

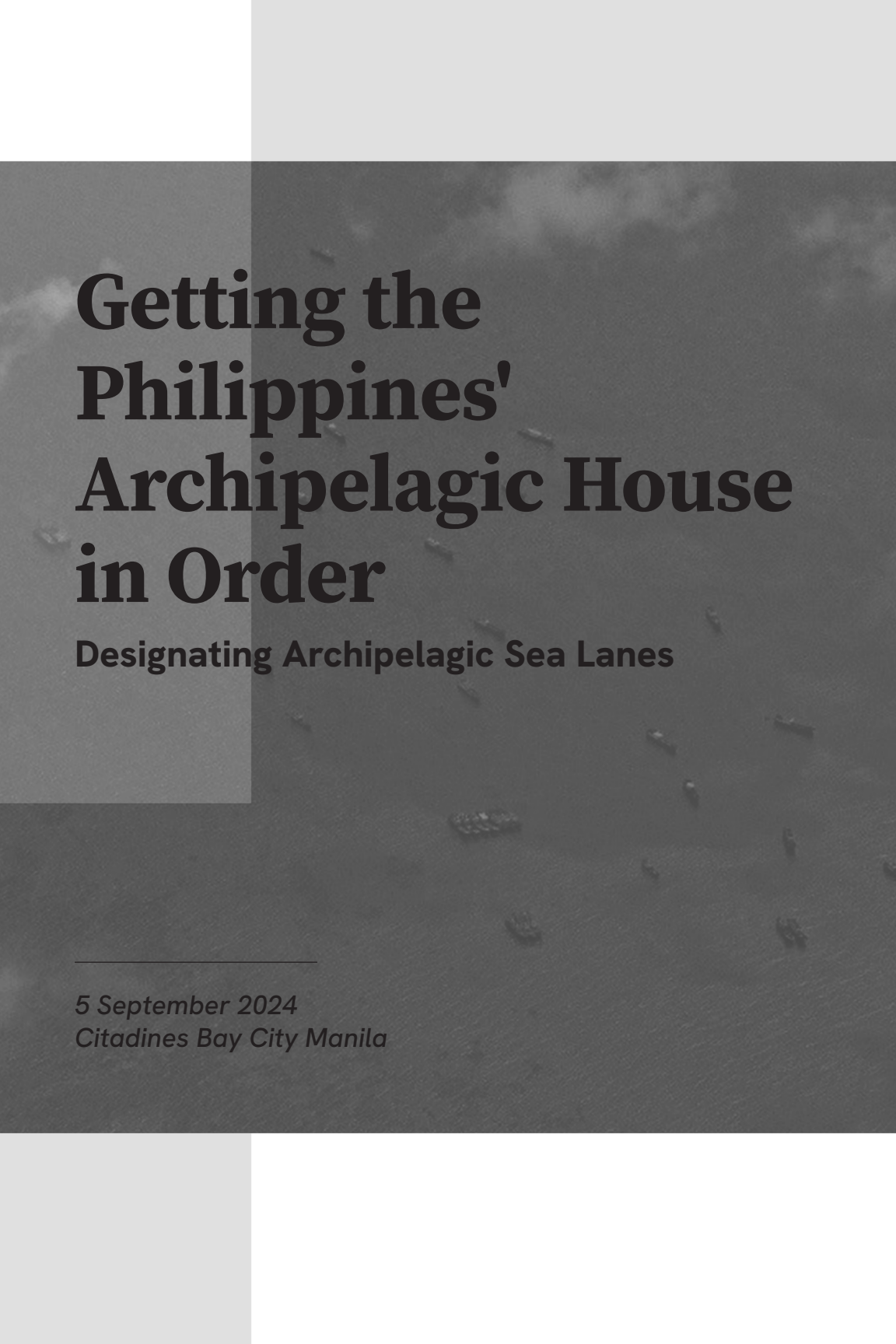
Getting the Philippines' Archipelagic House in Order

Designating Archipelagic Sea Lanes

5 September 2024
Citadines Bay City Manila



UNIVERSITY OF THE PHILIPPINES
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"Chinese vessels trespassing in Iroquois Reef, a body of water within the West Philippine Sea, in this photo taken on June 30, 2023."

