

EIGHTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
First Regular Session



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 4877


EXPLANATORY NOTE

Article 53 of the United Nations Convention on the Law of the Sea states that "an archipelagic State may designate sea lanes and air routes there above, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over its archipelagic waters and the adjacent territorial sea".

Further, Article 22 of the UNCLOS provides that "the coastal State may, where necessary having regard to the safety of navigation, require foreign ships exercising the right of innocent passage through its territorial sea to use such sea lanes and traffic separation schemes as it may designate or prescribe for the regulation of the passage of ships."

The UNCLOS also provides for other rights that a country has in its sea lanes. As such, it is very important that the Philippines establishes its sea lanes in order to be able to fully benefit from the provisions of the UNCLOS>

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
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AN ACT
PROVIDING FOR THE ESTABLISHMENT OF THE ARCHIPELAGIC SEA LANES IN THE
PHILIPPINE ARCHIPELAGIC WATERS, PRESCRIBING THE RIGHTS AND
OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT EXERCISING THE RIGHT OF
ARCHIPELAGIC SEA LANES PASSAGE

*Be it enacted by the House of Representatives and the Senate of the Philippines in
Congress assembled:*

SECTION 1. This Act shall be known as the "Philippine Archipelagic Sea Lanes Act".

SEC 2. The State, in the exercise of its duty to protect its maritime domain, shall implement and adhere to the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and relevant international conventions to which the Philippines is a party.

DEFINITION OF TERMS

SEC 3. As used in this Act, the following terms are defined in accordance with the UNCLOS:

- (a) Archipelagic sea lane refers to the designated sea lanes and air routes in the archipelagic waters through which foreign vessels or aircraft may exercise the right of archipelagic sea lanes passage;
- (b) Archipelagic sea lane passage refers to the exercise in accordance with the UNCLOS of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive economic zone (EEZ) and another part of the high seas or an EEZ;
- (c) Archipelagic waters refer to the waters on the landward side of the archipelagic baselines except as defined as Internal Waters;
- (d) Associated protective measure refers to measure that a coastal State may adopt to regulate international maritime activities for the protection of the area at risk;
- (e) Hydrographic survey refers to a survey measuring and describing the physical features of the navigable portion of the earth's surface (seas) and adjoining coastal areas, with special reference to their use for navigation;
- (f) Oceanographic survey refers to a study or examination of any physical, chemical, biological, geological or geophysical condition in the ocean, or any part of it;
- (g) Right of innocent passage refers to the right of foreign vessels to navigate through the territorial seas of all States for the purpose of continuous and expeditious travel or for proceeding to or from internal waters. The passage is innocent when it is not prejudicial to the peace, good order or security of the coastal State; and

(h) Territorial sea refers to the belt of sea measured twelve (12) nautical miles from the baselines or from the low-water line, as the case may be

RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE

SEC 4. Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage in accordance with the provisions of UNCLOS in order to navigate or fly from one part of the high seas or an EEZ to another part of the high seas or an EEZ through or over the Philippine archipelagic waters and its adjacent territorial sea. Such sea lanes shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points.

The exercise of the right of archipelagic sea lanes passage shall be through a sea lane, or through the air above a sea lane; which has been determined to be an archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage as described in Section 12 hereof.

SEC 5. (a) Foreign ships and aircraft exercising the right of archipelagic sea lanes passage shall pass through or above the archipelagic sea lane as quickly as possible without delay and in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit.

(b) Foreign ships and aircraft that are conducting archipelagic sea lanes passage shall not deviate more than twenty-five (25) nautical miles to either side of the axis line of the sea lane: Provided, That such ships and aircraft shall not navigate closer to the coast more than ten percent (10%) of the distance between the nearest points on islands bordering the sea lane.

(c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes passage, shall refrain from any threat or use of force against the sovereignty, territorial integrity, or political independence of the Republic of the Philippines, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations.

(d) Foreign ships and aircraft, including military aircraft and warships, while exercising the right of archipelagic sea lanes passage, shall refrain from any war game exercises or exercises using any type of weapons, especially involving the use of ordnance.

(e) Except when rendered necessary by force majeure or by distress, aircraft exercising the right of archipelagic sea lanes passage shall not land in Philippine territory.

(f) All foreign ships exercising the right of archipelagic sea lanes passage shall refrain from stopping, dropping anchor or loitering, except when rendered necessary by force majeure or by distress in order to render assistance to a person or persons or a ship or ships experiencing distress.

