

Benham Rise: What is at stake?

Manila Bulletin, Published March 19, 2017, 10:00 PM

By Richard Javad Heydarian

In a matter of days, the Benham Rise has become a new flashpoint, threatening to undermine increasingly warm, if not cordial, bilateral relations between Manila and Beijing.

Home to precious mineral resources, which are critical for high-tech equipment production, fisheries, and untold reserves of oil and gas, which could address our energy security needs in light of Malampaya plant's impending exhaustion, the Benham Rise area was confirmed as part of Philippine continental shelf in 2012.

It took hundreds of millions of pesos and tireless research and topographic/oceanographic studies by an expert team of leading Philippine marine scientists, along with lawyers and government officials, to convince the global body to recognize the area as an extension of mainland Luzon, thus our continental shelf.

As a result, the Philippines has, per international law, EXCLUSIVE sovereign rights and jurisdiction over the exploitation of seabed and fisheries resources in the area. Of course, per the United Nations Convention on the Law of the Sea, other countries can conduct 'freedom of navigation' and exercise their 'right to innocent passage'.

But this doesn't mean other countries can (i) park their vessels in the area for prolonged period, (ii) conduct activities that are prejudicial to the defense interests of the Coastal State, and (iii) engage in unilateral oceanographic/marine scientific research in the area without the expressed, formal permission of the Coastal State, which has full jurisdiction over such activities within its exclusive economic zone (EEZ) and continental shelf.

Thus, the stakes are extremely high for the Philippines, and the Duterte administration should remain steadfast, unequivocal and firm in its assertion of our sovereign rights in the area.

First and foremost, it is important to underline the terrible timing of the whole affair, since it has come at a particularly sensitive stage in Philippine foreign policy, as President Rodrigo Duterte recalibrates its maritime security as well as China policy with vigor and verve.

All of a sudden, Chinese (purported) maritime assertiveness is at the center of Philippine public discourse, with China hawks and Duterte skeptics engaging in a chorus of criticism to, perhaps, put a break on our shifting foreign policy.

Second, it shows the abject lack of Filipino public trust in China. According to trusted contacts, it seems that Chinese vessels didn't at all conduct any oceanographic research within our EEZ and continental shelf and was perhaps just stranded in the area due to mechanical problems.

How a seemingly irrelevant and obscure event ended up, on a daily basis, on Philippine newspapers evinces the tremendous need for mutual confidence-building.

Third, it also reflects the seeming lack of optimal synchronicity among various branches of the government, with the president claiming that he has given China 'permission' to move through the Benham Rise area, while the defense and foreign affairs departments stating they are not aware of such arrangement.

Not to mention, per Philippine constitution, the president can't just unilaterally permit other countries to dispatch oceanographic research teams within its Exclusive Economic Zone and continental shelf.

Above all, the whole affair shows the unmistakable necessity for China to tangibly demonstrate its good will towards the Philippines beyond high-minded rhetoric and carefully-crafted prose.