

PERMANENT MISSION OF JAPAN  
TO THE UNITED NATIONS  
NEW YORK

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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 is in accordance with the principles of general international law". UNCLOS sets forth the conditions for the application of baselines in a specific and exhaustive manner, whereas China has failed to do so. There is no room for a State Party to justify non-compliance with the conditions stipulated in UNCLOS.

China mentioned the freedom of navigation 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 whose tide elevations 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. China 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 practices the overflight of Japanese aircraft in the airspace surrounding them for the purpose of attempting 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.

The Permanent Mission of Japan to the United Nations avails itself of this opportunity to reaffirm to the Secretary-General of the United Nations the assurances of its highest consideration.

19 January

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

