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Comments by the Republic of Korea on the Proposals contained in S-23 Letter No.02/2011

With reference to S-23 WG Letter No.02/2011 (“Responses of Members of the S-23 WG to a Proposed Way Forward - Addressing the Issue to Member States”) dated 21 March 2011, the Republic of Korea would like to make the following comments:

1. On the proposed way of report to the Member States

- Any decision of the WG should generally be made by consensus. This is the principle stipulated in the Terms of Reference (TOR) of the S-23 WG. When there is no consensus among the members, the report which the S-23 WG is mandated to submit should simply be a fact-based, accurate record of its discussions since its establishment in 2009, stating that consensus has not been reached in the WG. The same principle should be applied in the WG’s work in producing a draft 4th edition of IHO Publication S-23.
- Decisions on the proposals offered and discussed in the S-23 WG should be made by the WG members themselves. It is not appropriate to seek positions from the entire membership of the IHO on matters on which the WG could not establish its consensus. There is therefore a need for further discussion in the WG with a view to finding a common position within the group.

2. On summing up of the responses received

- As rightly stated in the S-23 WG Letter No.02/2011, the essence of the state of affairs is that, “there is no consensus on the proposed way forward”.¹ Therefore, the proposed ‘way forward’ should be considered as rejected. And, in the same context, it should be treated as such in the forthcoming WG Report as well as in any draft 4th

¹ 1st bullet point of the paragraph 3.1 of the reference

edition of IHO Publication S-23.

- In the absence of consensus, the WG should continue its discussion. Indeed, there is a clear demand for further discussions on this pressing issue. Australia pointed out the need to give “further consideration” to other options when there is no consensus. The Sultanate of Oman also addressed the WG’s need to come up with a methodology on naming areas and limits of the sea in question. When there are members ready and willing to take part in substantial discussions, it is unwise to claim that the work of the WG is complete.
- In finding a solution to this pressing issue through consensus, the importance of accommodating the view points of the countries directly concerned cannot be overemphasized. Argentina indicated that “any proposal to be pushed forward should be supported by all relevant parties”. South Africa pointed out that “the ‘buy-in’ from the two main role players may be lacking”. Turkey also stated that “it will not support and/or make any comments on any proposal(s) on this issue unless the relevant parties have agreed”. When it comes to the positions of the countries directly concerned, the Republic of Korea has clearly expressed its opposition to the proposal. Against this backdrop, it is wrong to rush towards a particular solution at this point.

3. The ROK’s position on naming the sea area between the Korean Peninsula and the Japanese Archipelago

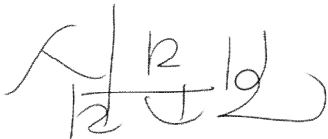
- For the sea area between the Korean Peninsula and the Japanese Archipelago, the Republic of Korea takes the firm position that, “East Sea,” the other legitimate name, which is used both domestically and internationally, should be used concurrently with “Japan Sea”.
 - **It is in accordance with the relevant Resolutions** : During deliberations in the S-23 WG so far a number of member states have emphasized the importance of the technical nature of S-23.² The IHO Technical Resolution A4.2.6 adopted in 1974 provides that if two or more countries share a given geographical feature for which they cannot agree on a common name, each of the names should be used to refer to that geographical feature.³ This general rule of international cartography is also confirmed by the United Nations Conference on the Standardization of Geographical Names in its resolution III/20 adopted in 1977.
 - **It has precedents in the 2002 draft editions of the S-23** : In line with the IHO Technical Resolution A4.2.6, the final draft of the 4th edition of the S-23 published in 2002 contains cases of different names being used concurrently: “English Channel (La Manche),” “Dover Strait (Pas de Calais),” and “Bay of Biscay (Golfe de Gascogne).” For the sake of consistency, the same rule should be applied in naming the sea area between the Korean Peninsula and the Japanese

² Response by Morocco to S-23 WG Letter 06/2010; Paragraph 2 of the Response by UK to S-23 WG Letter 06/2010; Response by Nigeria to S-23 WG Letter 06/2010

³ Page 26, 2nd edition of Resolutions of the International Hydrographic Organization Publication M-3 (November 2010)

Archipelago.

- **It effectively fulfills the function of the S-23** : Concurrent use of both names, “East Sea” and “Japan Sea” is far more readily comprehensible than separating them and showing one, for example, in an Annex. It serves to enhance navigational safety in the sea area where the name “East Sea” is currently used both domestically and internationally. In fact over 300,000 ships that sail the sea area each year use the name “East Sea”.
 - **It is the most simple and reasonable solution** : The Republic of Korea is not asserting that only “East Sea” should be employed while excluding “Japan Sea”. We are simply making the reasonable request that “East Sea”, the name which has been in use for the past 2,000 years and is currently being used by 75 million people living on the Korean Peninsula, be used together with “Japan Sea”.
- The Republic of Korea has been taking a flexible and open-minded approach with respect to the matter of naming the sea area between the Korean Peninsula and the Japanese Archipelago. We have agreed to the various proposals made by the IHO, such as the unpublished final draft of the S-23 in 2002, the publication of two volumes of the S-23, and the trilateral meeting between the IHB Directing Committee, Japan and the Republic of Korea. In the same spirit of cooperation and flexibility, the Republic of Korea is open to the idea of holding additional face-to-face WG meetings and/or further consultations among directly related parties.



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