

On Philippines' Maritime Claim of Treaty Limits

Huang-Chih Chiang*

Abstract

This paper illustrates and analyzes the Philippines' Maritime Claim of Treaty Limits. Taiwan and the Philippines are neighboring States, whose maritime conflicts have frequently occurred for numerous years and never been well settled. In every instance, the Philippines asserts that it is preserving legitimate rights with the Treaty Limits claim serving as the Philippines' main argument. However, after thoroughly exploring the Philippines' claims, it turns out that the scope and content of the claims are of obscure and ambiguous nature, especially concerning the drawing of the territorial sea baseline and the breadth of maritime waters. Given that these claims are essential to further deal with relevant cases regarding island and maritime delimitation, it is necessary to clarify and examine them carefully. By observing the Philippines' geographical conditions and historical development, detailing its municipal and international sources of law for maritime claims and examining them from relevant rules of public international law, this paper principally addresses issues relating to the method employed by the Philippines to draw the territorial sea baseline, the breadth of the Philippine territorial sea, the relation between the 2009 Archipelagic Baseline and the Treaty Limits claim and international law concerns thereof.

This paper concludes that the Philippines' Treaty Limits claim, which denotes the expansion of the extent of the internal water and the territorial water in a way incompatible with rules of general international law, finds no support in the context of the 1898 Treaty, the 1900 Treaty and the 1930 Convention. Also, the claim has never been recognized and acquiesced by any member of the international community. Despite the fact that the Philippines fully understands

* Professor of Law, College of Law, National Taiwan University.
E-mail: hcchiang@ntu.edu.tw

the Treaty Limits claim not only is inconsistent with international law, but by no means can it optimize national interests, the Philippines' considerations of domestic politics deter it from renouncing such claim.

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