

# Law of the Sea and the Communist Countries: China and Maritime Jurisdiction with Special Reference to Boundary Issues

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## 1. Introduction

On the limits of its maritime jurisdiction, the People's Republic of China has been basically unspecific to date. The law of the sea itself, as it relates to the delimitation of maritime boundaries between adjacent and opposite states, is not yet specific enough to be readily applicable in geographically complicated circumstances such as in the China seas.<sup>(1)</sup> Thus far, China has been under no great economic pressure to move to the sea to develop resources more readily available onshore. Furthermore, the political relations between China and some of its neighbors have not been conducive to negotiation of sea boundaries. From its own standpoint, therefore, it has been practically unnecessary for China to pronounce its maritime jurisdiction in specific terms.

In the other coastal states of the China seas, however, the demand for sea resources—oil in particular—has been much more pressing than in China, hence their persistent efforts to negotiate bilateral or multilateral

<sup>(1)</sup> "The China seas" as used in this Study refers to the Yellow Sea, the East China Sea, the South China Sea, the Gulf of Tonkin, and the Sunda Shelf, collectively or selectively, as the case may be.

boundaries with China. In the case of Northeast Asia, for instance, the sea-bed oil controversy took place in 1970 among the five claimants, including North Korea and Taiwan; but the issue still remains unresolved between China and the other parties involved, the decade-long "war of nerves and battle of mouths" notwithstanding. In the relatively small enclosed or semi-enclosed seas of East Asia, therefore, it will become increasingly difficult for China or any other coastal state to continue to ignore the interests of its maritime neighbors. For these reasons, China will eventually have to delimit by agreement its sea boundaries with Japan, North and South Korea, Malaysia, the Philippines and Vietnam. On the strength of its claims in the South China Sea with respect to the ownership of the Spratly Islands, China might even find it necessary to do the same with Britain (or Brunei, due to become independent of Britain in 1983) and Indonesia as well.

With the above assumption in mind, the present study attempts to analyze hypothetically the problems of maritime jurisdiction in the China seas with particular reference to the continental shelf and 200-mile zone boundaries between China and its adjacent and opposite states. Since the baseline for the measurement of the limit of a coastal state's territorial sea is also used for the measurement of its other maritime jurisdictions, it is necessary to take a brief look at Chinese practices relating to its territorial sea and contiguous zone. This, in turn, makes it necessary to identify some relevant geographical facts of the China seas. Thus, as general background, this introduction summarizes China's geographical circumstances, territorial sea and maritime military jurisdictions, and the territorial disputes in the East and South China Seas.

### 1. The Geographical Circumstances

Unlike other continental countries, China, with a coastline of approximately 6,000 nautical miles on the mainland alone, does not border on an ocean, except marginally on the Pacific side of Taiwan; it borders on a number of relatively small seas that are also enclosed or semi-enclosed by other states whose maritime interests are as serious as China's own. Its geographical circumstances are further complicated by the



Map A: The contours in fathom in the Yellow and East China Seas (based on ECAFE Technical Bulletin, Vol. 2, 1969).

Source: *Choon-ho Park*, Continental Shelf Issues in the Yellow Sea and the East China Sea, Occasional Paper No. 15, Law of the Sea Institute, University of Rhode Island, 1972.

fact that its coastline is not only deeply indented, but also fringed with some 3,500 islands, including Taiwan and those under ownership dispute, the length of their coastlines totalling another 5,000 miles.<sup>(2)</sup>

The area of the three China seas should also be noted with interest. The Yellow Sea, the East China Sea and the South China Sea are approximately 400,000 square kilometers (sq. km), 700,000 sq. kms. and 3,400,000 sq. kms. respectively in size, each of them comparing with the North Sea's 500,000 sq. kms. Nevertheless they are all studded with so many offshore and mid-ocean islands that nowhere in the three seas does the distance from one headland or island to another approach 400 miles. In view of the stated or anticipated claims of the coastal states to the regime of a 200-mile zone, this is an important factor, even if many of the islands, especially those in the South China Sea, may not be large enough or otherwise likely to meet the legal definition of an island.

In depth, each of the China seas varies from one another. The depth of the Yellow Sea is approximately 55 meters on the average and nowhere exceeds 125 meters. The East China Sea is also shallow, its sea-bed sloping gently from the Chinese coast and, to a lesser extent, from the Korean coast, until it drops abruptly into the Okinawa Trough whose depth reaches nearly 2,300 meters at its deepest (see Map A). In the South China Sea, the 200-meter contour line runs relatively close to the Chinese, Vietnamese, Malaysian and Philippine coasts, with the central parts of the Sea dropping to an abyssal depth. However, the depth of the China seas is not likely to be an important factor in the delimitation of the continental shelf and 200-mile zones should the relevant provisions of the revised Informal Composite Negotiating Text (ICNT) of the current Third United Nations Law of the Sea Conference (UNCLOS III) be adopted as the new criteria.

<sup>(2)</sup> For the geographical circumstances of China, see *I. Hu*, *Zuguode Haiyang* (The fatherland's ocean), 1956, 3; *S. J. Yeh and H. T. Liu*, *Zhongguo Ziran Dili Zonglun* (The natural geography of China), 1959, 37; and *Huang Jiu-shun*, *Zhongguo Dili Gailun* (Introduction to the geography of China), 1978, 78-87. A "mile" in this study refers to a nautical mile.

## 2. The Territorial Sea Limit

China declared a 12-mile limit of its territorial sea on September 4, 1958.<sup>(3)</sup> The timing of this declaration had to do with Taiwan's plan in the late summer of that year to defend Quemoy and Matsu, the mainland's two offshore islands under its control, with United States support.<sup>(4)</sup>

For the purpose of this Study, it is important to note that China adopted the straight baseline method for the delimitation of its territorial sea. According to Paragraph 2 of the Declaration:

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 areas inside the baseline, including Pohai Bay and the Chiungchow Straits, are Chinese inland waters. (emphasis added)

The mouth of Pohai Bay is approximately 45 miles wide, but, under the 12-mile limit, the presence of islands situated at the entrance would determine it as internal waters. The Chiungchow Straits, which separate the Liuchow Peninsula and the Gulf of Tonkin by a distance of less than 20 miles at its widest,<sup>(5)</sup> would also satisfy the definition of internal waters.

China's adoption of straight baselines, however, does not appear to have been substantiated through geographical coordination of points or clear indication on charts; at least no apparent publicity thereto has been made externally. The Chinese position in this connection was

<sup>(3)</sup> For the Chinese text, see *People's Daily*, Sept. 5, 1958; for the English text, see *Peking Review*, Sept. 9, 1958, 21; and for a brief comment on the Declaration, see *Liu Tse-yung*, *A Major Step to Protect China's Sovereign Rights*, *Peking Review*, Sept. 9, 1958, 11-13; for an analysis of China's territorial sea problems, see *Fu Zhu*, *Guanyu Woguode Linghai Wenti* (Concerning the question of our country's territorial sea), 1959: the English translation in *Jerome A. Cohen and Hungdah Chiu*, *People's China and International Law*, Vol. I, 1974, 470-487.