Photo by Philippine Navy, Western Command Armed Forces of the Philippines, Facebook, <https://www.facebook.com/photo?fbid=655044889991142&set=pcb.655045606657737>

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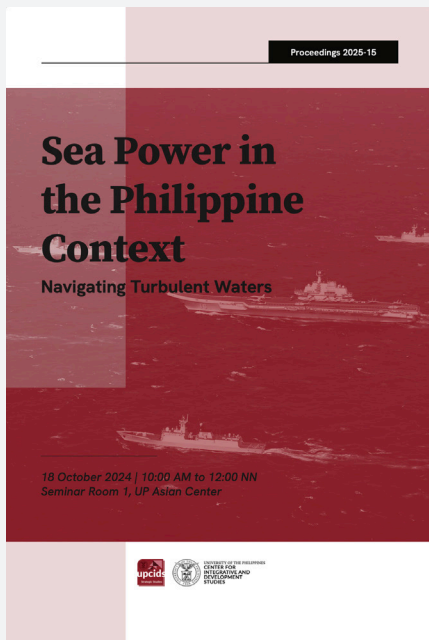
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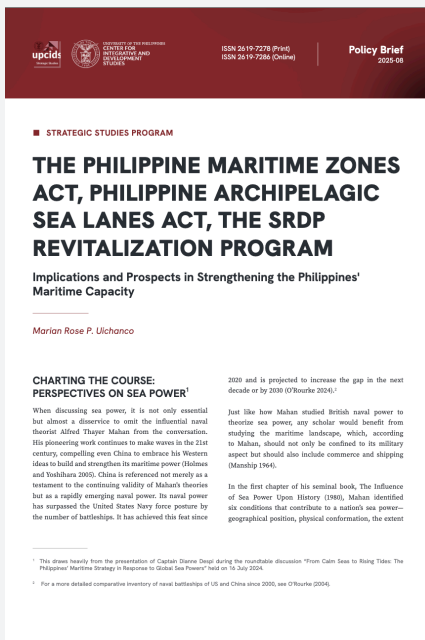
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About the Proceedings

The Roundtable Discussion (RTD) on “Getting the Philippines’ Archipelagic House in Order: Designating Archipelagic Sea Lanes” was held on September 5 2024 at Citadines Bay City Manila. The RTD was organized by the Foreign Service Institute and the Strategic Studies Program (SSP) of the UP Center for Integrative and Development Studies (UP CIDS). The discussion centered on the rationale and importance of legislative and diplomatic efforts at establishing Archipelagic Sea Lanes (ASLs) within the Philippine archipelago. As an archipelagic state under the United Nations Convention on the Law of the Sea (UNCLOS), the Philippines is entitled to designate ASLs to facilitate the safe, continuous, and unimpeded transit of vessels and aircraft while protecting its sovereignty and maritime interests. Although efforts at formalizing the country’s ASLs have been a thoroughgoing effort, the delayed have resulted to the country’s constrained ability to monitor foreign vessels and uphold its maritime security This discussion aimed to tackle these challenges while highlighting the strategic, legal, and operational implications of ASL designation.

The primary objectives of the RTD were to:

1. Present the unresolved technical and legal issues hindering the passage of the Archipelagic Sea Lanes Bill.
2. Discuss mechanisms for monitoring and managing ASLs and identify responsible agencies.
3. Analyze the advantages and disadvantages of expanding the number of ASLs based on the country’s current capacities.
4. Clarify the roles of various stakeholders in supporting the establishment of ASLs.

To achieve these objectives, the RTD addressed several key questions:

1. What are the technical and legal challenges delaying ASL designation?
2. Which agency should oversee the management and enforcement of ASLs?

3. What roles do stakeholders—including maritime law enforcement, scientific communities, and civil society—play in ASL designation and implementation?
4. How can the expansion of ASLs optimize maritime governance and security?

The RTD proceedings were presided over by Ms. Rhodora M. Joaquin, Supervising Foreign Affairs Research Specialist from the Center for International Relations and Strategic Studies of the Foreign Service Institute.

Resource Persons

Amb. Gilberto Asuque

Ambassador Gilberto Asuque is a distinguished member of the Integrated Bar of the Philippines and serves as a board member of the Maritime Law Association of the Philippines. A career foreign service officer in the Department of Foreign Affairs (DFA), Ambassador Asuque has held numerous key positions in national and international organizations.

