



**The RULE OF LAW in the
SOUTH CHINA SEA**

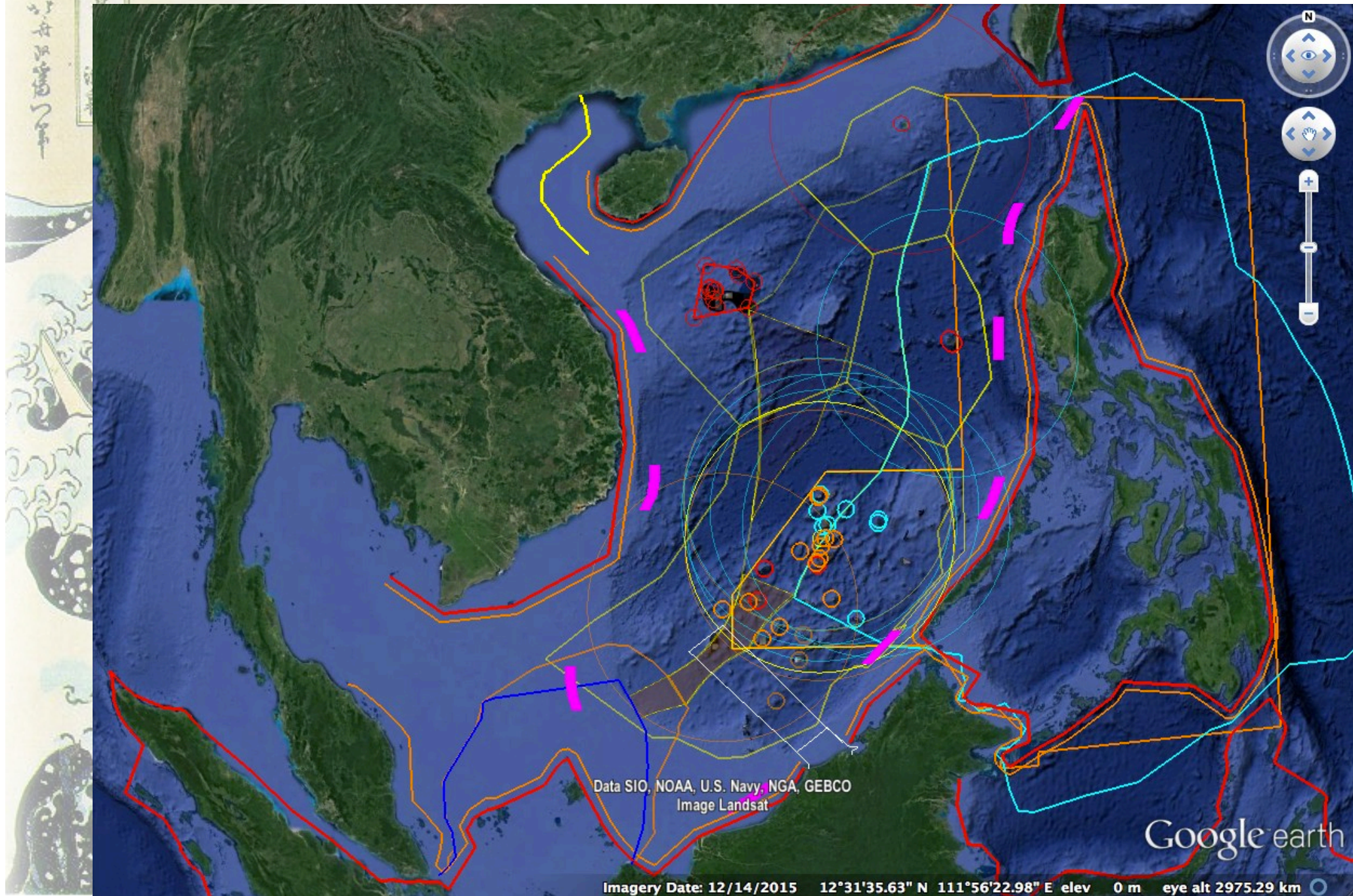
Possible Futures, Potential Options

