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# Maritime Claims in the China Seas: Current State Practices

CHOON-HO PARK\*

*In few other regions are coastal States' claims to maritime jurisdiction so varied as in East Asia. The geographical circumstances and the political relations among some of these States are so complex that only a dozen countries bordering on the three semi-enclosed China Seas share a cross-section of all issues before the current UN Law of the Sea Conference. In this study, the author comments on the practices of each coastal State with reference to its territorial, contiguous and economic jurisdictions, and concludes with a summary of current and potential bilateral and multilateral problems which the parties involved will have to settle in due course.*

## FOREWORD

In the semi-enclosed China Seas, geographical circumstances are so complicated that the adjacent and opposite States encounter a series of problems in the exercise of their maritime jurisdictions. The situation is further exacerbated by the political relations of these States, characterized by or originating from ideological confrontations with which some of them have been ob-

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\* Research Associate (ocean law), East-West Center, Hawaii, 1978-present. Ph.D., 1971, Faculty of Law, University of Edinburgh; Research Associate (ocean law), 1972-1977, East Asian Legal Studies, Harvard Law School.

An earlier version of this article appeared in 84 REVUE GÉNÉRALE DE DROIT INTERNATIONAL PUBLIC, 1980, entitled *Les Jurisdictions Maritimes dans la Mer de Chine: Les Pratiques Étatiques Actuelles*. This updated and expanded version covers China, North and South Korea, Japan, Taiwan, Vietnam and the Philippines. A sequel to this study will cover Indonesia, Kampuchea, Malaysia, Singapore and Thailand. The author is deeply indebted to Mrs. Kim Walker, East-West Center, for reading the manuscript.

sessed for decades. This regional peculiarity is operative in the formulation of their maritime policies, hence the variety in their practices regarding the use of the sea.

In this study, the current practices of the coastal States are observed with reference to their claims to territorial sea, contiguous zone, continental shelf and exclusive economic zone. Although the China Seas are adjacent or contiguous to other waters, the observation here is confined to the three seas on which China borders, namely, the Yellow Sea, the East China Sea and the South China Sea, while referring to marginal waters such as the Pohai Bay, the Gulf of Tonkin and the Sunda Shelf where necessary. Since China has the geographical advantage and is involved in all the maritime problems in the region, the practices of each of the other coastal States can be observed more easily by identifying them in context, both in relation to other States and to China in particular. In Part I, the national practices of China, North and South Korea, Japan, Taiwan, Vietnam and the Philippines (in this order) are briefly described; in Part II, potential and actual disputes between or among the adjacent and opposite States are summarized. A sequel to this study will similarly cover Indonesia, Kampuchea, Malaysia, Singapore and Thailand.

## I. State Practices

### 1. China

*Territorial Sea:* China declared its territorial sea to a limit of 12 nautical miles in September 1958.<sup>1</sup> The declaration was partly motivated by the need to strengthen its coastal defense, particularly in connection with the situation around Quemoy and Matsu, the mainland's two offshore islands under the control of Taiwan.<sup>2</sup> For reasons of national security, therefore, "no foreign vessels for military use and no foreign aircraft may enter China's territorial sea and air space" without permission.<sup>3</sup> China obviously regarded their passage as "prejudicial to its peace, good order and security."<sup>4</sup>

For the delimitation of its territorial sea, China adopted the straight baseline method<sup>5</sup> but it neither specified the basepoints nor gave publicity thereto. This has made it impossible for

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1. For the English translation, see PEKING REVIEW, Sept. 9, 1958, at 21.

2. J. COHEN & H. CHIU, PEOPLE'S CHINA AND INTERNATIONAL LAW, 469 (1974).

3. Territorial Sea Declaration, at para. 3.

4. Refer to the definition of innocent passage in the Convention on the Territorial Sea and the Contiguous Zone, done April 29, 1958, 15 U.S.T. 1606, T.I.A.S. 5639 at art. 14(4) (1958).

