



HYDROGRAPHIC and OCEANOGRAPHIC DEPARTMENT
JAPAN COAST GUARD

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H.O.D 02/12
26 January, 2012

Vice Admiral Alexandros MARATOS
Chair of the Working Group on the Revision of S-23 (Limits of Oceans and Seas)
President
International Hydrographic Bureau
4, quai Antoine 1^{er}, B.P. 445
MC 98011 MONACO CEDEX, Principaute the Monaco

Reference: S-23 WG Letter No. 01/2012 dated 19th January, 2012

Dear Vice Admiral Maratos,

The GOJ highly values your chairmanship in the Working Group and appreciates your draft of the "Report of S-23 Working Group to Member States".

Below are the GOJ's comments:

1 The Japanese Position Regarding the "Way Forward"

In section 3.5 as well as section 4.2, please refer to the Japanese position as follows, in line with my previous letters including the one of January 24th 2011. As you can see, the Japanese position has two tiers, while the first sentence of the paragraph below is of central importance.

"The basic position of Japan remains that the name Japan Sea should be maintained unchanged. However, if a consensus can be formed around it,

Japan, as a responsible member of the WG, can go along with the “Way Forward” in a spirit of compromise.”

2 The Conclusion of the Working Group

Section 5.2 should be rewritten as follows:

“Member States should note that given that no consensus was formed on the proposal by the ROK to replace the denomination for the Sea Area No 52 of the current edition of the S-23 to solely use the name Japan Sea, with a concurrent use of both Japan Sea and “East Sea”, the existing denomination should be maintained in the revised S-23”.

In a technical document as the S-23, it is only natural and practical to retain the existing name, if there is no consensus on a proposal to rewrite that name. There is also no reason why the ROK’s proposal be given a special treatment not accorded to the Chinese proposals to change existing names, which were not accepted on the ground that there was no consensus on them, as indicated in the table B of Annex B of the draft conclusion. Impartiality is required of any international body. The difference between the ROK’s proposal and the Chinese proposal, as explained in Section 6 of the ROK’s letter of January 10th, 2012, should actually give the WG more reason to retain the current denomination, given that the ROK’s preference of “concurrent use” indicates more acceptance of the existing name than the Chinese proposal which purports to replace the existing name completely.

It should also be noted that the ROK’s claim, as indicated in Section 6 of its letter of January 10th, 2012, boils down to its claim that the collective and established decision in the IHC in 1929 to publish the 1st edition of the S-23 was flawed. The ROK has not documented its claim, while the burden of proof is again clearly on the ROK’s side. The ROK’s proposal thus could be turned down on multiple technical as well as procedural grounds.

3 Japanese letter of January 13th, 2012

In section 4.6, please refer to my letter of January 13th, 2012, which was received by the chair before your letter of January 19th.

I hope that these comments are acceptable to members of the WG. I would be grateful for your kind consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hideo Nishida', written in a cursive style.

Hideo Nishida

Japan Representative to the S-23 WG

Cc: Ing.egn chef Michel Huet, Secretariat of S-23 WG