

REPUBLIC OF KOREA
PERMANENT MISSION TO THE UNITED NATIONS

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The Permanent Mission of the Republic of Korea to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the submission made by Japan to the Commission on the Limits of the Continental Shelf (hereinafter referred to as "the Commission") on November 12, 2008.

The Permanent Mission of the Republic of Korea has further the honour to make a comment regarding the data in the executive summary provided by Japan, in accordance with Annex III, section II.2 (a) (v) of the Rules of Procedure of the Commission, which permits the State Parties to the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention") and the Member States of the United Nations to make comments on the submission by a coastal state.

Article 121, paragraph 3 of the Convention clearly states that "rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf."

In this regard, the Republic of Korea has consistently held the view that Oki-no-Tori Shima, considered as a rock under Article 121, paragraph 3 of the Convention, is not entitled to any continental shelf extending to or beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, as defined in Article 76 of the Convention.

The Republic of Korea, furthermore, believes that the legal status of Oki-no-Tori Shima is not a scientific or technical matter involving the establishment of the outer limits of the continental shelf, but rather a matter concerning the interpretation and application of Article 121 of the Convention, which is beyond the purview of the Commission.

Consequently, the Republic of Korea respectfully requests that the Commission set aside the portions relating to Oki-no-Tori Shima from its action on the submission made by Japan.

The Permanent Mission of the Republic of Korea 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.

Secretary-General
The United Nations
New York

