

Exclusive Economic Zone in Major Media and Academic Journals in 2011: South China Sea and Other Seas

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Introduction

Every coastal nation attempts to expand its sea territory by extending or expanding exclusive economic zone to the maximum possible. The EEZ was a new concept and a specific legal regime in the Law of the Sea Convention, building on the “exclusive fishing zones” and “fishing conservation zones” already in existence. The EEZ regime in the Convention was primarily aimed at living resources of the waters superjacent to the seabed. Although Article 56 (1) (a) stipulates that in the EEZ, “the coastal State has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil,” Article 56 (3) affirms that the rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.” The EEZ is and must be an environmental conservation concept: However, it is far from such a novel concept in reality. It is considered or interpreted as the coastal State’s privilege to claim its sovereign sea. Rights without obligations or duties have been claimed, rather blindly. This is something pathetically wrong or very ridiculous. Under the circumstances, 200 nautical miles of exclusive economic zone has been rather abused.

Rampant exploration and exploitation of fishing and oil, gas and other precious metals have been made possible by constantly changing advanced technology and endless human greed for the nation’s wealth. Protection of ocean environment and conservation of resources have not been balanced or corresponded at all to the exploitation and exploration attempts of the deep sea resources. Beyond the Exclusive Economic Zone, a state may claim a continental shelf that is a “natural prolongation” of its territory for up to 350 nautical miles. Who knows? 500 or longer nautical miles will be argued in not so distant future.

This research work aims at finding of the intellectual focus and locus of the exclusive economic zone in the year of 2011—January 1 to August 31. What has been discussed on the exclusive economic zone in relations to issues on the seas and oceans? What has been proposed to bring peaceful sea and ocean and to protect the ocean environment and conservation of ocean and marine resources? Data base of this research work is ProQuest which is available in the public library system in the United States which collects 80 academic journals and major newspapers.

What is ProQuest data base?

Following is the information of ProQuest in Google:

ProQuest connects people with vetted, reliable information. Key to serious research, the company has forged a 70-year reputation as a gateway to the world's knowledge – from dissertations to governmental and cultural archives to news, in all its forms. Its role is essential to libraries and other organizations whose missions depend on the delivery of complete, trustworthy information.

ProQuest's massive information pool, built through partnerships with content creators, is navigated through technological innovations that enable users to quickly find just the right information. The company is currently rolling out the all-new ProQuest® platform, which moves beyond navigation to empower researchers to use, create, and share content—accelerating research productivity.

An energetic and fast-growing organization, in 2009 it launched the pioneering Summon™ web-scale discovery service, a boon to academic libraries worldwide. In 2010 ProQuest expanded into corporate and government markets, launching the ProQuest Dialog™ service and acquiring Congressional Information Services and University Publications of America. In early 2011 it acquired ebrary, expanding ProQuest's content base to include e-books and adding to the technology expertise resident across the enterprise, which also includes such units as Serials Solutions®, RefWorks-COS™, and Bowker®.

Exclusive Economic Zone

Articles containing a key word, exclusive economic zone, have been numerous in ProQuest database. So this researcher limited the articles to those appeared in the year 2011. EEZ has created more boundary disputes and tense international relations in South China Sea than any other sea. Exclusive economic zone means just an extension

of territorial sea to many coastal nations: 200 nautical miles of EEZ have been considered as the nation's own territory, because it is an *exclusive* economic zone. Economic zone means every meaningful thing in the sea from the nation's coastline. Economic means virtually everything. Overlapping EEZ is not to be peacefully resolved by two nations or more than two nations sharing the small sea in South China Sea and East China Sea or Yellow Sea. Creating EEZ may be one of the worst concepts in the United Nations Convention on the Law of the Sea. Interpretation can be different from one nation to another, originated from US President Harry Truman's executive order. Understanding current issues and problems of EEZ can start with a review of major scholarly and journalistic articles containing a key word, EEZ, in the year of 2011.

