Maritime Jurisdiction in East Asian Seas

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by

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INTRODUCTION

For this study the East Asian Seas are deemed to consist of the East China Sea, the Yellow Sea and its tributary waters, and the Sea of Japan. This marine region is bounded on the west by the continent of Asia; on the east by the Japanese archipelago, Sakhalin, and northern Taiwan; and on the north and south by the Tatar Strait and Formosa Strait, respectively.

This study consists of five parts. The first part provides a description of the physical characteristics of the coasts and seabed of the East Asian Seas, which have a bearing on the form and extent of maritime claims. The second section describes and examines the unilateral claims that have been made by coastal states in the region. The third part reviews bilateral international agreements regarding maritime jurisdiction, which the coastal states have concluded. In the fourth section an attempt is made to identify jurisdictional problems that remain and to explore the arguments that might be used by both sides during negotiations to settle them. The final part considers those maritime zones and regions that coastal states have created for the proper and efficient administration of their maritime domain.

SOME PHYSICAL CHARACTERISTICS

There is an obvious symmetry in this region, which is divided into two parts by the Korean peninsula and the Korea Strait. Between the narrows provided by Formosa, Korea, and Tatar Straits, the waters east and west of the Korean peninsula widen to their maximum extent off the concave coasts of the Japanese mainland and the Ryukyu Islands. The physical symmetry is matched by a political concordance. Japan and North and South Korea are coastal states in both waters and in the same relative
positions. Most of the mainland coast of Asia is held by the Soviet Union in the north, and China in the south. The termini of the island arcs that provide the eastern limit of the East Asian Seas are marked by Sakhalin and Taiwan. Both these territories were wholly or partly held by Japan for a period before the end of World War II. Unlike the Soviet Union, which completely controls Sakhalin, the People's Republic of China still faces the task of reincorporating Taiwan.

There are two other political similarities between the two subdivisions of the East Asian Seas. In approximately the same relative position, the Soviet Union and China possess historic bays that are respectively named Peter the Great Bay (Zaliv Petra Velikogo) and the Bo Hal. In roughly similar positions, Japan is involved in disputes over the so-called Northern Territories with the Soviet Union and the Senkaku Islands with China.

There are also important differences concerning the morphology of the continental margins and the nature of the coastlines between the two main parts of the East Asian Seas. These diverse characteristics have a bearing on the types and extent of maritime claims.

The Yellow Sea and the East China Sea are underlain by a broad, uniform continental shelf that meets the continental slope under waters about 100 fathoms deep. East of Shanghai this junction lies 340 nautical miles (nm) from the coast. If the measurement is made southeast from the coast at Qingdao (Tsingtao) on the Shandong (Shantung) Peninsula, the continental shelf is 650 nm wide. Wageman, Hilde, and Emery (1970) have provided a very useful account of the structure and morphology of this continental margin. They established that this continental margin was created by a succession of ridges that provided dams behind which sediment accumulated. These ridges are shown in Figure 1. The Shandong-Laoyehling Massif, which forms the backbone of the Shandong Peninsula, was raised in Pre cambrian times and separated the Yellow Sea from the Bo Hai. The Fujien-Reinan Massif was uplifted in the late Mesozoic era and
Figure 1. Sediment dams under the East China and Yellow seas (After Wageman, Hilde, and Emery 1970).
dammed sediments under the Yellow Sea. Folding throughout the
Neogene and part of Paleogene times raised the Taiwan-Sinzi
folded zone, which lies very close to the edge of the present
continental shelf and dammed sediments that formed the seabed of
the present East China Sea.

Wageman, Hilde, and Emery (1970) noted most of the
sediments that formed this continental shelf were derived from
the forerunners to the present Yellow (Huang) and Yangtze (Chang)
rivers. These sediments can be divided into silt on the
nearshore half of the continental shelf, and sand on the outer
half.

The edge of the continental shelf is marked by a steep
continental slope, which plunges into the Okinawa Trough. The
eastern wall of the Okinawa Trough is formed by the Ryukyu Ridge
and associated features that were uplifted during the Paleogene
and Holocene times. This is the latest of the sediment dams, and
the Okinawa Trough already has accumulated fill with a thickness
of 0.75 mile. The deepest part of the trough lies about 1,200
fathoms below sea level and is found close to Taiwan and the
Senkaku Islands. The sediment accumulated in the Okinawa Trough
appears to have come mainly by slumping from the surrounding
slopes.

Meng (1973) has provided an interesting account of the
structural relationships between Taiwan and the Ryukyu Islands.
He confirms in detail what Wageman, Hilde, and Emery (1970) had
hinted. Taiwan was formed at the intersection of two contrasting
orogenic movements. Until the Miocene the Old Ryukyu Arc
stretched through modern Taiwan. After Miocene times a
north-south fracture zone associated with the Philippines Basin
allowed an oceanic crustal plate east of this zone to slide
northward. Taiwan was created through folding by this plate
movement.

The simple structure of the continental margin under the
East China and Yellow seas stands in sharp contrast with the
complex structure of the margins underlying the Sea of Japan.
Hilde and Wageman (1973) have published a useful account of the structure of the Sea of Japan, which forms the basis for the observations in the following paragraphs.

The coasts of the Sea of Japan are fringed by a continental shelf that varies in width from 5 km south of Chongjin to 40 km off western Sakhalin, western Hokkaido, and Peter the Great Bay. North of 40°30' N the continental slope descends uniformly to the Japan Abyssal Plain or the Tatar Trough. The gradients of the western continental slope are about 10°; they follow a more gentle gradient on the eastern side of the northern Sea of Japan.

South of parallel 40°30' N the continental slope descends into complex structures, which Hilde and Wageman (1973) have described as continental borderlands. These features consist of ridges and intervening basins. The greatest structural complexity is found off the continental slope of Honshu (Figure 2).

The differences between the continental margins east and west of the Korean peninsula suggest very strongly that issues of natural prolongation will only be relevant in respect of the Yellow and East China seas. In these areas a broad continental shelf connects China with its neighbors, North and South Korea, and with Japan if Japan is able to persuade China to accept its sovereignty in the Senkaku Islands. South Korea is also connected by the same continental shelf of the Japanese islands called the Danjo Gunto and Tori Shima.

The nature of a state's coastline might have a bearing on the extent to which it uses one type of baseline rather than another and on the ease with which maritime boundaries can be drawn with adjacent or opposite neighbors.

According to the 1982 Convention on the Law of the Sea, states can draw four kinds of baselines: normal baselines, closing lines, straight baselines, and archipelagic baselines. Each of these categories must now be considered.

Normal baselines, according to Article 5 of the 1982 Convention, are designated as low-water lines as marked on large-scale charts officially recognized by the coastal state.
Figure 2. Elements of the seabed of the Sea of Japan (After Hilde and Wageman 1973).
Countries can choose a number of low-water lines, but on coasts that shelve steeply or experience a small tidal range, there is no advantage in striving to identify the lowest low-water line. This is because the horizontal distance between the mean low-water line and the lowest low-water line will be short and would probably have no effect on the outer limit of the territorial seas 12 nm distant.

However, it is to a country's advantage to identify the lowest low-water mark for those sections of coast that have a gently shelving profile and a large tidal range. Throughout most of the Sea of Japan, the tidal range is less than 2 feet. The main exception is found on the west coast of Sakhalin where tides up to 8 feet cover extensive tidal flats. Tidal ranges in the Yellow and East China seas reach a maximum of about 27 feet in central parts of the west coast of the Korean peninsula, and along the northern coast of China the tidal range reaches 12 feet in some parts.

The combination of large tides and gently shelving coasts is found in the large embayment of North Korea, which lies immediately east of the Yalu River mouth. In these areas digitate sand bars are exposed for 14 nm from the coast at low-water. Although the tidal range is not as large as in the Korean case, similar conditions are found off the coast of China between Hangzhou and Haizhou bays. The following excerpt describes the situation clearly:

The coast of China from the northern entrance of Ch'ang chiang [in pinyin romanization, Changjiang] to Hung-shih tsui, situated about 225 miles north-westward, is low and is intersected by numerous streams. The southern half of this coast is fronted by extensive flats and shoals, some of which extend about 50 miles from the coast; this area has not been surveyed, and it must, therefore, be avoided. Amongst the banks are Wunan sha, Lang-chia (Lan-kia) sha,
Chin-chia (Chin-kia) sha, Huang-tzu (Hwan-tsi) sha and Pei (Pih) sha (Hydrographer of the Navy 1968:340).

Even though the shores of the Bo Hai experience a low tidal range, the very gentle offshore gradients result in tidal flats up to 6 miles wide.

Closing lines can be drawn across the mouths of rivers and bays. Precise and well-known rules govern the construction of baselines across the mouths of bays owned by a single country. Medium-scale charts covering the coasts of this region show river mouths all countries could close. Apart from Taiwan, each country also owned some individual bays possessing configurations that would satisfy the rules set out in Article 10 for drawing closing lines. Typical examples of such bays include Dalian (Dairen) Wan on China's Liaodong Peninsula; Yeongil Man on the southeast coast of South Korea; Yonghung Man on the east coast of North Korea; Zaliv Nakhodka, which lies just east of Peter the Great Bay on the Soviet Union's coast; and Toyama Wan on the northwest coast of Honshu.

According to Article 7 of the 1982 Convention, the drawing of straight baselines is appropriate in three distinct circumstances. These circumstances involve coasts that are deeply indented, coasts that are fringed with islands, and coasts in the vicinity of deltas that are highly unstable. Although the language of Article 7 allows a range of interpretations, the standard for indented coasts fringed with islands is set by the north coast of Norway. A case before the International Court of Justice in 1951 involving Norway and Britain established the propriety of straight baselines in international law.

