

CO-CHAIR'S OPENING STATEMENT

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ASEAN REGIONAL FORUM
SEMINAR-WORKSHOP ON THE
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

The Honorable Co-Chair,

Distinguished Guests,

Friends, Ladies and Gentlemen,

On behalf of the Government of the Republic of the Philippines and on my own, I would like to extend a warm welcome to all of you. I am most pleased to co-chair this seminar-workshop with distinguished representatives from the Asean Regional Forum (ARF) member countries as participants.

Indeed, your presence here today is a clear manifestation of the tremendous interest of ARF member countries in the subject matter of this seminar. As an Archipelagic State, the Philippines places paramount importance on the oceans and seas. In this context, the Philippines recognizes the utmost significance of the Law of the Sea not only to coastal and maritime states, but to the wider international community.

The opportunity to host a seminar-workshop on UNCLOS with the participation of over 27 countries, who are members of the ARF, gives my country great pleasure and honor.

The UNCLOS' Relevance in the World Today

The codification of a law of oceans and seas was first proposed in the mid-19th century. Among the compelling reasons for the proposal was that technological developments at that time allowed nations to explore and exploit the strategic value and enormous resources of these vast bodies of water. The community of nations saw the need for an effective international law that would govern the seas as technological developments have accelerated and multiplied the uses and exploitation of the seas and its resources.

A significant step forward was made with the First United Nations Conference on the Law of the Sea or UNCLOS I in 1958. This was followed by UNCLOS II in 1960. Finally, in 1982, the Third United Nations Conference on the Law of the Sea resulted in the adoption of the UN Convention on the Law of the Sea, which we all now refer to simply as UNCLOS or Law of the Sea.

The oceans have been referred to as the lifeline of man's very survival. As we all know, the resources of the seas are enormous. The constant and growing need to obtain resources for peoples of individual countries, and the technological developments that allow for unprecedented means to tap these resources have grown by leaps and bounds in our time. The Law of the Sea has, therefore, become even more relevant in the 21st Century. I could not agree more with the pronouncement of former UN Secretary General Boutros Boutros-Ghali that UNCLOS is "possibly the most significant legal instrument of this century."

I dare say that this statement holds true in this century and will remain true in the centuries to come, especially as the promises and hopes in the seas remain alongside its risks and perils. Many of the various international security threats, such as piracy, smuggling, terrorism and other transnational crimes, potential conflicts arising from overlapping maritime territorial claims, natural calamities and

environmental degradation occur in the vast waters around the world.

UNCLOS, as we will realize in this two-day gathering, will be instrumental in dealing with these threats.

First and foremost, the UNCLOS prescribes the peaceful uses of the ocean. It also provides for the equitable distribution of maritime resources; the preservation of the marine environment; various forms of maritime cooperation; the rights and obligations of States in their maritime zones; and the rights of user states in these maritime zones as well as the waters beyond.

Various provisions also deal with responsible practices across a wide range of activities in the seas, including shipping and communication.

The Convention's thrusts, however, is not limited to defining the rights and obligations of States in relation to these activities. Equally vital is that the Convention sets out principles of dispute resolution by peaceful means, with a range of dispute settlement options.

The Convention has been widely accepted and applied. Thus far, 160 States have either acceded to or ratified the Convention. In the South China Sea alone, almost all of the littoral States are already State Parties to the Convention. It has become a foundation for the States in the area to manage possible divergences of views. The Declaration of Conduct of Parties in the South China Sea, for example, as an instrument by which ASEAN and China have agreed to settle their differences in the South China Sea in a peaceful manner, derives its basic principles from the Law of the Sea.

The Primacy of the Law of the Sea

Having said these and noting that a large portion of the Asia-

Pacific region comprises seas and oceans, it is imperative for all of us here, representing our respective States, to understand the principles and provision of what has been aptly called as "the Constitution of the oceans." This will give us insights on how to maximize the benefits and opportunities that UNCLOS provides. This will hopefully make us appreciate better UNCLOS' critical role in ensuring the orderly and peaceful use of the oceans, and to contribute greatly to the peace, prosperity and stability of the Asia-Pacific region.

The two-day seminar is a way of ensuring that all our countries will have a common understanding of the Law of the Sea. The Government of the Philippines has taken the decision to hold this Seminar to help enhance ARF Members' understanding of key provisions of the Convention, and its potential benefits for regional maritime security.

Almost all of the members of the ARF are parties to UNCLOS. As I have mentioned earlier, almost all of the littoral States in the South China Sea are also parties to UNCLOS. The Law of the Sea has been referred to as an important principle that should be adhered to in the ASEAN-China Declaration of the Conduct of Parties in the SCS. In other words, UNCLOS has become an important dictum and a common thread that binds many members of the ARF community. It is, therefore, supposedly a common language that all members of the community must commonly speak and understand.

But do all of us really have the same understanding of this so-called common language? Or could it be that the principles that we are supposed to collectively understand have somehow been "lost in translation" or muddled by varying interpretations?

This seminar hopefully will put all of us back on the "same page or channel" so to speak, in terms of understanding the "package" of principles, rights and obligation that have been intrinsically woven in a

delicate way in the Convention.

As conceived, the general objective of the Seminar is also consistent with the ARF Hanoi Plan of Action under Maritime Security which states that "the ARF should serve as a regional forum for maritime security issues that promotes and enhances maritime domain awareness, and develop concrete and effective regional responses to maritime security challenges."

The Philippines envisions this Seminar to be the first in a series of steps by which we will discuss the Convention towards the ^{end} of embracing its noble objectives to develop our individual and collective security. We hope that these series of discussions will gradually move towards the formulation of concrete and practicable regional efforts and cooperation to enhance maritime security in the region.

It is also the fervent hope of the Philippines that our awareness of UNCLOS and our efforts to abide by it will solidify our commitment to the primacy of international law in dealing with maritime issues and challenges.

My distinguished Co-Chair and esteemed participants in this Seminar, having expressed the significance of this gathering, let me now take this opportunity to encourage all of you to be active partners in this endeavour. May all of us who are here for this event leave our modest yet lasting contribution to the better appreciation of the United Nations Convention on the Law of the Sea.

Finally, I would like to once again convey the profound appreciation of my Government to all of you for attending and participating in this Seminar.

I hope that you will enjoy your stay in our country and find time to visit the other beautiful places in the Philippines, outside Manila.

Thank you very much.