

(Translation)

CML/017/2013

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the Note Verbale SC/12/372 from the Permanent Mission of Japan to the United Nations dated 28 December 2012 to the Secretary-General of the United Nations, has the further honour to state China's position as follows:

China does not accept the position stated in the above-mentioned Note Verbal of Japan.

The statement in Japan's Note Verbal that the establishment of the outer limits of the continental shelf beyond 200 nautical miles can not be accomplished as "the distance between the opposite coasts of Japan and the People's Republic of China in the area with regard to the submission is less than 400 nautical miles" has no ground in the United Nations Convention on the Law of the Sea (thereafter referred to as "the UNCLOS") and the rules of the Commission on the Limits of the Continental Shelf (thereafter referred to as "the Commission"). Therefore, it does not affect or impede China's submission on the outer limits of its continental shelf beyond 200 nautical miles, nor the consideration of the submission by the Commission.

H.E. Mr. BAN KI-MOON

Secretary-General

The United Nations

New York

It is untenable for Japan to claim that “the delimitation of the continental shelf in this area shall be effected by agreement between the States concerned in accordance with Article 83 of the United Nations Convention on the Law of the Sea. It is, thus, indisputable that the People’s Republic of China can not unilaterally establish the outer limits of the continental shelf in this area”. China made its submission concerning the outer limits of the continental shelf beyond 200 nautical miles in part of the East China Sea in strict accordance with Article 76 of the UNCLOS, its Annex II and the relevant rules of the Commission. In the above submission, China has made it clear that in accordance with Article 76, paragraph 10 of the UNCLOS and the relevant practice, the consideration of the submission and the recommendations adopted by the Commission shall not prejudice the future delimitation of the continental shelf in the East China Sea between the People’s Republic of China and Japan.

China reiterates its position on the Diaoyu Dao and its affiliated islands as stated in the Note Verbal CML/001/2013 dated 7 January 2013 to the Secretary-General of the United Nations.

The Permanent Mission of the People's Republic of China would request the Secretary-General of the United Nations that the Note Verbale (CML/017/2013) be circulated to all members of the Commission, all States Parties to the UNCLOS and all Member States of the United Nations.

The Permanent Mission of the People's Republic of China 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, 5 August 2013