

**MANAGING THE SOUTH CHINA SEA  
AND OTHER REGIONAL SECURITY ISSUES**

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**On the Occasion of Experts' Roundtable on  
Regional Approaches to Maritime Security in the  
West Philippine Sea/South China Sea**

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**INTRODUCTION**

**Excellencies**

**Dear Colleagues**

**Ladies and Gentlemen**

**Good morning.**

**Thank you all for joining me on this warm summer day in this  
beautiful capital of Europe.**

**I also wish to thank the EU-Asia Center and the Brussels  
Press Club for partnering with the Philippine Mission in  
organizing this event.**

**Europe has been through many years of conflict in the past few centuries, which have forged your national identities, your concepts of security, your arrangements to find enduring peace with prosperity and your vision of regional community. For all the problems Europe faces today on the economic and financial front, we must never forget what a great success the European Project has proven to be.**

**From a region where two world wars began, we now have the European Union, bringing together old protagonists into a single European home. History is still important for Europe, but it is the history of what Europeans feel they share in terms of culture, ethics, philosophy and outlook that shape European governance at all levels today.**

## **RULES-BASED SYSTEMS**

**Looking from afar, I feel that much of the success of the European Experiment rests on its adherence to a rules-based system. Such a system, coupled with pragmatic political and economic compromise when necessary, gave rise to a long period of continuous peace and progress in most of Europe.**

**The old Concert of Europe was based on the strategic balance of the great European powers. The Cold War that followed centered on the rivalry of the nuclear Superpowers. Today, Europe is about inclusiveness and integration, where the interests of all, great and small, are accommodated together to a greater extent than ever before.**

**Indeed, the Nobel Prize awarded to the EU last year is an acknowledgment by the world community of the important contributions the EU has made to the cause of peace.**

**In it's own way, East and Southeast Asia are also striving to build a regional architecture responsive to the realities of today. This has involved practically all regional states.**

**The Association of Southeast Asian Nations, or ASEAN, has been central to these efforts. Over the past forty years, ASEAN has helped promote dialogue and cooperation with principal dialogue partners, including the EU; with nearby China, Japan and the Republic of Korea, with whom ASEAN has established a special ASEAN-Plus-Three partnership.**

**ASEAN has worked with even more states on regional security issues in the ASEAN Regional Forum (ARF). Now with a unique Leaders-led forum, the East Asia Summit (EAS), allows top level dialogue on regional and global security, political and economic issues.**

**ASEAN itself, is focusing on deeper regional integration. In 2007, after forty years of existence, ASEAN adopted the ASEAN Charter to guide its further evolution within a legal framework. ASEAN boldly aims to become a regional community by 2015, with a future of shared progress and prosperity.**

## **THE CHALLENGES OF COMMON SECURITY**

**The overall long-term prospects of East Asia and Southeast Asia are promising. Like Europe, we have established regional bodies crafted to our specific needs. Like Europe, we have overcome the old divisions of the Cold War and other divides. Countries have reached out across many barriers and worked to consolidate their common security.**

**This has come fast on the heels of the region's many economic miracles. The Asian Century has become a major leitmotif of today's global landscape. It is deeply desired that the Asian Century will be one where rules rather than power, laws rather than might, will be our constant guide for the governance of international relations.**

**However, the region continues to face challenges to its desire to achieve the goal of common security. We cannot afford to ignore these issues. Sweeping them under the rug may not work indefinitely. At some point in time, we must focus on their resolution, or at the very least, on their management in order to preempt the escalation of tension.**

## **KOREAN PENINSULA**

**There is the continuing challenge of the Korean Peninsula. This can only be resolved through sincere dialogue to achieve denuclearization. We have called on the DPRK in particular to observe all its international obligations, pursuant to the relevant United Nations Security Council resolutions, and to resume the Six-Party Talks without delay. It is time to place this last remnant of the Cold War behind us.**

