ENVIRONMENTAL COSTS OF THE WEST PHILIPPINE SEA DISPUTE IN LIGHT OF CATHOLIC SOCIAL TEACHING

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This paper is an analytical reflection on the insights Catholic Social Teaching (CST) has to offer on the West Philippine Sea Dispute.[1] At the interface of the competing claims is 'sister water,' which uses the words of Saint Francis of Assisi. More than a source of resources for human development, the disputed maritime region, as a biodiverse ecosystem, constitutes an inherently created good as per Genesis 1:20-21.[2] Arguably, some of the actions in the dispute towards claiming sovereignty overlook the concepts of stewardship and community of creation, which permeate CST regarding the environment. By upholding stewardship and community, CST highlights the co-responsibility of all in going beyond their exclusive interests and striving towards the common good of all. By drawing from CST, while still maintaining the principle of the Separation of Church and State, the Philippines would have better legal and moral grounds for asserting its claims by tying them to the pressing interests of the environment.

1. One can replace "Catholic" with "Christian" for greater inclusivity and "Teaching" with "Tradition" for a broader scope.

2. Then God said: Let the water teem with an abundance of living creatures, and on the earth let birds fly beneath the dome of the sky. God created the great sea monsters and all kinds of crawling living creatures with which the water teems, and all kinds of winged birds. God saw that it was good (All verses are from NABRE).

This paper discusses (1) an overview of the maritime dispute, mainly from the Philippine perspective, (2) the disputed legal status of the West Philippine Sea in local and international law, (3) the state of coral reefs in the South China Sea, particularly in the West Philippine Sea, (4) CST on the environment, especially concerning the West Philippine Sea, and (5) some practical and conceptual avenues to enrich the conversation. So far, there is not enough academic literature on the environmental costs of the West Philippine Sea Dispute, notably in light of CST. This paper intends to address these concerns.

Research Parameters

The West Philippine Sea Dispute is a multifaceted issue ranging from historical, political, and environmental, the last of which is the main interest of this paper. The actors also range from proximate to distant. The proximate actors are the Philippines, China, Vietnam, Brunei, Malaysia, and Taiwan. Meanwhile, the distant ones include the United States, Japan, and Australia. For this paper, the primary actor discussed is the Philippines.[3] The dispute involves different subregions comprising islands, atolls, shoals, and reefs: Pratas Islands in the northeast, the Paracel Islands in the west, the Macclesfield Bank and Scarborough Shoal in the east and southeast, and the Spratly Islands in the south. Each subregion is the object of dispute by two or more proximate actors. China asserts sovereignty over all of them, while the other actors over particular ones. Hence, the maritime dispute is a set of several competing claims. This paper focuses on the West Philippine Sea. As such, it is not a political critique or endorsement of any actors in the maritime dispute, an analysis of the dispute in all aspects, or

3. When speaking of countries, I refer primarily to their political structure. I recognize the plurality of socio-political views in their populace, which should disincline one from simplistic thinking that may foster prejudice.

a policy paper for political action. Instead, it is a CST-informed analysis and reflection on the West Philippine Sea Dispute vis-à-vis the environment.

An Overview of the Maritime Dispute

The South China Sea is a geopolitical region with several trade routes of about 3,500,000 square kilometers. There are over 250 small islands, atolls, cays, shoals, reefs, and sandbars, most of which have no inhabitants, and many are either submerged at high tide or permanently submerged. The South China Sea is also one of the most biodiverse ecosystems in the world, with around 600 species of coral, 3,000 species of fish, and 1,500 species of sponge, some of which are already endangered species.[4] The region has over a hundred reef features in 37,200 square kilometers, which serve as breeding grounds and habitats for numerous fish species.[5] The reef features are in nine locations.[6] The part of the South China Sea that is within the exclusive economic zone of the Philippines is the West Philippine Sea (WPS). The WPS runs along the west coast of

4. Chloe Houdre, "Environmental Ramifications of the South China Sea Conflict: Vying for Regional Dominance at the Environment's Expense," *Georgetown Law*, July 12, 2018, accessed August 16, 2024, https://www.law.georgetown.edu/environmental-law-review/blog/environmental-ramifications-of-the-south-china-sea-conflict-vying-for-regional-dominance-at-the-environments-expense/.

5. Remedios Lucio, "Scientists warn of ecological damage in West Philippine Sea due to China's militarization," *Maritime Fairtrade*, June 19, 2024, accessed August 22, 2024, https://maritimefairtrade.org/scientists-warn-of-ecological-damage-in-west-philippine-sea-due-to-chinas-militarization/.

6. According to data from the Center for Strategic and International Studies, 27 are already occupied by China, 18 by Vietnam, 9 by the Philippines, 5 by Malaysia and 1 by Taiwan. See: Kurt Dela Peña, "'Irreparable Harm': China's Intrusion Impact on West Philippine Sea Ecosystem," *Inquirer*, March 10, 2024, accessed August 22, 2024, https://newsinfo.inquirer.net/1915430/irreparable-harm-china-intrusions-impact-on-west-philippine-sea-ecosystem.

Luzon, Mindoro, and Palawan and stretches 200 nautical miles from the shorelines towards the Scarborough Shoal (locally known as Bajo de Masinloc) and the northeastern section of the Spratly Islands (Kalayaan group of islands).[7]

The Philippines asserts itself in the maritime dispute because the WPS contributes much to the total fish production of the country, which was around 10.8% from 2018 to 2022.[8] Over 600,000 Filipino fisherfolk from the Ilocos, Central Luzon, Mindoro, Marinduque, Romblon, Palawan, and some parts of the National Capital Region rely on the safe use of the WPS to sustain their livelihoods.[9] If we also account for their close families and associates, the number reaches about 1.8 million Filipinos having an immediate vested interest in the WPS. This number does not even consider the many more throughout the country who benefit economically from their activities. About 70 to 80% of mackerel in Metro Manila comes from the WPS.[10] However, Chinese vessels have disturbed many of the Filipino fisherfolk. In addition, Chinese activities have damaged thousands of acres of coral reefs in the WPS due to island-building and giant clam harvesting.[11] Giant clam shells have a translucent white color that resembles that of elephant ivory, making

7. It is sometimes the case that the people equate the South China Sea with the West Philippine Sea. The problem of terminology treads more in the political realm, which is beyond the scope of this paper.

8. Vanessa Mae Escaño, "Unlocking the diverse bounty of the West Philippine Sea," *National Fisheries and Research Institute*, accessed August 22, 2024, https://nfrdi.da.gov.ph/2024/05/20/feature-unlocking-the-diverse-bounty-of-the-west-philippine-sea/#:~:text=The%20rich%20coral%20reef%20ecosystems,that%20the%20country%20benefits%20from.

9. Escaño, "Unlocking the diverse bounty of the West Philippine Sea."

10. Escaño, "Unlocking the diverse bounty of the West Philippine Sea."

11. Lucio, "Scientists warn of ecological damage in West Philippine Sea due to China's militarization."

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them good substitutes for crafting jewelry and statues. As a result, the coral reefs have shrunk by 16% from 2014 to 2024.[12] From an economic standpoint, this is equivalent to an annual loss of PHP 33.1 billion.[13] To better understand the situation, a brief course through history is helpful.