5. Territorial Sea Declaration, at para. 2.

outside observers to determine exactly where China's territorial sea ends. A novel inclusion provided that straight baselines would also apply to the Macclesfield Bank (the *Zhongsha* in Chinese), a group of some 30 *submerged* coral outcrops situated in the middle of the South China Sea and claimed by China for a long time.<sup>6</sup> This would mean, by implication, that the underwater islands would also have a territorial sea of their own.

*Military Zones:* In 1955, when private fisheries associations of China and Japan were negotiating a non-governmental agreement, it became known that in 1950 (when the Korean War of 1950-1953 began), China proclaimed three military zones extending far beyond its territorial sea, one called the Military Warning Zone in the northwestern part of the Yellow Sea and two called the Military Navigation Zone and the Military Operation Zone in the East China Sea. Two of them are believed to be in force to date. The jurisdictional exclusivity and the spatial extensiveness of these maritime security zones are defined in various ways.<sup>7</sup>

*Continental Shelf and Economic Zone Claims:* China has not specified the outer limit of its continental shelf, the only official position it has taken is to support delimitation of boundaries between adjacent and opposite States "through consultations" between the parties concerned, based on the natural prolongation of land territory principle.<sup>8</sup> China has been an active supporter of the regime of an exclusive 200-mile economic zone (EEZ) from the beginning, but it has not declared an EEZ of its own. Its reluctance to join the five "200-milers" of the region, including Taiwan, is understandable in view of the fact that it has so many adjacent and opposite States with which to negotiate maritime boundaries. In addition, China has territorial disputes with Japan, Malaysia, the Philippines and Vietnam over the ownership of offshore islands whose settlement is prerequisite to delimitation of boundaries in the disputed waters. Here arises a practical question: is it really necessary for China to settle maritime

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6. See CHEN DONG-KANG, *WOGUODE NANHAI ZEUDAO* 30-31 (2d ed. 1964). For the English translation, 18-U.S. JOINT PUBLICATIONS RESEARCH SERVICE, 424 (1963).

7. See Park, *China and Maritime Jurisdiction: Some Boundary Issues*, 22 GERMAN Y.B. INT'L L. 124 (1979). For a map of the three military zones, see Park, *Fishing Under Troubled Waters: The Northeast Asia Fisheries Controversy*, 2 OCEAN DEV. AND INT'L L.J. 93 (1974).

8. U.N. Seabed Committee Report, 3 U.N. G.A.O.R., Supp. 21, U.N. Doc. A/9021 74 (1973).

boundary issues now with its neighbors, when resources are being developed in less controversial near-shore waters in any event? Potential and current boundary and related territorial disputes between China and its maritime neighbors are briefly described in Part II below.

## 2. North Korea

*Territorial Sea:* Since the *Pueblo* incident of January 1968,<sup>9</sup> North Korea is known to claim a twelve mile limit of territorial sea. Although information on its national maritime legislation is not readily available to outside observers, it is generally assumed that the claims are by and large security-oriented.

*Military Boundary Zone:* In July 1977, North Korea proclaimed what it calls a fifty-mile military boundary zone, which came into force simultaneously with its exclusive economic zone on August 1, 1977. In fact, not only was it declared "to reliably safeguard the economic sea zone and firmly defend the national interests and sovereignty of the country,"<sup>10</sup> but also, in the Yellow Sea, its outer limit was defined to coincide with that of North Korea's EEZ at the median line. In terms of its exclusivity, therefore, the military boundary zone amounts to an essentially territorial jurisdiction.

*Continental Shelf and EEZ Claims:* According to its official statements,<sup>11</sup> North Korea would, like China, delimit the continental shelf between adjacent and opposite States "through consultations"; unlike China, delimitation would be based on the median-line principle. North Korea's EEZ came into force in August 1977, extending "to the half-line of the sea in those waters where the 200-mile economic sea zone cannot be established."<sup>12</sup> For the delimitation of both continental shelf and EEZ between adjacent and opposite States, therefore, North Korea would apply the median-line principle, a position which conflicts with that of China, as noted in Part II(1) below.

