

Attachment

**Note from the Permanent Mission of Australia to the Secretary-General of the
United Nations accompanying the lodgement of Australia's submission**



Note No. 89/2004

The Permanent Mission of Australia to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour 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** (the Submission) lodged pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea (UNCLOS) under cover of Note No 88/2004 of the same date as this Note.

Australia recalls the principles and objectives shared by the Antarctic Treaty and UNCLOS, and the importance of the Antarctic system and UNCLOS working in harmony and thereby ensuring the continuing peaceful cooperation, security and stability in the Antarctic area.

Australia notes also the relevant provisions of UNCLOS, including its article 77, which provides *inter alia* that the rights of the coastal State over the continental shelf do not depend on any express proclamation, and recalls the decisions of Meetings of the States Parties to UNCLOS and the rules of the Commission on the Limits of the Continental Shelf (the Commission).

Australia has regard to the circumstances of the area south of 60 degrees South latitude and the special legal and political status of Antarctica under the provisions of the Antarctic Treaty, including its article IV, and notes that appurtenant to Antarctica there exist areas of continental shelf the extent of which has yet to be defined. It is open to the States concerned to submit information to the Commission which would not be examined by it for the time being, or to make a partial submission not including such areas of continental shelf, for which a submission may be made later, notwithstanding the provisions regarding the ten-year period established by article 4 of Annex II to UNCLOS and the subsequent decision on its application taken by the Eleventh Meeting of States Parties to UNCLOS.

Consistent with the first option, Australia requests the Commission in accordance with its rules not to take any action for the time being with regard to the information in this Submission that relates to continental shelf appurtenant to Antarctica.

The Permanent Mission of Australia to the United Nations requests that this Note be placed on the website of the Division for Ocean Affairs and the Law of the Sea along with the remainder of the executive summary of the Submission in fulfilment of the requirements of the Commission's Rules of Procedure.

The Permanent Mission of Australia 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.



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