As early as 1947, the Philippine Secretary of Foreign Affairs, Carlos Garcia, asserted claims over the Spratly Islands as a security guarantee from Japan.[14] The Japanese had used them during the Second World War as aircraft launchpads but renounced them in 1951 without designating subsequent ownership. In 1978, the Philippine government included the Spratly Islands with the Palawan province through Presidential Decree No. 1596.[15] Over the next decade, gradual downward tension in the Cambodia-Vietnam war, a source for cooperation between China and the Association of Southeast Asian Nations (ASEAN), had allowed the former to redirect its attention towards other regional interests. China insists on sovereignty over the maritime region, per a ten-dash line (previously a nine-dash line), which covers 85.7% of the South China Sea (3 million square kilometers) and overlaps with 80% of the Philippine Exclusive Economic Zone (381,000 square kilometers).[16] Concurrently, economic growth among Asian countries led to an increasing demand for resources and corresponding

12. Lucio, "Scientists warn of ecological damage in West Philippine Sea due to China's militarization."

13. Lucio, "Scientists warn of ecological damage in West Philippine Sea due to China's militarization."

14. Francisco A. Magno, "Environmental Security in the South China Sea*," *Security Dialogue* 28, no. 1 (March 1997): 97-112. https://journals.sagepub.com/doi/10.1177/0967010697028001009?icid=int.sj-abstract.similar-articles.9.

15. Magno, "Environmental Security in the South China Sea*."

16. Maximo Paulino T Sison III, "Universalizing the Law of the Sea in the South China Sea Dispute," *Ocean Development & International Law* 49, no. 2 (2018): 158.

assertions of sovereignty. In 1988, China and Vietnam briefly clashed over the Johnson South Reef in the Spratly Islands, with the former prevailing.[17] In 1991, foreign affairs officials and academics from ASEAN, China, Taiwan, and Laos proposed that claimants explore areas of cooperation such as information exchange and joint development.[18] In the succeeding year, foreign affairs officials met in Manila, where they issued the ASEAN Declaration on the South China Sea, which insisted on peaceful means to resolve differing claims in the region. In 1995, China sent armed vessels and constructed military structures in Mischief or Panganiban Reef.[19] In the same year, Chinese fishing vessels were apprehended and found to contain sea turtles. Meanwhile, the Philippine Department of Environmental and Natural Resources suggested to the United Nations Educational, Scientific and Cultural Organization or UNESCO that the Spratly Islands be an internationally protected seascape system.[20] In 1999, the Philippines ran aground the BRP Sierra Madre on the Second Thomas Shoal (Ayungin) to serve as an outpost.

Maritime tensions between the Philippines and China in 2012 led to a standoff in the Scarborough Shoal, where Philippine authorities apprehended Chinese fishermen possessing corals, sea turtles, and giant clams. Although the Philippines withdrew from the area under the assumption of mutual agreement, China erected a barrier in the shoal. At the same time, China undertook reclamation in the WPS to develop military facilities there. In light of the standoff and

17. Chao Pao-Min, "A New Scramble for the South China Sea Islands," *Contemporary Southeast Asia* 12, no. 1 (June 1990): 20-39, https://www.jstor.org/stable/42707646.

18. Magno, "Environmental Security in the South China Sea*."

19. Magno, "Environmental Security in the South China Sea*."

20. Magno, "Environmental Security in the South China Sea*."

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reclamation that has destroyed large swathes of coral reef systems found in the following reefs: Johnson, McKeenan, Mischief, Cuarteron, Gaven, and Fiery Cross, the Philippines filed an arbitration case on January 22, 2013, against China, before the Permanent Court of Arbitration under Annex VII (Arbitration) of the United Nations Convention on the Laws of the Seas (UNCLOS).[21] The Philippines raised the following general issues:

1. The Validity of the Historic Rights Claim of China
2. Geologic Features in the Spratly Islands
3. China-Occupied Geologic Features in the Spratly Islands
4. Scarborough Shoal
5. Harm to the Marine Environment

Since the arbitration filing, some claimants have intensified the building of artificial islands to bolster their claims of sovereignty in the South China Sea. The issue became so critical that the Philippine ambassador to the United Nations, Lourdes O. Yparraguirre, remarked in 2015: "The South China Sea is already in an environmental crisis."[22] On July 12, 2016, the Philippines won the arbitration case *Philippines v. China*, which declared the nine-dash line of China as invalid and its fishing and island-building activities, with military airstrips, as seriously damaging to the ecosystem. Unfortunately,

21. Permanent Mission of the Republic of the Philippines to the United Nations, "Philippines Raises Concern on Environmental Crisis in South China Sea, Calls for Regional and Global Cooperation," *Permanent Mission of the Republic of the Philippines to the United Nations*, June 10, 2015, accessed August 22, 2024, https://www.un.int/philippines/activities/philippines-raises-concern-environmental-crisis-south-china-sea-calls-regional-and-global.

22. Permanent Mission of the Republic of the Philippines to the United Nations, "Philippines Raises Concern on Environmental Crisis in South China Sea, Calls for Regional and Global Cooperation."

China did not recognize the arbitration ruling and continued to conduct ecologically damaging activities in the region with increased hostilities through the use of water cannons. Around 220 militia vessels also encroached on the Julian Felipe Reef and others around the Rozu Reef and Escoda Shoal.[23] The Armed Forces of the Philippines also spotted illegal structures at Union (*Pagkakaisa*) Banks in the Kalayaan group of islands.[24] The problem is heightened given the natural resources vied for by the proximate actors. The South China Sea has 190 trillion cubic feet of natural gas and 11 billion oil reserves.[25] The WPS has an estimated 12,158 billion cubic feet of natural gas reserves and 6,203 million oil reserves.[26] Much of the former is in the Malampaya gas field, partly in the disputed area. In 2023, Senator Risa Hontiveros reiterated the call for environmental reparations from China, which she estimated in 2021

23. Bella Perez-Rubio, "Damage caused by China in West Philippine Sea could affect food security," Philippine Star, April 2, 2021, accessed August 22, 2024, https://www.philstar.com/headlines/2021/04/02/2088602/damage-caused-china-west-philippine-sea-could-affect-food-security-scientists?via=webuproar.

24. Anna Felicia-Bajo, "AFP: 'Illegal' Chinese structures spotted at Pagkakaisa Banks," GMA News, April 2, 2021, accessed August 22, 2024, https://www.gmanetwork.com/news/topstories/nation/782104/afp-illegal-man-made-structures-spotted-at-pagkakaisa-banks/story/.

25. Kurt Dela Peña, "China invasion of West Philippine Sea: Root of all evil is access to oil, gas," Inquirer, May 15, 2024, accessed August 25, 2024, https://newsinfo.inquirer.net/1940774/china-invasion-of-wps-root-of-all-evil-is-access-to-oil-gas.

26. Dela Peña, "China invasion of West Philippine Sea: Root of all evil is access to oil, gas."

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to be over PHP 800 billion.[27] The same year, the Philippine Department of Justice (DOJ) filed an environmental complaint before an international body.[28] Meanwhile, the Department of Environment and Natural Resources released a statement deploring environmental damage on the WPS.[29] In May 2024, the DOJ and the Office of the Solicitor-General were finalizing the environmental complaint.[30] A few months later, the collision of Philippine and Chinese vessels in Sabina Shoal hit the news.[31] The next section further elaborates on the competing legal claims of the Philippines and China in the WPS.

27. Senate of the Philippines, "Hontiveros renews call for China to pay billions in environmental damages in the WPS," Senate of the Philippines, September 20, 2023, https://legacy.senate.gov.ph/press_release/2023/0920_hontiveros1.asp (accessed August 22, 2024); Senate of the Philippines, "Hontiveros: China's debt to PH now over P800 billion, Beijing should start paying up," Senate of the Philippines, February 18, 2021, accessed August 22, 2024, https://legacy.senate.gov.ph/press_release/2021/0218_hontiveros1.asp.

