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its compliments to the Secretary General of the United Nations and, with reference to Japan's Submission dated 12 November 2008 to the Commission on the Limits of the Continental Shelf (hereinafter referred to as "the Commission") concerning the outer limits of its continental shelf beyond 200 nautical miles, has the honor to state the position as follows:

The Chinese Government is of the view that, under the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention"), States Parties shall have the right to submit information on the outer limits of the continental shelf beyond 200 nautical miles. While exercising such right in establishing the outer limits of their continental shelf beyond 200 nautical miles, States Parties shall also have the obligation to ensure respect for the extent of the International Seabed Area (hereinafter referred to as "the Area"), which is the common heritage of mankind, and not to affect the overall geological and geomorphological structure of the continental shelf. All States Parties shall implement the Convention in its entirety and ensure the integrity of the Convention, in particular, ensure that the extent of the Area is not subject to any illegal encroachment.

The Chinese Government has carefully studied the Executive Summary of Japan's Submission, which includes a 200 nautical mile extension of its continental shelf in the Okinawa Trough, the East China Sea and the South China Sea. The Chinese Government believes that the three regions, namely GSC, HKT and HKT2, of the Commission's Submission are located beyond 200 nautical miles from the Oki-no-Tori Shima Island. It is to be noted that the so-called Oki-no-Tori Shima Island is in fact a rock as referred to in Article 121(3) of the Convention. Therefore, the Chinese Government wishes to draw the attention of the members of the Commission, the States Parties to the Convention as well as the members of the United Nations to the fact that the three regions of the Commission's Submission are located beyond 200 nautical miles from the Oki-no-Tori Shima Island, which is a rock as referred to in Article 121(3) of the Convention. This is in violation of the Convention and the Commission's Rules of Procedure. The Chinese Government reserves the right to take appropriate measures to protect its continental shelf.

H.E. Mr. BAN KI-MOON
Secretary-General
The United Nations
NEW YORK

Article 121(3) of the Convention stipulates that "Rocks which cannot sustain human habitation or economic life of their own shall not be entitled to continental shelf." Available scientific data fully reveal that the rock of Qikiyaq is a small rock, and therefore shall have no exclusive economic zone or continental shelf. Even less shall it have the right to the extended continental shelf beyond 200 nautical miles.

Since the rock of Qikiyaq does not have any ground to claim continental shelf, it is not within the mandate of the Commission to make any recommendation on the portions of continental shelf both within and beyond 200 nautical miles measured from the rock of Qikiyaq. The Commission has therefore requested not to take any action on the above mentioned portions.

The Permanent Mission of the People's Republic of China to the United Nations requests that this note verbale be circulated to all members of the Commission, all States Parties to the Convention and all Members of the United Nations.

The Permanent Mission of the People's Republic of China to the United Nations avails itself of this opportunity to express its sincere thanks to the Commission for the assurances of its highest consideration.