

(Translation)

CML/59/2011

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 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, and to the Note Verbale CML/2/2009 from the Permanent Mission of China, dated 6 February 2009, and the Note Verbale MUN/046/09 from the Permanent Mission of the Republic of Korea to the United Nations, dated 27 February 2009, both addressed to the Secretary-General of the United Nations and against claiming exclusive economic zone or continental shelf with the rock of Oki-no-Tori as basepoint, has the honour to state the position as follows:

The Chinese Government consistently maintains that, the rock of Oki-no-Tori, on its natural conditions, obviously cannot sustain human habitation or economic life of its own. According to Article 121(3) of the *United Nations Convention on the Law of the Sea* (hereinafter referred to as "the Convention"), the rock of Oki-no-Tori shall have no exclusive economic zone or continental shelf. After Japan made its Submission, a number of States, including China, have expressed serious concern on claiming outer continental shelf with a rock as basepoint.

The Chinese Government has noted that the Commission had acknowledged, in the Statement by its Chairman concerning its 23rd session, that it had no role on matters relating to the legal interpretation of Article 121 of the Convention. At its 24th session, the Commission decided that it shall not take action on the part of the recommendations prepared by the Subcommittee in relation to the rock of Oki-no-Tori, until the Commission decides to do so.

H.E Mr. BANKI-MOON
Secretary-General
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New York

The Chinese Government holds that the above-mentioned statement and decision of the Commission are justifiable. As a body consisting of experts in the fields of geology, geophysics and hydrography, the Commission should avoid the situation in which its work influences the interpretation and application of relevant provisions of the Convention, including Article 121. The application of Article 121(3) of the Convention relates to the extent of the International Seabed Area as the common heritage of mankind, relates to the overall interests of the international community, and is an important legal issue of general nature. To claim continental shelf from the rock of Oki-no-Tori will seriously encroach upon the Area as the common heritage of mankind. If the Commission makes recommendations on the part of Japan's Submission in relation to the rock of Oki-no-Tori before its legal status has been made clear, and recognizes the claim of extended continental shelf measured from the rock of Oki-no-Tori, it would have adverse impact on the maintenance of an equal and reasonable order for oceans.

Therefore, the Chinese Government holds that the Commission should adhere to its decision at its 24th session, and take no action on the part of the recommendations prepared by the Subcommittee in relation to the rock of Oki-no-Tori.

It would be highly appreciated if this note verbale could be circulated to all members of the Commission and all States Parties to the Convention.

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 assurance of its highest consideration.

New York 3 August 2011