

## **Comments by Oman on Proposals**

*(by e-mail of 1 Oct 2010)*

### **Point 11.3 Naming of sea area between the Korean Peninsula and the Japanese Archipelago.**

Please note that my comments on the proposals are of a general nature and not aiming the issue of the subheading above but issues in general. This is exactly, as I understand from the 3 proposals from Australia, Japan and the Republic of Korea.

#### **Australian proposal and Republic of Korea Proposal**

I suggest not to include the wording "when consensus cannot be reached" in cases where consensus is reached but some states have reservation which should be reflected in an annex. In my opinion, states, in particular, coastal states bordering a maritime area in question have the right to express its/their reservation regardless consensus was or was not reached. Please read the rewording in (2a) below.

In cases, where consensus cannot be reached, the 2 names/limits as suggested by Australia should be written on 2 different pages, and commented by the Republic of Korea that they should be written on the same page. In my opinion, in terms of names (subject to approval procedures), they are easy to use in the same page as this method has been used whereas the limits (subject to approval procedures) will cause some confusion.

Please find below a suggested text based on the Australian proposal, the Republic of Korean comments on the Australian proposal and the comments above;

#### **That the following text be added to the front cover of Draft Edition 4 of S-23:**

1. "The publication S-23 is considered an international reference document that shows the generally agreed names and limits of the sea and ocean areas in common use. Where there are significant national reservations and another name is in use then the alternate name and/or limits are also shown."
2. The alternative positions are to be included in S-23 by the following methods:
  - a. Regardless of the consensus result , the fact that there is a reservation on the name or limits of a sea or ocean area by (an) other member State(s) be included in an Annex referring to the sea or ocean area, and details of the reservation, such as a alternative name/limits be clearly detailed in the Annex.
  - b. When consensus cannot be reached on the name or limits of a sea or ocean area then the fact that there is a reservation by (an) other member State(s) be included on the first page referring to the sea or ocean area and a second page for the same sea or ocean area be inserted in S-23 immediately following the first. The second page will show the alternative name(s) or limits of the sea or ocean area where consensus was not reached.

Or as suggested by ROK

- b. When consensus cannot be reached on the name or limits of a sea or ocean area then the fact that there is a reservation by (an) other member State(s), legitimate names and/or limits in use be shown together on the same page:

#### **Japan Proposal**

The proposal is supported which will hopefully be able to reflect any developments that may arise concerning names or limits of certain oceans and seas in a timely manner as stated by Japan. However, in paragraph number 5, I suggest to delete the word (approval) whenever it appears. This is because there are maritime areas

which only belong to one state such as bays. For this instance the coastal state has full sovereignty in the area and has the right to change the name without other states approval.

Thani