

## A Study on the Legitimacy of the Peace Line

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One of the most frequently used expressions by Japan when persuading other countries in relation to the Dokdo issue is that "the occupation of Dokdo by the Republic of Korea (ROK) is an illegal occupation".

But the territorial rights over Dokdo continues up to this day to be established by the Peace Line which succeeded the MacArthur Line. As Japan's assertion that the Peace Line is illegal is wrong, South Korea should make appropriate response to Japan's statement that South Korea is executing illegal occupation of Dokdo.

One of the most frequently used expressions by Japan when persuading other countries in relation to the Dokdo issue is that "the occupation of Dokdo by the Republic of Korea (ROK) is an illegal occupation". Japan's claim changes "the ROK's effective occupation of Dokdo" into "an illegal occupation by the ROK". Against such claims, the South Korean government has consistently made no response, and opposed Japan by executing effective occupation of Dokdo by building berthing facilities in the island. However, South Korea should have not only continued to declare that the ROK's occupation over Dokdo "is not an illegal occupation", but also refuted Japan's assertion through an official position of the South Korean government just as Japan stated the Japanese government's official position on the Ministry of Foreign Affairs homepage. There are great concerns that such actions of the South Korean government could be considered as acts of acquiescence based on the international law, leading to the international society to accept Japan's logic. The 2008 situation surrounding Dokdo has resulted from the ROK's unpreparedness in relation to this. Then, I would like to begin this paper by reviewing the legality of the Peace Line.

In January 1952, ROK President Rhee Syng-man announced the "Declaration of Sovereignty Over Neighboring Seas", which includes Dokdo within the territorial waters of South Korea, and established the "Peace Line" in the East Sea. Currently, the Japanese government asserts through its Ministry of Foreign Affairs homepage that South Korea's such action is illegal as it attempts to establish a boundary in the high seas, and thereby continues to attack South Korea on past issues which took place before the normalization of diplomatic relations between the two states.

Japan is posting and propagating the stance of its government, which considers the Declaration of Sovereignty Over Neighboring Seas and the Peace Line illegal, on its Ministry of Foreign Affairs homepage, in order to assert that South Korea is exercising illegal territorial rights over Dokdo. On the other hand, the South Korean government is not adopting countermeasures.

The ROK government's stance is that there are no existing issues regarding Dokdo, and that by responding to the Japanese government's claims each and every time, South Korea could instead become a prey to Japan's scheme which is to make Dokdo an internationally disputed territory.

I support the ROK government's position that there are no issues regarding Dokdo. However, I believe that the South Korean government should present a logic which can overcome Japan's claim made to the world as the stance of its government. Although there is no issue regarding Dokdo, a compelling logic must be presented in order to denounce Japan's intentions to make Dokdo an area of international dispute. The current situation surrounding Dokdo was caused as the South Korean government failed to take such actions.

The Japanese government is claiming ownership over Dokdo on its Ministry of Foreign Affairs homepage for the following purposes. Firstly, to achieve a psychological educational effect over the Japanese people, by continuously educating them that Dokdo is Japan's territory, confirming them of South Korea's illegal occupation of Dokdo, and having them believe that Dokdo must one day be recovered from South Korea. Secondly, to make advance preparations to easily win the support of other countries and gain territorial rights over Dokdo when the time comes by demonstrating Japan's stance to the world.

In order to overcome such intentions of Japan, efforts to continuously develop logic and gather data must be carried out, and the results should be actively promoted and educated to the Japanese people and the world by the government through establishing a website which states the official position of the South Korean government. As of August 4, 2008, although the current homepage of the ROK Ministry of Foreign Affairs and Trade provides links to the stance on Dokdo ownership of other government affiliated agencies, strictly speaking, such positions are not the official position of the ROK government.

The Japanese government even posts on its Ministry of Foreign Affairs website the grounds for Japan's ownership regarding Senkaku Islands which Japan has effective occupation over. It is difficult to understand why the South Korean government is unable to do the same.

