

SENATE

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Introduced by **SENATOR LEILA M. DE LIMA**

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RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE UNDUE PREFERENCE GIVEN TO CHINA IN CONDUCTING RESEARCH IN BENHAM RISE, OFFICIALLY KNOWN AS PHILIPPINE RISE, THEREBY GIVING THEM ACCESS TO STRATEGIC INFORMATION THAT WOULD ENDANGER OUR NATIONAL SECURITY, ESPECIALLY VIA THE PHILIPPINE SEA, AND POSSIBLY POSE LARGER SECURITY ISSUES OVER SURROUNDING AREAS, INCLUDING THE WESTERN PACIFIC OCEAN REGION

WHEREAS, the Constitution, Article 1 defines our territory as comprising “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, on 12 January 2018, Rep. Gary Alejano (Magdalo Party List) revealed that “the Department of Foreign Affairs (DFA) has granted the request of a Chinese entity to do research in waters off eastern Luzon, where the Benham Rise (officially known as Philippine Rise) is located, and eastern Mindanao,”¹ which are parts of the Philippine Sea;

WHEREAS, on 23 January 2018, Presidential Spokesperson Harry Roque admitted that the DFA had indeed granted the request of the Chinese Academy of Sciences’ Institute of Oceanology to do research in Benham Rise and was quoted as saying that, “Only China has qualified so far. There are other applicants. Unfortunately, they did not qualify according to fixed guidelines already set by the

¹ *DFA OK’d China maritime research in Benham Rise, solon claims* (12 January 2018). GMA News Online. Retrieved from: <http://www.gmanetwork.com/news/news/nation/639514/dfa-okays-china-maritime-research-in-benham-rise-solon-claims/story/>.

government. No one has applied. And no one can do it because, apparently, it's capital intensive";²

WHEREAS, on 24 January 2018, however, the Director of the University of the Philippines Institute of Maritime Affairs and the Law of the Sea, Atty. Jay Batongbacal, belied Roque's statement to the press that "Filipinos cannot afford to explore Benham Rise," that "no one can do it," that the Philippines "needs China" to do it, and that "only China qualifies";³

WHEREAS, in refuting Presidential Spokesperson Roque's claim, Prof. Batongbacal presented a list that shows years of research done by Filipino scientists on the resource-rich underwater plateau Benham Rise, located east of Isabela;⁴

WHEREAS, on 16 January 2018, Presidential Spokesperson Roque further revealed that it was President Rodrigo Duterte who personally made the decision to let China conduct scientific research in Benham Rise;⁵

WHEREAS, on 25 January 2018, in an attempt to show that the current administration is not favoring China, Presidential Spokesperson Roque reported that, "[r]equest applications to conduct research by the United States, Japan, and South Korea have likewise been approved";⁶

WHEREAS, belying this, however, is that it appears that, while our DFA is protecting an area in Palawan from observers from other countries, there is nevertheless increased activity of Chinese vessels in said area;

WHEREAS, in relation to this, on 20 January 2018, Rep. Alejano revealed that DFA declined a request from a French-based non-profit organization, Tara Expeditions Foundation, to conduct research in the general area of the Benham Rise where the Chinese will be conducting marine scientific research,⁷ in response to which DFA Sec. Alan Peter Cayetano said that "[t]he reason why we did not approve it (is because) a sensitive part of Palawan (is what) they want to look into";⁸

² Placido, Dharel. *Palace: Chinese help needed in expensive Benham Rise research* (23 January 2018). ABS-CBN News Retrieved from: <http://news.abs-cbn.com/news/01/23/18/palace-chinese-help-needed-in-expensive-benham-rise-research>.

³ 'We are not a nation of beggars': Expert defends PH research on Benham Rise (24 January 2018). ABS-CBN News. Retrieved from: <http://news.abs-cbn.com/news/01/24/18/we-are-not-a-nation-of-beggars-expert-defends-ph-research-on-benham-rise>.