## **NON-TRADITIONAL SECURITY THREATS**

**There are also the new challenges posed by non-traditional security threats, including terrorism, human trafficking and smuggling, the illegal trades in narcotics and arms, massive environmental degradation, climate change, maritime security and now cybersecurity. These are largely transboundary issues that straddle states and where non-state actors are often heavily involved.**

**Non-traditional security threats have also come to the fore from the unwanted side effects of globalization and development. The ASEAN Regional Forum, among others, is trying to grapple with these new generation security issues.**

## **MARITIME DISPUTES**

**At the same time, we must manage the maritime territorial disputes that have come to recent prominence in the East and South China Seas. These constitute the major security issues in the region's seas. The overlapping multiple disputes in the South China Sea are the more complex,**

**involving the legal rights of several littoral states over territories, maritime zones, fishing grounds, natural resource areas, transport and other uses of the sea.**

**The importance of the South China Sea in the European trade cannot be overemphasized. In fact, the opening of maritime trade routes spanning Europe, Asia and the Americas ushered in the modern world. The first great era of globalization was driven by trade in the age of sail.**

**Today, the South China Sea remains Europe's gateway to East Asia. These vital shipping lanes in Southeast Asia and East Asia carry the bulk of the world's seaborne trade including oil. Ensuring the unfettered access of ships and maritime commerce through the region is, therefore, of interest not only to Asia and Europe, but to the international community as well.**

## **SOUTH CHINA SEA TENSIONS**

**The South China Sea disputes have been around for decades. However, they received recent prominence when one claimant state, China, projected an overwhelming naval and maritime presence far beyond its mainland shores thereby raising regional tensions.**

**These unilateral coercive actions on the water also seemed aimed to assert sovereignty over the territory within China's self-proclaimed Nine-Dash Line, which encompasses most of the South China Sea.**

**The Nine-Dash Line has been repeatedly used in this context to invoke rights over maritime areas that are extremely close to the coasts of other littoral States. Arbitrary claims to maritime territory could also be arbitrarily invoked to regulate passage of ships through the large swathe of maritime areas the Nine-Dash Line encloses. On its face, this expansive claim could turn an international body of water into a lake of one nation,**



**It is a known principle in international law, that *“the delimitation of sea areas has always an international aspect; it cannot be dependent merely upon the will of the coastal State as expressed in its municipal law. Although it is true that the act of delimitation is necessarily a unilateral act, because only the coastal State has the competence to undertake it, the validity of the delimitation with regard to other States depends upon international law.”***

**In other words, when such unilateral maritime claim impacts on other coastal States’ rights, then it must pass the bar of international law and conform in particular with the United Nations Convention on the Law of the Sea.**

## **THE PHILIPPINE RESPONSE**

**The Philippines had to respond in a non-violent and lawful manner to this increase in tension lapping over into its maritime territory, the result, as I have said, of both naval pressure and of an expansive and unfounded territorial claim.**

**The Philippines undertook many efforts to peacefully engage China and settle these disputes. However, these were unsuccessful. The Philippines had exhausted almost all political and diplomatic avenues for a peaceful negotiated settlement of its maritime dispute with China. Our last resort, therefore, when confronted with increasing incursions into our territory, was to utilize the legal track which also covered the management of disputes.**

**From the Philippine perspective, the rules-based resolution and management of disputes in the South China Sea contains two elements: the first is the third-party arbitration of maritime claims, in accordance with the universally recognized principles of international law, specifically UNCLOS; and the second is the early conclusion of a Code of Conduct (COC) on the South China Sea between ASEAN and China.**

**Accordingly, the Philippines initiated last January arbitral proceedings under UNCLOS. The aim of this act to challenge the validity of the Nine-Dash Line claim under international law, specifically UNCLOS. Arbitration under**

**Annex VII and Part XV of UNCLOS is considered a peaceful and durable way of resolving maritime disputes. Member States of the United Nations, through General Assembly resolution 37/10, have declared that arbitration is not an unfriendly act. It is unfortunate that despite several invitations, China declined to join us in this peaceful endeavor.**

**The five-member panel of the arbitration tribunal has already been completed. These judges are men of unquestionable integrity and expertise on the subject with outstanding credentials. I have no doubt that they will look at the merits of the case on the basis of law.**