There do not appear to be any sections of coast around the Sea of Japan where straight baselines could be drawn with confidence that the rules in Article 7 were not being breached. Such islands as occur in this sea do not fringe the coast, and the indentations are sufficiently far apart to allow them to be dealt with by Article 10 as bays or Article 9 as river mouths.
In contrast, there are a number of locations around the Yellow and East China seas where straight baselines could be drawn with certainty that the spirit and letter of the rules in the 1982 Convention were being honored. For example, China's coast south of Hangzhou Bay has a configuration controlled by two contrasting fracture zones that trend northeast and northwest (Jiyu, Cangzi, and Zhiying 1985:818). The coast contains many indentations and is fringed with numerous islands as the following quotation attests:

From Ou chiang, the coast trends generally north-eastward for about 90 miles to Shih-p'u chiang, but is very irregular, with deep indentations, and is fronted by numerous islands which lie up to 18 miles offshore (Hydrographer of the Navy 1968:240).

It would also seem reasonable to consider the Guanglu Islands and the Bourchier Group off the south coast of the Liaodong Peninsula as fringing islands for drawing straight baselines.

The striking contrast between the smooth, regular eastern coastline of the Korean peninsula and the intricate, fretted western coastline is explained by tectonic movement. The Korean peninsula is tilting along a south-north axis so that the eastern coast is being elevated and the western coast is subsiding (Eisma and Park 1985:833). The tilting is shown not only by the drowned valleys of the west coast but also by the fact that equivalent coastal terraces on the west of the Korean peninsula are 120 to 140 feet below the level of terraces on the east coast. The west and south coasts have the characteristic ria formation of wide-mouthed deep estuaries flanked by peninsulas and fringed with islands that represent the tops of former watersheds (Gullcher 1976). The south coast of the Korean peninsula and the west coast south of Changsan Got, which lies just north of 38° north, are appropriate sites for the construction of straight baselines.
There is no known case of any country using the provisions for drawing straight baselines around highly unstable coasts associated with deltas. It may well be that there is a reluctance to use a rule that was created for the 1982 Convention, although there appears to be no similar reluctance to use the similarly new provisions dealing with archipelagic baselines. Perhaps it is simply a matter that it takes longer than 5 years to prove that a coast is highly unstable.

Although it is often assumed that a delta always has a triangular shape like the Greek letter, there are in fact four basic shapes for deltas (Bird 1976:205). The classical form recognized by Herodotus is typified by the Nile River delta. This is a lobate delta with a convex outline that forms when there is an abundant supply of sediment and only moderate scour by waves and currents. Cuspate deltas, represented by the delta of the Tiber River, have concave outlines resulting from higher rates of wave and current scour. Some rivers like the Mississippi produce digitate deltas that look like the splayed fingers of a hand. Such forms result from a rapid supply of sediment on a coast with low wave energy. Finally some deltas are formed by the deposition of islands in the river’s mouth. Bird does not name such deltas, but they could be called "island deltas." The delta of the Fly River in Papua New Guinea has this form.

The aim of the baseline rules dealing with highly unstable coasts is to protect countries against rapid diminution of their territorial seas because of severe erosion in the vicinity of a delta. Since deltas represent the answer to an equation that involves the supply of sediment by a river and the removal of sediment by the sea, and sometimes by man, there are a number of ways in which deltas can suffer erosion. Drought in catchments can reduce the volume of flow and therefore the ability of the river to carry a load of sediment. The construction of a dam can act as a sediment trap and reduce the silt content of rivers. The building of harbor works can deflect waves and currents so
that they have an increased ability to remove sediment from the face of the delta. In the case of some very large deltas, including those formed by the Mississippi and Nile rivers, it is possible for erosion and progradation to occur at the same time in different parts of the delta.

There are three major deltas on the coast of China north of Hangzhou Bay. The Yangtze delta is of the island type, and Chongming Island is the largest island in this delta. The delta of the Yellow River is one of the largest in the world. The front edge of this fan-shaped delta is about 116 miles long. Over the last century the river has created a new lowland of about 900 mi² into the Bo Hai. Jiyu, Cangzi, and Zhiying (1985:816) estimate that the Yellow River carries about 1.2 billion tons of silt annually to the sea. Of the total load 40 percent is deposited as silt jetties, which can extend seaward at a rate of 1 mile per year. Finally the Luan River, which also discharges into the Bo Hai, has built up a classical fan-shaped delta.

The only other major delta in this region is found at the mouth of the Yalu River. This river forms the international boundary between China and North Korea. The delta here is similar to the island delta of the Yangtze. Fortunately, in the interests of good relations, one definite channel called So Suido is followed by the international boundary.

None of these four deltas exhibits any signs of being highly unstable in a way that would justify the use of the new sections of Article 7. Under the rules, a country suffering regression of the front of its delta may surround the existing delta with a series of straight baselines. If the regression continues and leaves the baseline floating in the sea, the country can continue to measure its territorial sea from the straight baseline.

It is perhaps worth recording that in 1855 an event occurred, which, if repeated, would now certainly justify the use of these special baseline provisions. From 1128 to 1855 the Yellow River entered the Yellow Sea through the lower reach of
the Huai River in lat. 34° N. In 1855 the river shifted northward to its present location, and the sudden ending of the supply of sediment allowed coastal erosion to proceed quickly. The rate of retreat reached 200 yd/year (Jiyu, Cangzi, and Zhiying 1985:817).

Article 47 of the 1982 Convention allows archipelagic states to surround their islands with archipelagic baselines. There are a number of rules, but only two are critical. The first stipulates that no segment of baselines can be more than 125 nm long; the second requires that the ratio of sea to land within the archipelagic baselines must fall within 1:1 and 9:1. Taiwan and Japan are the only archipelagic states in this region. Neither can surround their major islands with archipelagic baselines because they cannot raise the ratio of sea to land to the value of 1:1. However, nothing in the text prevents an archipelagic state from drawing archipelagic baselines around such parts of its archipelago as conforms with the rules. Fiji already has done this; excessive distance prevents the incorporation of Rotuma and Ceva-i-Ra in the archipelagic baselines.

Charts show that Japan could draw sets of archipelagic baselines around Danjo Gunto, Okinawa Gunto, and Sakishima Gunto; Taiwan could draw archipelagic baselines around the Pescadores (P'eng-hu Ch'un Tao).

This survey of the nature of coasts reveals the following points connected with the construction of baselines. In the Sea of Japan, there only seems scope for normal baselines and closing lines. Further, the low tidal range and the steep offshore gradients suggest that there is little value in making an effort to survey the lowest low-water mark. The Yellow and East China seas have excellent scope for drawing normal, straight and archipelagic baselines and closing lines. The very wide tidal flats off parts of the coast of China and the northwest coast of North Korea make it appropriate to search for the lowest low-water line. Such a line is called the lowest astronomic
tide. This is the lowest level that can be predicted to occur under average meteorological conditions and under any combination of astronomic conditions.

UNILATERAL MARITIME CLAIMS

Apart from the South China Sea where disputes over the Spratly Islands confuse understanding of national jurisdiction, we know less about the nature and extent of maritime claims in the East Asian Seas than in any other enclosed or semienclosed seas. Compared with these seas, the Mediterranean, Baltic, North, Black, and Caribbean seas are open books. To use a phrase that is not original, the understanding of maritime claims in the East Asian Seas could be described as an enigma contained in a paradox and wrapped in a mystery!

Apart from Japan the other coastal states in these seas make claims that are often not specific and are only rarely represented on maps or charts recognized by the claimants. There are probably a number of reasons for this situation. Some of these coastal states have relations that are less than cordial with each other or relations that do not exist in a formal manner. Some of the coastal states have different disputes with neighbors and are reluctant to settle a particular dispute if it may involve concepts and admissions that could be used to their disadvantage in other disagreements. Apparently the coastal states believe they are competing for high stakes in terms of fishing rights, continental shelf resources, and national security, and most of these countries have a reputation for being very cautious and patient negotiators over international agreements.

Scholars find uncertainties a challenge and are usually impatient to solve mysteries so that they can publish the solution ahead of rivals. This has led to a tendency to make intelligent guesses about the nature and extent of maritime
claims in the East Asian Seas. Speeches by officials are combed for hints that will shed new lights; scraps of information about the arrest of a trawler or negotiations about a new oil exploration lease are often given unjustified significance. The problem is that it is sometimes difficult to distinguish fact from inspired guess when looking at the maritime boundaries of the East Asian Seas. So in this account the factual basis will be given greatest emphasis, and it will be quite clear when guesses, which have acquired the status of facts through constant repetition, are being considered.

The general situation about maritime claims in this region is as follows. Only the Soviet Onion claims the entire suite of maritime zones permitted by the 1982 Convention. The claim to territorial seas 12 nm wide dates from 1921; a claim to the continental shelf in terms of the 1958 Convention was made on 6 February 1968, and a 200-nm economic zone was decreed on 1 March 1984.

North Korea has not made a specific claim to the continental margin but claimed territorial waters of 12 nm and an economic zone of 200 nm on 1 August 1977. There seems little point in North Korea making a separate claim to the continental margin because the margin in the Sea of Japan is very narrow and North Korea is shelf-locked between Chinese and South Korean claims in the Yellow Sea.

A month before Korea made its claims, Japan had proclaimed territorial seas 12 nm wide except in some straits, and a fishing zone of 200 nm. Japan has not made a formal claim to the continental margin, but it has entered into an agreement with South Korea for the division of the continental shelf.

China claimed territorial waters 12 nm wide in a declaration dated 8 September 1958. The Ministry of Foreign Affairs has also made announcements dealing with claims to the continental margin. On 15 March 1973 after Glomar IV had been drilling in areas authorized by South Korea, the Chinese asserted that "The seabed resources along the coast of China belong to China." The release
went on to point out that areas of jurisdiction had not been marked out in the Yellow and East China seas. Nearly a year later, after news of talks between South Korea and Japan over their continental shelf zones, a fresh Chinese statement was issued on 14 February 1974. In it, China reserved all rights over the continental shelf extending from its coast, including that part under the East China Sea. This release mentioned the principle of natural prolongation apparently for the first time, although it was surprisingly linked with the 1958 Convention on the Continental Shelf. Park (1981) and Greenfield (1979) agree that no precise limits to the margin have ever been published.

In common with China, South Korea has a claim to territorial seas of 12 nm dating from 30 April 1978 and a general claim to the continental shelf, which was made in a presidential proclamation dated 18 January 1952. However, South Korea has entered into fishing and continental shelf agreements with Japan.