28. Giselle Ombay, "Hontiveros wants China to pay environmental damages for West PH Sea corals," *GMA News*, September 20, 2023, accessed August 20, 2024, https://www.gmanetwork.com/news/topstories/nation/882685/hontiveros-wants-china-to-pay-environmental-damages-for-west-ph-sea-corals/story/.

29. Department of Environment and Natural Resources, "DENR Statement on West Philippine Sea," Department of Environment and Natural Resources, September 23, 2023, accessed September 1, 2024, https://denr.gov.ph/news-events/denr-statement-on-west-philippine-sea/.

30. Filane Mikee Cervantes, "PH to complete environmental case vs. China in 'few weeks'- DOJ," *Philippine News Agency*, May 30, 2024, accessed August 22, 2024, https://www.pna.gov.ph/articles/12259https://www.pna.gov.ph/articles/122593535.

31. Bea Cupin, "Philippines says China damaged PCG ships near Escoda Shoal," *Rappler*, August 19, 2024, accessed August 22, 2024, https://www.rappler.com/philippines/statement-ships-collision-escoda-shoal-august-19-2024/.

Disputed Legal Status of the West Philippine Sea

Philippines

The Philippine assertion in the WPS Dispute has been well-presented by Antonio T. Carpio, then-Associate Justice of the Supreme Court.[32] The dispute between the Philippines and China involves 80% of the Philippine Exclusive Economic Zone (EEZ) in the WPS. China claims it is within its ten-dash demarcation per its alleged historical rights. The Philippines claims it is in line with international law, giving a state exclusive economic rights over waters within 200 miles of its baselines. The concept of an EEZ dates back to the Truman Proclamation of the United States on September 28, 1945, claiming waters over its continental shelves. The first true EEZ came from the declarations of Chile and Peru on June 23 and August 1, 1947, respectively, establishing maritime zones extending 200 nautical miles off their coasts. The Philippine EEZ was established in local law by President Ferdinand Marcos, Sr. on June 11, 1978, through Presidential Decree 1599, stating:

> **Section 1.** There is hereby established a zone to be known as the exclusive economic zone of the Philippines. The exclusive economic zone shall extend to a distance of two hundred nautical miles beyond and from the baselines from which the territorial sea is measured: Provided, That, where the outer limits of the zone as thus determined overlap the exclusive economic zone of an adjacent or neighboring state, the common boundaries shall be determined by agreement with the state concerned or in accordance with pertinent generally recognized principles of international law on delimitation.

32. Antonio T. Carpio, "The South China Sea Dispute: Philippine Sovereign Rights and Jurisdiction in the West Philippine Sea," *Philippine Law Journal* 90, no. 3 (March 2017): 459-555.

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> **Section 2.** Without prejudice to the rights of the Republic of the Philippines over it territorial sea and continental shelf, it shall have and exercise in the exclusive economic zone established herein the following;
>
> (a) Sovereignty rights for the purpose of exploration and exploitation, conservation and management of the natural resources, whether living or non-living, both renewable and non-renewable, of the sea-bed, including the subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the resources of the zone, such as the production of energy from the water, currents, and winds;
>
> (b) Exclusive rights and jurisdiction with respect to the establishment and utilization of artificial islands, off-shore terminals, installations and structures, the preservation of the marine environment, including the prevention and control of pollution, and scientific research;
>
> (c) Such other rights as are recognized by international law or state practice.[33]

Confident in the Philippine assertion, President Benigno Aquino III named the waters west of the Philippines as the West Philippine Sea in 2012 through Administrative Order 29, stating:

> **Section 1.** The maritime areas on the western side of the Philippine archipelago are hereby named as the West Philippine Sea. These areas include the Luzon Sea as well as the waters around, within and adjacent to the Kalayaan Island Group and Bajo De Masinloc, also known as Scarborough Shoal.

33. Office of the President, *Establishing an Exclusive Economic Zone and for Other Purposes* by Ferdinand Marcos, Sr., Presidential Decree 1599, Manila: 1978. accessed September 1, 2024, https://lawphil.net/statutes/presdecs/pd1978/pd_1599_1978.html.

> **Section 2.** The naming of the West Philippine Sea is without prejudice to the determination of the maritime domain over territories in which the Republic of the Philippines has sovereignty and jurisdiction.[34]

In November 2024, President Ferdinand Marcos, Jr., signed two laws: The Philippine Maritime Zones Act (Republic Act 12064) and the Philippine Archipelagic Sea Lanes Act (Republic Act 12065).[35] Republic Act 12064 "defines the extent of the country's maritime entitlements and fully declares their metes and bounds following the Philippine Constitution and the United Nations Convention on the Laws of the Sea."[36] In other words, the law aligns more with the maritime zones, according to the UNCLOS. Meanwhile, Republic Act 12065 "establishes three archipelagic sea lanes that shall be utilized and accessed by foreign ships and aircraft, without compromising the country's national security."[37] This aligns more with the archipelagic sea lanes, according to the UNCLOS. In response, China opposed both laws.

China

The interest of China in much of the South China Sea, including the WPS, is evident in its abundant fish catch in the maritime region to sustain its population of over a billion.

34. Office of the President, Naming the West Philippine Sea of the Republic of the Philippines, and for Other Purposes by Benigno Aquino III, Administrative Order 29, Manila: 2012, accessed September 1, 2024, https://lawphil.net/executive/ao/ao2012/ao_29_2012.html.

35. Pia Gutierrez, "Marcos Signs Two Laws Reinforcing Philippine Rights over Maritime Zones," *ABS-CBN News*, November 8, 2024, https://news.abs-cbn.com/news/2024/11/8/marcos-signs-two-laws-reinforcing-philippine-rights-over-maritime-zones-1306.

36. Gutierrez, "Marcos Signs Two Laws Reinforcing Philippine Rights over Maritime Zones."

37. Gutierrez, "Marcos Signs Two Laws Reinforcing Philippine Rights over Maritime Zones."

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Furthermore, as the largest global net importer of petroleum, it also has much to gain from the oil reserves in the South China Sea. China asserts over much of the South China Sea on its belief that it was the first to map, record, and patrol the maritime region, as far back as the traditional Xia dynasty (c. 2100-1600 BC).[38] As a visual reference, it uses a ten-dash line to signify its sovereignty over the South China Sea. The Kuomintang government adopted this line of thinking in December 1947, using a map entitled "Location of the South Sea Islands," which had eleven dashes.[39] Three years later, the Communist government removed two dashes in the Gulf of Tonkin.[40] It had first insisted on this nine-dash line in 2009 when it contested the Extended Continental Shelf claim of Vietnam.[41] Yet, it did not give the exact coordinates of each dash. By 2013, China added a tenth dash east of Taiwan.[42] Regarding the Spratly Islands, Chinese Foreign Minister Zhou Enlai contended in 1951 that:

> In fact, the Paracel Archipelago and Spratly Island, as well as the whole Spratly Archipelago...have always been Chinese territory. Though occupied for some time during the war of aggression unleashed by Japanese imperialism, they were taken over by the then Chinese government following Japan's surrender. The Central People's Government of the People's Republic of China declares herewith: The inviolable sovereignty of the People's Republic of China over Spratly Island and the

38. Xavier Furtado, "International Law and the Dispute over the Spratly Islands: Wither UNCLOS?" *Contemporary Southeast Asia* 21, no. 3 (December 1999), 388.

