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**Sujet:** Reference paper bilateral meeting  
**Date :** Wed, 30 Nov 2011 14:36:24 +0900  
**De :** H.O.D., Japan Coast Guard <ico@jodc.go.jp>  
**Pour :** <amaratos@ihb.mc>  
**Copie à :** 'Michel Huet' <mhuet@ihb.mc>

Dear VADM Alexandros Maratos

I attach the reference paper of the bilateral meeting as attached.

Kind Regards

Hideo Nishida  
Japan representative of S-23 WG



Reference-Paper  
(For WG members only)

The Meeting between Japan and the ROK with a view to facilitating the IHO's work to revise the S-23 (November 4<sup>th</sup>, 2011, @ Ministry of Foreign affairs, Tokyo, Japan)

(Note: The Japanese side proposed to the ROK delegation at the end of the meeting to work on an agreed summary of the meeting to be shared by the WG Chair to WG members, and later presented a draft summary to the ROK side via our embassy in Seoul. The ROK side however refused to discuss the draft agreed summary, and insisted that Japan and the ROK should separately work on a summary and send them to the chair respectively.)

1. Summary of discussion

- At the director-level meeting held on November 4<sup>th</sup>, the GOJ side continued its efforts to stress to the ROK that the discussion on S-23 should focus on how the IHO could successfully pursue its mission, especially regarding the uniformity in nautical charts to ensure safer and easier navigation, and not on any country's nationalism. The GOJ side reminded the ROK side of the necessity for the IHO nautical publications to maintain internationally established names for vast seas and oceans, including the Sea of Japan, where international navigation has taken place for centuries.
- On this basis, the GOJ urged the ROK to retract its demand which was first made in 1992 to replace the long-established name Sea of Japan with "East Sea", or to treat the two names "equally", in light of its apparent acquiescence of the name Sea of Japan since it gained independence in 1945 and joined the IHO in 1957. The GOJ side also pointed out that no resolutions in the UN or the IHO could possibly be interpreted to treat "equally" internationally established names with names without any history of being recognized internationally. Such an interpretation could create a precedent of endless claims of "concurrent use" of names for important waterways, causing disruption to international navigation.
- The ROK side, however, has maintained its demand for the name "East Sea" to be used in the S-23, alongside the name Sea of Japan concurrently. The ROK side stated that names of seas should not be fixed but should be constantly reviewed

and modified as necessary in response to new claims. The ROK side has continued to repeat the arguments described in its official pamphlets and other public relations materials and has given no additional grounds for its claims. The GOJ side urged the ROK side to consider positively the WG Chair's proposal, "the Way Forward", as the only possible realistic alternative to maintaining the sole use of the name Sea of Japan in the third edition of S-23. The ROK side, however, did not agree to compromise at this stage, and also refused to give further consideration to the Chair's proposal.

- The GOJ side also noted that for the ROK government to engage in or support activities to pressure governments as well as private sector map-publishing and companies around the world to change the internationally recognized use of the name Sea of Japan and to print the name "East Sea" only adds to the confusion regarding names of waterways to the detriment of international navigation. The GOJ side noted that this should not be tolerated as a responsible conduct from an IHO member.
- The GOJ side tried to discourage the ROK's move to publicize the meeting, which would inevitably lead to further politicization of this issue. The ROK side initially insisted that the meeting be publicly announced. Then, the day before the meeting, Korean media began reporting that a bilateral meeting will be held soon to discuss the use of the name Sea of Japan in the S-23 in the run-up to the next IHC, quoting anonymous ROK government sources. The GOJ side also learned during the meeting that the ROK foreign ministry had already informed members of the Diet about the meeting, without the GOJ side's knowledge. The GOJ side continuously stressed the need to keep the meeting confidential in order to avoid unnecessarily provoking nationalistic domestic reactions. While the ROK side eventually dropped its demand for the public announcement, it insisted that it will officially confirm the date and the venue of the meeting in response to queries from the media. The GOJ side reminded the ROK side that it is not uncommon not to confirm that a specific meeting took place especially in cases of bilateral consultations on politically sensitive issues, but to no avail.
- While no additional bilateral talk between Japan and the ROK is scheduled nor anticipated in the foreseeable future, the GOJ side intends to continue to closely cooperate with the S-23 WG Chair and other members to persuade the ROK to

consider positively the Chair's proposal, and to drop its demand regarding the S-23, while refraining from further politicizing this issue by framing it as a matter of nationalism.

