

STATEMENT OF THE PHILIPPINES

Item 82 – The Rule of Law at the National and International Levels
Sixth Committee, 69th session of the United Nations General Assembly
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Thank you, Mr. Chairman.

Two years ago, the United Nations held its first-ever high-level meeting on the Rule of Law. It resulted in a consensus Declaration on the Rule of Law at the National and International Levels. The Philippines today reaffirms its support for that Declaration.

Paragraph 14 of the Declaration emphasizes the right of equal access to justice for all. Pursuant to paragraph 17 of resolution 68/116, I will briefly share our practice and experience in strengthening the rule of law through access to justice.

The Philippines has a comprehensive legal framework on access to justice. Our Constitution, and our Rules of Court, mandate that no person shall be deprived of legal assistance by reason of poverty. The poor are exempt from the payment of court fees.

In criminal cases, the indigent accused have the right to defense counsel. The State, through the Public Attorney's Office, is mandated to provide such counsel. The Integrated Bar of the Philippines also requires all lawyers, and in fact all law students, to render service to indigent clients through its Legal Aid Program. We have a cadre of community-based paralegals handling public interest cases.

The Philippines also has the *barangay* justice system, which interfaces the informal and formal justice systems. The mediation or arbitration undertaken by this system relies mainly on social sanction in settling or dismissing minor conflicts, without need of resort to formal courts.

The Philippines follows the *shari'a* system in Muslim Mindanao to implement Islamic law and its principles of equity and justice.

Our *Indigenous Peoples Rights Act of 1997* (Republic Act No. 8371) is the first law on ancestral domain in the world. It recognizes, protects and promotes the rights of indigenous peoples and cultural communities, paying due regard to their customary rules in informal justice mechanisms.

Creating a protective and nurturing environment for women and children is national policy. Through our *Women in Development and Nation Building Act of 1992* (Republic Act No. 7192), the *Magna Carta for Women of 2002* (Republic Act No. 9710), and related laws, the Philippines promotes and protects the rights of women especially those belonging to marginalized sectors, and recognizes their role as full and equal partners in development and nation-building. The latest edition of the World Economic Forum's *Global Gender Gap Report* – which benchmarks the national gender gaps of

136 countries on economic, political, education and health-based criteria – shows the Philippines in 5th place, the highest ranking of any developing country. Filipino women now outperform Filipino men in all levels of education, and have equal if not better access to justice compared to men.

To protect the rights and to promote the welfare and the best interests of children pursuant to the Constitution and consistent with the *Convention on the Rights of the Child*, the Philippine Congress, in 1997, established family courts (Republic Act No. 8369), giving them exclusive original jurisdiction over child and family cases. This law provides for a system of adjudication for youthful offenders, taking into account their peculiar circumstances.

Mr. Chairman, there will always be challenges on access to justice, especially for a developing country like the Philippines. Therefore, we continue to work on building the people's trust in the legal system. We continue to streamline laws and rules. We harness modern technology to share and popularize legal information, particularly in the remote parts of the country. We advertise free legal aid to the poor. And finally, the judiciary works toward enforcing judgments in a fair, just and expeditious manner. We recognize the important work of the International Development Law Organization in helping address these challenges and thereby broadening access to justice.

Mr. Chairman, the Charter of the United Nations is the fountainhead of our Declaration on the Rule of Law. In this regard, the Philippines associates itself with the statement of the Lao People's Democratic Republic on behalf of the Association of Southeast Asian Nations (ASEAN) and of the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM). Their statements appropriately focus on the Rule of Law at the international level, in accordance with the UN Charter.

Last week, at the general debate of the General Assembly, Secretary of Foreign Affairs Albert del Rosario articulated the importance we attach to peace, security and the rule of law, and outlined the current threats against them.

You have all probably received by now a copy of my letter to the Secretary-General, outlining our position on the peaceful settlement of the disputes in the South China Sea. I must first reiterate our support for the Secretary-General's call for States Parties to the UN Convention on the Law of the Sea (UNCLOS) to clearly define and publicize the limits of their respective maritime zones, so that other States Parties will have greater certainty on their maritime spaces.

UNCLOS is the core instrument for resolving maritime disputes. Let us heed the wise words of Tommy Koh of Singapore, President of the Third UN Conference on the Law of the Sea, who implored, "Let no nation put asunder this landmark achievement of the international community."

Mr. Chairman, our proposed Triple Action Plan (TAP) contains immediate, intermediate and final approaches to address the provocative and destabilizing activities in the South China Sea. They can all be pursued simultaneously, without prejudice to territorial claims.

As an immediate approach, the TAP calls for the cessation of specific activities that escalate tensions, pursuant to paragraph 5 of the 2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea or the DOC. For example, inhabiting uninhabited features including massive reclamation violates the DOC.

As an intermediate approach, in order to manage tensions until a final resolution is achieved, the TAP highlights the need for the full and effective implementation of the DOC and the expeditious conclusion of the Code of Conduct or the COC as mentioned earlier by Lao PDR in our joint ASEAN statement.

As a final approach, the TAP underscores the need for a peaceful settlement mechanism to bring the disputes to a final and enduring resolution on the basis of international law. That mechanism is Arbitration, which is an open, friendly and durable dispute settlement mechanism that will clarify maritime entitlements and, therefore, lead to genuine and lasting peace in the South China Sea, for the benefit of all littoral States and the whole world.

The TAP is a positive, comprehensive and constructive framework, which brings together various initiatives that the Philippines and other countries have been advocating for the peaceful resolution of the disputes.

We have invited another State Party to settle our maritime disputes peacefully through UNCLOS including its provisions on dispute settlement, specifically Arbitration under Annex 7 of UNCLOS. However, that State Party has rejected our peaceful invitation, and continues on a unilateral path of dangerous, reckless and forceful activities in an attempt to impose a unilateral change in the maritime status quo of the South China Sea, in order to advance a so-called nine dash line position, an expansive claim of indisputable sovereignty over nearly the entire South China Sea, in total contravention of both UNCLOS and the DOC.

That State Party continues to violate the legitimate rights of the Philippines and other littoral neighbors to their exclusive economic zones and continental shelves. I will not here repeat the statement of facts outlined by Secretary del Rosario last week. Suffice it to say that these unilateral activities escalated the tensions and threaten the peace and stability of the South China Sea.

Mr Chairman, the greatest achievement of the Rule of Law is the UN itself. The UN was created to respect the sovereign equality of States, and to enshrine the Rule of Law in the conduct of States and the peaceful settlement of their disputes. The Rule of Law anchors the predictability and stability of national and international development and progress. It allows for an environment of peace and security to flourish. Let it not be said that some States, by reason of their size, power and might, are exempt from the Rule of Law.

Thank you, Mr. Chairman.