

# OUR COUNTRY COMES FIRST

## PRIVILEGE SPEECH OF CONGRESSMAN ANTONIO V. CUENCO

### APRIL 21, 2008

Mr. Speaker:

The world hails us the Pearl of the Orient. 7,100 islands sparkle with white sands and emerald waters. Our seabed bursts with fuel and mineral deposits. We are the world's "center of the center of marine biodiversity", teeming with tiny *sinarapan* to giant *butanding*, alluring *dugong* and high-value tuna.

Strategic stands our setting. We are at crossroads of global trade. Half the world's tankers --- holding 353million barrels of oil --- pass each year from straits southwest of us onto the South China Sea and the Pacific.

Believing that ours is a bond of water and islands, our forebears forged the "archipelagic doctrine". We fought hard for it --- in and outside the halls of the United Nations --- to shield territory and resources. After painful setbacks, our concept gained world assent as Part IV of the UN Convention on the Law of the Sea. Signed by 118 countries in 1982 (with our ratification in 1984), UNCLOS took effect in 1996. The Pearl of the Orient, as archipelagic state, gained legal right to enclose the islands and waters with a series of baselines.

#### Maritime Jurisdictions under UNCLOS

The 1982 pact enabled the Philippines to denote maritime zones and jurisdictions of sovereignty. We can now demarcate:

1. Archipelagic waters. Aquatic ways within archipelagic borders, once treated high seas by international law, are now our internal waters.
2. Territorial sea. Seaward from baselines up to 12 nautical miles are territorial waters, over which we shall exercise full sovereignty.
3. Contiguous zone. From the territorial sea to another 12 miles is an adjoining zone, over which we may enforce taxation, quarantine and immigration.
4. Exclusive economic zone. 200 nautical miles from the baselines is our EEZ, in which only *we* may fish and gather marine resources.

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5. Juridical continental shelf. The seabed and underwater subsoil up to 200 miles from baselines is our legal continental shelf, where only *we* may mine mineral resources.
6. Extended continental shelf. Where our legal shelf spans beyond 200 nautical miles, we have right to an extended continental shelf, up to 350 miles from baselines.

Potential Area & Resources under UNCLOS

Operatively, the 1982 Law of the Sea expanded Philippine waters by 93 million hectares. We now hold maritime jurisdictions five (5) times more water than land. Take aquaculture, for one, of seaweeds into pharmaceuticals. Take as well waves and currents to harness clean, sustainable energy.

Yet we cannot fully tap these bounties till we put our house in order. 26 years after it went into force, our country has yet to implement a crucial provision of the UNCLOS.

Amend R.A. 3046 and R.A. 5446

Most urgent, we must comply with the UN accord to plot baselines consistent with the Law of the Sea. We must thus replace our outdated baseline laws, R.A. 3046 as amended by R.A. 5446. A new one must delineate the limits of our territorial and jurisdictional zones.

Our old baselines were enacted in the 1960's before the adoption of the 1982 convention. One of the lines, along the Moro Gulf, is inconsistent with the pact, as it exceeds the restriction under Article 47. That baseline is about 140 nautical miles. Article 47 limits a baseline to only 100 miles, although up to 3% of the baselines may extend to a maximum of 125 miles. We must correct it. If not, we will lose our right to enjoy the riches beyond our shores. Time is running out. Future generations will condemn us if we do not meet the deadline of May 2009.

For, still we quibble over how to draw the new baselines.

Our choices

Mr. Speaker, your Committee on Foreign Affairs has studied extensively four options on drawing the baselines. Let me recount:

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Option 1. encloses the main archipelago and Scarborough Shoal and treats the Kalayaan Island Group (KIG) as a “regime of islands”.

Option 2. encloses the main archipelago and treats Scarborough Shoal and the KIG as a “regime of islands”.

Option 3. encloses the main archipelago and the KIG, and treats Scarborough Shoal as a “regime of islands”.

Option 4. encompasses the main archipelago, the Scarborough Shoal and the KIG as one.

Following the intense study of options, your committee voted to recommend to plenary Option 4. That is, to enclose Scarborough and Kalayaan as part of our main archipelago. The objections of a few, we took into account. But in the end we put territorial unity and national sovereignty as our only consideration. **Our country comes first.**

Last December the plenary approved unanimously on Second Reading our House Bill No. 3216. Kalayaan and Scarborough fall within our archipelagic baselines. Our vote sought to correct a historical lapse, uphold our people’s interest and soldiers’ sacrifices and carve the future of our Republic.

On April 4, however, the Executive Department of our government formally proposed an option different from ours. Their proposal would exclude from our baselines the Kalayaan Islands Group and Scarborough Shoal off Zambales and treat these merely as a “Regime of Islands”.

While we respect the position of the Executive Dept. on this matter, we maintain the position already expressed by the House when our Bill No. 3216 was unanimously approved on Second Reading last December.

Indeed, Mr. Speaker, it is too late now to stop the approval of this bill on 3<sup>rd</sup> and Final Reading. To abort its approval at this stage of our law-making process would create a terrible precedent that could cause havoc to the proceedings of the House. It would even lend credence to the charge that the House of Representatives caved-in to external pressures.

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Incidentally, our bill does not intend to rile any country that has claims over some islands that we also claim. What we are only saying is that the Bill merely defines the baselines of our country according to our best lights.

Mr. Speaker, I am a member of the majority group in this Chamber. I am much too old a parliamentarian not to understand that in this Chamber, we work through majority decisions.

Realizing that, I also know that we can arrive at things without necessarily causing embarrassment to one and all.

Hence, without threatening anyone, I submit that the best way to act under these circumstances is for us to:

1. Approve the bill on third reading as has been scheduled;
2. Keep it under our control while we await the Senate version of their bill, and
3. Act according to what is best for the country and according to our best lights once we know what the Senate's decision on its bill is.

In the meantime, I'd like to ask all and sundry to keep our cool and bide our time within the constraints of what is possible to be done on the bill pursuant to the UNCLOS and what needs to be done pursuant to our national interest.

Today, therefore, I call on members of the House to remain steadfast in our duty as the highest policy-making body of our country.

Let us not be cowed by doomsayers who think us weak and powerless to assert our sovereignty. We face some challenges. But in the end, with resoluteness in our hearts and minds, we will emerge triumphant.

Mr. Speaker, this morning your Committee on Foreign Affairs met and was honored by the valuable presence of the Speaker and the Majority Leader of the House.

We sought your advise on what to do under these difficult circumstances.

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You proposed that we withhold action on the 3<sup>rd</sup> reading approval of our bill until the matter is fully discussed in a LEDAC meeting where the views of the Senate and the Executive Department will be heard.

I envision the scenario to be similar to a bicameral conference committee meeting between the House and the Senate with Malacanang participating.

This is a brilliant idea to which I subscribe. I only hope that an agreement on HOW to draw our baselines is reached soonest, taking into account the best interests of our country.

As the old saying goes, legislation is the art of the possible.

As a legislator for 23 years crafting laws for our nation, I believed in this. And today I still do.

Maraming salamat po.

**MABUHAY ANG PILIPINAS!**