<sup>(4)</sup> *Cohen and Chiu* (n. 3), 469.

<sup>(5)</sup> *Tao Cheng*, *Communist China and the Law of the Sea*, *American Journal of International Law* (AJIL) 1969, 47-73 (61). For further details and a map, see *Limits in the Seas*, No. 43, *People's Republic of China*, Office of the Geographer, US Dept. of State, 1972, 3.

expounded in one of the two Working Papers which the Chinese delegation presented to the Geneva session of the United Nations Sea-Bed Committee in July 1973.<sup>(6)</sup> Paragraph 2 of its Territorial Sea section reads:

A coastal State is entitled to reasonably define the breadth and limits of its territorial sea according to its geographical features and its needs of economic development and national security and *having due regard to the legitimate interests of its neighboring countries and the convenience of international navigation, and shall give publicity thereto.* (emphasis added)

This provision would obligate the coastal state to give publicity to the defined breadth and limits of its territorial sea, but not necessarily to the charts showing its straight baselines or, alternatively, to the geographical coordinates of the basepoints, as provided in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone, Article 4 (6), or in the ICNT, Article 16 (2), for example. Compared to what is commonly observed by most other coastal states concerning publicity of their straight baselines, the Chinese practice cannot be said to be sufficiently specific in terms of “due regard to the legitimate interests of its neighboring countries and the convenience of international navigation.”

With respect to the delimitation of its straight baselines, China could not have been unspecific without reason. First, among the adjacent and opposite states of the China seas, the North and South Korean coastline is more irregularly and deeply indented than the Chinese coastline, so that any method of delimitation adopted by China can possibly result in greater advantage to Korea than to China itself, if reciprocally applied along the Korean coast. Second, by the same token, another more important reason is conceivable, this one relating to the legal status of offshore and mid-ocean islands situated in the China seas. If, as provided in the 1958 territorial sea declaration of China, all the outlying islands of China—regardless of their size or merit—are connected to compose its straight baselines,<sup>(7)</sup> Korea and the other coastal states with obscure islands

<sup>(6)</sup> United Nations, Report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond National Jurisdiction, Vol. III, General Assembly Official Records: Twenty-Eighth Session, Supplement No. 21 (A/9021), 1973, 71–74 (72).

<sup>(7)</sup> For China's hypothetical straight baselines, see the map in Limits in the Seas (n. 5), No. 43.

farther offshore would be likely to do the same on their sides. Ultimately, the Chinese portion of the continental shelf and the 200-mile zone can be adversely affected by such possibilities. In other words, whatever China may have to gain from having longer segments of straight base-lines can be easily outweighed by what it may have to lose in the delimitation of its continental shelf and 200-mile zone with its maritime neighbors. In such circumstances, from China's point of view specificity would not appear to serve its interests as well as ambiguity.

In the case of the East and South China Seas, the territorial status of some islands has also been a source of serious disputes over sea boundaries. The complexity as well as the particular nature of the territorial issues makes it necessary to deal with them separately,<sup>(8)</sup> though the island disputes have more immediate impact on the delimitation of the claimants' territorial sea limits.

### 3. The Military Jurisdictions

In April 1955, a non-governmental fisheries agreement was signed in Peking between the private fisheries associations of China and Japan<sup>(9)</sup>; in the absence of diplomatic relations between the two countries, a formal agreement was not possible. In the course of the three-month-long negotiations, the Japanese negotiators were astonished to be notified by their Chinese counterparts that, in the interest of defense security and military needs, the Chinese government had designated three offshore areas of China as military zones, namely:

*The Military Warning Zone*, situated in the north-western part of the Yellow

<sup>(8)</sup> See section 4, Territorial Disputes over Offshore Islands.

<sup>(9)</sup> For the Chinese text, see *Zhonghua Renmin Gongheguo Tiaoyueji*: TYJ (The People's Republic of China treaty series), Vol. 4, 1958, 265-278; for the English translation (the principal text only), see *B. McChesney*, *International Law, Situation and Documents*, Vol. L I, 1956, 368-370; for the German translation with a brief remark, see *Verträge der Volksrepublik China mit anderen Staaten (VdVRC)*, *Schriften des Instituts für Asienkunde in Hamburg*, IXX-1, 1962, 150-160, and for the Japanese text, see *Nitchu Kankei Shiryoshu* (Documents on Japan-China relations), *Nitchu Kokkyo Kaifuku Sokushin Giin Renmei* (The parliamentarians' association for the restoration of Sino-Japanese relations), 1945-1970, 1971, 325-334.

Sea, into which Japanese fishing vessels would not be admitted except by permission of the Chinese government;

*The Military Navigation Zone*, situated in the Hangchow Bay south-east of Shanghai, into which Japanese fishing vessels would not be admitted at all; and

*The Military Operations Zone*, situated south of the 29th northern latitude and north of Taiwan, which Japanese fishing vessels would enter only at their own risk.

The Military Warning Zone, enclosed by a straight line roughly connecting the estuary of the Yalu River and the eastern end of the Shandong Peninsula, reaches far beyond China's 12-mile territorial sea limit proclaimed in 1958. The Military Navigation Zone is a relatively small area covering most of the Chousan islands but only marginally reaching out beyond 12 miles from what would be the nearest basepoint of China. The Military Operations Zone is indeterminate in terms of its spatial extent, because the above-mentioned Chinese notification given to the Japanese negotiators in 1955 did not indicate the eastern limit; by a State Council decree of July 26, 1957, the northern limit of the Zone has been moved southward to the current 27th northern latitude.<sup>(10)</sup>

Although, due to apparent absence of publicity thereto, the exact sources and dates of these military measures are not ascertainable, they are known to have been proclaimed sometime in 1950 when, with the outbreak of war in Korea, tension began to mount fearfully in the Yellow and East China Seas. In their private capacity, therefore, the Japanese negotiators found it difficult to refute the legality of zones formed by China supposedly for the security of its national defense. Consequently, in the interest of Japanese fishing in the offshore waters of China, Japan had to agree to observe China's military restrictions, on the understanding that they would be applied indiscriminately to all foreign fishing vessels.<sup>(11)</sup>

The Sino-Japanese non-governmental agreement was renewed in 1963.<sup>(12)</sup>

<sup>(10)</sup> *Choon-ho Park*, *Fishing Under Troubled Waters: The Northeast Asia Fisheries Controversy*, *Ocean Development and International Law Journal*, 1974, 93-135 (maps at 112-113).

<sup>(11)</sup> *Park* (n. 10), 114-115 and 120-121.

