

Mexico has faith in Asian-Pacific future

By José Antonio Meade Kuribreña

Mexico is in a great moment. Macroeconomic stability and a low debt rate are part of our strengths as one of the top 15 economies in the world.

We are an economy with a broad social perspective fully inserted into international trade, with an exchange of goods and services that amounts more than \$700 billion each year. We offer a secure and trustworthy environment for foreign investment.

Our political institutions show increasing strength and vitality. Our country has vast amounts of natural resources, a solid industrial basis and increasing innovation, as well as a privileged geographic location.

This moment of our history embodies an important promise of well-being and development for Mexican people through structural reforms, key for the country's development. We are a nation determined to transform itself and to grow.

From the beginning of his administration, Mexican President Enrique Peña Nieto committed to boost a significant national effort aimed to achieve prosperity by means of fighting against poverty and inequality, by providing high-quality education across the country, and to consolidate Mexico as an actor with global responsibility decided to make positive contributions to its international environment.

To reach national goals, foreign policy will contribute to Mexico's development as never before. At the same time, our country will consolidate its position as a solid advocate of

international order and stability, as a supporter of global free trade, as a friendly and safe destination for foreign investment, and as a responsible state and a promoter of peace and human development.

We are determined to fortify Mexico's global presence by strengthening our international cooperation, promoting our values into the world, and protecting Mexican interests abroad. These are the pillars of our foreign policy and will serve as guidelines to identify priorities and concrete ac-

tions with each region and with each country.

Mexico is convinced that no other part of the world today has the growth and dynamism of the Asia-Pacific region. Its political weight and cultural influence is also unquestionable.

Mexico respects and admires China's universal input.

Since the establishment of diplomatic relations in 1972, both nations have forged strong bonds of friendship, solidarity and cooperation with enormous

potential benefits for both countries.

This was recognized by Nieto and Chinese President Xi Jinping during their meeting in April as part of the Boao Forum for Asia.

They agreed at that time to raise the relationship to new levels of dialogue and cooperation that correspond to their enormous potential and the role Mexico and China play in the international arena.

We share hopes in the international realm and challenges that I am sure we can solve if we bind our ties and exchange experiences. Progressively but surely, Mexico will have a greater presence in the area of rapid growth, global development and innovation, that the Asia-Pacific region has become.

Mexico and China have the opportunity to consolidate their existing ties in deepening exchanges, more and more productive and mutually favorable. Political dialogue, trade, investment, education, science, technology, tourism and culture are priorities in a broad and expanding bilateral agenda.

The relationship between Mexico and China has a promising future. We are countries in motion and in constant process of transformation. With the renewal of our ties, we will work to benefit from our complementarities.

I am convinced that in this new stage, the people of both Mexico and China will benefit from a bilateral relationship sustained on a greater strategic and long-term vision.

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Illustration: Liu Rui/GT

No case to answer for Beijing before arbitral tribunal in South China Sea

By Stefan Talmon

In January, the Philippines instituted arbitration proceedings against China under the United Nations Convention on the Law of the Sea (UNCLOS) with regard to disputes between the two countries in the South China Sea.

China has chosen not to take part in these proceedings, claiming that the compulsory dispute settlement procedures under UNCLOS do not apply. Does China's rejection of the arbitration request have a basis in international law?

The international legal system is based on the sovereign equality of states. One of the consequences of this fundamental principle is that international courts and tribunals can exercise jurisdiction over states only with their consent.

In case of doubt, such consent must be interpreted restrictively. Both the Philippines and China have given general consent to the jurisdiction of an arbitral tribunal under UN-

CLOS when they became parties to the Convention. However, the scope of that jurisdiction is limited to disputes "concerning the interpretation or application of this Convention."

Disputes which are related to the sea but which are not governed by the Convention are thus removed from the jurisdiction of the tribunal. The jurisdiction established by the Convention is also subject to far-reaching exceptions.

The Convention itself excludes, for example, disputes concerning the exercise by a coastal state of its sovereign rights over the natural resources in the exclusive economic zone and the continental shelf.

The crucial question is thus whether the case brought by the Philippines against China falls within the limited jurisdiction conferred upon the arbitral tribunal by the parties.

The object of the dispute is defined by the relief sought by the Philippines as set out in its "Notification and Statement of Claim." The Philippines re-

quests the tribunal to adjudicate on 13 points.

Two of the matters can be disposed of right away. The Philippines asks the tribunal to declare that the parties' rights in the South China Sea are those established by UNCLOS. This is basically stating the obvious and is not disputed by China. The same is true for the declaration that the Philippines is entitled under UNCLOS to a 12-nautical mile territorial sea, a 200-nautical mile exclusive economic zone and a continental shelf.

The other issues raised by the Philippines cannot be decided without deciding on matters outside the jurisdiction of the tribunal.

For example, the claim that China's maritime claims in the South China Sea based on the so-called nine-dash line are invalid, the claim that China has unlawfully claimed maritime entitlements beyond 12 nautical miles around certain insular features and has prevented Philippine vessels from fishing

in the waters adjacent to those features, and the claim that China has unlawfully interfered with the exercise by the Philippines of its right to navigation and other rights cannot be decided without touching upon China's claim to historic title and rights within the area of the nine-dash line.

In addition, any measures taken by China against the Philippine vessels may also be subject to the "law enforcement activities" exception with regard to fisheries matters or may be excluded as an exercise of China's sovereign rights and jurisdiction provided by UNCLOS.

The claim that China unlawfully occupies certain low-tide elevations in the South China Sea cannot be addressed without dealing with the question of sovereignty or other rights over these insular land territories.

Finally, declarations that certain submerged features form part of the continental shelf of the Philippines, that China has unlawfully exploited the living

and non-living resources in the Philippines' exclusive economic zone and continental shelf, and that China has interfered with the Philippines' right to navigation and other rights in areas within and beyond 200 nautical miles of the Philippines cannot be made without engaging in sea boundary delimitations.

In conclusion, none of the 13 points addressed either gives rise to a dispute or can be addressed without considering matters outside the jurisdiction of the tribunal. There is thus no case to answer for China. The tribunal would be well advised to decline jurisdiction in the present case.

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