39. Carpio, "The South China Sea Dispute: Philippine Sovereign Rights and Jurisdiction in the West Philippine Sea," 467.

40. Carpio, "The South China Sea Dispute: Philippine Sovereign Rights and Jurisdiction in the West Philippine Sea," 468.

41. Carpio, "The South China Sea Dispute: Philippine Sovereign Rights and Jurisdiction in the West Philippine Sea," 468.

42. Carpio, "The South China Sea Dispute: Philippine Sovereign Rights and Jurisdiction in the West Philippine Sea," 470.

> Paracel Archipelago will by no means be impaired, irrespective of whether the American-British draft for a peace treaty with Japan should make any stipulations and of the nature of any such stipulations.[43]

International Law

The primary international law in the WPS Dispute is the UNCLOS. The UNCLOS traces its origins to three United Nations conferences in 1958, 1960, and 1973 that attempted to create uniform regulations for territorial seas.[44] After nine years of deliberations, the third conference ended with the formation of UNCLOS on December 10, 1982. In principle, it sought to establish limits on territorial and contiguous seas, navigation rights, seabed usage, and dispute adjudication. The UNCLOS entered into force on November 16, 1994. By 2024, 170 state parties, including the Philippines and China, had ratified it, though the latter did not accept certain binding provisions. As a text, UNCLOS is composed of the following: a preamble, seventeen parts, and nine annexes. Under the seventeen parts, there are 320 articles, numbered consecutively. While under the nine annexes, there are 106 articles, numbered non-consecutively. Notably, UNCLOS legitimized at the international level the EEZ of states in Part V, comprising Articles 55-75, by stating:

> Article 55
>
> *Specific legal regime of the exclusive economic zone*
>
> The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights

43. Furtado, "International Law and the Dispute over the Spratly Islands: Wither UNCLOS?" 389-390.

44. Stephen C. Nemeth, Sara McLaughlin Mitchell, Elizabeth A. Nyman, and Paul R. Hensel, "Ruling the Seas: Managing Maritime Conflicts through UNCLOS and Exclusive Economic Zones," *International Interactions* 40: (2014), 713.

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and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.

Article 56

Rights, jurisdiction, and duties of the coastal State in the exclusive economic zone

1. In the exclusive economic zone, the coastal State has:

(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents, and winds;

(b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

(iii) the protection and preservation of the marine environment;

(c) other rights and duties provided for in this Convention.

2. In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.

3. The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.

> Article 57
>
> *Breadth of the exclusive economic zones*
>
> The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.[45]

Part XII, which deals with protecting and preserving the marine environment, is of the highest interest to this paper. Under it, there are eleven sections containing Articles 192-237. The first two set the tone:

> Article 192
>
> *General Obligation*
>
> States have the obligation to protect and preserve the marine environment.
>
> Article 193
>
> *Sovereign rights of States to exploit their natural resources*
>
> States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.[46]

While marine protection and preservation is the topic of Part XII, one can find mechanisms about the environment throughout the document. The UNCLOS can, thus, be said to be an environmental document. As international legislation, it was a leap forward for environmental protection. In terms of implementation, however, the picture is less than ideal. It is important to note that Part XII deals with pollution, a pressing issue but not the only threat to the marine environment. One point where the UNCLOS fails to provide adequate

45. United Nations, *United Nations Convention on the Law of the Sea,* Montego Bay, Jamaica, 1982. https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

46. United Nations, *United Nations Convention on the Law of the Sea*.

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mechanisms is addressing coral reef destruction, a prominent issue in the WPS Dispute. Nowhere in the UNCLOS is the word "coral" found, and only six times is the word "reef" mentioned. The subsequent section makes a point on coral reef destruction that only emphasizes the need to update the UNCLOS to address it effectively.

State of Coral Reefs

There are many environmental issues in the WPS Dispute. Since the most pervasive one is coral reef destruction, it is worth delving into more details. First, some information on coral reef development: Corals are invertebrate animals that are part of the animal classification Cnidaria, which includes jellyfish and sea anemones. Corals come in two types: hard and soft. Hard corals "extract calcium carbonate from seawater to create a hard, durable exoskeleton that protects their soft, sac-like bodies."[47] These exoskeletons form reef structures. Thus, coral reefs are the amalgamation of numerous coral exoskeletons. According to Professor Alfredo C. Robles, coral reefs serve as geological structures and living ecosystems, which means they house a community of marine species living together in harmony and mutual benefit.[48] Simone Montano notes that "coral reefs encompass the highest biodiversity of any marine ecosystem of the planet."[49] It is not for naught that they are

47. Rachel Ross, "What Are Coral Reefs?" Live Science, September 25, 2018, accessed on August 27, 2024, https://www.livescience.com/40276-coral-reefs.html#:~:text=Coral%20reefs%20are%20large%20underwater,colonial%20marine%20invertebrates%20called%20coral.

48. Alfredo C. Robles, Jr., *Endangered Species and Fragile Ecosystems in the South China Sea: The Philippine v. China Arbitration* (Singapore: Palgrave Macmillan, 2020.), 60.

49. Simone Montano, "The Extraordinary Importance of Coral-Associated Fauna," *Diversity* 12: 9 (16 September 2020): 1. https://www.mdpi.com/1424-2818/12/9/357.

known as the rainforests of the sea. About 60,000 animals reside in coral reefs to spawn, breed, and feed.[50] Alarmingly, climate change and human activities seriously threaten coral reefs worldwide. There was a decline of 50% in global coral reef cover from 1957 to 2007.[51]

The Philippines, Indonesia, Malaysia, Papua New Guinea, the Solomon Islands, and Timor-Leste form the Coral Triangle, which "is only 1.1% of the earth's surface but is home to a third of the world's coral reefs."[52] In the Philippines, there are more than 500 species of coral.[53] The country has the second-largest reef cover in Southeast Asia and the third-largest worldwide at over 25,000 square kilometers (Indonesia is first, with Australia second). The most developed of these, and one-third of the Philippine reef cover, are in the Kalayaan group of islands. Coral reefs support the livelihoods of fisherfolk by sustaining large quantities of fish for catch. They contribute a

50. Robles, Jr., *Endangered Species and Fragile Ecosystems in the South China Sea: The Philippine v. China Arbitration*, 62.

51. Tyler D. Eddy, Vicky W.Y. Lam, Gabriel Reygondeau, John F. Bruno, Yoshitaka Ota, and William W.L. Cheung, "Global decline in capacity of coral reefs to provide ecosystem services," *One Earth* 4, no. 9 (September 17, 2021): 1279. https://www.cell.com/one-earth/fulltext/S2590-3322(21)00474-7.

52. Reniel B. Cabral and Rollan C. Geronimo, "How important are coral reefs to food security in the Philippines? Diving deeper than national aggregates and averages," *Marine Policy* 91 (May 2018): 136.

53. Kennedy Warne, "Coral reefs in the Philippines are some of the world's most vibrant—but in peril," *National Geographic*, May 12, 2022, accessed on August 28, 2024, https://www.nationalgeographic.com/magazine/article/philippines-reefs-are-some-of-the-most-vibrant-but-in-peril-feature.

