

(Translation)

CML/11/2020

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. Recalling its Note Verbale No. CML/8/2011 to the then Secretary-General of the United Nations Mr. Ban Ki-moon and its Note Verbale No. CML/14/2019, the Mission, with regard to the Notes Verbales No. 000191-2020 and No. 000192-2020 dated 6 March 2020 addressed to the Secretary-General of the United Nations by the Permanent Mission of the Republic of the Philippines to the United Nations, has the honor to state China's position as follows:

China has sovereignty over Nansha Qundao and its adjacent waters, and over Huangyan Dao and its adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof. China has historic rights in the South China Sea. China's sovereignty and related rights and jurisdiction in the South China Sea are supported by abundant historical and legal evidence. The contents of the Philippines' Notes Verbales No. 000191-2020 and No. 000192-2020 are totally unacceptable to the Chinese Government.

The so-called "Kalayaan Island Group" claimed by the Philippines is in fact part of China's Nansha Qundao and has never been part of the territory of the Philippines. Since the 1970s, the Philippines has illegally occupied a number of maritime features of China's Nansha Qundao. The Philippines can in no way invoke such illegal occupation to support its territorial claims.

Being part of China's Zhongsha Qundao, Huangyan Dao is China's inherent territory. China continuously and effectively exercises sovereignty and jurisdiction over Huangyan Dao. The Philippines' illegal territorial claim over China's Huangyan Dao is completely baseless under international law.

With regard to the South China Sea arbitration and the awards referred to by the Philippines, China's position is clear and consistent.

The Arbitral Tribunal in the South China Sea arbitration disregards the fact that the essence of the subject-matters of the arbitration initiated by the Philippines is territorial sovereignty and maritime delimitation, exercises jurisdiction *ultra vires*, obviously errs in ascertaining facts and applying the law, and subsequently violates the United Nations Convention on the Law of the Sea and relevant international law. The Arbitral Tribunal's conduct and its awards are unjust and unlawful. The Chinese Government has solemnly declared that China neither accepts nor participates in the South China Sea arbitration, neither accepts nor recognizes the awards, and will never accept any claim or action based on the awards. China and the Philippines have reached consensus on properly addressing issues on the South China Sea arbitration, and have returned to the right track of settling maritime issues through bilateral friendly negotiation and consultation.

Article 5(a) of Annex I to the Rules of Procedure of the Commission on the Limits of the Continental Shelf explicitly stipulates that in case where a land or maritime dispute exists, the Commission shall not consider and qualify the submission made by any of the States concerned in the dispute. The Chinese Government once again requests the Commission on the Limits of the Continental Shelf not to consider the Submission made by Malaysia in December 2019 concerning the outer limits of the continental shelf beyond 200 nautical miles in the South China Sea.

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, 23 March 2020

H.E. Mr. António Guterres
Secretary-General
United Nations
New York