



SEMAPHORE

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New Philippine Maritime Laws Target Jurisdiction Reinforcement

Philippine Senator Loren Legarda has heralded the introduction of two new laws in reinforcing her country's maritime sovereignty and security, in the latest development in a long-running dispute over jurisdiction in the South China Sea with China.

In a 11 November statement, Senator Legarda expressed gratitude to President Ferdinand Marcos Jr for three days earlier signing into law both the Philippine Maritime Zones Act (PMZA) and Philippine Archipelagic Sea Lanes Act (ASL Act).

"I am elated that the synergy of these two laws will provide a framework for balancing global maritime trade with the protection of our marine environment," said the Senator.

"These laws work hand-in-hand to secure our seas, prevent environmental degradation and foster regional stability, all while respecting international conventions like the United Nations Convention on the Law of the Sea and the 2016 Arbitral Award."

Senator Legarda emphasised that both laws reinforce the Philippines' ability to protect its marine biodiversity, coastal ecosystems and marine resources.

"This is a watershed moment in ensuring that the Philippines upholds its commitment to environmental sustainability, particularly in the face of climate change and increasing industrial activities in our seas.

"As we move forward, these laws will solidify our maritime jurisdiction, ensure environmental sustainability and protect the sovereignty of our waters for generations to come."

The statement described the PMZA as clearly delineating the country's maritime zones – internal waters, archipelagic waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf – "providing a robust legal foundation for the Philippines to assert its jurisdiction and sovereign rights over its vast marine resources and surrounding seas".

"This law, by reinforcing our maritime boundaries, enables the country to manage its resources and respond to regional maritime disputes with a clear, unified voice," it stated.



Philippine Senator Loren Legarda

In complement, the ASL Act is described as designating specific sea lanes for the expeditious and continuous passage of foreign vessels through Philippine waters.

“While facilitating smooth global maritime traffic, the law simultaneously ensures that national security is upheld and environmental safeguards are in place. The Act allows for the regulation of foreign ships’ passage, preventing risks such as maritime pollution, which threatens the integrity of our marine ecosystems.”

Chinese Response

In a prompt response to the enacting of the two laws, the Ministry of Foreign Affairs of the People’s Republic of China issued the following statement:

- I. the Philippine Maritime Zones Act illegally includes China’s Huangyan Dao and most of the islands and reefs of China’s Nansha Qundao (Nansha Islands) and relevant waters into the maritime zones of the Philippines, and attempts to enshrine the illegal award of the South China Sea arbitration in the form of domestic legislation. China strongly condemns and firmly rejects this as the move gravely infringes upon China’s territorial sovereignty and maritime rights and interests in the South China Sea. China’s territorial sovereignty and maritime rights and interests in the South China Sea shall by no means be affected by the enactment of the Act
- II. China has sovereignty over Nansha Qundao and the adjacent waters, and Zhongsha Qundao (Zhongsha Islands), including Huangyan Dao, and the adjacent waters, and has sovereign rights and jurisdiction over relevant waters. The aforementioned territorial sovereignty and maritime rights and interests of China have solid historical and legal basis, and are compliant with international law including the United Nations Convention on the Law of the Sea (UNCLOS)
- III. the territory of the Philippines is defined by a series of international treaties, including the 1898 Treaty of Peace Between the United States of America and the Kingdom of Spain (the Treaty of Paris), the 1900 Treaty Between the United States of America and the Kingdom of Spain for Cession of Outlying Islands of the Philippines (the Treaty of Washington) and the 1930 Convention Between His Majesty in Respect of the United Kingdom and the President of the United States Regarding the Boundary Between the State of North Borneo and the Philippine Archipelago. The Philippines’ territory so defined has nothing to do with China’s Huangyan Dao and Nansha Qundao. The Philippines has invaded and illegally occupied Mahuan Dao, Feixin Dao, Zhongye Dao, Nanyao Dao, Beizi Dao, Xiyue Dao, Shuanghuang Shazhou and Siling Jiao of China’s Nansha Qundao, and by doing so has seriously violated international law, including the Charter of the United Nations. It broke its own promise and kept a warship illegally grounded at Ren’ai Jiao of China’s Nansha Qundao for decades, thus infringing upon China’s territorial sovereignty and violating the Declaration on the Conduct of Parties in the South China Sea (DOC), especially its Article 5 which asks the parties to refrain from action of inhabiting on the uninhabited islands and reefs. Once again China urges the Philippines to immediately withdraw all its personnel and facilities from the aforementioned islands and reefs and immediately tow away the warship illegally grounded at Ren’ai Jiao. The establishment of the so-called “Kalayaan Island Group” beyond its own territorial scope by the Philippines infringes upon China’s territorial sovereignty, and is illegal and invalid
- IV. the Philippines’ unilateral initiation of the South China Sea arbitration without the Chinese Government’s prior consent seriously violates UNCLOS and substantially impairs the integrity and authority of UNCLOS. The Arbitral Tribunal handled the case ultra vires and rendered the award in distortion of law; hence the award violates international law including UNCLOS, and is null and void. China has neither accepted or participated in the arbitration, nor does

China accept or recognise the so-called award. China opposes and will never accept any claim or action based on the award. China's territorial sovereignty and maritime rights and interests in the South China Sea shall under no circumstances be affected by the award

- V. the Philippines' attempt to whitewash its illegal claims and actions in the South China Sea by adopting the Maritime Zones Act in the name of implementing UNCLOS is illegal and invalid. The Act seriously violates the DOC and will inevitably complicate the situation in the South China Sea. China will firmly respond to any infringement or provocative actions taken by the Philippine side in the South China Sea citing the Act as the ground
- VI. the Chinese side urges the Philippine side to earnestly respect China's territorial sovereignty and maritime rights and interests, immediately stop any unilateral moves that may escalate disputes or complicate the situation, and uphold peace and stability in South China Sea through concrete action
- VII. many provisions contained in the Philippines' Archipelagic Sea Lanes Act are incompatible with international law and resolutions of the International Maritime Organization (IMO). The Chinese side demands that the Philippine side earnestly abide by international law and refrain from undermining the legitimate rights of all parties under international law, including UNCLOS

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