



HYDROGRAPHIC and OCEANOGRAPHIC DEPARTMENT JAPAN COAST GUARD

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H.O.D 08/11
13 April ,2011

Vice Admiral Alexandros MARATOS
Chair of Working Group on the Revision S-23 (Limits of Oceans and Seas)
President
International Hydrographic Bureau
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Reference: S-23 WG Letter No. 02/2011 dated 21 July 2011

Dear VADM Maratos,

I thank you for the S-23 WG Letter No. 02/2011 in which you proposed the way forward on the issue of naming the sea area between the Korean Peninsula and the Japanese Archipelago.

1. General comments

You might remember that I informed you that while the basic position of Japan on this issue remains unchanged, Japan, as a responsible member of the WG, could go along with your proposal in the S-23 WG Letter No. 06/2010 (hereinafter referred to as "Chairman's proposal") in a spirit of compromise, if a consensus could be formed around it.

I would like to reiterate that Japan made this decision as the maximum compromise it could make and cannot accept any proposals which deviate from the Chairman's proposal, such as inclusion of name(s) other than Japan Sea on the page in question, insertion of details of reservation(s) (items other than the name(s) of the State(s) expressing reservation(s), with the indication whether the reservation refers to name or limits, or both, as indicated in the 2nd bullet of paragraph 2.4 of the Chairman's proposal) on the page in question regardless of whether they appear in the text or as a footnote, or insertion of details of reservation(s) on the next page. I wish to make it absolutely clear that Japan cannot accept the name "East Sea" to appear anywhere in the main body of S-23 for whatever reason.

As for the responses from 16 WG members, you summed up, in the S-23 WG Letter No. 02/2011, that only 8 members supported the Chairman's proposal and that there is no consensus. We should note, however, that there is only one member, the Republic of Korea, which explicitly objected to the Chairman's proposal itself. I believe that other members made their comments to encourage the parties concerned to reach an agreement between themselves, and that they did not mean to oppose the Chairman's proposal all together. In this sense, those members should not be categorized together with the Republic of Korea. Furthermore, I understand that some of those members that had submitted their comments before seeing the response of Japan have already revised their comments. I strongly hope that more accurate analysis be made taking those revised comments into account.

Japan is concerned that the Chairman's proposal will be rejected by opposition of only one member, thus making the revision of S-23 impossible.

In this connection, I hasten to add that consensus does not necessarily mean unanimity.

2. Specific comments

(1) How to insert the reservations

As I mentioned above, the elements of the reservation to be put on the relevant page of the main body of the S-23 should be strictly limited to those that are indicated in the 2nd bullet of paragraph 2.4 of the Chairman's proposal as follows:

“On the same page, the name(s) of the State(s) expressing reservation(s) to appear, with the indication whether the reservation refers to name or limits, or both, details of which will be included in an Annex.”

Therefore, d) of the 2nd bullet of paragraph 5.2 and paragraph 2 of the Draft “Important Notice” in the S-23 WG Letter No. 02/2011 need to be so modified as to duly reflect the above.

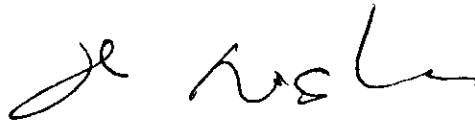
(2) TRA4.2.6

As for the IHO Technical Resolution A4.2.6, to which the Republic of Korea often refers, I would like to reiterate as I did in the previous submissions that this particular resolution applies only to situations where ‘two or more countries share a given geographical features such as, for example, a bay, strait, channel

or archipelago,' and that it is, therefore, obvious that the resolution is irrelevant in the case of the high seas such as Japan Sea. With respect to resolution III/20 of the United Nations Conference on the Standardization of Geographical Names, to which the Republic of Korea also refers, this resolution applies to geographical features which fall under the sovereignty of more than one state, and consequently irrelevant in the case of Japan Sea, which does not fall under the sovereignty of any state.

I pay tribute to your constant efforts in trying to make progress on this issue and strongly hope that this issue be resolved appropriately under your leadership.

Yours sincerely,

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

Hideo Nishida

Japan Representative to S-23WG

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