



NATIONAL TERRITORY

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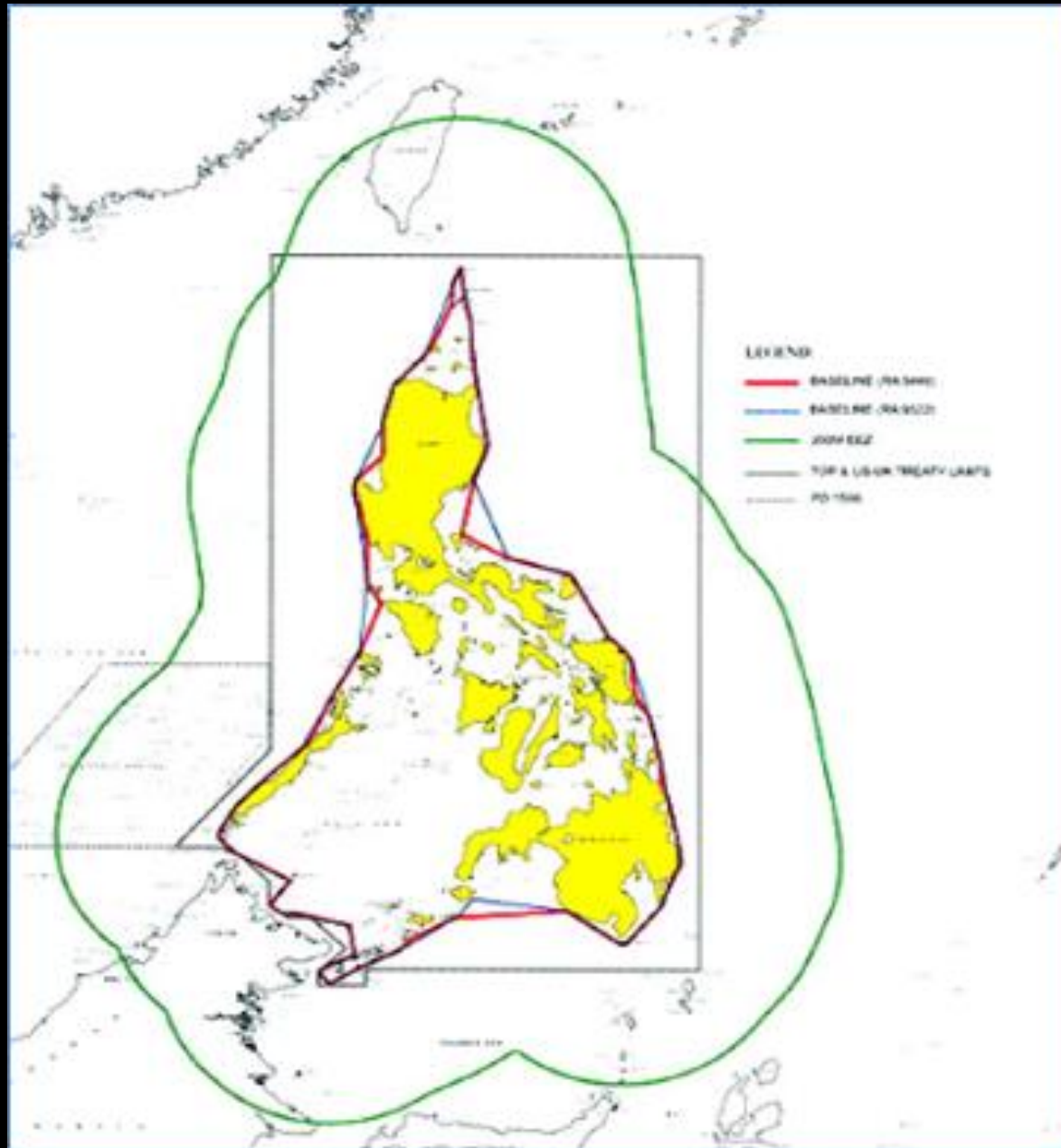
- Article I of the 1987 Constitution - The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial, and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines.
- Territory is the fixed portion of the surface of the earth inhabited by the people of the State.
- It must be neither too big as to be difficult to administer and defense, nor too small as to be unable to provide for the needs of the population.
- Components: Terrestrial Domain, Maritime and Fluvial Domain, and Aerial Domain.
- 2nd sentence of Article I embodies the Archipelagic Doctrine. The entire archipelago is regarded as one integrated unit instead of being fragmented into so many thousand islands.
- Kalayaan Island Group and Scarborough Shoal are part of the Philippine territory.





