

PERMANENT MISSION OF JAPAN
TO THE UNITED NATIONS
NEW YORK

SC/13/019

The Permanent Mission of Japan to the United Nations presents its compliments to the Secretariat of the United Nations and, with reference to the circular communications from the Division for Ocean Affairs and the Law of the Sea of 28 December 2012, CLCS.65.2012.LOS (Continental Shelf Notification), concerning the receipt of the submission made by the Republic of Korea (hereinafter referred to as "the submission") to the Commission on the Limits of the Continental Shelf (hereinafter referred to as "the Commission"), has the honour to request, on behalf of the Government of Japan, the Commission not to consider the submission for the reasons as follows:

- The distance between the opposite coasts of Japan and the Republic of Korea in the area with regard to the submission is 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"). It is, thus, indisputable that the Republic of Korea cannot unilaterally establish the outer limits of the continental shelf in this area;
- The Government of Japan has registered the above-mentioned position through the Note Verbale addressed to the Secretariat of the United Nations by the Permanent Mission of Japan to the United Nations, SC/09/248 of 23 July 2009, in response to the preliminary information submitted by the Republic of Korea;

- Paragraph 5 (a) of the Annex I of the Rules of Procedure of the Commission on the Limits of the Continental Shelf 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, the delimitation of the continental shelf is yet to be determined. The Government of Japan does not give such prior consent to the consideration of the submission by the Commission.

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.

11 January 2013

