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JA
ERAC/wRBUREAU OF
INTELLIGENCE
AND RESEARCHMARITIME ZONES OF NORTHEAST ASIA^{1/}Summary

The maritime region off Northeast Asia contains areas of existing and potential conflict. Disputes have arisen for several reasons, including 1) sovereignty over certain islands and 2) differing interpretations of international maritime law.

North Korea's unprecedented August 1977 military sea boundary proclamation for the Sea of Japan and the Yellow Sea is a controversial, but as yet untested, national claim containing the seeds for conflict. The decree prohibits all "innocent passage" within the military sea boundary, a provision contrary to international law.

In the Yellow Sea, the North Koreans have not published their military sea boundary, leaving the areal extent of possible enforcement by them in question. The non-promulgation of this line creates speculation concerning North Korea's policy on the effect to be given to islands in determining the maritime boundary with South Korea.

In addition to North Korea's national claim, a second problem area in the Sea of Japan involves

1/ This paper, the first in a series of three INR reports on actual and potential maritime zones of East Asian states, analyzes the maritime zones in the Sea of Japan, Yellow Sea, and East China Sea. The next two reports will concentrate on the South China Sea and the Sea of Okhotsk, respectively. In each report, emphasis will be given to mapping present and hypothetical maritime claims and identifying existing and potential areas of conflict.

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the sovereignty dispute between Japan and South Korea over the uninhabited Liancourt Rocks. The major significance of the rocks lies in the possible influence they may exert on the delimitation of a mutual continental shelf boundary.

The People's Republic of China (PRC) in the past few years has implied its right of jurisdiction over areas estimated to be in excess of 75 percent of the Yellow and East China Seas' continental shelf, and it has protested the 1974 Japan-South Korea Joint Development Zone Agreement. The situation in the East China Sea is further complicated by the unresolved sovereignty of the Senkakus, a group of uninhabited islands claimed by Japan, the PRC, and the Republic of China (ROC). Moreover, the PRC appears reluctant to talk with the other coastal states on these issues.

Underlying solutions of the numerous and varied international maritime legal issues in the East China and Yellow Seas are the Taiwan question and the PRC-South Korea political relationship.

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Physical Characteristics of the Northeast Asian Marine Region

The Northeast Asian marine area consists of three semi-enclosed seas: Sea of Japan, Yellow Sea, and East China Sea. The Sea of Japan is bordered by Japan on the east and south, the Soviet Union on the northwest, and North and South Korea on the west (see map).^{1/} It has an area of approximately 390,000 square miles and is the deepest of the three seas, with depths ranging up to 2,000 fathoms (1,829 meters). Shallow waters--areas of less than 100 fathoms--are situated only in the Korean Strait and in narrow bands, 5-10 nautical miles wide, adjacent and parallel to the coastlines.^{2/}

The limits of the Yellow Sea include North and South Korea on the east, the People's Republic of China on the north and west, Pohai Bay on the northwest, and the East China Sea on the south. For the purposes of this study the 33°17' north parallel from Saisyu-to (Quelpart Island) to the mainland marks the division between the Yellow and East China Seas. Unlike the Sea of Japan, the Yellow Sea constitutes a shallow water body with depths that average 30 fathoms (55 meters) and do not exceed 70 fathoms (125 meters). The name (Hwang Hai) derives from masses of clayey soil eroded from the northwest regions of China and carried southward into the sea. The Yellow River deposits into the Sea an estimated 15,000 million cubic yards of sediment each year.

1/ All lines depicted on the attached map are hypothetical lines except for the Japan-South Korea Continental Shelf Boundary and Joint Development Zone and North Korea's Sea of Japan Economic Zone limit.

It should be noted that a disclaimer is printed below the map title which states, in part, that "these lines do not necessarily reflect the United States Government position or necessarily those of the states involved. The map should serve only as a general reference document."

2/ All mileages in this study are nautical miles (1 n.m. = 6,076 ft.).

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The East China Sea is surrounded by the PRC on the west, the Republic of China on the south, and Japan (Ryukyu Islands) on the south and east.

The East China Sea and the Yellow Sea together cover an area of approximately 650,000 square miles. The western two-thirds of the two seas contain depths of less than 100 fathoms. The water gradually deepens in the southeast, where the 100-fathom isobath marks the beginning of the Okinawa Trough. The Trough, a submarine feature with depths of up to 1,500 fathoms (2,700 meters), is situated to the west of the Ryukyu Islands and is as much as 100 miles wide and 400 miles long.

