

## UNCLOS and the Philippine Territorial Seas: Problems, Perspectives and Options

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The sea will be the center of world development in the third millennium. It is the last frontier for man's expansion on earth. And the 1982 United Nations Convention on the Law of the Sea (UNCLOS III) embodies humanity's solemn belief that it is indeed the common heritage of humankind. UNCLOS III creates a legal regime for the seas, which is substantially the consensus of the world as it crosses the threshold into the twenty-first century.

Veritably, UNCLOS III is a triumph for the Philippines in the light of the adoption of the archipelagic doctrine advanced by this country as early as 1955 and established in legislation. Briefly, the principle states that the "island, waters and other natural features of the archipelago form an intrinsic geographic, economic and political entity."

This Note studies the problem of the Philippines with respect to the twelve-mile breadth of the territorial seas provided for in the convention. UNCLOS III does not take into consideration the distinct configuration of the Philippine territorial seas. And the Philippines has consistently advanced the view that its territorial sea is measured by the metes and bounds delimited by the Treaty of Paris between the United States of America and Spain in 1898.

This Note posits the view that there is a serious possibility of conflict with other States in the future. The Philippines cannot derive comfort from its declaration at Montego Bay that its signature does not affect its sovereign rights as successor of the United States under and arising from the Treaties of Paris and Washington, for it is considered to be a prohibited reservation which purports to exclude or to modify the legal effect of the provisions of UNCLOS III in their application to the Philippines.

In the end, this Note warns of the possibility that the variance in UNCLOS III and the Philippine Constitution will be brought to the fore. In that event, it is strongly suggested that if a choice has to be made, it should be to bow to the sovereign will of the majority of the world.

To insist on the national sovereignty over the historic sea, is to cling to old dogmas inconsistent with the new law offering the greatest promise to

the world of tomorrow. In addition, this Note underscores the importance of UNCLOS III in the sense that to be a part of it is to be present in the “new, rich, still largely unknown world which will be the scene of the next adventure and expansion of humankind.”