

MESSAGE

SINCE THE ADOPTION OF THE UNITED NATIONS CHARTER IN 1945 and the development of the UN system through the years, there has been a relatively steady march towards international cooperation and peace. International law – both as the system governing relations between states and other actors, and also as a process and culture – has been essential to that endeavor. But while international law has served the global community well, it has not eliminated interstate and inter-communal conflicts. And of late, a retreat from international institutions and a return in some countries to unilateralism have challenged and even strained the rules-based global order.

Closer to home, the Philippines sought a legal solution through arbitration of its maritime disputes in the West Philippine Sea/South China Sea. But even as China declined to honor the 2016 arbitral award that was in favor of the Philippines, the 479-page decision has become part and parcel of the corpus of international law, particularly on oceans and the law of the sea.

The above trends and countertrends underline the dynamic and ever-changing state of international law. All these require continuous monitoring and rigorous analysis, making international law an exciting and even limitless field of study.

It is in this light, and with the objective of deepening engagements with the law academia and practitioners, that the Department of Foreign Affairs, through the Office of Treaties and Legal Affairs, convened a Colloquium on International Law Issues in December 2017. The Colloquium, the proceedings of which are in the pages of this Yearbook, yielded a harvest of valuable insights and recommendations aimed at enhancing international legal cooperation and facilitating trade and investments. Many of the recommendations have been implemented, notably the accessions by the Philippines to The Hague Conference on Private International Law Apostille Convention, and soon, the Service of Process Convention and the Framework Agreement on the Facilitation of Cross-Border Paperless Trade in Asia and the Pacific, among other instruments.

The Department of Foreign Affairs is pleased to be associated with the revival of the Philippine Yearbook of International Law, which benefitted from

the expertise and immense resources among academics and practitioners that comprise the Philippine international law community. We congratulate and commend the Philippine Society of International Law and the University of the Philippines Law Center Institute of International Legal Studies for this stellar achievement.

We look to the Philippine international law community and the rest of civil society as partners in fostering a deeper understanding and appreciation of international law. Only with such a constituency can we ensure and further grow the role of international law as the true beacon in the conduct of Philippine diplomacy.

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IT WAS IN THE DECEMBER 2017 COLLOQUIUM on International Law Issues, convened by the Office of Treaties and Legal Affairs of the Department of Foreign Affairs, that the revival of the Philippine Yearbook of International Law (Yearbook) was announced. The Yearbook was first published by the Philippine Society of International Law (PSIL) in 1966 and served as the PSIL's *pièce de résistance*. The last issue was Volume XV published in 1989, and contained important dissertations on sovereign debt restructuring, exchange control regulations, and moratorium on foreign sovereign debts.

PSIL's revival in 2014 saw as well the rebirth of the Yearbook. It was opportune and significant given the contemporary challenges we face as a nation marked by the exciting and swiftly changing area of international law. Among the latest international law issues that have come to fore are the unanimous award of the Permanent Court of Arbitration in favor of the Philippines on the South China Sea Arbitration, the ratification and subsequent withdrawal by the Philippines from the Rome Statute creating the International Criminal Court, resort by Filipinos to communications and inquiry procedures before the Human Rights Council and the Committee on the Elimination of Discrimination Against Women for violations of the ICCPR and CEDAW, respectively, the creation of the ASEAN Inter-Governmental Commission on Human Rights, and the recent Philippine accession to two Hague Conventions on Private International Law. In sum, international law has ceased to be a matter relevant only to academics. It is a living field of study which lawyers and laymen alike must be familiar with, if not knowledgeable of.

With the revitalization of both PSIL and the Yearbook, we encounter the same questions that other professional societies and journals around the world have had to wrestle with. Given the fast improving technology and the rise of new media, are professional societies and professional journals obsolete? This issue was discussed by Kristen Hahn in her article published in the *American Journal of Epidemiology* (Volume 183, Issue 5, 1 March 2016). And while it was examined in the context of a specific specialization in medicine, I find it applicable in the legal profession.

Hahn points out that advancement in technology, particularly the frequent resort to the online medium by students, professionals and academicians, poses challenges to both professional societies and journals. Ideas are now introduced through the cyberspace with ease, which makes it accessible to a wider audience with just a few clicks on a keyboard from anywhere in the world as compared to the conventional print medium. Review and discourse can be done online as well, without the necessity of braving through Manila traffic in order to convene. Given the convenience brought by this new medium, it would seem that there is less incentive in participating in professional conventions to engage with peers. Hence, the argument that journals are rendered obsolete.

While the internet has made ideas and subsequent discourse more accessible to the public, its being too accessible may also be a disadvantage. Ideas and theories are formed, composed and published online, most of the time with minimal vetting process. This is exactly the matter that PSIL and the Yearbook can address.

Professional societies such as PSIL, and the Yearbook can complement each other in the process of further developing our knowledge and understanding of the ever-changing arena of international law. They can act as curators in selecting the best research papers on emerging issues in the field that is worth primary attention and act as catalysts as ideas are clarified, deliberated on and enhanced in Society meetings, which in turn may be published in journals such as the Yearbook. At the end of the process, the journals guarantee experts' subscription on the output by the fact that it is deemed worthy of publishing.

Holmes once said that "every idea is an incitement. It offers itself for belief...eloquence may set fire to reason." It is my hope that the collection of essays and papers in our Yearbook will be the spark that opens our readers' minds and sets fire to reason and finding solutions to the various international law dilemmas raised.

I congratulate the Yearbook editorial staff led by its Editor-in-chief, Dean Merlin Magallona and Associate Editor, Prof. Rommel Casis, for this feat.

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