⁴ *Ibid.*

⁵ *Roque: Duterte made call on China's Benham Rise research* (16 January 2018). ABS-CBN News. Retrieved from: <http://news.abs-cbn.com/focus/01/16/18/roque-duterte-made-call-on-chinas-benham-rise-research>

⁶ *Gov't approved US, Japan, SoKor research bids in PHL Rise —Roque* (25 January 2018). GMA News Online. Retrieved from: <http://www.gmanetwork.com/news/news/nation/640991/gov-t-approved-us-japan-sokor-research-bids-in-phl-rise-roque>

⁷ Flores, Helen. *French NGO denied research access to Benham* (20 January 2018). *Philstar.com*. Retrieved from: <http://www.philstar.com/headlines/2018/01/20/1779521/french-ngo-denied-research-access-benham>

⁸ *Ibid.*

WHEREAS, Rep. Alejano has previously alleged that there are reports being verified by the DFA of Chinese vessels massing near Pag-asa Island off Palawan, which is occupied by Filipino soldiers and civilians;⁹

WHEREAS, it also appears that China is looking for opportunities to expand its military presence towards the Pacific by increasing their maritime activities over Philippine waters;

WHEREAS, in an interview, former National Security Adviser Roilo Golez said the Philippines's decision to allow China to survey the area gives Beijing an "opening" that could have "strategic implications" in terms of geopolitics;¹⁰

WHEREAS, Mr. Golez also said that China may also be looking for "thermocline," a thin layer of water hundreds of meters below the sea level "where there's an abrupt change in temperature," where submarines can freely operate;¹¹

WHEREAS, Mr. Golez's concerns complements those expressed by Department of National Defense (DND) Secretary Delfin Lorezana last year, when he ordered the Navy to drive away Chinese ships in the area which may be "looking for a place to put submarines";¹²

WHEREAS, reports from Beijing also say that it has recently installed acoustic sensors or listening devices in waters near Guam, where the United States maintains a military base;¹³

WHEREAS, with their continuous presence over our waters, China is continuously undermining our sovereignty, particularly through its positioning and activities in Benham Rise;

WHEREAS, Pres. Duterte has been ignoring calls to assert our rights over our territorial waters despite the fact that an overwhelming 84% of Filipinos wanted him to do so,¹⁴ and despite the fact that, during the 2016 Presidential campaign, he had promised to defend Philippine territory against Chinese incursions, even claiming that if the Chinese continue "to occupy contested areas in the West Philippine Sea" he plans

⁹ Diaz, Jess. *Duterte wants joint exploration with China* (17 August 2017). Philstar.com. Retrieved from: <http://www.philstar.com/headlines/2017/08/17/1729970/duterte-wants-joint-exploration-china>

¹⁰ Billones, Trisha. *China lusting after Benham Rise resources: Golez* (23 January 2018). ABS-CBN News. Retrieved from: <http://news.abs-cbn.com/news/01/23/18/china-lusting-after-benham-rise-resources-golez>
¹¹ *Ibid.*

¹² *Duterte: China allowed to survey Benham Rise* (14 March 2017). *Philippine Star*. Retrieved from: <http://www.philstar.com/headlines/2017/03/14/1681016/duterte-china-allowed-survey-benham-rise>

¹³ Morallo, Audrey. *Philippines conducting Benham Rise research without China* (25 January 2018). Philstar.com. Retrieved from: <http://www.philstar.com/headlines/2018/01/25/1781027/philippines-conducting-benham-rise-research-without-china>.