Taiwan extended its claim to a territorial sea to 12 nm in September 1979 and at the same time claimed an exclusive economic zone (EEZ) of 200 nm. Park (1981) attributes the declaration of an economic zone to the need for Taiwan to counter claims to an economic zone by the Philippines and the consequent exclusion of Taiwanese fishermen.

It is now necessary to turn to those claims and proclamations that either have a specific reference to extent or have been interpreted by scholars as having clear implications for a probable extent.

After the declaration of 9 September 1958 had specified that China's territorial sea would be 12 nm wide, it referred to China's baseline in the following terms:

2) China's territorial sea along the mainland and its coastal islands takes as its baseline the line composed of the straight lines connecting basepoints on the mainland coast and on the outermost of the coastal islands; the water area extending 12 nautical miles outward from this baseline
is China's territorial sea. The water areas inside the baseline, including Pohai Bay and the Chiungchow Straits, are Chinese inland waters (The Geographer 1972:1).

The paragraph then continues by naming islands occupied by forces from Taiwan as islands in China's inland waters. These features lie outside the East Asian Seas.

If we assume that inland waters refer to internal waters, the most precise information regarding the present area is that the mouth of the Bo Hai is closed by one or more straight lines. The Geographer (1972) obtained confirmation of this point in a paper by Fu Chu, which set out arguments for the Bo Hai to be claimed as an historic bay. In addition to a recital of the extremely long period China has controlled the Bo Hai, a reference is made to an incident in 1864 when the Chinese forced a Prussian gunboat to surrender a Danish prize taken in the Bo Hai (The Geographer 1972:3). Fu Chu's paper also noted that the line closing the mouth of the Bo Hai would be 45 miles long. The distance between the headlands defining the entrance is 55 nm, but a series of straight lines joining Beihuangchang Dao, Nanhuangchang Dao, Daqin Dao, Tuoji Dao, and Nanhangahan Dao measures 45 nm.

Surprisingly the language of the declaration suggests that China's entire coast will be surrounded by straight baselines. The phrase "takes as its baseline the line composed of the straight lines connecting basepoints on the mainland coast and on the outermost of the coastal islands" admits no other interpretation. The Geographer (1972:2) disagrees and notes that since mainland points intervene, the claims to internal waters would be diminished. But this would be true only if there was a reference to the territorial seas being measured from the low-water line along sections of the mainland coast. There is no such reference. It is hoped that The Geographer's interpretation is correct because straight baselines would be inappropriate in some sections of China's coast north of the Yangtze River delta.
Further, such lines most likely would lie landward of the lowest astronomic tide on this gently shelving shore.

The Geographer (1972) has prepared charts on which hypothetical straight baselines have been drawn. These baselines occupy the entire coast of China in the East Asian Seas, except for a long segment between the delta of the Yangtze River and Haichow Wan, a short segment between Yentai and the entrance to the Bo Hai, and a very short section of the coast west of the Yalu River mouth.

The Geographer (1972:4) concludes that the straight baselines shown along the shores of the Yellow and East China seas "would probably be quite consistent with international state practices." Since international state practice would allow constructing a straight baseline along any coast, this is scarcely an endorsement to cherish; but it is astonishing that The Geographer should approve of a straight baseline that closes Haichow Wan on the strength of four small islands spread over 70 nm. Just as surprisingly, three small islands, up to 24 nm from the coast, are used to justify straight baselines totaling 83 nm off the south coast of the Shandong Peninsula. The Chinese might well be offended that the United States should have such a poor opinion of China's regard for the letter and spirit of the baseline rules.

In the 29 years since the declaration, China has not published the baseline from which its territorial sea is measured either as a text or on maps, nor is there any prospect that this will be done in the near future (pers. com. Professor Zhizhang).

There has been very wide and fairly consistent speculation about the extent of maritime zones claimed by North Korea. Paik (1987) provided an interesting interpretation of this question and usefully reproduced the texts on which the analysis is based. In 1968 an English translation of a Russian translation of a North Korean declaration was made available. The relevant section reads as follows:
The coastal waters of the People's Democratic Republic of Korea include the East Korea Bay, i.e. the waters bounded by the east coast of the Korean People's Democratic Republic from the 38th parallel North Latitude to the port of Songjin on the one hand and a straight line connecting this port with a point on the East Korean Coast located on the 38th parallel on the other. The Korean People's Democratic Republic has a 12-mile territorial sea measured from the low-water line (Paik 1987:1).

If allowances are made that the 38th parallel was replaced by an Armistice Line in 1953, which starts on the east coast at 38°30' N, this seems to be a straightforward description. Apparently one single line 126 nm long closes the very broad bay called Tongjoson Man; elsewhere the territorial sea is measured from the low-water line. Because of the low tidal range and the steeply shelving shore, there is no reason to specify the lowest low-water line.

The only way in which such a bay can be properly closed according to international law is as an historic bay. Unless the evidence on which the claim is made is available for analysis, it is not possible to say whether this claim is well founded. However, the general observation can be made that well-known historic bays are usually clearly marked indentations such as the Hudson Bay and the Bight of Bangkok rather than slight curvatures of the coast such as the Gulf of Sirte and Tongjoson Man.

In a second Russian version of a North Korean cabinet resolution, the Korean territorial waters were defined in the following terms:

Democratic People's Republic of Korea.
By resolution No. 25 of the Cabinet of Ministers, 5 March 1955, the breadth of the territorial sea was set at 12 nautical miles. The territorial sea of the Democratic People's Republic of Korea (DPRK) includes the East Korea
Bay to the west from a line connecting the port of Kimch'aek with the point of the coast and [at?] the 38th parallel (38°00' N.L.) (Paik 1987:2).

This is not a very helpful text when compared with the first version. The waters of Tongjoson Han are not specified as internal waters, and there is no mention of any low-water line. Paik records that Kimch'aek is the new name for Songjin and is the name of a North Korean commander during the Korean War who was born at Songjin.

North Korea has never clarified the position of its baselines so we cannot know for sure where they are located. Straight baselines would certainly be appropriate along much of the drowned west coast of Korea. Straight baselines would only be appropriate on the east coast if they enclosed historic bays.

Speculation about North Korea's baselines has continued, however, and it is now generally assumed that North Korea's baselines run from the coast at the terminus of the Armistice Line to the mouth of the Tumen River through Musu Dan. It is a geographical fluke that Musu Dan, the most prominent headland on the east coast of North Korea, lies on the straight line joining the international boundary termini that North Korea has with South Korea and the Soviet Union. This line became generally accepted among academics and some officials of western governments in the following way:

On 1 August 1977 North Korea created an EEZ and a 50-mile military boundary zone. The economic sea zone extended 200 nm from "the starting line of the territorial waters" but where this distance could not be claimed without overlapping the claims of a neighbor, the zone extended to "the half-line of the sea" (Nordquist and Park 1981). In fact, North Korea cannot claim the full 200 nm in any direction so its claims in the Yellow Sea and the Sea of Japan will be determined by median lines, which is presumably what the term "half-line" means. This presumption might be wrong because an infinite number of lines will divide a water body into halves.
The 50-mile military boundary zone in the Yellow Sea is equivalent to the economic sea zone. In the Sea of Japan the military zone is measured from "the starting line of the territorial waters" (Nordquist and Park 1981). No progress could be made in defining the military zone in the Sea of Japan because no information was available about the location of baselines other than that contained in the earlier statements, which have been analyzed.

Then on 19 September 1977 a South Korean newspaper called Hankook Ilbo published a report of an interview with a private Japanese delegation that had visited North Korea to talk about Japanese fishermen operating in Korean waters (Park 1978). The report contained information that the military zone was defined by points close to the termini of the international boundaries and by two points in the Sea of Japan. These points were identified as 41°46'13" N, 131°31'15" E and 38°36'48" N, 129°30'30" E. The resulting zone has a base along the coast measuring 240 nm, and a parallel side in the sea measuring 210 nm. That trapezium shape has now appeared on many maps as though it was indisputably correct, as it might be (Prescott 1985:240).

Surprisingly, when these coordinates were plotted on Chart 95016 prepared and published by the U.S. Defense Mapping Agency Hydrographic/Topographic Center, the northern limit of the Korean zone includes part of a Soviet naval operations area. Nevertheless, I am inclined to believe that North Korea's military boundary zone does lie in the approximate position shown in Figure 3.

Kim (1987:215) refers to a press conference on 10 September 1977 by Mr. Hayashi Kiro, a member of the Liberal Democratic Party in the Japanese parliament, in providing the same definition of the military boundary zone. Unfortunately he does not provide a reference for this quotation. He does, however, refer to an article by Kenjo Kawakami in the Soviet Navigation Journal of October 1977; unfortunately this article has not been located.
The quotation attributed to Mr. Kiro by Kim also contains details of the outer limits of North Korea's economic zone. The economic zone is defined by the termini of the baseline already noted and two points in the sea located at 38°36'46" N, 132°36'52" E and 40°6'27" N, 133°36'38" E. When these points are
plotted and joined, the economic zone has a trapezium shape. This shape, which has been shown on a number of maps, appears to have gained general acceptance. This trapezium overlaps the areas that neighboring states can claim and is in direct contradiction to North Korea's claim to "the half-line of the sea." Unless new, strong evidence is available, the extended trapezium should not be shown, and median lines should be used as the best guess about the limits of North Korea's economic seas in the Sea of Japan.

Kim (1987:218) asserts that North Korea has no claim to a security zone in the Yellow Sea. Presumably this is an oversight, and he meant to write that the security and economic zones in the Yellow Seas are identical.

In the printed discussion following Kim's chapter, R. Smith, who was then in the Office of the Geographer, raised an interesting point. He noted that North Korea's claims have come before the public "through the back door" (Kim 1987:245). Smith asks whether the international community has been on notice since August 1977 to decide whether it acquiesces to North Korea's supposed claim, or is entitled to wait for a more formal announcement. That is a legal question that cannot be answered here.

