

## WELCOME REMARKS\*

Hon. Teodoro L. Locsin, Jr. \*\*

His Excellency Judge Yuji Iwasawa of the International Court of Justice,

Supreme Court Justice Francis Jardeleza,

Their Excellencies Judges Chang-ho Chung and Raul Pangalangan of the International Criminal Court,

His Excellency retired Judge Hisashi Owada, former President of the International Court of Justice and the first President of AsianSIL,

Professor Elizabeth Pangalangan, Professor Harry Roque, Ambassadors and members of the diplomatic corps, Colleagues in government,

Distinguished delegates, ladies and gentlemen, good morning.

It is a distinct honor to welcome you all to Manila for the 7<sup>th</sup> Biennial Conference of the Asian Society of International Law. The Department of Foreign Affairs is pleased to sponsor this event with the University of the Philippines Law Center and the Philippine Society of International Law.

Our theme – *“Finding Common Solutions to Contemporary Civilizational Issues from an Asian Perspective”* — acknowledges the challenges our vast region must tackle collectively; collectively because no one pays attention let alone respect to singular and idiosyncratic opinions on such a matter. Either the solution is rooted in universal principles or it is mumbo-jumbo. It is sad but true: the best thinking in the West is the best thoughts on the subject of all mankind — be they in the East or West, North or South. Modernity is Western; so is efficiency in all pursuits good and ill. And universality in moral thinking is Immanuel Kant. There’s been no improvement on his categorical imperative; just refinements like Rawls’.

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\* 7th Biennial Conference of the Asian Society of International Law (AsianSIL), Aug. 22, 2019, Novotel Manila Conference Center, Quezon City.

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This is why Asian values never took off. To start with, Asian values boil down to the millennial curse of Oriental despotism marked chiefly by nepotism and abject submission to authority. Such values serve only as foundations of fear and despair; never of community and hope.

Asian values are invoked by those who abuse others — hopefully with impunity as a mode of unique cultural expression to be spared condemnation. They are the grand-sounding cultural excuse for abuse — from female circumcision to honor killing and binding feet.

Real solutions in our time, and for all time hereafter we hope, must be common ones and by common consent — better yet by consensus. At least that's Asian or ASEAN. Solutions that are worth the time discussing them must be seen to benefit everyone at first glance: like leaving no one behind—the motto of the US Marine Corps.

For the next two days, officials and academics will propose and debate legal solutions concerning counterterrorism, human rights, the rule of law, dispute settlement, and maritime issues; all these in ways addressing each notion's varied and conflicting aspects. These are but a few of the current challenges affecting the ordinary lives of ordinary people; and therefore of the President I serve.

Showed an extravagant way to make his duties lighter to bear, he said: "No. This is too much; it's too expensive. I am but an ordinary man, accustomed to ordinary things." These are the things that matter to the ordinary people we are sworn to serve.

We are very interested in the discussion; we will listen very closely; and we will participate very actively.

On fighting terrorism, we must understand the combustion that drug money laundering ignites in a mixture of murder, mayhem and religious madness; for example, in the taking of Marawi. The cleanness and celerity of its recapture by our Army was described in my presence at the Security Council as "a near textbook perfect victory" — dismissing outright allegations of human rights violations from the usual suspects. The fight was savage, sweeping, and swift. We took back in six months what took the West six years to recapture Raqqa. There just wasn't time to attach electrodes to anyone's privates.

On human rights, we must confront the duplicity in the application of undoubtedly universal Western standards of decency in the treatment of fellow human beings. More famously honored in the breach than the observance. On the one hand there is the wilfully ignorant — and for that reason all the more

sweeping — condemnation of jungle folk like us when we address threats to public order and safety with the necessary severity. On the other hand, there is the silent acceptance of its gross failures and misdeeds which the West much prefers in having its own record judged.

The Philippine record comes closer to the Western ideal. It dates from the 1948 Universal Declaration, the 1951 Convention on the Status of Refugees, to the 1979 Convention on the Elimination of All Forms of Discrimination against Women, to name but a few. But well before these codes of decent conduct were written, there was a country still a colony for all practical purposes that defied its anti-Semitic colonial master to take in the wretched of the earth fleeing one holocaust after another in the West. Before subscribing to any written code of decent conduct, Filipinos practiced it first. Two Philippine administrations have offered Rohingya unconditional asylum — to the embarrassment of non-Christian neighbors who shut the door on their co-religionists' faces.

