

PERMANENT MISSION OF JAPAN  
TO THE UNITED NATIONS  
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PM/09/735

The Permanent Mission of Japan to the United Nations presents its compliments to the Commission on the Limits of the Continental Shelf and, with reference to the Note Verbale CML/31/2009 from the Permanent Mission of the People's Republic of China to the United Nations addressed to the Secretary-General of the United Nations dated 24 August 2009, has the honour to express its position, as follows.

The position of China expressed in the above-mentioned Note is based upon the interpretation of Article 121 of the United Nations Convention on the Law of the Sea (UNCLOS), a matter on which Japan has already expressed its position in the Note to the Commission dated 25 March 2009. The Permanent Mission of Japan should like to avail itself of this opportunity to reiterate that position.

As the Rules of Procedure of the Commission contain no article or provision governing matters pertaining to the interpretation of articles of the Convention, the Commission is not entitled to consider interpretations of the Convention by an individual State Party. Thus there is no reason for the Commission to take account of the matter of interpretation offered by China in considering Japan's submission.

If the Commission took the position of China into account and made a decision not to consider a certain portion of Japan's submission, that decision in itself could be regarded as the matter of an interpretation of the Convention, which is not within the mandate of the Commission. Japan therefore requests the Commission not to take into consideration the position of China, but rather to consider Japan's submission in accordance with its mandate as provided for in the Convention.

Regarding the reference in the Note of the People's Republic of China and its

attachments to the discussion that took place at the Nineteenth Meeting of the States Parties of UNCLOS, the Permanent Mission of Japan asks the Commission to recall that, as paragraphs 14 and 15 of the Report of the Meeting in SPLOS/203 accurately reflect, divergent views were expressed, and the decision was made to defer the consideration on the inclusion of the proposed agenda item by China to a future Meeting.

The Permanent Mission of Japan requests the Commission to restrict distribution of the present Note Verbale to the Members of the Commission.

The Permanent Mission of Japan to the United Nations avails itself of this opportunity to renew to the Commission on the Limits of the Continental Shelf the assurances of its highest consideration.

26 August 2009

