

2nd Meeting of the S-23 WG, Singapore, 5-7 July 2010

Actions arising from the Meeting and Status

Agenda Item	Action No.	Proposals	Decision of the 2 nd S-23 WG Meeting	Positions of WG Members and Status of Proposals (February 2012)
11.2.a	1	To consider the South China Sea an independent area	(Meeting participants to provide comments on China's proposal to make the South China Sea an independent area within S-23 as soon as possible in order to determine the way forward.)	<p>1) USA opposed the proposal to make South China Sea an independent area. See Comment by USA (29 Sep 2010). Oman commented (1 Oct 2010): "Not clear how this area is going to be when forming South China Sea as an independent area. In principle, Oman has no objection of forming a separate administrative division in S-23 provided there is acceptance by littoral States of South China Sea".</p> <p>2) China subsequently indicated that they can accept changing the title of the relevant chapter of S-23 to "South China Sea and Eastern Archipelagic Seas". See China's letter of 24 Jan 2011, section 1.</p> <p>3) As a result, it was proposed (Para. 2 of S-23WG Letter 01/2011, dated 23 Feb 2011) to change the title of S-23 Chapter 6 from "South China and Eastern Archipelagic Seas" to "South China Sea and Eastern Archipelagic Seas".</p> <p>4) Support for the above proposal was expressed by Japan, Oman and USA. No objection received.</p> <p><u>Conclusion:</u> Title of S-23 Chapter 6 to be revised to read "South China Sea and Eastern Archipelagic Seas".</p>
11.2.b	2	To subsume Natuna Sea into South China Sea	China to re-consider its position on <i>Natuna Sea</i> and/or provide additional information to the Chair for circulation to meeting participants.	<p>Information awaited from China.</p> <p><u>Conclusion:</u> No change, as the requested information has not been received.</p>
11.2.c	3	To rename Beibu Gulf the existing Gulf of Tonkin	China to provide the Chair with the official agreement with Vietnam about <i>Beibu Gulf</i> and information on actual technical usage of this name, for circulation to meeting participants. Based on the responses received, the Chair to propose a way forward.	<p>1) China provided the following website: http://www.fmprc.gov.cn/chn/pds/wjb/zzig/bjhysws/bhfg/t556665.htm. See China's e-mail of 12 Aug 2010, section 1.3. Japan commented (5 Nov 2010): "The requested agreement could not be found on the Eng version of the above website; only a reference to the agreement between China and Viet Nam on the delimitation of the Beibu Bay Territorial Sea. As a result, we cannot check if Vietnam also uses the term 'Beibu Gulf'. The press release provided by China does not answer this question either."</p> <p>2) China subsequently provided correspondence between the Permanent Mission of PR China to the UN, and the UN Secretariat. See China's letter of 24 Jan 2011, section 2, and Doc. UN LA TR/12102005/I-</p>

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				<p>41860.</p> <p>3) Noting these documents, WG members were asked whether they agree to use only the name 'Beibu Gulf' as proposed by China (Para. 3 of S-23 WG Letter 01/2011, dated 23 Feb 2011).</p> <p>4) Japan asked for confirmation that Viet Nam has agreed to use solely 'Beibu Gulf'. UK did not want to favour 'Beibu Gulf' vs 'Bắc Bô Gulf' and noted that 'Gulf of Tonkin' remains a valid name for English-language products. USA requested a footnote mentioning the use of 'Gulf of Tonkin' in English-language navigational charts and documents. Oman supported using solely 'Beibu Gulf'. See also comments from China and Turkey.</p> <p>5) Considering the information provided by China, further considering that Vietnam is not an IHO Member State and that it is difficult to communicate with official agencies in Vietnam on this issue, the Chair Group proposed (see Annex A to S-23 WG Letter 03/2011):</p> <ol style="list-style-type: none"> 1. To use only the name 'Beibu Gulf' in S-23 and if needed revisit it in the future. 2. To put a reservation on the relevant page and provide the details of Gulf of Tonkin in the Annex. <p><u>There was no consensus on the above proposal. See comments from USA, UK and Japan, and Chairman's letter to China of 22 Dec 2011.</u></p> <p>6) China then indicated its willingness to accept the name "Beibu Gulf/ Bắc Bô Gulf" while mentioning that under no circumstances will it accept the name "Gulf of Tonkin". This has not been accepted by USA, UK and Japan.</p> <p><u>Conclusion:</u> No consensus on this proposal.</p>
11.2.g	4	To amend to Taiwan Dao the name of this island	Meeting participants to provide the Chair with their views on China's proposal to name the island "Taiwan Dao" instead of "TAIWAN" as soon as possible. Based on the responses received, the Chair to propose a way forward.	<p>1) Japan and USA have not agreed with the proposed changes. See also China's e-mail of 12 Aug 10, section 1.4, and China's letter of 24 Jan 2011, section 3.</p> <p>2) Based on the responses received, it was suggested that there was not enough support to make the proposed change (Para. 4 of S-23 WG Letter 01/2011, dated 23 Feb 2011).</p> <p>3) Japan and USA expressed support for the above approach. No objection received.</p> <p><u>Conclusion:</u> No consensus on this proposal.</p>
11.2.j	5	To consider Bo Hai a separate body	China to provide the Chair with written technical justification for	<p>1) The following comment was included in China's letter of 24 Jan 2011, section 4: "Since recorded history began, Bo Hai has been treated as Chinese internal waters and is separated and independent from the Yellow Sea.</p>