- Archipelagic Doctrine – the baseline from which the internal and territorial sea of an archipelago is to be determined consists of the straight lines joining the appropriate points of the outermost islands or edge of the archipelago. The waters enclosed in the baselines are called Internal Waters, while waters from the baselines up to the limits under UNCLOS III represents the Territorial Sea.
- Baseline – the outermost points of the outermost islands connected in a straight line.
- Straight Baseline Method – straight baselines are drawn to connect the outermost points of the outermost islands without departing radically from the general configuration of the archipelago.
- United Nations Convention on the Law of the Sea III (UNCLOS III) – is an international agreement which establishes the legal framework for all marine and maritime activities. It has been ratified by 168 countries. The convention set the limit of various areas such as the internal waters, territorial seas, contiguous zones, and exclusive economic zone measured from a carefully defined baseline.







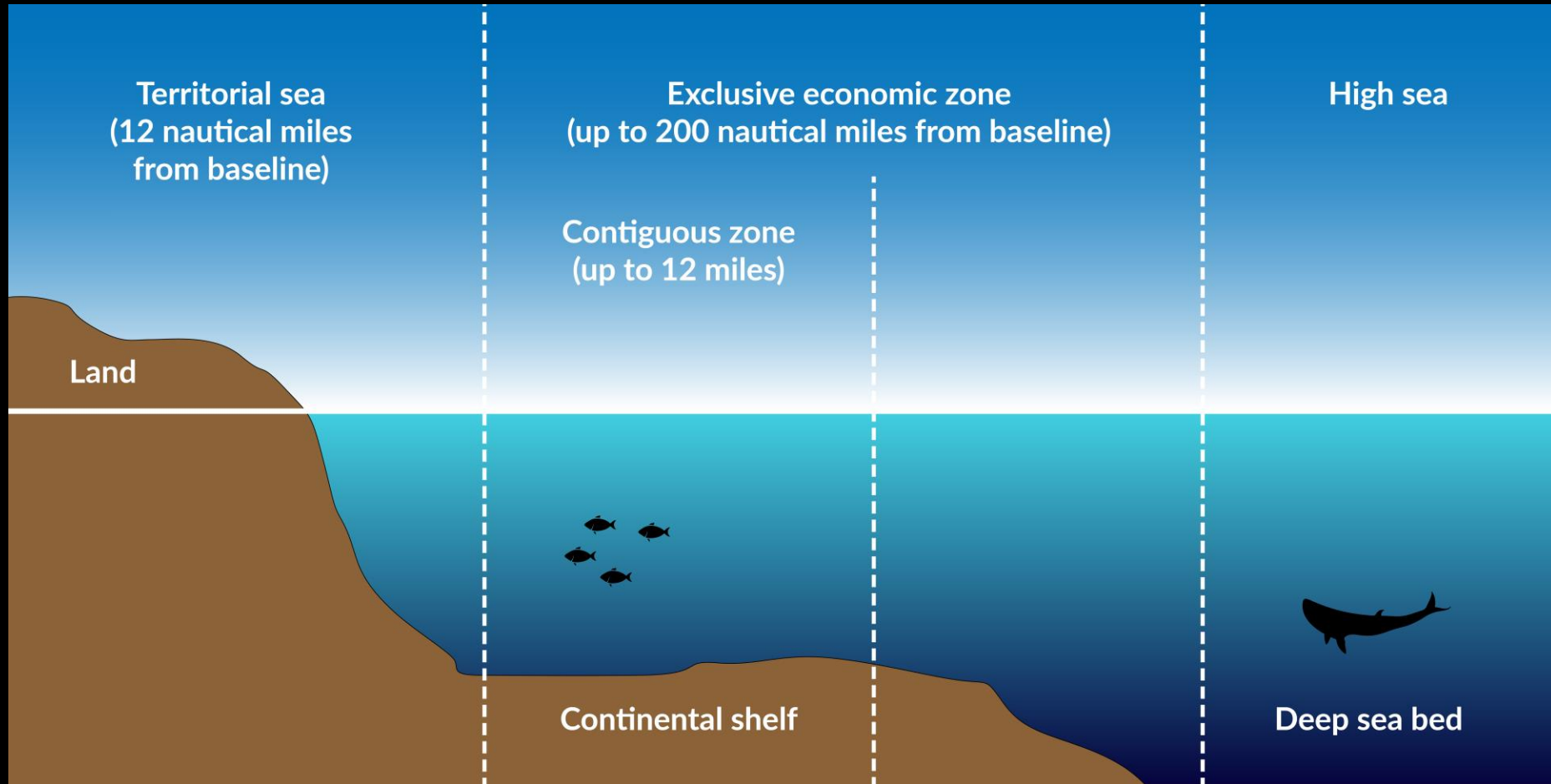
- Internal Waters – cover all water and waterways on the landward side of the baseline. The coastal state is free to set laws, regulate any use, and use any resources. Foreign vessels have no right of passage within internal waters.
- UNCLOS III – Internal Waters; 1987 Constitution – Archipelagic Waters.
- Territorial Sea – belt of the sea located between the internal waters and high seas, extending up to twelve (12) nautical miles from the baseline. The coastal state is free to set laws, regulate any use, and use any resource (sovereignty). Vessels are given the “right of innocent passage” through the territorial waters. (1 nautical mile = 1.9km or 1.2miles)
- Right of Innocent Passage – passing through waters in an expeditious and continuous manner which is not prejudicial to the peace, good order, or the security of the coastal state.
- Contiguous Zone – twelve (12) nautical miles from the territorial sea. The coastal state could enforce laws and exercise control necessary to prevent infringement of its customs, fiscal, immigration, and sanitary regulations.