From 1997 to 2003 and again from 2016 to 2018, he represented the Philippines as Deputy Permanent Representative and later Permanent Representative to the International Maritime Organization (IMO), the International Oil Pollution Compensation Fund (IOPCF), and the International Mobile Satellite Organization (IMSO) in London.

He also served as the Philippine Ambassador to Lebanon from 2009 to 2011. Within the DFA, Ambassador Asuque held various significant roles, including Assistant Secretary for Maritime and Ocean Concerns and West Philippine Sea Task Force member from 2011 to 2014. He led the Philippine Technical Working Group on Maritime Boundary Delimitation and the Technical Panel for the Philippines-Indonesia Exclusive Economic Zone (EEZ) Boundary negotiations, culminating in the signing of the EEZ Boundary Treaty. Earlier in his career, he was Executive Director of the DFA Maritime and Ocean Affairs Unit (1994–1997).

Captain Carter S. Luma-ang

Captain Carter S. Luma-ang is the Officer-in-Charge of the Hydrography Branch at the National Mapping and Resource Information Authority (NAMRIA). He began his career with NAMRIA in 2001 as a probationary ensign, participating in topographic and hydrographic surveys, including identifying base points for the crafting of the Philippines' archipelagic baselines. Captain Luma-ang has assumed several leadership roles throughout his tenure, including Chief of the Maritime Affairs Division and Assistant Director for Administration. His extensive experience in maritime mapping and resource management has been instrumental in advancing NAMRIA's objectives.

Dr. Laura T. David

Dr. Laura T. David is a professor of Oceanography at the University of the Philippines and serves as the Director of the UP Marine Science Institute. She is recognized as a pioneer in ocean remote sensing in the Philippines and is a key expert in addressing climate change vulnerability and adaptation issues. Nationally, Dr. David chairs the STREB Technical Committee on Maritime and Marine Science and serves on the boards of Outstanding Unselfish Service, Inc. (OUNS), PAD Foundation, and TAO-Pilipinas, a women-led NGO that focuses on housing issues in urban and rural areas. Internationally, Dr. David is an Emeritus Member of the Scientific Steering Committee of GeoBlue Planet and an Academy Member of Future Earth Coasts, both promoting people-centered ocean science initiatives.

Presentations

Ambassador Gilberto Asuque

INTRODUCTION AND CONTEXT

Amb. Asuque briefly described the South China Sea, its relevance, and its importance to the discussion on maritime passage. He also clarified the use of the term West Philippine Sea, which only refers to our exclusive economic zone (EEZ).

Amb. Asuque then connected the discussion of the nine-dash line to the Archipelagic Sea Lane (ASL) concept, addressing its implications for regimes and maritime passage on the high seas. He explained the distinction between two key maritime regimes: one governing the water, which pertains to the entitlements of coastal states, including the EEZ and continental shelf, and the other concerning the seabed, which pertains to a nation's sovereign rights to explore and exploit resources. Grasping these differences is essential for understanding the rights and entitlements outlined by the United Nations Convention on the Law of the Sea (UNCLOS) and the Maritime Zones Law.

MARITIME ZONES AND IMPLICATIONS OF THE ARBITRAL AWARD

On the legal and geopolitical implications of maritime entitlements in the West Philippine Sea, particularly considering the arbitral award invalidating China's nine-dash line claims, Amb. Asuque cited jurisprudence affirming that "the nine, ten, eleven-dash lines are contrary to convention and without legal effect and that the convention superseded any historical rights over sovereign rights or jurisdiction, in excess of the limits imposed therein." Thus, the 2016 Arbitral Ruling emphasizes China's historical claim as lacking in legal basis under the United Nations Convention on the Law of the Sea (UNCLOS) and highlights the Philippines' maritime entitlements within its Exclusive Economic Zone (EEZ).

Amb. Asuque further addressed the broader implications of archipelagic regimes in the South China Sea. He underscored the tribunal's determination that China, as a mainland state, cannot declare an archipelagic regime for the Spratly Islands due to the required ratio of land to water and baseline criteria. In contrast, the Philippines, as an archipelagic state under UNCLOS, retains the right to utilize archipelagic baselines, solidifying its maritime claims and framework for governance. These legal clarifications, he noted, are directly tied to the country's ongoing efforts to implement the Maritime Zones Act and designate Archipelagic Sea Lanes (ASLs).

