

## **ADHERENCE TO THE RULE OF LAW: RIGHT IS MIGHT**

**H.E. ALBERT F. DEL ROSARIO**  
Secretary of Foreign Affairs of the Philippines  
General Debate of the 67th Session of the United Nations General Assembly  
New York, 01 October 2012

Mr. President,

Allow me to congratulate you on your election and to offer the steadfast support of my country for your presidency.

Each year we renew our commitment to our United Nations and the Charter that enshrines, in the plainest of language, our hopes and aspirations for a progressive, peaceful and secure world.

Our Organization and our Charter have survived and thrived through dark times and great adversity. The letter and spirit of our Charter remain alive and vibrant in a constantly changing world. Our work continues to be important, even in the face of doubts about the relevance of multilateral institutions.

All these were possible because at the heart of our determination to build peace has been our commitment to the rule of law.

Keeping faith in the law allows us to treat each other fairly and in the spirit of sovereign equality. It provides the rules with which nations can relate and work together. It reduces arbitrariness and unilateralism. Fidelity to the rule of law allows us not only the means to resolve differences, but also the substance on which to build better understanding.

### **ADVOCACY FROM NATIONAL EXPERIENCE**

Our advocacy on the Rule of Law is borne not only out of our experience and insights as a founding member of the United Nations and an active participant in international affairs.

Our advocacy is deeply rooted in our experience as a nation. Our freedom was hard won. Our democracy realized only after decades of dictatorship. Our governance sullied by corruption and patronage in previous years.

Our President, Benigno S. Aquino III, has placed the rule of law at the center of his governance. As a result, the culture of impunity has been neutralized, our economy is on the upswing and our people's rights and freedoms assured.

### **DISARMAMENT AND THE RULE OF LAW**

Among the gravest threats that continue to face us today is the deadly testament of man's ability to destroy his fellow man.

The full force of the rule of law must be brought to bear to prevent the proliferation of nuclear weapons, to promote nuclear disarmament and to end the flow of illicit weapons.

The Philippines is proud to have presided over the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons. The historic adoption of the 64 Action Points strengthened the legal regime of the Treaty.

We also support Nuclear Weapons Free Zones, including the Southeast Asian Nuclear Weapons Free Zone (SEANWFZ) that ASEAN created. It is essential that such a zone be created for the volatile Middle East, as envisaged by the 2010 NPT RevCon. The Philippines commends the States from the region, the depository States of the 1995 Resolution, Secretary-General Ban Ki-moon and the Government of Finland for setting the stage for the 2012 Conference that will seek this most urgent objective.

The Comprehensive Nuclear Test Ban Treaty (CTBT) is another critical pillar of global disarmament and non-proliferation. The Philippines commends Indonesia for being the latest Annex 2 State to ratify and reiterates its call on the remaining eight Annex 2 States to accede at the soonest possible time. Other States not included in Annex 2, but are not party to the CTBT, must do the same to ensure the universality of this treaty.

#### **PEACEKEEPING: ENFORCING RULES AND LAWS**

We must also actively pursue respect for the law of peace and humanitarian law in the numerous regional conflicts that affect the lives, safety and wellbeing of millions of people around the world. Towards this end, Peacekeeping is the crucial tool by which the Charter's mandate are carried out.

Despite its limited resources, the Philippines is doing its part in this important task. We are currently a major contributor to UN peacekeeping missions. We call on others to also do all that they can. And we support innovative efforts to help embattled communities, including proposals on possible unarmed peacekeeping that would expand the civilian component of our endeavors.

The Philippines also recognizes the important role played by women in the promotion of peace and continues to deploy more female peacekeepers to peacekeeping missions. We aim to attain and surpass the 10% deployment target of women in country troop contingents and 20% for police deployments.

#### **RULES-BASED PROMOTION AND PROTECTION OF INDIVIDUAL RIGHTS**

With a tenth of the population of our country in foreign lands, there is a very real and human dimension for our quest to strengthen the rule of law.