Prior to 1968 little was known geologically about the Northeast Asian marine region. That year, a United Nations offshore geophysical surveying program found that the East China and Yellow Seas are underlain by a series of nearly parallel ridges, each of which has served as a dam to trap thick sediments. These sediments may contain potentially rich petroleum deposits. Geomorphologically, this submarine area is the seaward extension of the Asian continental mass. This factor may have legal significance which might strengthen the PRC's claim that the continental shelf off its shores constitutes the "natural prolongation" of its mainland territory.

A 1969 ECAFE^{3/} report concluded: "A high probability exists that the continental shelf between Taiwan and Japan may be one of the most prolific oil reservoirs in the world." This report triggered a wave of interest among petroleum companies and littoral states. Consequently, Japan, South Korea, and the ROC unilaterally established concession areas that stretch in an unbroken, but overlapping, chain from the North Korea-South Korea border in the Yellow Sea to the southern tip of Taiwan. Oil exploration has occurred throughout the shallow East China and Yellow Seas. Virtually no petroleum exploratory work has been conducted in the deeper Sea of Japan.

Maritime Claims

The maritime claims of the countries of this region are summarized in the attached table. Currently, four states (PRC, Japan, North Korea, USSR) claim a 12-mile territorial

^{3/} Economic Commission for Asia and the Far East, a United Nations organization.

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sea while two (ROC, South Korea) maintain 3-mile territorial seas.^{4/} On December 31, 1977, South Korea's National Assembly passed legislation to extend the territorial sea limit to 12 miles, which will be enforced in early 1978. Three countries presently claim 200-mile fishery zones (Japan, North Korea, USSR) and three maintain a 12-mile limit (PRC, ROC, South Korea). Within the next year, however, all these states will likely claim 200-mile fishery or exclusive economic zones. North Korea is the only country of the region presently claiming a 200-mile economic zone.

Following is a summary of the various governments' maritime claims.

China

A. People's Republic of China (PRC)

Territorial Sea: 12 miles--Declaration on Territorial Sea, September 4, 1958. Not party to the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone.

Fishing Zone: 12 miles.

Continental Shelf: No specific legislation. Not party to the 1958 Geneva Convention on the Continental Shelf.

Straight Baselines: Declaration on Territorial Seas, September 4, 1958.

Comment: The PRC has not specified a claim to its continental shelf. However, a number of statements by the Chinese have implied that the PRC claims a continental shelf area that encompasses a substantial portion of the Yellow and East China Seas. In early 1973 a PRC Foreign Affairs Ministry statement protested offshore drilling operations conducted by US oil companies in the Yellow and East China Seas under the auspices of the South Korean Government. While the drilling was on the South Korean side of

^{4/} The United States claims a 3-mile territorial sea and has publicly stated its willingness to accept a 12-mile territorial sea limit only within the context of a comprehensive and acceptable Law of the Sea treaty.

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a hypothetical equidistant line between South Korea and the PRC, Peking claimed that the drilling activity was a "new step taken...to grab China's coastal seabed resources."

Following the Japan-South Korea 1974 continental shelf agreement establishing a joint development zone in the East China Sea, China protested, stating in part that this agreement was "an infringement on China's sovereignty which the Chinese Government absolutely cannot accept." The joint development Zone is situated on the Japanese side of a hypothetical equidistant line between Japan and the PRC.

B. Republic of China (ROC)

Territorial Sea: 3 miles--1930. Not party to the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone.

Fishing Zone: 12 miles.

Continental Shelf: No specific legislation. The ROC ratified the 1958 Geneva Convention on the Continental Shelf on October 12, 1970. The ratification included a reservation to Article 6 regarding the delimitation of the continental shelf.

Japan

Territorial Sea: 12 miles--Law No. 30, May 2, 1977; entered into force July 1, 1977. A 3-mile territorial sea limit still applies in the following international straits: Soya, Tsugaru, Tsushima (Eastern and Western Channels), and Osumi. Party to the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone.

Fishing Zone: 200 miles--Law No. 31, May 2, 1977; entered into force July 1, 1977. Certain provisions relating to the area of the fishing zone are found in Cabinet Order No. 211 of June 17, 1977.

Continental Shelf: No specific legislation. Not party to the 1958 Geneva Convention on the Continental Shelf.

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Internal Waters: Closing lines to the Inland Sea were published in Law No. 30, May 2, 1977, and Cabinet Order No. 209, June 17, 1977.