## 3. South Korea

*Territorial Sea:* South Korea proclaimed its territorial sea to a

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9. 62 AM. J. INT'L L. 756 (1968); 63 AM. J. INT'L L. 682 (1969) PROCEEDINGS, 63rd ANNUAL CONFERENCE, AMERICAN SOCIETY OF INT'L L. 2-30 (1969). For further details, see R. SIMMONDS, *THE PUEBLO, EC-121, AND MAYAGUEZ INCIDENTS: SOME CONTINUITIES AND CHANGES*, (Maryland U.L. School Occasional Paper No. 8, 1978).

10. For the English translation, see Park, *The 50-Mile Military Boundary Zone of North Korea*, 72 AM. J. OF INT'L L. 866 (1978).

11. 2 THIRD U.N. LAW OF THE SEA CONFERENCE OFFICIAL RECORDS 162 para. 26 (1975).

12. 4 FOREIGN BROADCAST INFORMATION SERVICE 2 (1977).

limit of twelve miles for the first time in April 1978, and the enactments in September of the same year.<sup>13</sup> The South Korean claims are also strongly security-oriented, as may be seen from the provision that, for reasons of national security, innocent passage of foreign ships may be suspended and that, in the case of foreign warships and non-commercial vessels, a three-day notice is required prior to their passage through the territorial sea of South Korea.<sup>14</sup> It is also notable that, in the twenty-two and three-quarter miles wide Western Channel of the Korea Straits, the territorial sea does not extend beyond three miles from the straight baseline,<sup>15</sup> thereby leaving an 11.8 miles-wide corridor of "high seas",<sup>16</sup> Japan having done the same (but as a provisional measure).

*Special Maritime Zones:* In 1972, South Korea set up two Special Maritime Zones, one in the Yellow Sea and the other in the Sea of Japan, in the name of the Regulations for the Safety of Shipping Operations and, partly, for security reasons.<sup>17</sup> The zones are intended, among other purposes, to protect South Korean fishing vessels from being seized by North Korea.

*Continental Shelf and EEZ Claims:* The delimitation of the continental shelf by South Korea is based on the median-line principle toward China in the Yellow Sea and the natural prolongation of land territory principle toward Japan in the East China Sea. A serious continental shelf dispute has arisen involving China, Japan, North and South Korea and Taiwan, as noted in Part II(2) below. South Korea shared with China and Japan a degree of reluctance to declare an EEZ because of the boundary problems that would have to be settled with these two countries and with North Korea as well.<sup>18</sup>

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13. For the Korean and English texts, see MINISTRY OF FOREIGN AFFAIRS, TERRITORIAL SEA LAW AND ITS ENACTMENT DECREES OF THE REPUBLIC OF KOREA (1978).

14. *Id.* at art. 4.

15. *Id.* at art. 3.

16. R. SMITH & R. HODGSON, NEW TERRITORIAL SEA LIMITS IN THE KOREA STRAITS 5 (Bureau of Intelligence and Research, U.S. Dep't of State, Rep. No. 998, 1978). For further details on the South Korean Law, see Park, *South Korea and the Law of the Sea*, KOREAN INT'L L. (Inst. of East Asian Studies, U. of Calif., Berkeley, to be published in 1981).

17. Park, *The 50-Mile Military Boundary Zone of North Korea*, 72 AM. J. INT'L L. 866, 874 (1978).

18. For a hypothetical delimitation of maritime boundaries in Northeast Asia see HYPOTHETICAL MARITIME ZONES OF NORTHERN EAST ASIA, (Office of the Geographer, U.S. Dep't of State, Map No. 503591, 1977).

