



In The Dispute Concerning
Southern Bluefin Tuna

Australia and New Zealand

v.

Japan

Final Submission

The Government of Japan

Set forth below is the Final Submission of the Government of Japan.

First, the request of Australia and New Zealand for the prescription of provisional measures should be denied.

Second, despite all the submissions made by Japan, in the event that the Tribunal were to determine that this matter is properly before it and an Annex VII tribunal would have prima facie jurisdiction and that the Tribunal were to determine that it could and should prescribe provisional measures, then, pursuant to ITLOS Rules Article 89(5), the International Tribunal should grant provisional measures in the form of prescribing that Australia and New Zealand urgently and in good faith recommence negotiations with Japan for a period of six months to reach a consensus on the outstanding issues between them, including a protocol for a continued EFP and the determination of a TAC and national allocations for the year 2000. The Tribunal should prescribe that any remaining disagreements would be, consistent with the Parties' December 1998 agreement and subsequent Terms of Reference to the EFP Working Group, referred to the panel of independent scientists for

their resolution, should the parties not reach a consensus within six months following the resumption of these negotiations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kazuhiko Togo', written over a horizontal line. The signature is stylized and cursive.

Kazuhiko Togo
Agent for the Government of Japan
Director-General of the Treaties Bureau
Ministry of Foreign Affairs