

PERMANENT MISSION OF JAPAN  
TO THE UNITED NATIONS  
NEW YORK

SC/13/293

The Permanent Mission of Japan to the United Nations presents its compliments to the Secretariat of the United Nations and, with reference to the Note Verbal CML/017/2013 dated 5 August from the Permanent Mission of the People's Republic of China to the United Nations addressed to the Secretary-General of the United Nations, has the honour to request anew, on behalf of the Government of Japan, the Commission on the Limits of the Continental Shelf (hereinafter referred to as "the Commission") not to consider the submission made by the People's Republic of China for the reasons as follows:

- Japan would like to point out that the above-mentioned Note of the People's Republic of China makes no reference to paragraph 5 (a) of the Annex I of the Rules of Procedure of the Commission which 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 made by the People's Republic of China, the distance between the opposite coasts of Japan and the People's Republic of China measures 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") and, the delimitation of the continental shelf in the area is yet to be determined ;

- It is therefore evident that there exists a maritime dispute as provided for in paragraph 5 (a) of the Annex I of the Rules of Procedure of the Commission. In accordance with that paragraph, the Commission shall not consider and qualify the submission made by the People's Republic of China without prior consent given by Japan that is a party to such a dispute ;
- Japan reiterates that, as evidently stated in the Note Verbal SC/12/372 dated 28 December 2012 from the Permanent Mission of Japan to the United Nations addressed to the Secretariat of the United Nations, it does not give such prior consent to the consideration of the submission made by the People's Republic of China by the Commission ;
- Accordingly, Japan believes that, in light of paragraph 5 (a) of the Annex I of the Rules of Procedure of the Commission and precedents of submissions previously made by other coastal States, in which the Commission decided not to consider those submissions in accordance with the above-mentioned paragraph of the Rules of Procedure of the Commission, the Commission shall not consider and qualify the submission made by the People's Republic of China.

With regard to the references to the Senkaku Islands contained in the Note Verbal CML/017/2013 of the People's Republic of China, the Permanent Mission of Japan has further the honour to reiterate that, as already stated in the above-mentioned Note Verbal SC/12/372, 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 and there exists no issue of territorial sovereignty to be resolved concerning 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.

13 August 2013