#### 4. Japan

*Territorial Sea:* Japan adopted a three-mile limit as its territorial sea in 1870 and adhered to it up until July 1977, when it was extended to twelve miles.<sup>19</sup> The extension was partly prompted by domestic fishermen's pressure to exclude foreign—and particularly Korean and Russian—fishing within twelve miles of the Japanese coast. Among the notable features in Japan's territorial sea law is the provisional measure whereby, in five straits used for international navigation (four of them less than twenty-four miles wide), the limit still remains at three miles, marginally extending to twelve miles at some points.<sup>20</sup> Among other reasons, the five "corridors" are known to have been provided for in order to cope with a particularly sensitive issue in Japan. Under Japan's so-called "three principles of no nuclear weapons" (*Hikaku Sangensoku*: not to keep, not to make, or not to admit nuclear weapons), even the passage through Japanese territorial sea of foreign nuclear warships would be in conflict with the principle banning admission of nuclear weapons into Japanese territory.

*200-Mile Fishing Zone:* Simultaneously with the extension of its territorial sea (July 1977), Japan also declared a 200-mile fishing zone as a "provisional measure".<sup>21</sup> The decision was made during negotiations earlier in the year over Japanese fishing rights within 200 miles of the Soviet Union, in order to enhance reciprocity between the two States. Since Japan's fishing relations with China, North Korea and South Korea are regulated by bilateral agreements (on a non-governmental basis with North Korea), its fishing zone in the west does not extend beyond its territorial sea.<sup>22</sup> Japan rightly fears that such an extension would encourage China and South Korea to declare their respective 200-mile fishing or economic zones, to the disadvantage of Japanese fishermen.

*Continental Shelf and EEZ Claims:* Japan has not defined the outer limit of its continental shelf, but, for the delimitation of the boundary in the East China Sea, it has persistently insisted on the median-line principle, in contrast to China's and South Korea's adherence to the natural prolongation of land territory principle (Part II(2) below). With respect to the EEZ, Japan would have to weigh carefully advantages and disadvantages from the

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19. For the English text, see U.N. Doc. ST/LEG/SER. B/19 (56-62, 1980).

20. *Id.* at supplementary provisions at para. 2(2). For further details, see Yanai & Asomura, *Japan and the Emerging Order of the Sea: Two Maritime Laws of Japan*, 21 JAPANESE ANN. INT'L L. 48 (1977).

21. U.N. Doc. ST/LEG/SER. B/19 (215-228, 1980).

22. U.N. Doc. ST/LEG/SER. B/19 (Enforcement Order art. 1 at 223-224, 1980).

standpoint of its regional as well as its global interests. Under current circumstances, however, Japan does not appear to be pressed to make a hasty decision on its EEZ.

## 5. Taiwan

*Territorial Sea:* In September 1979, Taiwan extended the limit of its territorial sea to twelve miles;<sup>23</sup> until then, the limit was three miles, which the Republic of China had adopted in 1930. The extension, which was made, incidentally, on the occasion of Taiwan's declaration of a 200-mile EEZ, is brief and unspecific on baselines or other details.

*Continental Shelf and EEZ Claims:* On the basis of its constitution, Taiwan claimed jurisdiction over most parts of the East China Sea continental shelf in 1970, applying the natural prolongation of land territory principle (Part II-2 below). In September 1979, as mentioned above, Taiwan also declared a 200-mile EEZ,<sup>24</sup> motivated by the need to enhance its bargaining position with the Philippines, which had put into effect a 200-mile EEZ in May of the same year and begun to exclude Taiwanese fishermen from it (Section 7 below). According to its declaration, Taiwan was to determine its EEZ with opposite States "by agreement . . . in accordance with generally accepted principles of international law . . ."; otherwise the declaration is brief and vague.<sup>25</sup>

## 6. Vietnam

*Territorial Sea:* In May 1977, Vietnam made a comprehensive declaration of its maritime jurisdiction,<sup>26</sup> which included the limits of its territorial sea. Since North Vietnam had declared a twelve-mile limit in 1964, this was probably a confirmation in the name of the unified Vietnam. Mindful of the territorial disputes with China and the Philippines over the ownership of the South China Sea islands (Part II(4) below), the declaration specified that "[t]he islands and archipelagoes, forming an integral part of

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23. For the Chinese text, see CHUNGYANG JIPAO, Sept. 7, 1979, at 1. For the English text, see COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS, PRESS RELEASE, Sept. 7, 1979 (unpublished release on file with the East-West Center, Honolulu, Hawaii).

