

Philippines wins arbitration case vs. China; throng rejoice

Written by MANNY CABALLERO
Friday, 15 July 2016 18:22



Victory celebration in Manila led by Rogelio “Vonz” Santos, Jr. (center), formerly of New Jersey.

Exclusive to the Filipino Reporter

In a landmark decision, the Permanent Court of Arbitration (PCA) in The Hague rejected China’s claim of ownership of the South China Sea (referred to as the West Philippine Sea by the Philippine Government).

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The PCA unanimously ruled in favor of the Philippines' pleadings and positions filed with the Court in 2013.

The Tribunal concluded there was no legal basis for China to claim historic rights to resources within the sea areas falling within the "nine-dash line" unilaterally created by China during the early days of the arbitration case.

The Tribunal, in effect, ruled that China's "nine-dash line" was invalid and, therefore, illegal under International Law and under UNCLOS.

The PCA ruled unanimously in favor of the Philippines' position that it has sovereignty and exclusive rights over the Philippines economic zone as defined in UNCLOS or the United Nations Convention on the Law of the Sea which provides that a coastal state needs to have land before they can claim rights to the sea.

This international treaty has been signed and ratified by both the Philippines and China.

Thus, the PCA found "that China had violated the Philippines' sovereign rights in its exclusive economic zone by (a) interfering with Philippine fishing and petroleum exploration, (b) constructing artificial islands, and (c) failing to prevent Chinese fishermen from fishing in the zone."

The PCA also found "that China had caused severe harm to the coral reef environment and violated its obligation to preserve and protect fragile ecosystems" in the South China Sea when they did massive reclamation and constructed artificial islands.

(It is now evident that the purpose why China "manufactured" artificial islands was in order to circumvent the UNCLOS provision requiring a state to have land before claiming rights to the sea.)

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Filipinos around the world rejoiced over the Philippine victory.

No post-decision comment was attributed to newly-sworn President Rodrigo Duterte except a statement from Malacañang which said the Philippines was pleased with the results of the arbitration case against China.

Apparently, this quiet posture was in anticipation of negotiations in the future between the two countries.

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Philippine citizens celebrate the Philippines' victory in an arbitration case against China at the United Nations Headquarters in New York City on July 15, 2016. (AP Photo/Chris Wedel)