<sup>(12)</sup> For the Chinese text, see TYJ (n. 9), Vol. 12, 1963, 254-272; for the English translation, see *Current Background*, No. 724, Dec. 6, 1963, 1-2 and 4-16; for the German translation, see VdVRC (n. 9), XII-4, 1968, 168-178; and for the



and 1965<sup>(13)</sup> and, with their relations normalized in 1972, a formal fisheries agreement was finally signed in August 1975,<sup>(14)</sup> which still remains effect to date. At each renewal of the non-governmental arrangements in 1963 and 1965, the military measures were carried over virtually without change. Upon signing the formal agreement of 1975, however, it was made clear by Japan that, while Japan could not admit the Chinese position with respect to the military zones, "in consideration of the necessity for preserving fishery resources in [the zones]," Japanese fishing vessels would refrain from entering them for purposes of conducting fishing operations. The formal agreement of 1975 is silent on the previous Military Navigation Zone, making it unclear whether it has been abolished, simply left to lapse, or whether it still remains in force.

The maritime security measures of a coastal state taken as a military expedient would not be expected to outlast the causal situation from which they originated. However, with Korea ideologically divided and still under the 1953 armistice, of which China itself is a signatory, and with Taiwan under its own leadership, China probably regards the chronic tension in the Yellow and East China Seas as a *raison d'être* for its military zones. In the South China Sea, Vietnam added a 12-mile contiguous zone beyond its 12-mile territorial sea in May 1977,<sup>(15)</sup> one of its purposes being "to see to its security and [other] interests." Furthermore, due to the deterioration of relations between China and Vietnam in recent years, tension is building up again in this part of the China seas.

In the Yellow and East China Seas, regulation of foreign fishing has often been a source of serious political issues between and among the coastal states, especially in time of local tension; Japanese fishermen's experience with the now defunct Clark Line (1952-1953),<sup>(16)</sup> a sea defense

Japanese text, see Nitchu Kankei Shiryo (n. 9), 345-355.

<sup>(13)</sup> For the Chinese text, see People's Daily, Dec. 18, 1965; for the English translation, see Survey of China Mainland Press (SCMP), No. 3613, 1966, 27-42; for the German text, see VdVRC (n. 9), XII-4, 1968, 178-183; and for the Japanese text, see Nitchu Kankei Shiryo (n. 9), 355-369.

<sup>(14)</sup> For the English text and a map (revised), see Limits in the Seas, No. 70 (n. 5); and for subsequent revisions, see Sankei Shinbun, morning ed., Dec. 10, 1978, 3.

<sup>(15)</sup> For details, see chapter II, section 3.

<sup>(16)</sup> Mark W. Clark, From the Danube to the Yalu, 1954, 150; Choon-ho Park,

zone proclaimed around the Korean peninsula during the war (1950–1953), is a classical example. Sea-bed activities to seek or develop mineral resources would not escape the watchful eyes of the adjacent and opposite coastal states with the degree of security-sensitivity commonly seen in this region. In such circumstances, it would appear impractical for a coastal state to consider its maritime economic jurisdiction and its security jurisdiction as entirely separate issues. In fact, “to reliably safeguard its economic sea zone,” North Korea put into force a 50-mile military boundary zone,<sup>(17)</sup> in August 1977, whose outer limit in the Yellow Sea coincides with that of its economic zone. Consequently, in the northern part of the Yellow Sea China’s Military Warning Zone and North Korea’s Military Boundary Zone have left only a narrow strip of “nonmilitary” waters.

#### 4. The Territorial Disputes over Offshore Islands

In the East China Sea, the ownership of eight uninhabited islands situated northeast of Taiwan and west of Okinawa (called the *Senkaku* in Japanese and the *Tiaoyutai* in Chinese) is seriously contested by China, Japan and Taiwan. Territorial disputes easily fire the national sentiments of the parties involved, but there is another particularly important reason why the *Senkaku-Tiaoyutai* case remains one of the most sensitive political issues primarily between China and Japan since 1969. Neither party will easily compromise its claims due to the oil supposedly underlying the sea-bed areas of the islands. Currently, the islands are not in full control of either claimant.

In the South China Sea, an island group called the Paracel Islands situated southeast of China’s Hainan Island and east of Vietnam (called the *Xisha* in Chinese and the *Hoang Sa* in Vietnamese) is claimed by China, Taiwan and Vietnam.<sup>(18)</sup> Since January 1974, when China and

The 50-Mile Military Boundary Zone of North Korea, *AJIL*, 1978, 866–875 (872–873); and on the military uses of the sea in general, see *Uwe Jenisch, Das Recht zur Vornahme militärischer Übungen und Versuche auf Höher See in Friedenszeiten*, 1970.

<sup>(17)</sup> *Park* (n. 16), 866–875.

<sup>(18)</sup> *Hungdah Chiu and Choon-ho Park, Legal Status of the Paracel and Spratly*

the now defunct South Vietnam held a two-day *blitzkrieg*, the islands have been under Chinese control. Subsequently, in April 1975, the socialist regime of Vietnam inherited the burden of contesting the Chinese claims, in observance of what the former Saigon government defined as "the Vietnamese tradition" [whereby] "the temporary loss of physical control over a territory does not mean the relinquishing of a legitimate right".<sup>(19)</sup>

Also in the South China Sea, there is another territorial dispute, which is far more complicated than the Paracel Islands case. The Spratly Islands (called the *Nansha* in Chinese and the *Truong Sa* in Vietnamese) cover the southern expanse of the South China Sea, and are claimed by China, the Philippines, Taiwan and Vietnam.<sup>(20)</sup> In fact, with the exception of China each claimant is in control of some islands in the group consisting of over 70 islands altogether (see Map B). Furthermore, the Philippines is reported to have been successful in its efforts to locate oil in the Reed Bank area, albeit in modest quantity as yet.

As most of them are uninhabited banks, rocks, shoals and coral outcroppings,<sup>(21)</sup> the tiny island in dispute are virtually negligible in physical value. In enclosed or semi-enclosed seas, however, even an obscure island large enough or otherwise qualified for a basepoint could substantially affect boundary delimitation between or among the coastal states in favor of its owner(s). For this reason, none of the parties to the above three disputes would confine its interests to the physical value of the islands claimed, but would count on the economic value of what it might