Content analysis of EEZ articles makes 10 groupings of the subjects below:

1. South China Sea and China's naval power
2. Ocean Environment and Conservation
3. Indian Ocean
4. Korea
5. Japan
6. The United States and the Caribbean Sea
7. Pacific Small Islands
8. The Mediterranean Sea
9. The Atlantic Ocean on the African small islands
10. The Arctic Sea

1. The South China Sea

The most frequent EEZ articles in ProQuest were on the conflict and tense situation between China and ASEAN nations mainly and those among the ASEAN nations, Vietnam, the Philippines, Malaysia, Brunei and Indonesia. 43 articles were recorded in ProQuest data base from January 1, 2011 to September last, 2011. China provoked Vietnam when the Chinese fishing boats under the disguise of the Chinese Navy destroyed the Petro Vietnam's survey of undersea oil and gas fields. Vietnam determined to go to war against China. Rhetoric of war did not go to the actual war, but South China Sea drew great attention from the world in 2011. China warned the United States not to be involved in South China Sea. The two superpowers interpreted EEZ differently: the US claimed that EEZ meant the freedom of navigation, including the US

Naval ships, but China claimed EEZ was its own exclusive sea. It was and is a contradiction to see that Chinese naval ships freely navigated other nations' EEZ. EEZ space was still different from one nation to another; There was no consensus between and among the nations that shared the small sea, the South China Sea and the East China Sea.

The China-Vietnam conflicts have been well known over the years and covered by major media in the world. In addition to China-Vietnam conflicts, the China-the Philippines conflicts were also reported in *Asian Pulse* in June 2011 (June 2 and June 3). Philippine Foreign Affairs Secretary Alberto del Rosario warned that “any new construction by China in the vicinity of the uninhabited Iroquois Bank in the South China Sea was a clear violation of the 2002 ASEAN-China Declaration of Cooperation” and complained that Chinese marine surveillance vessels were navigating well within the Philippines' 200 nautical miles EEZ. Chinese military vessels reportedly fired shots at Philippines fishing vessels at Jackson Atoll, 140 nautical miles from Palawan on February 15, 2011. In March 2011, Chinese navy patrol boats allegedly harassed a Philippines-sanctioned oil exploration vessel at the Reed Bank, which is part of Palawan Province and not of the Spratly's. In May 2011, MIG fighters believed to be from China allegedly harassed Philippines Air Force reconnaissance aircraft patrolling over Reed Bank. Malaya added that China's structure built on the reef in the Spratly's was a military one, not shelter for fishermen. Lack of trust between China and its neighboring nations was noteworthy.

China's increasing military budget in double digit and abrasive diplomacy stirred its neighboring nations in the South China Sea and the East China Sea. China and India's rivalry in the Indian Ocean was also discussed in a couple of major articles. The tension in the South China Sea is not an arcane legal issue, but a near and dangerous threat to the global economy and to the regional ecology. The sea lines of communications through the South China Sea connect Europe to Asia, making the sea one of the busiest waterways in the world. Almost half of the world shipping passes across it, and from Middle East a significant portion of Northeast Asia's oil.

The South China Sea is also rich in hydrocarbons in various forms, and the full exploitation of these resources is hampered by unresolved boundaries and blatant military intimidation. Lastly, because of overfishing, there is a marked decline in the overall fish catch, inspiring fishermen to use more aggressive techniques.

Some ASEAN nations proposed name change of the South China Sea to the Southeast Asia Sea. Ben Bland reported the name of the sea in his *Financial Times* article on June 21, 2011. South China Sea has been East Sea to the Vietnam people, West Philippine Sea to the Filipinos and South Sea to Chinese people. The South China Sea has been used so long by Western map makers without the Asian people's consent and protest. It might be originated from the mapmakers in Europe who was not conscious of its probable long impact afterward. Naming of the sea is becoming sensitive to ASEAN nations, as it has become a sensitive issue of Sea of Japan to the Korean people on the sea between Japan and Korea. The *National Geographic* has accepted a dual name, Sea of Japan/East Sea. Some proposed a neutral sea name such as Blue Sea or Green Sea on the sea between the two nations.

