

## ASEAN, China complete first draft of COC in South China Sea

**MANILA** -- Foreign Affairs Secretary Teodoro Locsin Jr. on Wednesday reported that the first draft of the Code of Conduct in the South China Sea (COC) has been completed.

The Filipino top diplomat at a speaking engagement in the Asia Society Policy Institute bared that China has "softened its insistence on controversial provisions" excluding external military presence in the strategic waters.

"We've completed the first draft. That objectionable provisions excluding the Western military presence... they're not holding on to that anymore," he said during a dialogue with former Australian Prime Minister Kevin Rudd in the US.

Former Australian Prime Minister Kevin Rudd and Foreign Affairs Secretary Teodoro Locsin, Jr. (Photo courtesy of Asia Society Policy Institute)

Locsin said the chief executive himself asked the state parties to rush the negotiations and the talks "went smoothly after".

Earlier reports, citing a draft document between China and the 10 Association of Southeast Asian Nations (ASEAN) member-states, said Beijing proposed the creation of a notification mechanism on military activities whenever necessary.

Although the reported text did not specifically mention "Western" military, the said provision sought the exclusion of countries outside the region "unless the parties concerned are notified beforehand and express no objection."

Locsin did not mention what steps will be taken next following the concluded first draft of the COC.

"The first draft is really just the first draft,

we won't know what it's like. I do know that many countries like Vietnam, even Singapore will take very strong exception to anything that would remove a counterbalancing military presence in the region, they're very careful about that," he said.

For the Secretary, the outcome of the COC's first draft is a development in the "soon to be effective code of conduct within three years" as it is "shorn of anything objectionable to Western interest".

### Legally binding

Prof. Julian Ku, senior associate dean at the Hofstra University School of Law, for his part, believes a legally-binding COC is important to reflect the parties' commitment to its text.

"In general, (making it) legally binding is an important signal of how serious a country takes this commitment," he told reporters during the Reporting on Maritime Issues seminar hosted by the United Embassy in Manila on Wednesday.

"In law, we do have a way of interpretation, if it's not legally-binding then interpretation may say 'well it's not relevant because it's not legally-binding'. If I'm a country worried about the commitment of the other country, I would want it to be legally-binding," he noted.

While the document is not designed to

resolve the issues on fishing rights and overlapping territorial claims of China and some claimant states, Ku underscored its significance in preventing outright conflict in the South China Sea.

"It will not actually resolve what drives the disputes, which is fishing rights, etc. The COC is intended mostly to try to manage the disputes by saying 'we agree that we have a dispute but we all agree not to use force,'" he said.

### Be vigilant

Senior Associate Justice Antonio Carpio, on the other hand, urged ASEAN states to ensure that the COC will not supplant the United Nations Convention on the Law of the Sea (UNCLOS) dispute settlement mechanism.

Carpio is part of the Philippine delegation that led the arbitration case against China.

"The code of conduct is only to manage the disputes so that there would be no shooting wars, there would be no skirmishes, (so that) everybody will behave properly," he said in the same seminar.

"We should be careful because if we fall into the trap, we have to settle the merits of the dispute in accordance with the code of conduct and China has a veto power, it's not arbitration, we need the consent of

China so we must be very careful that the code of conduct will not supplant the dispute settlement mechanism because that is the best dispute settlement mechanism in the world, proof is we won against China, a nuclear-armed power," he stressed.

Carpio also questioned the three-year timeline of the COC conclusion, timed to conclude before the end of President Rodrigo Duterte's term.

"China has said before, we will sign the COC at the proper time when the time is right. When will the time be right for China? They said three years from now during the term of President Duterte. My take, China needs to reclaim one area: Scarborough Shoal," he said.

Carpio told reporters that China has tried to reclaim the Scarborough Shoal but failed to do so.

"We all know they have a plan and they may do that before the end of the term of President Duterte because that is the time they will also sign the COC after they finished the reclamation, they will say, 'Let's sign the COC, nobody builds anything anymore,' everything will freeze and that will legitimize what they've created: the artificial islands," he said. (PNA)

## PRRD signs law creating Judges-at-Large posts

**MANILA** -- President Rodrigo Duterte has signed a law creating 100 positions of Regional Trial Judges-at-Large and 50 Municipal Trial Judges-at-Large.

