



1           (a) *Archipelagic sea lane* refers to the designated sea lanes and air  
2 routes in the archipelagic waters through which foreign vessels or aircraft may  
3 exercise the right of archipelagic sea lanes passage;

4           (b) *Archipelagic sea lane passage* refers to the exercise in accordance  
5 with the UNCLOS of the rights of navigation and overflight in the normal  
6 mode solely for the purpose of continuous, expeditious and unobstructed  
7 transit between one part of the high seas or an exclusive economic zone (EEZ)  
8 and another part of the high seas or an EEZ;

9           (c) *Archipelagic waters* refer to the waters on the landward side of the  
10 archipelagic baselines except as defined as Internal Waters;

11           (d) *Associated protective measure* refers to measure that a coastal  
12 State may adopt to regulate international maritime activities for the protection  
13 of the area at risk;

14           (e) *Hydrographic survey* refers to a survey measuring and describing  
15 the physical features of the navigable portion of the earth's surface (seas) and  
16 adjoining coastal areas, with special reference to their use for navigation;

17           (f) *Oceanographic survey* refers to a study or examination of any  
18 physical, chemical, biological, geological or geophysical condition in the  
19 ocean, or any part of it;

20           (g) *Right of innocent passage* refers to the right of foreign vessels to  
21 navigate through the territorial seas of all States for the purpose of continuous  
22 and expeditious travel or for proceeding to or from internal waters. The  
23 passage is innocent when it is not prejudicial to the peace, good order or  
24 security of the coastal State; and

25           (h) *Territorial sea* refers to the belt of sea measured twelve (12)  
26 nautical miles from the baselines or from the low-water line, as the case may  
27 be.

1                    RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT  
2                    WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC  
3                    SEA LANES PASSAGE

4                    SEC. 4. Foreign ships and aircraft may exercise the right of  
5                    archipelagic sea lanes passage in accordance with the provisions of UNCLOS  
6                    in order to navigate or fly from one part of the high seas or an EEZ to another  
7                    part of the high seas or an EEZ through or over the Philippine archipelagic  
8                    waters and its adjacent territorial sea. Such sea lanes shall be defined by a  
9                    series of continuous axis lines from the entry points of passage routes to the  
10                    exit points.

11                    The exercise of the right of archipelagic sea lanes passage shall be  
12                    through a sea lane, or through the air above a sea lane, which has been  
13                    determined to be an archipelagic sea lane that may be used for exercising the  
14                    right of archipelagic sea lanes passage as described in Section 12 hereof.

15                    SEC. 5. (a) Foreign ships and aircraft exercising the right of  
16                    archipelagic sea lanes passage shall pass through or above the archipelagic sea  
17                    lane as quickly as possible without delay and in the normal mode solely for  
18                    the purpose of continuous, expeditious and unobstructed transit.

19                    (b) Foreign ships and aircraft that are conducting archipelagic sea  
20                    lanes passage shall not deviate more than twenty-five (25) nautical miles to  
21                    either side of the axis line of the sea lane: *Provided*, That such ships and  
22                    aircraft shall not navigate closer to the coast more than ten percent (10%) of  
23                    the distance between the nearest points on islands bordering the sea lane.

24                    (c) Foreign ships and aircraft, while exercising the right of  
25                    archipelagic sea lanes passage, shall refrain from any threat or use of force  
26                    against the sovereignty, territorial integrity, or political independence of the  
27                    Republic of the Philippines, or in any other manner in violation of the  
28                    principles of international law embodied in the Charter of the United Nations.

1 (d) Foreign ships and aircraft, including military aircraft and warships,  
2 while exercising the right of archipelagic sea lanes passage, shall refrain from  
3 any war game exercises or exercises using any type of weapons, especially  
4 involving the use of ordnance.

5 (e) Except when rendered necessary by *force majeure* or by distress,  
6 aircraft exercising the right of archipelagic sea lanes passage shall not land in  
7 Philippine territory.

8 (f) All foreign ships exercising the right of archipelagic sea lanes  
9 passage shall refrain from stopping, dropping anchor or loitering, except  
10 when rendered necessary by *force majeure* or by distress in order to render  
11 assistance to a person or persons or a ship or ships experiencing distress.

12 (g) Foreign ships or aircraft exercising the right of archipelagic sea  
13 lanes passage shall refrain from making covert transmissions, interfering with  
14 telecommunications systems, and communicating directly with an  
15 unauthorized person or group of persons in Philippine territory.

