

PERMANENT MISSION OF JAPAN
TO THE UNITED NATIONS
NEW YORK

SC/21/002

The Permanent Mission of Japan to the United Nations presents its compliments to the Secretary-General of the United Nations and, with regard to the Note Verbale No. CML63/2020, has the honour to state Japan's position as follows.

Japan, as a State Party to the United Nations Convention on the Law of the Sea (UNCLOS), rejects China's position that the "drawing of territorial sea baselines by China on relevant islands and reefs in the South China Sea conforms to UNCLOS and general international law". UNCLOS sets forth the conditions for the application of baselines in a specific and exhaustive manner, whereas China has failed to invoke the relevant provisions of UNCLOS in asserting the lawfulness of the baselines in question. There is no room for a State Party to justify the application of baselines that do not satisfy the conditions stipulated under UNCLOS.

China mentioned the freedom of navigation and overflight in the South China Sea in the Note Verbale No. CML63/2020. The freedom of navigation and overflight must be guaranteed in sea and airspace surrounding and above maritime features found to be low-tide elevations that do not have territorial sea and territorial airspace of their own, as stated in the award of the South China Sea Arbitration dated 12 July 2016, which is final and binding on the parties to the dispute. However, China has not accepted this award, and has asserted that it has "sovereignty" in sea and airspace surrounding and above those maritime features found to be low-tide elevations. As a matter of fact, China protested the overflight of Japanese aircraft in the airspace surrounding Mischief Reef and attempted to restrict the freedom of overflight in the South China Sea.

The Permanent Mission of Japan to the United Nations has the honour to request that this Note Verbale be circulated by the Secretary-General of the United Nations to all States Parties to UNCLOS 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 Secretary-General of the United Nations the assurances of its highest consideration.

19 January 2021

H.E. Mr. António Guterres
Secretary-General
United Nations
New York

