

**Remarks on the Occasion of the
Senior Associate Justice Antonio T. Carpio
Ebook Launching
“Philippine Sovereign Rights and Jurisdiction
in the West Philippine Sea”
4 May 2017, Turf Room, Manila Polo Club**

Senior Associate Justice Antonio T. Carpio, friends and distinguished guests, good evening.

Let me begin by congratulating my esteemed friend, Justice Carpio, on the launch of his book, Philippine Sovereign Rights and Jurisdiction in the West Philippine Sea: The South China Sea Disputes. As an edited collection of his many lectures on the West Philippine Sea, the book is an invaluable contribution to this country and its appreciation for the promise of the waters around us.

As the book demonstrates, explorers journeyed through the South China Sea for centuries, establishing the trade links and cultural ties that have helped bring the people of our region together. Their travels, captured in the maps depicted in the book, demonstrate the deep and shared history of the Asia-Pacific region. This history, I believe, can be a potent source of inspiration for today’s governments, as they work toward maintaining a peaceful and constructive coexistence.

In many ways, the world we face today has changed from the world of our forebears. The Philippines and other Southeast Asian states that surround the waters of the South China Sea are grappling with increasing pressures, even as they pursue sincere cooperation and ensure the proper protection of the sea's important resources and of our oceangoing heritage. This protection has been facilitated by the Law of the Sea, a UN Convention that defines the areas wherein we have sovereign rights and, therefore, the responsibilities of stewardship.

Yet, with an aggressiveness that has not ceased, China prevented us from carrying out even the most basic exploration and exploitation activities in areas where only the Philippines has rights—rights that The Hague Tribunal, working in a neutral and independent manner, affirmed in last year's ruling. Instead, China seeks to enforce what it calls its 'nine-dash line', creating a "Berlin Wall of the Sea": a giant fence owned by, and excluding everyone but China itself. In doing so, China has suffocated marine life and habitat, erected military bases, and prevented fishermen from pursuing their livelihood and providing our sustenance.

As early as 2011, Justice Carpio correctly foresaw the unilateralist path on which Beijing would embark in its attempts to control the South China Sea.

He pointed to and proactively advised on the use of international law as the best and most peaceful means of securing our position on the basis of universally recognized global norms and principles.

In the West Philippine Sea, the Law of the Sea has helped us to define what is ours and to defend what is ours. The law, and the rules-based order that it comes from, therefore, lies at the very heart of Philippine interests. Thus, for no reason should the law be reduced to a quaint resolution of an earlier time. Rather, it should be accorded the primacy that the founders of the United Nations and the drafters of UNCLOS had envisioned.

When we started our arbitration, the Philippines was fulfilling one of its most solemn duties, which is to settle international disputes peacefully. There is no denying that our disputes with China in the South China Sea have, for a very long time, complicated our relationship. Our intent, in turning to arbitration, was to provide all parties a durable, rules-based solution.

Beyond our country's immediate interests in the West Philippine Sea, there was a second, larger principle behind the decision to proceed to arbitration. When we agree to rules and commit to upholding them, we create predictability, promote stability, foster a peaceful environment conducive to resolving disputes, and maintain the dignity of our independence as a nation.

There can be no doubt that Philippine interests are best promoted when all states, of any size or power, adhere to the commonly agreed upon standards that govern countries' rights and relationships. Moreover, the conventions of the rules-based system, especially UNCLOS, pay respect and give new life to our region's shared, oceangoing history. This respect is reflected throughout Southeast Asia, where our neighbors and our many global friends have pledged to uphold this rules-based system, however it may be challenged by Beijing's unilateralism.

We cannot forget what the Philippines has gained from the tribunal outcome and may still hope to gain, through desired leadership, from the protection of the rules-based system. It must be realized that we cannot weaken that protection by picking and choosing when to promote the law and when to ignore it. By obligation, through our leadership and with the support of the responsible community of nations, we must instead ensure that the whole of the rules-based system succeeds.

For this reason, I have the highest regard for Justice Carpio's book, which stresses the central importance of international law, the peaceful resolution of disputes, and of upholding the rights of all nations, large and small. In contrast, there are those who think the rule of law in international relations does not apply to Great Powers.

I stand with Justice Carpio and the large majority of Filipinos in firmly rejecting that view.

More specifically, there are some who could not believe that the Arbitral Tribunal would have the courage to apply the law to China. Yet, the ruling should not only benefit the Philippines, it must benefit all claimants, including China itself. For China, it helps define and clarify its maritime entitlements. For the Philippines, it has affirmed what is ours, specifically our fishing rights, rights to resources and rights to enforce our laws within the exclusive economic zone. And, for the rest of the international community, it helps to secure the peace, stability and the freedom of navigation and overflight in the South China Sea.

I thank Justice Carpio for continuously emphasizing the need to defend our rights through peaceful international legal action. He used his vision, wisdom, and expertise towards helping our country forge our legal strategy for the South China Sea, situating it firmly within the framework of the United Nations Convention on the Law of the Sea.

Thank you, Justice Carpio, for being the most diligent defender of our country's position in the disputes over the South China Sea.

Thanks to your vision and assistance, notwithstanding the administration's position, the outcome of our arbitration case will stand forever, not only as an achievement of Philippine foreign policy, but as a stellar contribution in defense of the rule of law in managing international relations.

Finally, there is an enduring message that I would like to stress. As a responsible member of the international community, and as a state in a region facing uncertainties and tensions, the Philippines cannot sit back and trust its fate to the benevolence of our large and assertive neighbor. The Arbitral Case showed that our country can take positive action on its own. Now, we must band together with our like-minded friends to build a solution that takes the needs of all countries, large and small, into proper account.

In the wake of the ruling's release, many countries came forward in support of the arbitration. The European Union, the United States, ASEAN members, Japan, Australia and other countries have shared our emphasis on the need to give due respect for the rule of law. Just two weeks ago, the G7 not only re-emphasized the importance of using peaceful means, they "urged all parties to comply with their obligations under international law." With these shared principles, we must help to build a shared approach to preserving the rules-based system.

The foundations of our foreign policy call on us to be friends with all who would be friendly; to develop our relationships on the basis of equality and mutual benefit; and to continuously construct a system of international relations that will not be unfairly dominated by the strong alone. I hope you will all share my earnest wish that this should come to pass.

I would like to end by saluting Justice Carpio, a dedicated public servant, an eminent jurist, an outstanding scholar and an ardent patriot in promoting and defending our nation's rights as enshrined in the Law of the Sea. We salute you for your remarkable efforts to travel, inform, edify, and persuade as many as possible.

Our country owes you an incalculable debt of gratitude for this effort and your many endeavors to help us protect what is ours in the West Philippine Sea. Your work has shown how international law is the great equalizer, and how right, not might, should guide our approach to diplomatic relations.