

TREATIES AND AGREEMENTS

SIGNING AND RATIFICATION OF THE TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

Status

The Philippines has signed and ratified the Treaty on the Prohibition of Nuclear Weapons (TPNW). The treaty entered into force in the Philippines on 19 May 2021.

Signature and Ratification

Alan Peter Cayetano, the then-secretary for foreign affairs of the Philippines, signed the TPNW in New York when it opened for signature on 20 September 2017. He urged nuclear-armed states to sign the treaty and said: “If we listen to each other, we will hear the same thing. We have no need for nuclear weapons.”

In September 2020, the President of the Philippines, Rodrigo Duterte, announced in a video statement to the UN General Assembly that he had “asked the Philippine Senate to ratify the Treaty on the Prohibition of Nuclear Weapons.” The Senate provided its concurrence on 1 February 2021.

In a statement, Duterte hailed the ratification as a “milestone,” reinforcing the country’s resolve together with the international community in pursuing a world free of nuclear weapons for peace, security, and the survival of all humanity.

The Philippines deposited its instrument of ratification with the UN Secretary-General on 18 February 2021, becoming the 53rd state to ratify or accede to the TPNW. The foreign ministry held an event on 19 May 2021 to commemorate the entry into force of the treaty for the Philippines.

Implementation

In accordance with Article 2 of the TPNW, the Philippines submitted a declaration to the UN Secretary-General on 17 June 2021 confirming that it does not own, possess, or control nuclear weapons, has never done so, and does not host any other state’s nuclear weapons on its territory.

Per Article 12, the Philippines has promoted universal adherence to the TPNW, including by co-sponsoring and consistently voting in favor of an annual UN General Assembly resolution since 2018 that calls upon all states to sign, ratify, or accede to the treaty “at the earliest possible date.”

In a statement to the United Nations in 2019, the Philippines hailed the TPNW as “a landmark agreement that fortifies the nuclear disarmament architecture” and “delegitimises once and for all the use of nuclear weapons.” In 2021, it said that the treaty “represents efforts towards the universalisation of global norms against nuclear weapons.”

Meetings of States Parties

The Philippines participated in the first meeting of states parties to the TPNW, held in Vienna in June 2022. “The humanitarian thrust of the TPNW becomes even more relevant today in the face of an increasingly insecure global security environment,” it said.

Rejecting any role for nuclear weapons in resolving international disputes, it added: “This first meeting provides us the opportunity to act with wisdom, decisiveness, and a renewed sense of purpose and urgency to reinvigorate the nuclear disarmament agenda.”

TPNW Negotiations

The Philippines participated in the negotiation of the TPNW at the United Nations in New York in 2017 and was among 122 states that voted in favor of its adoption.

In its opening statement to the negotiating conference, the Philippines said that it attaches “great importance” to the cause of disarmament, as the country’s constitution “mandates us to adopt and pursue a policy of freedom from nuclear weapons in our territory.”

It said that it is cognizant of “present geopolitical realities,” and it is precisely because of these realities that we must work to free the world of nuclear weapons: “There will never be a better time than now to discuss the prohibition of such weapons.”

In its closing statement, the Philippines said that “more important than language unambiguously denouncing nuclear weapons is the hope of getting

everyone on board in putting all nuclear weapons firmly on the path of complete, total, and irreversible extinction.”

In 2016, the Philippines co-sponsored the UN General Assembly resolution that established the formal mandate for states to commence negotiations on “a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination.”

Before the Negotiations

The Philippines was among 127 states that endorsed a “humanitarian pledge” in 2015–16 to cooperate “in efforts to stigmatise, prohibit, and eliminate nuclear weapons.” The pledge was instrumental in building momentum and support for convening the TPNW negotiations.

In 2014, a regional roundtable meeting was held in Tagaytay, the Philippines, with officials, academics, and campaigners from across Southeast Asia to discuss “the humanitarian impact of nuclear weapons and the prospects for a ban.”

ACCESSION TO BEIJING TREATY ON AUDIOVISUAL PERFORMANCES

The Philippines, through the Permanent Representative of the Philippines to Geneva Ambassador Evan P. Garcia, deposited its instrument of accession to the Beijing Treaty on Audiovisual Performances (BTAP) on 28 April 2021. Ambassador Garcia personally handed the instrument of accession to World Intellectual Property Organization (WIPO) Director General Darren Tang at WIPO Headquarters.

The BTAP will provide protection to performers of Filipino nationality as well as to those performers who habitually reside in the country. It also provides for equal treatment of performers of other states-parties and Filipinos.

In addition to the economic rights that performers have to their performances, the BTAP also guarantees moral rights such as the right to be identified as the performer and to object to modifications that would be prejudicial to the performer’s reputation.

The BTAP also provides for rights of reproduction, distribution, rental, and broadcasting of performances.

“With the accession of the Philippines to the BTAP, the Philippines guarantees the expansion of the protection given to its musicians, singers, actors, and performers providing them a uniform and effective umbrella of protection critical in an ever-shifting world,” Ambassador Garcia said in his statement highlighting the benefit of the treaty to Filipino audiovisual performers and that of the 40-growing number of countries party to the Treaty.

The Ambassador stated that the Philippines’ ratification of the BTAP is timely as its entertainment industry suffered greatly during the pandemic and lockdown. The increased protection for performance will go hand in hand with the rejuvenation of Philippine creative industries post-pandemic.

SIGNING OF PHILIPPINE-UNITED STATES AERONAUTICAL AND MARITIME SEARCH AND RESCUE (AMSAR) AGREEMENT

On 30 July 2021, Former Foreign Affairs Secretary Teodoro L. Locsin Jr. and U.S. Embassy Chargé d’affaires John C. Law signed the Philippine-United States Aeronautical and Maritime Search and Rescue (AMSAR) Agreement.

The Agreement provides delimitations on the search and rescue regions of the Philippines and the United States. It fosters stronger bilateral cooperation in the field of maritime and aeronautical search and rescue thereby enhancing both countries’ effectiveness in assisting persons, vessels, aircraft or other craft in distress.

The Department of Transportation (DOTr) and the Department of Foreign Affairs, with support from the Philippine Coast Guard, the Civil Aviation Authority of the Philippines, the National Coast Watch Center, and the Department of National Defense, negotiated the AMSAR agreement from 25 to 26 September 2018.

The signing of the agreement stands as proof of the Philippines’ commitment to upholding its obligations under international conventions and treaties. At the same time, it will help boost the Philippines’ capability to conduct search and rescue operations and save lives.

The signing was witnessed by U.S. Secretary of Defense Lloyd J. Austin III, who was in Manila for a visit, and Vice Admiral Eduardo D. Fabricante of the Philippine Coast Guard. It is another milestone in PH-US bilateral relations which is celebrating its 75th Anniversary this year.