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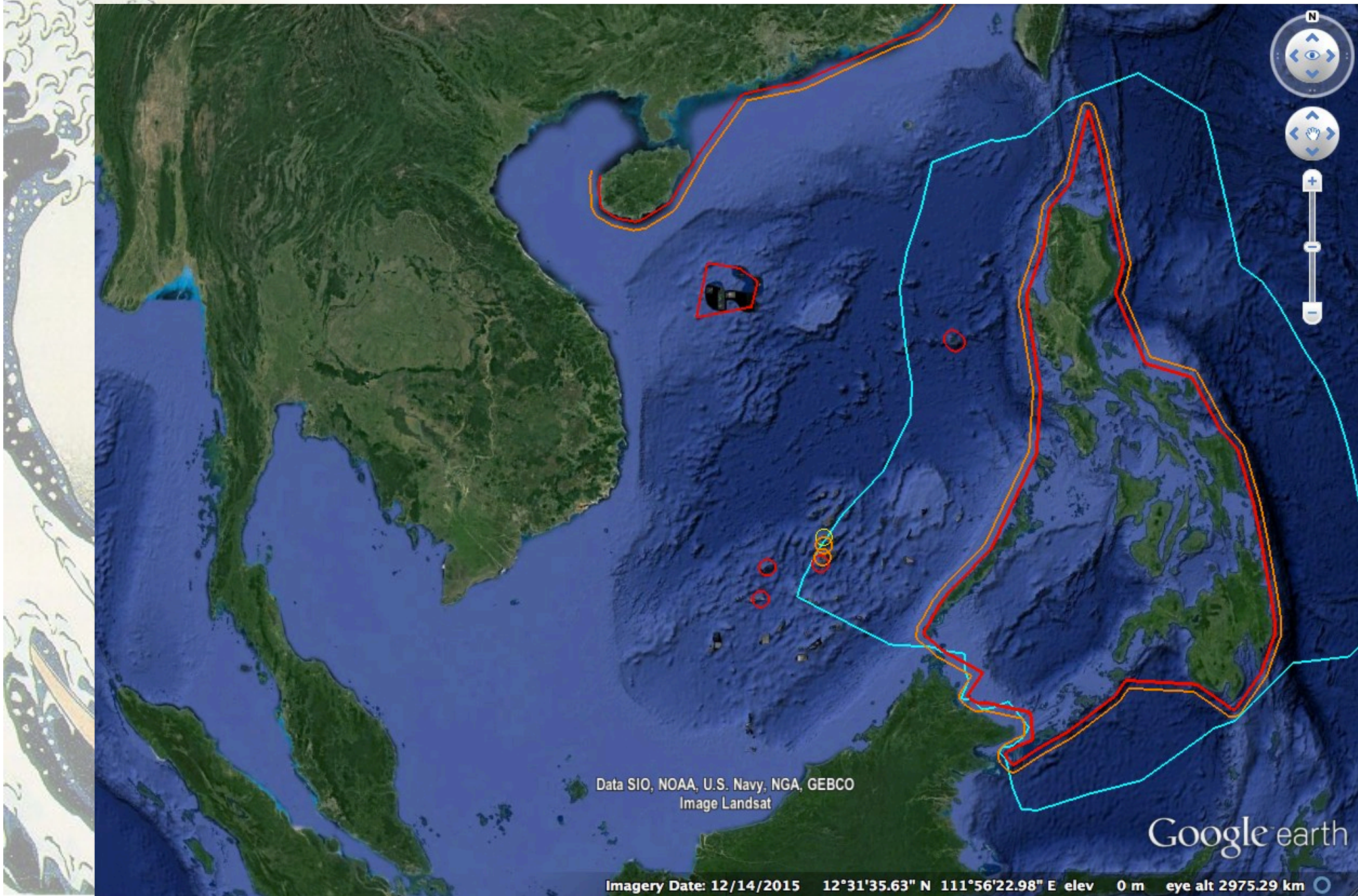
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SCS Disputes (2009)



