



THE PHILIPPINE TREATY LIMITS AND TERRITORIAL WATERS CLAIM IN INTERNATIONAL LAW

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ABSTRACT

The major position of the Philippines in regards to the degree of its regional and oceanic limits depends on two argumentative premises: to begin with, that the points of confinement of its national region are the limits set down in the 1898 Treaty of Paris which surrendered the Philippines from Spain to the United States; and second, that every one of the waters grasped inside these fanciful lines are its regional waters. The position of the Philippine Government is challenged in the global group and keeps running against rules in the Law of the Sea Convention, which the Philippines marked and endorsed. This circumstance postures two major uncertain issues of contention: to start with, is the issue on the expansiveness of its regional ocean, and second, its treatment of assumed archipelagic waters as inward waters. The twin issues of the legitimate status of the Philippine Treaty Limits and

its broad noteworthy cases to regional waters have been subject of much scholastic verbal confrontation and genuine reactions.

The delimitation of Philippine regional and sea limits in similarity with global law requires the change of the current national legitimate, approach and managerial system to determine basic issues of contention between household enactment and universal law. This paper, continuing from both a national and a universal legitimate point of view, intends to elucidate the lawful status of the Philippine Treaty Limits and regional waters guarantee in global law.

KEYWORDS: Philippine territorial sea, Philippine treaty limits, Law of the Sea, Territorial sea claim, Philippine maritime boundaries.

INTRODUCTION

The outline and boundary of the national limits and oceanic purviews of the Philippines have not continued due to these issues (Batongbacal, 2001). Over a century in the wake of picking up freedom, the limits of the Philippine State still remain an issue left disrupted. Notwithstanding the effectively risky circumstance, the Philippines likewise affirms regional sway over the Kalayaan Island Group and Scarborough Shoal in the South China Sea. Thus, the hostile issue of the Philippine national domain is in reality twofold: challenged regional claims and covering oceanic jurisdictional regions. Accordingly, the hostile issue of the Philippine national region is in reality twofold: challenged regional claims and covering sea jurisdictional zones.

The Legal Status of the Philippine Treaty Limits and Territorial Waters Claim in International Law
Lawful Bases of the Philippine Position.



Fundamentally, the Philippines' claim to notable privileges of title over its sea and regional limits emerges from a few sources. To begin with, there was no dissent ensuing or concurrent to the confirmation of the Treaty of Paris as for the activity of power by the United States over all the land and ocean region grasped in that Treaty. This traverses a time of 50 years. The Philippine claim over its whole oceanic and regional area emerging from the frontier arrangements has been open and open, and in addition persistent and serene, and was practiced for an impressive time span without dissent from different States. Subsequently, the Philippines can likewise raise the contention of medicine (See, Island of Las Palmas Case, p. 868). The regional title gained from this procedure is regarded in worldwide law and is cherished in the saying *quieta non movere* (Jennings, 1963, pp. 23-27; Fisheries Case, 1951, p. 130). The title is gained and can't be exasperates independent of the unlawfulness of the first taking of ownership and also the ensuing dissents thereto in light of a legitimate concern for advancing peace and request (O'Brien, 2001, p. 211).

It is a perceived guideline of global law that demonstrations of States "which would some way or another be illicit as in spite of existing universal law may in time, by reason of the disappointment of other, particularly intrigued, States to stop compelling dissent ... be produced and combined as substantial legitimate rights" (Chan, 2004, p.422). Notwithstanding, since passive consent includes derivation of the suggested assent of a State from its inaction, it is not daintily assumed and is entirely deciphered (MacGibbon, 1954, pp.168-168; Kaikobad, 1983, p.126). With regards to global limits, which are infamous realities to the whole group of countries, the inability to challenge can be deadly (MacGibbon, 1954, pp.180-181). L. B. BAUTISTA 113 This incorporates the inability to dissent to enactment, a revelation freely made in the worldwide circle, and even to maps with respect to regional cases. The Philippines has exposed its claim in every one of these structures.

The Philippine Territorial Waters Claim The Philippines claims :-

A regional ocean that is extraordinary in global law (Dellapenna, 1970-1971, p. 48). The expansiveness of the Philippine regional ocean is not prohibited by a greatest broadness, but rather is variable in width, characterized by arranges put forward in its worldwide settlement limits (Manansala, 1974, p.135; Tolentino, 1974b, p.34). The Philippines, on the premise of notable right of title, guarantees that its regional ocean stretches out as far as possible put forward in the pioneer settlements which characterized the degree of the archipelago at the time it was surrendered from Spain to the United States in 1898 (Tolentino, 1974c, p. 34). The line drawn around the archipelago denotes the external furthest reaches of the memorable regional oceans of the Philippine which are challenged in universal law and obviously rupture the twelve-mile broadness of the regional ocean accommodated in the LOSC, which the Philippines marked and endorsed.