Spratly Islands rich in hydrocarbons were the area of conflicts among the ASEAN nations, too. It is a sea space most complicated so that it seems impossible to resolve the conflicts among the nations sharing the South China Sea. The main headline of the Washington Post on September 18, 2011 is: Disputed Territory. It summarizes the conflicts in one sentence: China's thirst for South China Sea oil puts it at odds with other nations' claims (Higgins, 2011).

Searching for the solution to the South China Sea conflicts has been attempted by ASEAN-China declaration. Outside the ASEAN-China Declaration, I have noticed one academic proposal. Mark J. Valencia, Jon Van Dyke and Noel Ludwig at the University of Hawaii East-West Center proposed a common sea ground of all claimants, sharing the resources. Their single purpose regime is the South China Sea Institute for Marine Resources Management, conducting a joint survey and assessment of the mineral and hydrocarbon potential, and cooperatively implementing marine safety and surveillance measures. They also propose to create Spratly Coordinating Agency to manage the common area and its resources. Their product-sharing proposal is 50 percent for China and Taiwan and another 50 percent for the ASEAN nations. This may be challengeable by the ASEAN nations, including Vietnam. They discussed each claimant's strength and weakness of the Spratly Islands (Valencia, et al, 1997).

Sam Bateman pointed out highly complex "wicked problems" that have defied solution and proposed a regional forum to solve the problems. These include different interpretations of the Law of the Sea underpinning regional maritime security, the lack

of good order at sea, numerous conflicting claims to maritime jurisdiction, the implications of increased naval activity in the region and the lack of agreed maritime boundaries. His proposal is creating an Asian Peace Research Institute modeled after the Stockholm International Peace Research Institute to promote more independent thinking and greater cooperation. He emphasizes that the plan for action to implement the Joint Declaration on ASEAN–China Strategic Partnership for Peace and Prosperity (2011–1015). He points out that little progress has been achieved, though (Bateman, 2011).

The 2002 ASEAN–China Declaration of on the Conduct of Parties in the South China Sea (DOC) has set possible transformation of the area into a Zone of Peace, Freedom, Friendship and Cooperation (ZOPFF/C) through sustained consultations and dialogue. ZOPFF/C provides a framework for segregating the disputed territorial features among the nations surrounding the South China Sea. However, the spirit to achieve the goal of the DOC and ZOPFF/C has not been seen yet. They exist as “empty” promises or rhetoric.

All in all, the DOC, University of Hawaii East–West Center proposal and Bateman’s article should be guiding lights for the South China Sea peace and prosperity.

Asia Pulse reported a story, a very interesting story to me, on July 28, 2011. This story reminds me of the South China Sea situation very well.

In the summer of 2011, Korean workers have been trying to raise the 50,905-ton bulk carrier, which sank in April after hitting a reef near Ieodo, some 150 kilometers southwest of Cheju Island. China sent patrol boats to the site last month and early this month and requested that they stop the work in its EEZ, according to foreign ministers officials. China has demanded South Korea halt its work to hoist a sunken commercial ship near the submerged rock of Ieodo in the East China Sea that Beijing claims as its territory, officials in Seoul said.

China’s sea territorial ambition was criticized by this researcher in the *Korea Times* and in the *Korea Monitor* in August.

China’s Sea Territorial Ambition

China's power is expanding into South China Sea and East China Sea under its own excuses: the geological reason of outer continental shelf theory and the historical reasons of its ancient voyage to the distant sea. It has confronted with Vietnam and the Philippines. It also claims that sea of Malaysia and Indonesia.

China has confronted with Japan in East China Sea for exploration of undersea oil, gas and mineral resources around Senkaku Island. Most recently, China has splashed water onto Korea or intervened South Korea's rescue operation of its sunken coal-transporting vessel within the median line of South Korea's sea. East China Sea and South China Sea are not oceans, but narrow sea shared by many neighboring nations. China cannot claim 200 nautical miles of exclusive economic zone or outer continental shelf in those seas.

It sounds ridiculous or imperialistic. However, the international court of justice once used the theory of continental shelf in resolving the German-Denmark-Netherlands dispute in the North Sea. China is using the court decision as a precedent. Since that decision, a great majority of maritime boundary disputes have been resolved by the median line theory between the two coastal states. The median line policy can be easy, simple and powerful for the nations to observe.

