

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

13th CONGRESS

3rd Regular Session

HOUSE BILL NO. 6060



Introduced by Hon. ANTONIO C. ALVAREZ

The United Nations' Convention on the Law of the Sea (UNCLOS) which took effect in November 1994 after ratification by 60 States, has set in place the responsibility for archipelagic states to map and manage their individual maritime zones in an effective manner, with maritime boundaries precisely defined. All States are also obliged to establish environmental monitoring and control mechanisms and to facilitate safe navigation through their territorial waters.

The Philippines ratified the UNCLOS in May 1984 which, in effect, made it part of the laws of the land. Under Article 47 of the UNCLOS, the Philippines is defined as an Archipelagic State, and as signatory to the Convention, the country has the responsibility to define, map and delineate its Baselines, Territorial Sea, Contiguous Zone (CZ), Exclusive Economic Zone (EEZ) and Continental Shelf; and, to designate Archipelagic Sea Lanes (ASLs) suitable for safe and expeditious passage through its archipelagic waters. House Bill No. 1973 has been filed to establish our archipelagic baselines.

However, the delineation of the outer limits of the Philippine continental shelf will still have to be established, activities of which are to gather, process, compile, and analyze scientific and technical data necessary in the submission of maritime claims to the United Nations Convention on the Law of the Sea (UNCLOS), consistent with the requirements of the Commission on the Limits of the Continental Shelf (UNCLCS). The deadline for the submission of the claim for an extended continental shelf has been set in May 2009, or ten years after the Scientific and Technical Guidelines of the UNCLCS had been adopted.

The Philippines has already taken significant steps to meet its obligations. However, the country's maritime claims are so vast that more vigorous efforts should be done to meet the May 2009 deadline for the finalization of these claims. The formulation of the country's maritime claims does not only encompass comprehensive survey and bathymetric charting, but also extensive data gathering and assessment of the geology and natural resources of its maritime zones. Based on the regional tectonic setting and regional geology of the Philippine Archipelago, three areas have been primarily identified as areas where possible extension of the continental shelf can be found: a) Kalayaan Islands Group (KIG); b) Bajo de Masinloc (Scarborough Shoal); and, c) Benham Rise.

The significance of the Extended Philippine Continental Shelf (EPCS) lies primarily on potential living and non-living resources, national security implications and environmental protection. Although the United Nations does not require a coastal state to submit a report on its continental shelf resources as part of its submission of its baseline, it is essential that the Coastal State makes an assessment of its relevant natural resources that will also aid the planning and managing of its maritime claims.

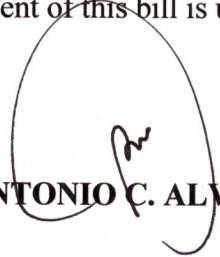
Among the resources that may potentially occur in the continental shelf are hydrocarbon, polymetallic metallic sulfides and manganese nodules and crusts, gas hydrates, aggregates and other industrial raw materials. These are in addition to aquatic and fishery resources that are known to abound in these areas. The UNCLOS grants coastal

states exclusive sovereign rights over the natural resources in the continental shelf, and access to these resources will undoubtedly redound to considerable socio-economic gains.

Current efforts are being undertaken with regard to the geological study on the limits of the EPCS, particularly, the gathering of bathymetric, gravity and magnetic data in areas of potential extension claim, as well as in the review and assessment of existing geological/geophysical data. Presently, there is concentration on finding geological features that will be instrumental in the delineation of the area where the foot of the continental slope (FOS) can be expected. In accordance with the UNCLCS guidelines, the transition from the rifted continental crust to the oceanic crust of the South China Sea may be considered as an indicative corridor to the geological FOS. The Philippines has to gather at least four (4) seismic profiles north of the Reed Bank to provide data on sediment thickness as well as on the geological FOS.

The possibility for an extended continental shelf of the Philippines and its potential positive socio-economic implications necessitates the creation of a dedicated body duly mandated for the delineation, documentation and legitimization of the country's claim under the UNCLOS. Appropriate funding support should also be provided for the National Committee on the Philippine Claim to an Extended Continental Shelf's numerous and varied activities that covers the gathering and acquisition of additional geophysical/geological data, serving as the sole depository of the same, and perfecting our claim before the United Nations and in relevant international fora.

