

Japan's Ratification of UN Law of the Sea Convention and Its New Legislation on the Law of the Sea

Yutaka Kawasaki-Urabe and Vivian L. Forbes

Introduction

On 20 June 1996, Japan ratified the United Nations Convention on the Law of the Sea (LOS Convention)¹ together with the Agreement relating to the Implementation of Part XI of the 1982 United Nations Convention on the Law of the Sea (Implementation Agreement).² Japan's ratification of these treaties became effective on 20 July 1996. At the same time, various pieces of legislation were enacted by the Japanese government in order to bring its domestic legal regime over the sea into line with the provisions of the UN Convention. This turn of events marks a fundamental change in Japan's legal regime over its surrounding seas.

This essay reviews the new law of the sea regime that became effective in relation to Japan with its ratification to the LOS Convention. Hence, this essay is mainly descriptive. However, it brings to the fore several issues that are politically, if not legally, questionable, which may lead to international or domestic disputes.

Background

In the past, Japanese policy on the law of the sea was primarily based on the premise of maximum freedom of the oceans. As one of the world's major maritime states, Japan regarded this concept as being best suited to its national interests. In the 1960s and 1970s when claims by coastal states to larger areas of the seas adjacent to their coast were gaining momentum, Japan continued to maintain that international customary law only allowed coastal states to claim sovereignty over its adjacent territorial sea up to three nautical miles (nm).

Thus, when the First United Nations Conference on the Law of the Sea adopted four Geneva Conventions on the Law of the Sea in 1958, Japan signed the Convention on the Territorial Sea and the Contiguous Zone and the Convention on the High Seas, but remained non-signatory to the other two, namely the Fishing and Conservation of the

Living Resources of the High Seas and the Continental Shelf conventions, as these treaties recognise the extension of coastal states' jurisdiction beyond the limit of the territorial sea.³ Similarly, at the first session of the Third United Nations Conference on the Law of the Sea (UNCLOS III) at Caracas in 1974, Japan was reportedly the only country which argued against the international trend toward accepting claims to jurisdiction over economic or fishery zones stretching up to 200nm from the shore.⁴

Japan's traditional minimalist stance remained essentially unchanged even when, in 1977, Tokyo decided to extend its territorial sea to 12nm from the shore, and to claim a 200nm fishery zone. This stance was evident from the skeletal nature of Japan's Law on the Territorial Sea of 1977.⁵ Although the adoption of the law itself meant the abandonment of the previously held official line that the breadth of territorial sea should be determined by international law rather than by unilateral state claims, the two-article law merely provides for a 12nm limit for Japan's territorial sea leaving all substance of its sovereign rights over the areas claimed to international law as interpreted by the Japanese government.⁶

Japan voted in favour of the adoption of the LOS Convention at the final session of UNCLOS III and signed it soon after. Despite the fact that the Convention recognised maritime regimes to which it had been opposing, such as the exclusive economic zone (EEZ) and the continental shelf, Japan regarded the Convention as being beneficial – bringing stability to the regime of oceans and tending to arrest the gradual 'creeping' of some states' claims to jurisdiction to ever wider areas of seas adjacent to their coasts. However, for more than twelve years since its adoption, the convention remained ineffectual because of the objection by the United States and other Western industrial states. In the meantime, Japan also refrained from ratifying the Convention; a stance which permitted Japan to retreat to its traditional position that the

law of the sea should continue to be governed by customary international law.⁷

Japan's Ratification of the 1982 UN Convention on the Law of the Sea

The United Nations Convention on the Law of the Sea contained provisions, particularly in Part XI which seek to regulate the development of deep seabed resources, which were not acceptable to Western industrial states, including Japan. However, in 1994, the United Nations adopted the Implementation Agreement in an effort to avoid the LOS Convention entering into force without the participation of the Western industrial states.⁸ The Agreement made substantial changes to the Convention's deep seabed regulations. As a result, most of the provisions that the industrial states opposed were made inapplicable.⁹ Japan deemed that the Implementation Agreement eliminated the obstacles to its ratification of the LOS Convention and promptly started preparing domestic legislation in order to conform to the Convention's provisions.¹⁰

Eight pieces of legislation were passed in relation to Japan's legal regime on the law of the sea and entered into force on the day that the Convention became effective for Japan. The laws establish Japanese sovereignty over the entire sphere of its surrounding seas for the first time in its modern history. They also codify the *modus operandi* of such jurisdiction and sanction it by referring to provisions of the LOS Convention. This represents a remarkable improvement on Japan's traditional law of the sea regime which rested on an unmodified international customary law for its concrete regulations.

The new regime on Japan's sphere of jurisdiction over its surrounding seas can be divided into two broad categories: the territorial sea and the contiguous zone; and the exclusive economic zone and the continental shelf. These regimes are examined separately below.

Territorial Sea

The Law Amending Part of the Law on the Territorial Sea¹¹ changes the title of the said law to Law on the Territorial Sea and the Contiguous Zone. It adds to the hitherto skeletal structure of the previous legislation features such as straight

baselines and the contiguous zone. It also clarifies Japan's right to exercise sovereignty over these waters including the right of hot pursuit.