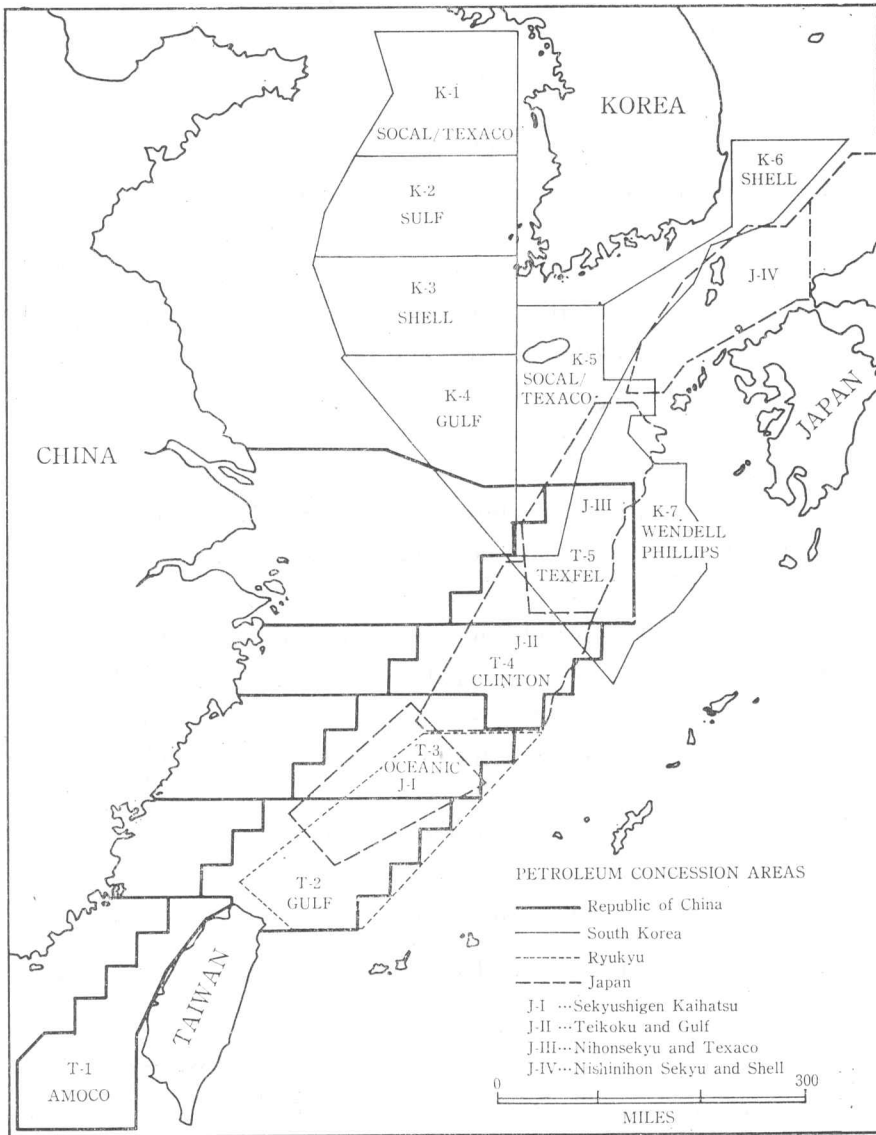
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Islands, *Ocean Dev. and Internat'l Law J.*, 1975, 1-28; and *Choon-ho Park*, *The South China Sea Disputes: Who Owns the Islands and the Natural Resources*, *Ocean Dev. and Internat'l Law J.*, 1978, 27-59.

<sup>(19)</sup> White Paper on the Hoang Sa (Paracel) and Truong Sa (Spratly) Islands, Ministry of Foreign Affairs, Republic of Vietnam, 1975, 85.

<sup>(20)</sup> *Chiu and Park*, and *Park* (n. 18); also see *Rodney Tasker*, *Territorial Claims: Stake-Out in the Spratlys*, *Far Eastern Economic Review*, Feb. 24, 1978, 11-12.

<sup>(21)</sup> For a list of the Chinese and English names of the South China Sea islands, see *Zheng Zi-yue*, *Nanhai Zhudao Dili Zhilue*, 1948, 83-94. On the South China Sea islands in general, see *Chen Dongkang*, *Woguode Nanhai Zhudao*, 2nd ed. 1964 (the English translation: *Our Country's South Sea Archipelagoes*), in: *Joint Publications Research Service—JPRS*, US Dept. of Commerce, No. 18-424, 1963; and *Dieter Heinzig*, *Disputed Islands in the South China Sea*, 1976.



Map B: The Spratly Islands under divided control (base map from John Marr, Fishery and Resource Management in Southeast Asia, Resources for the Future, Inc., Washington, D. C., 1976, 6-7).

Source: Choon-ho Park, The South China Sea Disputes: Who Owns the Islands and the Natural Resources, Ocean Development and International Law Journal, 1978, 27-59 (29).

be entitled to by virtue of the ownership of the "fly-specks".

The seriousness of the Chinese claims to the islands in the South China Sea may be seen, for example, from the fact that the 1958 declaration of its territorial sea limit provided (in Paragraph 4) for the adoption of straight baselines to be drawn around the four archipelagoes, including the Paracel and Spratly Islands. In passing, it may also be noted with interest that one of the four mid-ocean archipelagoes that China claims is only comprised of a group of 29 under-water elevations called the Macclesfield Bank (the *Zhongsha* in Chinese) situated in the middle of the South China Sea. According to some Chinese sources, however, 'the submerged atolls will eventually surface, coral reefs growing at a pace of some 10 centimeters a year'!<sup>(22)</sup>

These territorial disputes are basically legal issues and are, in fact, argued in the polite and inoffensive language of law and diplomacy. Each disputant bases its contention on history, geography, international law and even geology, but nevertheless the disputes are political problems that would have to be settled accordingly. China and Japan have already experienced the difficulty of resolving political questions of this nature over the Senkaku-Tiaoyutai dispute,<sup>(23)</sup> and China and the other parties to the South China Sea disputes are likely to face a similar difficulty. In enclosed or semi-enclosed waters troubled with ownership of offshore islands, therefore, delimitation of boundaries as well as development of resources could be delayed indefinitely, pending settlement of the territorial issues, as has happened in the East China Sea over the Senkaku-Tiaoyutai dispute.

<sup>(22)</sup> *Zheng* (n. 21), 85-87; and *Chen* (n. 21), 31-32; and *Huang* (n. 2), 85.

<sup>(23)</sup> Chinese Vice-Premier *Deng Xiao-Ping* was reported to have said in Tokyo in Oct. 1978: "The present generation is not wise enough to settle such a difficult issue. It would be an idea to count on the wisdom of the following generation to settle it" (author's translation; *Sankei Shinbun*, Oct. 26, 1978, morning ed., 3: 1). For the contentions of China and Japan, see *Choon-ho Park*, *Oil Under Troubled Waters: The Northeast Asia Sea-Bed Controversy*, *Harvard International Law Journal*, 1973, 212-260 (253-258). On the Japanese attempt at joint development of oil from the disputed area, see *Sankei Shinbun*, July 24, 1979, morning ed., 4: 1; and Aug. 2, 1979, morning ed., 1: 5.

## II. Maritime Boundary Issues between China and Its Adjacent and Opposite Coastal States

Against the foregoing background, the current and potential maritime boundary problems between China and the other coastal states in its neighborhood may now be analyzed with particular reference to the delimitation of their continental shelf and 200-mile zone boundaries.