On dispute settlement, let us discuss if *pacta sunt servanda* is still relevant when more states refuse to recognize let alone carry out judicial or arbitral awards they lost fairly and legally. Let us remind the world of the 1982 Manila Declaration on the Peaceful Settlement of International Disputes — to date the most important achievement of the Special Committee on the Charter of the United Nations.

Ladies and gentlemen, we may agree, we may disagree. But let us listen, let us learn from one another as scholars, as governments, as human beings, — and Asians. Let's do and be a little better than non-Asians even if we didn't come up with the Western notions that hold true for all time and everywhere, finally achieving in their place of origin a verbal allegiance.

We have half of the world's human resources to address these challenges. Surely there can be more creative and viable legal and political solutions drawn from the Asian experience of Western democracy. Looking at the record, we have done Western civilization rather better.

Long before the present millennium, the Asian Century was our creed. Twenty years on, the growth of our region in great part shapes that of the rest of the world. With emerging economic might comes a leading role and a major responsibility to do right. Let me cite two examples.

The Association of Southeast Asian Nations paved the way toward social and political stability in a region wracked by the most savage war of peace since the end of World War 2. It replaced the moribund US-led South-East Asian Treaty

Organization. In that turbulent period, five Southeast Asian countries — at odds with each other — came together to hold on to whatever they still had to build a safer, more progressive future from there. They quarreled every step of the way — like a family. None left the fold lest they miss out on the only viable prospect of peace, freedom and progress — by hanging together so as not to hang separately.

It has since affiliated with major neighbors such as Japan, South Korea and China — in the so-called ASEAN +3. And promoted dialogue with partner states like the US in ASEAN Regional Forums. It's framed the agenda for meetings with Australia, India, New Zealand, Russia and others. But it has never adopted any of them as one of its own. That's like letting the fox in the henhouse. At their farewell lunch for me, I told my ASEAN colleagues at the UN: "Whatever you do, don't do a G-77 plus China. Never add a superpower. You'll end up the dog being wagged by its tail. Keep it simple: Southeast Asian and no one else.

Second, we have produced legal experts that continue to illuminate international law; from the International Law Commission to various international courts and tribunals — and many are in our midst today, our keynote speaker among them. International law has benefitted from legal thinking rooted in the Asian experience, reflecting our pacific ways of accommodating each other where possible, and leaving each other alone when unable to. This year is a milestone for international law. I mentioned the principle of *pacta sunt servanda* enshrined in the treaty on treaties — the Vienna Convention.

Adopted 50 years ago, it codified bedrocks of acceptable international conduct we hold sacred today. If only we all followed our treaty obligations in good faith, there **would** have been — there **could** have been — less war and suffering; less deceit and consequent cynicism about the possibility of right in international relations.

There **would** have been — there **should** have been — more progress and better living standards within a larger self-enriching freedom. But to paraphrase Dag Hammarskjöld, perhaps international law, like the United Nations, is negotiated not to take us to heaven but to save us from hell. After Hammarskjöld, the United Nations led the way to hell on a pavement of good intentions in Rwanda.

This year marks the 25<sup>th</sup> anniversary of the coming into force of our constitution for the oceans: the UN Convention on the Law of the Sea. Despite near universal acceptance by 168 states parties, the most imminent and potentially

the most disastrous dangers in our world today pertain to marine and maritime affairs — the Persian Gulf and the South China Sea.

If only we respected *pacta sunt servanda* in our obligations under UNCLOS, there would be less animosity with its greater likelihood of conflict. If only the greatest power on earth led by the example of subscribing to UNCLOS, it would be a safer world. The only cure for the uncertainty that gnaws at our sense of security — and invites us to prepare for war to find its opposite in peace — is the universal acceptance of international law. Not in place of the national self-interest but to serve it better.

Before I conclude, I wish to take this opportunity to once again welcome our Keynote Speaker Judge Yuji Iwasawa and to announce that the Philippines is fully and unconditionally supporting his re-election to the International Court of Justice in the elections to be held next year. We do not seek any quid pro quo for our vote; because we are casting it for the best of the interest of the world — and therefore of our country. Thank you!