

Comments from Japan on the modality of the revision of S-23

1. General Comments

- In the wake of the discussion at the Singapore meeting of the S-23 Working Group (WG) early July, proposals were made by Australia, France*, Japan and the Republic of Korea (ROK) on the modality to accommodate the different views on the names/limits of sea areas of concern, including that between Japan and the Korean Peninsula. Japan welcomes such active discussions at the WG in an attempt to realize the early revision of the S-23 and is ready to participate in the discussions from various angles. (N.B. The French proposal was withdrawn on 27 July 2010.)

- In considering the appropriateness of individual proposals, it is important and necessary to study whether those proposals are consistent with the objectives and the nature of the publication “S-23”.

- As is clearly stipulated in Article 2 of the Convention on the International Hydrographic Organization (hereinafter referred to as the “Convention”), one of the objects of the IHO is to bring about the greatest possible uniformity in nautical charts and documents. S-23 is the publication which aims to achieve that object and is expected to function as the guideline for such uniformity of nautical charts. The preface to the third edition of S-23 confirms the above by stating that “(S-23...had been drawn up) solely for the convenience of National Hydrographic Offices when compiling their Sailing Directions, Notices to Mariners.”

- There, in fact, exist some cases where countries concerned use different names or limits over the same sea area. It is, however, necessary to identify the names or limits which are in “common or predominant” use internationally, and to indicate those names or limits in the S-23 so as to enable S-23 to function as the guideline for the uniformity of the nautical charts. This is a very important principle to be respected when it comes to the revision of the S-23.

- It goes against the object of the IHO to adopt names or limits that are in “limited” use without applying the said principle. It would cause confusion among users such as international/regional organizations and academia, let alone national hydrographic authorities. This principle, in fact, was respected faithfully when the WG studied and decided not to adopt the proposals from Oman and Morocco and some of those from China at the Singapore meeting.

2. Specific Comments

(1) Japan’s Proposal

- Japan’s proposal provides possible procedures for the revision of S-23 on the basis of the principle mentioned above. According to the proposed procedure, the criteria for changing the names or limits of a certain sea area in S-23 is whether the countries concerned share a common stance over the proposed change. If there is an agreement among the concerned countries, the proposed change will be reflected in the S-23. If an agreement is yet to be reached, the most recently agreed names or limits will provisionally remain as they are, pending such an agreement.

(Please note that, as is indicated in paragraph 1 of the Japan’s proposal, “the most recently agreed names or limits” could include those names and limits indicated in the draft of year 2002.)

- The revised S-23, according to Japan’s proposal, would be able to show the names and limits of all oceans and seas in the world, although some of them might be provisional. This modality of revision would ensure that the S-23 function effectively as a guideline for the users such as national hydrographic offices, meeting the IHO’s object of bringing about the uniformity of the nautical charts.

(2) ROK’s proposal

- In its general comments, the ROK asserts that the S-23 should serve as an

international reference to provide relevant and up-to-date information on the names and/or limits of oceans and seas. Japan, however, wishes to point out that S-23 has no such mission and the provision of such information does not fall within the scope of the object of the IHO provided for in Article 2 of the Convention.

- The ROK also proposes that the following two items be shown together on the same page as the one that shows the name or limits of a certain sea area which are in common/predominant use internationally: (i) the fact that there is a reservation on the names and/or limits of same oceans and seas by certain member states; and (ii) other legitimate names and/or limits in use.

- This proposal, however, is problematic for the following reasons and Japan therefore cannot accept it:
 - A) Even if there is(are) state(s) which make(s) reservations vis-a-vis the names or limits in common/predominant use, there is no need to show the name(s) of those state(s) and the name(s) or limits those state(s) use domestically on the same page. To put those on the same page as the one that shows those in common/predominant use would cause great confusion and would diminish the effective functioning of S-23 as a guideline for the uniformity of nautical charts.

 - B) To show such names or limits in S-23, merely on the ground that those are legitimate in relation to domestic legislations, etc. of certain states, is not consistent with the object of S-23. As long as S-23 is the international guideline for the uniformity of nautical charts and documents, the names and limits shown in S-23 should be limited to those in common/predominant use internationally.

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