

SUPPLEMENTAL RESPONSE TO QUESTION FROM JUDGE WOLFRUM

1. On Day 3 of the Hearing on the Merits (26 November 2015), Judge Wolfrum observed that the Philippines had described actions by “Chinese fishermen t[aking] giant clams, destroy[ing] coral, us[ing] explosives, et cetera,” and asked the Philippines to provide the “hard facts ... that this has been taking place.”¹ The Philippines provided its answer at pages 46 to 47 of Day 3’s transcript and pages 165 to 169 of Day 4’s transcript.

2. Since the close of the oral hearings on 30 November 2015, additional evidence has come to the Philippines’ attention. On 15 December 2015, the BBC published an article and accompanying video, submitted herewith as Annexes 862 and 863, which report “[a]t least a dozen boats,” trailing “plumes of sand and gravel,” were engaged near Thitu in the activities referenced in Judge Wolfrum’s question.² In particular, the BBC reported the vessels were using their propellers to destroy the coral reefs to extract giant clams. This resulted in what the BBC described as the “[c]omplete devastation” of the reef, which had caused “the sea floor” to be “covered in a thick layer of debris, millions of smashed fragments of coral.” Hundreds of giant clams were observed on nearby Chinese vessels.³

3. The environmentally destructive activities reported by the BBC at Thitu appear to have been carried out there since at least March 2014. Satellite imagery from Google Earth (taken on 6 March 2014), submitted herewith as Annex 860, shows 12 vessels operating at the reef 2.9 M to the west of Thitu, and an additional nine vessels 1.8 M to the east. A large plume of sediment extends from each vessel.

¹ Hearing on the Merits, Tr. (Day 3), p. 46:7-11.

² Rupert Wingfield-Hayes, “Why are Chinese fishermen destroying coral reefs in the South China Sea?”, *BBC* (15 Dec. 2015), available at <http://www.bbc.com/news/magazine-35106631>. Supplemental Submission of 18 December 2015, Annex 862.

³ *Id.*

4. The BBC article also references the May 2014 arrest by Philippine law enforcement of Chinese fishermen at Half Moon Shoal, a feature 60 M from Palawan, who were found in possession of “500 Hawksbill sea turtles,”⁴ an endangered species. As described in a contemporaneous article, Half Moon Shoal “is frequented by Chinese fishermen,”⁵ notwithstanding its proximity to the Palawan coast.

⁴ *Id.*

⁵ Carmela Fonbuena, “PH arrests 11 Chinese fishermen off Palawan”, *Rappler* (7 May 2014), available at <http://www.rappler.com/nation/57456-missing-chinese-fishermen-half-moon-shoal>. Supplemental Submission of 18 December 2015, Annex 861.