Philippines v China (2016)

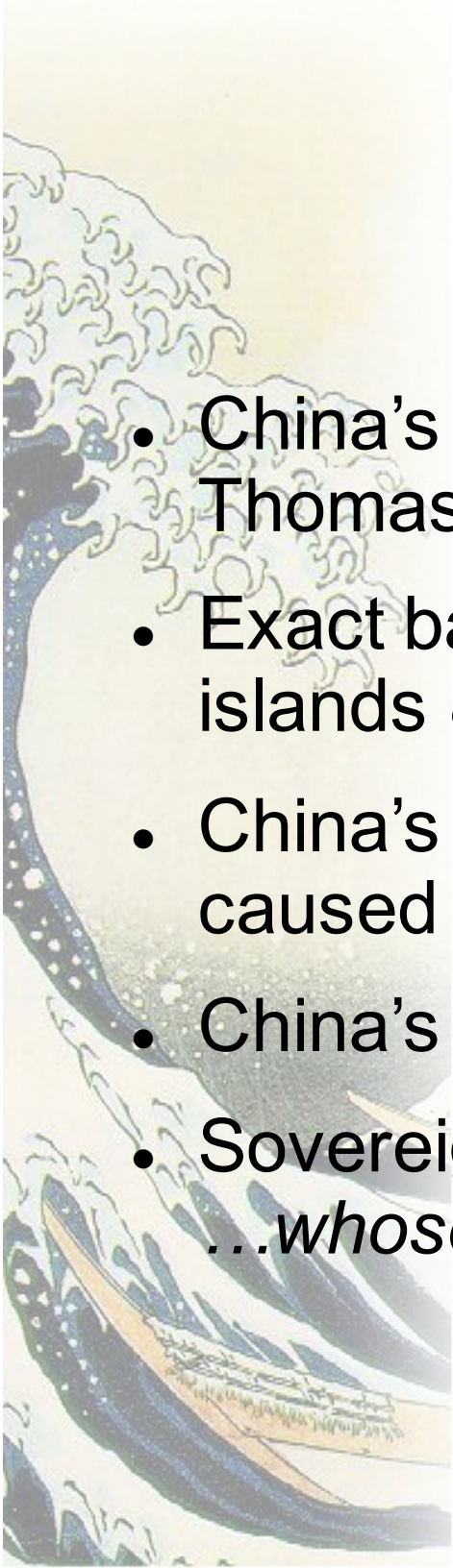


Key Rulings

- Nature of China's claim in the SCS (9DL as claim to historic rights to natural resources)
- Such claims can exist at most within EEZ/CS of China, but not within EEZ/CS of Philippines
- No potential EEZ/CS from Spratly Is./ Scarborough Shoal
- Mischief Rf part of PH EEZ/CS
- China maritime assertion activities (eg, harassment of vessels, construction of artificial islands) undertaken between 2012-2016 contrary to international law

