

West philippine sea south china sea dispute: philippine claims over the spratly g...

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West Philippine Sea/South China Sea Dispute: Philippine Claims Over the Spratly Group of Islands or “ Kalayaan Group of Islands

“ We owned the West Philippines Sea”. – Philippines.

Even China is a signatory in these and they even agree with this together with the United Nations.

South China Sea or West Philippine Sea as the Filipinos named it is composed of several contested archipelagos or groups of islands. One of the groups of islands currently disputed is the Spratly Group of Islands or Kalayaan Group of Islands as, again Philippine has names it. There are numerous countries claiming and owning the islands making it as one of the most controversial territorial and boundary disputes in the world. Six Asian-countries are part of the dispute including the Philippines, who claims only parts of the group of islands along with, Brunei and Malaysia while the entire Spratly Islands is being claimed by China (PRC), Taiwan (ROC), and Vietnam.

Spratly/Kalayaan Group of Islands is a group of more or less 800 reefs, islets, atolls, cays and islands. It contains less than four square kilometers of land area spread over more than 64, 976 square kilometers of sea. Palawan is about 220 miles east and 450 nautical miles of Manila.

Philippines claim the islands in west part of the Spratly Islands or the Kalayaan Group of Islands. The islands, reefs and cays being claimed by the Philippines more or less 50, 7 islands and 3 reefs of this group of islands are already occupied by the Philippines and held it under its sovereignty. Other features claimed by the Philippines were either occupied by Vietnam, China,

Taiwan or Malaysia or unoccupied by any other countries. These are the islands, reefs and cays claimed by the Philippines.

Philippines first expressed its interest over the Spratly/Kalayaan Islands in 1946 when Vice President Elpidio Quirino with the support of the Philippine government claimed the Spratly/Kalayaan Islands which prior to the occupation of the Japanese who used it as basement to invade other Asian countries. In 1956, an expedition to South China Sea/West Philippine Sea was made by Thomas Cloma together with his brother and other 40 crew men. There they found group of islands that is mineral-rich as well as the other natural resources. Thomas Cloma declared to have discovered and owned the group of islands which is not less than 50 islands and reefs. In April of 1972 Kalayaan Group of Islands was officially incorporated into Palawan province. In February 1974, the Philippines government stated that the Philippines forces had occupied five islets of the Spratlys. The Philippines government justified its occupation of the Spratly Islands as “ the strategic importance of the Kalayaan area to the Philippine security”.

In June 11, 1978, Filipino president Marcos signed a Presidential Decree 1596 claiming the Kalayaan Group of Islands. On July 17, 1978, a Presidential Decree 1599 was issued, proclaiming Spratly/Kalayaan Group was within proximity and Philippine EEZ (Exclusive Economic Zone) and also issued a proclamation declaring ownership of most of the islands in the Spratlys. The area was renamed the Kalayaan Island Group. In 04 November 2002, the Government of the Member States of ASEAN and the Government of the

People's Republic of China signed the "Declaration on the Conduct of Parties in the South China Sea." In September 2003 representatives of the Philippines, China and other claimant countries of the Spratly Islands signed a declaration of peace to promote the development of the resources in the disputed islands. The declaration was signed at the Asian Association of Parliaments for Peace (AAPP) conference in the Philippines. In 2009, the Office of the Philippine President enacted the "Philippine Baselines Law of 2009" (RA 9522). The new law classifies the Kalayaan Island Group and the Scarborough Shoal as a "regime of islands under the Republic of the Philippines."

Philippines holds more than a few bases in claiming the Spratly/Kalayaan Group of Islands. The grounds are consisting of historical, legal and geographical. Res nullius, state of availability or accessibility for there is no owner or has been abandoned that makes a thing or place could be obtained and free to everyone, this is the first argument the Philippines used. Two more grounds that have been internationally utilized in the dispute of Spratly/Kalayaan Islands are UNCLOS Exclusive Economic Zone (EEZ) and Archipelagic State. United Nations has approved five and only five states as Archipelago including Philippines. This UN provision provides unquestionable sovereignty and judicial rights over the waters and islands around the Philippines. Spratly/Kalayaan Group of Islands is considered as waters around, between and connecting the Philippines regardless of their breadth and dimension from parts of the internal waters of the Archipelago. Among

the claimant countries, Philippines is the only State that enjoys Archipelagic Statehood.

With this archipelagic doctrine the Spratly/Kalayaan Group of Islands is part of the Philippine Archipelago and has sovereignty over the islands. Not only that, the United Nations Convention on the Law of the Sea, 200 Nautical Miles Exclusive Economic Zone, another provision that entitles the Philippines to claim the Spratly/Kalayaan Islands since the disputed islands is within the proximity and 200 nautical miles EEZ of the Archipelago. That is why it is just lawful for the Philippine to have the Spratly/Kalayaan Islands. Another argument by the Philippines is its historical claim to the Spratly/Kalayaan Islands. Back to Majapahit and Sri Vijaya Empire in year 7000 or 7th century (The ancient kingdom in Indonesia and Malay Archipelago) the territory is extended from the North Borneo, Palawan, and the Spratlys of the Philippines' territory. The Sultanate State of Sulu was founded in the years while areas still incorporate

Part of Mindanao (Cotabato, Lanao, Zamboanga Peninsula), Basilan, Sulu Sea, and Sulu. During the 14 century or year 1400 the Sultan of Brunei give as present to his cousin Sultan of Sultanate of Sulu the “ North Borneo, Palawan and the Spratlys” as a reward for his participation to succeed a battle. The Sultanate State of Sulu including the North Borneo, Palawan and the Spratlys archipelagos are entirely acknowledged by the China. By the time the Spain colonized the Philippines in year 1521, the Sultanate State of Sulu remains unconquered but portion of the territory was controlled by

Spain including the whole Island of Mindanao, and Palawan. In 1960's, the Sultan of Sulu turnover his territorial and proprietary rights to the Republic of the Philippines including the Palawan and the Spratlys. International and National law that support the claim of the Philippines over the Spratly/Kalayaan Islands rest in the United Nations provision with regards to the territorial dispute and maritime conflict as well as one of the articles stated in the Philippine constitution and law passed by the Philippine Congress. These laws are as follows:

Philippine Constitutions of 1987 states in its first article, National Territory states;

The National territories comprises the Philippine archipelago, with all the islands and waters embraced therein, and all the other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial, and aerial domains including its territorial sea, the seabed, the subsoil, the insular shelves and other submarine areas. The waters around, between and connecting the islands of archipelago, regardless of their breadth and dimensions, form part of internal waters of the Philippines. (Art. 1, Sec. 1, The National Territory) “ Philippine Baselines Law of 2009” (RA 9522). The new law classifies the Kalayaan Island Group and the Scarborough Shoal as a “ regime of islands under the Republic of the Philippines.” UNCLOS Exclusive Economic Zone (EEZ)

Exclusive Economic Zone, under the law of the sea, an EEZ is a sea zone over which a state has special rights for the exploration and use of marine

resources within 200 Nautical Mile Exclusive Economic Zone based on the provision of the United Nations Convention on the Law of the Sea (UNCLOS) UNCLOS Archipelagic State.

Under this statehood an archipelago composed of groups of islands forming a state is a single unit, with the islands and the waters within the baselines as internal waters This concept (archipelagic doctrine), an archipelago shall be considered as a single unit, so that the waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the state, subject to its exclusive sovereignty and jurisdiction.