24. CHUNGYANG JIPAO, Sept. 7, 1979 at 1.

25. *Id.* at para. 2(2).

26. For the Vietnamese text, see NG. NG. MINH, LUAT BIEN (1977). For the English text, see FOREIGN BROADCAST INFORMATION SERVICE K5, K6 (1977).



the Vietnamese territory . . . , have their own territorial seas, . . . .”<sup>27</sup> Presumably for the same reason, the declaration is otherwise undetailed, especially with respect to basepoints.

*Contiguous Zone:* Vietnam also declared a twelve-mile contiguous zone adjacent to its territorial sea,<sup>28</sup> in which it was to exercise “the necessary control . . . in order to see to its security and [other] interests.”

*Continental Shelf and EEZ Claims:* To define the outer limit of its continental shelf, Vietnam relied on the lines of the 1976 Revised Single Negotiating Text (RSNT) of the United Nations Conference on the Law of the Sea (UNCLOS),<sup>29</sup> i.e., with reference to “the natural prolongation of the Vietnamese land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles . . . .”<sup>30</sup> The 200-mile EEZ of Vietnam was also defined on the basis of the 1976 RSNT. Disagreements on maritime jurisdiction with other countries were to be settled “through negotiations”.<sup>31</sup> The boundary dispute with China in the Gulf of Tonkin is discussed in Part II(3) below.

## 7. The Philippines

*Territorial Sea:* The extent of the territorial sea claimed by the Philippines in the name of the archipelago theory is based on limits set forth in the 1898 Treaty of Paris whereby Spain ceded the Philippines to the United States. The so-called Treaty Limits enclosed a large rectangular expanse of the sea around the Philippine archipelago, resulting in a land-to-water ratio of one to five. The maximum distance between the baseline (defined in 1961)<sup>32</sup> and the outer edge of the Treaty Limits in the northeast is approximately 285 miles.<sup>33</sup>

*Continental Shelf and EEZ Claims:* Jurisdiction over the continental shelf was proclaimed in 1968, based on the so-called exploitability test defined in the 1958 Geneva Convention on the Continental Shelf. The boundary between opposite States would

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27. NG. NG. MINH, LUAT BIEN at para. 5 (1977).

28. For comparison with the security zones of China and North Korea, see Park, *China and Maritime Jurisdiction: Some Boundary Issues*, 22 GERMAN O.B. INT'L L. 124 (1979) and Park, *The 50-Mile Military Boundary Zone of North Korea*, 72 AM. J. INT'L L. 866 (1978).

29. U.N. Doc. A/Conf. 62/WP.81 Rev. 11 part II, art. 64 (1976).

30. *Id.* at para. 4.

31. *Id.* at para. 7.

32. Republic Act No. 3046 (1961), reprinted in UN Doc. ST/LEG/SER. B/15 at 105-111 (1970).

33. Limits in the Seas, The Philippines: Straight Baselines (Office of the Geographer, U.S. Dep't of State No. 33, 1971). See also Dellapenna, *The Philippine Territorial Water Claims in International Law*, 5 J.L. AND ECON. DEV. 45 (1970).

be determined "in accordance with legal and equitable principles".<sup>34</sup> The Presidential decree on the 200-mile EEZ of the Philippines was signed in June 1978, but it was not put into force until May 1979.<sup>35</sup> The EEZ boundary between opposite States would be determined "by agreement . . . or in accordance with pertinent generally recognized principles of international law . . .".<sup>36</sup> The territorial disputes with China and Vietnam, are discussed in Part II(4) below.