ON ARCHIPELAGIC SEA LANES (ASL) AND SENATE BILL 2665

Amb. Ausuque proceeded with the discussion of the historical and legal context for the development and implementation of the ASLs in the Philippines. Beginning with the origins of maritime law, he traced the evolution of principles governing ocean space, referencing *Mare Liberum* by Hugo Grotius, which established the idea of the sea as a global commons. He notes that this is “one of the oldest and most recognized principles governing ocean space.” He added that the work of Grotius promoted the unrestricted use of the sea for trade. In contrast, John Selden's *Mare Clausum* introduced the opposing concept of closed seas, reflecting competition among emerging maritime powers such as Britain and the Netherlands. The eventual compromise came with Cornelius van Bynkershoek's *Dominio Maris*, which laid the foundation for the three-mile territorial sea or “cannon shot rule.”

Amb. Asuque explained how this historical compromise impacted modern maritime governance in the Philippines. He pointed to Republic Act No. 3046,¹ which originally defined the country's baselines, stating that it “established the baselines of the Philippines” but faced opposition from other maritime powers like the United States. These disagreements highlighted the challenge of reconciling historical maritime boundaries, such as those outlined in the Treaty of Paris, with evolving international norms under UNCLOS. He

1 Republic Act No. 3046, “An Act to Define the Baselines of the Territorial Sea of the Philippines,” 17 June 1961, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/2/21307>.

remarked, “The United States, of course, and another maritime power do not allow that. We continue at that time to have popular high seas in the Philippines.”

Amb. Asuque detailed the importance of UNCLOS in defining the Philippines as an archipelagic state. He explained its importance in providing “unity for the waters and the islands of the Philippines.” This framework also introduced the concept of ASLs, allowing for the transit of submarines and naval vessels under the “normal mode,” which he clarified as applying primarily to military vessels.

He underscored the strategic implications of ASLs, particularly their openness to all naval powers under the principle of “normal mode” navigation. He explained that naval vessels, including submarines and aircraft carriers, may traverse Philippine waters through ASLs, provided their passage adheres to UNCLOS guidelines. “Aircraft carriers, together with the flotilla, can cross through the archipelagic sea lanes, deploy aircrafts on the deck because that’s the normal mode,” he elaborated, highlighting the challenge of balancing sovereignty with international passage rights.

Amb. Asuque noted that ASL designation proposals must comply with International Maritime Organization (IMO) regulations and undergo consultation with member states. He further stressed that legislation provides the President with an executive order designating ASLs following consultations and IMO adoption.

IMO adoption is also a way of ensuring compliance with international safety, navigation, and environmental standards, which the organization is mandated to uphold. He emphasized that the Philippines must submit hydrographic surveys, maps, and supporting studies prepared by NAMRIA. He explained that “Governments should consult countries as early as possible,”² which encourages early collaboration to ensure the acceptability of proposed routes.

2 Amb. Asuque referenced Articles 2 and 3(c) of the Convention of the Intergovernmental Maritime Consultative Organization, now the IMO. See “Convention of the Intergovernmental Maritime Consultative Organization,” 6 March 1948, https://avalon.law.yale.edu/20th_century/decad056.asp.

He highlighted operational challenges, particularly the need for detailed mapping of normal routes used for international navigation. Failure to include all such routes risks creating a “partial archipelagic sea lanes” designation, as observed in other countries. He emphasized that the IMO prioritizes safety and environmental considerations over national security concerns, making it crucial for the Philippine proposal to align with these mandates.

Looking ahead, Amb. Asuque proposed the creation of an interagency technical working group led by the Department of Foreign Affairs (DFA) to spearhead consultations and finalize the proposal for submission to the IMO. He stressed the need for informal consultations with naval powers to ensure the acceptability of the proposed lanes. This, he advised, “has to be supported by studies of NAMRIA [and]...necessary research.” .

In conclusion, Amb. Asuque reaffirmed the strategic importance of ASLs in advancing the Philippines’ maritime interests. He expressed optimism about the country’s readiness to meet the challenges ahead and commended the Foreign Service Institute for providing a platform to discuss this critical issue.

Captain Carter S. Luma-ang

Captain Carter S. Luma-ang provided a detailed presentation on the development and challenges of implementing Archipelagic Sea Lanes (ASLs) in the Philippines, supported by data and maps produced by the National Mapping and Resource Information Authority or NAMRIA. He began by showcasing a map developed by NAMRIA,³ which highlights available bathymetric data,⁴ marine protected areas (MPAs), and areas of special environmental interest.