This study aims to present a logic for South Korea which will overcome Japan's logic regarding the Declaration of Sovereignty Over Neighboring Seas and Peace Line issued in January 1952.

### **1. Establishing a Legitimate Logic Regarding the Peace Line**

Here the issues lies in whether the Declaration of Sovereignty Over Neighboring Seas was "a violation of the international law" and "an illegal boundary established in the high seas" as the Japanese government claims.

Moreover, even while the ROK is executing effective occupation over Dokdo as a result of President Rhee's Declaration of Sovereignty Over Neighboring Seas, Japan is claiming via its Ministry of

Foreign Affairs (MOFA) website that "The occupation of Takeshima (=Dokdo) by the Republic of Korea is an illegal occupation undertaken on absolutely no basis in international law. Any measure taken with regard to Takeshima by the Republic of Korea based on such an illegal occupation have no legal justification." In order to overcome such assertion of the Japanese government, we must prove that President Rhee's Declaration of Sovereignty Over Neighboring Seas and the effective occupation of Dokdo by the ROK are not illegal under international law but are legitimate measures.

## **2. Declaration of the Peace Line is an Act of Sovereignty by the ROK**

### *(1) The Republic of Korea achieved independence on August 15, 1948.*

When discussing maritime sovereignty, we must start by accurately understanding the time when South Korea was recognized as a sovereign state and an independent state. This is because we need to confirm the time from when South Korea was entitled to sovereign activities as an independent nation. On Japan's MOFA website, the founding year of the Republic of Korea is written as 1948. Based on this, the Japanese government recognizes 1948 as the independence year of the ROK.

The Japanese government recognized ROK's independence date as August 15, 1948 in Article 3 of the Treaty on the Basic Relations Between the ROK and Japan, which was signed on June 22, 1965 realizing the normalization of diplomatic ties between South Korea and Japan. Article 3 is as follows.

Article 3 It is confirmed that the Government of the Republic of Korea is the only lawful Government in Korea as specified in the Resolution 195(III) of the United Nations General Assembly.

The UN General Assembly Resolution 195(III) referred to in Article 3 declares the Republic of Korea as "a lawful government established over that part of Korea where the Temporary Commission was able to observe". The resolution was officially titled as the Resolution on Recognition of the Republic and Withdrawal of Foreign Troops. Therefore, Japan recognizes August 15, 1948 on which the foundation of the Republic of Korea was declared based on a general election held only in the southern region of Korea under the observation of the UN, as the date of establishment and independence of the Republic of Korea. This fact is very important as the Japanese government had already recognized South Korea as an independent state entitled to sovereign activities before South Korea announced the Declaration of Sovereignty Over Neighboring Seas in January 1952.

Rhee Syng-man, elected as the first president, declared the foundation of the Republic of Korea on August 15, 1948 as aforementioned, and in January 1949, the United States officially recognized the Republic of Korea as a nation. Along with the establishment of a government in August 15, 1948, the ROK stipulated the Korean Peninsula and adjacent islands as its territory, and declared that the

ROK had sovereignty over the whole Korean Peninsula. As a result, at the time when President Rhee Syng-man announced the Declaration of Sovereignty Over Neighboring Seas in January 1952, the ROK was recognized as an independent state by the US, Japan and UN member states.

*(2) The Declaration of Sovereignty Over Neighboring Seas was announced.*

As President Rhee Syng-man announced the Declaration of Sovereignty Over Neighboring Seas on January 18, 1952, he also declared the Peace Line. At the time, there were only few countries, such as the US and Latin American countries, that claimed their rights over territorial waters by determining their oceans. The concept of the currently used Exclusive Economic Zone (EEZ) was first proclaimed by US President Truman in 1945, and the declaration of the Peace Line at the time can be understood as an act of proclaiming the ROK's EEZ.

As soon as ROK's declaration was announced, Japan, which had limited sovereignty as a defeated country, expressed the strongest opposition, and the US, the UK, and China as well as other countries criticized that it was an act of injustice by South Korea.

