

## KOREA, REPUBLIC OF (South Korea)

### SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
TERRITORIAL SEA	Jul 96	Territorial Sea & Contiguous Zone Act, Law No. 4986 (implemented by Pres. Decree No. 15133)	12nm	3nm in western channel of Korean Strait.  Amended 1978 Law No. 3037 which remains partially in effect. Retained 3-day prior notification requirement for foreign warships or non-commercial government vessels.  <i>This requirement is not recognized by the U.S. U.S. protested requirement under original law in 1979, under amended law in 1998, and conducted operational assertion in 1999.</i>
	Sep 78	Presidential Decree No. 9162		Established straight baselines. See <a href="#">LIS</a> No. 82.
ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Dec 95	Territorial Sea & Contiguous Zone Act, Law No. 4986 (implemented by Pres. Decree No. 15133)		Minor amendments to baselines. See <a href="#">LIS</a> No. 121.  <i>The excessive baseline claims are not recognized by the U.S. U.S. protested claims in 1998 and conducted operational assertion in 1999.</i>
	Dec 95	Territorial Sea & Contiguous Zone Act, Law No. 4986 (implemented by Pres. Decree No. 15133)	24nm	
CONTIGUOUS ZONE	Jan 52	Presidential Proclamation		
FISHING ZONE/EEZ	Sep 96	Exclusive Economic Zone Act No. 5151	200nm	EEZ.
MARITIME BOUNDARIES	Jun 78	Agreement		Continental shelf boundary and joint development zone agreement with Japan EIF. See <a href="#">LIS</a> No. 75.
LOS CONVENTION	Mar 83			Signed Convention.
	Nov 94			Signed Part XI Agreement.
	Jan 96			Ratified Convention and Part XI Agreement.

**STRAIGHT BASELINE LEGISLATION**

The following is extracted from Limits in the Seas, No. 121, "Straight Baseline and Territorial Sea Claims: South Korea" of 30 September 1998.

## Introduction

The original claim to straight baselines was made by Presidential Decree No. 9162 which entered into force on 20 September 1978. The same Decree made special provisions for the territorial sea limit in the Western Channel of the Korean Strait.

The law amending the 1977 Territorial Sea and Contiguous Zone Act, Law No. 4986, was promulgated on December 6, 1995... Six months later, Enforcement Decree of Territorial Sea and Contiguous Zone Act (Presidential Decree No. 15133) was enacted on July 31, 1996... With one minor difference in one [actually, two – points 13 and 14] of the straight baseline turning points, the straight baseline turning points and the territorial sea limit claimed in 1978 and 1996 are identical.

## Annex II

Enforcement Decree of Territorial Sea and Contiguous Zone Act; Presidential Decree No. 9162, 20 September 1978; Amended by Presidential Decree No. 13463, 7 September 1991; and by Presidential Decree No. 15133, 31 July 1996

Table 1

Areas of the seas where straight lines are employed as baselines and the basepoints thereof

**TABLE C1.T147.**  
**SOUTH KOREA STRAIGHT BASELINE SYSTEM**

<b>SOUTH KOREA STRAIGHT BASELINE SYSTEM</b>			
<b>WATER AREA</b>	<b>POINT</b>	<b>GEOGRAPHICAL DESIGNATION</b>	<b>LATITUDE LONGITUDE</b>
Yeongil Man (Yeongil Bay)	1	Dalman Gap (Talman Point)	N 36° 06' 05" E 129° 26' 06"
	2	Janggi Gap (Changki Point)	N 36° 05' 19" E 129° 33' 36"
Ulsan Man (Ulsan Bay)	3	Hwaam Chu	N 35° 28' 13" E 129° 24' 39"
	4	Beornweol Gap (Pomwol Point)	N 35° 25' 45" E 129° 22' 16"
South Sea	5	1.5 Meter Am (rock)	N 35° 09' 59" E 129° 13' 12"
	6	Saeng-do (south end)	N 35° 02' 01" E 129° 05' 43"
	7	Hong Do (island)	N 34° 31' 52" E 128° 44' 11"
	8	Ganyeo Am (Kanyo Rock)	N 34° 17' 04" E 127° 51' 25"
	9	Sangbaeg Do	N 34° 01' 38" E 127° 36' 48"
	10	Geomun Do	N 34° 00' 00" E 127° 19' 35"

