

STATEMENT

Department of Foreign Affairs

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Statement of Secretary Albert F. del Rosario on the Submission of the Philippines' Memorial to the Arbitral Tribunal

30 March 2014

Thank you everyone for your presence here on a Sunday.

Today, the Philippines submitted its Memorial to the Arbitral Tribunal that is hearing the case it brought against the People's Republic of China under the United Nations Convention on the Law of the Sea in January 2013.

The Philippines' Memorial was submitted in conformity with the Rules of Procedure adopted by the five-member Arbitral Tribunal last August, which established 30 March 2014 as the due date for its submission.

The Memorial presents the Philippines' case on the jurisdiction of the Arbitral Tribunal and the merits of its claims. It consists of ten volumes. Volume I, which is 270 pages in length, contains the Philippines' analysis of the applicable law and the relevant evidence, and demonstrates that the Arbitral Tribunal has jurisdiction over all of the claims made by the Philippines' in its Statement of Claim, and that every claim is meritorious. It sets out the specific relief sought by the Philippines in regard to each of its claims, and shows why it is entitled to such relief.

Volumes II through X contain the documentary evidence and maps that support the Philippines' claims, all of which are cited in Volume I. Volumes II through X consist of more than 3,700 pages, including more than 40 maps, for a total submission of nearly 4,000 pages.

The Memorial is the result of an enormous, collaborative effort by the extremely capable and dedicated legal team that has been serving the Philippines in this important case, headed by Solicitor General Francis Jardeleza and a team of lawyers from various agencies, including the OSG, DFA, DOJ, and the Office of the President.

I also wish to thank other government agencies for their invaluable contribution in the generation of documents including:

- The Department of Justice (DOJ);
- The Department of National Defense (DND), particularly the Armed Forces of the Philippines (AFP), Philippine Navy, and Philippine Air Force (PAF) ;
- The Department of Transportation and Communications, particularly the Philippine Coast Guard (PCG);
- The Department of Environment and Natural Resources, specifically the National Mapping and Resource Information Authority (NAMRIA);
- The Department of Energy (DOE);
- The Bureau of Fisheries and Aquatic Resources (BFAR);
- The Foreign Service Institute (FSI);

- 3/3
- And other agencies such as National Museum, National Historical Commission, National Archives, DILG's Philippine National Police, Municipality of Kalayaan, and the UP Marine Science Institute.

We are also most grateful to our international legal advisers led by Paul Reichler and his team of international lawyers, including Mr. Lawrence H. Martin, Professor Bernard H. Oxman, Professor Philippe Sands, and Professor Alan Boyle for their invaluable guidance and assistance.

Ordinarily, the next step in an arbitration of this nature would be the filing of a Counter-Memorial by the other Party. However, it is currently unknown whether China will appear in the case, or whether it will continue its present policy of abstaining from the proceedings. Under the Rules of Procedure, the Arbitral Tribunal will decide on next steps and advise the Parties.

The Philippines will follow the guidance of the Arbitral Tribunal in regard to the publication of the Memorial. In the meantime, out of respect for the Tribunal and the arbitral process, it is obliged to preserve confidentiality.

With firm conviction, the ultimate purpose of the Memorial is our national interest.

It is about defending what is legitimately ours.

It is about securing our children's future.

It is about guaranteeing freedom of navigation for all nations.

It is about helping to preserve regional peace, security and stability.

And finally, it is about seeking not just any kind of resolution but a just and durable solution grounded on International Law.

Thank you very much indeed for your kind attention.