In view of the foregoing reasons, the immediate enactment of this bill is urgently sought.



ANTONIO C. ALVAREZ

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

13th CONGRESS

3rd Regular Session

HOUSE BILL NO. 6060

Introduced by Hon. ANTONIO C. ALVAREZ

**AN ACT ESTABLISHING THE NATIONAL COMMITTEE ON THE
PHILIPPINE CLAIM TO AN EXTENDED CONTINENTAL SHELF
TO CONFORM WITH THE REQUIREMENTS OF THE
UNITED NATIONS COMMISSION ON THE LIMITS OF THE CONTINENTAL
SHELF (UNCLOS) PURSUANT TO THE PROVISIONS OF THE
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA**

Be it enacted by the Senate and the House of Representatives in Congress assembled:

SECTION 1. Title of Act. – This act shall be known as the “Extended Philippine Continental Shelf Law of 2007.”

Article I. DECLARATION OF POLICY

SECTION 2. Declaration of Policy. - Article I of the Constitution of the Republic of the Philippines declares that the country is an archipelagic state and the national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial, and aerial domain, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines.

Article II. DEFINITION OF TERMS

SECTION 3. Definition of Terms. – As used in this Act, the following terms are defined:

- a) **UNCLOS-** refers to the 1982 United Nation Convention on the Law of the Sea which requires States to delineate the order limits of its continental shelf, where that shelf extends beyond the legal limit of 200 nautical miles from baselines;
- b) **Bathymetrical data-** Bathymetric data refers to the precise information of water depth using internationally accepted vertical datum and are usually represented by means of contours on a chart;
- c) **Commission on the Limits of the Continental Shelf(CLCS)-** refers to the Commission created in 1997 to facilitate the implementation United Nations Convention on the Law of the Sea with respect to the establishment of the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles from the baselines;

- d) **Continental Margin-** comprises the natural prolongation of the land mass of the State consisting of the seabed and subsoil of the shelf, the slope and the rise;
- e) **Extended Continental Shelf-** comprises the seabed and subsoil of submarine areas that extend beyond the 200 nautical miles up to 350 nautical miles from the baselines in accordance with Article 76 of UNCLOS and considered as natural prolongation of its continental margin based on CLCS guidelines;
- f) **Geochemical data-** refers to the data relating to the chemical composition and characteristics of the earth and the relative and absolute abundances of elements and isotopes;
- g) **Geophysical data-** refers to the data relating to the precise measurements of physical characteristics of the earth gathered through a range of geophysical methods, including, but not limited to seismic reflection, gravity, magnetic, side scan sonar, radiometric and bathymetric data;
- h) **Geological data-** refers to the data gathered through actual sample collection and/or drilling, coring, dredging, grab sampling and other methods;
- i) **Maritime and Ocean Affairs Center (MOAC)-** refers to an agency under the Department of Foreign Affairs tasked to coordinate and serve as national center for maritime and ocean affairs;
- j) **Technical Working Group-** refers to the Group of experts/individuals directly under the National Committee on the Philippine Claim to an Extended Continental Shelf tasked to assess, process, analyze and interpret available data and documents, gather additional data, prepares maps and charts and undertake researches in relation to the country's claim for an extended continental shelf;
- k) **Topographic maps of the seabed-** refers to the charts indicating the precise depth-contours the seabed topography.

Article III. ADMINISTRATION

SECTION 4. Organization. There is hereby created a National Committee on the Philippine Claim to an Extended Continental Shelf, hereinafter referred to as "The Committee", which shall be responsible for the delineation, documentation, and legitimization of the country's claim to an extended continental shelf to be submitted to the United Nations Commission on the Limits of the Continental Shelf.

SECTION 5. Composition. The Committee shall be chaired by Executive Secretary. The Secretary of the Department of Environment and Natural Resources (DENR) shall serve as Vice Chairman for Scientific and Technical Aspects; and, the Secretary of the Department of Foreign Affairs (DFA) as Co-Vice Chairman for Legal, Political, and Diplomatic Aspects. It shall have for its members the Heads, with at least the rank of an Undersecretary whenever applicable, of the Department of Energy (DOE), Department of National Defense (DND), Department of Science and Technology (DOST), National Security Council (NSC), and University of the Philippines.