On 20 September 1978 South Korea announced its straight baselines in four segments. Two segments are simply bay closing lines on the eastern seaboard. The bays, Yongil-man and Ulsan-man, satisfy the requirements for being closed as legal bays. The third segment extends for 237 nm from a rock in the Korea Strait to Sohuk-san-Do, which is an island in the southwest of the country. The fourth segment extends northward for 199 nm from the north coast of Sohuk-san-Do to Taeryong-Do. This baseline preserves the spirit of the 1982 Convention. It would preserve the letter if the termini on offshore features were tied to the mainland by short straight lines.

The Geographer (1979) has noted that the establishment of straight baselines, coupled with South Korea's territorial sea
law, has had the effect of placing the entire strait called Cheju Hacnyop in South Korea's territorial waters. This international strait lies between the south coast of South Korea and the large island Cheju-Do. In fact the distance between Cheju-Do and Cholmyong-i (Ninepin Rock), which is the closest feature of the straight baseline system, is only 23.5 nm so that part of the strait was always going to be occupied by territorial waters 12 nm wide.

The result that drew The Geographer's comment in respect of Cheju Hacnyop has been avoided in Korea Strait by acts of self-denial by Japan and South Korea (Figure 4). Both countries have restricted their claims in certain sections of the strait to 3 nm so that a channel between their territorial seas exists both east and west of Tsu Shima.

This technique of avoiding the incorporation of international straits in territorial seas had been adopted by Japan on 2 May 1977. In addition to the east and west channels in Korea Strait, Japan avoided subsuming all the waters in Soya, Osumi, and Tsugaru straits. Japan's self-imposed limits in these three straits are shown in Figures 5, 6, and 7. The only strait needing special comment is La Perouse Strait, which is called Soya Kaikyo in Japanese and Proliv Laperuza in Russian (Figure 5). South of Mys Kril'on, which marks the southern tip of Sakhalin, lies a rock called Kamen Opasnosti reaching a height of 28 feet and surmounted by a tower containing a light. It has been assumed that the Soviet Union would not claim beyond the median line between Kamen Opasnosti and Soya Misaki at the northern tip of Hokkaido. If this assumption is correct, then there will be a gap of 6 nm between the territorial seas claimed by Japan and the Soviet Union, and depths in this corridor will be about 30 fathoms.

This Japanese law of 2 May 1977 also made certain other provisions for defining Japan's territorial waters and internal waters (Nordquist and Park 1981:1.C.1). First, the Seto Naikai (Japan's Inland Sea) was declared internal waters. The closing
Figure 4. Examples of self-denial by Japan and South Korea in Korea Strait.

lines are all less than 24 nm, and the waters of the Seto Naikai seem highly appropriate for placement under the regime of internal waters. In common with the Soviet Union, Japan closes bays that have mouths less than 24 nm wide without any apparent reference to the semi-circle test contained in the 1958 and 1982 Conventions on the Law of the Sea. Where bays have mouths wider
Figure 5. Territorial sea claims in the La Perouse Strait.
than 24 nm, the closing lines will be drawn to enclose the maximum area of water. Such a closing line would be necessary in Toyama Wan, which lies about the midpoint of the north coast of Honshu.

It was noted earlier that Japan could draw archipelagic baselines around three of its archipelagos: Danjo Gunto, Sakishima Shoto (archipelago), and the combined archipelagos called Okinawa Shoto and Amami Shoto. The Danjo Gunto is a very small archipelago measuring only 5.5 nm from northeast to southwest. The largest system of archipelagic baselines would surround the Okinawa and Amami groups. Such a system would extend for about 180 nm northeast to southwest and have a greatest width of 55 nm in the southwest between Okinawa Jima and Kume Shima (Figure 8). The longest individual segment of
Figure 7. Japan's restricted territorial sea claim in Tsugaru Strait.
Figure 8. Potential archipelagic baselines around the Okinawa and Amami archipelagos.
baseline would measure 65 nm between Iheya Shima and Tokuno Shima. The ratio of water to land within the baselines shown in Figure 8 would be 4.1:1. The area inside the baselines was calculated from Chart 97024, whereas the land areas were taken from The National Atlas of Japan (Geographical Survey Institute 1977:350-351, 358). The total area of archipelagic waters in this case would be about 3,300 nm².

Archipelagic baselines around Sakishima Shoto would produce a ratio of water to land, calculated in the same way using Chart 94002, of 6.3:1. The total area of water in this case would be 1,818 nm². The longest individual leg would be 60 nm between Ishigaki Shima and Miyako Jima. This system would extend for about 130 miles from east to west with a maximum width of 25 nm (Figure 9). There is, however, plenty of scope for the Japanese to increase the area of water in both these cases by selecting different lines to preserve the general configuration of the archipelagos. However, the Japanese government has shown no interest in drawing any archipelagic baselines, and its record of modest claims suggests that such baselines will not be drawn.

Peter the Great Bay has been claimed by the Soviet Union as an historic bay. By a decree dated 20 July 1957, the closing line of 108 nm was established between the mouth of the Tumen River, which marks the boundary with North Korea, and Cape Povorotnyi (Butler 1967:108-109).

The latest version of the Law on the State Boundary of the USSR was adopted by the Supreme Soviet on 24 March 1982 and became effective on 1 March 1983. Article 6 deals with internal waters and notes that such waters will be found landward of straight baselines; inside ports closed by lines passing through the outermost points on port installations; in estuaries; in bays, which have mouths less than 24 nm wide, and in bays, inlets, coves, estuaries, seas, and straits historically belonging to the Soviet Union. No mention is made of the semicircular test in the provisions to close juridical bays. The only criterion is that the mouths should be less than 24 nm wide.
Figure 9. Potential archipelagic baselines around the Sakishima Shoto.
The significance of this view of juridical bays became evident on 7 February 1984 when the Soviet Union declared its straight baselines along shores washed by the north Pacific Ocean (The Geographer 1987). This declaration identified 223 points in the baseline system located on the shores of the Asiatic mainland including the Kamchatka Peninsula, Sakhalin Island, the Kuril Islands, and Komandorskiye Ostrova. The straight baselines outside the area under study in this analysis are not considered here.

The straight baselines shown in Figure 10 reveal three main points. First, except for the closing line to Peter the Great Bay, the individual segments forming the straight baseline system are short. Of the 49 individual segments in this region, 39 are less than 10 nm long. The closing line across Peter the Great Bay is the only segment of the remaining 10 exceeding 20 nm long.

Second, most of the lines close individual bays or the mouths of rivers. For example, the three segments on Sakhalin Island all close juridical bays such as Zaliv Baykal in the extreme north of the island. However, some of the bays closed do not satisfy the semicircle test and could be regarded as mere curvatures of the coast. For example, the line joining Points 17 and 18, which are set on Mys (Cape) Chetyrekh Skal and Mys Yushnvy, encloses a bight rather than a bay (Hydrographer of the Navy 1966b:364-367).

Third, because all the lines with one exception are shorter than the maximum distance for the closing line of a juridical bay, this straight baseline system has an insignificant influence on extending the outer limit of the Soviet Union's territorial seas. These coastal waters are frozen for five months of the year, and none of the segments reduces the width of international straits; thus, the Soviet Union's straight baselines in this region will probably not arouse serious objections by the major maritime powers except for Japan. Japan probably has the greatest objection to declarations of straight baselines around
Figure 10. Baselines of the Soviet Union (Source: The Geographer 1987).
Iturup, Kunashir, and Shikotan islands, which are the subject of a dispute between the two countries.

Tatar Strait, the only strait formed entirely by Soviet territory in this region, narrows to a width of 4 nm in the vicinity of Mys Pogobi. North of Mys Tyk on the west coast of Sakhalin, the strait is entirely occupied by territorial seas.

INTERNATIONAL AGREEMENTS REGARDING MARITIME JURISDICTION

There are three published international agreements in the region regarding maritime jurisdiction, and Japan is involved in all of them. On 22 June 1965 Japan and South Korea signed a fisheries agreement, ending a dispute that had begun on 18 January 1952. On that date a presidential proclamation defined South Korea's sovereignty over the adjacent seas of the Korean peninsula. The so-called Rhee Line is shown in Figure 11. It enclosed an area over which South Korea claimed sovereignty in respect of the continental shelf and the overlying waters. The reference to fishing was explicit.

... placing under Government supervisions particularly the fishing and marine hunting industries in order to prevent this exhaustible type of resources and natural wealth from being exploited to the disadvantage of the inhabitants of Korea or decreased or destroyed to the detriment of the country (Nordquist and Park 1981:III.C.1).

This exclusion of Japanese fishing fleets from traditional waters led to a dispute between the two countries, which took nearly 14 years to settle.

The main outlines of the 1965 fishing agreements are shown in Figure 12. First, each country established an exclusive fishing zone around its territories measuring 12 nm wide. Where
either country used straight baselines in establishing this exclusive zone, the other country was consulted. The overlapping zone west of Tsu Shima was divided by straight lines connecting the terminal intersections of the overlapping zone with the midpoint of the greatest width of the overlap.

The Korean exclusive zone was surrounded by a joint regulation zone. Within the joint regulation zone fisheries were...
controlled by the number of boats, size of boats, type of gear, and dates of operation. These details were set out in an Annex to the agreement (Nordquist and Park 1981:III.B.2). There were also two types of subdivision of the joint zone (Figure 12). First, trawlers of more than 50 tons were not allowed to operate east of meridian 128°E. Second, mackerel-angling from boats of less than 60 tons was restricted to a zone south of 35°30' NE of
the peninsula and south of 33°30' NW of Cheju-Do. Only 15 such mackerel boats would be allowed to fish. Beyond the joint regulation zone, the agreement provided for a joint fishery resources research zone. This was defined by the Joint Fisheries Commission created by the agreement. The limits of the research zone corresponded very closely with the former Rhee Line (Bowett 1966:109).

Fresh problems arose in 1977 when Korean trawlers were almost entirely excluded from the waters of the northern Pacific Ocean when the United States and the Soviet Union proclaimed extended fishing zones. These Korean fishermen then began to fish off the coast of Japan, and problems began to occur. Japan had also declared an extended fishing zone but did not apply it in the direction of its Asian neighbors. Eventually on 31 October 1983, agreements were reached on regulations about the number of Korean trawlers operating off Hokkaido and the number of Japanese trawlers operating south and west of Cheju-Do (pers. com. Professor Kawasaki). Japanese trawlers were restricted to the period 16 November to 15 February in the vicinity of Cheju-Do.

