

PHILIPPINES

STATEMENT IN EXERCISE OF THE RIGHT OF REPLY

Item 82: Report of the International Law Commission 73rd Session of the United Nations General Assembly

31 October 2018, General Assembly Hall
UN Headquarters New York

Mr. President,

I wish to refer to the statement of a delegation referring to the “South China Sea Arbitration.”

A note from the foreign secretary of the Philippines.

“As a fellow member of the United Nations, it is of course that country’s privilege. But once again it honors itself with a gratuitous comment on an old and settled decision rendered by a Court whose jurisdiction China and the Philippines recognize both being signatories to the UNCLOS. One day that Court may render a decision favorable to China on a similar issue or another issue altogether and it would like the world to respect it as the Philippines certainly would.

The decision of The Hague is far more a victory for international law, and the UNCLOS in particular, in that the decision does not so much favor the Philippines as definitively describes the legal character of certain maritime features— as much for the benefit of the Philippines as for all other nations of the world, including China, in similar topographical circumstances. What is sauce for the goose is sauce for the gander. The decision is international law.

It may well be that the Philippines may not ever be able to enforce this decision; but from it the Philippines will never yield nor surrender an inch, not now or ever, for it is a matter of settled international law which far outstrips the authority of any country or its government to change because that is the function of law: to impart certainty where there was confusion and occasion to quarrel.

So thank you very much for this opportunity to reaffirm the obvious: we won along with all treaty members of UNCLOS. This part of the law is now clear. From it let us now move on to other issues under the Treaty.

Back in the Philippines I had a very cordial and profound discussion with my worthy and distinguished counterpart, whose wisdom, matching sobriety, and diplomatic tact were outstandingly manifest on this and every issue we talked about; achieving a consensus to move on—around or over differences— to the resumption and enhancement of the long, even ancient, and mutually beneficial relationship between our two sovereign countries. This is soon to be further reaffirmed by an even higher-level meeting. In the meanwhile, we wish everyone involved in, or in any way affected by this salutary addition to international law our warmest best wishes and the coming season’s holiday greetings. Thank you again so very, very much for the opportunity to go to the 73rd Session of the UNGA.