## 2. Main Issues

### (1) The ROK's acceptance of the name Sea of Japan

- The ROK side stated that it could not voice objection to the international use of the name Sea of Japan before it joined the United Nations in 1991, and asserted that the use of the Korean name "Tong-Hae (East Sea)" in the Korean text of the 1965 bilateral fisheries agreement between Japan and the ROK, should be treated as an official objection by the ROK to the international use of the name Sea of Japan.

- The ROK side did not provide a response to the GOJ's comments that the choice of name in the Korean text of the bilateral Fisheries Agreement is irrelevant, given that the use of national names, rather than internationally recognized names, in bilateral agreements is a common practice around the world. What is more relevant is the undisputed fact that in 1969, the ROK ratified the 1966 International Convention on Load Lines, a multilateral treaty with more than 140 parties, which uses the name Sea of Japan. The GOJ side also reminded the ROK side that the latter remained silent in the IHO since it became its member in 1957 until the IHC in 1997, including in 1986 when the original draft of the revised S-23 using the name Sea of Japan was presented to all member states, including the ROK.

(Note: In this relation, it should also be noted that the ROK did not file any objection during the IHC in May 1992, which is after it joined the United Nations, and immediately before the UNCSTGN in 1992 when it suddenly mentioned its objection to the name Sea of Japan for the first time. It should also be noted that the ROK government's official nautical chart, the 102A, uses the name Sea of Japan in its 1993 version.)

### (2) The history of the international use of the name Sea of Japan

- The ROK side stated that the use of the name Sea of Japan became dominant in the 20<sup>th</sup> century, after the first edition of the S-23 was published.
- The ROK side did not respond to the GOJ's comments that the GOJ's surveys, which are much more thorough and exhaustive than the ones conducted by the

ROK, clearly documented that the name came in wider and dominant use from the 18<sup>th</sup> to 19<sup>th</sup> century. The GOJ side stated that even a relatively recent report of the ROK government's own survey, published in 2007, concludes that "there was a rapid increase in the use of the name Sea of Japan from the 19<sup>th</sup> century (1830 onward)." The GOJ side reminded the ROK side that the use of the name Sea of Japan in the first edition of the S-23 was merely a reflection of international trends, not the result of the expansion of Japanese colonialism as the ROK side insists.

(3) Proliferation of "concurrent" use of names

- The ROK side said that the name Sea of Japan and "East Sea" should be treated "equally", and used concurrently in the S-23. The GOJ side pointed out that the two names are of totally different stature and nature: the name Sea of Japan has long been the internationally recognized name, used in international documents including all previous versions of S-23, while the name "East Sea" is a name used only locally. The GOJ side also pointed out that, considering all the flaws of the ROK claims on this issue, to treat the two names "equally" by using them concurrently would actually be totally inappropriate and biased, and could not possibly be the intention of the UNCSTGN and IHO resolutions.
- The ROK side stated that names of geographical features should not be fixed and should be open to claims by bordering countries, especially when those countries were not consulted when the existing names were established.
- In response, the GOJ side stated that it would be anomalous to argue that names of geographical features such as seas and oceans "should not be fixed", given the IHO's mission to ensure safe and easier international navigation by advancing the uniformity of nautical charts. The GOJ side also stated that the IHO and UNCSTGN resolutions could not possibly be interpreted as sanctioning claims that could lead to proliferation of "concurrent use" of names, since it could potentially hurt the safety of navigation around the world, especially when those claims are as groundless as the ones maintained by the ROK.

(End)