



Legal Affairs Service
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The Permanent Mission of the Kingdom of the Netherlands to the United Nations presents its compliments to the United Nations Secretary-General and has the honor to refer to Note No. NZ-CLCS-TPN-02, dated 19 April 2006, relating to the Submission of the Government of New Zealand to the Commission on the Limits of the Continental Shelf pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea 1982 (UNCLOS), presented under cover of Note No. NZ-CLCS-TPN-01 of the same date.

In Note No. NZ-CLCS-TPN-02, New Zealand states that “New Zealand makes a partial submission, in accordance with the Commission’s rules, not including areas of continental shelf appurtenant to Antarctica, for which a submission may be made later, notwithstanding the provisions regarding the ten-year period established by article 4 of Annex II to UNCLOS and the subsequent decision on its application taken by the Eleventh Meeting of State Parties to UNCLOS”.

Taking note that New Zealand makes a claim to territory in Antarctica and that this claim appears to be referred to in Note No. NZ-CLCS-TPN-02, the Netherlands wishes to reiterate its long-standing position that the Netherlands does not recognize any claim to territories in Antarctica and consequently does not recognize that a claim to territorial sovereignty in Antarctica is capable of creating any sort of rights over continental shelf adjacent to Antarctica. It is well-established that the principle of sovereign rights over continental shelf adjacent to the coast, for the purposes of exploring and exploiting the natural resources of the shelf, derives from sovereignty of the coastal State over adjacent land territory. Accordingly, the Netherlands does not consider that the continental shelf adjacent to Antarctica is subject to the sovereign rights of any State.

The Netherlands acknowledges with appreciation that New Zealand has made a partial submission that does not include areas of continental shelf appurtenant to Antarctica. However, the Netherlands stresses that the balance of rights and obligations in the Antarctic Treaty should not be affected in any way by the intention to submit to the Commission information on the outer limits of the continental shelf adjacent to the continent of Antarctica expressed by New Zealand.

The Netherlands confirms the importance of keeping harmony between the Antarctic Treaty and the United Nations Conventions on the Law of the Sea and thereby ensuring the continuing peaceful cooperation, security and stability in the Antarctic area.

The Netherlands requests that this *note verbale* be circulated to the members of the Commission on the Limits of the Continental Shelf and Member States of the United Nations, and be posted on the web site of the United Nations Division for Ocean Affairs and the Law of the Sea.

The Permanent Mission of the Kingdom of the Netherlands to the United Nations avails itself of this opportunity to renew to the United Nations Secretary-General the assurances of its highest considerations.

The Hague, 19 December 2006

