



17 June 2013

Dear Sir,

With reference to the case concerning Whaling in the Antarctic (Australia v. Japan: New Zealand intervening), I have the honour to acknowledge receipt of your letter No. 142096 dated 13 June 2013, under cover of which you transmitted a copy of the letter from the Agent of Australia communicating his Government's observations in connection with my letter dated 10 June 2013.

Further to the said letter of Australia, there is manifestly a misunderstanding about our intention in submitting the notes provided by Professor Zeh. Japan understood from the letter of the Court dated 23 April 2013 that the Parties were invited to submit their views in response to the statement(s) of the other Party's expert(s). My Government submitted the notes of Professor Zeh indicating the broad direction of the views of Japan, provided to us as one of the scientific advisors. In light of the opportunity specially given by the Court to express views, Japan sees no reason why these cannot enter the dossier of the proceedings.

Japan has never had any intention of calling Professor Zeh as an expert witness and therefore there is no breach of procedural requirements set by the Court in presenting expert witness. Given the highly technical and scientific nature of the arguments involved in the current dispute, Japan has been in consultation with scientific advisors, and Professor Zeh is one such advisor.

Accept, Sir, the assurances of highest consideration.

鶴岡公二

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