China and South Korea have not resolved the maritime boundary line in the sea between two nations. That should not be a reason China arbitrarily intervene in South Korea's rescue operation of its sunken ship, demanding a permit from China. China did the same ridiculous thing when South Korea constructed its ocean research tower on underwater rock named leodo Westerners named Socotra Rock in 1900, which is located within the median line of South Korea.

China is provoking neighboring nations in the peaceful sea.

China attempted to stop the Vietnamese exploration of offshore oil survey under the disguise of its fishing vessel. In mid-June 2011, the Vietnamese authorities accused a Chinese fishing boat of deliberately snagging a seismic cable being used by an oil exploration boat operated by Vietnam's state-run oil company, Petro Vietnam.

China claims the entire South China Sea for itself, citing ancient maps reaching as far south as Malaysia's northern coast. Vietnam, the Philippines, Taiwan, Brunei and Malaysia, meanwhile, claim various parts of the South China Sea for their own exclusive

economic zone development. China launched the aircraft carrier in the summer of 2011, threatening the nations in the East China Sea and South China Sea. Its military budget has grown in double digit and its foreign policy is abrasive.

Asia's mistrust of China and fear of Beijing is based on its land territorial ambition to claim Tibet and now demonstrates its sea territorial ambition to get more oil, natural gas and precious metals in deep sea –bed and fisheries.

China's ambition should be counterbalanced by the United States as a Pacific partner to Asia-Pacific nations and as unified Asian alliance armed with justice as fairness in international society.

Vietnam Prime Minister Nguyen Tan Dung issued a tense statement to his people to prepare war with China, because Spratly Island was "incontestable." The US-Vietnam joint military exercise in the South China Sea invited China's harsh criticism of the United States' intervention, but it deterred a possible war situation. Strong unity of South East Asian nations also discouraged China's aggression.

China's rude behavior controlling Tibet militarily and embracing North Korea's dictator Kim Jong-il who has made 20 million North Korean people starved to death should be reprimanded. The world should pay attention to China's declaration that its EEZ is off-limits to foreign naval ships, a wicked or creative reinterpretation of the Law of the Sea. Chinese submarines are freely or discreetly navigating neighboring nations' EEZs.

This is time to review EEZ and outer continental shelf totally. No nations should abuse EEZ and continental shelf. The sea and oceans should be basically the property of the humankind, not by one super-power or several super powers. Protection of ocean and sea environment and conservation of living and non-living resources in and under the sea should be the fundamental mission of the human kind, first of all. The other alternative is: The best acceptable single maritime boundary delimitation should be a median line in the narrow and small sea between the coastal states.

China was once a victim of Western imperialism and Japanese imperialism before and around the turn of the 20th century. Now, it acts as an imperial nation to neighboring nations. What an irony of history is it showing? It should restrain its power and

arrogance. However, China showed its war power by a massive 11.6 percent in real terms per annum. More ships, submarines and maritime aircraft will be operating in relatively confined regional waters which are marked by sovereignty disputes and unresolved maritime boundaries. Increased military activities at sea increase the risks of an accidental incident between naval forces, particularly one involving submarine. The proliferation of submarines in the region poses challenges in the region for preventive diplomacy, marine confidence building and ensuring the safety of submarine operations, but these challenges are not yet being addressed.

Dana Dillon argues in her article in *Policy Review* (June/July 2011):

The most dangerous source of instability in Asia is a rising China seeking to reassert itself, and the place China is most likely to risk a military conflict is the South China Sea. In the second decade of the 21st century, the seldom calm waters of the South China Sea are frothing from a combination of competing naval exercises and super-heated rhetoric.

South China Sea may be the battlefield between China and the United States with ASEAN nations. Seeking undersea oil and gas may be firing the massive war as intercultural hot warfare. Constraining the two superpowers in South China Sea must be the world's prime concern. In the Cold War between the USA and USSR after World War II, there was no war, because the two superpowers were in the same cultural heritage. Moreover, China had a long imperialistic history longer than the USA and the USSR when we look back Chinese history.