SOUTH KOREA STRAIGHT BASELINE SYSTEM			
WATER AREA	POINT	GEOGRAPHICAL DESIGNATION	LATITUDE LONGITUDE
	11	Yeoseo Do	N 33° 57' 56" E 126° 55' 39"
	12	Jangsu Do	N 33° 54' 55" E 126° 38' 25"
	13	Joelmyeong Seo	N 33° 54' 55" E 126° 38' 25"
	14	Soheugsan Do	N 34° 02' 40" E 125° 04' 42"
West Sea	15	Sogugheul Do (Northwest of Soheugsan Do)	N 34° 06' 51" E 125° 04' 42"
	16	Hong Do	N 34° 40' 18" E 125° 10' 25"
	17	Go Seo (North-west of Hong Do)	N 34° 43' 03" E 125° 11' 25"
	18	Hoeng Do	N 35° 20' 03" E 125° 59' 14"
	19	Sangwang-deung Do	N 35° 39' 30" E 126° 06' 16"
	20	Jig Do	N 35° 53' 10" E 126° 04' 15"
	21	eocheong Do	N 36° 07' 05" E 125° 58' 11"
	22	Seogyeog-yeolbi Do	N 36° 36' 36" E 125° 32' 30"
	23	Soryeong Do	N 36° 58' 38" E 125° 45' 02"

Table 2  
Outer limits of the territorial sea in the Korea Strait

1. The outer limit at a distance of three nautical miles measured from the straight baselines joining, in order, basepoint #5 (1.5 meter rock), basepoint #6 (Saeng-do), and basepoint 7 (Hong Do).
2. The line drawn from basepoint 5 (1.5 Meter Am) at 127 degrees intersects the above-mentioned line at a point which is three nautical miles from basepoint 5. From this intersection point a line drawn at 93° intersects the outer limit line of 12 nautical miles measured from the baseline.
3. The line drawn from basepoint 7 (Hong Do) at 120° intersects the line mentioned in paragraph 1 above at a point which is three nautical miles from basepoint 7. From this intersection point, a line drawn at 172° intersects the outer limit line of 12 nautical miles measured from the baseline.

## U.S. ANALYSIS

Korea has claimed 19 straight baseline segments beginning along its southwest coast, near Pusan, enclosing all the islands and rocks off its southern and western coasts (except for Cheju Do). Twelve of these segments are 24 miles or shorter. Five of the segments are between 24 and 48 miles; and 2 segments exceed 48 miles, with the longest segment (which connects points 13-14 between Jeolmyseong Seo and Soheugsan Do off the southwest coast) being 60.3 miles in length. Once the baseline lengths exceed 24 miles, particularly when the features being connected are quite small (in some cases no more than rocks) and isolated, it becomes highly unlikely that the waters being enclosed are 'sufficiently closely linked to the land domain to be subject to the regime of internal waters.'

The first segment (points 1-2) encloses Yongil Bay with a 6.1 mile closing line. This bay meets the requirements of an article 10 bay. Segment two (points 3-4) also encloses an article 10 bay with a 3.1 mile closing line.

Point 5 is situated on a rock less than one mile seaward of Pusan. Not only is this feature not appropriate to be included in a straight baseline system, since it is an isolated feature with no other islands in the area, there is no straight baseline segment drawn from the mainland to the rock. This gap creates an uncertainty as to where the boundary is between internal waters and the territorial sea.

The island, Saeng Do, on which basepoint number 6 lies could be used in defining an article 10 bay along that part of the South Korean mainland near Pusan. From point 4 South Korea has drawn an excessive 34.9 mile baseline to Hong Do (Point 7), a small islet at the southern entrance to the Western Channel. From here the baseline system continues through point 8 (Ganyeo Am), point 9 (Sangbaeg Do) to point 10 (Geomun Do). Points 7, 8, and 9 are all very small features separated by distances of 36.1 and 19.6 miles, respectively. The distance between point 9 and Geomun Do, a slightly larger feature, is 14.4 miles. These features cannot be considered as fringing the Korean mainland; these point range from 12 to 129 miles distant from the mainland. A series of straight baselines could be drawn closer to the mainland where there are larger and more islands which meet the LOS Convention criteria.

