

DEMANDING JUSTICE FROM CHINA

***By Ambassador Albert Del Rosario
Chair, Stratbase ADR Institute
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As the world struggles with the COVID-19 pandemic, today reminds us that it has been exactly a year after agents of the Chinese State rammed into a small wooden fishing boat called the F/B Gem-Ver 1 in Reed Bank, manned by our fellow countrymen who were only there fishing for a living.

This terrible incident should not be forgotten in our national memory, as it is a tangible fragment of China's bigger design of atrocity to control the entire South China Sea which began since the 1940s.

Just last April this year and in the midst of the COVID-19 pandemic, agents of the Chinese State again rammed and sunk a Vietnamese vessel near the Paracels—reminding us of what happened to our countrymen a year ago. Thankfully, our Department of Foreign Affairs saw it fit to issue a statement of solidarity with our Vietnamese neighbors, recalling that it was our Vietnamese friends who helped save the lives of our distressed Filipino fishermen of F/B Gem-Ver 1 in Reed Bank.

The moment we forget is the moment we cave in to persistent Chinese atrocity; it is the moment we lose ourselves as Filipinos. The act of remembering is crucial in order for us to stand up for our rights in the face of persistent bullying and injustice.

As we celebrate Independence Day on June 12, we need to be reminded of this fundamental principle: We Filipinos must always remember to stand up for our rights.

China does not see us as having equal rights. China pretends to be a friend while seizing our territory, reclaiming and building artificial islands on our land and waters, harassing our soldiers and ramming our fishermen. These acts are too atrocious to be brushed aside in favor of loans and investments. Have we, as Filipinos, reached this point that our sovereignty can simply be bought?

Last July 12, 2016, as a firm believer in the Rule of Law, Filipinos vindicated their rights against the continuing abuses of China in the West Philippine Sea through the UNCLOS Arbitration Award won in The Hague. Part of this Award is the unanimous finding that China inflicted the most massive, near permanent and devastating destruction of the marine wealth belonging to Filipinos in the West Philippine Sea.

In other words, China owes Filipinos billions of pesos for its continuing abuses in the West Philippine Sea. More than half of our country's 110 million Filipinos live in coastal communities, relying on marine resources for their daily needs.

As highlighted by Justice Tony Carpio and Senator Risa Hontiveros, our country's best and brightest scientists at the University of the Philippines Marine Science Institute (UP MSI) "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 P231.7 Billion since the start of 2014 (around the time China started dredging) until this year.

China refuses to pay its debt to the Filipino people. How will we make China pay?

First, to make Chinese officials pay criminally, former Ombudswoman Conchita Carpio Morales and I submitted a Communication to the International Criminal Court on March 13, 2020 to show that President Xi Jinping, Foreign Minister Wang Yi and former Chinese Ambassador Zhao Jinhua, among others, committed crimes against humanity for destroying the marine wealth and food security of Filipinos in the West Philippine Sea.

This case is a work-in-progress as we will address the concerns raised by the ICC prosecutors regarding ICC's jurisdiction.

Second, to make China pay monetarily, Philippine authorities have the right to seize assets and properties owned by Chinese State in the Philippines to satisfy China's debt to the Filipino people. Included in these possible assets are the Chinese government's interests in the National Grid of the Philippines and China Telecom as the "Third Telco" in our country. China can be held accountable here in our country and our Philippine government, as representatives of the Filipino people, needs to stand up for our legitimate rights.

The lawful seizure of Chinese assets in an injured State's jurisdiction to satisfy what China owes for damages should be considered by Vietnam, Indonesia, Malaysia and Brunei which are similarly affected by China's wanton environmental destruction. It should also be considered by others like the United States, Australia and Europe which claim to have been injured by China in the context of the COVID-19 pandemic.

Finally, I respectfully call on our Government to listen to its people. Survey studies consistently show an almost steadfast belief among the Filipino people to fight for what is ours. In a recent SWS survey: nine out of ten Filipinos believe that the Philippines should regain control of the

artificial islands in the West Philippine Sea; nine out of ten Filipinos believe that the Philippines should strengthen its military capability especially the Navy; and eight out of ten Filipinos believe that the Philippine Government should raise the issue of the West Philippine Sea to the United Nations and ASEAN.

As representatives of the people, it is incumbent upon our Government to uphold the wishes of Filipinos. It is also time for us Filipinos to protect ourselves from China's continuing predatory and abusive practices. Despite China's clear disrespect of our country's rights, our government continues to welcome China, while other countries such as Australia, Japan, India, the US and the European Union recently enacted measures to prevent China from taking over their strategic and vital industries like energy, technology and media telecommunications. After the economic contraction brought by the Covid-19 pandemic, wealthier Chinese investors eye a bigger slice of Manila and our country by taking advantage of a price drop in real property and company valuations — driving Filipinos away from their own land and businesses.

As we gather here today to remember the terrible incident of F/B Gem-Ver 1, we should not forget the lessons of our history. Since the 1980s, China has been illegally seizing from Filipinos parts of the West Philippine Sea like Subi Reef, Mischief Reef and Scarborough Shoal. These reefs and

**shoals are irreplaceable and have immense economic and strategic value belonging to generations of Filipinos. Philippine authorities should respond by lawfully seizing China's assets in the Philippines. When will our government listen to its people and stand up for our legitimate rights?
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