On 30 January 1974 Japan and South Korea signed an agreement that defined their continental shelf boundary for about 260 nm throughout the Korea Strait and the western entrance to the Yellow Sea (Nordquist and Park 1981:IV.B.1). The boundary is plainly based on equidistance principles even though this statement is not made in the agreement. An inspection of the points shows that the nearest points on opposite sides of the line are always within 2 nm of being the same length. A strict line of equidistance is often an inconvenient line because of the frequent changes of direction of very short segments. This is often particularly true of median lines drawn through narrow seas studded with offshore islands and rocks. The disputed islands called Take Shima by the Japanese and Tok-Do by the South Koreans are the reason why it was not possible to continue the continental shelf boundary farther into the Sea of Japan. In
fact the two sides terminated the line at point 35, 8 nm beyond the tri-junction, which is equidistant from the nearest points of Japan and South Korea and Take Shima.

As Figure 13 shows, there was very little overlap between the oil exploration zones set out by the two countries in the vicinity of the Korea Strait and the entrance to the Sea of Japan. This must have been a factor in enabling this agreement to be reached. It came into force on 22 June 1978.

The contrast between the continental margins west and east of the Korean peninsula is reflected in the different agreements that Japan and South Korea reached in these two areas. The narrow and continuous continental margin through the Korea Strait and around the southern rim of the Sea of Japan caused no serious difficulties when a decision was made to draw a boundary to divide the margin. In contrast the two countries have not been able to draw a boundary in the eastern East China Sea. Instead they agreed to create a joint development zone also on 30 January 1974 (Nordquist and Park 1981:IV.B.2).

In this region there was a considerable overlap between the oil exploration zones defined for leasing by the two countries (Figure 13). The main overlap was between the Japanese zone labeled J3 and the South Korean zone styled K7. This overlap is caused by the countries adopting two different principles in claiming the continental margin.

Japan takes the view that since it owns the group of islands called Danjo Gunto, it is able to make claims to the continental shelf from them as stipulated in Article 121 of the 1982 Convention. Japan interprets the article dealing with delimitation of continental shelf areas in a way that allows it to claim to the median line between South Korea and Danjo Gunto.

South Korea does not dispute Japan's ownership of Danjo Gunto, but takes the view that these are Japanese islands standing on South Korea's continental shelf. In short, South Korea argues on the principle of natural prolongation.

Unfortunately, the concept of natural prolongation is
imperfect, and since it was created by the International Court of Justice in 1969 when finding in favor of West Germany against Denmark and the Netherlands, the court has been unable or unwilling to clarify the concept. In the judgment on the case between Libya and Malta, the court seemed to decide that natural prolongation was not a matter to be considered when the waters between the states were less than 400 nm wide. It is almost as though countries sharing seas less than 400 nm wide would be drawing EEZ boundaries rather than continental shelf boundaries.

In any event Japan and South Korea decided that rather than continue the dispute either through negotiation or arbitration

Figure 13. Conflicting continental shelf claims by Japan and South Korea (After Park 1973:219).
they would unlock the possible riches of the disputed zone by agreeing to joint regulation. The limits of the overlapping zones appear to have played a major part in determining the extent of the joint zone (Figure 14). Some of the original concession limits can also be traced in the boundaries subdividing the joint zone. The northwest side of the zone, which is marked A-B in Figure 15, corresponds almost exactly to the line of equidistance between Japan and South Korea if the Danjo Gunto are given full effect. The boundary segment marked B-C in Figure 15 corresponds to the median line between China and the Danjo Gunto.

This agreement came into force on 22 June 1978 and will
Figure 15. Subdivisions of the Japanese-South Korean joint zone.

remain in force for 50 years, after which time either side can give a 3-year notice of termination.

On 15 August 1975 China and Japan signed an agreement on fisheries, which formalized and extended existing nongovernment agreements since 1955, except for the period 1958 to 1963. The agreement came into force on 22 December 1975.

Akaha (1985), Park (1974), and The Geographer (1976) have provided useful accounts of the events culminating in the 1975
agreement. It is not proposed to repeat the history of this agreement but instead to concentrate on its significance for maritime jurisdiction in the Yellow and East China seas.

The agreement provides for a complex pattern of arrangements (Figure 16). First, the western limit of the area to which the agreement applies was defined by a series of straight lines...
connecting eight points. This line extended from a point (39°45' N, 124°9'12" E) near the mouth of the Yalu River to a point 24 nm from a small Chinese island in 27° N. This line follows the general configuration of China's coast at distances from 14 to 48 nm. Waters west of the line and north of the Shandong Peninsula form a military warning area, which was "designated to maintain the security of national defense" (Nordquist and Park 1981:III.B.3, 41). The remaining waters between the western limit of the agreement and the Chinese coast are where Chinese trawlers may not operate and Japanese trawlers must not enter so that fishery resources can be preserved (Nordquist and Park 1981:III.B.3, 41).

The second major area to be designated is one where trawlers with engine capacities of more than 600 horsepower are prohibited from operations. This zone starts in the north off the Shandong Peninsula and terminates at 28° N, apart from a very narrow tail that extends to 27° N near the Chinese coast. Apart from this tail, the zone varies from 29 to 97 nm wide.

The third zone consists of two fishery suspension areas situated almost entirely in the northern part of the zone where trawlers with engine capacities in excess of 600 horsepower are prohibited. In these areas smaller trawlers may not operate between 1 September and 30 November.

The fourth zone consists of three protection areas within which the number of Japanese and Chinese vessels licensed to operate is nominated.

The fifth and last zone concerns round-haul net fishing operations using lamps. The number of such fishing units is restricted to 25 Japanese and 70 Chinese in waters north of 32° N in the zone where large trawlers are prohibited.

In notes accompanying the agreement, the Chinese warned that they could accept no responsibility for anything that happens to Japanese fishing vessels operating south of parallel 27° N in the vicinity of Taiwan. The Japanese noted this position but could not accept its validity (Nordquist and Park 1981:III.B.3, 41-42).
When these zones are considered in terms of national claims in the region, the following points can be made. First, China, which has not claimed any fishing zone or EEZ, has entered into an agreement to regulate fisheries up to 182 nm from its coast. The agreement effectively established a zone up to 48 nm wide where Japanese vessels have agreed not to enter; this zone is in the vicinity of China's coast.

Second, it is interesting to examine how the delimited fisheries regulation zones compare with median lines the other coastal states in the Yellow and East China seas might claim. The zones do not intrude into North Korea's potential economic zone, assuming full effect is given to all South Korean islands. The zone within which large trawlers are prohibited intrudes across the median line between China and South Korea at two points. There is a small intrusion in the north and a larger intrusion in the south (Figure 17). Protection Area Number 1 established by the 1975 agreement lies almost entirely within South Korea's potential EEZ.

Almost like an afterthought, the zone of exclusion for large trawlers makes a small intrusion into the economic or fisheries zone that Japan could claim from the Senkaku Islands. It is not known whether there was any political significance or symbolism in this situation.

In a private communication, Kawasaki notes that on 1 August 1985 another five fishery suspension areas and another three protection areas were established along the western limit of the area to which the agreement applies. Unfortunately, the definition of these areas has not been seen.

According to reliable reports, another international agreement has been reached by North Korea and the Soviet Union (pers. com. Captain Zakharov). Apparently, agreement was reached in principle on the delimitation of their common marine boundary in 1985, and the precise details of delimitation are being settled. The Soviet Union has reached a number of marine boundary agreements with its neighbors. They include Norway in
Figure 17. Intrusions of zones connected with the China-Japan fishing agreement into South Korea's potential EEZ.
Figure 18. Diagrammatic representation of potential maritime boundaries in East Asian Seas.

1957, Poland in 1958, Finland in 1966, and Turkey in 1973. The agreement with North Korea is unlikely to have faced any serious technical or political problems, and it seems likely that the Soviet Union would welcome such a settlement because of its proximity to the important naval base at Vladivostok.

**JURISDICTIONAL PROBLEMS**

If the present division of China and of the Korean peninsula continues indefinitely into the future, eleven potential maritime boundaries must be drawn in the East Asian Seas (Figure 18). Only one boundary has been drawn so far—the continental shelf line and joint zone between Japan and South Korea. The Soviet-North Korea boundary is now being finalized.

When the other nine boundaries are considered, they fall
into two primary groups. First, six of the lines apparently will never be negotiated unless the relations of the two countries concerned are significantly improved. It is unthinkable that either China and Taiwan or North and South Korea would agree to negotiate maritime boundaries with each other. North and South Korea are the only existing countries that must negotiate two maritime boundaries with each other—one in the Yellow Sea and the other in the Sea of Japan. It also seems highly unlikely that under the present circumstances South Korea would be able to negotiate maritime boundaries, even if it was willing, with either China or the Soviet Union. Of course, South Korea would not need to negotiate a boundary with the Soviet Union if Japan succeeded in its claim to Take Shima, but in that case it seems unlikely that Japan would negotiate a boundary with North Korea. Finally, Japan is unlikely to negotiate a boundary with Taiwan because of its concern for relations with China.

There are thus only three boundaries where political relations do not seem to prevent boundary negotiations. These cases involve China and North Korea, and Japan with China and the Soviet Union.

It is now necessary to look at the problems other than political relations facing the various countries if they decide to start negotiations with each other.

The only boundary that has been the subject of an agreement is incomplete. West of the Korea Strait, Japan and South Korea had to settle for a joint zone rather than a single line. Since the joint zone will last for at least 53 years, it seems unlikely that the situation will change in this zone in the near future.

East of Korea Strait the continental shelf boundary could not be continued because of a disagreement over the ownership of Take Shima (Tok-Do). Obtaining information about this feature, which used to be shown in older atlases as Liancourt Rocks after the Frenchman who discovered them for Europe in 1849, is very difficult. Presumably Japanese and Korean sailors knew of their existence long before 1849. Some atlases also call this group
"Hornet Rocks." The best description found so far is in the pilot for this region.

