



*Permanent Mission of the Republic of Palau  
to the*

*United Nations*

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The Permanent Mission of the Republic of Palau to the United Nations presents its compliments to the Secretary-General of the United Nations, and in reference to Note Verbal No. 000820 of the Permanent Mission of the Republic of the Philippines to the United Nations datelined New York, 4 August 2009, regarding the following specific statements, i.e.

- (1) *"The dispute brought about by the overlap in the juridical continental shelves of the two coastal states necessarily carry on to their extended continental shelves beyond the 200 M distance..."* (Emphasis added);
- (2) *"In view of the foregoing circumstances, the Government of the Philippines is constrained to request the Commission to refrain from considering the aforementioned Submission by the Republic of Palau, unless and until after the parties have discussed and resolved their disputes."* (Emphasis added),

has the honor to state, in response, as follows:

1. In a 26 March 2009 communication to Her Excellency Ambassador Minerva Jean A. Falcon, Mr. Victorio Uherbelau, Presidential Assistant for International Affairs and Vice Chair of Palau Continental Self Task Force, and as the leader of Palau delegation to the RP/Palau Talks on Extended Continental Shelf held in Palau on 19 March 2009, memorialized the following observations:

*"While awaiting your formal invitation, it must be stressed that, if we should meet again, it will be on the understanding that any information exchanged between us should not have any bearing on the progress of either country's draft submission to be presented to the United Nations Commission on the Limits of the Continental Shelf prior to the May 13, 2009 deadline. Secondly, as your delegation was assured, Palau Government shall, through diplomatic channels, notify the Republic of the Philippines, the Federated States of Micronesia, and the Republic of Indonesia, of its impending claims to be submitted in due course in compliance with Article 76 of the the United Nations Convention on the Law of the Sea (UNCLOS). Thirdly, Palau team wishes to acknowledge herein your delegation's assurance that Philippines Submission of its ECS Claim in Benham Rise (Pacific side) does not anticipate any area of overlap, potential or real between our two countries."*

*"And in closing, let me on behalf of Minister Pierantozzi and the members of the Palau Team, thank Your Excellency and the members of your delegation for agreeing to include under the 'Others' portion of our meeting agenda, the subject matter of 'Bilateral Maritime Boundary Delimitation'. We took note that your mission was confined to consultation only on the issue of continental shelf. We are confident that your delegation will apprise appropriate government authorities of the urgent need for our two Governments to hold bilateral talks on overlapping maritime boundaries. But let us confirm once again that both Governments' immediate preoccupation and top priority is the eventual submission of our respective continental shelf claims to the UN Commission on the Limits of Continental Shelf per Article 76 of UNCLOS".*  
(Emphasis added).

2. The Ministry of State of the Republic of Palau in Note Verbal No. 006/MSRPI/2009 formally notified the Republic of the Philippines, prior to the submission on 8 May 2009 of Palau's referenced Limits of Continental Shelf claim to UN Commission on the Limits of Continental Shelf, as follows:

*"The Ministry of State further has the honor to advise the Ministry of Foreign Affairs that, as provided for under Paragraph 1 of Article 76 of UNCLOS, the Republic has a continental shelf comprising the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin up to the limits provided for in Paragraphs 4 and 6 of Article 76 or to a distance of 200 M from the territorial sea baseline of Palau where the outer edge of the continental margin does not extend beyond that distance".*

*"The Ministry of State further has the honor to advise the Ministry of Foreign Affairs that Paragraphs 4 and 6 of Article 76 of UNCLOS elaborate provisions by which a coastal state may establish the outer edge of its continental margin and its extended continental shelf wherever that margin extends beyond 200 M measured from the territorial sea baseline".*

(It should be noted that accompanying the subject Note No. 006/MSRP/2009 was a Map (Appendix I) depicting the outer limits of the Republic of Palau's Extended Continental Shelf claim which was duly identified as "West Area").