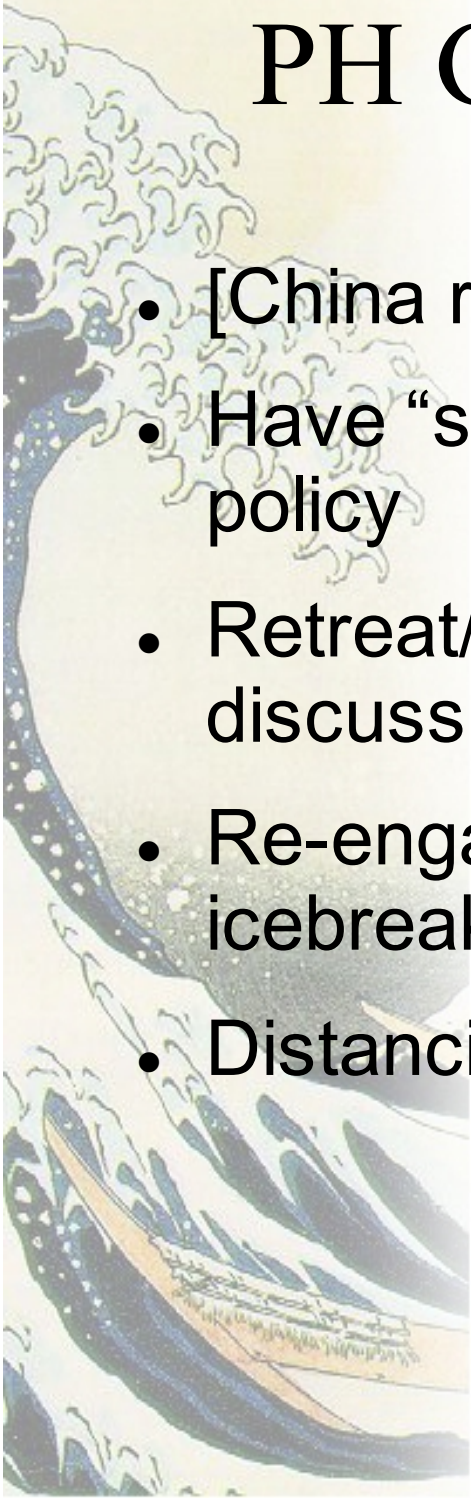
Unresolved Issues

- China's maritime assertion activities around Second Thomas (Ayungin) Sh ...*military activities!*
- Exact baselines & 12nm maritime boundaries around islands & rocks ...*which ones?*
- China's international liability/responsibility for damage caused ...*how much, payable or not?*
- China's artificial islands ...*now what?*
- Sovereignty over Scarborough Sh, Kalayaan Is ...*whose?*