To further galvanize international dialogue and cooperation, the Philippines has been among the principal advocates of developing norms of international law that will protect not only our overseas Filipinos but all migrants.

Human trafficking is a crime of such magnitude that it cannot be dealt with by a single nation or even a group of nations. The international community as a whole must stand together

against this scourge. For this reason, the Philippines became a founding member of the Group of Friends United Against Human Trafficking and we are the main sponsor of the biennial General Assembly resolution on Trafficking in Women and Girls.

In pursuit of this objective, we call on all Member States to implement the Global Plan of Action to Combat Trafficking in Persons and to ratify and enforce human rights instruments, such as the Palermo Protocol and the International Convention on the Protection of the Rights of Migrant Persons and Members of their Families.

Many of my country's overseas Filipinos are found on merchant ships. Filipinos form the bulk of seafarers. Many have fallen victim to pirates.

Maritime piracy continues to be a menace for the entire world. 80% of world trade travels by sea - almost six billion tons of cargo, moved by some 93,000 merchant vessels, manned by 1.25 million seafarers. The business and human costs of piracy cannot be overstated. We encourage bilateral, multilateral, regional and inter-regional efforts to address the impact of piracy, including measures to improve the welfare of affected seafarers.

## **THE HUMANITARIAN AND HUMAN RIGHTS IMPERATIVE**

Mr. President,

The Philippine Constitution values the dignity of every human person and guarantees full respect for all human rights. Our National Human Rights Action Plan 2009-2014 aims to mainstream human rights standards into all parts of the national government and of national life. The Plan fully respects our obligations under the eight major international human rights treaties.

As a founding and current member of the Human Rights Council, the Philippines works with other members of the Council to safeguard the human rights of vulnerable groups such as migrants, women and children, the youth and the elderly, indigenous peoples, and persons with disabilities. The Philippines has actively contributed to initiatives on human rights and extreme poverty, on human rights education, on combating trafficking in persons, especially women and children, and on climate change.

The Philippines was one of the first nations to submit itself to the Universal Periodic Review (UPR) process of the Human Rights Council. Last month, the Council adopted by consensus our second UPR report.

The noble vision of the Universal Declaration of Human Rights, and of many other profound declarations, is far from being realized for the poor, the deprived, the oppressed and the marginalized. The recent global financial and economic crises have left these vulnerable segments of our peoples even more in danger.

The Philippine government, therefore, strongly supports measures for empowerment of these disadvantaged and endangered groups, and strongly advocates policies that aim to raise their participation and integration in society.

Hence the importance of attaining the Millennium Development Goals (MDG) and planning for the post-MDG period after 2015. Thus, the Philippines, together with Tanzania, initiated

the resolution, entitled “High Level Meeting of the General Assembly on the Realization of the Millennium Development Goals and Other Internationally Agreed Development Goals for Persons with Disabilities.” The 2013 high level meeting aims at inclusiveness of the disabled, a cause to which all should rally.

We are also instituting measures to enhance the role and status of women, and in strengthening their protection, through the Philippine Commission on Women (PCW), whose foundation predates the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), through the key legislation of the Magna Carta of Women and through the Philippine Plan for Gender-Responsive Development (PPGRD) 1995-2015.

## **MIGRATION AND DEVELOPMENT**

Mr. President,

Migration remains an unheralded and underappreciated dimension of globalization today. Yet the reality is that hundreds of millions live and work outside their native lands, providing benefits to both their host nations and their countries of origin.

The Global Forum on Migration and Development (GFMD), which the Philippines chaired in 2008, allows us to share practical experiences in migration management and in protecting the rights and welfare of all migrants. We look forward to a successful GFMD summit outcome in Port Louis, Mauritius, this coming November.

Earlier this year, the Philippines had the honor of ratifying two key international instruments affecting migrants everywhere: the Maritime Labor Convention (MLC) and the Convention concerning Decent Work for Domestic Workers. Philippine ratification brings these two agreements into force next year.

