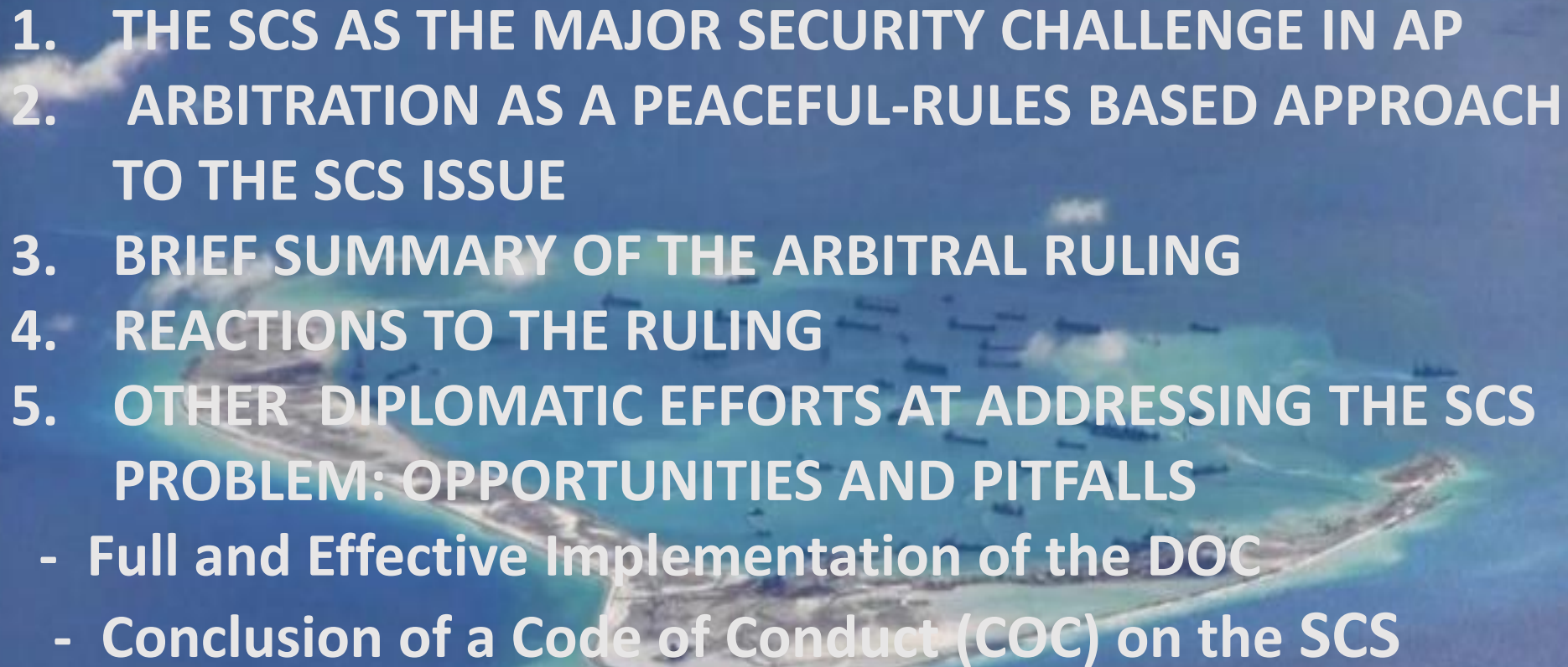