2. Ocean Environment and Energy

Next frequent EEZ articles were on protection of ocean environment and conservation of marine resources. 23 articles were assembled under this heading. Biological conservation, fisheries in one nation's EEZ and overlapping EEZs, protection of migratory species and sharks, fishing farming, oil spill and restoration of environmental damage have been appeared in major media. Civil and criminal charges to off-shore oil production companies in the Gulf of Mexico in 2010 were discussed in 2011. Environmental articles were across the Pacific Ocean, the EEZs of the United States, Canada and Mexico, EEZs of Chilean and Peruvian waters, Caribbean sea shared by Bahamas, Honduras and Haiti, Indian Ocean, Australia, New Zealand, Atlantic waters of

Spain, Portugal and Morocco, the Beaufort Sea of the United States and Canada, and environmental cooperation between Italy and China were discussed in various printed media. Reduction of CO₂ from ships was also eloquently discussed to mitigate climate change.

One interesting article was written by Laura Bush, first lady of the United States for the protection of the ocean and marine resources in the Wall Street Journal as a reminder of her husband's designation of four marine national monuments in the Pacific Ocean--- ocean national park in 2006.

The Papahānaumokuākea Marine National Monument,
The Marianas Trench National Monument,
The Pacific Remote Islands and
The Rose Atoll in American Samoa.

These four monuments cover more than 330,000 sq miles and add up to the largest fully protected marine area in the world, larger than all of the United States national parks and wild life refuges combined. They support vast numbers of fish, breathtakingly beautiful coral habitats, and a remarkable abundance of sharks—often seen as markers of an ecosystem's health.

Protection of oceans is the mission and task of the humankind for the present and future generations to come. Nearly half of the world's population now lives within 60 miles of an ocean, and that percentage will rise as more people settle in coastal communities.

She wrote:

Our wild ocean frontiers are disappearing and, like we did Yellowstone, it is up to us to conserve the most important wild areas that remain. Doing so will preserve something that is too easy to destroy but impossible to replace: natural, undisturbed incubators of life. Overfishing and degrading our ocean waters damages the habitats needed to sustain diverse marine populations.

Offshore energy project in North Sea and financing methods, oil and gas explorations of continent below the oceans, and US Geological Survey's discovery of underwater oil and gas sources were also discussed in addition to the 2010 oil spill in the Gulf of

Mexico. New Zealand unveiled its oil strategy that it would be a net exporter of oil within two decades as the country expands its knowledge of its petroleum basins in August. It also emphasized that the environmental effects of oil exploration activities would be taken care, but the opposition party and environmental groups criticized such a strategic plan (Asian Pulse, August 30).

3. Indian Ocean

Next frequent EEZ articles, nine articles, were from the Indian Ocean from the India-west Sumatra fishing ground agreement, off-shore oil exploration, the India-Sri Lanka fishing agreement, India's rising seafood export, Indian-African nations' cooperation to control pirates, Seychelles' economy based on increasing Tuna fishing. Somalia-based pirates in the Indian Ocean have drawn world-wide attention, and Indian Navy's surveillance ability was timely reported.

4. Korea

Korea was the subject of sizable EEZ articles, seven articles. China's patrol boat demanding the Korean rescuing boat to get permit before the rescuing operation inside Korea's EEZ near Jeodo or Socotra Rock, Chinese illegal fishing inside the Korean sea, Korea's growing fishing industry, and the Korea-Japan fishing agreement and quota-setting were reported on the Korean seas between China and Japan. One interesting article was on human rights of Indonesian works working on the Korean fishing boats in the New Zealand's EEZ.

5. Japan

Japan was the target of six articles: oil and gas exploration in the overlapping EEZs of China and Japan, Japanese illegal fishing in the Russian sea, and the Japan-Indonesia cooperation for sea disaster relief.