The Philippine National Territory :-

Land Context. The Republic of the Philippines is an archipelago of more than 7,100 islands in the South China Sea possessing a land range of 298,170 square kilometers, with a coastline of more than 36,000 kilometers long. It lies off the bank of Southeast Asia, framing a spasmodic chain of islands extending 1,840 kilometers from north to south isolating the Pacific Ocean from the territory Asian mainland. It is encompassed by various oceans with profound troughs: one on Luzon island, another in the Sulu Sea, a third in the Celebes Sea, and the fourth in the Mindanao trench or the Philippine Deep, east of Samar and Surigao. The topographical setup of the Philippine Archipelago, as characterized in the Treaty of Paris, gives off an impression of being as a huge rectangle, measuring 600 miles (966 km) in width and more than 1,200 miles (1,932 km) long. Articulation of the Philippine Position. The Philippines follows its present title to that of the United States, as its successor-state to the domain surrendered by Spain to the United States. The Philippines guarantees that it procured its present regional limits set apart on the guide by what is known as the "Philippine Treaty Limits" on the premise of three bargains: to begin with, the Treaty of Paris amongst

Spain and the United States of 10 December 1898; second, the Treaty of Washington between the United States and Spain of 7 November 1900; and in conclusion, the Treaty finished up between the United States and Great Britain on 2 January 1930 (Bautista, 2008). The Republic of the Philippines contends that the line depicted as per the Philippine Treaty Limits constitutes the regional furthest reaches of the Philippine archipelago. The Constitution of the Republic of the Philippines particularly characterizes the degree of its national region. It is completely characterized both in the 1935 and 1973 Constitutions, and in the most recent and still in drive, 1987 Constitution. It ought to be noticed that it is just in the 1935 Philippine Constitution that there is unequivocal reference to the frontier bargains characterizing the Philippine Treaty Limits as including the national region of the Philippines. The 1973 and 1987 Philippine Constitutions never again say these pilgrim arrangements, which has brought up issues inside whether the settlements stay consolidated in the sacred meaning of the Philippine national region

CONCLUSION :-

Conclusion Philippine International Legal Obligations. A State's domain is a valuable legacy, and also an incalculable procurement that can't be messed with by anybody—either by the individuals who appreciate it or by the individuals who question it. The many-sided issues before us bring up a solitary issue of significant significance to the honesty of the regional and oceanic spaces of the Philippines as a sovereign country. The issue of the legitimacy of the points of confinement of the Philippines' national region lies at the crossing point of universal law and metropolitan law. The Philippines, PHIL. Bargain LIMITS AND TERRITORIAL WATERS CLAIM IN INTERNATIONAL LAW 118 as an individual from the group of countries, perceives and is bound by rule of worldwide law—both ordinary and standard—in all issues having a universal character. In a strict sense, the degree of a country's region is never really decided singularly by that State. All the more along these lines, it can norbe resolved self-assertively nor infringing upon standard worldwide law or bargain commitments. The essential standard is that open worldwide law abandons it to the established law of each State to settle issues emerging in the application by its courts or guidelines of universal law, particularly manages contained in an arrangement. It is surely genuine that a State may not summon the arrangements of its interior law as legitimization for its inability to play out the bargain (Article 27, Vienna Convention on the Law of Treaties); however it stays allowed to pick the methods for execution it sees fit by its customs and to the basic standards of its political association. Its decision may obviously have outcomes regarding worldwide obligation (Reuter, 1989, p. 17).

REFERENCES :-

- Anand, R. P. (1975). *Legal Regime of the Sea-bed and the Developing Countries*. Delhi: Thomson Press (India), Publication Division.
- Anglo-Norwegian Fisheries Case (United Kingdom v. Norway), 1951 ICJ Reports 116. Antunes, N. S. M. (2003). *Towards the Conceptualisation of Maritime Delimitation: Legal and Technical Aspects of a Political Process*. Leiden; Boston: MartinusNijhoff.
- Ariff, M. b. D. H. O. (1970). *The Philippines' Claim to Sabah: Its Historical, Legal, and Political Implications*. Singapore: Oxford University Press.
- Arreglado, J. (1982). *Kalayaan: Historical, Legal, Political Background*. Manila: Foreign Service Institute.