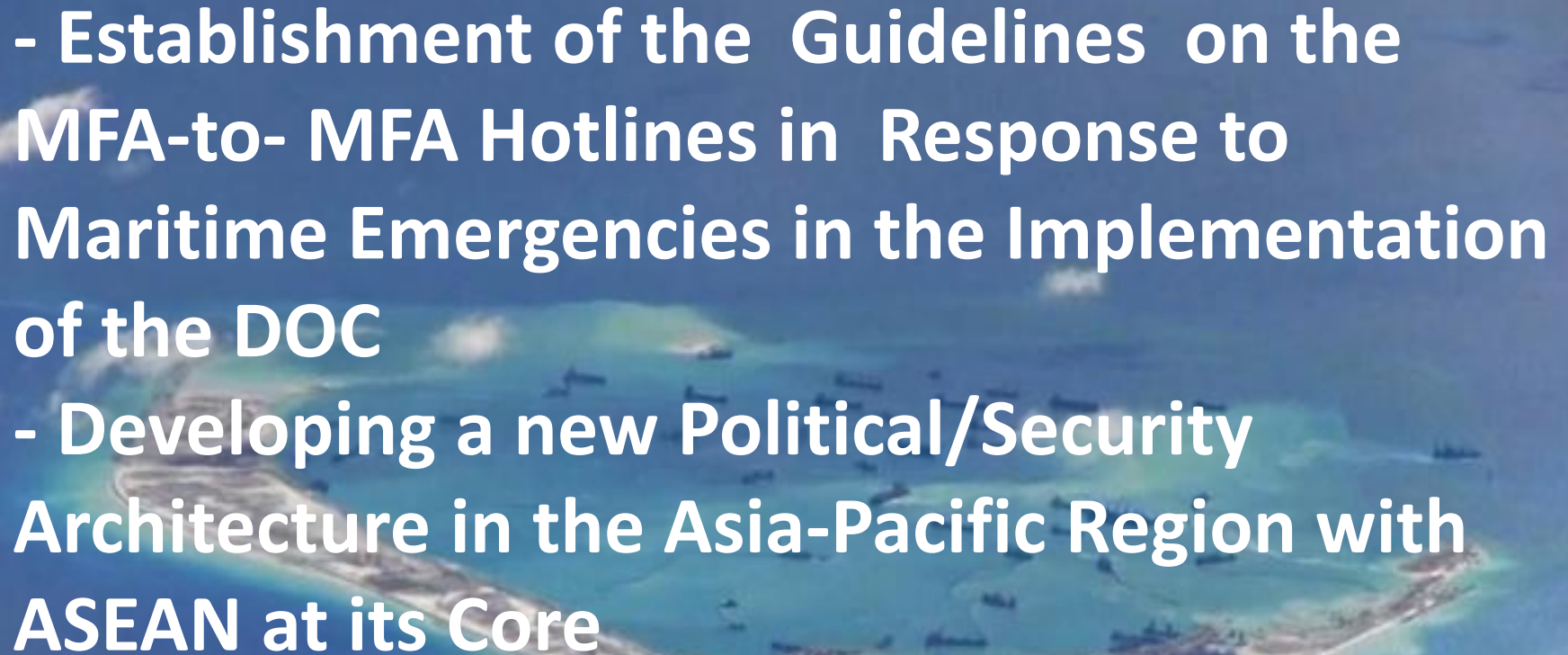