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significant portion of the total fishery production in the country.[54] Coral reefs also support the tourism industry for their aesthetic value. However, overfishing and dynamite fishing by Filipino fisherfolk have negatively impacted the coral reefs in the country. Damages by China to a reported 20,800 acres of coral reefs in the South China Sea (4,500 from island-building and 16,300 from giant clam harvesting) resulted in a depleted fish count.[55] Not surprisingly, fish count depletion leads to livelihood loss for fisherfolk, of whom many are economically disadvantaged. Hence, coral reef destruction has wide-ranging repercussions for fish and humans.

A reason noted earlier for the coral reef destruction is giant clam harvesting, which brings problems of its own. One could argue that their transformation into expensive jewelry and statues is an ecologically unjustifiable reason for their harvesting. Even so, their harvesting can lead to some imbalance in the coral reef ecosystem. Giant clams are food for fish like wrasse, triggerfish, and pufferfish.[56] Even when dying or dead, they serve as rich nutrient sources for scavengers like isopods,

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54. Natasha Charmaine A. Tamayo, Jonathan A. Anticamara, and Lilibeth Acosta-Michlik, "National Estimates of Values of Philippine Reefs' Ecosystem Services," *Ecological Economics* 146 (December 19, 2017): 635. https://www.sciencedirect.com/science/article/pii/S0921800917300812?ref=pdf_download&fr=RR-2&rr=8b9d6de-33b6e9b44.

55. Michaela Del Callar," China destroyed or damaged over 20,000 acres of coral reef in South China Sea –US think tank," GMA News, February 22, 2024, accessed on August 28, 2024, https://www.gmanetwork.com/news/topstories/nation/898330/china-destroyed-or-damaged-over-20-000-acres-of-coral-reef-in-south-china-sea-us-think-tank/story/.

56. Mei Lin Neo, William Eckman, Kareen Vicentuan, Serena L.-M. Teo, Peter A. Todd, "The ecological significance of giant clams in coral reef ecosystems," *Biological Conservation* 181 (January 2015): 115. https://www.sciencedirect.com/science/article/pii/S0006320714004212?via%3Dihub.

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ostracods, amphipods, leptostraca, mysids, and snails. Giant clams can also house fish in them, while their shell surfaces can host epibionts.[57] Ironically, giant clams are supposed to be better alternatives to elephant ivory yet harvesting them can impact the environment in ways as consequential as animal poaching. Giant clams provide valuable contributions to the coral reef ecosystem.

Development of Catholic Social Teaching on the Environment

It is important to note that Catholic Social Teaching (CST) develops through a series of socio-cultural and economic milieux. The first CST encyclical, *Rerum Novarum* (1891) by Leo XIII, spoke on the conditions of workers in Europe during the 19th century. *Quadragesimo Anno* (1931) by Pius XI did something similar in the early 20th century. It should come as no surprise that the earliest stirring from the Church magisterium about environmental concerns stems from a particular milieu. The environmental movement arose in the mid-20th century and began when Rachel Carson, an American marine biologist, published on June 30, 1962, her landmark work "Silent Spring," a work critical of technological prowess and the impact of the pesticide dichloro-diphenyl-trichloroethane on crops. In light of this nascent environmentalism, the Apostolic Letter *Octogesima Adveniens* issued by Paul VI in 1971, commemorating *Rerum Novarum*, notes in paragraph 21:

> While the horizon of man is thus being modified according to the images that are chosen for him, another transformation is making itself felt, one which is the dramatic and unexpected consequence of human activity. Man is suddenly becoming aware that by an ill-considered exploitation of nature, he risks

57. Neo, et al., "The ecological significance of giant clams in coral reef ecosystems," 117.

> destroying it and becoming in his turn the victim of this degradation. Not only is the material environment becoming a permanent menace - pollution and refuse, new illness and absolute destructive capacity - but the human framework is no longer under man's control, thus creating an environment for tomorrow which may well be intolerable. This is a wide-ranging social problem which concerns the entire human family. The Christian must turn to these new perceptions in order to take on responsibility, together with the rest of men, for a destiny which from now on is shared by all.[58]

In the same year as *Octogesima Adveniens*, the Synod of Bishops, through *Justitia in Mundo*, observed that:

> The new technological possibilities are based upon the unity of science, on the global and simultaneous character of communications, and on the birth of an absolutely interdependent economic world. Moreover, people are beginning to grasp a new and more radical dimension of unity; for they perceive that their resources, as well as the precious treasures of air and water--without which there cannot be life-- and the small delicate biosphere of the whole complex of all life on earth, are not infinite, but on the contrary must be saved and preserved as a unique patrimony belonging to all human beings.[59]

Outside of magisterial documents, Paul VI addressed Maurice Strong, the Secretary General of the United Nations Conference on Environment, in Stockholm in 1972 with the following cautionary words:

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58. Paul VI, *Octogesima Adveniens*, *Vatican Archive*, May 14, 1971, accessed September 3, 2024, https://www.vatican.va/content/paul-vi/en/apost_letters/documents/hf_p-vi_apl_19710514_octogesima-adveniens.html.

59. Synod of Bishops, *Justitia in Mundo*, (Catholic Charities, 1971), accessed September 3, 2024, https://cctwincities.org/education-advocacy/catholic-social-teaching/major-documents/justicia-in-mundo/.

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> Today, indeed, there is a growing awareness that man and his environment are more inseparable than ever. The environment essentially conditions man's life and development, while man, in his turn, perfects and ennobles his environment through his presence, work, and contemplation. But human creativeness will yield true and lasting benefits only to the extent to which man respects the laws that govern the vital impulse and nature's capacity for regeneration. Both are united, therefore, and share a common temporal future.[60]

Following these messages, John Paul II made a bold speech for World Day of Peace on January 1, 1990, entitled "Peace with God the Creator, Peace with all of Creation." What makes this speech remarkable is that it situates the ecological crisis within salvation history, specifically the fall of humanity:

> Adam and Eve's call to share in the unfolding of God's plan of creation brought into play those abilities and gifts which distinguish the human being from all other creatures. At the same time, their call established a fixed relationship between mankind and the rest of creation. Made in the image and likeness of God, Adam and Eve were to have exercised their dominion over the earth (Gen 1:28) with wisdom and love. Instead, they destroyed the existing harmony by deliberately going against the Creator's plan, that is, by choosing to sin. This resulted not only in man's alienation from himself, in death and fratricide, but also in the earth's "rebellion" against him (cf. Gen 3:17-19; 4:12). All of creation became subject to futility, waiting in a mysterious way to be set free and to

60. Paul VI, "Message of His Holiness Paul VI to Mr. Maurice F. Strong, Secretary-General of the Conference on the Environment," *Vatican Archives*, June 1, 1972, accessed September 5, 2024, https://www.vatican.va/content/paul-vi/en/messages/pont-messages/documents/hf_p-vi_mess_19720605_conferenza-ambiente.html.

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> obtain a glorious liberty together with all the children of God (cf. Rom 8:20-21).[61]

This biblical exegesis implies that the ecological crisis was originally a theological problem. Cecilia Deane-Drummond explains:

> [John Paul II] therefore identifies the root of ecological destruction as based fundamentally in 'an anthropological error' because human beings forget that their power to create 'is always based on God's prior and original gift of the things that are'. Human beings must, therefore, respect the requisites embedded in the natural world and its God-given purposes, 'which man can indeed develop but must not betray'.[62]

The quality of our relationship with the environment proceeds from our relationship with God. Such that: "[t]he commitment of believers to a healthy environment for everyone stems directly from their belief in God the Creator, from their recognition of the effects of original and personal sin, and from the certainty of having been redeemed by Christ."[63] His successor, Benedict XVI, included in his first homily as pope the following: "The external deserts in the world are growing because the internal deserts have become so vast. Therefore, the earth's treasures no longer serve to build God's garden for all to live in, but they have been made to serve the powers of

61. John Paul II, "Peace with God the Creator, Peace with all of Creation," Message, *Vatican Website*, January 1, 1990, accessed September 3, 2024, https://www.vatican.va/content/john-paul-ii/en/messages/peace/documents/hf_jp-ii_mes_19891208_xxiii-world-day-for-peace.html.

