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LIMITS IN THE SEAS



No. 82
STRAIGHT BASELINES
REPUBLIC OF KOREA

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Straight Baselines: Republic of Korea

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STRAIGHT BASELINES: REPUBLIC OF KOREA

The Republic of Korea promulgated a system of straight baselines by Presidential Decree No. 9162 of September 20, 1978. The full text of the decree is as follows:

PRESIDENTIAL DECREE NO. 9162
(Promulgated on September 20, 1978)
Enforcement Decree of the Territorial Sea Law

Article 1. Purpose

The purpose of this Decree is to regulate matters governed by the Territorial Sea Law (hereinafter referred to as "the Law") and the enforcement thereof.

Article 2. Base Points of Straight Base Lines

In measuring the width of the territorial sea, in accordance with paragraph 2 of Article 2 of the Law, water areas shall be determined from base lines drawn between points indicated in the attached Annex No. 1.

Article 3. Scope of the Territorial Sea in the Korea Strait

The territorial sea in the waters which compose the Korea Strait, which is used for international navigation, shall be the waters on the landward side of the lines indicated in the attached Annex No. 2, in accordance with the provisions of Article 1 of the Law.

Article 4. Navigation of Foreign Warships, etc.

If a foreign warship or a non-commercial government vessel intends to navigate Korean territorial sea, the Minister of Foreign Affairs shall be notified of the following particulars three days in advance (excluding official holidays), in accordance with the latter part of paragraph 1 of Article 5 of the Law. However, this shall not apply if the waters through which the aforesaid vessel

navigates constitute a strait used for international navigation in which there is no high seas area.

1. Name, type and number of the vessel.
2. Purpose of navigation.
3. Route and schedule.

Article 5. Activities of Foreign Vessels in the Territorial Sea

Paragraph 1. If a foreign vessel intends to conduct activities in the territorial sea stipulated in Nos. 2 to 5, 11, or 13 of paragraph 2, Article 5 of the Law, a request containing the following particulars shall be submitted to the Minister of Foreign Affairs, and authorization, approval or consent shall be obtained from the authorities concerned.

1. Name, type and number of the vessel.
2. Purpose of the activities.
3. Area, route and schedule.

Paragraph 2. With regard to the activities mentioned in Nos. 2 through 5, 11, or 13 of paragraph 2 of Article 5 of the Law, authorization, approval or consent obtained from the authorities concerned under another law shall be regarded as authorization, approval or consent under this Decree.

Article 6. Standards for Control of Discharge of Pollutants

Standards for control of discharge of pollutants, mentioned in No. 9 of paragraph 2 of Article 5 of the Law, shall be governed by the provisions of Article 5 and paragraphs 1 and 2 of Article 10 of the Law on Prevention of Marine Pollution.

Article 7. Temporary Suspension of Innocent Passage

Paragraph 1. Temporary suspension of innocent passage of a foreign vessel in a certain area of the territorial sea, as mentioned in paragraph 3 of Article 5 of the Law, shall be determined by the Minister of National Defense, subject to advance deliberation by the State Council and approval of the President.

Paragraph 2. Upon approval of the President as mentioned in paragraph 1, the Minister of National Defense shall publicly announce without delay the area in which innocent passage is temporarily suspended, the period of suspension, and the reason therefore.

ADDENDA

Paragraph 1. Date of Enforcement

This Decree shall go into force on and after September 20, 1978.

Paragraph 2. Abolition of Other Regulation

Article 2 of the Regulation concerning Date of Enforcement of the Territorial Sea, i.e. Presidential Decree No. 8994, and the Annex attached thereto, shall be deleted, respectively.

ANNEX NO. 1 - WATERS TO WHICH STRAIGHT LINE IS APPLIED AND THE BASE POINTS THEREOF

<u>Water Area</u>	<u>Base Point</u>	<u>Geographical Designation</u>	<u>Latitude and Longitude</u>
Yongil-man (Yongil Bay)	1	Talman-gap (Talman Point)	N 36° 06' 05" E 129° 26' 06"
	2	Changgi-gap (Changki Point)	N 36° 05' 19" E 129° 33' 36"
Ulsan-man (Ulsan Bay)	3.	Hwaamch'u	N 35° 28' 13" E 129° 24' 39"
	4.	Pomwol-gap (Pomwol Point)	N 35° 25' 45" E 129° 22' 16"

<u>Water Area</u>	<u>Base Point</u>	<u>Geographical Designation</u>	<u>Latitude and Longitude</u>	
Namhaean (South Coast)	5	1.5 meter rock	N 35° 09' 59" E 129° 13' 12"	
	6	Saeng-do (south end)	N 35° 02' 01" E 129° 05' 43"	
	7	Al-som	N 34° 31' 52" E 128° 44' 11"	
	8	Kanyoam (Kanyo Rock)	N 34° 17' 04" E 127° 51' 25"	
	9	Habaek-do	N 34° 01' 38" E 127° 36' 48"	
	10	Komun-do	N 34° 00' 07" E 127° 19' 35"	
	11	Yosodo	N 33° 57' 56" E 126° 55' 39"	
	12	Changsudo (island)	N 33° 54' 55" E 126° 38' 25"	
	13	Cholmyong-i	N 33° 51' 54" E 126° 18' 54"	
	14	Sohuksando	N 34° 02' 40" E 125° 07' 34"	
	Sohaean (West Coast)	15	Sokukhul-do (Northwest of Sohuksando island)	N 34° 06' 51" E 125° 04' 42"

