....”***

**Then Mr. Ian Cruz from GMA 7 asked:**

***“Sir, according to Supreme Court Senior Associate Justice Antonio Carpio, if you concede the sovereign claims over Scarborough Shoal, you could be impeached. What’s your reaction, sir?”***

**President Duterte replied:**

***“He is correct. I would be impeached; it’s an impeachable offense. I do not fight with that statement. It’s all correct, it’s all legal and so I agree with him.***

***I said we cannot barter which is not ours, it belongs to the Filipino people. I cannot be the sole authorized agent for that is not allowed under the Constitution. Tama siya.***

**We believe that this position of the President is what the people want not only in Scarborough Shoal, but also in our EEZ, which includes the West Philippine Sea. It is consistent with the Constitution and puts the interests of the Filipino people first. To paraphrase the President, he cannot be the “sole authorized agent” to share with the Chinese, our EEZ that belongs exclusively to the Filipino people.**

**In fact, the President and the military are constitutionally mandated to secure the integrity of our national territory which includes our EEZ and the West Philippine Sea.**

## **II. INVITING MORE QUESTIONS**

**If there is an agreement with China to fish in our EEZ, either written or unwritten, we believe this raises the following vital questions:**

- 1) Is this to be viewed as a successful Chinese invasion without a shot being fired?**
- 2) Is this now a Philippine policy?**
- 3) Is this not a clear violation of our Constitution that mandates our President and our military to defend what is ours?**
- 4) To what extent will this adversely diminish or nullify what we had won in our arbitral tribunal victory?**

**5) To what extent will this embolden the Chinese militia vessels to further bully our fishermen? And what is to happen to our poor fishermen? Will our Filipino fishermen be continually persecuted or prevented from fishing in our West Philippine Sea?**

**6) Can we be assured that our lawful rights to oil and gas within our EEZ are being fully protected?**

**7) With China's artificial island building, the massive destruction of the marine environment and now this, how much faster will it take to exhaust the fish resources?**

**8) And when will we stop giving our northern neighbor primacy over that of our own people? When will Filipinos be FIRST and not LAST, in our own country?**

### **III. GOVERNMENT MUST LISTEN TO ITS PEOPLE**

**I think the Filipino people deserve answers to these questions.**

**The Government must listen to its people. Ninety-three (93) percent of Filipinos – [according to a recent Social Weather Stations/SWS survey<sup>1</sup>] -- think it is important for the Philippines to regain control of the artificial islands built by China in the West Philippine Sea. This 93% is four points higher than the December 2018 survey result, and steadily has been increasing.**

**Similarly, 92% of Filipinos think it is right to strengthen the Philippines' military capability, especially the Navy, and 83% of Filipinos support bringing these issues to the United Nations, the Association of Southeast Asian Nations, or other international organization.**

**In contrast, the same survey found that 80% of Filipinos were satisfied with President Duterte's performance.**

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<sup>1</sup> The sampling error margins are at  $\pm 3\%$  for national percentages



#### **IV. EXACTING ACCOUNTABILITY**

**Given the current administration's decision to shelve the Award, former Ombudswoman Conchita Carpio-Morales and I took the initiative of filing a communication before the International Criminal Court on March 15, 2019 for the wrongful acts of Chinese officials not only against Filipinos, but also against our neighbors in the South China Sea. This ICC Communication is a means of enforcing the Award because it is meant to exact accountability for the actions committed by Chinese President Xi and others, already found unlawful by the Award.**

**Given the unfortunate decision to shelve the Award, it falls on us ordinary Filipinos to find creative and viable means to enforce the Award, so we may be able to defend and preserve our national patrimony – including our West Philippine Sea, not only for ourselves, but for our children and those yet unborn.**

## **V. THREATS OF WAR**

**Finally, To the deep dismay of our people, however, our government has persisted in allowing China to deprive our citizens of what is ours by continuing to shelve the tribunal outcome. We are still succumbing to threats of force including a threat of war. Surprising as it may sound, according to Professor Amitav Acharya of the American University, war is not even a good option for China.**

**Its economy is heavily reliant on global trade, including its fuel supply, which needs open shipping lanes such as the Malacca Strait and the Indian Ocean which are dominated by US naval power.**

**With the recent clearer security guarantee definition provided by the U.S., it may not be necessary therefore to shrink to China's threat of war.###**