## II. *Bilateral and Multilateral Issues*

### 1. Between China and North Korea<sup>37</sup>

Both China and North Korea have made it clear that they would determine their sea boundaries with adjacent and opposite States "through consultations". In the northern Yellow Sea, however, North Korea has declared its EEZ and military boundary zone "to the half-line of the sea". This is in conflict with the natural prolongation of land territory principle to which China would adhere in the interest of consistency toward its other maritime neighbors. In fact, China has persistently upheld this principle for the delimitation of the East China Sea continental shelf. As China and North Korea have reportedly not yet reached a boundary agreement, it remains to be seen how they will eventually resolve the issue.

### 2. China, Japan and South Korea<sup>38</sup>

Sea boundary and related problems between these three coastal States involve five parties, including North Korea and Taiwan, and are comprised of four separate issues. First, the boundary issue between China and South Korea in the southern Yellow Sea is basically similar to that between China and North Korea in the northern Yellow Sea; the four South Korean sea-bed zones in the southern Yellow Sea are also based on the median line toward China.

34. Presidential Proclamation No. 370, *reprinted in* U.N. Doc. ST/LEG/SER. B/15 at 422 (1970).

35. Presidential Decree No. 1699, 65 PHILIPPINE PRESIDENTIAL DECREES AND OTHER VITAL LEGAL DOCUMENTS 33 (1978).

36. *Id.* at sec. 1.

37. Park, *China and Maritime Jurisdictions: Some Boundary Issues*, 22 GERMAN Y.B. INT'L L. 136, 137 (1979).

38. *Id.* at 130-35.

Second, in the East China Sea, China insists on the natural prolongation of land territory principle toward Japan and South Korea, as does South Korea toward Japan, whereas Japan insists on the median-line principle toward China and South Korea. None of them is prepared to compromise its claims with the others. Largely on account of the political relations between China and South Korea, the three coastal States would also have difficulty in even getting together for sea boundary or other negotiations.

Third, out of impatience over the deadlock, Japan and South Korea did decide to put the boundary issue aside and develop oil jointly in the East China Sea. The joint pact they signed in January 1974, against Chinese and North Korean protests, entered into force in June 1978 and exploration began in late 1979.<sup>39</sup>

Fourth, in the southern East China Sea, the legal aspect of China's boundary issue with Japan is similar to that with North Korea in the northern Yellow Sea and to that with South Korea in the southern Yellow Sea. The boundary issue has, however, given rise to an extremely sensitive territorial dispute regarding the ownership of eight uninhabited islands (the *Senkaku* in Japanese and the *Diaoyutai* in Chinese) situated between China and Japan. The settlement of this territorial issue is prerequisite to the delimitation of the continental shelf in the disputed waters.

### 3. Between China and Vietnam<sup>40</sup>

In the Gulf of Tonkin, Vietnam would apply "the natural prolongation of the Vietnamese land territory", whereas China wishes to delimit the boundary "in a fair and reasonable way in accordance with the relevant principles of present-day international law of the sea." However, it is of interest to note that, in the exploration contracts which China signed with western oil companies in March and July 1979, the outer edge of China's oil zones appears to approach the median line toward Vietnam.

### 4. Between China, the Philippines, Taiwan and Vietnam<sup>41</sup>

In the South China Sea, approximately 200 uninhabited islands are grouped into four archipelagoes. The Pratas Reef (the *Dong-*

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39. *Id.* at 134.

40. *Id.* at 137.