Beginning at point 6, and continuing to an area landward of point 18, a valid straight baseline system could be established if the islands closer to the mainland were used. However, the baseline segments connecting points 6 to 18 are excessive. From point 6, South Korea creates baseline segments that connect isolated small features. The segment connecting points 13-14 is 60.3 miles in length, clearly an excessive length. The islands on which base points 7 through 23 are located may not be used to draw a straight baseline system. A 12-mile territorial sea, however, may be drawn from the low-water line of these islands.

It should be noted that the final point 23 is located on Soryeong Do and that there is no straight baseline attaching it to the mainland. Similar to basepoint 5, this creates a situation where it is unclear where the internal waters end and the territorial sea begins.

No straight baselines have been drawn to Cheju Do, a large island situated about 50 miles south of South Korea's mainland.

**MARITIME BOUNDARY AGREEMENTS****SOUTH KOREA - JAPAN**

The following is extracted from the January 1974 Agreement between South Korea and Japan concerning the Establishment of a Boundary in the Northern Part of the Continental Shelf.(EIF June 1978).

## Article 1

1. The boundary line between that part of the continental shelf appertaining to Japan and that part of the continental shelf appertaining to the Republic of Korea in the northern part of the continental shelf adjacent to the two countries shall be straight lines connecting the following points in the sequence given below:

**TABLE C1.T148.**  
**SOUTH KOREA - JAPAN MARITIME BOUNDARY COORDINATES**

SOUTH KOREA - JAPAN MARITIME BOUNDARY		
POINTS	LATITUDE NORTH	LONGITUDE EAST
1	32°57.0'	127°41.1'
2	32°57.5'	127°41.9'
3	33°01.3'	127°44.0'
4	33°08.7'	127°48.3'
5	33°13.7'	127°51.6'

SOUTH KOREA - JAPAN MARITIME BOUNDARY		
POINTS	LATITUDE NORTH	LONGITUDE EAST
6	33°16.2'	127°52.3'
7	33°45.1'	128°21.7'
8	33°47.4'	128°25.5'
9	33°50.4'	128°26.1'
10	34°08.2'	128°41.3'
11	34°13.0'	128°47.6'
12	34°13.0'	128°52.8'
13	34°18.5'	128°53.3'
14	34°24.5'	128°57.3'
15	34°27.6'	128°59.4'
16	34°29.2'	129°00.2'
17	34°32.1'	129°00.8'
18	34°32.6'	129°00.8'
19	34°40.3'	129°03.1'
20	34°49.7'	129°12.1'
21	34°50.6'	129°13.0'
22	34°52.4'	129°15.8'
23	34°54.3'	129°18.4'
24	34°57.0'	129°21.7'
25	34°57.6'	129°22.6'
26	34°58.6'	129°25.3'
27	35°01.2'	129°32.9'
28	35°04.1'	129°40.7'
29	35°06.8'	130°07.5'
30	35°07.0'	130°16.4'
31	35°18.2'	130°23.3'
32	35°33.7'	130°34.1'
33	35°42.3'	130°42.7'
34	36°03.8'	131°08.3'
35	36°10.0'	131°15.9'

## Article III

This Agreement shall not affect the legal status of the superjacent waters or air space above.

The following is extracted from the Agreement on the Joint Development of the Continental Shelf between South Korea and Japan (EIF June 1978).

**TABLE C1.T149.**  
**SOUTH KOREA - JAPAN JOINT DEVELOPMENT ZONE**

<b>SOUTH KOREA - JAPAN JOINT DEVELOPMENT ZONE</b>		
<b>POINTS</b>	<b>LATITUDE NORTH</b>	<b>LONGITUDE EAST</b>
1	32°57.0'	127°41.1'
2	32°53.4'	127°36.3'
3	32°46.2'	127°27.8'
4	32°33.6'	127°13.1'
5	32°10.5'	126°51.5'
6	30°46.2'	125°55.5'
7	30°33.3'	126°00.8'
8	30°18.2'	126°05.5'
9	28°36.0'	127°38.0'
10	29°19.0'	128°00.0'
11	29°43.0'	128°38.0'
12	30°19.0'	129°09.0'
13	30°54.0'	129°04.0'
14	13°13.0'	128°50.0'
15	31°47.0'	128°50.0'
16	31°47.0'	128°14.0'
17	32°12.0'	127°50.0'
18	32°27.0'	127°56.0'
19	32°27.0'	128°18.0'
20	32°57.0'	128°18.0'
1	32°57.0'	127°41.1'