However, after the South Korean government revealed that the purpose of the declaration was to maintain peace between South Korea and Japan, the term Peace Line was more widely used. Taking a closer look at the background of the declaration, Japanese fishing boats violated the MacArthur Line, which stipulated the area authorized for Japanese fishing, even when the line was effective, and invaded South Korean waters numerous times.

With the enormous difference in fishing yield between South Korea and Japan, Japan in reality ignored the MacArthur Line and even put up a wooden plaque in Dokdo with the words "Takeshima, Japanese Territory" carved on it. The South Korean government felt threatened. And since the MacArthur Line was to be abolished in April 1952 as the San Francisco Peace Treaty went into effect, the South Korean government announced the Peace Line as a measure to counter Japan's illegal fishing and to protect South Korea from Japan's violation of ROK's territorial rights over Dokdo. Therefore, at the time, Japan's illegal fishing and illegal activities regarding Dokdo should have been first disclosed to the world. Now, ironically, Japan's side of the story, that it was greatly inflicted by the Peace Line, has been exaggerated and told to the world.

At the time, the strict observation of the Peace Line by the South Korean government was the only way to protect and preserve the natural resources of South Korea's adjacent waters from Japanese fishing boats. As the Peace Line was maintained, like the name of the line, peace was kept, and that is why the claim that the Rhee Syngman Line is a Peace Line is persuasive.

However, while Japan is currently denouncing the establishment of the Peace Line in the past, South Korea is remaining silent on the illegal fishing of Japanese fishing boats during that period. As a result, only facts such as that the South Korean government, which declared the Peace Line, opened

fire on Japanese fishing ships and seized them, are being publicized throughout the international society. It is worrisome that the perception of the international society is being formed and led by Japan.

The Peace Line was maintained until the conclusion of the Treaty on the Basic Relations Between the ROK and Japan in 1965 and ROK-Japan Agreement. The South Korean government must express its clear position toward the Japanese government which stated that the Peace Line, effective for the previous 13 years, was an illegal boundary. The Rhee Syng-man administration as an effort to support the Peace Line through municipal law, legislated the Fishery Resources Protection Act in 1953, and strictly regulated illegal fishing of foreign ships within the stipulated lines. Based on this legislation, 313 Japanese ships were seized and only 126 was returned, while 186 ships were confiscated by South Korea.

### *(3) San Francisco Peace Treaty and the Peace Line*

In this section the relations between the Treaty of Peace with Japan, also known as the San Francisco Peace Treaty (hereinafter the San Francisco Treaty), which was signed in September 1951 and took effect from April 1952, will be reviewed. When reviewing the relation of the Peace Line and the San Francisco Treaty, the most critical point is that South Korea was not a signatory of the treaty. Therefore, contents of the San Francisco Treaty cannot have direct effect over South Korea, and South Korea is basically not bound by it.

However, in relation to Article 2 (a) of the San Francisco Treaty which determines the South Korean territory over which Japan would renounce all right, title, and claim, South Korea participated in the drafting of the article by conveying its request to the US. South Korea requested the US to include Dokdo in the article that stipulates the South Korean territory to be given up by Japan, but was rejected. However, it is important to note that at the time South Korea clearly expressed that Dokdo was regarded as South Korean territory.

Also, in September 1951, while South Korea was an independent state, Japan had limited sovereignty. Japan legally recovered its sovereignty in April 1952. As a result, the San Francisco Treaty officially went into force from April 1952.

Therefore, the MacArthur Line, based on SCAPIN 667 and SCAPIN 1033, was the legally effective line in the East Sea up until April 1952. It is a notable fact that the two documents excluded Dokdo from the Japanese administrative territory, and recognized Dokdo as an island within South Korean waters.

