



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of Coast Survey
Silver Spring, Maryland 20910-3282

MAY 2 2011

Vice Admiral Alexandros MARATOS
Chairman of the Working Group on the Revision of Special Publication 23
International Hydrographic Bureau
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Dear VADM Maratos:

From your letter dated March 21, 2011, the U.S. offers the following comments to your 3 main areas of interest: (1) summation of responses on the sea area between the Korean Peninsula and the Japanese Archipelago; (2) the S-23 WG's report to the IHO Member States; and (3) text for the "Important Notice" to be included with the Preface.

On item #1, although the WG's Rule of Procedure states, "Decisions should generally be made by consensus" without adequately defining the term consensus, the U.S. believes that general agreement has been reached in this case. This positive point as well as all of the underlying facts should be reported to the IHO Member States. The U.S. continues to support the proposed way forward to include reservations in an Annex.

On item #2, although this subject is definitely under the purview of the IHO President, the U.S. does not believe it was the S-23 WG's charge to ask Member States for their preliminary views on the 4th edition of S-23 before a full vote. The U.S. had previously understood that the WG was supposed to review areas of concern that were already identified by the WG Members, resolve them, and send a report of those resolutions and/or deliberations to the Member States prior to a vote on the 4th edition.

On item #3, in reviewing the Draft Important Notice language and comparing it to the Preface to the Third Edition of S-23, the U.S. proposes blending the Important Notice language into a draft Preface to the Fourth Edition. Merging concepts from the draft Important Notice, the U.S. suggests language similar to the following for an updated Preface to the 4th edition:

DRAFT PREFACE TO FOURTH EDITION

The 4th Edition of this publication has been drawn up and generally approved by the 2012 International Hydrographic Conference taking into account proposals put forward at various International Hydrographic Conferences and other venues over the



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last five decades and more. Although several attempts have been made to update the document, the last official publication of S-23 was in 1953. Since 1953, areas of certain water bodies as well as their names and names of adjacent land features have changed. Some of these areas and names are clearly recognized; however, many areas and names are controversial. These subjects are politically sensitive in nature and are likely to remain sensitive. The IHO Member States that have voted to approve this new publication of S-23 recognize the overwhelming need to move forward on a new version of S-23 as a reference for modern, technical hydrographic purposes. The IHO Member States are fully aware that controversies over names and areas remain. They strongly urge users of this publication not to use this document as support for any political claims or disputes, as that is not the purpose for which it was intended. S-23 does not have any legal or political connotation whatsoever and must not be accepted as such by any legal or juridical body.

This latest revision of S-23 offers a new way of highlighting potential controversial subjects, as follows:

1. Some States that are adjacent to certain water bodies have accepted and use names and limits of oceans and seas that are different from the ones appearing in this publication. Where States use different names or limits compared to the ones indicated on specific pages, a reservation footnote has been inserted concerning different or alternative names, limits or both. A special Annex is appended to this document that provides details and arguments of the reservations.

2. The Annex is a useful tool through which the various producers of hydrographic products and users are informed of different or alternative names and limits that various States are using. In this way, hydrographic products that are derived from S-23 definitions are technically more representative of names and limits used in the oceans and seas.

Respectfully,



Meredith Westington

U.S. Representative to the Working Group on the Revision of Special Publication 23

Cc: RADM Christian ANDREASEN
Ing en chef Michel HUET