### 1. Boundary Issues between China and Japan, China and South Korea, and Japan and South Korea<sup>(24)</sup>

In early 1969, based on a geophysical survey of the Yellow and East China Seas,<sup>(25)</sup> the United Nations Economic Commission for Asia and the Far East (ECAFE)<sup>(26)</sup> hinted at a potentially high promise of oil in some offshore areas between China, Japan and Korea. Excited by the sensational report of oil, Japan, South Korea and Taiwan—three of the coastal states heavily or totally dependent on imported oil—tried, in a flurry of competition, to grab as much of the sea-bed area as possible. By September 1970, each had staked out unilateral claims to most parts of what it regarded as its own share of the continental shelf, including one area claimed by the then Ryukyu government under United States administration. As many as 17 sea-bed oil zones had been established, with 13 of them overlapping partly or substantially with one another.

The three coastal states also hastened to enter into concessions or other

<sup>(24)</sup> Maritime boundary issues of these countries are so closely interrelated that it is appropriate to discuss them together. The 200-mile fishing zone of Japan came into force in July 1977 (Law No. 31, May 2, 1977: English text in UN Doc. ST/LEG/SER. B/19, Preliminary issue, 1978, 226-240). Since the provisional measures do not apply in waters beyond Japanese territorial sea and certain specified areas on the west (toward China and Korea), it is not discussed here. For details with a map, see *Seiichi Yoshida*, 200-Kairi Jitai: Wagakuni Gyogyo Suiekinimo (The 200-mile era [has arrived] in our seas as well), Tokino Horei (Current Laws), No. 974, 1977, 11-19 (15).

<sup>(25)</sup> ECAFE (see also n. 26), Geological Structure and Some Water Characteristics of the East China Sea and Yellow China Sea, Technical Bulletin Vol. 2, Technical Advisory Group, 1969.

<sup>(26)</sup> Retitled as Economic and Social Commission for Asia and the Pacific (ESCAP) in 1974.

forms of contract with Western oil interests for the purpose of exploring their sea-bed zones.<sup>(27)</sup> In doing so, Japan, having no sea-bed mining law, had to apply *mutatis mutandis* its general mining law of 1950.<sup>(28)</sup> South Korea hastily enacted a submarine resources development law in January 1970,<sup>(29)</sup> as did Taiwan in August 1970.<sup>(30)</sup> At the same time, the Taiwan government also initiated domestic procedures to ratify the 1958 Geneva Convention on the Continental Shelf; by depositing the instrument of ratification with the United Nations in October 1970,<sup>(31)</sup> Taiwan became the forty-third party to the Convention.

In laying unilateral claims to the continental shelf, each coastal state applied a different principle of international law. Japan adopted the median-line principle as defined in Article 6 (1) of the Geneva Convention. Taiwan adhered to the natural prolongation of land territory principle as suggested by the International Court of Justice (ICJ) in its 1969 judgment of the *North Sea Continental Shelf Cases*.<sup>(32)</sup> South Korea relied on a hybrid of the Japanese and the Taiwanese approach, by applying 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. When none of them showed the slightest inclination to compromise its claims, it was rightly feared that, in the face of debilitating oil shortage, their efforts to confirm the presence of oil in their own backyard would have to be suspended, pending agreement on their continental shelf boundaries.

In search of a breakthrough in what appeared to be an endless legal scramble, a three-party (Japan, South Korea and Taiwan) develop-

<sup>(27)</sup> *Park* (n. 23), 218-225.

<sup>(28)</sup> For an English summary of this Law, see Summary of Mining and Petroleum Laws of the World, Vol. 2, East Asia and the Pacific, Bureau of Mines International Circular IC-8514-1971, US Dept. of the Interior, 1971, 47-50.

<sup>(29)</sup> For the Korean and English texts of the Law, see Law for the Development of Submarine Mineral Resources, Ministry of Commerce and Industry, Republic of Korea, 1970.

<sup>(30)</sup> For the Chinese text of this Law, see Lifa Chuan-kan (Journal of legislation), No. 30, 1970, 70.

<sup>(31)</sup> For the text of Taiwan's ratification, see International Legal Materials, 1971, 452.

<sup>(32)</sup> ICJ, The North Sea Continental Shelf Cases, 1969, 53.

ment scheme was conceived in July 1970, whereby oil would be jointly developed and shared among them, leaving the continental shelf boundary issues for future negotiation.<sup>(33)</sup> However, by late 1970, when Japan, South Korea and Taiwan had agreed to proceed with the scheme, Peking came forward with a strong protest,<sup>(34)</sup> which had a chilling effect not only on the three partners themselves but also on the foreign licensees involved. Practical as it appeared to be under the circumstances, the first attempt at joint development was thus stalled even before the practicality of the idea was put to test. Subsequently, a second attempt was made by Japan and South Korea alone in 1974, as is noted later in this section.

In the meantime, the law of the sea itself was undergoing some basic changes, especially with respect to the continental shelf. As a result of the 1969 ICJ judgment in the *North Sea Continental Shelf Cases*, the applicability of the median-line principle was substantially undermined by the emergence of the natural prolongation of land territory principle. Because of the depth and sea-bed topography in the East China Sea, therefore, the above judgment could hardly have been more timely to China (and, to a lesser extent, to South Korea), and more untimely to Japan. In its above-quoted Working Paper,<sup>(35)</sup> presented to the UN Sea-Bed Committee in July 1973, China even 'localized' the term "natural prolongation of land territory" to read the "natural prolongation of *continental* territory." (emphasis added) Furthermore, the legal definition of the continental shelf itself is now being changed at UNCLOS III. In the successive versions of the negotiating texts,<sup>(36)</sup> a 200-mile limit has emerged in place of the 200-meter depth criterion and the exploitability test. As a specific case, under this new definition the Okinawa Trough could cease to be a limiting factor on Japan in the delimitation of the East China Sea continental shelf.

<sup>(33)</sup> Park (n. 23), 227-229.

<sup>(34)</sup> People's Daily, Dec. 4, 1970; Peking Review, Dec. 11, 1970, 15-16; and also quoted in Park (n. 23), 230.

<sup>(35)</sup> UN Sea-Bed Committee Report (n. 6), 74.

<sup>(36)</sup> Informal Single Negotiating Text, UN Doc. A/CONF. 62/WP. 8/Part II, May 7, 1975, Article 62; Revised Single Negotiating Text, A/CONF. 62/WP. 8/Rev. 1/Part II, May 6, 1976, Article 64; Informal Composite Negotiating Text, A/CONF. 62/WP. 10/Corr. 2, July 20, 1977, Article 76; and Revised ICNT, A/CONF. 62/WP. 10/Rev. 1, April 28, 1979, Article 76 (1).



