

Closing Remarks: ADRi Webinar on *A New Regional Order:  
Effective Alignment through Strategic Partnerships*

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Good morning to everyone.

I commend the ADRi for holding this webinar that explores a new regional order among coastal states around the SCS and interested states outside the region through a strategic partnership.

Coastal states around the SCS have a primordial interest in safeguarding their sovereign rights in their EEZs and ECSs in the SCS. Some of these coastal states, like the Philippines and Brunei, have EEZs and ECSs larger than their land area. Their sovereign rights to their EEZs and ECSs are guaranteed under the United Nations Convention on the Law of the Sea or UNCLOS, which recognizes that coastal states, by the mere fact that they have a landmass facing the sea, are entitled to EEZs and ECSs in accordance with UNCLOS. Their entitlement to an EEZ and ECS does not depend on occupation or proclamation but arises inherently and ipso facto by their being coastal states.

On the other hand, naval powers outside the region have their own rights in the SCS under UNCLOS, and that is the right to exercise freedom of navigation and overflight in the high seas and EEZs of the SCS. UNCLOS guarantees that all states are entitled to freedom of navigation in the high seas and EEZs of the world. This means that their merchant ships can sail, and their military vessels can conduct naval exercises, in the high seas and EEZs of the SCS without securing the consent of any

coastal state. UNCLOS also guarantees all states freedom of overflight in the high seas and EEZs of the world. This means that civilian aircraft can fly, and military aircraft can conduct aerial exercises, in the airspace over the high seas and EEZs of the SCS without securing the consent of any coastal state.

Naval powers outside the region, whose exports and imports pass through the SCS, also have a direct interest in ensuring freedom of navigation and overflight in the EEZs and high seas of the SCS. Of the estimated US\$5.3 trillion in ship-borne trade that pass through the SCS every year, about US\$1 trillion is US inbound and outbound trade. Another US\$ 1 trillion is EU and British inbound and outbound trade. It is the paramount national interest of these naval powers outside the region to maintain freedom of navigation and overflight in the EEZs and high seas of the SCS.

Clearly, there is a convergence of interest between the national interests of the Asean coastal states on one hand, and the national interests of naval powers outside the region on the other hand. The Asean coastal states - the Philippines, Vietnam, Malaysia Brunei and Indonesia - want to preserve their EEZs facing the SCS. China refuses to recognize the EEZs of these Asean coastal states within China's nine-dashed line.

China is claiming over 80 percent of the EEZ of the Philippines in the West Philippine Sea. When US, UK, French, Japanese, Australian and Canadian military vessels sail and conduct naval exercises in the West Philippine Sea, they in effect tell China that they are sailing and exercising in the EEZ of an adjacent coastal state, not in Chinese waters. In the EEZ of the WPS there is freedom of navigation and overflight. In the WPS,

there is only one adjacent coastal state entitled to an EEZ - the Philippines.

In short, these naval powers are actually enforcing the ruling of the arbitral tribunal that the Philippine has a full EEZ in the WPS free from any overlapping maritime claim of China. This is the most robust and most powerful enforcement of the arbitral ruling, and this takes place frequently. This enforcement by way of freedom of navigation and overflight exercises is peaceful and lawful because this is a legal right guaranteed under international law and UNCLOS. Any exercise of a legal right is always peaceful and lawful. The exercise of a legal right recognized under international law cannot never be considered offensive or aggressive.

Clearly, there is a convergence of interest between Asean coastal states on one hand and the world naval powers outside the region on the other hand. That convergence is in the EEZs of Asean coastal states in the SCS. Asean coastal states assert they have EEZs in the SCS free from any Chinese claim. The naval powers outside the region, through their freedom of navigation and overflight exercises in the same EEZs, support the assertion of Asean coastal that they have EEZs in the SCS free from any overlapping claim of China.

Yesterday, the US State Department released a statement entitled “US Position on Maritime Claims in the South China Sea:” “Beijing’s claims to offshore resources across most of the South China Sea are completely unlawful, as its campaign of bullying to control them.” The statement declared that the US “stands with [its] Southeast Asian allies and partners in protecting their sovereign rights to offshore resources, consistent with their rights and obligations under international

law.” The statement declared that the US was “aligning the US position on China’s maritime claims in the SCS with the Tribunals’ decision.” This sends a very strong message to China that the Philippines, Vietnam, Malaysia, Brunei and Indonesia have the backing of the US in protecting their EEZs in the SCS.

Asean coastal states have a natural strategic partnership with the US and other naval powers outside the region. Asean coastal states must align their efforts in protecting their EEZs in accordance with this natural strategic partnership. Asean coastal states must welcome and encourage the naval powers outside the region to continue their freedom of navigation and overflight exercises in the EEZs of the SCS. If China persists in its aggressive encroachment of the EEZs of Asean coastal states, Asean coastal states can respond by joining the outside naval powers in their freedom of navigation and overflight operations in the EEZs and high seas of the SCS.

This natural strategic partnership will usher in a new regional order, in full compliance with UNCLOS, in the EEZs and high seas of the SCS. This natural strategic partnership will enforce the historic arbitral ruling in the SCS Arbitration promulgated four years ago on July 12, 2016. Thank you and a good day to everyone.

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