

(Translation)

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New York, 06 February 2009

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, 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 interests of the international community as a whole. 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, and has noted, in particular, of 200-nautical-mile extension of its continental shelf measured from the basepoint Oki-no-Tori Shima Island, as well as the three regions, namely SKB, MIT and KPR, of the continental shelf extended 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 inconformity with the Convention with regard to the inclusion of the rock of Oki-no-Tori in Japan's Submission.

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NEW YORK

Article 121(3) of the Convention stipulates that, "Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf". Available scientific data fully reveal that the rock of Oki-no-Tori, on its natural conditions, obviously cannot sustain human habitation or economic life of its own, 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 Oki-no-Tori 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 Oki-no-Tori as contained in Japan's Submission. Therefore, the Commission is kindly 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 renew to the Secretary-General of the United Nations the assurances of its highest consideration.