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		from Yellow Sea	separation of <i>Bo Hai</i> from the Yellow Sea. The Chair to circulate it to the meeting participants for final approval.	<p><i>China and its neighbouring countries have clearly delineated in their maps and charts that Bo Hai and Yellow Sea are well separated.</i>"</p> <p>2) Based on the above comment, it was proposed to accept that Bo Hai be considered a separate body from Yellow Sea (Para. 5 of S-23 WG Letter 01/2011, dated 23 Feb 2011).</p> <p>3) Oman expressed support for the proposal. Japan rejected the proposal, considering that "<i>China has not shown technical grounds, or those from the perspective of international law, which support its assertion that 'Bo Hai has been treated as Chinese internal waters'</i>". USA asked for "<i>clear introductory language in S-23 to facilitate notice to all users that the limits prescribed are not IHO endorsements of a coastal State's legal position with regard to the law of the sea</i>".</p> <p>Conclusion: The Chair Group proposed that China's proposal be accepted, considering the arguments provided by USA which will be inserted in the introductory pages of S-23 (Important Notice). This has been agreed.</p>
11.2.k	6	To amend the line of demarcation between Bo Hai and Yellow Sea	China and USA to provide the Chair with written technical justification for their respective proposals regarding the line of demarcation between <i>Bo Hai</i> and the <i>Yellow Sea</i> . These, together with IHB findings on the justification for the existing line dating back to 1986, to be circulated to meeting participants by the Chair for final approval.	<p>1) USA has proposed the following line: "<i>a line connecting the southern extremity of the Liaodong Peninsula passing through Beihuangcheng Dao, the island about 22 nautical miles to the south, then along the following chain of islands: Nanhuangchen Dao, Daqin Dao, Tuoji Dao, Beichangshan, and Miao Dao.</i>"</p> <p>2) Investigation was conducted at the IHB on the origin of the 1986 line, also used in the 2002 draft S-23 4th edition, i.e. "<i>A line joining Laotieshan Cape (38°44'N, 121°08'E) in Liaodong Peninsula and Penglai Cape (37°50'N, 120°45'E) in Northern Bank of Shandong Peninsula</i>". This line was proposed by UK and agreed by China at that time.</p> <p>3) The following comment was included in China's letter of 24 Jan 2011, section 4: "<i>The demarcation between Bo Hai and Yellow Sea rectified by China i.e. from Laotieshan Xijiao, the southwestern extremity of Liaodong Bandaο, southward to Dazhushan Dao, thence to Penglai Tou, the northern extremity of Shandong Bandaο, has been in use for centuries. The administrative regions so formed have been in operation for ages with physical markings permanently established in these three places. We will take note of the demarcation proposed by others member states.</i>"</p> <p>4) Based on the responses received, it was proposed to adopt the limit proposed by China (Para. 6 of S-23 WG Letter 01/2011, dated 23 Feb 2011). See also diagram showing the three options.</p> <p>5) Oman expressed support for the proposal. Japan rejected the proposal for the same reason that for Action 5, however adding "<i>unless other coastal States agree with the proposal</i>".</p> <p>Conclusion: Since no objection from other coastal States has been expressed, China's proposal is</p>

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				accepted.
11.2.1	7	To amend the southeastern limit of the Yellow Sea	Discussions to take place between China and Rep of Korea regarding the changes proposed by China on the southeastern limit of the <i>Yellow Sea</i> . Outcome of these discussions to be sent to the Chair as soon as possible for circulation to the meeting participants.	1) It has been reported that no discussions took place on this issue between China and Rep. of Korea. 2) Outcome of such discussions is therefore still awaited. <u>Conclusion</u> : No change to the SE limit of the Yellow Sea until information will be provided by China and Rep. of Korea.
11.3	8	Naming of sea area between the Korean Peninsula and the Japanese Archipelago	In connection with naming the sea area between the Korean peninsula and the Japanese archipelago, Australia, France, Japan and Republic of Korea to provide the Chair with their proposals for circulation to the members of the WG. Meeting participants and WG members not attending the meeting to provide the Chair, as soon as possible, with their views on these proposals. Based on the responses received, the Chair to propose a way forward.	See details at http://www.iho-ohi.net/mtg_docs/com_wg/S-23WG/S-23WG2/Proposals/S-23_Proposals.htm .
11.4	9		IHB to provide Oman with historical information on the limits of the <i>Strait of Hormuz</i> .	1) Investigation conducted by IHB, in liaison with USA, was inconclusive, except that inclusion of the Strait of Hormuz in S-23 was proposed by USA in 2002. <u>Conclusion</u> : No specific information on the origin of the limits of the Strait of Hormuz has been found.