The map also displayed two proposals for ASLs: one with three routes and another with eleven. “The eleven routes came from marine traffic data, including domestic shipping routes,” he clarified. However, the current version of the Archipelagic Sea Lanes Act adopted in the Senate retains only three routes. Unlike earlier iterations, which included specific coordinates, the current bill specifies only the general direction of the lanes, such as “ASL1 from the Philippine Sea, through the Balintang Channel, and into the West Philippine Sea.”

Addressing implementation challenges, Captain Luma-ang focused on the archipelago’s depth constraints, which present difficulties for submarines. He emphasized that “many channels are just below 100 meters in depth, which is acceptable for merchant vessels but problematic for submarines typically operating at 300 meters.” While NAMRIA supports the current ASL proposal based on navigational safety, Captain Luma-ang stressed that addressing security concerns such as piracy falls under the jurisdiction of law enforcement agencies.

3 At the time of the RTD, NAMRIA presented a map which was still under consideration of various agencies. In November, they announced that a new Philippine map will be released based on the signed Philippine Maritime Zones Act and the Archipelagic Sea Lanes Act.

4 Bathymetric data according to the U.S. National Oceanic and Atmospheric Administration provides essential information about the depths and shapes of underwater terrain that could be useful in drafting nautical charts, studying coastline features, create models to calculate currents, tides, etc., and in the overall study of marine life.

He also recounted the stalled progress of the Philippines' ASL proposal at the International Maritime Organization (IMO). In 2020, the proposal was submitted to the Maritime Safety Committee but was deferred due to time constraints. At that time, the IMO could only "note" the Philippines intention of designating ASLs; however, subsequent discussions did not materialize, delaying the proposal's advancement.

Captain Luma-ang ended his presentation by reaffirming NAMRIA's commitment in supporting the current ASL proposal while highlighting the importance of collaboration among stakeholders. "He emphasized the need for continued efforts to address navigational and security challenges within the Philippine archipelago.

Dr. Laura T. David

Director, UP Marine Science Institute (UP MSI)

Dr. Laura T. David presented an in-depth exploration of the Blue Economy and its intersection with the proposed Archipelagic Sea Lanes (ASLs), focusing on their potential impacts on food security, tourism, and marine biotechnology. She highlighted the Philippines' heavy reliance on its marine resources, stating that “more than a million people are employed in the food sector, including fishers, market workers, and sellers.” With the country's fish consumption rate at 30 kilograms per person annually—nearly double the global average—she underscored the critical role of fisheries in Filipino diets.

Additionally, discussions included the tourism sector's goal to increase visitor numbers significantly, capitalizing on the nation's stunning beaches and rich marine biodiversity. She emphasized the promising potential for medical advancements derived from marine resources, including treatments for serious diseases. By banking on scientists' expertise and the country's marine biodiversity, “the Philippines stands to benefit if these discoveries within its waters are commercialized, securing first access and reduced costs.”

In discussing the risks associated with ASLs, Dr. David highlighted the significant threats posed by climate change and environmental degradation. She highlighted that the Philippines is considered one of the top nine countries most vulnerable to climate change issues. She noted that the country's seas, known for their high biodiversity, are directly impacted by climate change, facing dangers such as sea level rise, stronger storms, and warming waters.

However, she said that “the biggest threat in terms of ASLs is actual damage.” She argued that potential uncontrolled harm to marine environments is not confined to a single locality but can have far-reaching effects across entire regions. Dr. David pointed to oil spills, like the recent Mindoro incident, as critical examples of this risk, explaining how ocean currents can transport pollutants well beyond their origins, thereby jeopardizing local ecosystems and neighboring areas. She noted that despite existing policies prohibiting plastic waste dumping, tangible evidence of plastic pollution infiltrating our waters

from various global sources prove that policy and policy implementation needs to be addressed.

To mitigate these risks, Dr. David emphasized the need to designate ASLs that avoid critical reef systems and incorporate policies to strengthen environmental safeguards. “We need to review dumping policies, as even areas with international restrictions on plastic waste continue to face pollution,” she noted. She also underscored the importance of securing environmental insurance for vessels traversing ASLs, to ensure that marine environmental damage can be addressed.

