

**“THE LAW OF THE SEA: THE TASKS BEFORE US”,
PRIME MINISTER CESAR E.A. VIRATA,
SECOND REVIEW CONFERENCE ON LAW OF
THE SEA CONVENTION, PHILIPPINE PLAZA,
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When I was requested to deliver the closing remarks of this conference, I readily accepted it because I attach great importance to the Convention on the Law of the Sea. Indeed, no other Convention in history has touched on so many vital interests of nations that its all-encompassing effects would be felt for so many generations to come, long after the framers shall have been gone and forgotten.

As you may know, the Third United Nations Conference on the Law of the Sea has only recently — March 1982 to be exact — been concluded, with 130 nations voting in favor of the convention. Such a vote, coming at the end of nine (9) long years of persistent multilateral negotiations has involved more states and parties than there are members of the United Nations.

The end of the conference signals the close of a historic decade and the beginning of a new one.

A new International Order of the oceans has emerged. In addition, the Philippines has only very recently signed the convention in Jamaica. This is in keeping with the decision and instructions of the President in the Cabinet Meeting last November 16, 1982.

Although the signing should be clearly differentiated from ratification and although the Philippines made a declaration during the signing, it places the country clearly on the record as having participated actively in the making of the new convention.

For the past two days you have been a party to this monumental task of evaluating and analyzing the provisions of the Convention for the purpose of determining how the Convention could serve as an important tool or factor in hastening and attaining the country's development goals and objectives. The enormous potentials the Convention can offer in terms of economic benefit particularly to the developing countries deserve to be the object of a serious and important study. We have made a modest start in this direction and it is hoped that this initiative will continue with the same interest if not with more vigor and intensity so that we will be one of the first countries to reap the benefits from the Convention.

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May we note that from the Geneva Conference of 1958 to Jamaica of 1982, our understanding of the primary interests of the Philippines in the shaping of a new and more equitable Law of the Sea has grown both in complexity and realism.

Like every self-respecting Third World country, our first concerns were with the consolidation of our policy, of our national territory and the confirmation of our sovereignty over this territory.

Our firm and even passionate advocacy of our archipelagic doctrine confirms and dramatizes this non-negotiable perspective.

We remain committed to the consolidation of our maritime territory and the affirmation of our indisputable sovereignty over it.

We have now begun to look more systematically into the beneficial provisions, into the potentials for growth and the productivity of our extensive marine jurisdictional areas, into new and effective ways of enforcing our laws in these areas, in the resolution of outstanding boundary disputes.

We are setting the stage for undertaking a fresh examination of the opportunities for new technologies and improved marine scientific and technical capabilities, to enable us to harvest the wealth of our seas.

We shall have to consider the introduction of innovations and rationality in our marine industries and maritime institutions, to enable them to be more responsive to the opportunities of our marine areas.

In other words, there is a quiet determination to place the convention and to bring the opportunities it generates into the mainstream of our national life, of the economy, of our international and regional relations.

To bring these about, we shall need new goals, policies and strategies, consistent with or inspired by the convention, more in keeping with our current development thrusts and activities, new assets and resources to support them.

This, to my mind, is actually the compelling reason behind this conference. And it is one which I believe all of us will certainly agree with. Just as I believe that we have all profited from the deliberations, the new ideas and recommendations which have emerged during the conference.

Despite our reservations with some of its provisions we have reasons to be happy. The recognition of the archipelagic doctrine and the incorporation of the exclusive economic zone principle in the Convention have given the country several hundred thousand square kilometers of additional maritime areas which are even more compared to the area covered by the country's ter-

ritorial jurisdiction based on treaty limits. Although we have not abandoned our claim to the treaty limits, its loss is more than adequately compensated by our acquisition of more areas under both the archipelagic doctrine and exclusive economic zone principle.

These increased areas would imply more maritime activities for us such as the exploitation of mineral resources, generation of energy by using tides, currents and the winds. We may need to prepare laws and regulations in respect of maritime traffic, navigational aids, cables and pipelines, artificial islands, pollution control, customs and immigration which are issues associated with the exercise of jurisdiction over the extended resource area.