<u>Water Area</u>	<u>Base Point</u>	<u>Geographical Designation</u>	<u>Latitude and Longitude</u>
	16	Hong-do	N 34° 40' 18" E 125° 10' 25"
	17	Nop'un-som (West-North of Hong-do)	N 34° 43' 03" E 125° 11' 25"
	18	Hoeng-do	N 35° 20' 03" E 125° 59' 14"
	19	Sangwangdung-do	N 35° 39' 30" E 126° 06' 16"
	20	P'i-som	N 35° 53' 10" E 126° 04' 15"
	21	Och'ong-do	N 36° 07' 05" E 125° 58' 11"
	22	Kyongnyolbi-yolto	N 36° 36' 36" E 125° 32' 30"
	23	Soryong-do	N 36° 58' 38" E 125° 45' 02"

ANNEX NO. 2 - THE OUTER BOUNDARY OF THE TERRITORIAL SEA
IN THE KOREA STRAIT

1. A line three nautical miles from the straight lines connecting, in order, Base Point #5 (1.5 meter rock), Base Point #6 (Saeng-do), and Base Point #7 (Al-som), specified in Annex 1.
2. From the point where a line drawn at 127° from Base Point #5 in Annex 1 (1.5 meter rock) intersects the line described in paragraph 1 above, a line drawn at 93° to the point where it intersects the 12 nautical mile line.

3. From the point where a line drawn at 120° from Base Point #7 in Annex 1 (Al-som Island) intersects with the line described in paragraph 1 above, a line drawn at 172° to the point where it intersects the 12 nautical mile line.

ANALYSIS

The straight baseline system does not constitute a single, continuous system (see attached map). The four distinct systems which have been identified in the decree enclose Yongil-man, Ulsan-man, southern coastal waters, and western coastal waters.¹ Table 1 summarizes the basepoints included in each system and the distances between the relevant basepoints.

Bay closing lines constitute the first two Korean baseline systems. Segment 1-2, 6.13 miles in length,² closes off Yongil-man, which is located on the central part of Korea's east coast. Ulsan-man, situated along the southeastern coast, has a closing line (segment 3-4) extending for 3.14 miles.

The third and fourth baseline systems connect islands and rocks off the southern and western coast of the Republic of Korea. Segments 5-6 through 13-14 constitute the third system, which is 236.57 miles in length. Segment 5-6 runs along the western channel of the Korea Strait before turning in a westerly direction. The islands of Cheju-do, Hwa-do, and Haeam-so are not included in the straight baseline system.

The fourth baseline system begins on Sokukhul-do and continues northward for 199.47 miles along the fringing islands and rocks off South Korea's west coast. The final basepoint, number 23 on Soryong-do, is situated approximately 21 miles from the nearest mainland point. The claimed limit between South Korean internal waters and South Korean territorial sea northeast of this point is not determined.

1 The following geographical terms are used in this study:

man = bay;
do = island;
yolto = island group;
gap = point;
hachyop = strait

2 All mileages in this study are stated in nautical miles. One nautical mile = 1.15 statute miles = 1,852 meters.

TABLE 1

Republic of Korea's
Straight Baseline Systems

<u>Water Body</u>	<u>Basepoints</u>	<u>Distance Between Basepoints (Nautical Miles)</u>
Yongil-man	1-2	6.13
Ulsan-man	3-4	3.14
Southern Coast	5-6	10.05
	6-7	34.94
	7-8	46.09
	8-9	19.61
	9-10	14.39
	10-11	20.02
	11-12	14.65
	12-13	16.52
Western Coast	13-14	60.30
	15-16	33.72
	16-17	2.87
	17-18	53.91
	18-19	20.25
	19-20	13.74
	20-21	14.74
	21-22	36.04
	22-23	24.20

In terms of international concern, at least two critical areas can be identified: the western channel of the Korea Strait and Cheju Hachyop. These straits are two of a number of international straits in the region. The western channel of the Korea Strait runs between South Korea, on the west, and the Japanese island of Tsushima, on the east. Although both Japan and South Korea claim 12-mile territorial seas, each country has made provision in its law limiting the territorial seas in the western channel to less than 12 miles.³ The effect of the two actions has been to retain a "high seas" corridor throughout the Western Channel. By establishing a straight baseline system in this area, however, Korea has narrowed the high seas corridor.

The establishment of a baseline system in the Cheju Hachyop, when coupled with South Korean's new territorial sea law, has the effect of placing the entire Cheju Hachyop within the South Korean territorial sea. Article 4 of Presidential Decree No. 9162 requires warships to give notification prior to transiting South Korea's territorial sea: a provision the United States and many other states refuse to recognize. The provision, however, does not apply if the waters "constitute a strait used for international navigation in which there is no high seas area."

³ The United States does not recognize any state's claim to a territorial sea breadth in excess of 3 miles. In the UN Law of the Sea negotiations, however, the United States has expressed its willingness to accept a maximum territorial sea breadth of 12 miles within the framework of a comprehensive and acceptable Law of the Sea treaty.