Duterte signed the "Judges-at-Large Act of 2019" Republic Act No. 11459 on Aug. 30 but a copy was made public on Wednesday.

The R.A. 11459 amends "The Judiciary Reorganization Act of 1980".

Under the law, the 100 Regional Trial Judges-at-Large and the 50 Municipal Trial Judges-at-Large will have no permanent salas and may be assigned by the Supreme Court (SC) as acting or assisting judges to any Regional Trial Court in the Philippines as public interest may require.

Regional Trial and Municipal Trial Judges-at-Large are entitled to salaries, privileges, allowanc-

es, emoluments, benefits, rank and title of a Regional Trial Judge and Municipal Trial Judge, respectively.

It also states that the Supreme Court will determine the length of such temporary assignment.

After the period of the temporary assignment, the Judicial and Bar Council (JBC) will recommend to the presidential appointees to Judges-at-Large positions.



Former Australian Prime Minister Kevin Rudd and Foreign Affairs Secretary Teodoro Locsin, Jr. (Photo courtesy of Asia Society Policy Institute)

## PRRD warns real estate firms vs. hiring illegal foreign workers

**MANILA** -- President Rodrigo Duterte on Wednesday night warned real estate firms against hiring undocumented foreign workers or trafficking illegal drugs.

Duterte told executives that while he was confident about the success that would arise from business ventures, he did not want these firms to employ illegal foreign workers.

"While I recognize the potential of these projects to help the Philippines withstand future challenges in the global [economic] setting, I nonetheless stress that your buildings should never serve as a haven for undocumented foreign workers or for the manufacture of and trafficking of illegal drugs," Duterte said during the corporate launch event of real estate firm Golden Topper in Parañaque City.

"This is in line with this administration's unrelenting commitment towards the eradication of corruption and illegal drugs in this country. I am sure that [you are] with me in this drive, especially considering [that] criminality and illegal drugs are detrimental to the good business," he added.

IZ LAUNCH. President Rodrigo R. Duterte greets Golden Topper Group Inc. Chairman Lam Kiu San during the Gold-

en Topper Corporate Launch at the Aseana Business Park in Parañaque City on September 25, 2019. During the event, Duterte warned real estate firms against hiring undocumented foreign workers or trafficking illegal drugs. (King Rodriguez/Presidential Photo)

Duterte also warned them against committing other crimes noting that there would be no problem as long as they play by the rules.

"Let us be very clear. You can come, you can play your trade, you can commit your crimes. But if I catch up with you, it is dead or alive. Preferably dead. Alive, I have to feed you. There's a rice crisis in this country," Duterte said.

"We just obey... There are rules to be followed. Just obey the rules and nobody is going to disturb you. Nobody is going to molest you. Nobody is going to well ask for this and ask for that," he added.

As long as they pay the right taxes and salaries, Duterte assured them of a good return on investment.

"You come and do business and make your profit, as many as you can and as plenty as you can. In that way, you can help the Filipino worker find jobs. That is my only gain there. Not so much about taxes. It's employment generation for my

brother Filipinos," Duterte said.

"So go ahead. Make money. Make your profit. Pay the right taxes, pay the laborers the right salaries, and then I will assure you that your return of investment, your ROI, you can get it anytime you want. That is the long and short of my guarantee to you," he added.

Moreover, he expressed confidence that the launch of their projects would be instrumental in the administration's thrust to attain progress by investing in infrastructure development.

### Be more assertive

Duterte lamented how investors shied away from Southeast Asian countries because of corruption, noting that it killed investment priorities or opportunities in the country.

However, he assured them that he would continue to minimize or altogether remove corruption until the end of his term.

"I do not tolerate corruption. I hate corruption. And I will go out of my way to punish people who are into graft and corruption," Duterte said.

The President urged them to be more "assertive", assuring them that that they could come to him anytime to report corruption.