

EDITOR'S NOTE

Dr. Lowell B. Bautista's paper, "The South China Sea Arbitration and Historic Rights in the Law of the Sea", examines the impact of the South China Sea arbitration on China's historic rights claim, and the development of the rules and principles of the United Nations Convention on the Law of the Sea (UNCLOS) on historic rights. The arbitral award clarified the concept of historic rights by demonstrating that historic rights claims incompatible with the rights provided for under the UNCLOS are superseded upon ratification of the Convention. The author further emphasizes that while the tribunal's pronouncement is only strictly binding between the Philippines and China, the repercussions of the award extend to other claimant States and can be used as leverage to induce lawful conduct amongst the parties.

In Prof. Rommel J. Casis' paper, "Dualism and the Incongruence between Objective International Law and the Philippine Practice of International Law", he discusses the distinction between *objective international law* ("OIL") and the *Philippine Practice of International Law* ("PPIL"), which was previously explored by Prof. Merlin M. Magallona. OIL is what international law actually is, as it operates in the international sphere, while PPIL is international law as interpreted by Philippine courts and incorporated into law. The author highlights the incongruence between the two concepts and the challenges that may be encountered in applying these to the dualist approach of Philippine law.

Dean Merlin M. Magallona, in "Some Problems and Approaches Arising from the United Nations Convention Against Corruption", offers some criticism on the provisions of the United Nations Convention Against Corruption ("UNCAC"). Of note is his discussion on the textual composition of the obligations of State Parties and the ambiguity it lends in defining the criminalization of specified acts against corruption. The author also shed light on self-contradicting provisions and the dangerous implications these may have on the standards by which State parties may legislate or establish an offense.

More than 40 bilateral and multilateral treaties were entered into force in 2018. The bilateral treaties and agreements span the areas of culture, air services, health, labor, transnational crimes, consular relations, taxation,

and economic cooperation. Notable multilateral conventions include the Budapest Convention on Cybercrime, which serves as a guideline for developing national legislation on cybercrimes and increasing cooperation among nations, and the SOLAS Protocol 78, which seeks to improve the safety of vessels at sea.

In 2018, there were four judicial decisions wherein the Court had the occasion to address issues of International law. In *Republic v. Palawan*, the Court ruled that there was no law clearly granting the Province of Palawan territorial jurisdiction over the Camago-Malampaya reservoir, and that the UNCLOS did not confer on local government units their own continental shelf. In a case assailing the validity of an act institutionalizing kindergarten education, the Court pronounced that there was nothing in the Universal Declaration of Human Rights (“UDHR”), International Covenant on Economic, Social, and Cultural Rights (“ICESCR”), and the Convention on the Rights of the Child (“CRC”) which proscribes the expansion of compulsory education beyond elementary education. The provisions of the UDHR were also invoked in defining the right to security in the case of *Marcos v. Farinas*, in which the Court ruled that the privilege of the writ of Amparo is confined to instances of extralegal killings and enforced disappearances, or threats thereof.

Abstracts from the Inaugural Conference of the Philippine Society of International Law (“PSIL”), held on September 7, 2018, are also included in this Issue. The conference brought together scholars from all over Asia with the theme “The Philippines and the Dynamics of International Law in a Time of Transition”. Pursuant to this theme, the abstracts emphasize the relevance of International law, and its intersection with Philippine law. Issues explored encompass human rights, environmental law, terrorism, sustainable development, and territorial disputes.