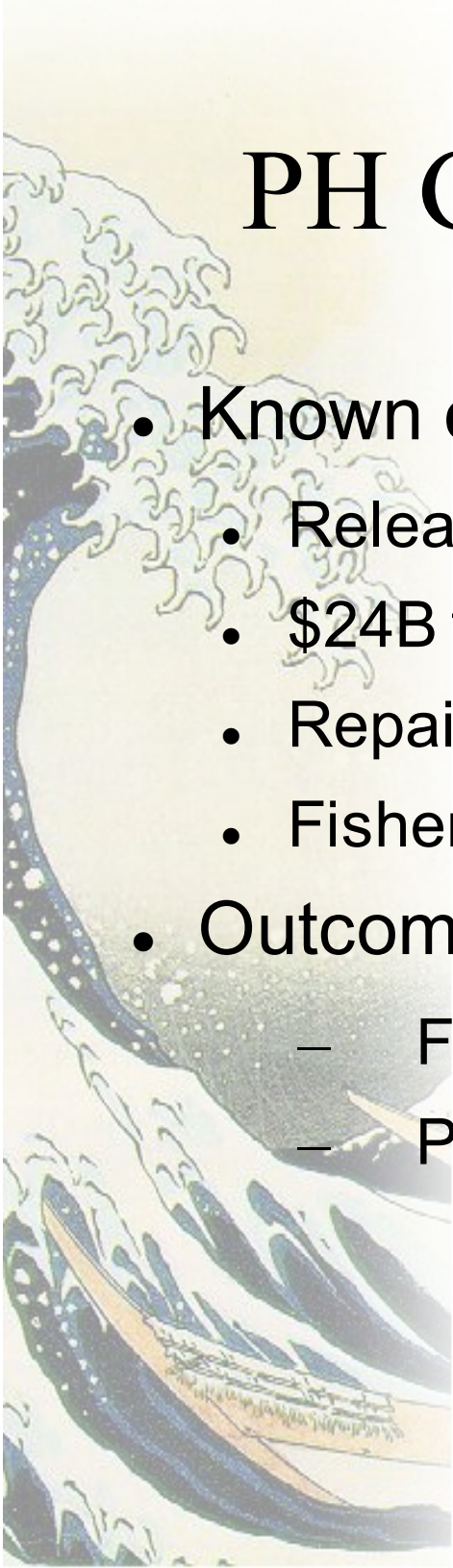
PH Gov't Post-Arbitration Actions

- [China rejects Award]
- Have “soft landing” with China; “don’t taunt or flaunt” policy
- Retreat/soft-peddalling from open multi-lateral discussions (ASEAN, UN)
- Re-engagement in closed bilateral negotiations (FVR icebreaker, PRRD State visit)
- Distancing from US, entreating China, affirming Japan



PH Gov't Post-Arbitration Actions

- Known outcomes
 - Release of PH-CN tensions
 - \$24B funding/investment pledges from China
 - Repair of PH-CN relations
 - Fishers/gov't access to Scarborough Sh
- Outcomes pending
 - Fishing in/around Spratly Is.
 - Petroleum exploration in Reed Bank, other areas



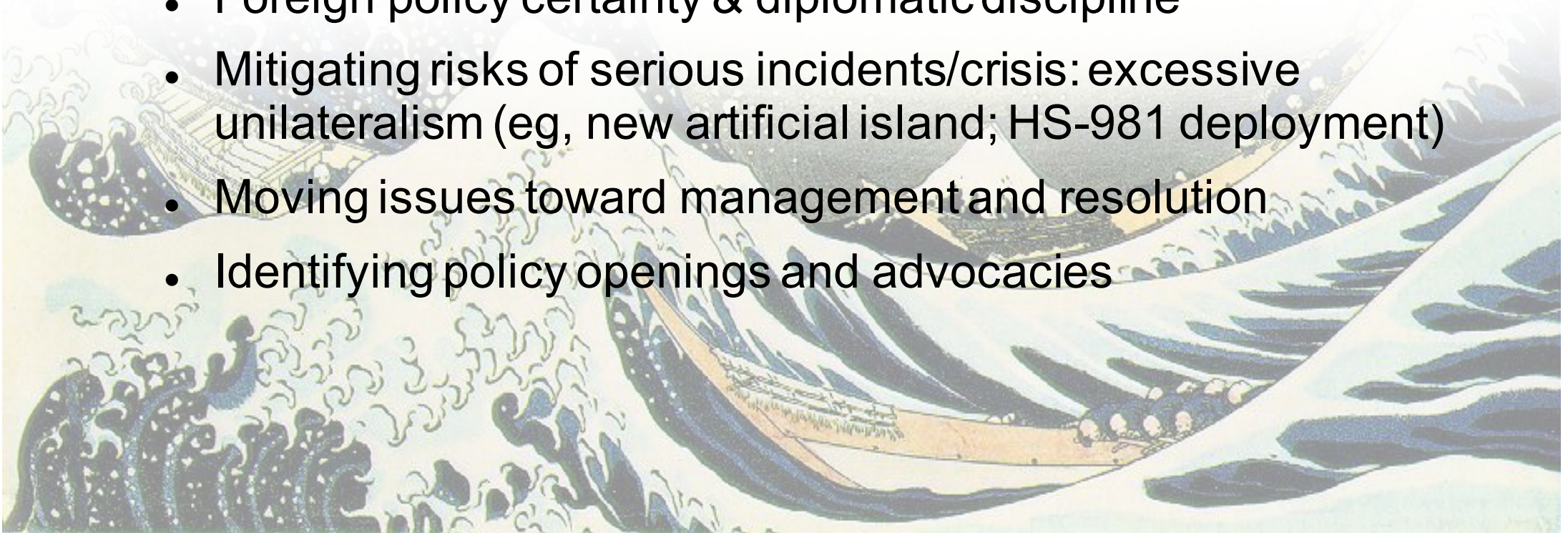


Related Geopolitical Developments

- China competing pressures
 - economic slowdown, shifts, re-adjustment
 - Belt and Road Initiative commitments
- US Trump Presidency
 - economic re-orientation inward (?)
 - “peace through strength” in the Asia Pacific (?)
 - Harder-edge military policy, and/or “grand bargain” scenarios
 - North Korea situation
 - social restiveness