The regime of a 200-mile economic zone also represents another important development that has emerged in the law of the sea since the sea-bed controversy took place in the Yellow and East China Seas. Within 200 miles from the baseline, the depth of the sea would be irrelevant to delimitation of economic jurisdiction, the latter being a new form of maritime sovereignty which a coastal state would be entitled to claim even more comprehensively than its continental shelf jurisdiction. First presented by Kenya<sup>(37)</sup> to the UN Sea-Bed Committee in August 1972 following a consensus at regional levels,<sup>(38)</sup> the proposed regime has since become the new maritime order of the day—and so rapidly that, as of January 1979, as many as 76 independent coastal states out of 131 were known to have adopted a 200-mile limit for fishing or other economic purposes.<sup>(39)</sup>

As a new criterion to define the continental shelf and as the extent of an exclusive economic zone, the 200-mile limit now threatens, in turn, to undermine the natural prolongation of land territory principle as applicable between China, Japan and South Korea. Consequently, this chain of events attending the law of the sea would enhance the likelihood of the median-line principle regaining its applicability between these three coastal states.

The emergence of the 200-mile limit as applicable in the East China Sea would, therefore, appear to be definitely advantageous to Japan rather than to China and South Korea. In extra-regional terms, however, it would not necessarily be so, because of Japan's global interest in the use of the sea and its resources. Also it should be pointed out that ad-

<sup>(37)</sup> UN Sea-Bed Committee Report (n. 6), Twenty-Seventh Session, Supplement No. 21 (A/8721), 1972, 180–182 (180).

<sup>(38)</sup> For the Declaration of Santo Domingo by Caribbean countries of June 7, 1972, see UN Sea-Bed Committee Report (n. 37), 70–73; for the Yaunde Report of the African states regional seminar on the law of the sea, see *op. cit.*, 73–78; and for a comparative analysis of these two and the Kenyan versions, see *Douglas Johnston and Edgar Gold, The Economic Zone in the Law of the Sea: Survey, Analysis and Appraisal of Current Trends*, Occasional Paper No. 17, Law of the Sea Institute, University of Rhode Island, 1973 and *Jorge A. Vargas, The Legal Nature of the Patrimonial Sea—A First Step Towards the Definition of the EEZ's Legal Nature*, in this issue.

<sup>(39)</sup> *Limits in the Seas* (n. 5), No. 36, National Claims to Maritime Jurisdictions

jacent and opposite coastal states would determine their maritime boundaries not by mechanical application of legal principles but by negotiated agreement based on legal principles as guidelines or points of departure.

At the present time, it would be difficult for the coastal states of the Yellow and East China Seas even to get together for sea boundary negotiations, largely because of political relations between China and the divided Korea. Japan and South Korea have in fact voiced their willingness to seek negotiated agreement with China, their overtures only to be met with silence. Hereupon, a second attempt at joint development of the continental shelf was made, this time between Japan and South Korea alone, when they signed an agreement in January 1974.<sup>(40)</sup> Subject to abrogation at or after the expiry of its 50 year mandatory period (Article 31: 2-3), the agreement froze the surface boundary issue (Article 28) and stipulated the conditions under which the two parties would develop mineral resources believed to underlie the disputed waters. As expected, Peking registered its displeasure, warning Japan and South Korea against "[i]nfringing on China's sovereignty," when "it [s]tood to reason that the question of how to divide the continental shelf in the East China Sea should be decided by China and the other countries through consultations".<sup>(41)</sup>

South Korea ratified the agreement in December 1974, but it was not until June 1978 that Japan finally did so after four and a half years of procedural manipulation.<sup>(42)</sup> The reluctance of the Japanese parliament to approve a pact the government had signed with South Korea may be ascribed to both China's protest and, more importantly, to the fact that virtually the entire sea area to be jointly developed is situated on (Jan. 18, 1979, update).

<sup>(40)</sup> For the English text and a map, see *Limits in the Seas* (n. 5), No. 75, Continental Shelf Boundary and Joint Development Zone: Japan-Republic of Korea, 1977; and for a political background of the agreement, see, (anon.) *Kokusai Keizai* (International economy) Feb. 1977, 39-45; and for a general comment, see *Chiuyuki Mizukami*, *Dairiku Dana Mondai* (Continental shelf problems): *Nikkan Dairiku Dana Kyoteio Keikitoshite* (On the occasion of the Japan-South Korea agreement), *Jurisuto* (Jurist), No. 647, 1977, 60-67.

<sup>(41)</sup> *Shinhua Weekly*, Feb. 11, 1974, 27.

<sup>(42)</sup> Under Japanese parliamentary procedures (The Constitution of Japan,

the Japanese side of what would quite likely be the median-line between China and Japan as well as between Japan and South Korea.<sup>(43)</sup> Rightly or wrongly, opponents of the pact in Japan might have counted on the potentiality that under the emerging 200-mile limit the agreement area would eventually fall under Japanese jurisdiction, hence why foreclose such a potentiality by hastily effecting an agreement that might possibly remain in force for a minimum of 50 years? The supporters of the pact, on the other hand, might have been somewhat uncertain about the prospect of the 200-mile limit, hence the urge to secure what might otherwise fall under South Korean jurisdiction on the strength of the natural prolongation of land territory principle.

Over eleven years have passed since the possible presence of oil in the Yellow and East China Seas was hinted at in the 1969 ECAFE report. Nevertheless, the coastal states have yet to confirm a sniff of oil in their troubled waters. If oil is found in quantities, the joint development scheme will prove to be more than an alternative in default. In case of no oil, however, the scheme will, for Japan and South Korea, turn out to be much ado about nothing. In either case, the fact will remain as a reminder that Japan has agreed to develop what lies on its own side of the median-line jointly with a competing claimant, a fact that may imply its compromise of the median-line principle. Consequently, if Japan seeks to apply this principle toward China in an adjacent part of the same waters, China may refuse to accept it on the grounds of Japan's inconsistency, among other reasons. Although, as stipulated in its Article 28, the joint development pact does not concern itself with the surface

Article 61), the Lower House approval is sufficient for the ratification of a treaty, provided that the Diet remains in session for a minimum of 30 days beyond such approval. In May, 1977, the Diet had to extend its session in any event to approve the Japan-USSR fisheries agreement, and the extension automatically (without any action by the Upper House) effected the approval of the Japan-South Korea continental shelf agreement. For a comment on the Sino-Japanese relations with respect to the agreement, see *Jerome A. Cohen and Choon-ho Park, China's Oil Policy, Post-Mao China and US-China Trade*, Shao-chuan Leng, ed., 1977, 129-133; and a chronology of events on the agreement, see *Yomiuri Shinbun*, June 15, 1978, morning ed., 9: 1.