16 SEC. 6. Foreign ships or aircraft, including research or hydrographic  
17 survey ships of aircraft, while exercising the right of archipelagic sea lanes  
18 passage, shall not conduct oceanographic or hydrographic surveys, whether  
19 with the use of detection equipment or sample gathering equipment, unless  
20 they have obtained prior permission to do so from the appropriate agency of  
21 the Government of the Republic of the Philippines.

22 SEC. 7. (a) Foreign ships, including fishing vessels, while exercising  
23 the right of archipelagic sea lanes passage, shall not conduct any fishing  
24 operation or exploitation of marine resources of the Philippines.

25 (b) Foreign fishing vessels, while exercising the right of archipelagic  
26 sea lanes passage, besides fulfilling their obligations under paragraph  
27 (a) hereof, shall stow all fishing equipment within the hold.

1 (c) Foreign ships and aircraft, while exercising the right of  
2 archipelagic sea lanes passage, shall not load to a ship or unload from a ship  
3 persons, goods or currency in a manner that contravenes the laws and  
4 regulations concerning customs, immigration, fiscal matters and health, except  
5 when rendered necessary by *force majeure* or by distress.

6 SEC. 8. (a) Foreign ships, while exercising the right of archipelagic  
7 sea lanes passage, shall comply with the generally accepted international  
8 regulations, procedures and practices concerning safety of navigation,  
9 including regulations relating to the prevention of collisions at sea.

10 (b) Foreign ships, while exercising the right of archipelagic sea lanes  
11 passage in a sea lane where a traffic separation scheme has been established  
12 for the regulation of navigation, shall comply with the provisions of the traffic  
13 separation scheme.

14 (c) Foreign ships, while exercising the right of archipelagic sea lanes  
15 passage, shall not cause disturbance or damage to navigational facilities or  
16 submarine cables or pipes.

17 (d) Foreign ships, while exercising the right of archipelagic sea lanes  
18 passage, shall not sail too close to prohibited zones as determined by  
19 concerned agencies.

20 SEC. 9. (a) Foreign civil aircrafts exercising the right of archipelagic  
21 sea lanes passage shall:

22 (1) Observe the Rules of the Air established by the International Civil  
23 Aviation Organization (ICAO); and

24 (2) Monitor the radio frequency assigned by the competent  
25 internationally designated air traffic control authority or the appropriate  
26 international distress radio frequency at all times.

27 (b) Foreign national aircrafts exercising the right of archipelagic sea  
28 lanes passage shall:

1           (1) Respect the regulations concerning flight safety as detailed in  
2 Section 9(a) hereof and at all times operate with due regard for the safety of  
3 navigation; and

4           (2) Fulfill their obligations as detailed in Section 9(a)(2) hereof.

5           SEC. 10. (a) Foreign ships exercising the right of archipelagic sea  
6 lanes passage shall not expel oil, oily wastes or other noxious substances into  
7 the marine environment, or conduct other activities in contravention of  
8 international regulations and standards for the prevention, reduction and  
9 control of marine pollution that originates from ships.

10          (b) Foreign ships while exercising the right of archipelagic sea lanes  
11 passage shall not dump waste in Philippine waters.

12          (c) Consistent with the national interest, the exercise of the right of  
13 archipelagic sea lanes passage by all foreign ships must be consistent with the  
14 constitutional mandate of freedom from nuclear weapons in Philippine  
15 territory.

16          SEC. 11. (a) The person or legal body responsible for the operation or  
17 cargo of foreign commercial ships or aircraft or foreign government ships or  
18 aircraft operated for commercial purposes shall be liable for any loss or  
19 damage suffered by the Philippines or any third party as a result of  
20 noncompliance with any of the provisions of this Act while exercising the  
21 right of archipelagic sea lanes passage.

22          (b) The flag State shall bear international responsibility for any loss or  
23 damage suffered by the Philippines or any third party as a result of  
24 noncompliance with any of the provisions of this Act by a foreign warship or  
25 aircraft or other government ship operated for noncommercial purposes while  
26 exercising the right of archipelagic sea lanes passage in Philippine waters.



1           SEC. 16. All laws inconsistent with or contrary to the provisions of this  
2 Act are deemed amended, modified or repealed accordingly.

3           SEC. 17. This Act shall take effect fifteen (15) days after its  
4 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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