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No. 000228

The Permanent Mission of the Republic of the Philippines to the United Nations presents its compliments to the Secretary-General of the United Nations (UN), and has the honor to refer to the People's Republic of China's Notes Verbales CML/17/2009 dated 7 May 2009 and CML/18/2009 dated 7 May 2009 addressed to the Secretary-General of the UN.

The Philippine Permanent Mission notes that the said Notes Verbales were reactions specifically on the Unilateral and Joint Submission for the extended continental shelves (ECS) in the South China Sea (SCS) by the Socialist Republic of Vietnam and Malaysia. However, since the justification invoked by the People's Republic of China in registering its reaction to the said submissions touched upon not only on the sovereignty of the islands *per se* and "*the adjacent waters*" in the South China Sea, but also on the other "*relevant waters as well as the seabed and subsoil thereof*" as indicated in the map attached thereat, with an indication that the said claims are "*widely known by the international community*", the Government of the Republic of the Philippines is constrained to respectfully express its views on the matter.

### On the Islands and other Geological Features

**FIRST**, the Kalayaan Island Group (KIG) constitutes an integral part of the Philippines. The Republic of the Philippines has sovereignty and jurisdiction over the geological features in the KIG.

### On the “Waters Adjacent” to the Islands and other Geological Features

**SECOND**, the Philippines, under the Roman notion of *dominium maris* and the international law principle of “*la terre domine la mer*” which states that the land dominates the sea, necessarily exercises sovereignty and jurisdiction over the waters around or adjacent to each relevant geological feature in the KIG as provided for under the United Nations Convention on the Law of the Sea (UNCLOS).

At any rate, the extent of the waters that are “adjacent” to the relevant geological features are definite and determinable under UNCLOS, specifically under Article 121 (Regime of Islands) of the said Convention.

### On the Other “Relevant Waters, Seabed and Subsoil” in the SCS

**THIRD**, since the adjacent waters of the relevant geological features are definite and subject to legal and technical measurement, the claim as well by the People’s Republic of China on the “*relevant waters as well as the seabed and subsoil thereof*” (as reflected in the so-called 9-dash line map attached to Notes Verbales CML/17/2009 dated 7 May 2009 and CML/18/2009 dated 7 May 2009)

outside of the aforementioned relevant geological features in the KIG and their “adjacent waters” would have no basis under international law, specifically UNCLOS. With respect to these areas, sovereignty and jurisdiction or sovereign rights, as the case may be, necessarily appertain or belong to the appropriate coastal or archipelagic state – the Philippines – to which these bodies of waters as well as seabed and subsoil are appurtenant, either in the nature of Territorial Sea, or 200 M Exclusive Economic Zone (EEZ), or Continental Shelf (CS) in accordance with Articles 3, 4, 55, 57, and 76 of UNCLOS.

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, 05 April 2011

