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Note No. 6-2025

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 has the honor to refer to the communication no. M.Z.N.165.2024.LOS (Maritime Zone Notification) dated 04 December 2024 regarding the deposit by the People's Republic of China, pursuant to article 16, paragraph 2, of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) of Chart No. 03086 (The Chart of baselines of territorial sea of Huangyan Dao (Minzhu Jiao) of the People's Republic of China) as contained in the Statement of the Government of the People's Republic of China on the Baselines of the Territorial Sea Adjacent to Huangyan Dao of 10 November 2024.

With regard to the list of geographical coordinates of points concerning straight baselines and outer limits of the territorial sea, as well as a list of geographical coordinates of points regarding "the baselines of the territorial sea adjacent to Huangyan Dao" or Bajo de Masinloc, the Government of the Republic of the Philippines wishes to convey the following:

1. The Philippines strongly protests China's drawing of unlawful baselines around Bajo de Masinloc announced on 10 November 2024 as well as the deposit of Chart No. 03086 with the Secretary General.
2. China's drawing of such baselines is in serious infringement of the Philippines' sovereignty, and in contravention of international law, particularly the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the final and binding 2016 Award on the South China Sea Arbitration. As such, it is without any legal basis or effect, is not binding on the Philippines, and its enforcement shall be regarded as an unlawful act and a grave incitement by China within Philippine territory and maritime zones.
3. Bajo de Masinloc is an integral part of Philippine territory over which the Republic of the Philippines has sovereignty and jurisdiction. As such, only the Philippines has the right to draw baselines encompassing Bajo de Masinloc.
4. The Philippines notes M.Z.N.69.2009.LOS (Maritime Zone Notification) dated 21 April 2009 on the Deposit by the Republic of the Philippines of a list of geographical coordinates of points, pursuant to article 47, paragraph 9, of the Convention. Said notification stated that on 1 April 2009, the Philippines deposited with the Secretary-General, a list of geographical coordinates of points as contained in Republic Act No. 9522: An Act to Amend Certain Provisions of Republic Act No. 3046, as Amended by Republic Act No. 5446, to Define the Archipelagic Baselines of the Philippines, and for Other Purposes. Said Republic Act. No. 9522 notably includes Bajo de Masinloc, as follows:

SEC. 2. The baselines in the following areas over which the Philippines likewise exercises sovereignty and jurisdiction

- a) The Kalayaan Island Group as constituted under Presidential Decree No. 1596; and*
- b) Bajo de Masinloc, also known as Scarborough Shoal.*

5. The final and binding Award on the South China Sea Arbitration rendered on 12 July 2016 has determined that Bajo de Masinloc is a high-tide feature within the meaning of Article 121 of the 1982 UNCLOS. The Award likewise determined that Bajo de Masinloc does not meet the criteria for an island because it cannot sustain human habitation or economic life of its own. Furthermore, Bajo de Masinloc does not meet the requirements in Article 7 of UNCLOS for the use of straight baselines.
6. The Philippines urges China to withdraw its unlawful baselines around Bajo de Masinloc, to revoke its announcement, and to comply with its obligations under international law, particularly the 1982 UNCLOS and the 2016 Arbitral Award.

The Permanent Mission of the Republic of the Philippines to the United Nations requests that this Note Verbale be circulated to the Members of the United Nations and be posted on the website of the United Nations.

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

New York, 10 January 2025

THE SECRETARY-GENERAL OF THE UNITED NATIONS NEW YORK

Attention: Division for Ocean Affairs and Law of the Sea
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