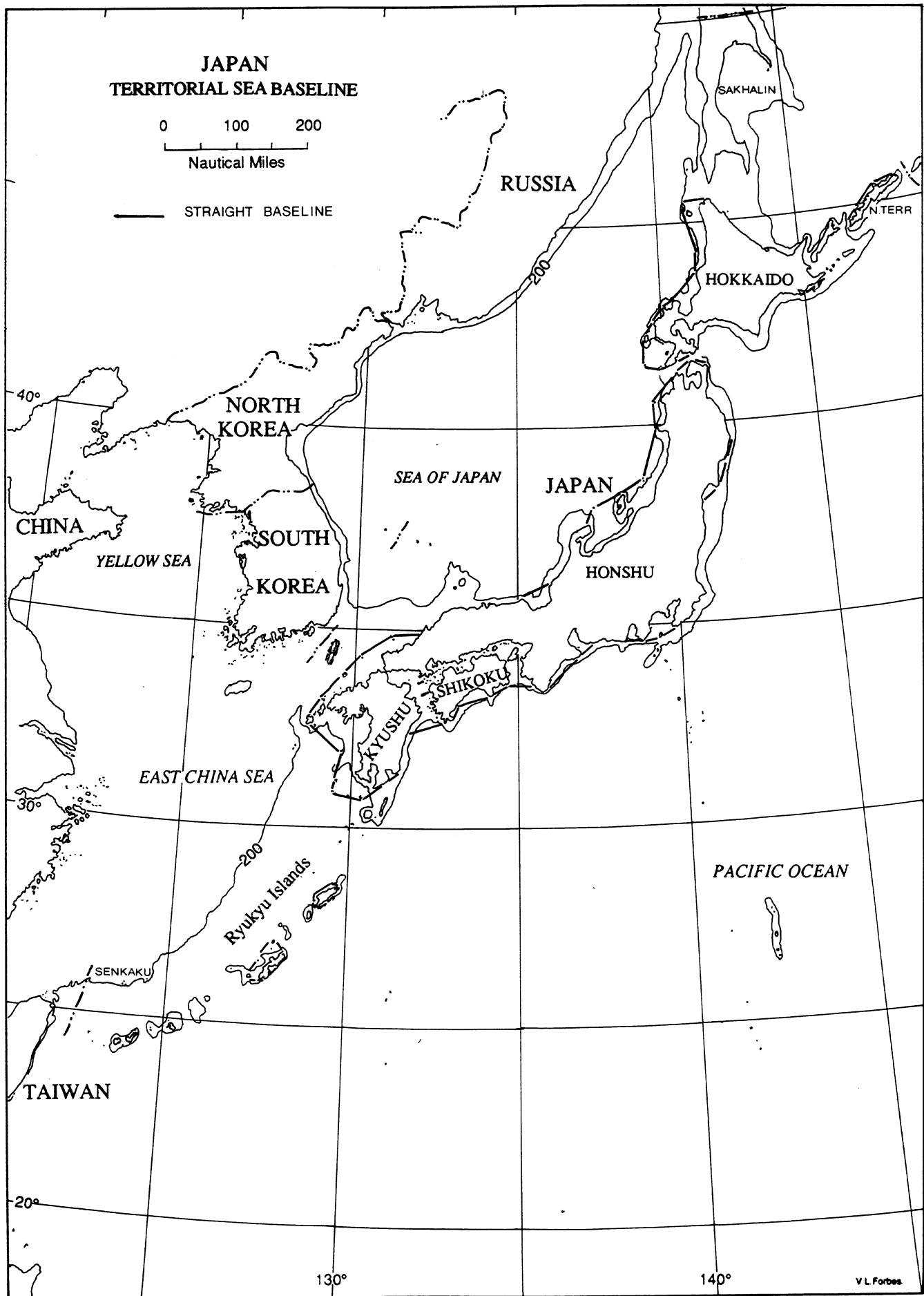
Straight Baselines

The Law Amending the Law on the Territorial Sea adds to Article 2(1) of the old Law on the Territorial Sea the term "*straight baseline*" as the line from which to measure the territorial sea. Although straight baselines are by no means a new concept, true to its minimalist stance, Japan has traditionally been reluctant to employ straight baselines in the calculation of its territorial sea, despite the fact that some parts of Japanese coastline resemble the deeply indented Norwegian coastline where the concept of straight baseline was spawned. One of the reasons given by Japanese officials at the time of enactment of the Law on the Territorial Sea in 1977 for not introducing the concept was that it was not likely that such measure would significantly shift the limit of territorial sea away from the shore.¹²

The new law and the subsequent Cabinet Order¹³ demonstrate a radical change of attitude towards a more expansionist approach. Indeed, some of the Japanese claimed straight baselines are more than 50nm long and connect remote islands far from the coastline of the main islands (Figure 1).¹⁴ This system of straight baselines results in a significant expansion of the limit of the territorial sea seaward and large areas of hitherto territorial or international waters are as a result now enclosed as Japan's claimed internal waters.

