

MISYON NG PILIPINAS SA MGA
NAGKAKAISANG BANSA



PHILIPPINE MISSION TO THE
UNITED NATIONS

556 FIFTH AVENUE
NEW YORK, N.Y. 10036
TEL NO. (212) 764-1300

No. 000192 -2020

The Permanent Mission of the Republic of the Philippines to the United Nations presents its compliments to the Secretary-General of the United Nations, and with reference to the submission by the Government of Malaysia HA 59/19 dated 12 December 2019 to the Commission on the Limits of the Continental Shelf (hereinafter referred to as "the Commission"), has the honor to state the position of the Government of the Republic of the Philippines, as follows:

Recalling the Philippine Mission's Note Verbale No. 000819 dated 04 August 2009 (copy attached) with regard to the Joint Submission by Malaysia and the Socialist Republic of Viet Nam concerning the outer limits of the continental shelf beyond 200 nautical miles in the South China Sea, the area of the Malaysian submission dated 12 December 2019 covers features within the Kalayaan Island Group over which the Republic of the Philippines has sovereignty. The area also overlaps with the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea of the Republic of the Philippines is measured, and over which the Government of the Republic of the Philippines intends to make a submission at a future time. Moreover, the Malaysian submission is projected from portions of North Borneo over which the Republic of the Philippines has never relinquished its sovereignty.

The Permanent Mission of the Republic of the Philippines requests the Commission to consider this Note with reference to the relevant provisions of Annex I (Submissions in case of a dispute between States with opposite or adjacent coasts or in other cases of unresolved land or maritime disputes) of the Rules of Procedure of the Commission.

The Permanent Mission of the Republic of the Philippines to the United Nations avails itself of this opportunity to renew to Secretary-General of the United Nations the assurances of its highest consideration.

New York, 06 March 2020

H.E. Mr. Antonio S. Guterres
Secretary-General
United Nations



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No. 000819

The Permanent Mission of the Republic of the Philippines to the United Nations presents its compliments to the Secretary-General of the United Nations, and with reference to the Joint Submission by Malaysia and the Socialist Republic of Vietnam dated 06 May 2009 to the Commission on the Limits of the Continental Shelf (hereinafter referred to as "the Commission") concerning the outer limits of the continental shelf beyond 200 nautical miles in the South China Sea, has the honor to state the position of the Government of the Republic of the Philippines as follows:

The Joint Submission for the Extended Continental Shelf by Malaysia and Vietnam lays claim on areas that are disputed not only because they overlap with that of the Philippines, but also because of the controversy arising from the territorial claims on some of the islands in the area including North Borneo.

The Government of the Republic of the Philippines notes the relevant Articles of the Convention including its Annex II and the Rules of Procedure of the Commission, in particular Annex I thereto which provides as follows:

"1. The Commission recognizes that the competence with respect to matters regarding disputes which may arise in connection with the establishment of the outer limits of the continental shelf rests with States."

"5. (a) In cases where a land or maritime dispute exists, the Commission shall not consider and qualify a submission made by any of the States concerned in the dispute."

In view of the foregoing circumstances, the Government of the Republic of the Philippines is constrained to request the Commission to refrain from considering the aforementioned Joint Submission by Malaysia and the Socialist Republic of Vietnam, unless and until after the parties have discussed and resolved their disputes.

The Permanent Mission of the Republic of the Philippines to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 4 August 2009