**SOUTH CHINA SEA AS A MAJOR
MARITIME SECURITY CHALLENGE : A
DIPLOMATIC PERSPECTIVE**

ELIZABETH P. BUENSUCESO
Ambassador/PR to ASEAN

- 
- An aerial photograph of a tropical island, likely in the South China Sea, showing a long runway, various buildings, and a surrounding reef system with shallow turquoise water transitioning to deep blue. The sky is clear with a few wispy clouds.
1. THE SCS AS THE MAJOR SECURITY CHALLENGE IN AP
 2. ARBITRATION AS A PEACEFUL-RULES BASED APPROACH TO THE SCS ISSUE
 3. BRIEF SUMMARY OF THE ARBITRAL RULING
 4. REACTIONS TO THE RULING
 5. OTHER DIPLOMATIC EFFORTS AT ADDRESSING THE SCS PROBLEM: OPPORTUNITIES AND PITFALLS
 - Full and Effective Implementation of the DOC
 - Conclusion of a Code of Conduct (COC) on the SCS

- 
- Establishment of the Guidelines on the MFA-to- MFA Hotlines in Response to Maritime Emergencies in the Implementation of the DOC
 - Developing a new Political/Security Architecture in the Asia-Pacific Region with ASEAN at its Core

**THE SOUTH CHINA SEA THE MOST URGENT
AND SIGNIFICANT SECURITY CHALLENGE IN
THE ASIA PACIFIC REGION**



- Application of the CUES in the South China Sea

- 2016 ASEAN-China Statement on the DOC

Bilateral talks by Parties Directly Concerned



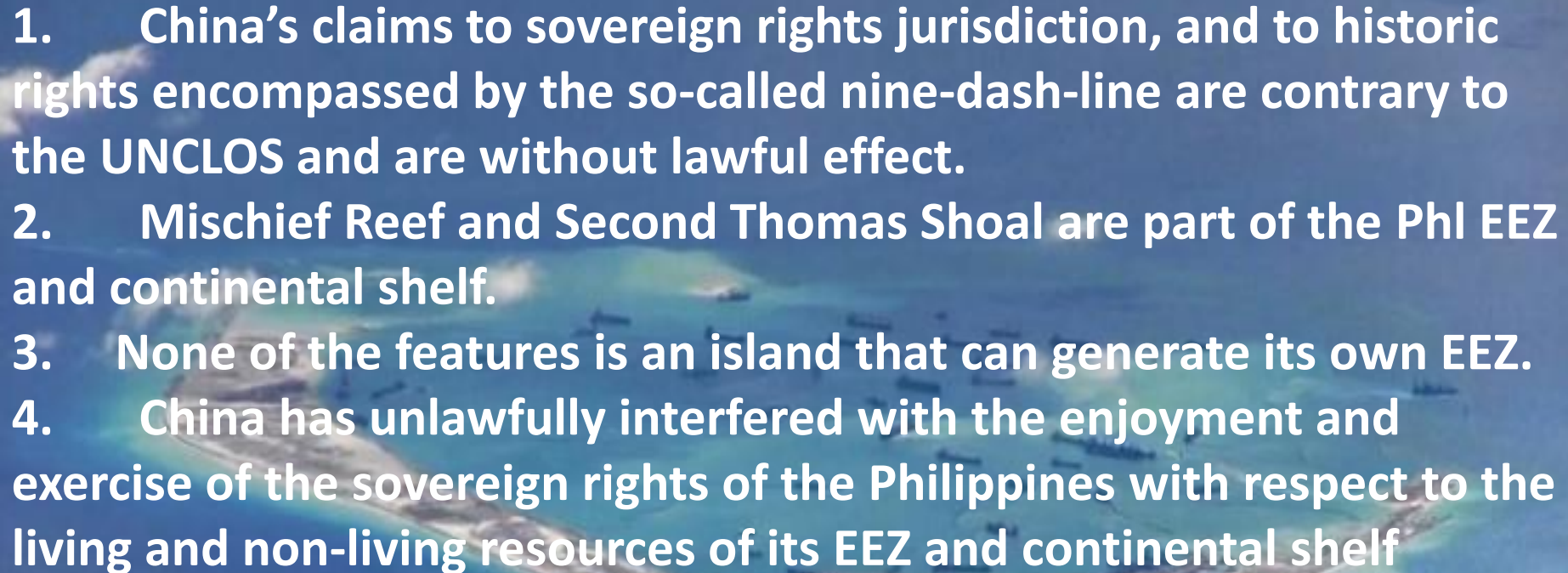
**ARBITRATION AS A RULES-BASED APPROACH
TO RESOLVE THE SCS PROBLEM:
WHY WE WENT THERE**