According to the provisions of the LOS Convention, a straight baseline "*must not depart to any appreciable extent from the general direction of the coast.*"¹⁵ Furthermore, a straight baseline of excessive length may be regarded as abusive of the Convention's provisions.¹⁶ If the provisions of the Convention on the restrictions on straight baselines were to be strictly applied, it would be difficult to justify Japan's new straight baseline claims in certain instances. However, in recent state practice, the Convention's restriction on straight baselines has been interpreted generously. Straight baselines of more than 100nm in length are not uncommon.¹⁷ Indeed, there are states that surround their entire coastline with straight baselines.¹⁸ At this moment, it is difficult to conclude whether such practice will become international customary law or not. Therefore, in the meantime, the legality of Japan's

Figure 1: Japan's Territorial Sea Baselines



claimed straight baseline remains susceptible to challenges from other states.

Contiguous Zone

The new Law on the Territorial Sea and the Contiguous Zone creates a contiguous zone outside the limit of the territorial sea up to 24nm from the baseline. Within this zone the legislation provides for Japan to take necessary measures to “prevent infringement of its customs, fiscal, immigration or sanitary laws” (Article 4). The law follows the provision of Article 33(1) of the LOS Convention. However, unlike Article 24(3) of the 1958 Geneva Convention on Territorial Sea and Contiguous Zone, the LOS Convention does not regulate on the delimitation of contiguous zones in case of opposing or adjacent states. Consequently, the Law on the Territorial Sea and the Contiguous Zone provides that, in relation to opposing coasts,¹⁹ the boundary of the contiguous zones of the opposing states shall be the median line unless there is a mutually agreed line of delimitation (Article 4(2)). Article 4(3), however, leaves room for the flexibility permitted in Article 33(1) of the LOS Convention to extend beyond this limit.

International Straits

One of the difficulties faced by the Japanese Government in preparing to ratify the LOS Convention was the question of international straits. In particular, the regime of uninhibited passage of warships posed conflict with Japan’s sacrosanct “three non-nuclear principles.”²⁰ When enacting the 1977 Law on the Territorial Sea, concerns were raised during discussions in the parliament that nuclear-armed foreign military vessels, exercising the right of innocent passage, might enter Japanese territorial waters without the Japanese government’s prior permission. It was argued that this amounted to a breach of one of the principles, namely, that Japan would not allow any nuclear weapons into its territory. In 1977, the legislature circumvented this problem by designating five international straits between its islands and freezing the extent of Japan’s territorial sea along these straits to three nautical miles “for the time being”, so that foreign vessels may pass through without entering Japanese territorial waters.

This ‘designated areas’ solution was deemed as a temporary in nature. In 1977, the Minister of Foreign Affairs explained to the House of