Take Shima, or Liancourt Rocks (37°15' N, 131°52' E), about 187 miles northeastward of the northeastern entrance point of Pusan hang and about 118 miles from the east coast of Korea, is a group of islets and rocks lying in the Sea of Japan. It consists of two islets situated in an east-north-easterly and west-south-westerly direction from each other, and separated by a narrow channel, and numerous rocks above the water surrounding them; this group, being steep-to, is dangerous at night.

The western islet is 515 feet (157 m) high and is shaped like a sugarloaf; the eastern islet, known to the Koreans as Tok to, is somewhat lower and is flat. Both islets are barren and rocky, with the exception of some grass on the eastern islet, and their coasts consist of precipitous rocky cliffs. There are numerous caves where sea-lions resort. These islets are temporarily inhabited during the summer by fishermen (Hydrographer of the Navy 1966a:200).

If South Korea or Japan were able to gain exclusive title to these islets, they would also secure title to surrounding seas measuring 18,545 nm².

Take Shima is located on the Yamato Rise, which is the most prominent topographic feature in the Sea of Japan (Hilde and Wageman 1973:421). Hilde and Wageman (1973) find that this ridge, which tends northeast-southwest, contains much igneous material and was formed during or prior to the formation of the Sea of Japan. From Take Shima, a country could claim into areas occupied by the Yamato Trough to the north and Tsu Shima Basin to the south that have sediment thicknesses of 1,000 and 2,000 meters, respectively. Both these features lie in water depths of
1,000 fathoms so they are not currently attractive prospects for oil exploration.

South Korea currently occupies these islands. Guards are always posted on the island, and once every year Japan sends a protest note rejecting South Korea's claims to ownership of these features. According to informed sources, South Korea's interest in the islands is strategic rather than economic. If this is true and if as it appears Japan is less committed than South Korea to owning the islands, then there is scope for a compromise. It is possible that Japan would consider withdrawing its claim to the islands in return for a seabed boundary that totally discounted Take Shima. However, such an arrangement would give South Korea about two-thirds of the zone surrounding Take Shima because South Korea's Ullung-Do is only 47 nm from Take Shima, whereas Japan's Oki Gunto is 86 nm distant from the disputed islands.

Fortunately, ownership of these islands does not appear to be a source of current friction. These two countries already have a record of solving maritime disputes, so it is safe to conclude that Take Shima will not prove to be a flashpoint in the East Asian Seas.

Turning to those six cases where strained relations or an absence of formal contacts seems an insuperable barrier to the negotiation of maritime boundaries, one problem must be mentioned that would create difficulties even if the political situation was entirely harmonious. This problem concerns the so-called northwestern islands.

The 1953 Armistice Agreement, which ended the war in Korea, provided for a number of South Korean islands lying west of the Han estuary and close to the North Korean coast to remain under the control of the United Nations Command. The islands are called Paengnyong-Do, Teochong-Do, Sochong-Do, Yonpyong yolto, and U-Do. Yonpyong yolto consists of two small islands, some islets, and rocks. The two main islands are called Taeyonpyong-Do and Soyonpyong-Do. At the closest point these
islands lie just 7 nm from North Korea. According to Park (1978:869), these islands have an extent of 5 mi² and were occupied by 13,000 people in 1978.

Eleven years after the armistice came into effect, the Commander of the United Nations Forces drew the Northern Limit Line, which was the limit to which United Nations' vessels would patrol. North Korea has generally avoided significant penetration of this line without accepting its propriety. Arguments put by the chief North Korean representative at the Military Armistice Commission that the islands were surrounded by North Korean territorial waters have not been backed by action; this claim was made in 1973.

South Korea regards the Northern Limit Line as an established part of the armistice arrangements and as the de facto boundary between the maritime regions of the two parties. There is no evidence that the United Nations Command shares this view. South Korea usually keeps fishing vessels some miles south of the Northern Limit Line except when fish migrations are followed close to the line for short periods.

The presence of the northwest islands close to the coast of North Korea severely limits the claims to either the continental shelf or an EEZ, which that country can make. The location of the median line, which gives full effect to these islands, is shown in Figure 19. When this line is compared with the median line, which totally disregards the northwest islands, it appears the seabed and waters attached to those islands measure about 4,300 nm².

The existence of islands under the United Nations Command means that there is no comparable situation anywhere else in the world. However, it seems certain that no maritime boundary involving the northwest islands will be negotiated either between North and South Korea or between China and South Korea in the near future.

If one day the issue is resolved in terms of the two Koreas, China would probably insist that the northwest islands should be
Figure 19. The potential effect of the northwest islands on median lines.
discounted in any seabed negotiations. Based on natural prolongation, China is convinced that the seabed boundary lies closer to the Korean peninsula than it does to the Chinese coast. This view is based largely on the fact that the margin has been built up by sediments provided by Chinese rivers (Chee 1987: 186-187). It is not clear what position China would adopt if the state or states on the Korean peninsula finessed the situation by only claiming an EEZ, or if the apparent discounting of natural prolongation in the Libya-Malta case becomes general state practice.

When the other cases of extreme political difficulty are considered, there seems to be only one additional technical problem that has not already been mentioned. If Japan ever decides to negotiate a maritime boundary with Taiwan, the ownership of the Senkaku Islands would be a problem. Since these islands are the subject of a dispute between China and Japan, they will be considered in the context of that maritime boundary.

The problem of Take Shima has been discussed. It would be difficult if Japan had to settle a maritime boundary with North Korea or if South Korea had to negotiate with the Soviet Union. In each case it is likely that North Korea and the Soviet Union would try to insist that the claims from Take Shima should be discounted.

It is now necessary to turn to the three cases where political relations do not seem to pose a severe problem to the settlement of maritime boundaries. In the case of North Korea's potential boundaries with China, there does not appear to be any published information available. It seems to be an uncomplicated matter to draw maritime boundaries from the Yalu River, which marks the northern boundary of North Korea, but no evidence is available to suggest that this matter is under consideration. It was noticed earlier that the international boundary along the thalweg of the Yalu River reaches the sea through the well-marked channel called So Suido.

Finally there are the potential maritime boundaries
concerning Japan with China and the Soviet Union, respectively. In each of these cases, there is a dispute over the ownership of important groups of islands. Japan possesses the Senkaku Islands, also claimed by China, and the Soviet Union controls four islands very close to the northern coast of Hokkaido claimed by Japan. There is no reason to expect that any final maritime boundary will be settled until these territorial disputes are resolved. Their settlement will be hard, because in both cases the opposite sides take quite different views of the interpretation of geographical terms contained in international treaties.

The Senkaku Islands are called Tiao-yu-tai by the Chinese and Sento Shosho by the Japanese. The group consists of seven islands or islets and a rock and, except for one island called Sekibi Sho that is 48 nm distant, these features form a fairly compact group. Sekibi Sho is a small islet rising to a height of 275 feet. This isle, formed of lava, is surrounded by a flat terrace from which steep cliffs rise; there are no trees on Sekibi Sho. Kobi Sho is the summit of an extinct volcano standing 384 feet high. The steep slopes of the island, which make landings very difficult, are covered with palm trees and undergrowth, but there is no fresh water on Kobi Sho.

The largest island lies in the extreme southwest of the group. Uotsuri Shima has two peaks with an intervening saddle; the peaks are almost the same height—the highest 1,157 feet above sea level. There are no anchorages around the island, although there is a boat slip on the west coast that can be used in calm weather. Apart from a small rock called Tobi Se, which has an elevation of 9 feet, the other four islets (Kitako Shima, Minamiko Shima, Okinokita Iwa, and Okinominami Iwa) are rocky and barren.

When median lines are drawn around the Senkaku Islands to see how much seabed and sea is attached to claims from the islands, the reason why the islands are in dispute becomes apparent (Figure 20). The total area is about 20,500 nm² and because the Senkaku Islands are farther from the mainland coast
of China than the Nansei Shoto (Ryukyu Islands), most of that area is covered by waters less than 100 fathoms deep. Cheng (1974), with assistance from S.Y.C. Huang and Y. Tam, has published an interesting account of the conflicting claims to the Senkaku Islands. The following information has been derived from Cheng's study.
Apparently both sides would agree with the facts cited below. Chinese sailors had used these islands as navigational aids in reaching the Ryukyu Islands from the fourteenth century A.D. The first Japanese to discover the islands was Tatsushiro Koga in 1884. The Japanese Cabinet decided to incorporate the Senkaku Islands as part of Japan on 14 January 1895. Under the terms of the Shimonoseki Peace Treaty of 17 April 1895, which ended the war between China and Japan, China ceded the island of Formosa to Japan, together with all islands appertaining to Formosa. In 1945 the Ryukyu and Senkaku islands were occupied by the United States Forces. This occupation ended on 15 May 1972 when both groups of islands were returned to Japan under the terms of the Okinawa Reversion Treaty of 17 June 1971.

Even these few facts are subject to different interpretations by the two countries, and each side would advance other matters as irrefutable facts. Looking first at the different interpretations of the agreed facts, the following points can be made.

First, the Chinese regard the discovery of the islands by Chinese sailors and their use of the islands as navigational aids constitute a valid claim. The islands were regularly sighted by investiture missions to the Ryukyu Islands. Cheng (1974:254-255) has listed the most important records preserved of these missions from 1403 to 1756. To the Japanese comment that the passing diplomats showed no signs of landing on the Senkaku Islands or developing schemes for their use, the Chinese respond that during those years the islands were fit for nothing but use as navigational aids; they were in effect nature's lighthouses and beacons.

Japan insists that the incorporation of the Senkaku Islands on 14 January 1895 was unrelated to the successful progress of the war against China.

In and after 1885, the [Japanese] Government repeatedly conducted field surveys on the Senkaku Islands, and having
confirmed with prudence that they were not merely uninhabited islands but also had no traces of control by Ch'ing [China], made a cabinet decision on January 14, 1895, to the effect that a marker post would be put up on the Islands, and, thus, decided to incorporate them formally into our country's territory (Foreign Ministry 1972:15).

China's interpretation is that Japan displayed reluctance to claim the Senkaku Islands in 1885 because they were close to the coast of Chinese Formosa and because of Chinese press reports about Japanese activities in the Senkaku Islands. A report by the Japanese Foreign Minister stated that plans to annex and develop the islands should "await some other occasions" (Foreign Ministry 1895:574). As far as China is concerned, the decision to annex the Senkaku Islands was directly related to the defeat of China in November 1894 and the conviction that China was then in no position to object.