**We believe that taking the route of arbitration is beneficial for all parties.**

**For China, an arbitral award, will finally clarify for the Chinese people its lawful maritime entitlements under UNCLOS in the South China Sea. This will enable China to provide responsible leadership towards fostering stability in the region.**

**For the Philippines, it will clearly define what is ours, specifically its maritime entitlements under UNCLOS with regards to our fishing rights, rights to resources and rights to enforce our laws within our Exclusive Economic Zone.**

**For ASEAN and the rest of the global community, the clarification of maritime entitlements under UNCLOS would assure peace, security, stability and freedom of navigation in the South China Sea.**

**We truly believe that the arbitral proceedings would bring this dispute to a durable solution.**

**The second, parallel and complementary Philippine action to promote the peaceful management of disputes in the South China Sea is working towards the early conclusion of a substantive and legally binding COC on the South China Sea between ASEAN and China. It may be recalled that the genesis for COC first sprang from a meeting between the Philippines and China in August 1995. ASEAN later adopted the idea during the 1998 ASEAN Summit and China**

**considered it in 2000. This only shows that the Philippines has been at the forefront of this issue from the very beginning.**

**The Philippines is encouraged by the results of the recent ASEAN Ministerial Meeting with China this June in Brunei Darussalam, where ASEAN and China agreed to start formal consultations on the COC during the ASEAN-China Senior Officials Meeting (SOM) this September in China.**

**While talks on the COC have yet to commence, the ASEAN-China Declaration of the Conduct of the Parties in the South China Sea (DOC), concluded in 2002, should be fully and effectively implemented in all its aspects. The DOC's purpose is to prevent the escalation of disputes into conflict. For this purpose, the DOC calls for: the peaceful settlement of disputes; their resolution in accordance with international law, including UNCLOS; the non-use of force; restraint in the conduct of parties; and the non-occupation of unoccupied shoals, rocks, reefs and other relevant features. Joint cooperative activities can also be undertaken as confidence-building measures.**

**I am, therefore, very pleased to extend my personal appreciation to the European Parliament for passing a Resolution early this year supporting the position of the Philippines to peacefully settle the disputes in the South China Sea by means of international arbitration. The European Union is thus helping to generate international awareness of the South China Sea issue and the imperative for its peaceful resolution.**

**I also take note that the European Council, in its updated Guidelines on Foreign and Security Policy in East Asia mentioned the EU's strategic concerns in the South China Sea for the first time.**

**The Guidelines noted that the escalation in tensions "could have important implications for security and stability in the region, including, more broadly, for the freedom of navigation and commerce".**

**The Guidelines also reminded the Member States of "the great importance of the South China Sea for the European Union, inter alia in the perspective of promoting the rules-based international system". The Guidelines urge claimant states to resolve disputes peacefully in accordance with international law and, more importantly, to clarify the basis for their claims.**

## **CLOSING**

**In closing, I wish to quote from the Prime Minister of the Kingdom of Lesotho, the Hon. Motsoahae Thomas Thabane, speaking during the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels. He said: *"Strengthening the rule of law at the international level is not only critical for effectively addressing the current global challenges, but also for reinforcing the principle itself as the very foundation of peaceful coexistence between nations. World peace will forever be difficult to attain unless there is application of the principles of the rule of law to relations between states and other subjects of international law."***

**He said further:**

***“Consistency in the application of international law, and democratization of international relations are also key to building a just world order...If the faith of the international community in the rule of law is to be sustained, flagrant violations of international law without consequences must be a thing of the past. The law must apply both to the mighty and to the weak, to the rich and to the poor alike.”***

**We must take to heart these words of statesmanship in our collective efforts to pursue our common security in the South China Sea and, indeed, anywhere else. If it is to endure and to safeguard peace and prosperity for all, the Asian Century must increasingly secure itself with institutions, mechanisms and partnerships that strengthen the rule of law. Only in this way can we avoid the mistakes of the past and build on decades of peace and cooperation.**

**I thank you.**