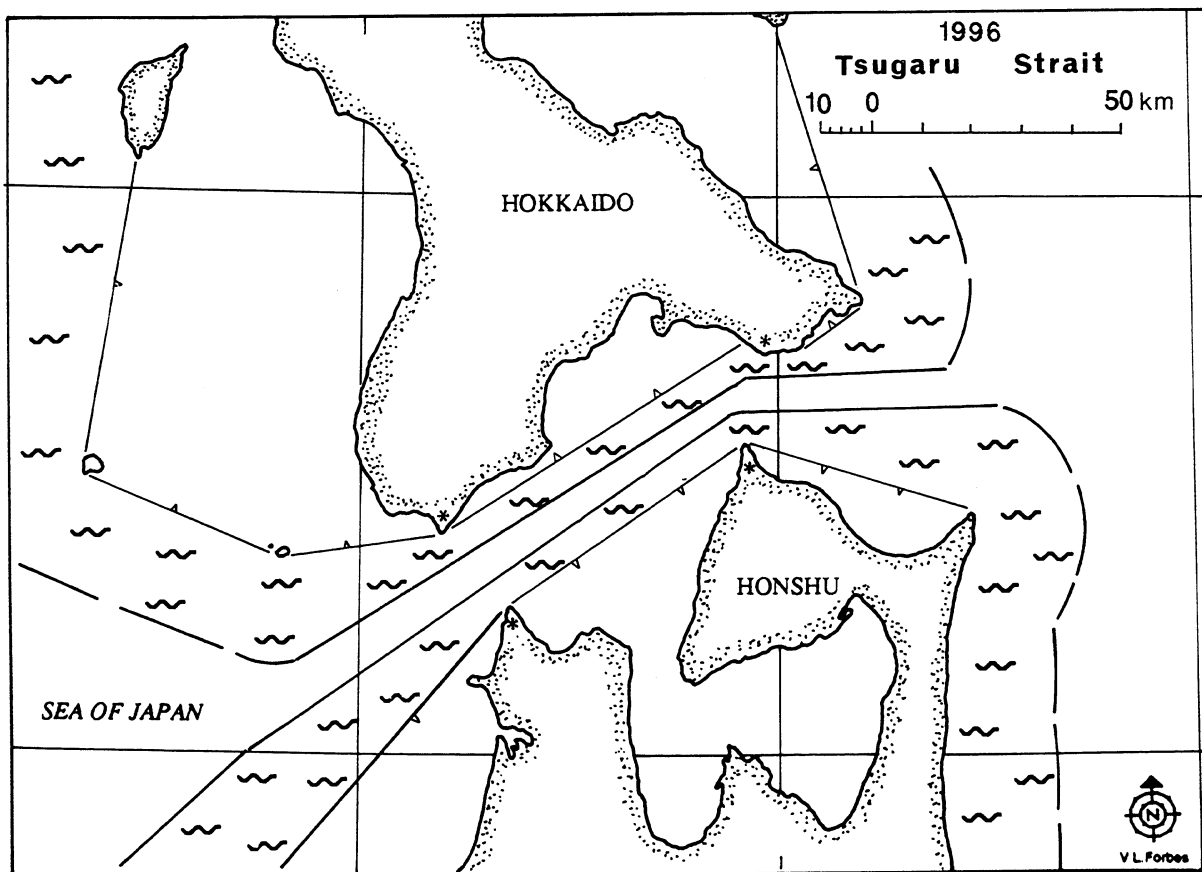
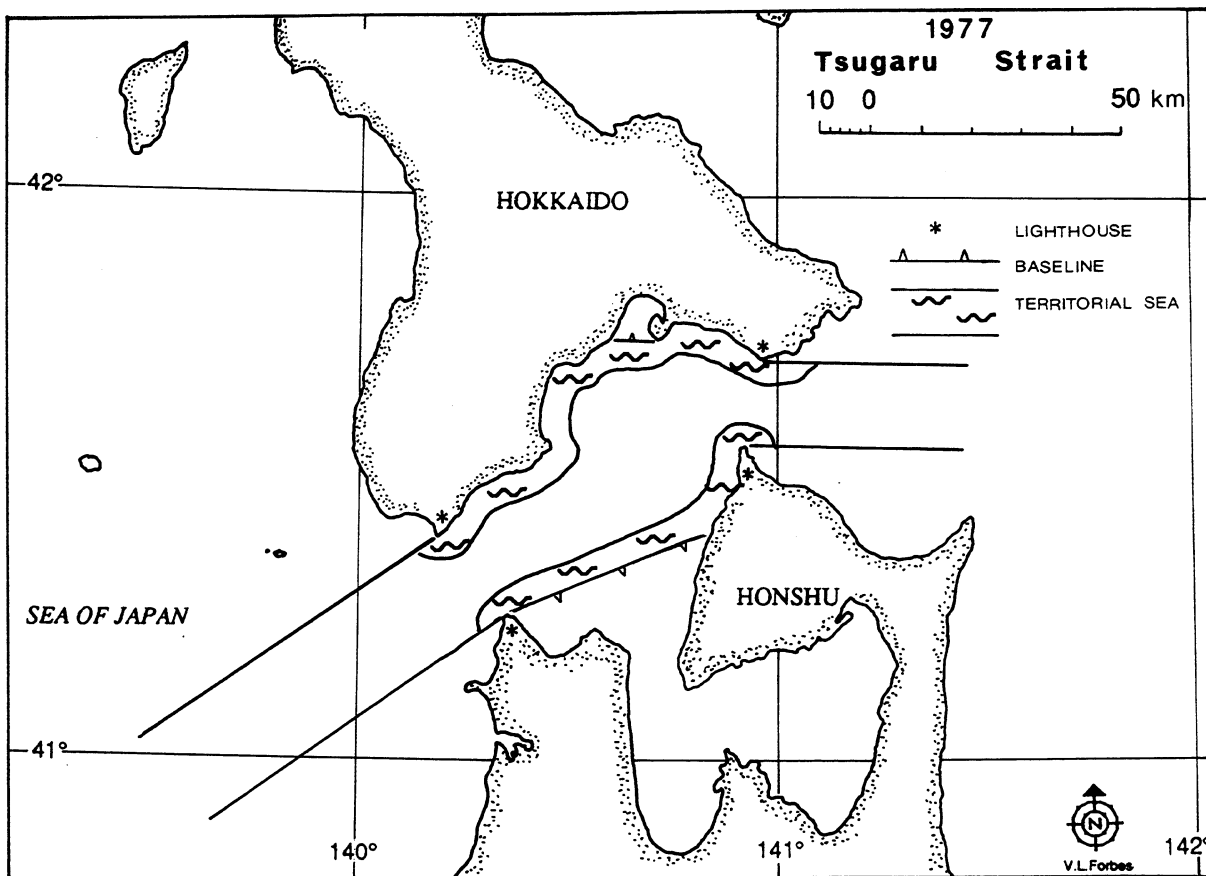
Representatives that the term “for the time being” means that “in the meantime until [UNCLOS III] concludes and [an] international standard for the regime of international straits is established.”²¹ Therefore, the entry into force of the 1982 LOS Convention and Japan’s ratification to it eliminated the rationale of keeping this interim regime. Nevertheless, Cabinet Order 206 provided a detailed chart of the territorial sea and the contiguous zone retaining the ‘designated areas’ exemption to twelve-nautical mile territorial sea despite the fact that all five straits now incorporate straight baselines. For example, in case of Tsugaru Kaikyo, long straight baselines on both sides of the strait now encloses substantial parts of the coastal sea as internal waters, but a sea lane is preserved by limiting the breadth of territorial sea to three nautical miles (Figure 2).