Democratic People's Republic of Korea (North Korea)

Territorial Sea: 12 miles. Not party to the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone.

Fishing Zone. 200 miles--Proclamation of August 1, 1977.

Exclusive Economic Zone: 200 miles--Proclamation of August 1, 1977.

Continental Shelf: No specific legislation. Not party to the 1958 Geneva Convention on the Continental Shelf.

Other: 50-mile Military Sea Boundary--Proclamation of August 1, 1977.

Comment: North Korea is the first country in the region to establish an exclusive economic zone. The specific limits of the zone in the Yellow Sea have not been published; in the Sea of Japan, the North Korean-claimed economic zone limit overlaps all hypothetical equidistant lines developed between North Korea and neighboring countries.

The most controversial national claim in the region is North Korea's military sea boundary, which extends 50 miles into the Sea of Japan and to the limit of the economic zone in the Yellow Sea. Within the military sea boundary, according to the North Korean announcement, "acts of foreigners, foreign military vessels or foreign military planes are prohibited and civilian ships and civilian planes--excluding fishing boats--are allowed to navigate or fly only with appropriate prior agreement or approval."

In the Sea of Japan the North Koreans have apparently drawn a closing line across Tongjosan-Man from which the 50-mile military sea boundary is measured. It is possible that the North Koreans

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consider the waters landward of this line as internal waters, and will claim the line as their baseline from which the 12-mile territorial sea limit is measured.

Republic of Korea (South Korea)

Territorial Sea: 3 miles. Not party to the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone.

Fishing Zone: 12 miles.

Continental Shelf: No specific claim; a Presidential Proclamation of January 18, 1952, claimed the right "to reserve, protect, conserve, and utilize the resources and natural wealth of all kinds that may be found on, in, or under the said seas." Not party to the 1958 Geneva Convention on the Continental Shelf.

Union of Soviet Socialist Republics (Soviet Union)

Territorial Sea: 12 miles--Decree of June 15, 1927, and Statute for the Protection of the USSR, August 5, 1960. Party to the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone with a reservation.

Fishing Zone: 200 miles--December 10, 1976, Decree of the Presidium of the USSR Supreme Soviet; entered into force March 1, 1977.

Continental Shelf: A 1968 Decree of the Supreme Soviet defined the continental shelf in terms of the 1958 Geneva Convention on the Continental Shelf, to which the Soviet Union became party on November 20, 1960. Article 1 of the Convention defines the continental shelf as "the seabed and subsoil of the submarine area adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters, or beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas."

Internal Waters: A Soviet text on international law mentions the Gulf of Riga and the Sea of Azov as historic bays and categorizes the Kara Laptev,

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East Siberia, Chukchi, and Okhotsk Seas as "claimed" seas. The USSR has claimed Peter the Great Bay as internal waters since 1957.

Identification of Potential Conflict Areas

Sea of Japan. There are two potential conflict areas in the Sea of Japan: North Korea's military sea boundary and economic zone, and Liancourt Rocks. The North Korean 50-mile military sea boundary is an unprecedented claim. In recent fisheries talks, the North Koreans refused to permit the Japanese to fish inside the military boundary. All "innocent passage" is prohibited within the military boundary, a provision contrary to international law. A vast majority of states, including the United States, maintain in accordance with international law that beyond a narrow territorial sea, freedom of navigation is the rule.

The North Korean economic zone limits in the Sea of Japan are defined by four sets of coordinates which, when connected, form a trapezoid. As will be noted on the attached map, this economic zone limit overlaps the hypothetical equidistant lines between North Korea and 1) the USSR, 2) Japan, and 3) South Korea. It is expected that, if they have not already done so, all three of these countries will protest the delimitation of this zone.

The other problem area in the Sea of Japan involves the sovereignty dispute between Japan and South Korea over Liancourt Rocks.^{5/} Owing to their location, Liancourt Rocks would significantly alter the course of an equidistant line if they were given full effect. Approximately 16,000 square nautical miles remain to be delimited between Japan and South Korea in this area of rather deep water (460 meters to 3,000 meters).^{6/}

Yellow Sea. A possible source of conflict in the Yellow Sea is the five-island group to the west of the Korean peninsula. According to the 1953 Military Armistice

^{5/} Other names for Liancourt Rocks are: Take-shima (in Japanese) and Dak-Do or Tok-Do (in Korean).

^{6/} For an analysis of the existing Japan-South Korea Continental Shelf Boundary and Joint Development Zone, see Limits in the Seas No. 75, Office of the Geographer, Department of State.