62. Cecilia Deane-Drummond, "Joining in the Dance: Catholic Social Teaching and Ecology," *New Blackfriars* 93, no. 1044 (February 13, 2012): 201. https://onlinelibrary.wiley.com/doi/full/10.1111/j.1741-2005.2011.01476.x.

63. John Paul II, *Peace with God the Creator, Peace with all of Creation.*

exploitation and destruction."[64] As a gesture of commitment to sustainability, he installed 2,400 solar panels on the rooftop of the Paul VI Hall in the Vatican in 2008 and converted the popemobile into a hybrid.[65] For these reasons, the media dubbed him the Green Pope. Furthermore, in his World Day of Peace message entitled "If you want to cultivate peace, protect creation" dated January 1, 2010, Benedict XVI noted:

> The true meaning of God's original command, as the Book of Genesis clearly shows, was not a simple conferral of authority, but rather a summons to responsibility. The wisdom of the ancients had recognized that nature is not at our disposal as "a heap of scattered refuse". Biblical Revelation made us see that nature is a gift of the Creator, who gave it an inbuilt order and enabled man to draw from it the principles needed to "till it and keep it" (cf. Gen. 2:15). Everything that exists belongs to God, who has entrusted it to man, albeit not for his arbitrary use. Once man, instead of acting as God's co-worker, sets himself up in place of God, he ends up provoking a rebellion on the part of nature, "which is more tyrannized than governed by him." Man, thus has a duty to exercise responsible stewardship over creation, to care for it and to cultivate it.[66]

Francis continued the sustainability endeavors on June 21, 2024, with the Apostolic Letter *Fratello Sole*, which entrusts the

64. Benedict XVI, "Homily of His Holiness Benedict XVI," *Vatican Archives*, April 24, 2005, accessed September 3, 2024, https://www.vatican.va/content/benedict-xvi/en/homilies/2005/documents/hf_ben-xvi_hom_20050424_inizio-pontificato.html.

65. Brian Roewe, "The first green pope: How Benedict's eco-theology paved the way for Francis," *Earthbeat*, January 4, 2023, accessed September 3, 2024, https://www.ncronline.org/earthbeat/faith/first-green-pope-how-benedicts-eco-theology-paved-way-francis.

66. Benedict XVI, "If you want to cultivate peace, protect creation," Message, *Vatican Website*, January 1, 2010, accessed September 3, 2024, https://www.vatican.va/content/benedict-xvi/en/messages/peace/documents/hf_ben-xvi_mes_20091208_xliii-world-day-peace.html

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President of the Governorate of Vatican City State and President of the Administration of the Patrimony of the Apostolic See "the task of constructing an agrivoltaic plant located within the extraterritorial zone of Santa Maria di Galeria that will guarantee, not only the power supply of the radio station there but also the complete energy sustenance of Vatican City State."[67] These massive efforts in the small size of the Vatican could put it on track as one of the most energy-efficient states in the world.

Christianity and Environmental Exploitation

It is good at this point to tackle the elephant in the room. Christianity appears to have enabled the exploitation of the environment through the mandate to subdue the earth and have dominion over creatures in Genesis 1:28.[68] This view is popular in the public imagination but is open to contestation. It gained traction in the modern period when Lyn White wrote the article "Historical Root of our Ecologic Crisis."[69] White argues: "Christianity in absolute contrast to ancient paganism and Asia's religions...not only established a dualism of man and nature but also insisted that it is God's will that man exploits nature for his proper ends."[70] According to Ricardo M. Puno, the interpretations of the verse in the patristic and medieval periods were interested in the allegorical and spiritual meanings. For

67. Francis, *Fratello Sole*, Apostolic Letter, June 21, 2024, accessed September 3, 2024, https://www.vatican.va/content/francesco/en/motu_proprio/documents/20240621-fratello-sole.html.

68. "God blessed them and God said to them: Be fertile and multiply; fill the earth and subdue it. Have dominion over the fish of the sea, the birds of the air, and all the living things that crawl on the earth."

69. Lyn White, "The historical root of our ecologic crisis." *Science* 155, 3767 (March 10, 1967): 1203-1207.

70. White, "The historical root of our ecologic crisis," 1205.

example, Augustine viewed dominion as suggesting discipline over the irrational, which is connotative with the part of humanity prone to error. Later on, medieval scholars interpreted dominion as directing creation towards salvific ends. In the Renaissance, Francis Bacon promoted a more literal reading by advocating for a right over nature. Nevertheless, this right was subject to the needs of humanity, implying that any wanton use of nature was wrong. Decades later, John Locke read the Genesis text with the concept of private property in mind, justifying ownership of land. Regrettably, his reading served to underlie the colonization of lands in the Americas. At this point, it is evident that the interpretation of Genesis 1:28 varied through the centuries.

Another key exegetical factor is that the mandate to subdue the earth and have dominion over other creatures precedes the fall of humanity in Genesis 3. In the time before the fall, human beings and nature coexisted in an order. After the fall, humanity lost dominion, and relations ruptured between humanity and nature. This reading suggests that human involvement in environmental problems is not consistent with the divine mandate of dominion and subduing, but a consequence of the fall. Rereading White, it should be apparent why his argument is highly contestable. Christians have indeed participated in environmental exploitation, but to say that Christianity approves of it is unfair. Genesis 2:15 even has God mandating Adam and Eve to care for the Garden of Eden.[71] Despite the fall, humanity, as stewards, still has a special responsibility over the rest of creation.

71. "The Lord God then took the man and settled him in the garden of Eden, to cultivate and care for it."

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Global Environmental Initiatives and the Church

Catholic concern for the environmental impact of the WPS Dispute is better understood within a global thrust toward environmental protection. Given that CST develops through a particular milieu, it is worth recounting the efforts in the global environmental sector in the past decades. Since the 1990s, there has been a renewed interest among international leaders in combating negative climate change. In 1992, the United Nations formed the United Nations Framework Convention on Climate Change (UNFCCC), a basic framework of principles for addressing climate change by stabilizing greenhouse gases. The UNFCCC entered into force on March 21, 1994. Three years later, delegates signed the Kyoto Protocol, an international treaty to reduce carbon emissions by 5.2% below 1990 levels from 2008 to 2012. In that period, global warming became a worldwide interest when the 2006 documentary *An Inconvenient Truth* by then-Vice President of the United States, Al Gore, sparked discussions on the potentially catastrophic effects of increasing global temperatures. By 2012, delegates at Doha agreed to extend the Kyoto Protocol to 2020.

It was clear, however, that further measures were necessary to mitigate the effects of global warming. The global community decided to enact another international treaty. On December 12, 2015, 196 parties adopted the Paris Agreement, which went into force on November 4, 2016. The Paris Agreement has the dual goals of maintaining "the increase in the global average temperature to well below 2°C above pre-industrial levels" and limiting "the temperature increase to 1.5°C above pre-industrial levels." On the ocean, the Paris Agreement has only this to say:

> Noting the importance of ensuring the integrity of all ecosystems, including oceans, and the protection of

> biodiversity, recognized by some cultures as Mother Earth, and noting the importance for some of the concept of "climate justice", when taking action to address climate change,[72]

One month after the Paris Agreement came into force, the United Nations issued a resolution on oceans and the law of the sea on December 23, 2016. The resolution contains 355 action points. In the context of this paper, the resolution has the following to say on the subject of coral reefs, citing the Rio+20 Document "The future we want" from 2012.