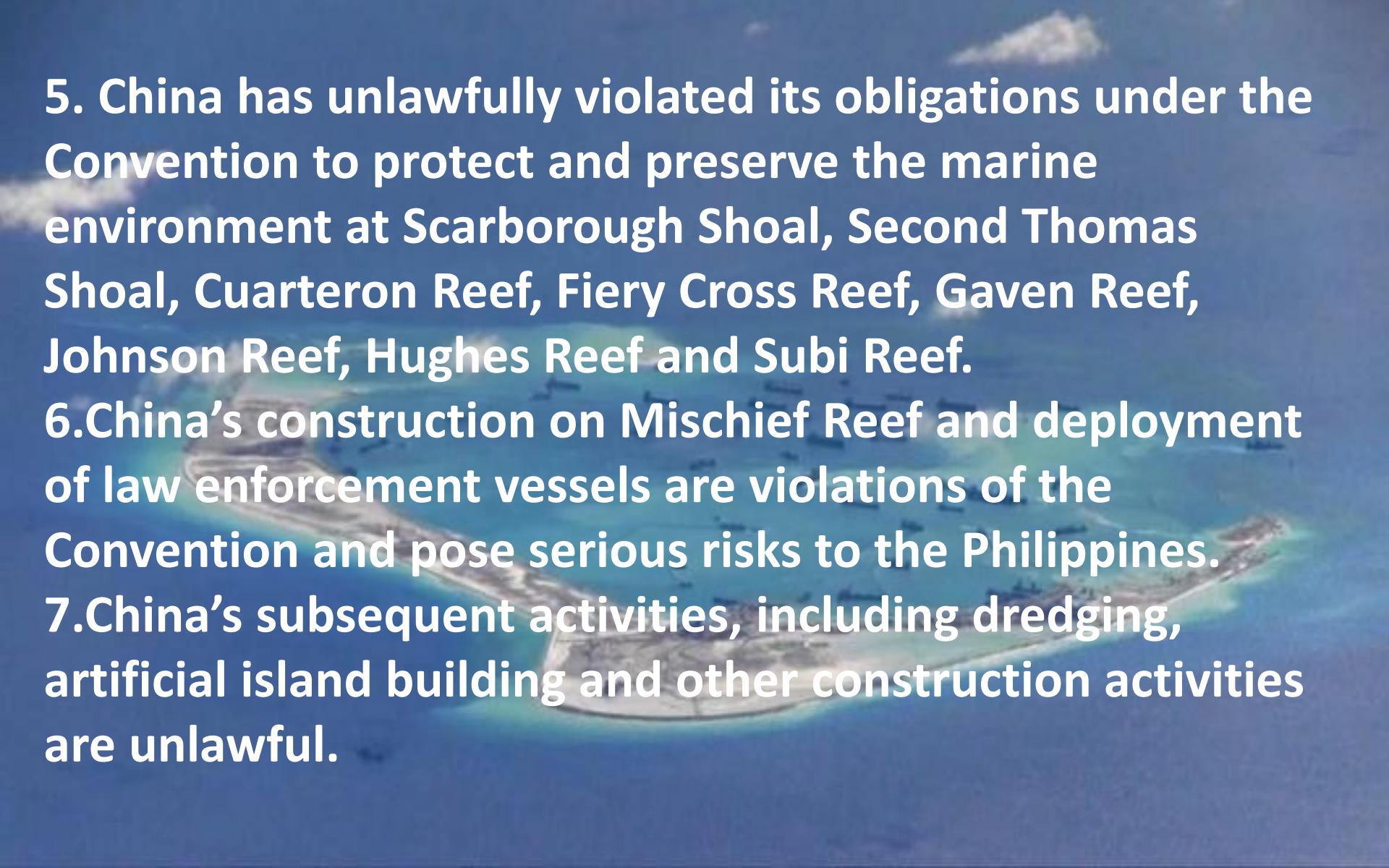


**SCS LARGELY REGARDED AS A BILATERAL
ISSUE IN THE PAST ; PH
INTERNATIONALIZED THE ISSUE**



SUMMARY OF ARBITRAL PANEL RULING

- 1. China's claims to sovereign rights jurisdiction, and to historic rights encompassed by the so-called nine-dash-line are contrary to the UNCLOS and are without lawful effect.**
 - 2. Mischief Reef and Second Thomas Shoal are part of the Phl EEZ and continental shelf.**
 - 3. None of the features is an island that can generate its own EEZ.**
 - 4. China has unlawfully interfered with the enjoyment and exercise of the sovereign rights of the Philippines with respect to the living and non-living resources of its EEZ and continental shelf**
- 
- An aerial photograph of a large island, likely Mischief Reef, showing a long runway, various structures, and a surrounding reef. The water transitions from shallow turquoise near the shore to deep blue further out. The sky is clear with a few wispy clouds.

