

Opening Remarks of Hon. Eduardo Jose A. de Vega
2nd ASEAN Regional Forum (ARF) Seminar on UNCLOS
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Distinguished speakers from the academe,
Representatives from the members of the ASEAN Regional Forum,
Observers from the different Philippine agencies,
Ladies and Gentlemen,

Good morning. *Magandang umaga sa inyong lahat.*

It is my distinct pleasure to welcome all of you to Manila on the occasion of the 2nd ASEAN Regional Forum Seminar on the United Nations Convention on the Law of the Sea.

Our Secretary of Foreign Affairs, the Honorable Albert F. del Rosario, once summarized the crucial significance of the UNCLOS as follows: “UNCLOS is the international law governing the rights and responsibilities of nations -- big as well as small, rich and poor, coastal and landlocked -- in their use of the world’s oceans. It enshrines the norms that determine the rights of States over maritime areas and contains important mechanisms for the peaceful settlement of disputes on matters relating to the oceans.”¹

The former Singaporean Ambassador to the UN, Tommy Koh, described the UNCLOS even more succinctly as, essentially, the “constitution for the oceans”,² highlighting the fundamental character of the international convention in outlining, defining and delimiting the maritime entitlements and behavior of states.

Ladies and Gentlemen, the fact that seas and oceans cover three-fourths of the Earth’s surface, straddling the vital lanes of communication and commerce, underscores the critical importance of the United Nation’s Convention on the Law of the Sea. Imagine a world where there are no rules on who can fish where, on which routes ships may pass, or on where resource exploration may be possible. Without rules, the global maritime order is bound to suffer the same rivalry, instability and brutality as those suffered by primeval savages in the uncivilized state of nature.

Navigational rights, territorial sea limits, economic jurisdiction, legal status of resources on the seabed beyond the limits of national jurisdiction, passage of ships through narrow straits, are among the many issues for which the UNCLOS has become the foremost authority. Furthermore, the avenues under UNCLOS for settlement of disputes between States make the convention indispensable in the

¹ Statement of Foreign Affairs Secretary Albert F. Del Rosario on the 30th Anniversary of the United Nations Convention on the Law of the Sea, 8 May 2012.

² ‘A Constitution for the Oceans’ (Remarks by Tommy T.B. Koh, President of the Third United Nations Conference on the Law of the Sea, 6 December 1982.

maintenance of peace in inter-State relations in the face of overlapping maritime and territorial claims

It is therefore the intention of this seminar to facilitate the implementation of the rule of international law within the ASEAN Regional Forum by educating our peoples on the rights and obligations conferred by UNCLOS. It is hoped that through this exercise, it may help our countries not only to appreciate our maritime entitlements, but also to carry out our obligations in a manner that is just and fair.

For the Philippines, the UNCLOS is of the utmost importance because it particularly recognizes the country as an archipelagic and maritime State in a legal sense. This has key implications not only on the definitive category of the country under international maritime laws, but also on its particular maritime entitlements under those laws. These impact on the country's vital national interests in maritime security and sustainable economic development.

It is imperative that all countries are clear on the various provisions of UNCLOS and their proper interpretations. This is why the full operationalization of the dispute settlement mechanisms provided by the UNCLOS is crucial. By subjecting our disputes to the full weight of the Convention, we elevate the rule of law from theory to practice.

The UNCLOS governs not only our relations with each other, but it also our relations with the sea's bounty. It is the overall framework that underpins all cooperative mechanisms of protection and preservation of the marine environment, which is of great importance for all States wishing to participate in ocean governance.

One of the preambular paragraphs of the UNCLOS captures the belief of its signatories "that the codification and progressive development of the law of the sea achieved in this Convention will contribute to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights". While littoral states should get their due, this is by no means an individual task. The diverse participation in this Seminar attests to the multilateral, transboundary, and cross-cutting nature of maritime issues that no one State can address alone.

Thanks to the UNCLOS, opportunities for cooperation are plenty. We will be discussing several at this seminar, as well as cases in dispute settlement and the new issue of biodiversity beyond areas of national jurisdiction (BBNJ).

With that, I leave the more substantive and interesting discussions to our distinguished roster of speakers and to you delegates. I trust that these next two days will be productive and enlightening for us all. Thank you and good day.