At the time President Rhee Syng-man announced the Declaration of Sovereignty Over Neighboring Seas, the San Francisco Treaty had yet to go into effect, while SCAPIN 667 and the MacArthur Line were effective. This is not all. South Korea declared independence in August 1948, and stated its

territory, has been administering Dokdo as South Korean territory since. Therefore, it is important that the Declaration of Sovereignty Over Neighboring Seas of the South Korean government was carried out in January 1952 when the MacArthur Line was still legally effective and South Korea had sovereignty over its territory. As a result, the declaration of the Peace Line was made on legal grounds. In other words, the declaration of the Peace Line is legitimate.

Also, it can be understood that the Peace Line was intended to maintain the status quo in the East Sea as the line is almost identical to the MacArthur Line. Therefore, there are no grounds to claim that the declaration of the Peace Line in January 1952 by South Korea, a sovereign state, which was intended to protect fishery and other natural resources within its adjacent waters, is illegal.

Although the Japanese government claims that the line is illegal, it fails to give grounds for its assertion.

Also, as aforementioned, South Korea is not bound by the contents of the San Francisco Treaty, since it is not a signatory. Regarding this, the ROK–Japan Basic Relations Treaty clearly states the relation between the treaty and the San Francisco Treaty in its preamble.

The Republic of Korea and Japan (omitted) recalling the relevant provisions of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951 (omitted) have resolved to conclude the present Treaty on Basic Relations (omitted).

In other words, although the ROK–Japan Basic Relations Treaty clearly stated the treaty recalled the relevant provisions of the San Francisco Treaty, it did not include expressions such as "based on the San Francisco Treaty" or "premise to the San Francisco Treaty". The reasons for this is because South Korea was not a signatory of the San Francisco Treaty. Therefore, it can be understood that when the ROK–Japan Basic Relations Treaty was signed, relevant provisions of the San Francisco Treaty were acknowledged only as references.

And in the Vienna Convention on the Law of Treaties, which was signed in 1969 at Vienna, Austria, the following article was included.

Article 36 Treaties providing rights for third States:

1. A right arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to accord that right either to the third State, or to a group of States to which it belongs, or to all States, and the third State assents thereto. Its assent shall be presumed so long as the contrary is not indicated, unless the treaty otherwise provides.

2. A State exercising a right in accordance with paragraph 1 shall comply with the conditions for its exercise provided for in the treaty or established in conformity with the treaty.

As the Vienna Convention on the Law of Treaties took effect after the San Francisco Treaty and the ROK-Japan Basic Relations Treaty were concluded in 1951 and 1965, respectively, it can be said the Vienna Treaty does not have effect over territorial issues regarding Dokdo. However, the Vienna Treaty can be interpreted to have effect over treaties that continue to be effective after 1969, making it meaningful to review this article regarding the relations between the San Francisco Treaty and South Korea, a third state to the San Francisco Treaty.

Firstly, the part worth reviewing for South Korea as a third state to the San Francisco Treaty is the following: "A right arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to accord that right to the third State, or to a group of States to which it belongs, or to all States, and the third State assents thereto. Its assent shall be presumed so long as the contrary is not indicated."

South Korea has never expressed assent to the San Francisco Treaty. On the other hand, it never expressed that it didn't assent to the treaty. South Korea merely made it clear in the drafting of the San Francisco Treaty that Dokdo must be included in Article 2 (a), a relevant provision to the country. As the Declaration of Sovereignty Over Neighboring Seas can be perceived as an protest against the refusal to include Dokdo in Article 2 (a) of the San Francisco Treaty, it can be said that South Korea is not content with Article 2 (a) of the treaty till the current time. However, such position was not confirmed by any documents.

South Korea has opposed referring the issue of territorial rights over Dokdo to the International Court of Justice (ICJ), something that Japan has continuously tried to do. In other words, the part that South Korea does not agree with is not the whole San Francisco Treaty, but Japan's claim that just because Dokdo was left out from the South Korean territory to be given up by Japan in Article 2 (a), Dokdo remains as Japanese territory. Article 22 of the Vienna Treaty stipulates that such disputes must be resolved through the ICJ. However, resolution of disputes through the ICJ is a requirement for Japan and other allied countries, the signatories of the Vienna Treaty. Meanwhile, South Korea is not bound by the article. The fact that some people in South Korea are suggesting that the dispute should be taken to the ICJ just like other signatories, should be carefully reviewed as South Korea is not a non-signatory state.