An aerial photograph of a coral reef system. In the center, there is a large, rectangular artificial island under construction, surrounded by a shallow lagoon. The water transitions from light blue near the reef to deep blue further out. The sky is clear with a few wispy clouds.

5. China has unlawfully violated its obligations under the Convention to protect and preserve the marine environment at Scarborough Shoal, Second Thomas Shoal, Cuarteron Reef, Fiery Cross Reef, Gaven Reef, Johnson Reef, Hughes Reef and Subi Reef.

6. China's construction on Mischief Reef and deployment of law enforcement vessels are violations of the Convention and pose serious risks to the Philippines.

7. China's subsequent activities, including dredging, artificial island building and other construction activities are unlawful.

An aerial photograph of a tropical island with a lagoon. The water is clear and blue, with many small boats visible in the lagoon. The island is surrounded by a white sandy beach and lush green vegetation. The sky is blue with a few white clouds.

**ARBITRAL RULING A LANDMARK DECISION IN
INTERNATIONAL MARITIME LAW
JURISPRUDENCE**

BENEFITS ALL NOT JUST THE PHIL

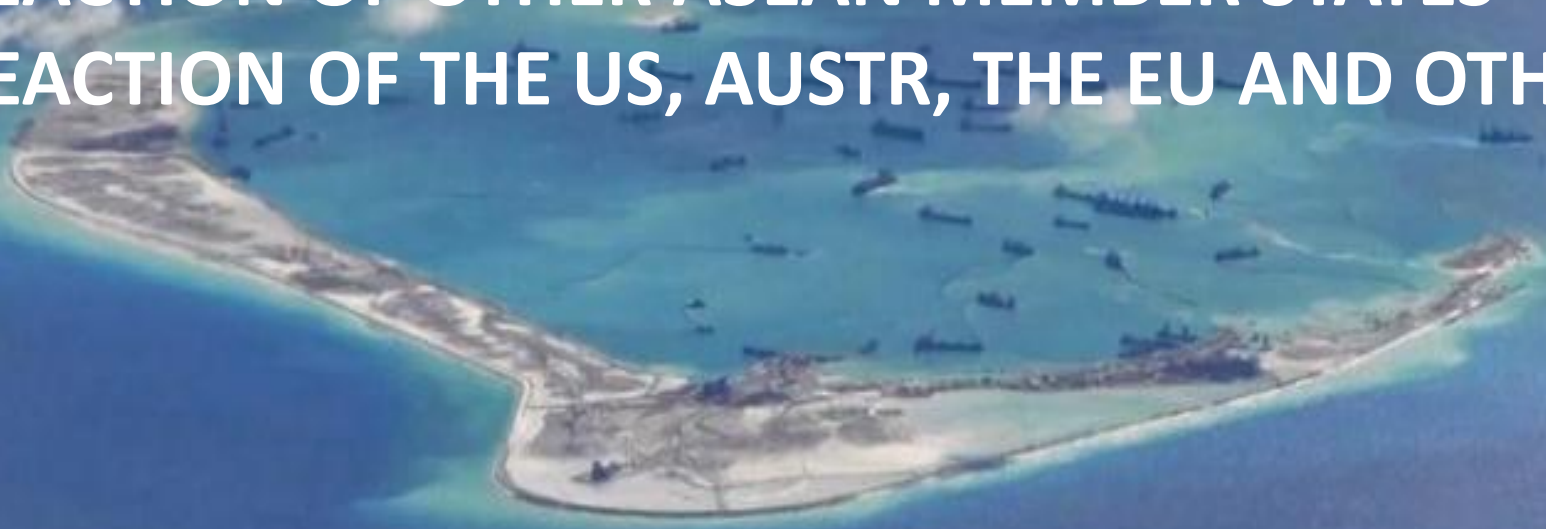
ENSURES FREEDOM OF NAVIGATION

PREVENTS UNILATERAL DECLARATION OF ADIZ

PROVIDES A RULES-BASED MEANS OF SETTLING

THE SCS DISPUTE

**REACTIONS OF FILIPINOS AND THE PHILGOVT
REACTION BY CHINA
REACTION OF OTHER ASEAN MEMBER STATES
REACTION OF THE US, AUSTR, THE EU AND OTHERS**

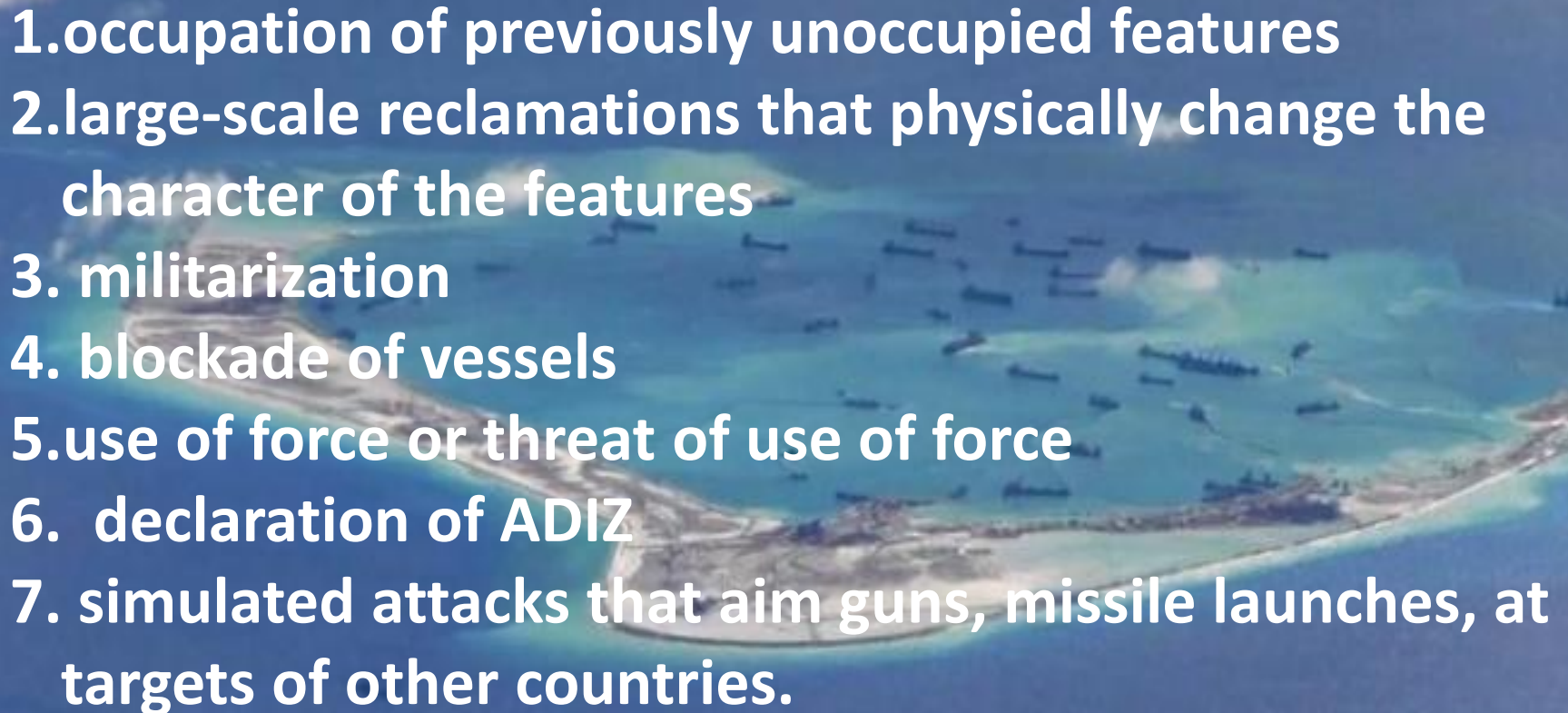


An aerial photograph of a large island, likely in the South China Sea, featuring a central lagoon and numerous ships anchored in the surrounding waters. The sky is blue with scattered white clouds.