It was expected that ratification of the LOS Convention would provide an opportunity to rectify the irregular and temporary state of the ‘designated areas.’²² However, the Japanese government opted for the *status quo* without even resorting to parliamentary discussions. The fact that the straight baselines and the limit of territorial seas are defined not by a law but by a cabinet order indicates the indifference in the Japanese Government toward the issue. By avoiding a controversial issue in this manner, Japan lost an opportunity to clarify internationally its position regarding the passage of nuclear weapons through its territorial waters.

Exclusive Economic Zone and Continental Shelf

The Law on the Exclusive Economic Zone and the Continental Shelf²³ replaces the Law on Provisional Measures relating to the Fishery Zone of 1977.²⁴ The law establishes an EEZ, “according to Part V of the LOS Convention”, over the area up to 200nm from Japan’s baselines; however, in the cases where the 200nm arc exceeds the median line vis-à-vis another state, in the absence of agreement to the contrary, the median line will be the limit of the EEZ (Article 1(2)). It also establishes a continental shelf, “according to the provisions of the LOS Convention” over the seabed up to 200nm from Japan’s baselines (Article 2).²⁵ Article 3 lists activities in these zones over which Japan claims jurisdiction. The list corresponds to the provision of the LOS Convention regarding the sovereign rights of the coastal state over these zones.²⁶ Several other pieces of legislation that were enacted at the

Figure 2: Tsugaru Strait 1977-1996



same time supplement this law and provide more detailed regulations.²⁷

Exclusive Economic Zone over Disputed Territories

In the late 1970s, Japan had been “*quietly retreating*”²⁸ from its traditional opposition to coastal states’ claims to jurisdiction over areas within 200nm of the coast. However, it was the declaration of a 200nm fishery zone by the Soviet Union in 1976 that triggered the real turnaround in Japan’s attitude. The Japanese administration was forced to conduct difficult negotiations in order to protect the interests of the Japanese fishing industry within the Soviet Union’s 200nm zone, while it was alleged that the Soviet’s extensive fishing activity around Japan’s coasts was gravely harming Japanese fisheries in terms of lost catch and damage to equipment.²⁹ It was deemed necessary to establish a Japanese fishery zone in order to negotiate with the Soviet Union “*on a level playing ground.*”³⁰ The Law on Provisional Measures relating to the Fishery Zone was then quickly drafted and enacted on 16 November 1977.

As Japan’s fishery zone was primarily established from the need to counter the Soviet claim to a 200nm zone, and because of the ongoing territorial disputes over some islands in the Sea of Japan and in the East China Sea, the Japanese government decided to avoid establishing the fishery zone in these areas westward of the longitude 135°E.³¹ Instead, it was decided that Japan would honour the terms of bilateral agreements concluded earlier with Korea and China concerning fisheries, and exempt citizens of these states from Japan’s fishery zone regulations as long as these states refrained from establishing fishery zones in the disputed areas.³²

The 1996 law renounces this traditional self-restraint regarding the establishment of jurisdictional claims over disputed areas of the Sea of Japan and the East China Sea (Figure 3). It was regarded by the governments of the Republic of Korea and China³³ as an attempt to reassert sovereignty over these disputed territories. Korea immediately countered Japan’s move by establishing a 200nm EEZ around its coastlines, including those of the disputed island of Tokdo/Takeshima. Tension around another disputed territory, the Senkaku/Diaoyu islands, also rose, especially during late 1996.

The strong reactions by the governments of Korea and China are understandable. In the past, the governments involved had successfully ‘shelved’ the disputes and entered practical arrangements on fisheries and other issues through bilateral agreements.³⁴ However, Japan’s declaration of EEZs around the disputed islands has made it more difficult to ignore the existence of territorial disputes among the parties concerned despite the wish of every government involved to do so. Japan’s political wisdom in reopening these disputes in the manner it has may be questioned.

