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Comments by the Republic of Korea

Dear Vice Admiral Alexandros MARATOS,

The Republic of Korea wishes to offer the following comments in response to Japan's letter submitted to the IHB on 13 January 2012.

1. On the status of the sea area between the Korean Peninsula and the Japanese Archipelago and the application of relevant resolutions

The sea area between the Korean Peninsula and the Japanese Archipelago falls within the definition of a “semi-enclosed sea” as set out in Article 122 of the UN Convention on the Law of the Sea (UNCLOS). The sea area successfully fulfills all the criteria for a semi-enclosed sea in that,

- It is a sea “surrounded by two or more States”: The sea area lies between the Republic of Korea, the DPRK and Japan and extends north towards Russia.
- It is a sea “connected to another sea or the ocean by a narrow outlet”: The sea area is connected to the Sea of Okhotsk in the North by the Tatar Strait, and connected to East China Sea in the South by the Korea Strait.

- It is a sea “consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States”: The sea area consists entirely of the territorial seas and EEZ claimed by all four coastal states.

The sea area between the Korean Peninsula and the Japanese Archipelago shared by the Republic of Korea, the DPRK, Japan and Russia is a perfect case in which to apply the IHO Technical Resolution A4.2.6 and the UNCSGN Res.III/20. The sea area, as a semi-enclosed sea, is a shared geographical feature like a bay, strait, channel or archipelago illustrated as examples in the IHO TR A4.2.6.

The UNCSGN Res.III/20 further states that, “a policy of accepting only one or some of such names while excluding the rest would be inconsistent in principle as well as inexpedient in practice.” Continuing the use of only “Japan Sea” would result in such an outcome that the Resolution warns against. The UNCSGN Res.III/20 also does not state that the resolution should be applied to only “limited and exceptional cases” as Japan claims. The only exception it specifies is “technical reasons” which is irrelevant in the case of the sea area between the Korean Peninsula and the Japanese Archipelago.

2. On the legitimacy of restoring the name “East Sea”

The name “East Sea” has been in use for more than 2,000 years and is still used by 75 million people on the Korean Peninsula. Around 400,000 ships sailing through the sea area annually use the name “East Sea” alone or together with “Japan Sea.” Moreover, many governments, internationally respected cartographers and the media are currently using both “East Sea” and “Japan Sea” for the sea area between the Korean Peninsula and the Japanese Archipelago. These facts all serve to demonstrate that “Japan Sea” is *not* the only international name for the sea area in question.

The first edition of the S-23 published in 1929 adopted the name “Japan Sea” based solely on Japan’s claims in the absence of views of other countries directly concerned such as Korea. Korea, deprived of its right of

representation in international organizations under Japanese colonial rule, had been unjustly denied its right to submit the other legitimate name for the sea area, “East Sea.”

3. On the “Way Forward”

The “Way Forward” has been thoroughly discussed and examined in the S-23 WG over the course of six months. The WG members were asked three times to provide their comments on the same proposal and each time it was clear that the “Way Forward”, having repeatedly failed to obtain consensus within the WG, cannot be the answer to the problem at hand. There is no point in giving further consideration to the “Way Forward” in the context of the IHC. Instead of dwelling on a failed proposal, a fresh approach must be taken if we are to move forward on this issue.

4. Other Matters

- **The Korean nautical charts 102A (1993)**

The nautical chart provided by Japan along with its letter shows both “East Sea (“동해, Tonghae” on the left hand corner)” and “Japan Sea (“일본해” on the right hand corner)” for the sea area between the Korean Peninsula and the Japanese Archipelago. This is an example of the concurrent use of both names.

- **“The NGII report : History of the Korean Map in the World History at a glance (2007)”**

(* Note: The report was completed on 17 September 2007 not on 20 November 2007. The excerpt provided by Japan is not actually from the report itself, but from the short summary of the report contained in the press release dated 20 November 2007.)

It is absurd to assume that a single passage taken from a summary of an academic report represents the official position of the Republic of Korea. The report was written for purely academic purposes by a group of academic personnel, and as stated clearly in its preface, *“the report does not represent the official position of the NGII, but is a compilation of*

individual findings of scholars who have participated in this research,” the report has nothing to do with the official position of the ROK Government.

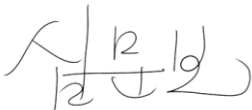
- **The ROK Government’s efforts to restore the name “East Sea”**

The Republic of Korea has been raising the issue of the naming of the sea area between the Korean Peninsula and the Japanese Archipelago in the international arena for decades. We brought this issue to the attention of the UN Member states for the first time at the Sixth UNCISG in 1992. Even prior to that, there was a persistent dispute regarding the naming of the sea area in question. For example, during the process of negotiations on the Fisheries Agreement between the Republic of Korea and Japan in 1965, the two parties, unable to reach agreement, decided to use their respective names to refer to the sea area between the two countries.

The Republic of Korea finds it regrettable that Japan continues to distort facts and misinterpret the ROK’s position.

It is the hope of the Republic of Korea that the 18th International Hydrographic Conference (IHC) will provide a valuable forum where the views of each Member State are duly respected; the voices of the countries directly concerned, especially, should be fully taken into account. In this regard, we request your continued attention with regard to this issue and look forward to working closely with you for a productive conference in April.

Yours sincerely,



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Representative of the Republic of Korea to the S-23 WG