- Exclusive Economic Zone – area beyond the territorial sea and is **not part of the territory** of the state (no sovereignty). It extends two hundred (200) nautical miles from the baseline. However, the coastal state may exercise **sovereign rights** over economic resources of the sea, seabed, and subsoil. Other states have the freedom of navigation and overflight.
- High Seas or International Waters – treated as *res communes* or *res nullius* (thing owned by nobody) and are not a territory of any particular state. There is freedom of navigation or the right to sail ships on the high seas subject only to the rules of Public International Law.





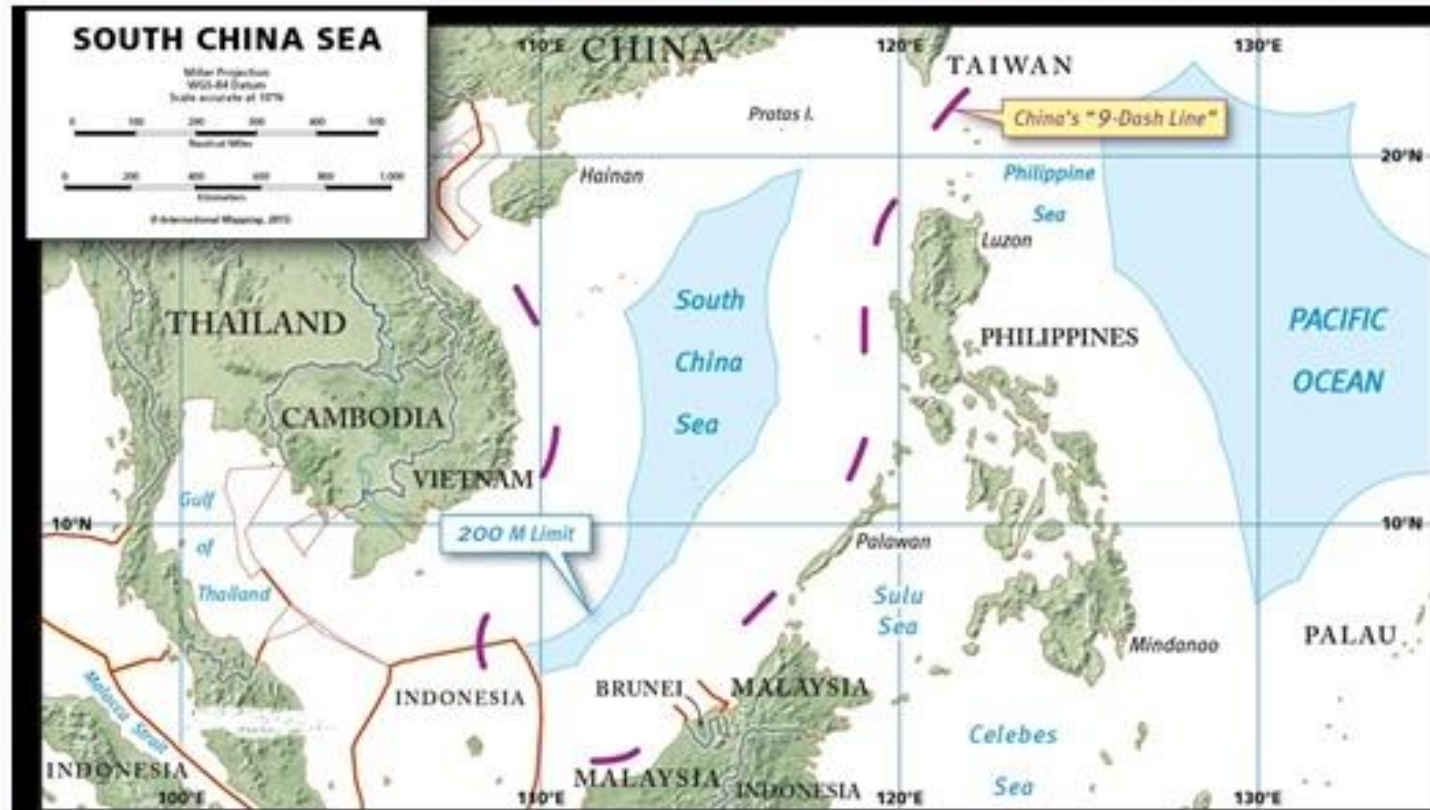


Republic of the Philippines v. People's Republic of China

- On January 22, 2013, the Philippines instituted arbitral proceedings against China under UNCLOS III with respect to the dispute with China over the maritime jurisdiction of the PH over the West Philippines Sea.
- On July 12, 2016, the arbitral tribunal ruled in a decision consisting of 501 pages in favor of the Philippines.
- The Tribunal concluded that there was no evidence that China had historically exercised exclusive control over the waters or the resources within the “nine-dash line”. Hence, China’s nine-dash line has no legal basis. Even assuming that China had historic rights to the resources within the nine-dash line, such rights were extinguished when they ratified UNCLOS III.
- Certain areas where China built artificial islands are within the Philippines’ EEZ. The Tribunal found that China violated the PH’s sovereign rights over its EEZ by (a) interfering with Philippine fishing and petroleum exploration, (b) constructing artificial islands, and (c) failing to prevent Chinese fishermen from fishing in the zone.
- Lastly, the Tribunal found that China had caused severe harm to the coral reef environment and violated its obligation to preserve and protect fragile ecosystems and the habitat of depleted, threatened, or endangered species.



China's Nine Dash Line





END

THANK YOU, STUDY WELL, AND REMEMBER THAT
THE WEST PHILIPPINE SEA IS OURS.