<sup>(43)</sup> For a map of the hypothetical median-lines, see *Potential Maritime Zones of Northern East Asia*, Office of the Geographer, US Dept. of State, map no. 503591 12-77.

boundary, this point cannot be entirely moot, for the reasons that a coastal state's sovereign rights over its continental shelf are exercised for the exploitation of the resources in it and that its sovereignty over a depleted part of the continental shelf would be basically meaningless or even unnecessary. Furthermore, in the case of China and Japan, the settlement of the Senkaku-Tiaoyutai dispute could be prerequisite to the delimitation of their sea boundary or even to the development of resources to be found in that part of the East China Sea.

## 2. Boundary Issues between China and North Korea

On July 1, 1977, North Korea announced its decision to put into force an exclusive economic zone to a limit of 200 miles from August 1, 1977.<sup>(44)</sup> Among China's maritime neighbors, North Korea thus became the second to claim a 200-mile economic zone, the first being Vietnam whose zone was declared on May 12, 1977.<sup>(45)</sup> For the purpose of this Study, it is important to note that, in the Yellow Sea, which is not wide enough for China and North Korea to apply their 200-mile limits toward each other, North Korea defined the outer limit of its economic zone by adopting "the half-line of the sea".

North Korea has been as unspecific as China with respect to the baseline from which its territorial sea is to be measured, so that it is not possible for outside observers to determine exactly how far the median-line as referred to in its declarations would extend toward China from "the starting line of [its] territorial waters." For practical purposes, North Korea would also need to draw two lateral sea boundaries with South Korea on the east and west coasts, but, for political reasons, no reference appears to have been made thereto. Neither is it clear how the lateral sea boundary with the Soviet Union would be drawn in the Sea of Japan. On the other hand, North Korea did enhance the exclusivity of its economic zone by simultaneously declaring a 50-mile

<sup>(44)</sup> For the English text of the "Decree on the Establishment of [the] Economic Sea Zone", see *Pyongyang Times*, July 9, 1977; and Foreign Broadcast Information Service (FBIS), Vol. IV, Asia and Pacific, July 1, 1977, D 2; and an analysis on the zone, see *The People's Korea*, July 13, 1977.

<sup>(45)</sup> For the text and details, see FBIS (n. 44), May 24, 1977, K 5-K 6.

military boundary whose outer limit, in the Yellow Sea, coincides with that of its economic zone, as is noted earlier.<sup>(46)</sup>

The relatively small northern part of the Yellow Sea is the only area where China and North Korea need to draw a sea boundary—a lateral one—but no agreement seems to have been reached to date, or at least no external publicity thereto seems to have been given. Whatever the position, in delimitation of sea boundaries with adjacent or opposite states China would have insisted on the natural prolongation of land territory principle and North Korea on the median-line principle, as may be seen from their official statements. In the area of the sea between China and North Korea, not only are the geographical circumstances relatively more simple than in other parts of the Yellow Sea or in the East and South China Seas, but also no offshore territory is reported to be under dispute between them. If the two political allies were nevertheless to disagree on the delimitation of their sea boundary or were to decide to give no publicity to the agreement reached, some circumstantial reasons would be conceivable for their contention or silence. China would not easily accept the median-line principle or, if it did decide to under particular circumstances, it would feel no practical need to give publicity thereto, because its position could be potentially weakened with Japan, South Korea, and possibly other coastal states with which it has sea boundary problems. By the same token, North Korea would be careful not to imply compromise of its stated adherence to the median-line principle, unless its position toward South Korea and the Soviet Union would remain thereby unaffected.

### 3. Boundary Issues between China and Vietnam

On May 12, 1977, the government of the Socialist Republic of Vietnam made a 7-point proclamation relating to the maritime jurisdiction of the unified Vietnam.<sup>(47)</sup> The 12-mile limit of territorial sea, which was originally declared by North Vietnam in September 1964,<sup>(48)</sup> was reaf-

<sup>(46)</sup> See chapter I, section 3; *Park* (n. 16).

<sup>(47)</sup> For the text, see FBIS (n. 45).

<sup>(48)</sup> *Limits in the Seas* (n. 39), 221; and for the now-defunct South Vietnam's

firmed, and a 12-mile contiguous zone was established “to see to its security and [other] interests”. An exclusive 200-mile economic zone was established, with the sovereign rights of Vietnam specified broadly along the lines of the 1976 Revised Single Negotiating Text of UNCLOS III. The continental shelf of Vietnam was defined in a similar way, 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 . . . where the edge does not extend up to that distance.” The proclamation also specifically provides that “[the] islands and archipelagoes, forming an integral part of the Vietnamese territory and beyond the Vietnamese territorial sea . . . have their own territorial sea, contiguous zones, exclusive economic zones and continental shelves.” As a whole, the proclamation is generally comprehensive, but even more unspecific than China’s or North Korea’s with respect to the delimitation of baselines.

By comparing the maritime jurisdictions of China and Vietnam, it is now possible to identify the points of conflict that would arise in the delimitation of their sea boundary in the Gulf of Tonkin and the South China Sea. First, for the delimitation of the continental shelf, both of them would seek to apply the natural prolongation of land territory principle. In the Gulf of Tonkin, this principle would be more advantageous to Vietnam than to China because of the sea-bed topography. In fact, as was reported in September 1978, China was concerned that its Hainan Island would hardly be left with a 12-mile limit of territorial sea under measures Vietnam would press on China for the delimitation of the sea boundary in the Gulf.<sup>(49)</sup> The very formula believed to be advantageous to China in one situation—in the Yellow and East China Seas—would thus threaten to undermine its position in another—the Gulf of Tonkin. In its unilateral claims in the Gulf of Tonkin, however, Vietnam does not appear to have been consistent. When, in April 1973, North Vietnam reportedly reached an agreement with *Ente Nazionale Idrocarburi* (ENI), the Italian state oil company, for drilling in the Gulf,

3-mile territorial sea limit (Decree No. 81, April 27, 1965), see op. cit., 222.

<sup>(49)</sup> Chinese Vice-Premier *Li Xian-nian* as quoted in *Sankei Shinbun*, Sept. 29, 1978, morning ed., 5: 11.

the outer limit of the area specified in the agreement was approximately the median-line toward China.<sup>(50)</sup> Vietnam's subsequent emphasis on the natural prolongation of land territory principle may have originated from its belief that this principle would be advantageous for itself in relation to China in the Gulf of Tonkin and in relation to Indonesia in the Sunda Shelf. In this regard, a reference in China's 8-point peace proposal to Vietnam following the Sino-Vietnamese conflict of February 1979 should be noted with interest:<sup>(51)</sup>

4. Each side shall respect the other side's sovereignty over its twelve-nautical mile territorial sea, and two sides shall demarcate their respective economic zones and continental shelves in the Beibu Gulf and other sea area in a fair and reasonable way in accordance with the relevant principles of present-day interational law of the sea.

