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SENATE

P. S. RES. NO. 331

Introduced by Senator Antonio "Sonny" F. Trillanes IV

RESOLUTION

URGING THE SENATE COMMITTEE ON NATIONAL DEFENSE AND SECURITY, AND OTHER APPROPRIATE COMMITTEE/S TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED AGREEMENT BETWEEN PRESIDENT RODRIGO DUTERTE WITH CHINA, ALLOWING CHINESE VESSELS TO CONDUCT SURVEILLANCE OPERATIONS IN THE BENHAM RISE AREA WITHIN THE COUNTRY'S EXCLUSIVE ECONOMIC ZONE (EEZ) WITH THE END IN VIEW OF COMING UP WITH REMEDIAL LEGISLATION TO UPHOLD THE COUNTRY'S TERRITORIAL INTEGRITY AND ASSERT ITS EXCLUSIVE SOVEREIGN RIGHTS OVER THE BENHAM RISE AREA

WHEREAS, Article 1 of the 1987 Philippine Constitution states that:

"The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines."

WHEREAS, Article 76 of the United Nations Convention on the Laws of the Sea (UNCLOS) states that a coastal state's exclusive economic zone (EEZ) extends to 200 nautical miles (nm) from its continental shelf, while its extended continental shelf (ECS) extends to another 150 nm.¹

WHEREAS, in 12 April 2012, the United Nations Commission on the Limits of the Continental Shelf adopted the submission of the Philippines in 2009 with regard to the Benham Rise area.² This gives exclusive sovereign rights to the Philippines to explore and utilize the natural resources within the EEZ and the continental shelf.³

¹ Retrieved from http://www.un.org/depts/los/convention_agreements/texts/unclos/part6.htm

² Retrieved from http://www.un.org/depts/los/clcs_new/submissions_files/ph122_09/ph1_rec.pdf

³ Panaligan, R. (2017, March 14). PH has sovereign rights over Benham Rise: Carpio. Retrieved from <http://news.mb.com.ph/2017/03/14/ph-has-sovereign-rights-over-benham-rise-carpio/>

WHEREAS, on 9 March 2017, Department of National Defense Secretary Delfin Lorenzana reported that for a period of three (3) months last year, they monitored a Chinese survey ship plying the Benham Rise area.⁴

WHEREAS, on 10 March 2017, the Department of Foreign Affairs sent a letter to the Chinese Embassy in Manila seeking clarification on the reported presence of Chinese survey ships in Benham Rise.⁵

WHEREAS, on the same day, Chinese foreign ministry spokesperson Geng Shuang dismissed the claim of Defense Secretary Lorenzana, noting this as 'inconsistent with facts'. He argued that the passage of the survey ship through the Benham Rise was an exercise of their right to freedom of navigation, and to innocent passage without the conduct of operations or activities.⁶

WHEREAS, on 12 March 2017, doubting China's purported 'innocent passage', Defense Secretary Lorenzana said that the Philippines might intensify its naval presence and may even build structures to strengthen its right over the Benham Rise. This, according to him, is based upon the order of President Rodrigo Duterte.⁷

WHEREAS, on the same day, in a press conference, President Duterte was asked to comment about China's comment that Philippines cannot claim the Benham Rise. However, he responded by citing the recent arbitral ruling, obviously confusing the West Philippine Sea and the Benham Rise issue.⁸

WHEREAS, he went further by stating that the country can deploy military to the area but only to reiterate our ownership. He also expressed confidence that China will not build structures but tension might arise if the United States intervene. These statements are clearly in reference to the West Philippine Sea issue, not the Benham Rise.⁹

WHEREAS, on 13 March 2017, President Duterte said that he allowed the Chinese surveillance ships as part of their agreement and no incursion shall take place. He added that he didn't want to start a fight over Benham Rise because he wants economic help from China.¹⁰

WHEREAS, his pronouncements were in contradiction with the statements of Defense Secretary Lorenzana that the presence of the surveillance ships were very alarming and that increased military presence is necessary.

⁴ Fonbuena, C. (2017, March 9). Lorenzana: China showed interest in PH's Benham Rise. Retrieved from <http://www.rappler.com/nation/163729-lorenzana-china-survey-ship-philippines-benham-rise>

⁵ Morallo, A. (2017, March 10). Philippines questions Chinese presence at Benham Rise. Retrieved from <http://www.philstar.com/headlines/2017/03/10/1679794/philippines-questions-chinese-presence-benham-rise>

⁶ Viray, P. (2017, March 13). China: Philippines can't claim Benham Rise. Retrieved from <http://www.philstar.com/headlines/2017/03/13/1680673/china-philippines-cant-claim-benham-rise>

⁷ Fonbuena, C. (2017, March 9). Lorenzana: China showed interest in PH's Benham Rise. Retrieved from <http://www.rappler.com/nation/163729-lorenzana-china-survey-ship-philippines-benham-rise>

⁸ Fonbuena, C. (2017, March 14). Duterte shows alarming confusion over Benham Rise. Retrieved from <http://www.rappler.com/newsbreak/inside-track/164116-duterte-confusion-benham-rise>

⁹ Fonbuena, C. (2017, March 14). Duterte shows alarming confusion over Benham Rise. Retrieved from <http://www.rappler.com/newsbreak/inside-track/164116-duterte-confusion-benham-rise>

¹⁰ SG News. Retrieved from https://sg.news.yahoo.com/chinese-ships-allowed-survey-philippine-territory-duterte-133056047.html?soc_src=social-sh&soc_trk=fb

WHEREAS, there is an immediate need to look into on the inconsistencies between the statement of President Duterte and Defense Secretary Lorenzana regarding the presence of Chinese surveillance vessels in the Benham Rise area as it potentially threatens the territorial integrity of the country, and could lead to a larger geopolitical dilemma thereby diminishing the Philippines' assertion of sovereign rights;

NOW THEREFORE, BE IT HEREBY RESOLVED, as it is hereby resolved by the Philippines Senate, to direct the Senate Committee on National Defense and Security and other appropriate committee/s to conduct an inquiry, on the alleged agreement between president Rodrigo Duterte with China, allowing Chinese vessels to conduct surveillance operations in the Benham Rise area within the country's Exclusive Economic Zone (EEZ) with the end in view of coming up with remedial legislation to uphold the country's territorial integrity and assert its exclusive sovereign rights over the Benham Rise area.

Adopted,



ANTONIO "SONNY" F. TRILLANES IV
Senator