

CML/46/2020

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 and, with regard to the Note Verbale No. 126/POL-703/V/20 dated 26 May 2020 addressed to the Secretary-General of the United Nations by the Permanent Mission of the Republic of Indonesia to the United Nations, has the honor to state China's position as follows:

1. China has sovereignty over Nanhai Zhudao (including Nansha Qundao) and their adjacent waters. Based on Nanhai Zhudao, China has internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf. China has historic rights in the South China Sea. China's sovereignty over Nanhai Zhudao and its maritime rights and interests in the South China Sea are established in the long course of historical practice and consistent with international law, including the Charter of the United Nations and the United Nations Convention on the Law of the Sea (UNCLOS). The Chinese Government expresses its firm opposition to the Note Verbale No. 126/POL-703/V/20 of Indonesia.

2. There is no territorial dispute between China and Indonesia in the South China Sea. However, China and Indonesia have overlapping claims on maritime rights and interests in some parts of the South China Sea. China is willing to settle the overlapping claims through negotiation and consultation with Indonesia, and work together with Indonesia to maintain peace and stability in the South China Sea.

3. With regard to the so-called South China Sea arbitration and the awards, China's position is clear and consistent. The Arbitral Tribunal

exercises jurisdiction *ultra vires*, clearly errs in ascertaining facts and applying the law. The conduct of the Arbitral Tribunal and its awards seriously contravene the general practice of international arbitration, completely deviate from the objective and purpose of UNCLOS to promote the peaceful settlement of disputes, substantially impair the integrity and authority of UNCLOS, gravely infringe China's legitimate rights as a sovereign State and a State Party to UNCLOS, and thus are unjust and unlawful. The Chinese Government has solemnly declared that China neither accepts nor participates in the South China Sea arbitration, and neither accepts nor recognizes the awards. This position is consistent with international law.

The Permanent Mission of the People's Republic of China to the United Nations requests that the Secretary-General of the United Nations circulate this Note Verbale to all members of the Commission on the Limits of the Continental Shelf, all States Parties to UNCLOS 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.

New York, 2 June 2020

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