6. The United States

Four articles about the United States and neighboring nations in the Caribbean Sea were appeared: The US, Cuba and Bahamas in drawing the EEZ boundary; the United States and New Zealand sea security cooperation; and the sea territory disputes among

Columbia, Nicaragua, Honduras and Costa Rica. President Barrack Obama's calling on the heads of all executive departments to help create a unified national ocean policy created Interagency Ocean Policy Task Force after the British Petroleum's mammoth oil spill in the Gulf of Mexico was a valuable piece of information.

7. Pacific Small Islands

The Pacific Ocean's small islands were discussed: Papua New Guinea's deep sea mining, Tonga and Fiji's dispute, Tonga and South Korea's cooperation for deep sea mining, and Fiji-Kiribati's cooperation for fishing.

8. The Mediterranean Sea

The Mediterranean Sea EEZ articles were on EEZ agreement between Israel and Cyprus that between Turkey and Cyprus, and gas pipeline agreement in the Black Sea between Turkey and Russia.

9. The Atlantic Ocean

Small islands in the Atlantic Ocean near the African Continent were also EEZ articles: Cape Verde's fishing agreement with Spain, Portugal and France, and Sao Tome and Principe's EEZ agreement with Nigeria and oil exploration agreements with a Nigerian firm.

10. The Arctic Sea

A couple of articles were on discussions of the ownership of the Arctic Sea or the North Pole and the Arctic Sea Council.

Conclusion

Exclusive economic zone has drawn diverse attentions from major media and academic journals. Unfortunately, exclusive economic zone for the common heritage of the humankind has not been adequately discussed, even though they were discussed in the intellectual societies. Not a single article has discussed the fact that nations that do not

have the sea coast are excluded for the benefit of the oceans and seas. As a matter of fact, nations that share the sea, especially narrow sea, have not sought after peaceful and rational boundary delimitations. China is emerging as a new imperialistic nation in the South China Sea and in the East China Sea. China is trying to use continental shelf theory from the North Sea decision to claim the vast territory of the East China Sea and the South China Sea with the vague and distant historical documents of ancient Chinese civilization over neighboring nations. Unfortunately, attempts to share the sea with neighboring nations have not been made nor expressed among the nations. Sharing the resources and responsibility to protect the sea and conserve marine resources should be the guiding principle in international sea policy. That will help bring peace to the sea.

The ASEAN-China Declaration on the Conduct of Parties in the South China Sea should be the guiding principle for the peaceful South China Sea. Spirit of the DOC must be cheered. It is missing at the present moment.

Limiting continental shelf and exclusive economic zone must be the order of the intellectual society. It should be *our* mission to protect the oceans and the seas and conserve marine resources for the humankind. More articles in newspapers and journals should be able to discuss the ocean environment and conservation of resources. Earth is only one planet in the universe with the sea and life. Exploitation and exploration of the resources without a sense of responsibility should not be tolerated. Exploitation is a wrong word in the EEZ concept, and should be banned from the EEZ concept. War of mass destruction should be banned totally from the sea, because it destroys the life of sea and ocean. Nuclear ships or nuclear submarines should be ousted from the sea. The United Nations Convention on the Law of the Sea created numerous maritime issues and disputes in its implementation by nation states such as EEZ and Continental shelf for coastal states to enclose. We should go back to the protection of fisheries and natural resources from near shore to high sea. This may sound a Utopian thinking, but it must be. Sea, the last frontier of the Earth, should be protected.

The article published in the scientific journal *Marine Policy* describes fishing operations that have in recent decades targeted the unregulated high seas after stocks near shore were overfished. Elliott Norse, president of the Marine Conservation Institute and the paper's lead author, described the open ocean as "more akin to a watery desert." The world has turned to deep-sea fishing "out of desperation" without realizing fish stocks there take much longer to recover. Deep sea mining and fishing are making depletion of

life in the sea, so that scientists call for end to deep-sea mining and fishing (Eilperin, 2011).

Karen Sack, director of International Ocean Conservation at Pew Environmental Group, warned deep sea destruction by the government subsidization of fishing. She concluded:

We are spending millions in public funds to wreck seascapes that take millennia to form. Governments must realize that deep-sea fishing not only wastes taxpayer dollars but that destroying the unique marine life in the deep sea for a relatively small catch of slow-growing fish is a bad investment (Sack, 2011).