> 262. Recalls that, in "The future we want", States recognized the significant economic, social and environmental contributions of coral reefs, in particular to islands and other coastal States, as well as the significant vulnerability of coral reefs and mangroves to impacts, including from climate change, ocean acidification, overfishing, destructive fishing practices and pollution, and supported international cooperation with a view to conserving coral reef and mangrove ecosystems and realizing their social, economic and environmental benefits, as well as facilitating technical collaboration and voluntary information-sharing.[73]

Praiseworthy as these measures by the United Nations are, effective change can occur not just with the publication of policies but with the conversion of mind and heart. In this regard, the Church retains competence. Leading up to the Paris Agreement, Pope Francis issued the encyclical *Laudato Si'* in 2015, the most comprehensive magisterial document about the environment yet. The title is in old Italian and comes from the Canticle of the Creatures (or Brother Sun and Sister Moon) by Saint Francis of Assisi, the patron saint of those who promote

72. United Nations, *The Paris Agreement*, Paris, France, 2015, p. 2.

73. United Nations, *Oceans and the Law of the Sea*, New York, USA, 2016, p. 45.

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ecology. The encyclical is composed of an introduction and six chapters.

Catholic Social Teaching and the West Philippine Sea

Pertinent to the WPS Dispute, *Laudato Si'* offers the following observations:

> 40. Oceans not only contain the bulk of our planet's water supply but also most of the immense variety of living creatures, many of them still unknown to us and threatened for various reasons. What is more, marine life in rivers, lakes, seas, and oceans, which feed a great part of the world's population, is affected by uncontrolled fishing, leading to a drastic depletion of certain species. Selective forms of fishing which discard much of what they collect continue unabated. Particularly threatened are marine organisms which we tend to overlook, like some forms of plankton; they represent a significant element in the ocean food chain, and species used for our food ultimately depend on them.
>
> 41. In tropical and subtropical seas, we find coral reefs comparable to the great forests on dry land, for they shelter approximately a million species, including fish, crabs, mollusks, sponges, and algae. Many of the world's coral reefs are already barren or in a state of constant decline. "Who turned the wonderworld of the seas into underwater cemeteries bereft of color and life?" This phenomenon is due largely to pollution which reaches the sea as the result of deforestation, agricultural monocultures, industrial waste and destructive fishing methods, especially those using cyanide and dynamite. It is aggravated by the rise in temperature of the oceans. All of this helps us to see that every intervention in nature can have consequences which are not immediately evident, and that certain ways of exploiting resources

> prove costly in terms of degradation which ultimately reaches the ocean bed itself.[74]

The above excerpts are in Part III: The Loss of Biodiversity of Chapter One: What is Happening to Our Common Home. Biodiversity refers to the variety of living creatures and their interactions. It signifies a healthy ecosystem because it entails a multi-layered food chain and mutual benefits among species. Inversely, biodiversity loss signifies an unhealthy ecosystem because it leads to a disrupted food chain and ecological imbalance. Importantly, *Laudato Si'* refers to non-human species as "fellow creatures of this world."[75] In that sense, they are of intrinsic value. Their loss is measured not by their relationship with humanity but to God. Wanton biodiversity loss is an offense against the Creator. Responding to biodiversity loss brought about by the WPS Dispute requires an integrated approach that accounts for the whole complexity of the issue. Thus, Chapter Four of *Laudato Si'* - Integral Ecology - becomes apparent. Integral ecology pertains to the cohesion binding human, natural, environmental, physical, and social ecologies. There is authentic development if each ecology is accounted for and complemented together. It has been characteristic of the modern world to bring forward human and social ecologies at the expense of others. CST does not believe that human and social ecologies are sustainable if the natural, environmental, and physical ecologies deteriorate. This way, human development is possible only by viewing the human person as part of creation and not apart from it.

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74. Francis, *Laudato Si'*, Encyclical Letter, May 24, 2015, accessed September 1, 2024' https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

75. Francis, *Laudato Si'*, 92.

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Laudato Si' stands out among the papal encyclicals for its numerous citations of the episcopal conferences. It signifies a more collegial approach to CST. What is relevant for the WPS Dispute is that Francis cites the Catholic Bishops' Conference of the Philippines (CBCP) with the quote in the excerpt above: "Who turned the wonderworld of the seas into underwater cemeteries bereft of color and life?" Specifically, Francis cites the CBCP through their pastoral letter on ecology entitled "What is Happening to Our Beautiful Land?" issued on January 29, 1988. In that pastoral letter, the CBCP has this to say about the ocean:

> **Our Seas**
>
> The beauty did not end at the shoreline. Our islands were surrounded by blue seas, fertile mangroves, and enchanting coral reefs. The coral reefs were a world of color and beauty with fish of every shape and hue darting in and out around the delicate coral reefs. *Perlas ng Silanganan* was an appropriate name for this chain of wooded islands, surrounded by clear seas, studded with coral reefs.
>
> **Deserts in the Sea**
>
> How can the fish swim in running sewers like the Pasig and so many more rivers which we have polluted? Who has turned the wonder world of the seas into the underwater cemeteries bereft of color and life? Imagine, only 5% of our corals are in pristine state! The blast of dynamite can still be heard on our coastal waters. We still allow *muro-ami* fishing methods which take a terrible toll both on the young swimmers and corals. Mine tailings are dumped into fertile seas like Calancan Bay in Sta. Cruz, Marinduque where they destroy forever the habitat of the fish. Chemicals are poisoning our lands and rivers. They kill vital organisms and in time they will poison us. The ghost of the dreaded Minamata Bay

> disease hangs over towns in the Agusan river basin and the Davao gulf.[76]

The claim that "only 5% of our corals are in pristine state" is subject to reverification, but the fact that this was years before the WPS Dispute reached its current state is a cause for worry. While the papal and episcopal magisterium have provided much food for thought regarding our responsibilities toward the environment, theologians have not been idle either. Elizabeth Johnson invites us to rethink the dominion paradigm and broaden our view beyond the stewardship paradigm.[77] Johnson questions the traditionally assumed hierarchical model of the dominion and stewardship paradigm, which has justified industrial development with high environmental costs and psychologically primed human beings into thinking they are apart from creation. In light of these concerns, Johnson favors a community of creation paradigm imbued with kinship. More than dominion or stewardship, kinship is drawn from the co-created relationship between us and the rest of creation. In some ways, this echoes the Canticle of the Creatures of St. Francis of Assisi, where even the sun and the moon are brother and sister, respectively. A community of creation proposes that "human beings and other species have more in common than what separates them."[78] Such a paradigm is profoundly theocentric, where relationships are reciprocal and oriented towards God.