41. *Id.* at 127-30. For further details on the Chinese position, see *Xisha and Nansha Islands Belong to China*, *BEIJING REVIEW*, May 25, 1979, at 23-26; U.N. Doc. A/34/712:S/13640 (1979), *Some Documentary Evidence Showing That the Vietnamese Government Recognized the Xisha and Nansha Islands as Chinese Territory*, submitted to the U.N. by the Permanent Representative of China on Nov. 22, 1979; DOCUMENT OF THE MINISTRY OF FOREIGN AFFAIRS, Jan. 30, 1980, *China's Indisputable Sovereignty over the Xisha and Nansha Islands*, reprinted in

*sha* in Chinese) is under the control of Taiwan, with Chinese ownership uncontested. The submerged Macclesfield Bank (the *Zhongsha* in Chinese) is claimed by China, as noted above (see Part I(1)), and is also uncontested. The Paracel Islands (the *Xisha* in Chinese and the *Haongsa* in Vietnamese) have been under Chinese control since January 1974, when, in a two-day war, the Vietnamese were wiped off the islands by Chinese forces. Vietnam continues to dispute Chinese ownership of the islands. The Spratly Islands (the *Nansha* in Chinese, the *Truongsa* in Vietnamese, the *Kalayaan* in Tagalog) are the largest of the four groups and their ownership is claimed in whole by China, the Philippines, Taiwan and Vietnam, and in part by Malaysia. With the exception of China and Malaysia, each claimant is now in control of some of the islands. Furthermore, the Philippines is reported to have confirmed the presence of oil in the Reed Bank, situated in the northeast of the Spratly group. The main basin of the South China Sea reaches a depth of over 3,000 meters; and this leads to technical difficulties in developing mineral resources from such depths. However, delimitation of sea boundary, which is prerequisite to the development of resources, will be delayed considerably in view of the territorial dispute between the four claimants. Because of the highly sensitive nature of territorial disputes, therefore, the EEZ declarations of the Philippines, Taiwan and Vietnam are not clear or specific with respect to their basepoints.

#### OBSERVATIONS

All the coastal States of the China Seas now claim the twelve mile limit of territorial sea. In terms of exclusivity, however, their claims vary widely. For instance, Japan defines the spatial extent of its territorial sea in specific terms, but is silent on the legal character of its jurisdiction. This is in contrast to the uncommonly exclusive claims of the other coastal States. The security

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FOREIGN BROADCAST INFORMATION SERVICE I, Jan. 30, 1980 at E1-E18, *in* U.N. Doc. A/35/93:S/13788 (1980) and *in* BEIJING REVIEW, Feb. 18, 1980, at 15-24.

For the Vietnamese position, see MINISTRY OF FOREIGN AFFAIRS, WHITE PAPER ON THE HAONG SA (PARACEL) AND TRUONG SA (SPRATLY) ISLANDS (1975); NHAN DAN (People), Sept. 29, 1979, at 3-4; and MINISTRY OF FOREIGN AFFAIRS, WHITE BOOK ON VIETNAM'S SOVEREIGNTY OVER THE HAONG SA AND TRUONG SA ARCHIPELAGOES (1979), reprinted in U.N. Doc. A/34/541:S/13565 (1979).

zones of China, North Korea and Vietnam may also be noted for their extensiveness and exclusivity.

The China Seas are all semi-enclosed and not wide enough for the application of the 200-mile limit in full. The coastal States that have adopted it, therefore, provide in their proclamations that overlaps would be negotiated between the parties involved. In this region, China and South Korea are now the only two coastal States that have not yet joined the eighty-nine "200-milers" (as of March, 1981).<sup>42</sup> Presumably, these two coastal States with exceptionally complicated geopolitical circumstances would prefer not to face prematurely the sea boundary issues that the extended jurisdiction will give rise to.

In enclosed or semi-enclosed seas, the delimitation of boundary is inherently a difficult undertaking, especially where the geographical circumstances are so complicated as in the China Seas. In this particular region, however, the disputed ownership of offshore islands has made the boundary issues even more difficult to settle. Natural resources are being explored for or developed, therefore, mainly in waters close to the coast where the jurisdiction is not subject to contest. The eventual conclusion of the Caracas Convention on the Law of the Sea will likely provide a new occasion for the coastal States to review their mutual problems with reference to the new criteria.

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42. SMITH, NATIONAL MARITIME CLAIMS, Limits in the Seas No. 36-4th Revision (Office of the Geographer, Dep't of State, 1981).