¹⁴ Alvarez, Kathrina Charmaine. *84% of Pinoys say gov't should assert rights over West PHL Sea* (27 January 2017). *GMA News Online*. Retrieved from: <http://www.gmanetwork.com/news/news/nation/597305/84-of-pinoys-say-gov-t-should-assert-rights-over-west-phl-sea-nbsp/story/>.

to “go to the airport built by China on reclaimed land in the Spratlys and plant the Philippine flag there. Only then will he say: ‘This is ours. Do what you want with me’”;¹⁵

WHEREAS, Pres. Duterte maintained that it is not the proper time to raise the matter of the ruling of the United Nations Permanent Court of Arbitration (UN-PCA),¹⁶ saying that China warned his administration of war if Manila will insist on its ownership of areas in the disputed South China Sea;¹⁷

WHEREAS, China has consistently disrespected our sovereign rights over our waters insisting that their continuing activities are merely an exercise of innocent passage;

WHEREAS, the Chinese Foreign Ministry, through its spokesperson Geng Shuang, said Philippines cannot claim Benham Rise as its own territory despite it being part of the country's 200-nautical mile exclusive economic zone.¹⁸

WHEREAS, the Chinese Foreign Ministry argued that the UN Convention on the Law of the Sea (UNCLOS) states that “a coastal state's rights over the continental shelf do not affect the legal status of the superjacent waters or of the air space above those waters, nor do they affect foreign ships' navigation freedom in the coastal state's EEZ and on the high seas, or their innocent passage through the coastal state's territorial sea as supported by international law”;¹⁹

WHEREAS, the satellite images gathered by the DND clearly show that China was not merely exercising its right to innocent passage, with Secretary Lorenzana himself revealing that, “*Yung nakita natin yung kanilang survey ship e napakabagal tapos tumitigil sa isang lugar, magtagal ng ilang araw, lipat na naman*”;²⁰

WHEREAS, for China to correctly claim that its ships were merely exercising navigational rights and freedoms, its vessels must have moved from one place to another in a regular and efficient pace, following the usual navigational routes through the Benham Rise Region like any other foreign vessel;²¹

WHEREAS, China has already shown prior bad faith by conducting studies in the Benham Rise even before they were officially allowed to do so, with Chinese survey

¹⁵ Duterte wants to be a hero in dispute vs China (26 April 2016). ABS-CBN News. Retrieved from <http://news.abs-cbn.com/halalan2016/nation/04/24/16/duterte-wants-to-be-a-hero-in-dispute-vs-china>.

¹⁶ Gita, Ruth Abbey. Duterte to raise territorial concerns with China (8 November 2017). Sunstar Online. Retrieved from: <http://www.sunstar.com.ph/manila/local-news/2017/11/08/duterte-raise-territorial-concerns-china-573635>

¹⁷ Placido, Dharel. Duterte: China warned PH of war over South China Sea (19 May 2017). ABS-CBN News. Retrieved from: <http://news.abs-cbn.com/news/05/19/17/duterte-china-warned-ph-of-war-over-south-china-sea>.

¹⁸ Viray, Patricia Lourdes. China: Philippines can't claim Benham Rise (13 March 2017). Philstar.com. Retrieved from: <http://www.philstar.com/headlines/2017/03/13/1680673/china-philippines-cant-claim-benham-rise>

¹⁹ *Ibid.*

²⁰ Lorenzana doubts China's claim of 'innocent passage' in Benham Rise. *Inquirer.net* (13 March 2017). Retrieved from: <http://globalnation.inquirer.net/153265/lorenzana-doubts-chinas-claim-innocent-passage-benham-rise>

²¹ *Ibid.*

ships having been spotted plying Benham Rise for as long as three months last 2017, even though the undersea region and biodiversity hotspot located east of Luzon in the Pacific Ocean is not part of China's nine-dash line claim;²²

WHEREAS, Rep. Ruffy Biazon of Muntinlupa, a senior member of the House of Representatives' national security committee, said that dismissing China's expedition in Benham as merely for research purposes is the "height of naïveté" and added that the mission may involve data gathering for China's strategic military objectives in the Western Pacific where the US has dominated for decades;²³

WHEREAS, China has already expressed its plans of expanding their military activities over the Indian Ocean and West Pacific;

WHEREAS, in an article in the Want China Times that appeared on June 27, 2013, Admiral Liu Huaqing, the mastermind of China's modern naval strategy, was quoted as saying in 1982 that it would be necessary for China to control the First and Second Island Chains by 2010 and 2020, respectively;²⁴