In terms of monitoring and data collection, Dr. David emphasized the importance of leveraging patented technologies, such as the Automated Rapid Reef Assessment System (ARRAS) and Fish-I,⁵ to track biodiversity and assess damage effectively. “These tools can enable LGUs and higher education institutions to conduct regular surveys and monitoring, ensuring the health of marine ecosystems along ASLs,” she explained. She further advocated for empowering local government units and technical experts to manage these technologies, towards a collaborative approach to marine governance.

Dr. David concluded by highlighting the need for continued research, policy reviews, and technological investments to protect the Philippines’ marine resources while implementing ASLs.

5 Fish-I was invented by Dr. Prospero Naval and UP MSI Director Dr. Laura David which is a computerized system that can perform semi-automated fish census that has been granted patent the US, Mexico, Indonesia and the Philippines. For more information see UP Marine Science Institute, “Philippine patent for Fish-I granted,” UP Marine Science Institute, 19 September 2024, <https://msi.upd.edu.ph/philippine-patent-for-fish-i-granted/>.

Open Forum

The open forum began with Ms. Carla Pabeliña from the Foreign Service Institute posing a question to Amb. Asuque, asking, “Can foreign-flagged vessels simultaneously claim the right of innocent passage and the right of archipelagic sea lanes passage?”

Amb. Asuque addressed the distinction and interplay between innocent passage and archipelagic sea lanes passage within archipelagic waters, emphasizing their separate purposes and applicability. He clarified, “The two regimes—innocent passage and archipelagic sea lanes passage—are distinct. Innocent passage applies when vessels, including naval ships, make diversions, such as docking or loading materials. In contrast, archipelagic sea lanes passage is designed for continuous and expeditious transit.”

He contextualized the establishment of archipelagic sea lanes as rooted in ensuring freedom of navigation for naval powers. “The principle of freedom of navigation enables naval fleets to project their power globally,” he explained, referencing the United States’ naval doctrine influenced by Captain Mahan. He noted that the geography of the Philippines, straddling the Pacific Ocean and the South China Sea, underscores the strategic importance of maintaining navigational freedoms in these waters.

He further distinguished the usage of these regimes, stating that ASLs passage primarily serves military vessels, while commercial vessels rely on port calls and innocent passage for routine activities. “Commercial routes typically do not require archipelagic sea lanes passage, which is predominantly reserved for military expeditions,” he remarked.

He concluded by emphasizing the importance of defining the intended purpose of archipelagic sea lanes to align with both international maritime law and national interests.

Ms. Pabeliña followed up on her initial question and sought clarification, asking: “Does UNCLOS guarantee foreign ships and aircraft the use of archipelagic sea lanes without requiring notification or clearance from the

archipelagic state? How does this align with controversies surrounding Indonesia's designation and related domestic laws?"

Amb. Asuque clarified that under UNCLOS, the use of archipelagic sea lanes is intended to ensure expeditious transit without the need for prior permission from the archipelagic state. "It's akin to opening a highway, like the NLEX or SLEX, in your archipelagic waters—ships pass through quickly, but you cannot set up a toll gate," he explained.

He emphasized that while this facilitates freedom of navigation, it presents significant challenges for national security and territorial integrity. "When a submarine crosses into territorial seas, it must surface and show its flag. However, once it enters archipelagic waters, it can submerge, provided it exits expeditiously," he noted. The difficulty lies in ensuring that submarines and other naval vessels adhere to these requirements without lingering or engaging in unauthorized activities.

Amb. Asuque highlighted the need for advanced monitoring technology to address this issue. "The Philippine Navy must be able to track whether submarines navigate at the required nautical speed and emerge at the expected exit point on the other side of the archipelago. If they don't, it raises security concerns," he stated.

Adding to the discussion, Dr. David commented on Amb. Asuque's response by highlighting two key points. First, she emphasized the Philippines' capability to develop the necessary monitoring technology to address challenges related to the use of archipelagic sea lanes. "If the Philippine Navy wants to have it developed, it's within our capability to do so," she stated confidently.

Second, she clarified the distinction between archipelagic sea lanes passage and innocent passage, noting their implications for environmental management. Addressing Amb. Asuque, she remarked, "Archipelagic sea lanes cannot be closed once declared, but for innocent passage, it is possible to impose restrictions for specific reasons." She provided an example of temporarily restricting access to areas where fish spawning occurs to protect marine biodiversity. Dr. David concluded by suggesting that the ability to control innocent passage in certain areas could offer strategic environmental advantages not available under the more rigid framework of archipelagic sea lanes.

