

PREFACE

The Law of the Sea is a vast and multi-faceted area of international law. The 1982 United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the Convention constitute essential instruments of the law of the sea governing a new maritime order for the international community. With its entry into force on November 16, 1994, the 1982 United Nations Convention on the Law of the Sea has virtually become the Magna Carta of the Oceans, or the Constitution for the Oceans. Testifying to its success is the number of Parties adhering to it, now totaling 132 States, including one international organization, the European Community. The world is entering the era of a New Maritime Order based on near-universal adherence to the United Nations Convention on the Law of the Sea.

In the wake of the entry into force of the United Nations Convention on the Law of the Sea and its ratification by many States in Northeast Asia, a new maritime order is emerging in the region. The littoral States have enacted and promulgated new national legislation to incorporate the provisions of the UN Convention into their domestic legal order. The three littoral States – China, Japan and South Korea – concluded or initialed bilateral fisheries agreements based on the new concept of extended jurisdiction set forth by the UN Convention. The UN Convention will, however, present even more challenges than opportunities for the littoral States of Northeast Asia in their quest for a new maritime order. The maritime security situation in the region has been and will continue to be extremely volatile due to conflicting claims, disputed boundaries, unregulated pollution of the marine environment and widespread illegal activities at sea.

The author has set the both pragmatic and ambitious aim of outlining the emerging maritime order in Northeast Asia. As a practitioner of the law of the sea who has participated in bilateral and multilateral negotiations on maritime affairs, the author plans to shed light on the new maritime order in-the-making at the international and regional levels. As a student of international law, he will also delineate the main issues and disputes hindering the establishment of a new maritime order in the region and present policy options that could contribute to erecting a solid maritime order in the region by peaceful and cooperative means. Finally, the author will present a compilation of relevant legal texts, most of which were produced after the entry into force of the UN Convention, in the hope that this collection will prove useful for desk officers in charge of ocean affairs in promoting peaceful and constructive solutions for maritime issues in Northeast Asia.

The author has intentionally narrowed the scope of this study to State practices and maritime issues of Northeast Asian States. The author sincerely hopes, however, that the reasoning and methodology used will serve as a realistic analysis of current law and State practice, as well as of the progressive development of the law of the sea and its codification in the wake of the entry into force of the 1982 UN Convention.