WHEREAS, the Institute for Maritime and Ocean Affairs (IMOA) explains that the First Island Chain begins at the Kuril Islands, and finishes towards Borneo and the northern portion of the Philippines, taking over the whole Spratly islands and Taiwan, of which, so far, China has been successful in taking some islands in the Spratly in a salami-slicing strategy.²⁵

WHEREAS, the IMOA adds that, "if China is successful on its First Island Chain invasion, it will set its eyes on the Second Island Chain where the gas and deuterium-rich Benham region lies";²⁶

WHEREAS, with the admission of Pres. Duterte that we cannot afford to go to war with China, it follows that we likewise cannot ensure China's compliance with any of our regulations over Benham Rise;

WHEREAS, our previous joint research activity with China during the Arroyo administration has resulted in China reaping most of the benefits, leaving us only with "useless blurry pictures in the end";²⁷

WHEREAS, as far back as 2008 and, again in 2014, various party list and cause-oriented groups have raised concerns about China's interests over territories and natural resources belonging to the Philippines, and how it had used the Joint Marine

²² *Ibid.*

²³ *Supra*, footnote #13.

²⁴ Chinese admiral: "China owns the Benham Rise as part of the Second Island Chain". *Institute for Maritime and Ocean Affairs*. Retrieved from: <http://www.imoa.ph/chinese-admiral-china-owns-benham-rise-part-second-island-chain/>.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Only China will benefit from its Benham Rise study — solon* (21 January 2018). GMA News Online. Retrieved from: <http://www.gmanetwork.com/news/news/nation/640473/only-china-will-benefit-from-its-benham-rise-study-solon/story/>.

Seismic Undertaking (JMSU) that the Arroyo administration signed off on to further such interests as against the Philippines;

WHEREAS, in an article published by the Philippine Daily Inquirer back in 2014, former Rep. Neri Colmenares raised concerns about a repetition of such arrangements that are worryingly, if not grossly, disadvantageous to Philippine interests, saying that, “[t]hrough the JMSU, China learned of the enormous reserves of natural gas in Recto Reed Bank, for example just one field amounts to about 2.7-3.4 trillion cubic feet of this valuable resource. China is now hell bent on acquiring these rich natural gas deposits by hook or by crook as evidenced by its renewed aggressive stance in the area”;²⁸

WHEREAS, circumstances surrounding Chinese activities in Philippine waters show that China’s interest over strategic areas within Philippine territory present a danger to, first and foremost, our national interest, including our national security, economic and environmental interests, territorial integrity and sovereignty, and likewise present broader security concerns over surrounding areas, particularly the Western Pacific Ocean Region;


WHEREAS, continued tolerance by our government of Chinese incursions over our territorial waters makes our government an accomplice, wittingly or unwittingly, to the Chinese plan of expanding their military and economic reach well beyond their territory;

WHEREAS, by granting China access to our territorial and extended waters, we are giving them an undue military and scientific advantage by providing them invaluable information over our territory and other surrounding areas, including the Western Pacific Ocean Region;

WHEREAS, it behooves our government to minimize, if not prevent access to other claimants to our territorial waters, lest we diminish any advantage in protecting our national territory;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, for the proper Senate Committee, to conduct an inquiry, in aid of legislation, on the undue preference given to China in conducting research in Philippine Rise, thereby giving them access to strategic information that would endanger our national security, especially via the Philippine Sea, and possibly pose larger security issues over surrounding areas, including the Western Pacific Ocean Region.

Adopted,


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²⁸ Torres-Tupas, Tetch. *Group seek SC ruling on legality of joint exploration deal inked by Arroyo admin, China. Inquirer.net* (29 May 2014). Retrieved from <http://globalnation.inquirer.net/105335/group-seek-sc-ruling-on-legality-of-joint-exploration-deal-inked-by-arroyo-admin-china>.