The Japanese have no doubts that the reference in the Shimonoseki Peace Treaty to the island of Formosa, together with all the islands appertaining to Formosa, excluded the Senkaku Islands that had been dealt with by prior cabinet decisions. China is equally certain that the Senkaku Islands appertained to Formosa at the time the treaty was concluded and came into force.

The importance Japan attaches to American occupation of the Ryukyu and Senkaku islands and their return in 1972 is contested by China. China argues that the exigencies of war made it convenient for the United States to administer the Ryukyu Islands while China was assigned Taiwan and the Pescadores as a site for receiving Japan's surrender. Further China refutes Japan's suggestion that Article 3 of the San Francisco Peace Treaty of 8 September 1951 includes the Senkaku Islands as part of Nansei Shoto south of 29° N. China argues if this article intended to include the Senkaku Islands with the Ryukyu Islands, that was a mistake. In any case the mistake was overridden by Article 2 in which Japan renounced all rights, title, and claim to Formosa and
the Pescadores (U.S. Department of State 1952:3172). As in the
treaty of 1895, China interprets the name Formosa to include the
Senkaku Islands.

Both sides have collected much additional information that
the other side does not accept as relevant. For example, Japan
has stressed the major effort to develop the islands in an
economic sense by Tatsushiro Koga from 1896 to the start of World
operations and collecting birds' feathers and guano. The
industries failed because of the high costs of transport and
depravations among the bird populations by cats. After Koga died
in 1918, his son carried on some economic activities until the
onset of the war in the Pacific Ocean. After World War II,
Koga's son received rent from the United States for using four of
the islands, for which he had acquired private title in 1926.

China for its part has pointed to the inclusion of the
Senkaku Islands in the country's coastal defense system in the
mid-sixteenth century when pirates were raiding China's coast.
Reference is also made to the Senkaku Islands as a source of a
rare medicinal herb (statice arbuscula). Pills manufactured from
this ingredient so impressed Empress Dowager Tsu Hsi that she
awarded three of the Senkaku Islands to the manufacturer in 1893
(Cheng 1974:257).

Thus, the disagreement over the evidence can be summarized
in the following way. China believes that the Senkaku Islands
were part of its territory until 17 April 1895 when they were
ceded to Japan after losing a war. They believe that the islands
should have been returned under the terms of Article 2 of the San
Francisco Treaty of 1951. Therefore, as far as China is
concerned, nothing that happened after April 1895 can be
considered relevant in undermining China's long-standing claim.

Japan bases its case on the contention that the islands
belonged to no country until January 1895 when they were
incorporated into Japanese territory by the cabinet's decision.
Furthermore, Japan argues since that time it has maintained
effective and unbroken occupation of the islands; therefore, what happened before January 1895 cannot diminish Japan's sovereignty.

No guarantee can be made that if the evidence presented by both sides were weighed and assessed by each of the most skilled and objective judges, they would all reach an identical conclusion. If an answer is to be found to this dispute, it will be found, as is so often the case, by political compromise rather than careful historical, geographical, and legal research.

For Japan the Senkaku Islands represent access to a potentially valuable section of the continental shelf of the East China Sea; but unless Japan can reach some agreement with China over the matter, that access is barred unless Japan is prepared to act unilaterally in a way that could have severe repercussions on other aspects of relations between the two countries. China, which has uncontested title to large areas of prospective continental shelf, does not need to hurry in any search for a solution to this dispute.

All that seems to be reasonably certain is that China and Japan will not conclude definitive maritime boundaries until this dispute is resolved. However, they may continue to reach general agreements on fisheries in areas already covered by the 1975 agreement or in new areas. Interestingly, China, which has been so diligent and reasonable in negotiating treaties covering international land boundaries with Mongolia, Afghanistan, Pakistan, Nepal, and Burma, has not settled one of its five or six potential maritime limits.

The Kuril Islands are aligned like stepping stones between Hokkaido and the Kamchatka Peninsula. They extend about 630 nm, and the southern tip of Kunashir is only 6 nm from the coast of Hokkaido. Lying 30 nm to the south of Kunashir, which is the southernmost island in the Kurils, are the group of islands called Habomai and the island called Shikotan.

The Soviet Union now controls all the Kuril Islands and Shikotan and the Habomai Group. Japan claims that it should possess Shikotan Island and the Habomai group, as well as the two
The most southerly islands in the Kurils called Kunashir and Iturup islands (Figure 21).

In any précis of the origin of this dispute, the following events are very important. Working from the north and south respectively, Russian and Japanese explorers and hunters charted the Kuril Islands and began to wrest a living from them. In the Treaty of Shimoda signed on 7 February 1855, the two countries agreed to divide the Kuril Islands at the strait passing between Iturup and Urup islands. Today this strait is called Proliv Friza in Russian and Etorofu Kaikyo in Japanese; Etorofu was the earlier name of Iturup. This treaty thus gave Japan the territory known today by the Japanese as the Northern Territories. Stephan (1974), who has written a full account of the history and politics of the Kuril Islands, records that Russia claimed all the Kuril Islands in 1855 but agreed to withdraw its claim to the two most southern Kuril Islands at a time when its energies were largely focused on the Crimea.

By the Treaty of St. Petersburg signed on 7 May 1895, Japan and Russia agreed to an exchange of territory. Japan ceded to Russia its territories in southern Sakhalin and received from Russia the Kuril Islands lying between Kamchatka and Proliv Friza (Stephan 1974:237-238).

By the Treaty of Portsmouth dated 5 September 1905, however, Japan regained southern Sakhalin (Karafuto) and some adjacent islands. These gains, all the Kuril Islands and Shikotan and the Habomai Shoto, were stripped from Japan at the end of World War II. According to Article 2 of the San Francisco Treaty of 8 September 1951, Japan renounced all rights, title, and claim to the Kuril Islands and to that part of Sakhalin and the adjacent islands gained in 1905 (U.S. Department of State 1952:3172).

As far as the Soviet Union is concerned, that is the end of the matter except that it has agreed to return Shikotan and the Habomai Shoto when a peace treaty is eventually signed between the two countries (United Nations 1957:116). Japan holds the view that not only these two islands but also Kunashir and Iturup islands should be returned.
Figure 21. Japan's claimed Northern Territories.
The facts in this case are clear. Until 1945 Kunashir, Iturup, and Shikotan islands, and the Habomai Shoto were controlled by Japan. The Soviet Union is prepared, subject to certain conditions, to return Shikotan Island and the Habomai Shoto. The present conditions involve the conclusion of a peace treaty and the withdrawal of all foreign military forces from Japan. This last condition was introduced in 1960. Thus the issue at dispute can be narrowed to the ownership of Kunashir and Iturup islands.

Japan argues that the reference to the Kuril Islands in the San Francisco Treaty was to the islands Japan had acquired in exchange for Sakhalin in 1875. Stephan (1974) contradicts this assertion firmly.

Careful research has exposed this argument as specious. Yoshida [Japan's Prime Minister] made no such distinction either at the conference or subsequently in the Diet. When Japanese officials referred to the Kurils in 1951, they meant all the islands lying between Hokkaido and Kamchatka with the exception of Shikotan and the Habomais. Although both Yoshida and the senior American representative at the conference, John Foster Dulles, charged the U.S.S.R. with illegally occupying Shikotan and the Habomais, neither claimed Kunashir and Iturup to be Japanese territory (Stephan 1974:200).

Although the Soviet Union characterizes the Japanese policy as being based on revanche, this is a distortion. Some Japanese, perhaps the majority, regard the northwest territories as an integral part of the Japanese homeland and any government abandoning the claim to Kunashir and Iturup would risk losing much popular support. In addition to sentimental satisfaction, Japan would gain waters and seabed extending for about 57,000 nm². Japanese security possibly would be increased if Soviet Forces relinquished the northwest territories, but the
gain would be only marginal in all probability.

If the Russian population ever thought about the concept of natural boundaries, they would probably believe that the Kuril Islands fell within the natural boundaries of the Soviet Union. Certainly the Soviet authorities believe and have cultivated the view that the Kurils were discovered and settled first by Russians (Stephan 1974:203-204). There are also two other considerations. First, the Soviet population made great sacrifices during the war and suffered appalling casualties. The Kuril Islands formed a part of comparatively small territorial gains in Asiatic Russia. Any Soviet administration would find it hard to justify the cession of Kunashir and Iturup even if it wanted to take this course. The second consideration strongly suggests that such a course would be considered impolitic. The Soviet Union made considerable territorial gains in eastern Europe at the end of World War II, and the principle of Soviet foreign policy is that those boundaries will not be altered to the Soviet Union's disadvantage. Soviet concessions to Japan might make some governments in eastern Europe, as well as China, wonder whether they could try to negotiate a better deal than they received in 1945.

From the viewpoint of military geography, strong arguments are also in favor of the Soviet Union retaining all the Kuril Islands. Such control makes the Sea of Okhotak a Soviet sea and ensures that the most southerly strait in the chain lies between Soviet islands. Proliv Yekateriny (Kunashiri Suido) lies between Kunashir and Iturup; it is about 12 nm wide, and the central channel, 5 nm wide, is greater than 100 fathoms deep. The only dangers are some reefs in the vicinity of Mys Lovtsova at the eastern tip of Kunashir. This strait is always clear of drift ice by April, and in some years the ice has cleared by February.

On 24 February 1977 the Soviet Union declared that its fishing limits in the Pacific and Arctic oceans would be extended to 200 nm. In the vicinity of the Kuril Islands, the southern limit was announced as an equidistant line between the Kuril
Islands and Japanese territory. In reply Japan established a 200-nm fishing zone on 1 July 1977 and applied it to the Pacific Ocean, around the northwest territories, and the northern part of the Sea of Japan where the zone ran up to the median line with the Soviet Union (Figure 22). This new Japanese claim was not applied in the seas separating Japan from South Korea and China.

