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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 People's Republic of China's Note Verbale CML/14/2019 dated 12 December 2019 addressed to the Secretary-General of the United Nations in response to the submission by Malaysia HA 59/19 dated 12 December 2019 to the Commission on the Limits of the Continental Shelf, has the honor to state the position of the Government of the Republic of the Philippines, as follows:

The Government of the Republic of the Philippines considers China's positions as inconsistent with international law, including the United Nations Convention on the Law of the Sea (UNCLOS), which comprehensively allocates maritime rights to States.

On the features in the South China Sea, the Republic of the Philippines has sovereignty and jurisdiction over the Kalayaan Island Group and Bajo de Masinloc.

On the maritime entitlements generated from the features, in the unanimous Award of 12 July 2016 issued by the Tribunal constituted under Annex VII to the UNCLOS in the arbitration case instituted by the Republic of the Philippines against the People's Republic of China (*The South China Sea Arbitration*) it was ruled, *inter alia*, that "none of the high-tide features in the Spratly Islands, in their natural condition, are capable of sustaining human habitation or economic life of their own within the meaning of Article 121 (3) of the Convention;" and "that none of the high tide features in the Spratly Islands generate entitlements to an exclusive economic zone or continental shelf." In its decision, the Tribunal also did not agree with an "assertion that the Spratly Islands should be enclosed within a system of archipelagic or straight baselines, surrounding the high tide features of the group, and accorded an entitlement to maritime zones as a single unit."

The Tribunal conclusively settled the issue of historic rights and maritime entitlements in the South China Sea. The Tribunal ruled that claims to historic rights, or other sovereign rights or jurisdiction that exceed the geographic and substantive limits of maritime entitlements under UNCLOS, are without lawful effect. It further ruled that UNCLOS “superseded any historic rights, or other sovereign rights or jurisdiction, in excess of the limits imposed therein.”

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