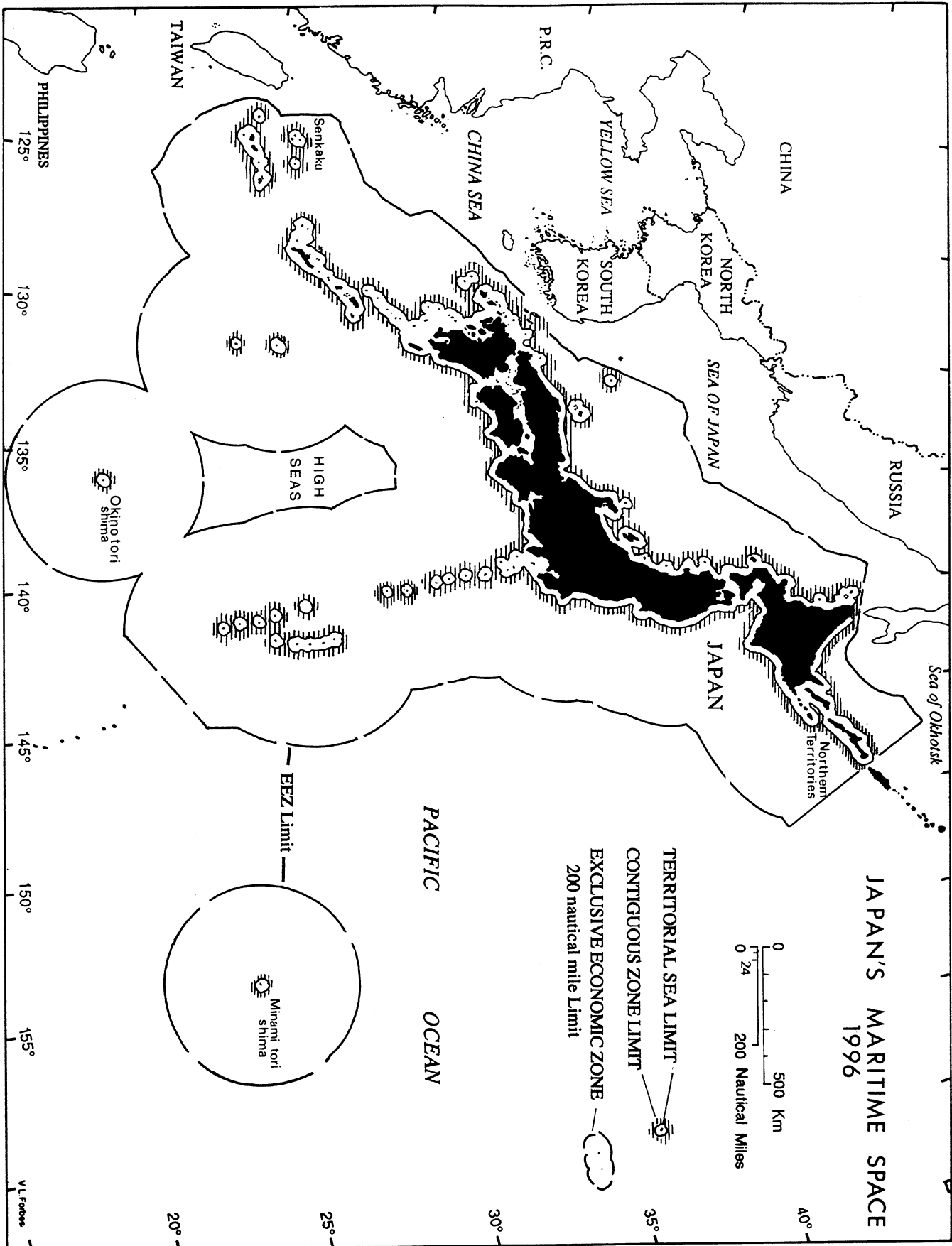
Continental Shelf

Claims over continental shelves in the Sea of Japan and the East China Sea have been prone to disputes similar to those over EEZs. In 1969, Taiwan declared its sovereignty over the continental shelf around Senkaku/Diaoyu islands and subsequently issued a licence for exploration for oil in the area. Japan argued that Taiwan’s action was illegal and void, and that Japan’s sovereignty over the continental shelf of the area remained unaffected.³⁵

The continental shelf boundary delimitation dispute between Korea and Japan mainly concerns the nature of continental shelf in the East China Sea where the Korean claim, based on the concept of natural prolongation, and the Japanese claim, based on the median line, provided very different lines of delimitation.³⁶ An agreement was, however, concluded between the Republic of Korea and Japan in 1974 determining the continental shelf boundary line in the Sea of Japan,³⁷ Tsushima Strait and part of East China Sea.³⁸ A further agreement provided for a Japan-Korea Joint Development Zone for other areas in dispute.³⁹ By concluding these agreements, the governments of Korea and Japan avoided confrontation on the delimitation issue and agreed to share jurisdiction over disputed areas.⁴⁰ Both states subsequently promulgated legislation and issued development licenses on the basis of this agreement. However, the People’s Republic of China, which claims sovereignty over large areas of the East China Sea, argued that the agreement was “*illegal and void.*”⁴¹

The terms of Article 2(1) of the Law on the Exclusive Economic Zone and the Continental Shelf provide that the outer limit of the continental shelf is similar to that of Article 1(2) on the EEZ except that where the 200nm arc exceeds the median line against another state, the boundary

Figure 3: Extent of Japan's Potential Maritime Space



should be the “median line (if there is a substituting line agreed between Japan and the State concerned, that line and the line drawn from that line which shall be determined by a cabinet order)” (emphasis added). The specification in the parenthesis is understood to accommodate joint development arrangements.⁴² Thus, it is apparent that Japan wishes to preserve the *status quo* on the issue of jurisdiction over continental shelf in disputed areas. This would be the least disruptive course of action in the fragile political situation surrounding the disputed territories. However, there has been criticism that the legislature’s inaction has left important questions that should be discussed in the parliament, such as the delimitation of the continental shelf boundaries and the issue of straight baselines, to the discretion of the administration.⁴³

Conclusion

The ratification of the 1982 United Nations Convention on the Law of the Sea and the 1992 Implementation Agreement was one of the most significant steps the Japanese government has taken in regard to its stance to the law of the sea. Japan has abandoned its traditional minimalist stance and asserted full jurisdiction over very substantial area of the oceans.⁴⁴ The LOS Convention was welcomed in Japanese scholarly and administrative circles as promoting orderly and cooperative relationships among states on issues concerning seas. The enactment of the laws concerning the territorial sea, the EEZ and the continental shelf is a major step towards the positive implementation of the provisions of the LOS Convention. It is regrettable, however, that in doing so, Japan has stirred up some difficult problems in its relationships with neighbouring countries. It is to be hoped that readiness to cooperate and political wisdom in the governments concerned will eventually lead to mutually acceptable resolution of these disputes.