With regard to living resources, we need to determine the total allowable catch without depleting the stocks and its capacity to propagate itself. This affords the opportunity for the rationalization of fishing effort so as to enable fishing to proceed at the level of maximum sustainable yield. We will need to deal with such matters as licensing, fishing vessels and equipment, species and quota which may be caught, seasons and areas of fishing, type, size and fishing gear that may be used, training of personnel, transfer of technology, enforcement procedures and conservation of fishing resources.

As for mineral resources, even greater technical difficulties may be envisaged. Being a new field, exploitation can be a very costly undertaking. Some of the basic problems relate to the identification and assessment of resources, the accessibility of exploration data, methods of exploitation and problems of the environmental impact of exploitation and beneficiation. Each of these items will require scientific studies and investigation and adoption of a wide spectrum of measures.

Quite clearly, it is of paramount importance that we establish some kind of marine resource policy or management program in order to provide a system which would lead to proper planning and permit conscious and informed choices among development alternatives so as to maintain a balance between the optimal utilization and careful conservation of resources.

There is therefore a need to conduct a comprehensive review which should consist of an exhaustive survey of all the laws and regulations applicable to uses, resources and activities in the marine areas, as well as a survey of all the administrative agencies having responsibilities over those uses, resources and activities. Such a review would reveal where conflicts are, what defects exist, where jurisdiction is overlapping and how coordination may be achieved.

Ladies and gentlemen, the identification of all the applicable laws and regulations and the responsible agencies would not present much difficulty as you may have realized by now. More difficult problems would probably lie in the technical and scientific areas, for example, the inventory of resources, pro-

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jection of future uses and the collection and analysis of the basic data necessary for drawing up of a synthesis and conclusion. It is in these areas that great efforts will be required.

As we set our minds on the economic implications of the Convention, one caveat should be made and that is, that its security implications for the country should not be forgotten. We have agreed to be a party to the Convention ostensibly on the promise of anticipated economic benefits but it must be remembered that in the process we traded off to a certain extent certain aspects of our national security. The right of innocent passage and the archipelagic sea lane passage are clearly unwelcome privileges but having been given as concessions, it is hoped that our government agencies charged with the task of safeguarding our national security should take steps or adopt measures to minimize such potential dangers to our security.

With our signing of the convention, the broad process of deliberations on ratification has now begun.

As part of this process, there is now a need to move from basic negotiating goals in the UNCLOS, to the new and emerging-field of domestic marine policy.

The implementation of the convention will call for a broad and persistent effort to translate the legal provisions of a complex and uneven convention, into pragmatic policy, feasible programs and effective institutional strategies. To do so in an orderly and systematic fashion, with the active participation and contribution of numerous agencies and sectors.

This is not going to be an easy task. It will take considerable time and prodigious energies and the constant cooperation and support of all sectors concerned. Likewise, we have to invest first in the benefits of the convention, as in the exclusive economic zone for instance, before we can hope to gather the bounties and goods of our marine areas.

This complex enterprise will touch on numerous areas of development policy, will demand the attention of several cabinet ministries, significant sections of the private sector, including academic institutions.

Other states, especially our neighbors in Asia or the major maritime powers can hardly be indifferent to this exercise.

The demand for synchronization of these diverse activities is obvious.

Fortunately, the President has foreseen this eventuality and has established the Cabinet Committee on the Law of the Sea as the overall umbrella to coordinate these multiple efforts.

In the coming months, perhaps years, the issue of ratification of the convention will remain — and this is one question which our political executives and legislators will have to grapple with sooner or later.

One thing is certain: in the ensuing deliberations and hearings the results of this conference will surely play a material, even influential, role: whether in clarifying difficult provisions, in illuminating its implications on our existing laws and policies, or in pointing to possible responses or measures to avert adverse effects or to seize productive opportunities, many if not all of the things you have reviewed in this conference shall form part of that process.

We all realize the importance and magnitude of this exercise. I hope that your study and evaluation of the implications of the Convention would be a continuing affair so that its anticipated benefits to mankind, and to us Filipinos would be realized soon. And as intended by the framers, the Convention is another step for the establishment of a new international economic order which the developing world, including the Philippines, have been seeking for. Although prospects are not very bright in this direction, the adoption of the Convention on the Law of the Sea provides a glimmer of hope that eventually it will become a reality. It is with this note that I close this conference. Thank you.