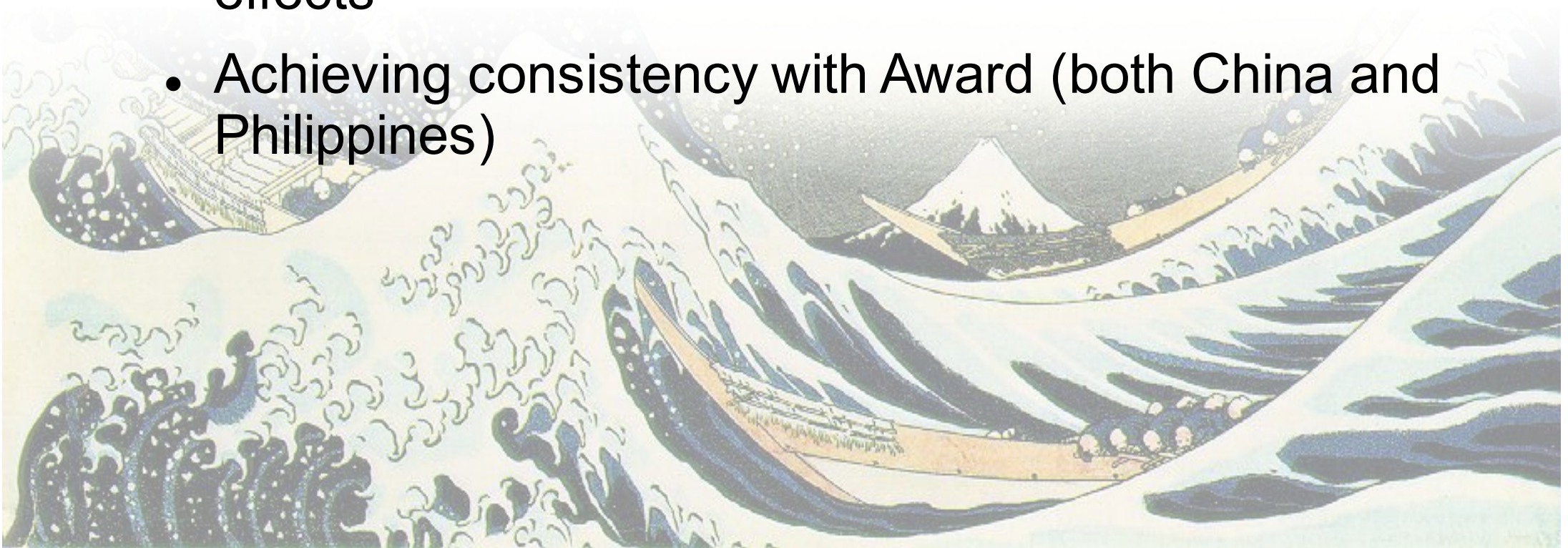
Challenges for the Philippines

- In general: anticipating potential futures & possible options, determining decision-paths
- Constraints: changing geopolitical seascape
- Needs for the SCS:
 - Foreign policy certainty & diplomatic discipline
 - Mitigating risks of serious incidents/crisis: excessive unilateralism (eg, new artificial island; HS-981 deployment)
 - Moving issues toward management and resolution
 - Identifying policy openings and advocacies



Challenges for the Philippines

- Goals:
 - Preserving gains from arbitration: pursuit/protection of EEZ/CS rights
 - Management of sovereignty disputes/collateral effects
 - Achieving consistency with Award (both China and Philippines)



Thank you very much!