Notes

¹ Opened for signature 10 December 1982, UN Doc. A/CONF.62/122(1982), reprinted in, *The Law of the Sea: Official Text of the United Nations Convention on the Law of the Sea with Annexes and Index*, United Nations Publication Sales No. E.83.V.5, 1983.

² UN General Assembly Resolution 48/263, 28 July 1994, reprinted in, *Law of the Sea Bulletin*, Special Issue No. 4, 16 November 1994.

³ Nakamura, Kokuren Kaiyouho Jouyaku to Kaiyo Kihonho (UN Law of the Sea Convention and the Basic Laws on the Law of the Sea), 1096 *Jurisuto*, Tokyo, 1996: 34.

⁴ Id. See Third United Nations Conference on the Law of the Sea, *Official Records*, 2 (1975): 217.

⁵ Law No.30 of 2 May 1977. Unofficial translation of the law appears in Yanai and Asomura (1977) ‘Japan and the Emerging Order of the Sea’, *Japanese Annual of International Law*, 21: 92-99.

⁶ For discussions on Japan’s traditional stance on the law of the sea, see Kawasaki (1995) ‘International Straits: An Issue Concerning Japan’s Ratification of the United Nations Convention on the Law of the Sea’, *Boundary and Securities Bulletin*, 3, 2 (Summer) and references cited therein.

⁷ Remark by Mr Saito, head of the Law of the Sea division of the Ministry of Foreign Affairs of Japan, Round Table, Ministry of Foreign Affairs, *Kaiyouho to Kaiyo Seisaku* (Law of the Sea and Marine Policy) Tokyo, 6 (1983): 139. It must be noted, however, that the legality of this official position is questionable because international law requires states that have signed a treaty but not yet ratified it to refrain from activities that may be detrimental to the purpose of the Convention. See *Vienna Convention on the Law of Treaties*, adopted on 23 May 1969, Art.18.

⁸ The LOS Convention was due to enter into force on 16 November 1994, one year after the sixtieth ratification to the Convention. Of the sixty states that had ratified the Convention, all but one were developing states.

⁹ The Implementation Agreement declares that several provisions of the Convention “shall not apply.” This terminology and, indeed, the title of the Agreement itself attests that the drafters wished to avoid making the impression of an amendment of the Convention. The drafters of the Agreement regarded that attempting to amend the Convention would raise questions too difficult politically as well as legally. Cf. Art.311 of the LOS Convention. For discussions on the issue of the legal status of the Agreement, see, e.g., Nelson (1995) ‘The New Deep Sea-Bed Mining Regime’, *International Journal of Marine and Coastal Law*, 10: 192.

¹⁰ Japan’s constitution provides that international treaties entered into by the government are capable of direct domestic application. Therefore, it is necessary for the government to prepare relevant domestic legislation before a treaty takes effect in order to avoid conflict. See, e.g., Yamamoto, S. (1985) *Kokusaiho* (International Law), Tokyo: 69.

¹¹ Law No. 73 of 14 June 1996.

¹² Nakamura, *supra*, note 3: 36.

¹³ Cabinet Order No.206 of 5 July 1996, to be implemented on 1 January 1997.

¹⁴ The collective length of the straight baselines is about 250nm. The adopted normal baseline is the low water-mark at the lowest astronomical tide (L.A.T.).

¹⁵ LOS Convention, Art.7, para. 3.

