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Note Verbale

The Permanent Mission of the Republic of Vanuatu to the United Nations presents its

compliments to the Chairman of the Commission on the Limits of the Continental Shelf (the "Commission") and draws his attention to the

presented by the Republic of the Fiji Islands to the Commission on the Limits of the Continental Shelf (the "Commission") on 20 April 2009.

Based on its initial review of the Executive Summary of Fiji's partial submission, the Commission should examine with particular care the grounds on both substantive

and procedural grounds with UNCLOS and with the Rules of Procedure of the Commission (the "Rules") in particular, the partial submission asserts Fiji

has also asserted claims. Entitlement to the area is thus subject to a dispute between Fiji and Vanuatu.

As a result of Fiji's submission, Fiji asserts Fiji's claims to an area that Fiji calls the "South East Region of the North Fiji Basin, Lau-Colville, Tonga-Kermadec Complex." Vanuatu

has also asserted claims to the areas around the main islands, the eastern and southern

which overlap substantially with the areas claimed in Fiji's partial submission. There is no

delimitation agreement between Fiji and Vanuatu. The area that is the subject of Fiji's partial submission is in dispute between the two States.

In accordance with UNCLOS, including Article 76 and Annex II thereto, and the Rules of Procedure of the Commission, and in particular Annex I thereto, the actions of the Commission

or opposite costs. Yet, as indicated, Fiji's submission invites the Commission to do just that. In fact, the areas claimed by Fiji in its partial submission to the Commission as natural prolongation of its continental shelf are the natural prolongation of Vanuatu and hence Fiji's claim is disputed by Vanuatu.

The Government of Vanuatu notes that Matthew (Leka) and Hunter (Umaenupne) Islands are also claimed by the French Republic. In its submission to the Commission dated 22 May 2007, the French Republic initially claimed a continental shelf extending from Matthew (Leka) and Hunter (Umaenupne) Islands. By its note to the Commission dated 11 July 2007, Vanuatu protested France's claims in this regard, on the ground that Matthew and Hunter Islands are part of Vanuatu, and hence France's claim to them, and to any continental shelf attributable to them, is disputed. In response, France notified the Commission on 19 July 2007 that it should refrain from consideration of France's claims to the area that is also claimed by Vanuatu.

Recalling paragraph 5(a) of Annex I of the Rules, the Government of Vanuatu observes that, given the presence of a dispute between Vanuatu and Fiji concerning parts of the route of the continental shelf claimed by Fiji in its partial submission, the Commission may not consider and qualify any partial submission made by Fiji without the prior consent given by all States that are parties to such a dispute."

In these circumstances, and in accordance with Article 76 and Annex I to the Commission's Rules of Procedure, Vanuatu will not

5(a) of Annex I to the Rules of Procedure, to consider both the partial submission of Fiji as well

as the partial submission tendered by Vanuatu.

The Government of Vanuatu notes that in Part A of its partial submission to the

Commission, Fiji makes a reference to a provision in its constitution which is a condition

with Vanuatu to the Commission on 20 April 2000 regarding the continental shelf in the North

Fiji Basin Region, as depicted in Figure 1 of the partial submission. Vanuatu and Fiji are in

agreement as regards the continental shelf in the North Fiji Basin Region, as set forth in the

agreement in force in that agreement in the preliminary arrangements for the continental shelf in

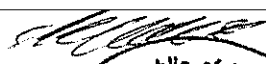
the North Fiji Basin Region.

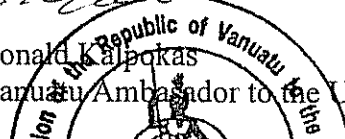
The Government of Vanuatu reserves its right to submit further comments in relation to


the partial submission of Fiji as and when a more qualified assessment can be conducted

including an assessment of relevant scientific data.

The Government of Vanuatu requests the Secretary-General of the United Nations to renew to the Secretary-General of the United Nations assurances of its highest consideration


Donald Kalpokas
Vanuatu Ambassador to the United Nations




New York