The Committee shall be supported by a Technical Working Group (TWG) which shall be tasked to gather, generate, process, and assess bathymetrical, geophysical, and geological data as well as prepare the legal and political argument necessary to properly make the claim for an extended continental shelf before the United Nations.

The TWG shall be composed of the National Mapping and Resources Information Authority (NAMRIA) and Mines and Geosciences Bureau (MGB) of DENR, DFA, DOE,

DND, NSC, UP National Institute of Geological Sciences (UP NIGS), UP Law Center Institute of International Legal Studies (UPLC-IILS), and Philippine National Oil Company (PNOC). The Committee may designate other agencies as additional members of the TWG if deemed necessary. The Maritime and Ocean Affairs Center (MOAC) shall be designated as the Secretariat of the Committee.

SECTION 6. Power and Functions of the Committee. The Committee shall have the following powers and functions:

- a) Prepare the technical evidence and legal arguments, in forms that are acceptable to the Commission on the Limits of the Continental Shelf, by 2007 in order to give the Philippines sufficient time to respond to comments and recommendations of the CLCS until its claims are approved;
- b) Formulate and recommend projects and activities that will help gather, generate, and assess the data and information needed for the delineation of the Philippine Extended Continental Shelf;
- c) Identify specific tasks that must be undertaken and delegate such task to the members of the Technical Working Group;
- d) Review the activities and output of the Technical Working Group;
- e) Represent the Philippines in any international fora or regional meetings and consultations related to the delineation of the continental shelf;
- f) Disseminate information and conduct education campaigns on the nature and validity of the country's claim to an extended continental shelf.

SECTION 7. Functions of the Technical Working Group. The TWG shall have the following general functions and responsibilities.

- a) Assess available information about the continental shelf of the Philippines;
- b) Procure, process and interpret bathymetric, geological, and geophysical data needed for the delineation of the continental shelf;
- c) Generate additional bathymetric, geological, and geophysical data and similar information;
- d) Prepare the charts, maps and other documentation specified by the CLCS for delineating and claiming an extended continental shelf;
- e) Propose, support, and undertake researches related to the Philippine continental shelf;
- f) Submit periodic reports to the Committee through the Secretariat.

The Members of the TWG shall have the following specific functions:

National Mapping and Resources Information Authority.

- a) Generate through marine surveys and other means geographical data information about the Philippine Continental Shelf, in accordance with the provisions of UNLCOS;
- b) Generate bathymetry on topographic maps of the seabed, especially in areas where and extended continental shelf is suspected;

- c) Determine the base of slope of the continental shelf, using bathymetric and other data;
- d) Collate all data and information generated by the TWG and transform them into maps and charts needed to establish the Philippine claim. This should include the determination of the coordinates in longitudes and latitudes of the lines that define the limits of the Philippine Continental Shelf;
- e) Prepare, in cooperation with other members the charts, maps and evidences necessary to support Philippine claim.

Mines and Geosciences Bureau.

- a) Help generate, process and interpret geophysical, geological and similar data that are needed to delineate the continental shelf, particularly evidences to the contrary, include sediment thickness;
- b) Help generate data and information about the non-living resources of the Philippine continental shelf.

Department of Foreign Affairs

- a) Prepare for any negotiations with other countries in matters concerning the delimitation of maritime boundaries, in consultation with the members of the TWG;
- b) Conduct training and prepare briefs for potential negotiations of maritime boundary delimitation negotiations;
- c) Coordinate the presentation of all maps and charts for the submission of the Philippine claim;
- d) Attend to the submission of the Philippine claim to the United Nations in consultation and coordination with the members of the Committee and TWG.

Department of Energy and Philippine National Oil Company

- a) Help identify data requirement for the study of the Philippine continental shelf;
- b) Participate in the generation, processing and interpretation of geophysical, geological and other related data;
- c) Contribute relevant data and information on hydrocarbon resources of the Philippine extended continental shelf.

University of the Philippines – National Institute of Geological Sciences

- a) Provide the TWG expertise and manpower on Geology, Geophysics, Geochemistry and Resources Assessment;
- b) Assist in the generation, processing and interpretation of data and information.