- ¹⁶ See, Hodgson (1973) *Islands: Normal and Special Circumstances*, Washington, D.C.: 21; reprinted in Knight, G., and Chiu, H. (1991) *The International Law of the Sea: Cases, Documents, and Readings*, London: 83. For example, the United States regards a straight baseline of more than 24nm in length to be excessive. See, Commentary attached to the Letter of Submittal by the Department of State, 23 September 1994: 7.
- ¹⁷ Hodgson, *supra*, note 17: 83.
- ¹⁸ Nakamura, *supra*, note 3: 37.
- ¹⁹ Japan does not share any coastline with other states, hence the issue of adjacent states is irrelevant.
- ²⁰ See, Kawasaki, *supra*, note 6: 74.
- ²¹ Statement by the Minister of Foreign Affairs, Mr Hatoyama. The 80th Diet, *Minutes of the House of Representatives*, 7 April 1977, 16: 534-35.
- ²² Kawasaki, *supra*, note 6: 75.
- ²³ Law No.74 of 14 June 1996.
- ²⁴ Law No.31 of 2 May 1977. Unofficial translation of this law also appears in Yanai and Asomura, *supra*, note 5.
- ²⁵ See, text accompanying note 44, *infra*. Continental shelf may extend beyond the 200nm limit if so determined by a cabinet order in pursuant of Article 76 of the LOS Convention (Article 2 (2)).
- ²⁶ LOS Convention, Arts.56 (Exclusive Economic Zone) and 81 (Continental Shelf).
- ²⁷ Law Amending the Law on the Maritime Safety Agency (Law No.75 of 14 June 1996); Law on the Exercise of Sovereign and Other Rights on Fisheries and Other Activities within the Exclusive Economic Zone (Law No.76 of 14 June 1996); Law on the Conservation and the Management of Marine Living Resources (Law No.77 of 14 June 1996), etc.
- ²⁸ Ogiso (1987) *Archiv des Völkerrecht*, 25: 73, quoted in Mizukami, C., *Nihon to Kaiyōho* (Japan and the Law of the Sea), (Tokyo, 1995) at 63.
- ²⁹ *Ibid.*: 63-64.
- ³⁰ Statement of the Minister for Agriculture, Forestry and Fisheries, Mr Suzuki. The 80th Diet, Minutes of the Budget Committee, House of Representatives, 30 March 1977, 26: 22, quoted in *Ibid.*, at 67.
- ³¹ There is a territorial dispute between Russia (former Soviet Union) and Japan over the Southern Kuril Islands (Northern Territories). In 1977, the Soviet Union declared a fishery zone around the islands on the premise that Moscow owned these islands. Japanese laws on the territorial sea and the fishery zone did not specifically mention these islands. It was assumed, by the absence of specific reference, that the laws intended to claim areas around these islands as well as other parts of Japan's coastal waters. Whatever the intention, the territorial sea and the fishery zone around the Southern Kuril Islands remained unenforceable. See, e.g., *Utari Kyodo Case*, Judgement, Sapporo High Court, 16 April 1992. Translation of the judgement appears in *Japanese Annual of International Law*, 36 (1993): 187.
- ³² Law on Provisional Measures Relating to the Fishing Zone, Art.3. para.3; Cabinet Order No.210 of 17 June 1977, for the Implementation of the Law, Art.1. See, Yanai and Asomura, *supra*, note 5: 73-76. See also, Statement of the Minister for Agriculture, Forestry and Fisheries, Mr Suzuki. The 80th Diet, *Minutes of the House of Representatives*, 21 April 1977, 20: 18, quoted in Mizukami, *supra*, note 30: 67.
- ³³ Both the People's Republic of China and the Republic of China governments claim sovereignty over the Diaoyu/Senkaku islands and are in unusual unison in condemning the Japanese position on the issue.
- ³⁴ See, e.g., *Agreement on Fisheries between Japan and the Republic of Korea*, signed on 22 June 1965 and *Agreement on Fisheries between Japan and the People's Republic of China*, signed on 15 August 1975.
- ³⁵ See, Okuhara (1971) 'The Territorial Sovereignty over the Senkaku Islands and Problems on the Surrounding Continental Shelf', *Japanese Annual of International Law*, 15: 103.
- ³⁶ Statement by the Director-General of the Asian Affairs Bureau, Ministry of Foreign Affairs, The 80th Diet, *Minutes of the Foreign Affairs Committee, House of Representatives*, 1 April 1977, 7: 2, quoted in *Japanese Annual of International Law*, 28 (1985): 131.
- ³⁷ The disputed island of Tokdo/Takeshima was disregarded in this delimitation.
- ³⁸ *Agreement Between Japan and the Republic of Korea Concerning the Establishment of Boundary in the Northern Part of the Continental Shelf Adjacent to the Two Countries*, signed 30 January 1974, in *Japanese Annual of International Law*, 23 (1979): 287.
- ³⁹ *Agreement Between Japan and the Republic of Korea Concerning Joint Development of the Southern Part of the Continental Shelf Adjacent to the Two Countries*, signed on 30 January 1974, in *Japanese Annual of International Law*, 23 (1979): 264.
- ⁴⁰ A similar format was employed in several dispute settlements over the continental shelf. See, e.g., *Treaty between Australia and the Republic of Indonesia on the Zone of Cooperation in an Area between the Indonesian Province of East Timor and Northern Australia*, signed on 11 December 1989.
- ⁴¹ See Mizukami, *supra*, note 30: 126.
- ⁴² Nakamura, *supra*, note 3: 39.
- ⁴³ *Ibid.*:39.
- ⁴⁴ Japan is regarded as one of the most significant beneficiaries of EEZs. One calculation shows that the area under Japanese jurisdiction is now the seventh largest in the world. Round Table, Kokuren Kaiyōho Jouyaku no Hakko oyobi Hyōka (Entry into force of the UN Law of the Sea Convention and Its Assessment), *Kaiyo Jiho*, 74 (1994): 36.

Yutaka Kawasaki-Urabe is a PhD student at the Faculty of Law and Vivian L. Forbes is Map Curator at the Geography Library, University of Western Australia.