To this, Amb. Asuque reiterated the foundational principle of archipelagic sea lanes, highlighting their purpose of ensuring expeditious passage. “If you suspend the right of archipelagic sea lanes passage, it ceases to be expeditious,” he explained, referencing UNCLOS guidelines that prohibit suspending this right. However, he noted that the regime of innocent passage provides flexibility, allowing temporary suspension under specific conditions, provided proper notification is given.

Amb. Asuque also outlined the challenges for Philippine authorities, particularly the Navy and Marines, in identifying routes used for international navigation. He remarked that “if such routes are not included, they can still be used for navigation, posing a significant challenge.” He underscored the need for thorough studies and consultations to address these issues.

Reinforcing the Philippines’ sovereign rights, Amb. Asuque asserted the nation’s authority to designate its three proposed archipelagic sea lanes. For him, “the IMO cannot challenge this” since “it is our sovereign right to determine what we want.” However, he acknowledged the IMO’s crucial role in assessing the safety of the proposed routes, which requires consultations with relevant stakeholders. He pointed out the importance of engaging with the Navy, noting that while they may not disclose sensitive information, such as submarine depth capabilities, they can provide critical input on the feasibility of the routes.

Assistant Secretary Alferes of the DFA Maritime and Ocean Affairs Office commented by highlighting the ongoing efforts in passing and implementing the ASL Bill. He shared that the bicameral conference committee recently ratified a consolidated version of the bill, which is expected to be signed into law by the President soon, alongside the Maritime Zones Bill.

Alferes outlined the three phases of the Philippine government's work on ASLs. First, identifying the designated sea lanes, which settled on three ASLs after early debates over expanding to eleven. Second, drafting the ASL Bill required extensive consultations and clarifications on engaging the International Maritime Organization (IMO). While an information paper submitted to IMO in 2020 was not acted upon due to the pandemic, efforts to re-engage IMO have resumed, with additional steps to consult the International Civil Aviation Organization (ICAO) on air routes over the ASLs.

He noted the bill's environmental protections, including penalties for user states causing marine damage, even military vessels. Moving forward, Alferez emphasized the need for international consultations, learning from Indonesia's experience with IMO objections. Plans include hosting workshops to gather support before a formal IMO submission. She affirmed reliance on global experiences and expertise to ensure the ASL's success.

In the context of ASLs, Dr. Benjamin Vallejo, Convenor of the Conservation Biodiversity Program of UP CIDS, raised critical concerns regarding the proximity of the designated ASL to the Tubbataha Reef in the Sulu Sea. Vallejo emphasized the potential of designating Tubbataha as a Particularly Sensitive Sea Area (PSSA) under the International Maritime Organization (IMO) framework. He noted that this designation would allow the IMO to enforce stricter shipping and routing measures to mitigate environmental risks, such as ship groundings, which have previously occurred in the area involving both naval and commercial vessels.

Dr. Vallejo further highlighted that if Tubbataha were designated as a PSSA, the ASL may need to be adjusted to reduce the risk of environmental damage. He also pointed out that IMO emission control standards for ships could directly impact ASLs near sensitive areas. Citing the Torres Strait between Papua New Guinea and Australia as a precedent, Vallejo invited comments from Amb. Asuque, Dr. David, and Captain Luma-ang on the implications of these considerations for the Philippines' ASL and its environmental safeguards.

Amb. Asuque emphasized that the Tubbataha Reef has been designated as a PSSA by the International Maritime Organization, supported by a formal resolution and an "area to be avoided" included in ship routing guidelines. He acknowledged the Marine Science Institute and Dr. Jay Batongbacal for their role in preparing and submitting the proposal that led to this adoption. He explained, "Since the Tubbataha Reef in the area to be avoided has already established precedence, it will be therefore incumbent upon the IMO, upon consultation, to re-route" any designated ASLs that intersect with the PSSA, as doing otherwise would violate IMO protocols.

Amb. Asuque further highlighted the need for consultations with interested governments, particularly given the implications of allowing broader naval and commercial access through Philippine archipelagic waters. He noted

that discussions on “trying to open every access of ships and expanding the freedom of navigation,” including routes through the South China Sea and West Philippine Sea are expected to be complex, as various nations will have competing interests and priorities.