OTHER COOPERATIVE APPROACHES TO THE ISSUE

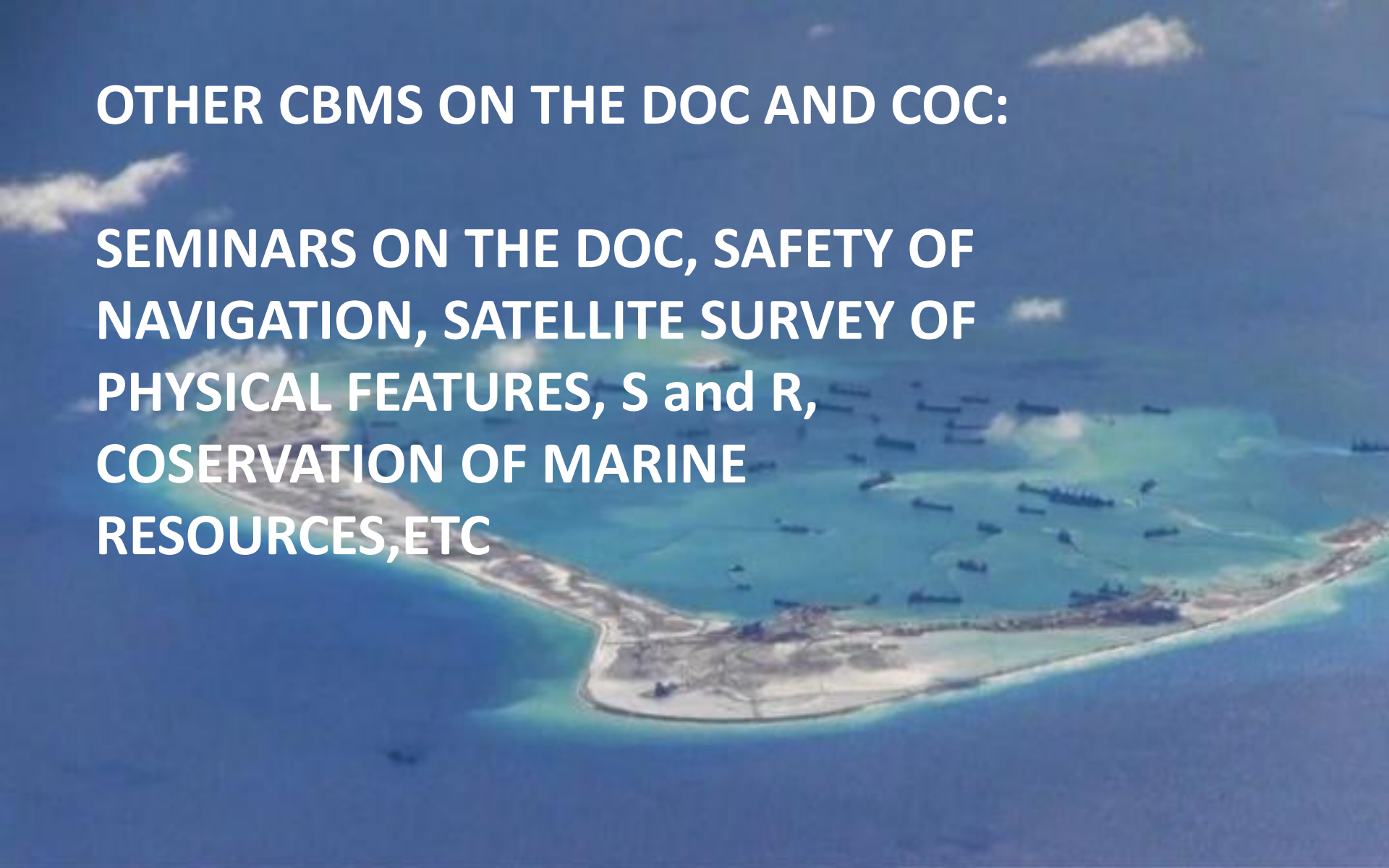
- OPERATIONALIZATION OF THE DECLARATION OF CONDUCT OF PARTIES IN THE SCS**
- EARLY CONCLUSION OF A LEGALLY-BINDING CODE OF CONDUCT (COC)**