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Agreement in Korea, the following five island groups were to remain under the control of the United Nations Command: Paengnyong-Do, Taechang-Do, Sochong-Do, Yonpyong-Do, and U-Do. North Korea has charged in recent years that military garrisons on these islands are a threat to North Korean security. North Korea has not released specific coordinates on the limits of its economic zone in the Yellow Sea; non-promulgation creates speculation concerning North Korea's policy on the effect to be given to these islands in determining the maritime boundary with South Korea.

The attached map depicts the hypothetical boundary in this area as an equidistant boundary giving full effect to the islands as South Korean. It should be noted that even giving these islands full effect for South Korea may be a cause of concern for South Korea. Owing to the geographical configuration of the coasts, the hypothetical equidistant line follows a course that places the North Korean economic zone/military sea zone in the navigational route of South Korean ships traveling to Sochong-Do, Taechong-Do, and Paengnyong-Do.

In addition to a possible North Korea-South Korea confrontation in the Yellow Sea is a potential for conflict stemming from Peking's implied claim to parts of the continental shelf in this region.

East China Sea. Four issues in the East China Sea create a basis for potential conflict: the PRC's continental shelf claim, the Japan-South Korea Joint Development Zone, the Senkaku Islands dispute, and the Taiwan question.

The first two issues are related. As of June 1977, both Japan and South Korea had ratified their Joint Development Zone agreement, thereby resolving an existing continental shelf dispute.^{7/} The total area of this zone is approximately 24,092 square nautical miles. The PRC, which has never specified its continental shelf claim, has denounced the Joint Development Zone agreement. It can be inferred from various Chinese statements that the PRC shelf claim based on "natural prolongation" would involve at least one-half the area encompassed by the Japan-South Korea Joint Development Zone.

The Senkakus, a group of tiny uninhabited islands, are situated in the southern part of the East China Sea, approx-

7/ Ratifications will not be exchanged until Japan passes implementing legislation.

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imately 100 miles northeast of Taiwan. Following the 1968 discovery of oil potential on the continental shelf near the islands, a dispute over the islands' sovereignty developed between Japan and the ROC. In 1970 the PRC also advanced claims to these islands.

The importance of the Senkakus rests as much on the value assigned to the islands in delimiting the continental shelf as it does on sovereignty over them. There are no clear-cut principles in international law which dictate how islands such as these should be treated in delimiting a maritime boundary.^{8/}

The geological continental shelf abruptly ends, and water depths rapidly increase, a short distance east and south of the Senkakus. Approximately 40 miles southeast of the islands the waters reach a depth of more than 2,700 meters, the deepest part of the submarine trench that separates the Senkakus and the East China Sea geological continental shelf from the Ryukyus. This trench constitutes a basis on which the PRC could claim that the Senkakus "sit" on Chinese continental shelf and are physically detached from the Ryukyus.^{9/}

The final basis for conflict in the East China Sea is the existence of the two rival Chinese governments in Peking and Taipei. Although they have controlled separate parts of China for 28 years, each still claims to be the legitimate government of all of China. No delimitation has ever been made between their respective areas of control in the Taiwan Strait, which they both claim as Chinese territorial waters. The PRC and the ROC have advanced essentially the same claims vis-a-vis other states.

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^{8/} For a more detailed study on the Senkakus, see INR Research Study RGE-6, "Effect of the Senkakus on the Division of the East China Sea Continental Shelf," October 27, 1970 (CONFIDENTIAL/NO FOREIGN DISSEM).

^{9/} On the attached map the hypothetical equidistant line gives the Senkakus full effect as Japanese territory.

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MARITIME CLAIMS OF NORTHEAST ASIAN COUNTRIES
as of January 1, 1978

(Distances in Nautical Miles)

Country	Terri- torial Sea	Fishing Limit	Eco- nomic Zone	Internal Waters ^{1/}	Continental Shelf	Other	Party to 1958:	
							Continental Shelf Convention	Territorial Sea Convention
China								
PRC	12	12		X			No	No
ROC	3	12					Yes ^{2/}	No
Japan	12	200		X			No	Yes ^{3/}
Korea (North)	12	200	200			50-Mile Military Sea Boundary	No	No
Korea (South)	3	12			Special Claim		No	No
USSR	12	200		X	200 Meters (Depth)		Yes	Yes ^{4/}

^{1/} Straight baselines/historic closing lines.

^{2/} With reservations to Article 6.

^{3/} With a statement.

^{4/} With a reservation.

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