

Remarks on the Launch of Marites Vitug's "Rock Solid" Book

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I am honored to have been invited to give my remarks on a book that I believe would be of great importance to our countrymen. Let us applaud and congratulate our good friend, Marites Vitug, who has provided a great public service by writing this book. With Marites' seasoned reportorial eye, she has produced a piece of work that provides a journalistic account of the events that led us to a historic ruling in the South China Sea.

In her book, Marites offers a discerning account of the historical interplay of factors and actors behind the Philippine claims in the South China Sea with a focus on the arguments and challenges leading to our case.

She furthermore took on the arduous task of humanizing first-hand accounts, transcripts and submissions.

As our government continues to sit on their hands, this book could serve as a chilling reminder to our government of China's persistent attacks on our sovereignty. When the Philippines filed the arbitral case, we took a bold step against a mounting tyranny in order to fulfill what is expected of any nation in a rules-based international order.

As Foreign Secretary then, I was given the privilege of delivering the opening statement for the Philippines before the Permanent Court of Arbitration in the Hague.

It may be appropriate today to share with you a few excerpts that would, not only show where we were coming from, but also make manifest of our people's adherence to do what is right. Significant excerpts of our opening statement are as follows:

- **xxx That - The Philippines has long placed its faith in the rules and institutions that the international community has created to regulate relations among States. xxx**
- **That - (The United Nations,) Its organs, coupled with the power of international law, serve as the great equalizer among States, allowing countries, such as my own, to stand on an equal footing with wealthier, more powerful States.**
- **xxx That - Perhaps no provisions of the Convention are as vital to achieving the equalizing power of international law. It is these dispute resolution provisions that allow the weak to challenge the powerful on an equal footing, confident in the conviction that principles trump power; that law triumphs over force; and that right prevails over might.**

- **That - We are here because we wish to clarify our maritime entitlements in the South China Sea...xxx... a matter that is most important not only to the Philippines, but also to all coastal States that border the South China Sea, and even to all the States Parties to UNCLOS.**

It is a dispute that goes to the very heart of UNCLOS itself. xxx

- **xxx That - The Philippines is committed to resolving its disputes with China peacefully and in accordance with international law. For over two decades, we diligently pursued that objective bilaterally, regionally and multilaterally. xxx I will, however, mention a few representative examples, if I may.**
- **xxx That - Over the years, China's positions and behavior have become progressively more aggressive and disconcerting. Outside observers have referred to this as China's "salami-slicing" strategy: that is, taking little steps over time, none of which individually is enough to provoke a crisis. Chinese military officials themselves have referred to this as its "cabbage" strategy: peeling one layer off at a time. When these small steps are taken together, however, they reflect China's efforts to slowly consolidate de facto control throughout the South China Sea.**

- **That - Two more recent incremental steps caused the Philippines to conclude that it had no alternative other than to invoke compulsory procedures entailing a binding decision.**

The first was China's transmittal of its nine-dash line claim to the United Nations in 2009, after which, it prevented the Philippines from carrying out long-standing oil and gas development projects in areas that are well inside the Philippines' 200 M EEZ and continental shelf.

- **Secondly, in 2012, China forcibly expelled Philippine fishermen from the maritime areas around Scarborough Shoal where the Filipino fishermen have for generations been fishing without so much as a protest from China.**
- **That - These and other acts by China caused the Philippines to conclude that continued diplomatic efforts, whether bilateral or multilateral, would be futile, and that the only way to resolve our maritime disputes was to commence the present arbitration.**

- **That - Subsequent events, including China's acceleration of massive land reclamation activities, which it has undertaken -- and continues to undertake -- in blatant disregard of the Philippines rights' in its EEZ and continental shelf, and at tremendous cost to the marine environment in violation of UNCLOS -- only serve to reconfirm the need for judicial intervention.**
- **That - In the Philippines' view, it is not just the Philippines' claims against China that rest in your capable hands. xxx, it is the spirit of UNCLOS itself. xxx. We call on the Tribunal to kindly uphold the Convention and enable the rule of law to prevail.**

Subsequently, I was again tasked to give the closing remarks. Please bear with me as I share with you significant excerpts therefrom. And these are as follows:

- **That - There are those who think the rule of law in international relations does not apply to Great Powers. We reject that view. International law is the great equalizer among States. It allows small countries to stand on an equal footing with more powerful States. Those who think "might makes right" have it backwards. It is exactly the opposite, in that right makes might.**