Finding a solution to this problem will be difficult in the near future. If that assumption is correct, then there is no prospect that Japan and the Soviet Union will be able to agree on a maritime boundary in the Sea of Japan and north of Hokkaido. Since both sides appear to be observing the median line, no
reason for unusual friction is expected in these areas. Even though Japan has claimed its fishing zone in respect to waters around the northwest territories, the Soviet Union undoubtedly controls them, and Japanese fishermen must apply for licenses to fish, must pay fees, and must accept Soviet supervision and limits on catches (Office of National Assessments 1983:16).

MARITIME ZONES OF REGULATION

The information on which this section is based was derived from a number of official sources. First, some zones where special regulations apply were discovered on regional charts prepared by the Defense Mapping Agency Hydrographic/Topographic Center. Second, pilots published by the Hydrographer of the Navy (1966a, 1966b, 1968, 1979) provided some additional information. However, in most cases the later supplements to these pilots contained more useful information than the pilots themselves. Third, the Sailing Directions for the North Pacific Ocean produced by the Defense Mapping Agency Hydrographic/Topographic Center (1984) were particularly useful about Soviet zones.

Because of problems with scale, no attempt has been made to show the zones of special regulation found in almost every major and medium-sized port throughout this region. Such zones connected with quarantine, laid cables, pilot services, spoil grounds, and dangerous cargoes are commonplace in ports and play important roles in their efficient operation.

The zones identified around the coasts of China and North Korea are likely to be only some of those that exist. As the sources searched mention in a number of places, the Chinese do not observe the international practice of exchanging hydrographic information. This means that the pilots, and to a lesser extent the charts, are not up to date with information about new regulations, fresh dangers, and changes in navigational aids and warnings. Information about regulations and zones in North
Korean waters is probably even harder to obtain than information about Chinese waters.

Comment is not intended on each specific zone; instead, reference will be made to the main features of the pattern of zones of special regulations. Security zones are prominent along the coasts of China and North Korea. Park (1978:874) refers to Special Maritime Zones established by South Korea to defend fishing operations and prevent the infiltration of North Korean agents, but establishing their extent has proved impossible. Military zones have been established at various times by a number of countries, usually when hostilities were occurring or were threatened. However, the concept of security zones extending beyond a state's territorial sea was not included in the 1982 Convention on the Law of the Sea or its 1958 predecessor. Park (1978) attributes this to the general view that such claims would be open to abuse and should not be necessary. The Chinese military zone at the head of the Yellow Sea and the North Korean military zones do extend beyond the territorial seas of those countries if those territorial seas are drawn from reasonable baselines. Whether the Special Maritime Zones of South Korea extend beyond its territorial waters is unknown.

The justifications for the Chinese and North Korean zones are similar. North Korea seeks to safeguard the economic sea zone and defend the national interests and sovereignty of the country; the Chinese military area was designated to maintain the security of national defense. Unclear is why explicitly defined territorial waters cannot serve this purpose for these countries as they do for most other coastal states around the world. It is interesting that these military zones have been created but that the territorial seas of China and North Korea have not been clearly defined by either a text or charts. The impact of the Chinese military zone on marine traffic seems negligible, but the North Korean military zone engenders an attitude of circumspection by captains of commercial and naval vessels.

Although they are not called security zones, the Soviet
Union and Taiwan have zones related to their navies where special regulations apply. The Soviet Union has declared a naval operating area off Peter the Great Bay and firing practice areas along the southwest and northeast shores of Tatar Strait. All these areas lie partly inside and partly outside the Soviet Union's territorial waters. Of course, the firing areas are not used continuously. The naval operating area is also designated as a bombing area (Defense Mapping Agency Hydrographic/Topographic Center 1984:232), and in 1984 this area was temporarily dangerous for navigation. None of these areas has been designated a Fortified Zone by the Soviet Union. This is the ultimate stage when the authorities find it necessary to establish special control of navigation in specific areas. When such zones are declared, permission is necessary to enter and leave them, and pilotage through them is compulsory.

Much of the Pescadore Islands consists of a naval operating area. Its limits lie entirely within the territorial waters, which can be claimed from the islands and associated rock and low-tide elevations.

China, the Soviet Union, South Korea, and Taiwan have declared prohibited areas of various kinds. Some, such as the Chinese zone off Jiaozhou Wan in the western Yellow Sea, do not have the prohibition clarified in any way; others, such as the zone at the mouth of the Peter the Great Bay, are areas where fishing or anchoring is prohibited. With three exceptions these prohibited areas are within the territorial waters of the country concerned. Two of the exceptions are the Soviet-prohibited zone in Zaliv Aniva in southern Sakhalin and the very narrow Chinese zone connecting Yuan Dao and Zhangshan Qundao. These are both zones where anchoring and fishing are prohibited, and both would lie entirely within the territorial sea and contiguous zone of these states. The only prohibited zone, which appears to lie outside even the contiguous zone, is the large Chinese zone in the western Yellow Sea. Some of the southern parts of that zone are 32 nm from the nearest Chinese islands, which would be
Lingshan Dao or Chaolian Dao. If these islands are eventually connected by a straight baseline, the entire zone would lie inside the territorial and contiguous waters of China.

Twelve traffic separation schemes or special traffic arrangements in the area are covered by this study. Except for the scheme leading into Inchon on the west coast of South Korea, these arrangements lie east of meridian 127° E, which marks the spine of the Korean peninsula. Except for the traffic separation schemes on either side of Ullung-Do, the South Korean island in the Sea of Japan, these traffic arrangements are located at the entrances to busy ports or through narrow straits or at principal headlands such as Mys Aniva on southern Sakhalin. Further, most of these areas are beset by ice for varying periods of the year and are also liable to experience prolonged dense fogs. Not all these schemes have been approved by the International Maritime Organization, but that does not prevent them from being effective.

Some of the largest areas where specific regulations apply are the fishing zones established by South Korea and Japan and China and Japan. These have already been discussed in the section dealing with international agreements.

CONCLUSION

Within the region of the East Asian Seas, it is possible to see a clear connection between geography and marine politics. The different nature of the seabed under the seas east and west of Korea Strait means that arguments associated with natural prolongation arise only in the East China and Yellow seas.

Scattered throughout the East Asian Seas are small groups of islands claimed by more than one state, which enable claims to significant areas of sea and seabed. For example, the northwest territories permit claims to 57,000 nm² of seas and seabed, whereas the area attached to the Senkaku Islands based on median
lines is 20,500 \text{mm}^2. Since Japan has a restricted continental margin around its main islands, the Japanese are understandably determined to secure the best deal in the three-island disputes they are involved in with China, South Korea, and the Soviet Union.

The nature of the coastlines throughout the East Asian Seas provides varying opportunities for drawing straight baselines for the various countries. In the Sea of Japan the coasts afford few opportunities for drawing straight baselines under Article 7 of the 1982 Convention. The mainland coasts of the East China and Yellow seas possess long sections where straight baselines would be appropriate.

The second conclusion is that the definition of unilateral maritime claims in the East Asian Seas has not reached an explicit level. For example, although China set out its claim to territorial waters 12 nm wide in 1958, its baseline has never been defined in either a written description or charts. China's 1973 declaration concerning the continental shelf of the East China and Yellow seas was vague, and no claim has been made to a fishing zone or EEZ. Japan, South Korea, and the Soviet Union have been explicit in defining their territorial waters in the region.

North Korea is at the greatest geographical disadvantage in the East Asian Seas because it is shelf-locked on both coasts. This may explain why North Korea has not troubled to make exact claims or to negotiate boundaries with its communist neighbors. Evidently shelf-locked countries tend to accept the inevitable and refrain from efforts to carve out the small marine domains that can be claimed.

Two major bays—the Bo Hai and Peter the Great Bay—have been claimed as historic bays by China and the Soviet Union, respectively, and they both appear to be fine examples of that genre.

The third conclusion is that the definition of bilateral marine boundaries has made little progress. Of the eleven
potential limits, only one has been defined. Further, the continental shelf boundary between Japan and South Korea is incomplete. In the East China Sea a joint zone has been created for at least the next 53 years because of disagreements over the concept of natural prolongation. In the Sea of Japan the boundary has not been completed because of a dispute over the ownership of Take Shima.

When the other ten potential boundaries are considered, six almost certainly will have to await a marked improvement in political relations between the countries concerned. For example, there is no prospect whatsoever of marine boundaries being negotiated by North and South Korea.

Two of the remaining four boundaries are bedevilled by serious disputes over the ownership of the Senkaku Islands between China and Japan and of the northern territories between Japan and the Soviet Union. Until these matters are resolved, there is no prospect of these pairs of countries drawing common maritime boundaries. No political or technical problems seem to be standing in the way of successful boundary negotiations between North Korea and China and North Korea and the Soviet Union. No information is available about the reason for the lack of developments in these zones.

Despite the lack of precision in defining bilateral marine boundaries, the system seems remarkably free of incidents that would cause friction. It is as though the countries by mutual understanding use marine areas that clearly belong to them and avoid zones where conflict could arise. Perhaps the analogy is that there are political frontiers (i.e., zones) in the East Asian Seas rather than political boundaries, just as once there were political frontiers on the mainland rather than precise international lines. Frontiers on land were usually marked by lower levels of resource exploitation. It would be interesting to discover whether some areas of the East Asian Seas are not intensively fished for political reasons. Quite clearly, China, Japan, and South Korea have refrained from creating serious
situations by not prospecting for oil and natural gas on disputable sections of the continental margin.

The last conclusion deals with zones where special regulations apply. Apart from noting again that China and North Korea do not make information readily available on these questions, two other points should be made: First, China and North Korea have created military areas for the security of the state lying outside the territorial waters and the contiguous zones, which those states could claim from reasonable baselines. These zones do not seem to be based on any agreed principle of international law if the analysis by Park (1978) is correct. Also navigation or anchoring and fishing are prohibited in a number of zones along the coasts of the East Asian Seas. These zones, with minor exceptions, lie within the territorial waters and contiguous zones of the states concerned.

Second, there are a considerable number of traffic separation schemes or special traffic arrangements east of the Korean peninsula. They are located in narrow straits, off major ports, and near major headlands; and were created as sensible precautions in seas that experience frequent fogs and are icebound for part of the year.
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