PHILIPPINE-PROPOSED PARAMETERS ON SELF-RESTRAINT

1. occupation of previously unoccupied features
 2. large-scale reclamations that physically change the character of the features
 3. militarization
 4. blockade of vessels
 5. use of force or threat of use of force
 6. declaration of ADIZ
 7. simulated attacks that aim guns, missile launches, at targets of other countries.
- 
- An aerial photograph of a large artificial island in the South China Sea, surrounded by numerous smaller artificial islands and reefs. The water is a deep blue, and many ships are visible in the surrounding waters. The sky is a clear, bright blue with a few wispy clouds.

OTHER CBMS ON THE DOC AND COC:

**SEMINARS ON THE DOC, SAFETY OF
NAVIGATION, SATELLITE SURVEY OF
PHYSICAL FEATURES, S and R,
CONSERVATION OF MARINE
RESOURCES, ETC**



An aerial photograph of a large, elongated artificial island in the South China Sea. The island is surrounded by shallow, turquoise water and is densely packed with numerous dark-colored ships, likely Chinese naval vessels. The sky is a deep blue with a few wispy white clouds. The text is overlaid on the left side of the image.

**CODE OF CONDUCT (COC) ON THE SCS :
11TH LABOR OF HERCULES?**

**ASEAN'S PROPOSALS
CHINA'S PROPOSALS**

**GOOD NEWS: CHINA'S 2017 COMMITMENT
BAD NEWS: WITH THE PRE-CONDITION OF
"NO OUTSIDE INTERFERENCE"**

An aerial photograph of a large, elongated island with a central lagoon. The water in the lagoon is a light turquoise color, while the surrounding ocean is a deep blue. Numerous ships, including cargo vessels and smaller boats, are scattered throughout the lagoon and the outer waters. The island itself has some buildings and infrastructure visible on its landmass.

RECENT LOW-HANGING FRUITS AGREED ON:

- 1. MFA-TO-MFA HOTLINES**
- 2. CUES APPLIED TO SCS**
- 3. ASEAN-CHINA STATEMENT ON THE DOC**

An aerial photograph of a tropical island with a lagoon. The island is surrounded by shallow turquoise water, and numerous small boats are visible in the lagoon. The sky is blue with some light clouds. The text is overlaid on the left side of the image.

DEVELOPING A REGIONAL SECURITY ARCHITECTURE IN THE ASIA PACIFIC REGION

- INCLUSIVE BUT**
- ASEAN AT ITS CORE**
- MUTUAL RESTRAINT IN THE FACE OF DISPUTES**
- PEACEFUL SETTLEMENT OF DISPUTES**
- LEGALLY BINDING INSTRUMENT**

An aerial photograph of a tropical island, likely in the South China Sea, featuring a long runway, several buildings, and a clear turquoise lagoon. The sky is blue with a few wispy clouds.

ELEMENTS OF SUCCESSFUL COOPERATION ON THE SCS ISSUE

- 1. ENCOURAGE ALL STATES TO SEE
NATIONAL INTEREST IN PEACEFUL
SETTLEMENT OF SCS PROBLEM**
- 2. ENCOURAGE THE PEACEFUL AND
RESPONSIBLE RISE OF A SUPERPOWER
CHINA IN ALL FORUMS**
- 3. WAR IS NOT AN OPTION**