As a further indication of our commitment to protect the rights of migrants, the Philippines will be co-hosting a GFMD regional meeting in Manila on “International Migrant Domestic Care Workers at the Interface of Migration and Development” later this month, with the support of UN Women, ILO and IOM.

## **THE SEARCH FOR DEVELOPMENTAL JUSTICE**

The rule of law is an instrument of justice and development. Yet, continuing global economic challenges and financial instability make it ever more important that we focus on making sure that the rule of law gives everyone their due. Poverty, hunger, poor health and education and a deteriorating environment are threats to all and require nothing less than our concerted collective response.

In all development efforts, we must respect the principles and norms of sustainability that are crucial for continued health of the Earth and of our peoples. Consequently, the Philippines will further integrate key ideas from Rio+20 into its Medium-Term Development Plan review, even as we continue to pursue the attainment of the Millennium Development Goals by 2015.

For many developing countries like the Philippines, food security remains an essential issue. Recent events have shown that the capacity to source food in an affordable fashion can affect millions, sometimes even to the extent of their sheer survival. We express our appreciation to

the General Assembly for the adoption at its last session of the resolution declaring 2014 as the International Year of Family Farming.

As a country particularly prone to natural disasters, including those wrought by climate change, we value the work being done in advancing natural disaster risk reduction management. Global and regional cooperation through partnerships is the best means for strengthening the international humanitarian and emergency response system.

## **THE RULE OF LAW AND THE PEACEFUL SETTLEMENT OF DISPUTES**

Natural disasters plague mankind. The forces of nature are difficult to contain. This should not be the case in man's quest for peace. While natural disasters are impossible to prevent, the same is not true for war and conflict.

The United Nations was created to protect the weak from the strong, to provide for the equality of all sovereign states, and to enshrine the rule of law as the governing principle in regulating international disputes.

As such, the Philippines is steadfast in promoting the peaceful settlement of disputes using a rules-based approach. We stand firmly behind efforts in the United Nations to promote the rule of law and mediation.

In 1982, we adopted the Manila Declaration on the Peaceful Settlement of Disputes. This year marks the 30<sup>th</sup> anniversary of the Manila Declaration. The principles and processes enunciated in the Manila Declaration remain applicable to this day and is a stark reminder that we have yet to overcome the barriers that divide countries and peoples all over the planet.

It is for this reason, Mr. President, that we all share your view that "bringing about adjustment or settlement of international disputes or situations by peaceful means" is essential for the future peace, progress and prosperity of all nations.

Furthermore, from the perspective of the rule of law, and given the maritime disputes that have intensified in the Asian region, the UN Convention on the Law of the Sea has never been more relevant than it is today. All States must respect their obligations to settle their maritime disputes by peaceful means, without threats or use of force, under UNCLOS. A rules-based approach under UNCLOS can peacefully resolve these Asian maritime disputes.

Today, my country faces its most serious challenge to the security of its maritime domain and integrity of its national territory, as well as its effective protection of its marine environment.

To address this challenge and to arrive at a durable resolution, we must rely on the rule of law and not the force of arms. We must rely on the body of rules that state that disputes must be resolved peacefully. We must rely on the norms and rules enshrined in the UNCLOS.

We therefore rely on our friends and allies and all those who believe in the peaceful and fair management of the seas and oceans to uphold the rule of law and UNCLOS. We will endeavor to elicit a more proactive action from the General Assembly.

## **CONCLUSION**

Mr. President, we often hear the quote that “we are a country of laws and not of men.” I shall modify it to say that “we are a community of nations and not of hegemons.”

Let us make this a reality. Let us all, without exception, respect the international legal framework to utilize institutions and adhere to commitments in treaties and conventions. For in so doing, we create global norms that will serve our nations in good stead today and in the future, and we will preserve the one great institution that we have charged with promoting peace and prosperity in our world, our United Nations.

Excellencies,  
Ladies and gentlemen,

If we achieve this, rather than being forced to accept that might is right, we will instead demonstrate that right is might.

Thank you.