

PERMANENT MISSION OF JAPAN
TO THE UNITED NATIONS
NEW YORK

SC/12/372

The Permanent Mission of Japan to the United Nations presents its compliments to the Secretariat of the United Nations and, with reference to the circular communications from the Division for Ocean Affairs and the Law of the Sea of 14 December 2012, CLCS.63.2012.LOS (Continental Shelf Notification), concerning the receipt of the submission made by the People's Republic of China (hereinafter referred to as "the submission") to the Commission on the Limits of the Continental Shelf (hereinafter referred to as "the Commission"), has the honour to request, on behalf of the Government of Japan, the Commission not to consider the submission for the reasons as follows:

- 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;
- 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 (hereinafter referred to as "the Convention"). It is, thus, indisputable that the People's Republic of China cannot unilaterally establish the outer limits of the continental shelf in this area;
- The Government of Japan has registered the above-mentioned position through the Note Verbale addressed to the Secretariat of the United Nations by the Permanent Mission of Japan to the United Nations, SC/09/246 of 23 July 2009, in response to the preliminary information submitted by the People's Republic of China;

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DIVISION FOR OCEAN AFFAIRS
AND THE LAW OF THE SEA

- Paragraph 5 (a) of the Annex I of the Rules of Procedure of the Commission on the Limits of the Continental Shelf provides that “In cases where a land or maritime dispute exists, the Commission shall not consider and qualify a submission made by any of the States concerned in the dispute. However, the Commission may consider one or more submissions in the areas under dispute with prior consent given by all States that are parties to such a dispute.” In the area, which is the subject of the submission, the delimitation of the continental shelf is yet to be determined. The Government of Japan does not give such prior consent to the consideration of the submission by the Commission.

The Permanent Mission of Japan has further the honour to register the position of the Government of Japan with regard to the references to the Senkaku Islands contained in the submission as follows:

- There is no doubt that the Senkaku Islands are an inherent part of the territory of Japan in light of historical facts and based upon international law. The Senkaku Islands are under the valid control of Japan. There exists no issue of territorial sovereignty to be resolved concerning the Senkaku Islands;
- The submission contains references to the Senkaku Islands including their “baselines” that the People’s Republic of China argues. These “baselines” have no legal ground under international law. Such references to the Senkaku Islands including their “baselines” are categorically unacceptable for the Government of Japan in light of the reasons mentioned above;
- The Government of Japan has also registered its position regarding the Senkaku Islands in the Note Verbale from the Permanent Mission of Japan to the Secretary-General of the United Nations, PM/12/303 of 24 September 2012 against the deposit of a chart and a list of geographical coordinates of point made by the People’s Republic of China with regard to the baselines for the territorial sea of the Senkaku Islands.

The Permanent Mission of Japan has further the honour to request the Secretariat that this Note Verbale be transmitted to the Commission, all States Parties to the Convention and all Member States of the United Nations.

The Permanent Mission of Japan to the United Nations avails itself of this opportunity to renew to the Secretariat of the United Nations the assurances of its highest consideration.

28 December 2012