(g) Foreign ships or aircraft exercising the right of archipelagic sea lanes passage shall refrain from making covert transmissions, interfering with telecommunications systems, and communicating directly with an unauthorized person or group of persons in Philippine territory.

SEC 6. Foreign ships or aircraft, including research or hydrographic survey ships or aircraft, while exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic or hydrographic surveys, whether with the use of detection equipment or

sample gathering equipment, unless they have obtained prior permission to do so from the appropriate agency of the Government of the Republic of the Philippines.

SEC 7. (a) Foreign ships, including fishing vessels, while exercising the right of archipelagic sea lanes passage, shall not conduct any fishing operation or exploitation of marine resources of the Philippines.

(b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes passage, besides fulfilling their obligations under paragraph (a), shall stow all fishing equipment within the hold.

(c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes passage, shall not load to a ship or unload from a ship persons, goods or currency in a manner that contravenes the laws and regulations concerning customs, immigration, fiscal matters and health, except when rendered necessary by force majeure or by distress.

SEC 8. (a) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall comply with the generally accepted international regulations, procedures and practices concerning safety of navigation, including regulations relating to the prevention of collisions at sea.

(b) Foreign ships, while exercising the right of archipelagic sea lanes passage in a sea lane where a traffic separation scheme has been established for the regulation of navigation, shall comply with the provisions of the traffic separation scheme.

(c) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall not cause disturbance or damage to navigational facilities or submarine cables or pipes.

(d) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall not sail too close to prohibited zones as determined by concerned agencies.

SEC 9. (a) Foreign civil aircrafts exercising the right of archipelagic sea lanes passage shall:

(1) Observe the Rules of the Air established by the International Civil Aviation Organization (ICAO); and

(2) Monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency at all times.

(b) Foreign national aircrafts exercising the right of archipelagic sea lanes passage

(1) Respect the regulations concerning flight safety as detailed in Section 9(a) hereof and at all times operate with due regard for the safety of navigation; and

(2) Fulfill their obligations as detailed in Section 9(a) (2) hereof.

SEC 10. (a) Foreign ships exercising the right of archipelagic sea lanes passage shall not expel oil, oily wastes or other noxious substances into the marine environment, or conduct other activities in contravention of international regulations and standards for the prevention, reduction and control of marine pollution that originates from ships.

(b) Foreign ships while exercising the right of archipelagic sea lanes passage shall not dump waste in Philippine waters.

(c) Consistent with the national interest, the exercise of the right of archipelagic sea lanes passage by all foreign ships must be consistent with the constitutional mandate of freedom from nuclear weapons in Philippine territory.

SEC 11. (a) The person or legal body responsible for the operation or cargo of foreign commercial ships or aircraft or foreign government ships or aircraft operated for commercial purposes shall be liable for any loss or damage suffered by the Philippines or any third party as a result of noncompliance with any of the provisions of this Act while exercising the right of archipelagic sea lanes passage.

(b) The flag State shall bear international responsibility for any loss or damage suffered by the Philippines or any third party as a result of noncompliance with any of the provisions of this Act by a foreign warship or aircraft or other government ship operated for non-commercial purposes while exercising the right of archipelagic sea lanes passage in Philippine waters.

**EMPOWERING THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES TO
DESIGNATE THE ARCHIPELAGIC SEA LANES WHICH MAY BE USED FOR THE RIGHT
OF ARCHIPELAGIC SEA LANES PASSAGE AND THE ASSOCIATED PROTECTIVE
MEASURES**

SEC 12. In pursuit of Philippine National Policy, the President shall promulgate through Executive Issuance the archipelagic sea lanes which may be used for the right of archipelagic sea lanes passage and the rules and regulations relating to Associated Protective Measures to be prescribed, within areas along the archipelagic sea lanes in accordance with the International Maritime Organization (IMO) Conventions and Regulations and other relevant international agreements.

FINAL PROVISIONS

SEC 13. The provisions of this Act shall not diminish the rights of foreign ships to exercise the right of innocent passage in archipelagic sea lanes.

SEC 14. The National Coast Watch System (NCWS), created by virtue of Executive Order 57, series of 2011, under the control and supervision of the Office of the President, shall serve as the coordinating mechanism for the implementation of this Act and shall continue to operate in accordance with its present organizational structure.

In addition to its powers, functions, and duties, the National Coast Watch Council (NCWC) shall provide technical and advisory support to the President in designating the archipelagic sea lanes. Further, the National Coast Watch Center (NCW Center) shall establish, monitor, and implement Associated Protective Measures for the designated archipelagic sea lanes.

SEC 15. If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC 16. All laws inconsistent, with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SEC 17. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,