



Note: 06/09/09

UN/7/12/1A

The New Zealand Permanent Mission to the United Nations in New York presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the partial submission of the Kingdom of Tonga 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, presented on 11 May 2009.

New Zealand notes that there is no overlap between the exclusive economic zones of Tonga and New Zealand as calculated in accordance with the Convention, and that the area of extended continental shelf contained in the submission made by New Zealand on 19 April 2006 did not intrude into the exclusive economic zone of Tonga. However, as consistently reaffirmed by New Zealand, the area of extended continental shelf beyond 200 nautical miles in the area of the Kermadec Ridge, Havre Trough, and Colville Ridge does remain subject to the delimitation of a continental shelf boundary between New Zealand and Tonga.

In that regard, New Zealand notes that the area of extended continental shelf along the eastern Kermadec Ridge beyond 200 nautical miles contained in the Tongan submission overlaps in part with the area of extended continental shelf contained in the Northern Region of the New Zealand submission.

New Zealand has made extensive efforts both prior to, and since, making its submission to resolve the delimitation, and the New Zealand submission was expressly made on the basis that it was without prejudice to that delimitation. As noted in the Executive Summary of the Tongan submission, Tonga expressed no objection to the New Zealand submission being considered by the Commission on that basis.

New Zealand similarly notes the statement made by Tonga in the Executive Summary of its submission that, consistent with the provisions of Article 76, paragraph 10, of the Convention, the Tongan submission has been made without prejudice to any questions relating to the delimitation of a boundary between New Zealand and Tonga. New Zealand accordingly confirms that it has no objection to the Commission considering and making recommendations on the Tongan submission on that basis.

The New Zealand Permanent Mission takes this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New Zealand Permanent Mission to the United Nations

NEW YORK

29 June 2009