- **xxx That - The 29 October Award on Jurisdiction is a remarkable document. It will not only stand the test of time, it will be a model for ages. It is remarkable in many ways, most especially for its moral strength. It is a compelling rebuke to those who doubt that international justice does exist and will prevail.**
- **That - China has said that it considers the initiation of this arbitration to be “an unfriendly act.” We disagree. In 1982, the UN General Assembly adopted the Manila Declaration on the Peaceful Settlement of International Disputes Between States which declared that recourse to the judicial settlement of disputes “should not be considered an unfriendly act between States.”**
- **That - We believe this arbitration benefits everyone. For China, it will define and clarify its maritime entitlements. For the Philippines it will clarify what is ours, specifically our fishing rights, rights to resources and rights to enforce our laws within our EEZ. And for the rest of the international community, it will help ensure peace, security, stability and freedom of navigation and overflight in the South China Sea.**

- **That - China is not just interfering with the progress of the Filipino people. China's unilateral actions, and the atmosphere of intimidation they have created, are also trampling upon the rights and interests of the peoples of Southeast Asia and beyond.**
- **That - China's island building not only undermines regional stability, but also the rule of law. It is moreover inflicting massive environmental damage on the most diverse marine environment in the world.**
- **That - China has intentionally created one of the biggest emerging environmental disasters in the world.**
- **That - Yet, the stakes are still greater. The Convention's "Constitution for the Oceans" is itself at risk. No State, no matter how powerful, should be allowed to claim an entire sea as its own and to use force or the threat of force in asserting that claim. No State should be permitted to write and re-write the rules in order to justify its expansionist agenda. If that is allowed, the Convention itself would be deemed useless. Power, xxx , will have prevailed over reason, and the rule of law would have been rendered meaningless.**

- **xxx That - It would leave the Philippines, and its ASEAN neighbors, in worse straits than when we embarked on this arbitral voyage.**
- **That - It would convert the nine-dash line, or its equivalent in the form of exaggerated maritime zones for tiny, uninhabitable features, into a Berlin Wall of the Sea. A giant fence, owned by, and excluding everyone but, China itself.**
- **That - We are confident that you will interpret and apply the law in a way that produces a truly just solution. That is the best way—indeed, the only way—to craft a legal solution that truly promotes peace, security and good neighborliness in the South China Sea.**

Our victory, ladies and gentlemen, was not achieved easily. Former President Benigno S. Aquino III deserves our gratitude for his patriotism and leadership as, even within our country, there were forces at work to prevent the filing of the case. The successful outcome could not have been achieved without the invaluable help of Acting Chief Justice Antonio Carpio, Paul Reichler and his team including our distinguished foreign consultants, our Philippine legal team, Consul General Henry Bensurto and others who had so unselfishly contributed.

The Philippines took a measured risk in order to protect what rightfully belongs to it. To subsequently afford China a soft diplomacy is a clear mockery, not only of our people, but of the whole of the rules-based international system.

Let this book, therefore, serve as a reminder to our government of the factors and actions that took shape and which led us to where we stand today. With the award, we have left our future generations not only the sovereignty of our country but likewise the legacy of a rules-based international order.

Let this book serve as a testimony to allow our future generations to understand the complex history and the geopolitical realities in the South China Sea.

In a global order that is haunted by uncertainties, let this book be a reminder that a small power like the Philippines has made a significant contribution to the region.

Let this book serve moreover as a reminder that prior to this administration's decision to shelve the victorious ruling, the Philippines was a staunch advocate of its sovereignty.

With the tribunal ruling, ladies and gentlemen, we need to respectfully call on the President to finally do what is necessary to defend what we are fully entitled to under international law. We need to listen, not to the Chinese ambassador, but to our people. We need to embrace, not China, but our own country.

The President and his men should cast aside their fear of displeasing China. In diplomatically moving forward to do what needs to be done, the President and his men will not be alone. In defending what is right, we will be joined by all Filipinos.

We will ultimately be joined by the community of responsible nations who believe in adhering to a rules-based order for the avoidance of global chaos.

In this fight for what is right and in defense against an unlawful aggressor who is out to demolish the rule of law, raise tension and create chaos, we must have faith in our friends, our allies, and the resilient spirit of the Filipino people.

Finally, we must have abiding faith in believing that Divine Providence will be with us. END