Dr. David reiterated the ecological sensitivity of the Tubbataha Reef, underscoring it as a key concern. Captain Luma-ang added that the proposed ASL in the Sulu Sea has been carefully designed to avoid the Tubbataha Reef and the Municipality of Cagayan de Oro, describing it as “the best option in order to avoid the PSSA.”

Emilio Tordesillas from WR Advisory raised the next question. He addressed the following questions for Amb. Asuque:

First, do Archipelagic Sea Lanes (ASLs) permit bilateral or multilateral naval exercises, such as those recently conducted between the Philippine Navy and the US Navy, or exercises involving the Australian and Japanese navies? Additionally, how do ASLs apply to naval activities by countries like Russia and China, particularly in the context of current geopolitical tensions?

Second, where does the Philippines stand to benefit most from the establishment of ASLs? Thank you.

Amb. Asuque addressed the feasibility of conducting naval exercises within ASLs, explaining that such activities must adhere to the “expeditious passage” principle outlined in Senate Bill 2665. He questioned how exercises could be conducted effectively within the constraints of this requirement, stating, “How can you conduct a naval exercise when you're running at 12 nautical miles through the archipelagic sea lanes?” Regarding air routes above ASLs, he highlighted the need for consultations with the International Civil Aviation Organization (ICAO) to ensure compatibility with established aerial routes, particularly for military aircraft.

On the benefits of ASLs, Ambassador Asuque noted this is a political decision for the Philippines, shaped by the country's obligations under UNCLOS. He emphasized, “If you do not declare archipelagic sea lanes, ships can use routes for normal navigation, so you practically have passage there.” Without

designated ASLs, military ships and submarines already cross these waters, often unmonitored. He referenced reports of “black objects surfacing” to underscore the importance of establishing formal frameworks to manage and monitor such activities.

The final question from a member of the audience asked the resource speakers for their thoughts on the Philippines' position at the apex of the Coral Triangle, a region renowned for its rich biodiversity. The audience member inquired about how the enactment of the ASL could support or enhance existing legislation, such as the Expanded National Integrated Protected Area System and the Philippine Fisheries Code, aimed at protecting the marine environment in the Philippines.

Dr. David emphasized the vastness of Philippine waters and the challenges in securing and monitoring them. She noted that designating ASLs specifically for military passage offers the advantage of prioritizing monitoring efforts and integrating new technologies to ensure compliance. However, she also highlighted the environmental risks posed by all types of ships, whether submarines or surface vessels, traversing these areas.

Captain Luma-ang underscored the operational benefits of limiting ASLs to three routes compared to eleven or having none at all. “The lesser area that you have to monitor, the better,” he stated, emphasizing the difficulty of monitoring foreign vessels with limited resources. He also highlighted a provision in the proposed bill requiring foreign ships to keep their Automated Identification Systems (AIS) active, addressing the recurring issue of vessels disabling their AIS within Philippine waters.

Ambassador Asuque added that AIS devices are mandated by the IMO for monitoring ship coordinates. He suggested that, if the proposal becomes an IMO resolution, AIS requirements should explicitly cover ASLs to enhance monitoring capabilities. However, he expressed uncertainty about applying such monitoring to submarines, which remains a distinct challenge.

CENTER FOR INTEGRATIVE AND DEVELOPMENT STUDIES

Established in 1985 by University of the Philippines (UP) President Edgardo J. Angara, the UP Center for Integrative and Development Studies (UP CIDS) is the policy research unit of the University that connects disciplines and scholars across the several units of the UP System. It is mandated to encourage collaborative and rigorous research addressing issues of national significance by supporting scholars and securing funding, enabling them to produce outputs and recommendations for public policy.

The UP CIDS currently has twelve research programs that are clustered under the areas of education and capacity building, development, and social, political, and cultural studies. It publishes policy briefs, monographs, webinar/conference/forum proceedings, and the Philippine Journal for Public Policy, all of which can be downloaded free from the UP CIDS website.

THE PROGRAM

The **Strategic Studies Program (SSP)** aims to promote interest and discourse on significant changes in the Philippine foreign policy and develop capacity building for strategic studies in the country. It views the country's latest engagement with the great powers and multilateral cooperation with other states in the Asia-Pacific as a catalyst for further collaboration and multidisciplinary research among the intellectual communities in the region.

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