



No. NYV/2005/690

The Permanent Mission of the Netherlands to the United Nations presents its compliments to the United Nations Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, and has the honor to refer to the Submission to the Commission on the Limits of the Continental Shelf on the Outer Limits of Australia's Continental Shelf Extending Beyond 200 Nautical Miles from the Territorial Sea Baseline and the accompanying note of the Permanent Mission of Australia to the Secretary-General of the United Nations, dated 15 November 2004.

Taking note that the submission of Australia includes information relating to continental shelf adjacent to Antarctica, the Netherlands wishes to reiterate its long-standing position that the Netherlands does not recognize any claim to territories in Antarctica and does not recognize that a claim to territorial sovereignty in Antarctica is capable of creating any sort of rights over continental shelf adjacent to Antarctica. It is well-established that the principle of sovereign rights over continental shelf adjacent to the coast, for the purposes of exploring and exploiting the natural resources of the shelf, derives from sovereignty of the coastal State over adjacent land territory. Accordingly, the Netherlands does not consider that the continental shelf adjacent to Antarctica is subject to the sovereign rights of any State.

The Netherlands notes that there is an unresolved land dispute in relation to Australia's claim to territory in Antarctica. It understands the reference to Article IV of the 1959 Antarctic Treaty in Australia's note to be information to the Commission on the Limits of the Continental Shelf of said dispute in accordance with paragraph 2 of Annex I of the Rules of Procedure of the Commission on the Limits of the Continental Shelf. Therefore, the Netherlands requests the Commission to act pursuant to paragraph 5(a) of Annex I of the Rules of Procedure of the Commission on the Limits of the Continental Shelf insofar the submission of Australia includes information relating to continental shelf adjacent to Antarctica. In this respect, the Netherlands acknowledges with appreciation Australia's request to the Commission on the Limits of the Continental Shelf that it not take any action on that portion of its submission relating to continental shelf adjacent to Antarctica.

The Netherlands requests that this *note verbale* be circulated to the members of the Commission on the Limits of the Continental Shelf and Member States of the United Nations, and be posted on the web site of the United Nations Division for Ocean Affairs and the Law of the Sea.

The Permanent Mission of the Netherlands to the United Nations avails itself of this opportunity to renew to the Division for Ocean Affairs and the Law of the Sea the assurances of its highest considerations.

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