University of the Philippines Law Center - Institute of International Legal Studies.

- a) Provide the needed legal and political expertise;
- b) Gather information needed for making the legal and political arguments in support of the Philippine claim to an extended continental shelf;

- c) Prepare the legal and political arguments in support of the Philippine claim to continental shelf, in consultation with the members of the Committee and TWG.

Department of National Defense and National Security Council.

- a) Evaluate and analyze the impact of delineating the Philippine continental shelf on its national security and defense;
- b) Provide guidance to the members of the Committee and TWG on security issues and policies particularly in disputed areas where the necessary technical and scientific survey will be conducted;
- c) Assist in the preparation of political arguments in support of the Philippine claim to the continental shelf, in consultation with the members of the Committee and TWG;
- d) Plan and launch education and advocacy campaign for policy makers, other government agencies, and the general public.

Other Members

The Committee may also designate other members of the TWG if deemed necessary. The functions of new members shall also be determined by the Committee, upon consultation with the TWG.

The Committee and the TWG may engage the services of consultants from time-to-time to assist in its work. The hiring of these consultants will be in accordance with pertinent government rules and regulations.

SECTION 8. Secretariat. The Maritime and Ocean Affairs Center (MOAC) shall serve as the Secretariat of the Committee. It shall have the following responsibilities:

- a) Act as the administrative and coordinating body of the Committee and the Technical Working Group;
- b) Monitor and coordinate activities of the Technical Working Group;
- c) Assist the TWG secure international technical training on different aspects of continental shelf delineation;
- d) Liaise with the CLCS on the Philippine submission to its extended continental shelf claims by other states;
- e) Update the TWG on the recent development under the CLCS, particularly on the submission of extended continental shelf claims by other states;
- f) Prepare and submit regular reports of the activities of the TWG to the members of the Committee; and

SECTION 9. Information and Data Sharing, Storage, Security and Confidentiality.

The Committee shall collate all scientific data, information, or any pertinent report gathered, and shall ensure the effective exchange of the same between and among the members and support agencies.

All data provided by the members of the TWG shall be used solely on the study of the Philippine continental shelf and shall be considered confidential.

The use of these data shall be limited to persons recognized by the agencies to be directly and actively involved in the study of the Philippine continental shelf. Members of the Committee that wish to use data for research purpose other than those stated above should secure written permission from the Committee.

Any or all of the survey data or results may not be given or sold to another party for any purpose without a written permission from the Committee.

The Department of Environment and Natural Resources shall be the final repository of all gathered assessed bathymetrical, geophysical, and geological data on the Philippine continental shelf and its resources. The MGB, DOE, NAMRIA, and UP-NIGS shall also maintain databases to facilitate interpretation and ensure that no incident affecting the central repository shall cause the irreversible loss of data and information, and to allow the continuing use of data in the generation of new knowledge after declassification. Copies of all data, information, and knowledge obtained through the activities of the Committee and TWG shall be made available and linked electronically in order to provide access to the Members of the Committee and TWG.

SECTION 10. Meetings - The Technical Working Group shall present its activities to the Committee semi-annually in order to assess their accomplishments and ensure the proper implementation of this order. It may also hold special consultations between the semi-annual meetings if necessary. Regular meetings of the TWG shall be conducted monthly or as deemed necessary.

Article IV. CONCLUDING PROVISIONS

SECTION 11. Implementing Rules and Regulations- Within three months from the approval of this Act, the Committee shall promulgate the implementing rules and regulations of this Act.

SECTION 12. Appropriations- The amount necessary to implement the provisions of this Act shall be included in the annual General Appropriations Act (GAA).

SECTION 13. Separability Clause – If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected thereby shall continue in full force and effect.

SECTION 14. Repealing Clause - All laws, decrees, orders, issuances, rules and regulations, or parts thereof, or ordinances which are inconsistent with the provisions of this Act are deemed repealed, amended, or modified accordingly.

SECTION 15. Effectivity Clause. - This Act shall take effect fifteen (15) days following its publication in the official Gazette or in at least three (3) consecutive issues of (2) major daily national newspapers of general circulation in the Philippines, whichever comes earlier.

APPROVED: