



IHB File No. S3/7020

CIRCULAR LETTER 38/2012  
30 March 2012

**REPORT ON THE VIEWS EXPRESSED BY MEMBER STATES ON THE  
REPORT OF THE S-23 WG**

Reference: CL 24/2012 dated 20 February 2012 - *Report of S-23 Working Group*

Dear Hydrographer,

1 The Directing Committee would like to thank the following forty-two (42) Member States, who responded to the questions contained in the reference: Argentina, Belgium, Brazil, Canada, Chile, China, Croatia, Denmark, Ecuador, Estonia, Finland, France, Germany, Guatemala, Iceland, India, Ireland, Italy, Japan, Korea (DPR of), Korea (Rep. of), Latvia, Malaysia, Mexico, Netherlands, Norway, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Romania, Russian Federation, Singapore, Slovenia, South Africa, Sri Lanka, Suriname, Sweden, Tonga and UK. A brief summary of the responses received is presented in Annex A. Comments made by Member States are provided in Annex B.

2 The results can be summarized as follows:

Item 1. Do you agree that the Malacca and Singapore Straits, for which there was consensus of the members of the S-23 WG, should be considered a single, continuous waterway, forming a separate administrative division in S-23 ?

- Thirty-two (32) Member States voted positively that the Straits of Malacca and Singapore be considered as a single, continuous waterway forming a separate administrative division in the publication S-23, one (1) Member State voted against, seven (7) did not indicate a vote and two (2) abstained from voting;

Item 2a. Do you agree that the proposals from China, presented in part A of Annex B of the S-23 WG report to Member States, for which there was a consensus of the S-23 WG should be adopted for inclusion in S-23 ?

- Thirty-two (32) Member States voted in favour of including the Chinese proposals for which there was a consensus of the S-23 WG, in the publication S-23, eight (8) Member States did not indicate a vote and two (2) abstained from voting;

Item 2b. Please provide comments on the issues of Beibu Gulf/Gulf of Tonkin and Taiwan/Taiwan Dao presented in part B of Annex B of the S-23 WG report to Member States for which there was no consensus of the members of the S-23 WG.

- For the Chinese proposals concerning the issues of Beibu Gulf/Gulf of Tonkin and Taiwan/Taiwan Dao eighteen (18) Member States provided comments. Twenty-four (24) Member States did not comment. Concerning the issue of Beibu Gulf/Gulf of Tonkin nine (9) Member States indicated that the States concerned must work together to find a mutually acceptable solution. In the case of Taiwan/Taiwan Dao four (4) Member States provided comments;

Item 3. Do you agree that the “Important Notice” presented in Annex A of the S-23 WG report to Member States should be adopted for inclusion in S-23 ?

- Ten (10) Member States voted positively that the “Important Notice” should be included in S-23, seven (7) voted against, nineteen (19) did not indicate a vote and six (6) abstained from voting;

Item 4. As there has been no consensus between the members of the S-23 WG on the issue of naming the sea area between the Korean peninsula and the Japanese archipelago, what are your views on possible ways forward for progressing a new edition of S-23?

- Thirty-one (31) Member States provided comments to the question of possible ways forward for progressing a new edition of S-23. Eleven (11) Member States did not comment. Twenty-two (22) Member States indicated that the concerned States must continue their efforts to find a common accepted way to name the sea area in question, some of them indicating views on how the issue could be handled. It may be noted that three (3) Member States indicated that the updating of S-23 should be considered on a regional level or chapter by chapter;

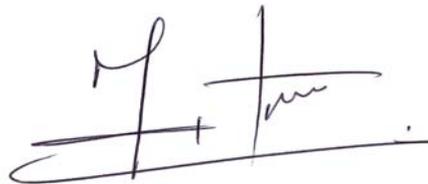
•  
Additional comments.

- Additional comments were provided by eleven (11) Member States in most cases repeating their positions expressed elsewhere in their responses.

3 There are currently 80 IHO Member States with two States suspended. Therefore, in accordance with paragraph 6 of Article VI of the Convention on the IHO, at least 40 positive votes are required for the adoption of the proposals contained in questions 1, 2a and 3 of the reference. This number has not been reached in any instance, therefore, the proposals cannot be adopted.

4 In view of the inconclusive outcome of the responses to CL 24/2012 Member States must consider whether a new edition of S-23 can still be progressed and should be prepared to consider this possibility during the XVIIIth International Hydrographic Conference in April.

On behalf of the Directing Committee  
Yours sincerely,



Vice Admiral Alexandros MARATOS  
President

Encls. Annex A - Summary of Member States' responses to CL 24/2012 (English only)  
Annex B - Member States' comments on CL 24/2012 (English only)

## SUMMARY OF MEMBER STATES' RESPONSES TO CL 24/2012

Note: See Annex B for Member States' comments.

	Item 1 (Malacca & Singapore Straits) Yes/No/Abs/No vote	Item 2 (Chinese proposals)		Item 3 (Important Notice) Yes/No/Abs/No vote	Item 4 (sea area betw. Japan and Korea) Comments provided?	Additional comments provided?
		2.a Yes/no/Abs/No vote	2.b Comments provided?			
<b>Argentina</b>	Yes	Yes	No	No vote	No	No
<b>Belgium</b>	Yes	Yes	Yes	No vote	Yes	No
<b>Brazil</b>	Yes	Yes	Yes	No vote + comments	Yes	Yes
<b>Canada</b>	Yes	Yes	No	Abs	No	Yes
<b>Chile</b>	No vote	No vote	No	No vote	No	Yes
<b>China</b>	No vote + comments	No vote + comments	Yes	No + comments	No	Yes
<b>Croatia</b>	Yes	Yes	Yes	No	Yes	Yes
<b>Denmark</b>	Yes	Yes	No	No vote	Yes	No
<b>Ecuador</b>	Yes	Yes	No	No	Yes	No
<b>Estonia</b>	Yes	Yes	No	No vote	No	No
<b>Finland</b>	Yes	Yes	Yes	No vote + comments	Yes	Yes
<b>France</b>	Yes	Yes	Yes	No vote + comments	Yes	No
<b>Germany</b>	Yes	Yes	No	Yes	Yes	No
<b>Guatemala</b>	No vote	No vote	No	No vote	Yes	No
<b>Iceland</b>	Yes	Yes	No	No vote	No	No
<b>India</b>	Yes	Yes	Yes	Yes	Yes	No
<b>Ireland</b>	Yes	Yes	No	No vote	No	No
<b>Italy</b>	Yes	Yes	Yes	Yes	Yes	No
<b>Japan</b>	Yes	Yes	Yes	Yes	Yes	No
<b>Korea (DPR of)</b>	No vote	No vote	No	No vote	Yes	No
<b>Korea (Rep of)</b>	Yes	Yes	Yes	No + comments	Yes	No
<b>Latvia</b>	Abs	Abs	No	Abs	No	Yes
<b>Malaysia</b>	No + comments	Yes	Yes	Abs	Yes	No
<b>Mexico</b>	Yes	Yes	Yes	Yes	Yes	No
<b>Netherlands</b>	Yes	Yes	No	No	Yes	No
<b>Norway</b>	Yes	Yes	Yes	No vote	Yes	No
<b>Oman</b>	Yes	Yes	Yes	No vote	Yes	No
<b>Pakistan</b>	Yes	Yes	No	No vote	Yes	No
<b>Papua New Guinea</b>	Abs	Abs	No	No	Yes	No
<b>Peru</b>	Yes	Yes	No	Abs + comments	Yes	No
<b>Philippines</b>	Yes	No vote	No	No vote	Yes	No
<b>Poland</b>	Yes	Yes	No	Yes	Yes	No
<b>Romania</b>	Yes	Yes	No	No vote	No	Yes
<b>Russian Federation</b>	Yes	Yes	No	Yes	Yes	No
<b>Singapore</b>	No vote	No vote	No	No vote	No	Yes

	Item 1 (Malacca & Singapore Straits) Yes/No/Abs/No vote	Item 2 (Chinese proposals)		Item 3 (Important Notice) Yes/No/Abs/No vote	Item 4 (sea area betw. Japan and Korea) Comments provided?	Additional comments provided?
		2.a Yes/no/Abs/No vote	2.b Comments provided?			
<b>Slovenia</b>	Yes	Yes	Yes	Abs	Yes	No
<b>South Africa</b>	Yes	Yes	Yes	No + comments	Yes	Yes
<b>Sri Lanka</b>	No vote + comments	No vote	No	No vote + comments	Yes	No
<b>Suriname</b>	Yes	Yes	No	Yes	Yes	No
<b>Sweden</b>	Yes	Yes	Yes	Yes	Yes	Yes
<b>Tonga</b>	No vote	No vote	No	Abs	No	No
<b>United Kingdom</b>	Yes	Yes	Yes	Yes	Yes	No

## MEMBER STATES' COMMENTS ON CL 24/2012

- I. **ITEM 1** (*Do you agree that the Malacca and Singapore Straits, for which there was consensus of the Members of the S-23 Working Group, should be considered a single, continuous waterway, forming a separate administrative division in S-23?*)

**China:** The "Areas of concern", for which there was consensus of the members of the S-23 Working Group, should not be included in the voting form to ask for the comments and views of all IHO Member States.

**Malaysia:**

- a. Malacca and Singapore Straits to be considered as an independent sea area, forming a separate administrative division in S-23.
- b. The area of the Malacca Strait should begin from the North-western most point of **Sumatera**.

**Sri Lanka:** We are neutral on this issue.

- II. **ITEM 2.a** (*Do you agree that the proposals from China, presented in part A of Annex B of the S-23 WG report to Member States [http://www.iho-ohi.net/mtg\\_docs/com\\_wg/S-23WG/S-23WG\\_Misc/Final\\_S-23\\_WG\\_Report\\_to\\_MS.pdf](http://www.iho-ohi.net/mtg_docs/com_wg/S-23WG/S-23WG_Misc/Final_S-23_WG_Report_to_MS.pdf), for which there was a consensus of the S-23 Working Group, should be adopted for inclusion in S-23?*)

**China:** The "Areas of concern", for which there was consensus of the members of the S-23 Working Group, should not be included in the voting form to ask for the comments and views of all IHO Member States.

- III. **ITEM 2.b** (*Please provide comments on the issues of Beibu Gulf / Gulf of Tonkin and Taiwan/Taiwan Dao presented in part B of Annex B of the S-23 WG report to Member States [http://www.iho-ohi.net/mtg\\_docs/com\\_wg/S-23WG/S-23WG\\_Misc/Final\\_S-23\\_WG\\_Report\\_to\\_MS.pdf](http://www.iho-ohi.net/mtg_docs/com_wg/S-23WG/S-23WG_Misc/Final_S-23_WG_Report_to_MS.pdf) for which there was no consensus of the members of the S-23 Working Group*)

**Belgium:** Belgium takes note of the arrangement that has been reached by China and Vietnam on a new common name for the maritime area up to now named as "Gulf of Tonkin" and thinks this arrangement is an important element.

**Brazil:** Brazil is in favour of keeping the nomenclature as it is until the requested data be provided.

**China:**

1. In terms of the labeling of Taiwan Island, China would like to reiterate its position. Firstly, the sovereignty of any country should be fully respected by IHO and all WG Member States. Taiwan Island, as an integral part of China's territory, should be labeled totally in the same way as the other Chinese islands, which has nothing to do with the names and limits of oceans and seas. Moreover, in accordance with Resolution 4 of the 1st UNCDSG, 1967 and Resolution 8 of the 3rd UNCDSG, 1977, the geographical names must follow the local principle, and the Romanization name of a Chinese island should consist of the Island's Chinese Phonetic Alphabet (Pinyin) name and the word "Dao". Therefore, we strongly request that Taiwan Island be labeled as "Taiwan Dao". China holds the view that there is no reason for any party, neither WG nor WG Member State, to disrespect a sovereign state's comments on naming his land territory, and China will not accept labeling "Taiwan" differently from labeling other Chinese islands.
2. With regard to the name of "Beibu Gulf", China could not accept the WG's levity on the issue, and insists that the bilateral agreement on the name between the two exclusive coastal states (China and Vietnam) be fully respected. Our reasons are as follows:
  - a. The name "Beibu Gulf/Bac Bo Gulf" has been accepted by China and Vietnam bilaterally, which could be fully certified by the UN Certificate of registration (N° 52787) dated on 17 October 2005.

- b. It has been decided in the Annex A to S-23 WG Letter 03/2011 that the name "Beibu Gulf" is tentatively used as the only name of the sea area, which is made by consensus of the WG.  
*IHB Comment: In S-23 WG Letter 03/2011, it was proposed to use Beibu Gulf, with a reservation regarding Gulf of Tonkin and details in an annex. There has been no consensus on this proposal.*
- c. We have noted that Vietnam has lodged an official application for IHO membership. But the naming of "Beibu Gulf" is irrelevant whether Vietnam is an IHO Member State or not.

In conclusion, China insists that the name "Beibu Gulf" be the exclusive name of that sea area, and will consider to accept the name "Beibu Gulf/Bac Bo Gulf". Under no circumstances will China agree the name "Gulf of Tonkin".

**Croatia:** According to our understanding of the crux of the issue the consent of relevant parties to a dispute is essential and an exclusive precondition for any progress. Therefore we propose that the work of the S-23 be continued in an effort to contribute towards reaching a consensus among relevant parties.

**Finland:** Finland has no opinion on the limits and names of these far distant sea areas.

**France:** It is up to the bordering countries of the sea area situated between China and Vietnam to decide on the name to be used. SHOM is therefore not opposed to the use of the endonym Beibu Gulf / Bắc Bộ Gulf if such is the wish of the countries directly concerned geographically. France will continue however to use the exonym "Golfe du Tonkin" which is used in France, along with Beibu Gulf / Bắc Bộ Gulf if this endonym is finally chosen by the bordering countries.

SHOM has no technical advice to offer on the naming of Taiwan/Taiwan Dao.

**India:** Status quo to be maintained.

**Italy:** In the case of "no consensus" the Italian position is to encourage the discussion among the different parties in order to seek the best possible solution.

**Japan:** The basic position of Japan regarding nomenclature in the S-23 is that internationally established existing names should be retained, unless there is a consensus to change these names.

On the Chinese proposal to change the name Gulf of Tonkin, Japan intends to follow the discussion among the countries concerned, on the basis of the above mentioned Japan's position.

**Korea (Rep of):** The Republic of Korea is of the view that the voices of the littoral states should be fully respected in resolving sea naming issue. In this regard, the countries directly concerned are recommended to work together to find a mutually agreeable solution.

**Malaysia:** To be discussed and agreed by disputed countries.

**Mexico:** To have the fourth edition of S-23 published, in which the part related to Beibu Gulf / Gulf of Tonkin and Taiwan/Taiwan Dao is reproduced identically to that of the third edition of S-23, with the footnote "Important Notice" mentioning that it is maintained in the same way as there has not been any consensus of the S-23 Working Group Members and the involved countries continue their actions to reach a convenient agreement.

**Norway:** For the Beibu Gulf/Gulf of Tonkin we would like to see an official statement from Vietnam (future Member State).

Since Taiwan is a land area we suggest that the naming issue should be considered by the UN Group of Experts on Geographical Names.

**Oman:** Oman supports the Chinese proposal of renaming the gulf to 'Beibu Gulf' used by China and Vietnam. With regards to Taiwan, Oman considers changing the name as an internal Chinese sovereign issue and therefore, there is no objection.

**Slovenia:** The Republic of Slovenia supports solution that involved countries solve the issue of naming the sea bilaterally and suggests to use both names until any permanent solution will be made.

**South Africa:** As no consensus was achieved and the proposals have not been withdrawn, the issues should remain open for discussion.

**Sweden:** Sweden believes that naming of areas should be considered and solved primarily by the concerned States. Sweden does not support proposal by China regarding the renaming of Taiwan.

**United Kingdom:** We acknowledge the names used for the gulf in the two different languages by China (Beibu Wan) and Vietnam (VinhBac Bo). However, UK policy for such a feature is to use the English-language conventional form, which is "Gulf of Tonkin".

**IV. ITEM 3** (*Do you agree that the "Important Notice", presented in Annex A of the S-23 Working Group report to Member States ([http://www.iho-ohi.net/mtg\\_docs/com\\_wg/S-23WG/S-23WG\\_Misc/Final\\_S-23\\_WG\\_Report\\_to\\_MS.pdf](http://www.iho-ohi.net/mtg_docs/com_wg/S-23WG/S-23WG_Misc/Final_S-23_WG_Report_to_MS.pdf)) should be adopted for inclusion in S-23?*)

**Brazil:** Brazil, while agreeing on a text advising on the subject, believes it should be amended in order to clarify the nature of the IHO, advising parties to search the appropriate means and forum to solve disputes. Brazil proposes the following amendment to the proposed text of "Important Notice", 9th line:

"... The IHO Member States are fully aware that controversies over names and areas remain and recommend that those controversies be solved through bilateral or plurilateral arrangements or through the appropriate forum for decision. They reaffirm that the IHO nature is consultative and technical in accord to its Convention, and strongly urge users of this publication not to use this document as support for any political claims or disputes ..."

**China:** The precondition of including the new way of highlighting potential controversial subjects proposed by "Important Notice" in the new edition of S-23 is that there is a consensus among the related coastal States of the sea area.

**Finland:** Finland believes it is too early to vote on this phase on the proposed "Important Notice".

**France:** It is not possible to comment on this preamble as long as solutions have not been found allowing a new edition to be published. The Important Notice effectively makes reference to the contents and form of the future edition. France would add as a reminder that, if the publication S-23 is to be maintained, this publication will have to be made available at least in the two official languages of the IHO.

**Korea (Rep of):** A decision on the "Important Notice" must wait until the main body of the 4th edition of S-23 is finalized.

**Peru:** Peru considers that the "Important Notice" includes elements of the "way forward" proposal, presented by the Chairman of the Working Group, which did not obtain the consensus within such group, and which should not be included **in this step** of the S-23 updating stage.

**South Africa:** Although the intention of the "Important Notice" is fully supported, no consensus was reached on using the Annex as an acceptable "tool" to indicate alternative names.

**Sri Lanka:** We are neutral on this issue.

V. **ITEM 4** (*As there has been no consensus between the members of the S-23 WG on the issue of naming the sea area between the Korean peninsula and the Japanese archipelago, what are your views on possible ways forward for progressing a new edition of S-23?*)

**Belgium:** Belgium would like to reiterate its position, and its wish that the consensus procedure be respected. Belgium therefore invites the concerned parties to seek a solution which could suit both of them, while remembering that general interest to see the publication issued as soon as possible.

**Brazil:**

- The updating of the S-23 publication is very important, considering that it is a global reference for a wide range of users, which is used in articles, studies, official and unofficial maps, publications, etc. ;
- IHO should keep its posture in seeking to promulgate decisions and resolutions by consensus;
- The updating of S-23 should not be undermined by political issues that are out of the IHO competence (in accordance with Article 2 of its Convention, the IHO has a consultative and technical nature);
- Any/all interested parties in naming a specific area should be encouraged to continue to seek solution through diplomatic channels and, at least, through the appropriate forum for dispute and decision; and
- An "Important Notice" to the S-23, 4th Edition (amended proposed text) is a sufficient basis as a way forward of the publication. Once a decision is made on the dispute of the naming of a specific area, the publication should be amended accordingly.

**Croatia:** Croatia being a proactive member of the IHO fully understands the nature and purpose of IHO publications as technical publications intended for hydrographic purposes only. Unfortunately, as far as we know from our research, notwithstanding such character of IHO publications, in certain cases these publications or some parts thereof or the products developed from IHO publications, have been used as argument (material evidence) in the maritime delimitation disputes and in the disputes over naming of sea areas. Therefore Croatia strongly supports an approach, concerning Special Publication S-23, of not taking any advance action until the concerned States (relevant parties) reach consent about the matter of dispute. As a contribution towards possible progress, Croatia proposes that the work of the S-23 WG continues despite the fact that the efforts made by the members of the S-23 WG, and by the IHB Director as WG Chair, have not produced the expected results. Activities of the S-23 WG should be primarily and exclusively directed towards reaching consent between relevant parties as a precondition for any progress in the publishing of a new edition of S-23.

**Denmark:** Denmark attaches importance to a solution being found which all parties involved can support. Denmark will not oppose any solution.

**Ecuador:** To adopt the suggestion in IHO Resolution 1/1972 as amended (formerly, TR A4.2.6) that recommends the simultaneous use of the different names when there is not a common name between the interested countries.

**Finland.** Finland regrets that Japan and Korea have not agreed on this issue and that the IHO S-23 WG has not been able to solve it. In our understanding this is a highly politically sensitive issue which may be difficult to solve by the IHO as a technical organization.

The IHO should seek new practical ways to approve and update the S-23 for those sea areas which have been agreed by Member States.

**France:** SHOM proposes 3 options:

- Option 1: withdraw the matter of updating the S-23 from the IHO Work Programme, as long as the various parties have not agreed upon a common position.
- Option 2: in application of the recommendations of Resolution 1/1972 as amended, adopt general rules applicable to all zones, when the official languages of the bordering countries differ and that they use distinct endonyms – to be inventoried, leaving all Member States free to use the exonym or the endonym of their choice, in accordance with the toponymic rules in force in their country.

- Option 3: withdraw once and for all the S-23 publication from the IHO publications; the 1953 edition can be considered out of date.

France's preference is for Option 1, subject to a commitment of the parties concerned to come up with a common position before the 19<sup>th</sup> IHC/1<sup>st</sup> GA. Option 3 would amount to the Organization admitting defeat. A solution as proposed in Option 2 should be approved by the Member States.

As regards implementation, France proposes that the following questions be put to the vote, by simple majority, at the next international hydrographic conference:

- A) In spite of the efforts deployed, revision of the S-23 publication has not been possible since the last edition of 1953. Do you wish to maintain this publication in the Catalogue of IHO publications?  
Yes or No

If the reply is "No", the subject is then permanently closed and each country will use the exonyms of its choice;

If the reply is "Yes" to Question A, then we propose Question B:

- B) The current edition of the S-23 is the 1953 edition. Do you approve that this edition remain frozen up until the dispute on the naming of the sea area situated between the Korean peninsula and the Japanese archipelago is settled by the bordering countries?  
Yes or No

If the reply is "Yes", the matter of updating the S-23 will be withdrawn from the IHO Work Programme and the bordering countries will be invited to submit a common position to the 19<sup>th</sup> IHC /1<sup>st</sup> GA at the latest. It will no longer be a matter for the IHO and its Member States as long as a common position is not proposed by the bordering countries.

If the reply is "No", the technical solutions proposed by the Member States in reply to CL24/2012 should be put to the vote (Option 2 for France, for example).

**Germany:** Germany supports the "way forward" proposal as described in S-23 Letter N°6/2010 as a balanced and pragmatic solution.

Alternatively, Germany supports the approach as proposed by the Baltic Sea Hydrographic Commission as agreed at its 16 Meeting to amend the particular chapters dedicated to regions of the S-23 version in force. Those amendments, attached to S-23 in a separate Annex, should be based on limits and names agreed and recommended by the relevant Regional Commission related to their regional competence.

As a second alternative option, Germany proposes the publication of a supplementary IHO document, organized on a regional basis, which lists those names agreed and recommended by the relevant RHC. As long as the supplementary document does not cover all regions, S-23 could serve as the reference document for those regions not contained in the supplementary document. It is suggested that this document might be called "Recommended Names and Limits for Seas and Maritime Regions as Agreed by the Relevant Regional Hydrographic Commissions".

**Guatemala:** We abstain from voting because the position of Guatemala is neutral as the subject has not been properly discussed and there is no consensus.

**India:** Status quo to be maintained and the issue to be resolved bilaterally between Rep. of Korea and Japan.

**Italy:** Italy thinks that solution to the problem of naming the sea between the Japanese Archipelago and the Korean Peninsula must be agreed by the parties concerned. Therefore Italy will not express any opinions and/or suggestions on the matter.

**Japan:** The existing name in the S-23, Japan Sea, is the only internationally established name for the sea area concerned. The work of the S-23 WG, which demonstrated that support for the ROK's proposal to change this existing nomenclature is virtually limited to the DPRK, and, therefore, that there is no consensus for the proposed change, confirms that there is no necessity nor justification for making any change to the current use of the name Japan Sea in the S-23.

**Korea (Rep of):** Pending an agreement among the countries directly concerned, the concurrent use of "East Sea" and "Japan Sea" is the only logical and reasonable solution for the publication of the 4th edition of S-23. This approach is in line with the general rule of international cartography as set out in IHO Resolution 1/1972 as amended (formerly, TR A4 2.6) and UNCSGN Res. 111/20.

**Malaysia:** To let both disputing countries discuss and find an amicable solution.

**Mexico:** To have the fourth edition of S-23 published, in which the part related to the naming of the sea area between the Korean peninsula and the Japanese archipelago is reproduced identically to that of the third edition of S-23, with the footnote "Important Notice" mentioning that it is maintained in the same way as there has not been any consensus of the S-23 Working Group Members and the involved countries continue their actions to reach a convenient agreement.

**Netherlands:** The Netherlands (NL) regrets the continuous stalemate situation despite many efforts of IHB and the nations involved. As a result of the outdated version dated from 1953, NL has noticed that many publishers of e.g. 'atlases of the world' now no longer use this outdated S-23 publication as a reference and use in this case both names with an equivalent status. NL foresees a growing tendency that many other publishers and re-users will follow this practice to deviate from S-23 and act upon their own judgment.

With this tendency NL emphasizes that the Member States involved should take note of this trend and reconsider their positions with respect to this stalemate situation. NL believes that the working group has done its utmost, with a more than comprehensive approach, to find a commonly accepted solution. It is not likely that a continuous process with a similar working group approach will be effective on short notice.

NL encourages the Member States involved to find ways to agree on this issue, bearing in mind that the 'market' is already adjusting their publications without using S-23 as an authoritative guidance. Furthermore NL has noticed that there is also no consensus on the 'Important Notice' since this notice is closely related to this disputed issue. NL can only agree on this proposal if the Member States involved can agree on this with mutual consent.

**Norway:** The process for reaching a regional agreement should continue.

**Oman:** Oman is in neutral position and supports further bilateral negotiations between the involved parties to reach consensus between them.

**Pakistan:** Pakistan being member of the S-23 WG reiterates that consensus between Korean and Japan be developed prior finalizing any proposal on naming the Sea area between Korean peninsula and Japan archipelago.

**Peru:** Peru considers that, in view of the existence of different criteria for the naming of certain sea spaces and areas, it would be convenient to try to obtain a consensus through dialogue. Specifically, Peru will go on holding **its neutral position**, leaving a formal written evidence of it.

**Philippines:** Continue the consultations by the concerned parties in the Working Group in order to find a mutually acceptable resolution of the issue.

**Poland:** The Polish position is that the name Sea of Japan should be retained in the new version of S-23 Publication until the disputing sides achieve a diplomatic solution to that problem.

**Russian Federation:** A new edition of S-23 should be issued.

**Slovenia:** The Republic of Slovenia supports solution that involved countries solve the issue of naming the sea bilaterally and suggests to use both names until any permanent solution will be made.

**South Africa:** As no consensus was achieved and the proposal has not been withdrawn, the issue should remain open for discussion.

**Sri Lanka:** We suggest a mutual agreement between two Member States.

**Suriname:** On the basis that S-23 is a technical publication for hydrographic purposes and not having any legal or political connotation whatsoever, Suriname proposes that the matter on naming the sea area between the Korean peninsula and the Japanese Archipelago should be solved at diplomatic level.

**Sweden:** Sweden wants to point out the importance of the S-23 and that it is not acceptable that disputes over specific and geographical isolated issues can completely lock the S-23 publication. Sweden believes that naming of areas should be considered and solved primarily by the concerned States.

**United Kingdom:** The S-23 WG should be commended on their efforts to produce a revised draft of the 4th edition of Publication S-23, Limits of Oceans and Seas.

Future meetings by littoral States in the area could re-focus discussions on the technical cartographic and hydrographic uses of area features with names within Electronic Navigational Charts to better understand the application of area data.

## **VI. ADDITIONAL COMMENTS**

**Brazil:** See additional observation inserted at Item 3.

**Canada:** Canada deeply regrets that the functions of the S-23 Working Group have been impeded by an issue that has not yet been resolved in other, more appropriate venues. As a science organization, the IHO needs to find a way to continue its work on scientific issues and to avoid becoming engaged in issues which should be addressed elsewhere.

**Chile:** Chile recommends that bilateral negotiations between countries must be held, in order to move forward in this subject.

**China:** Considering that S-23 is only a special publication on the names and limits of the seas and oceans, the land territories and islands in the S-23 should be named by the related sovereign States, which should be unconditionally accepted and respected by IHO.

**Croatia:** The issue of dispute about the naming of sea areas and maritime delimitation is an exclusive and primary concern of the interested States (relevant parties). Accordingly, as long as there is no consensus about the issues of dispute between the interested States (relevant parties), no further step or action should be taken by any authority, institution or organization with a prejudice to the final solution to be acceptable by the primarily concerned parties.

**Finland:** The BSHC is in a process to specify amendments to the draft 4th edition of S-23 Chapter 2 (Baltic Sea). It seems likely that any final proposal cannot be made before the IHO XVIIIth Conference, but perhaps at the BSHC 17th Conference in September 2012.

One possible practical approach could be to study if S-23 could be approved and updated by chapters or by regions. This kind of approach has already been proposed in 2008 by the BSHC (but did not reach sufficient approval at that time). This kind of approach would allow more flexibility in the future to update various S-23 chapters separately, when needs arise.

**France:** (from SHOM's covering letter no. 024 SHOM/DMI dated 20 March 2012)

France regrets having been obliged to withdraw from the Working Group and congratulates the group leader for the work achieved and the results obtained in spite of the difficulties encountered.

France considers that the statement appearing in § 2.2 of the final report saying “Although the WG should be chaired by a Member State” should be deleted, as the Member States stated the opposite when the WG was established. Indeed it appeared essential that the chairmanship should be undertaken by a neutral person (neutral because of position held). Experience has shown that this decision was particularly wise. France wishes to point out that it has particularly appreciated the personal commitment of the President of the Directing Committee and his assistant in undertaking this difficult task.

Some proposals are also included in the voting paper in order to try to move forward with the discussions at the forthcoming International Hydrographic Conference, whilst avoiding that the subject takes up the main part of the time devoted to discussions.

**Korea (DPR of):** (from DPRK fax of 25 February 2012)

First : The use of the single name "Sea of Japan" should never be allowed. In the light of geographical naming tradition and historical view points, it is the most principled proposal that the eastern sea area to the Korean peninsula is named not "Sea of Japan" but "East sea of Korea".

Second : If the mutual agreement cannot be reached for the naming dispute, the proposed names of both sides can be simultaneously used such as "East Sea of Korea/Sea of Japan". The above option is fully coincident with the international geographical naming tradition and technical resolution of IHO therefore it will be accepted for all.

**Latvia:** As Mr. Jānis KRASIŅŠ, Chairman of the Management Board of Maritime Administration of Latvia has been nominated as President of IHC-18, in order to maintain its neutrality, Latvia abstains on all questions regarding the new version of S-23. Latvia would like to state its position that all decisions at the IHC should be taken by consensus, therefore voting should be avoided. If interested countries still need more time to agree on a consensual solution, Latvia thinks that such an additional time should be given.

**Papua New Guinea:** Papua New Guinea continues to express its views that the naming rights of this particular stretch of sea are a matter to be resolved amicably between the two congruent parties - Japan and the Republic of Korea. Both these sovereign States should be given the opportunity for seeking a resolution of the subject matter. In the absence of any such agreement having been reached by the two countries (Japan and the Republic of Korea), Papua New Guinea will take the option of "Dual Naming Rights" for the sea now known as the Sea of Japan. The proposed dual name of the subject stretch of waters be "EAST SEA/SEA OF JAPAN".

**Romania:** Points 2b, 3 and 4: we abstain until there will be consensus concerning the questioned issues.

**Singapore:** In Singapore’s view, it is inappropriate for Member States to be asked to vote on proposals for which there is already consensus amongst the members of the S-23 Working Group.

As a member of the S-23 Working Group, Singapore continues to support the decisions made by consensus and the resulting proposals put forward for Member States’ consideration.

**South Africa:** It is proposed that updates to the 3rd edition of S-23 be done on all matters of consensus and that all efforts be made to continue to seek consensus on outstanding issues to allow for the publication of S-23 4th Edition.

**Sweden:** These answers are without prejudice to Sweden's legal position regarding claims to territory, sovereign rights and jurisdiction over maritime areas including continental shelf. In line with this, Sweden views this as a purely technical issue with the purpose to ensure safety and security of navigation.