Second, China has neither declared an exclusive 200-mile economic zone, nor formally defined its continental shelf, whereas Vietnam has done both and has, with its proclamation of May 1977, further provided the legal status of what it regards as its own islands and archipelagoes, a provision that may have been prompted by the fact that Vietnam has serious territorial disputes with China, the Philippines and Taiwan in the South China Sea and with Kampuchea in the Gulf of Thailand.<sup>(52)</sup> For these reasons, negotiations for sea boundary delimitation in the Gulf of Tonkin and the South China Sea would not be possible, unless the maritime claims of China as well as the other coastal states involved were specified, the disputes over the ownership of the islands were settled,

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<sup>(50)</sup> For a map and subsequent developments, see *Petroleum News: Southeast Asia*, Vol. 7, No. 10, Jan. 1977, 46-47 (46); and for further details, see *Selig Harrison, China, Oil, and Asia: Conflict Ahead?*, 1977, 204.

<sup>(51)</sup> *Beijing Review*, May 4, 1979, 10-18 (17). "Beibu Gulf" is the Chinese name for the Gulf of Tonkin, which is called Vinh Bac Phan in Vietnamese, both meaning the "northern bay."

<sup>(52)</sup> For the territorial disputes between Kampuchea and Vietnam, see *Nayan Chanda, That's far enough, says Hanoi*, *Far Eastern Economic Review*, Aug. 19, 1977, 11-13.

and the legal status of the islands were agreed on among the coastal states.

### III. Observations

The decade-long sea-bed controversy in Northeast Asia betokens the difficulty of delimiting the continental shelf and the exclusive economic zone between adjacent and opposite states. This also can be seen from the deadlock in Negotiating Group 7 of UNCLOS III,<sup>(53)</sup> to which this topic was assigned as one of the outstanding hard-core issues, as well as from the indeterminate language in Articles 74 and 83 of the Revised ICNT. By the end of its Resumed Eighth Session, UNCLOS III will have been in session for a total of 63 weeks since 1973, but the relevant provisions—Articles 74 (1) and 83 (1)—simply read:

The delimitation . . . between adjacent or opposite States shall be effected by agreement in accordance with *equitable principles*, employing, where appropriate, *the median or equidistance line*, and taking account of all the relevant circumstances. (emphasis added)

At UNCLOS III, Negotiating Group 7 was baffled by the futile exchanges between the advocates of “equitable principles” and the “median-liners”. Since UNCLOS III can only provide general criteria at best on issues as complicated as the present ones, China and its maritime neighbors of the enclosed and semi-enclosed seas may eventually find themselves in an endless scramble to solve such questions as, for example, what these “equitable principles” and “relevant circumstances” actually are, and in what situations it is “appropriate” to take “all the relevant circumstances” into account. From the definitions of the continental shelf and the exclusive economic zone as given in the Revised ICNT, it would also be technically possible to conceive of a situation in which the sea-bed (continental shelf) boundary between two adjacent or opposite states might not necessarily coincide with that of their surface (economic zone) boundary, if, in the sea area in question, either side should decide

<sup>(53)</sup> US Delegation Report, Eighth Session, UNCLOS III, Geneva, March 19-April 27, 1979, 3 and 33.



to opt for the mineral resources at the expense of the non-sedentary living resources.

Apart from such legal technicalities, boundary delimitation in the China seas can be further complicated and delayed by the difficulty of settling the politically sensitive territorial issues. For example, when, in the summer of 1979, Japan sought to confirm Chinese intent to develop oil jointly within the disputed Senkaku-Tiaoyutai area, China was reported to have responded affirmatively, on the condition that the joint attempt would in no way affect its stand on the territorial issue. Hereupon, the Japanese government decided to suspend further action, in order not to fall into what China was careful to avoid.<sup>(54)</sup> Thus, in a region where the nations have yet to engender the tradition of resolving their disputes by means of adjudication, arbitration or other forms of third-party involvement, territorial issues are likely to remain a negative factor in sea boundary delimitation.

Among China's maritime neighbors, only North Korea and Vietnam have each declared an exclusive 200-mile economic zone, and, in the case of Japan, its provisional 200-mile fishing zone does not apply in waters beyond its territorial sea and certain specified areas on the west, thereby to avoid conflict with China, North and South Korea. Both in Northeast and Southeast Asia, the other coastal states seem to find it impractical for any one of them alone to extend its maritime jurisdiction into areas that would demand multilateral arrangements. Partly because of its interlocking situation, China itself appears to have been reluctant to declare a 200-mile zone, and, if it does, the declaration would have to be as unspecific as its territorial sea declaration of 1958, for example. In view of the fact that China, ever since 1971 when it replaced Taiwan in the United Nations, has been most active in its support of the 200-mile regime, it is ironic to realize that, in the enclosed and semi-enclosed seas it borders on, there is not a single spot where a 200-mile limit can be applied without overlapping with those of the other coastal states. A measurement shows that even on the Pacific side of Taiwan, the Chinese or Taiwanese sector would reach hardly 115 miles

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<sup>(54)</sup> Sankei Shinbun, August 2, 1979, morning ed. 4: 1.

before it was wedged in by the Japanese and the Philippine sectors.<sup>(55)</sup>

Such interlocking situations need not always be a negative factor; they could, after all, urge the coastal states to seek multilateral delimitation in the interest of expediting resources development. Since, at the present time, the political relations between China and some of the coastal states in the region are unfavorable to the negotiation of multilateral sea boundaries, it would still be premature to expect the boundary and territorial issues to be resolved in the near future. With the demand for food and energy resources becoming more and more pressing in all the coastal states including China itself,<sup>(56)</sup> however, it would be difficult for any one of them to turn a deaf ear to the plight of its maritime neighbors indefinitely. In spite of the afore-mentioned negative factors, then, there are also some positive ones that will move the coastal states to face the issue in a spirit of cooperation or compromise. First, in an enclosed or semi-enclosed sea, the conservation of living resources cannot be successful without multilateral arrangements among the coastal states. Second, the exploitation of unitized oil and gas deposits would require cooperation between or among the claimants in the interest of economic recovery; otherwise, there might be little, if anything, left to reap in the way of the noncooperator's benefit. Third, in few other enclosed or semi-enclosed seas are multilateral measures for marine pollution control so deficient, if not entirely absent, as in the China seas; whereas the hazards arising from intensified use of the sea and its resources are thought to be on the increase. It is to be hoped that, for these reasons, the nations so intransigent over land issues may be brought together by the sea.

<sup>(55)</sup> Letter, to the author, of Robert Smith, Office of the Geographer, US Dept. of State, July 16, 1979.

<sup>(56)</sup> For oil development activities taking place in the China seas, see *Petroleum Intelligence Weekly*, June 11, 1979, 1-2; and *New York Times*, Aug. 4, 1979, 1: 2. For an annual report of such activities taking place throughout North- and Southeast Asian seas, see the January (feature) issues of *Petroleum News: Southeast Asia*.