Appropriating the community of creation paradigm for the WPS Dispute suggests that the marine life at

76. Catholic Bishops' Conference of the Philippines, "What is Happening to Our Beautiful Land?", Pastoral Letter, 1988.

77. Elizabeth Johnson, *Ask the Beasts: Darwin and the God of Love*, (New York: Bloomsbury Continuum, 2015), 1-352.

78. Johnson, *Ask the Beasts: Darwin and the God of Love,* 268.

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the center of the dispute is not a resource but a party that could have representation in legal discussions and proceedings. A legal case in Philippine jurisprudence supports this creative approach to CST. In 2015, the Supreme Court of the Philippines, no less, decided in favor of the petitioners in the case of *Resident Marine Mammals of the Protected Seascape Tanon Strait v. Secretary Angelo Reyes*.[79] What is of interest here is that the principal petitioners are not human beings but marine life, namely toothed whales, dolphins, porpoises, and other cetacean species. Gloria Estenzo Ramos and Rose-Liza Eisma-Osorio represented the animals as "Legal Guardians of the Lesser Life Forms and Responsible Stewards of God's Creations." Without tackling the case in-depth, it is worth reflecting on how the Philippine judiciary recognized the legal standing of non-human species. Taking inspiration from *Resident Marine Mammals*, more Filipinos could engage in citizen participation toward a peaceful resolution of the WPS Dispute by representing the coral reefs and other marine life in legal proceedings designed to pressure the Philippine government to act decisively. Perhaps the fisherfolk could act as representatives of the animals. In doing so, their relationship would change from catcher-and-catch to co-creation.

Avenues for Conversational Enrichment

Given the extensive environmental damage in the WPS, preventing more damage is necessary but insufficient as a policy moving forward. There needs to be evidence-based rehabilitation that restores the ecosystem to the greatest flourishing

79. *Resident Marine Mammals of the Protected Seascape Tanon Strait v. Secretary Angelo Reyes*, G.R. No. 180771 (Supreme Court of the Philippines 2015).

extent possible. The common good requires everyone, from the individual to the state, to support environmental rehabilitation in ways consistent with subsidiarity. Understandably, justice demands that those who committed damages be the ones to take primary responsibility. Nevertheless, in the context of the WPS Dispute, the Philippines would do well to plan and invest in evidence-based rehabilitation, even if it was not the one who committed much of the damage.[80] It cannot rationalize inaction because it did not cause the problem. The Parable of the Good Samaritan in Luke 10: 25-37 teaches us that, though the Samaritan was not responsible for the broken state of the victim, he, like the Priest and Levite, was still morally responsible for helping the victim. The Philippines must accept that the moral obligation to rehabilitate the ecosystem in the WPS necessarily follows the damage done there. Concerningly, parts of the WPS may already be beyond full rehabilitation. For those not yet so, a triage system based on scientific data could help determine which parts to rehabilitate first, given a limited budget, available human resources, and equipment. By supporting evidence-based rehabilitation, the Philippines would adopt a more amicable approach over a disputative one.

One other point of CST that may help in the WPS Dispute is upholding the intrinsic goodness of creation. Interestingly, the concept of sustainability appears only twice in UNCLOS. Both times are not even under Part XII, but Article 61 (Conservation of Living Resources) of Part V (Exclusive Economic Zones) and Article 119 (Conservation of the Living Resources of the

80. The Philippines is partly culpable for environmental damages in the area. Some Filipino fisherfolk are known to damage coral reefs to draw the fish out, as the CBCP alluded to in their pastoral letter. The Philippine government must ensure that such dangerous methods are effectively prohibited. Justice and accountability must be equal for all sides of the WPS Dispute.

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High Seas) of Part VII (High Seas).[81] Contextually, UNCLOS uses "sustainable" to refer to "yield." The phrasing in UNCLOS suggests that sustainability is mainly related to human consumption. It does speak about conservation 39 times (none under Part XII), but also with human consumption in mind. The UNCLOS must appreciate the intrinsic goodness of creation by relating sustainability and conservation to protecting and preserving the marine environment. Fortunately, there have been changes after UNCLOS. For example, the international community agreed on the Convention on Biological Diversity in 1992, which begins with the following words in the preamble: "*Conscious* of the intrinsic value of biological diversity and the ecological, genetic, social, economic, scientific, educational, cultural, recreational, and aesthetic values of biological diversity and its components (italics original)." It also uses the word "sustainable" 42 times. Still, UNCLOS remains the primary international law of the sea. As such, the intrinsic goodness of

81. Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global (Article 61).

1.) In determining the allowable catch and establishing other conservation measures for the living resources in the high seas, States shall: (a) take measures which are designed, on the best scientific evidence available to the States concerned, to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global (Article 119).

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creation needs to be reflected more in it. The United Nations should rethink UNCLOS to that end.[82]

In return, the WPS Dispute challenges CST to continue expanding its scope. Catholic social teaching traces its origins to *Rerum Novarum*, which tackled the labor issues in the West during the late 19th century. Over the next century, several magisterial documents have spoken about social development, urbanization, and labor. In the twenty-first century, the social dimension of Catholic social teaching need not be limited to human-human interactions. The integral ecological ethics of the Catholic Church, exemplified by *Laudato Si'*, reminds us that human beings are social creatures not only among themselves but with the rest of creation as well. If the lack of poverty does not exempt oneself, especially the Christian, from engaging people in poverty in the spirit of solidarity and compassion, then one needs to engage with the plight of non-human creatures even when one is not directly affected. Even though most people will not visit the disputed area to experience the coral reefs, there is still a call to collective action. Exercising solidarity and compassion only intra-species is no longer tenable and frankly irresponsible, given the numerous human-induced environmental problems affecting other creatures. CST must continue promoting the social dimension in terms of the relationships of human beings with the rest of creation. The WPS Dispute is not just a conflict between states. It is also between human beings and the rest of creation. Both cases need to end amicably sooner rather than later.

In fairness, the Chinese government does have a moral obligation to support its citizenry, even when it means drawing

82. Simi KK, "Marine Biodiversity Management under the UNCLOS: Scope and Challenges in the era of blue Economy Policy," *GLS Law Journal* 5, no. 2 (July 1, 2023): 102-112. https://glslawjournal.in/index.php/glslawjournal/article/view/109.

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from the environment. How the Chinese government can do so in ways consistent with Catholic social teachings is a complicated issue with political and spiritual dimensions. The political is beyond the scope of this paper. As for the spiritual dimension, CST affirms the universal destination of goods. Thus, the goods of creation are meant for the whole of humankind, regardless of national and political affiliations. However, respecting human dignity must always guide the distribution of goods within the human family, which entails not risking the lives of anyone in a maritime conflict. Some of the activities of the Chinese military in the WPS have been dangerous for Filipino fisherfolk. Moving forward, open and honest collaboration between the governments toward the sustainable development of maritime resources is imperative for a peaceful resolution.

Conclusion

The West Philippine Sea Dispute is more than a political issue. It is an environmental one as well. Unless greater attention and action are drawn towards the environmental costs of the WPS Dispute, more damage is inevitable, especially to the coral reefs. It is concerning that prevention and rehabilitation may not be enough to fully restore the coral reefs in the maritime region to their natural landscape a few decades ago. Any permanent damage is an offense against creation. The Catholic Social Teaching disposes us to carefully discern our attitudes towards the environment and commit to integral ecological actions. Humanity can no longer treat the environment as secondary to political ambitions or developmental concerns. Instead, care for the environment should animate national policies and international relationships. This paper is an attempt to navigate through the WPS Dispute. I encourage

others to continue the conversation and act for the sake of creation.[83]

83. I thank Fr. Peter Knox, S.J., a South African theologian who taught Christian Environmental Ethics at the Loyola School of Theology, for his guidance in writing this paper. I greatly appreciate his meticulous reading and constructive comments. Any oversight is entirely my own.

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