3. In the Executive Summary of the Republic of Palau's Submission to the UN Commission on the Limits of the Continental Shelf, the following acknowledgements are unequivocally stated therein:

- (i) Part 2. Outer Limit of the Continental Shelf of Palau contains a Map showing the outer limits of the Extended Continental Shelf of Palau's claims in the three areas (Figure 1 (EX-FIG-01), page 6 of 36;

(ii) Part 3 Maps and Coordinates makes reference to the three areas of continental shelf claimed by Palau; namely, (a) Palau's Southeast Area claim; (b) Palau's West Area claim, and (c) Palau's North Area claim, (page 7 of 36);

(iii) Part 5 Outstanding Maritime Delimitations, in Part 5.3, provides as follows:

*"The extension of Palau's continental shelf in the West Area is limited to the east by the 200 M area under the jurisdiction of the Philippines. In the area beyond 200 M a potential overlap exists between the continental shelf of Palau and the continental shelf of the Philippines. Accordingly, this Submission is submitted without prejudice to the question of the delimitation of this area pursuant to paragraph 10, Article 76 and paragraph 4(a) of Annex I of the Rules of Procedure", (page 9 of 36);*

(iv) Part 7.2 The West Area (EX-FIG-03):

7.2.1 -7.2.5 describe exactly where Palau's claim is located in this area, including colorful map depicted in Figure 3 (EX-FIG-03), (pp 13-14 of 36), and

(v) Extended Continental Shelf Numbers, East Longitudes, North Latitudes, Distances to the Next Points, and Invocation of 60M provided for under Article 76 of UNCLOS, are listed from the middle of page 22 of 36 through the middle of page 25 of 36 of ANNEX I of the EXECUTIVE SUMMARY.

4. The Government of the Republic of Palau, given its limitations, has nonetheless taken all steps to comply with the requirements under Article 76 of UNCLOS as well as the applicable Rules of Procedure of the United Nations Extended Continental Shelf Commission. This it has done in the lead up to its submission as well as in the texts of its Executive Summary and the Main Body of its continental shelf claims to the Commission.

5. Accordingly, the Republic of Palau does not view its own Submission nor that of the Republic of the Philippines neither as tantamount to nor creating "**a dispute brought about by the overlap in the juridical continental shelves of the two countries**". And as pointed out under 3(iii) above: *the extension of Palau's continental shelf in the West Area is submitted without prejudice to the question of the delimitation of this area pursuant to paragraph 10, of Article 76 and paragraph (a) of Annex I of the Rules of Procedure.*

6. Having been advised by the Philippine's Team on 19 March 2009 that its mission was confined to discussing issues relating to extended continental shelf, the Palau Team did nonetheless emphasize the urgency for appropriate authorities of both countries to address the maritime boundary matter.

7. The Republic of Palau is confident that the Commission does not regard unresolved overlapping 200 M maritime boundaries between the two countries as a bar to

considering either country's continental shelf claims on their own merits. The Republic of Palau therefore respectfully requests the Commission to refrain from granting the Republic of the Philippines its request for the Commission "...to refrain from considering aforementioned Submission by the Republic of Palau, unless and until after the parties have discussed and resolved their disputes".

8. In Note Verbal 01/MSPH/2010 dated March 30, 2010, the Ministry of State notified the Department of Foreign Affairs of the Republic of the Philippines that,

*"...in respect of the urgency for amicable resolution of overlapping 200 M boundaries between the Republic of the Philippines and the Republic of Palau ...make following statements:*

- 1. To invite the Government of the Republic of the Philippines to send its Delegation to Palau for a technical level discussion on maritime boundary Delimitation between our two countries to be held in either Koror or Manila From 19 to 20 April 2010;*
- 2. To suggest that both countries be allowed to exchange their respective charts, maps, and other maritime boundary and baseline point coordinates for review prior to the holding of the technical meeting; and*
- 3. To request that, should the foregoing suggestions be acceptable, the Government of the Republic of the Philippines kindly advise the Ministry of the composition of its delegation..."*

and that neither acknowledgement nor response to said note has been forthcoming to date.

The Permanent Mission of the Republic of Palau 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, 22 July 2010



The Secretary General  
of the United Nations