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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 Joint Submission by Malaysia and the Socialist Republic of Vietnam dated 06 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 in the South China Sea, has the honor to state the position of the Government of the Republic of the Philippines as follows:

The Joint Submission for the Extended Continental Shelf by Malaysia and Vietnam lays claim on areas that are disputed not only because they overlap with that of the Philippines, but also because of the controversy arising from the territorial claims on some of the islands in the area including North Borneo.

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 Joint Submission by Malaysia and the Socialist Republic of Vietnam, 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

