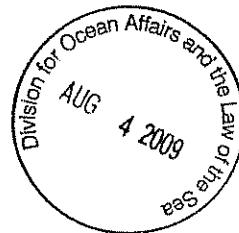




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No. 000820

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 Republic of Palau dated 08 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, has the honor to state the position of the Government of the Republic of the Philippines as follows:

The Philippine Government wishes to inform the Commission that the Philippines and Palau have overlapping maritime jurisdictions in terms of their 200 M Exclusive Economic Zones (EEZ) and 200 M Continental Shelves, which, as of this date have yet to be resolved by the two countries. 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, which coastal states are inherently entitled to under Article 77 in relation to Article 76 of the UN Convention on the Law of the Seas (UNCLOS), which provides that *"the rights of the coastal State over the continental shelf does depend on occupation, effective or notional, or on any express proclamation."*

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 Submission by the Republic of Palau, 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