The South China Sea is the main concern of newspaper and academic journals in 2011. I have found the best academic discourse on the South China Sea in the University of Hawaii scholars' book.

Vietnam has controlled many Spratly features since 1973. The Philippines has controlled some islets since 1978. Malaysia began controlling features in the southern portion of the area in 1983, and China began its efforts to occupy islets in 1988. In each case, other nations have challenged the occupations. The result has been a crazy-quilt pattern of occupations and a very uneasy stalemate. Although some of these occupations may at some point ripen into a legitimate assertion of sovereignty, it would obviously be preferable for the nations to negotiate some equitable solution to the standoff (Valencia, et al., 1997. P. 40).

Western imperialism for exploration and expedition of the sea did not exist in the Asian history, so that the International Court of Justice rulings should be marginal or no use to the dispute resolutions in the South China Sea and in the East China Sea. China and Korea have set a policy not to seek the third party settlements of the disputes. China insists bilateral negotiation and consultation in the settlement of any maritime boundary issues with its neighboring nations (Zou Keyuan, 2009). Under the circumstances, drawing a median line or equidistance line for EEZ and CS is most desirable means of settlement. Many scholars and policy analysts support the simple but powerful means. They believe in the geographical proximity as the prime adjudication rule and the median line in between and among the nations sharing a narrow or small sea. The law of the sea should be written at the convention of the law of the South China Sea for the South China Sea and at another convention for the East China Sea by the nations

sharing the sea. The UN Convention on the Law of the Sea, a product of justifying the Western imperialism based on exploration and exploitation should not be a factor to the Asian conventions.

South China Sea and East China Sea should be the peaceful seas out of any military intervention, because the consequence of the war will be massive unrecoverable disaster to all nations. The United States can be a stabilizing force to China in Asian seas. However, by all means, we should maintain peace in our sea.

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Appendix

PRESIDENT TRUMAN'S PROCLAMATIONS ON U. S. POLICY CONCERNING
NATURAL RESOURCES OF SEA BED AND FISHERIES ON HIGH SEAS

September 28, 1945

White House News Release.

*Policy of the United States with Respect to the Natural Resources of the
Subsoil and Sea Bed of the Continental Shelf*

WHEREAS the Government of the United States of America, aware of the long range world-wide need for new sources of petroleum and other minerals, holds the view that efforts to discover and make available new supplies of these resources should be encouraged; and

WHEREAS its competent experts are of the opinion that such resources underlie many parts of the continental shelf off the coasts of the United States of America, and that with modern technological progress their utilization is already practicable or will become so at an early date; and

WHEREAS recognized jurisdiction over these resources is required in the interest of their conservation and prudent utilization when and as development is undertaken; and

WHEREAS it is the view of the Government of the United States that the exercise of jurisdiction over the natural resources of the subsoil and sea bed of the continental shelf by the contiguous nation is reasonable and just, since the effectiveness of measures to utilize or conserve these resources would be contingent upon cooperation and protection from the

shore, since the continental shelf may be regarded as an extension of the land-mass of the coastal nation and thus naturally appurtenant to it, since these resources frequently form a seaward extension of a pool or deposit lying within the territory, and since self-protection compels the coastal nation to keep close wale over activities off its shores which are of the nature necessary for utilization of these resources;

Now, THEREFOR, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the following policy of the United States of America with respect to the natural resources of the subsoil and sea bed of the continental shelf.

Having concern for the urgency of conserving and prudently utilizing its natural resources, the Government of the United States regards the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control. In cases where the continental shelf extends to the shores of another State, or is shared with an adjacent State, the boundary shall be determined by the United States and the State concerned in accordance with equitable principles. The character as high seas of the waters above the continental shelf and the right to their free and unimpeded navigation are in no way thus affected.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-eighth day of September, in the year of our Lord nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

[SEAL]

HARRY S. TRUMAN

By the President:
DEAN ACHESON
Acting Secretary of State