The following is an article related to the ICJ in the San Francisco Treaty.

#### Article 22 **【Settlement of Disputes】**

If in the opinion of any Party to the present Treaty there has arisen a dispute concerning the interpretation or execution of the Treaty, which is not settled by reference to a special claims tribunal or by other agreed means, the dispute shall, at the request of any party thereto, be referred for decision to the International Court of Justice. Japan and those Allied Powers which are not

already parties to the Statute of the International Court of Justice will deposit with the Registrar of the Court, at the time of their respective ratifications of the present Treaty, and in conformity with the resolution of the United Nations Security Council, dated 15 October 1946, a general declaration accepting the jurisdiction, without special agreement, of the Court generally in respect to all disputes of the character referred to this Article.

#### *(4) Loss of Japan's Sovereignty Over Dokdo & South Korea's Effective Occupation Over Dokdo*

The main points of Japan's claim over Dokdo are as the following. Japan argues that Dokdo is Japanese territory based on that Japan officially incorporated Dokdo into Shimane Prefecture in 1905, that Dokdo was not included in the South Korean territory to be given up by Japan in the San Francisco Treaty, and that the position of the US Department of State, which led the drafting of the treaty, was that Dokdo remained as Japanese territory.

However, South Korea's strong points in the argument lies in the fact that as Japan proclaimed unconditional surrender in the Pacific War, Japan did not have sovereignty from September 2, 1945, the date Japan signed the document of surrender, to April 28, 1952<sup>1)</sup>, and during this period, Dokdo was not under Japan's control based on documents of the SCAPIN.

As mentioned before, during this period, South Korea announced the Declaration of Sovereignty Over Neighboring Seas which included Dokdo within South Korean territory, and have since been executing effective occupation over Dokdo. Therefore, in reality, Japan had lost sovereignty over Dokdo since September 2, 1945, and that status has been continued to the current day.

South Korea was already a sovereign state recognized by the UN in 1948, and did not require Japan's recognition of its independence. As a result, South Korea was authorized to make a declaration of sovereignty over its waters including Dokdo in January 1952, and has maintained its stance up to today that South Korea is not bound by the San Francisco Treaty as a non-signatory.

### **3. Other Countries with Declaration of Sovereignty Over Seas as South Korea's**

Till today, the South Korean government claims that its Declaration of Sovereignty Over Neighboring Seas and the Rhee Syngman Line were announced based on the same intentions of the US marine policies. And at the time, after the Truman Proclamation was made, other countries such as Argentina(1946), Panama(1946), Chile(1947), Peru(1947), Cost Rica(1948), El Salvador(1950), Honduras(1951), and Chile·Peru·Ecuador(1952) announced similar declarations of sovereignty over seas. Although no attention was paid to EEZ in Asia at the time, when considering the declaration of sovereignty over seas made by Latin American countries, we can confirm that the declaration of South Korea's President Rhee Syng-man was an action with international precedents.

Japan stresses that South Korea's declaration is essentially different from the Truman Proclamation, and argues that the Truman Proclamation is not a precedent of South Korea's Declaration of Sovereignty Over Neighboring Seas and Peace Line. Japan emphasizes that the Truman Proclamation, officially titled the Policy of the United States with Respect to Coastal Fisheries in Certain Areas of the High Sea, is in essence intended to establish a "conservation zone" in order to protect and conserve marine resources <sup>2)</sup>

Herman Phleger, the legal advisor of the Department of State made the following assertion in 1955 at a lecture in New York. The proclamation has been misunderstood as a claim of exclusive fishing rights of the United States nationals in coastal waters. This proclamation does not contain such assertions, and such position is not upheld by the US. (omitted) The only purpose of the proclamation is to protect the international fishery from being destroyed based on adequate legal means <sup>3)</sup>

Therefore, it was alleged that the Truman Proclamation was not declared in order to expand the United States' sovereignty in the high seas. However, the following statement was included in the proclamation.

Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be developed and maintained jointly by nationals of the United States and nationals of other States, explicitly bounded conservation zones may be established under agreements between the United States and such other states; and all fishing activities in such zones shall be subject to regulation and control as provided in such agreements. The right of any State to establish conservation zones off its shores in accordance with the above principles is conceded, provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas <sup>4)</sup>

The above text shows us that the US aims to maintain the fishery interests of its nationals not only in coastal waters of its country but also in the high seas of other countries via the Truman Proclamation. As the Declaration of Sovereignty Over Neighboring Seas announced by South Korea was to secure the fishery interest of South Koreans, pursuing the fishery interest of its nationals, it is difficult to say that South Korea's declaration was completely different from the Truman Proclamation. Also, Latin American countries declared national sovereignty over high seas through declarations like the US, and such declarations are very similar to South Korea's Declaration of Sovereignty Over Neighboring Seas <sup>5)</sup>

However, until 1965, there was no official diplomatic relations between South Korea and Japan. When fishing boats from countries with no diplomatic ties violate the Peace Line declared by South Korea, the seizure of the boats by South Korea cannot be considered illegal. Article 4 of the Declaration of Sovereignty Over Neighboring Seas clearly states, "The declaration of sovereignty over neighboring seas does not impede the freedom of navigation in the high seas". Therefore, the declaration was not a violation of the freedom of high seas principle, which was recognized as an international law at the time.

As there was no common understanding of the concept of territorial waters that was agreed on internationally at the time, the unilateral declaration of territorial waters by a state could not be considered illegal. As long as international agreements or treaties do not exist, it is common sense that the concept of legitimacy and illegitimacy cannot really be applied. Therefore, the stance of the Japanese government which claims without grounds that the Declaration of Sovereignty Over Neighboring Seas and the Peace Line as illegal should be corrected.

#### **4. Unilateral Declaration of the "New Territorial Waters" and Straight Baseline**

Although Japan refused to recognize the legitimacy of the Peace Line as it was a boundary line unilaterally declared by South Korea, Japan seized a South Korean fishing boat based on a unilaterally established boundary line of Japan's territorial waters. In January 1997, Japan made a unilateral declaration of its so-called "new territorial waters" and straight baseline.

On November 30, 1999, the Supreme Court of Japan convicted three South Koreans including Cho Jung-hwan, the captain of Mangu-ho No. 3, for fishing in Japan's new territorial waters, by upholding the second court's decision. Mangu-ho No. 3 was captured by the Japan Coast Guard in January 1998 while fishing in the neighboring waters of Nagasaki of Kyushu, Japan for violating Japanese territorial waters which was unilaterally established by Japan through the adoption of straight baseline.

In June 1998, the Nagasaki District Court sentenced Captain Cho to 2 years and 6 months of imprisonment, 3 years of probation, and a fine of 1.5 million yen, and sentenced communication officer Kang and crew member Park to 1 year and 6 months of imprisonment and 3 years of probation, respectively, before discharging them.

On the day of the decision, the Japanese Supreme Court stated, "Japan's exercise of jurisdiction and right of control in waters designated as territorial waters are not restricted by the Fisheries Treaty of Japan and the Republic of Korea.", and went on to uphold the second court's decision. The fisheries treaty between the two countries at the time stipulated that the right of control and jurisdiction in waters outside the exclusive fishery zone, established based on 12 nautical miles from

respective coastal base line, shall be exercised only by the High Contracting Party to which the ship belongs. However, in the treaty, South Korea and Japan made no agreements to establish the 12 nautical mile zone to be based on a straight baseline. Therefore, considering that Japan did not even discuss the issue with South Korea, which it should have, the new territorial waters of Japan was an illegal establishment.

The legal interpretation of the new territorial waters, which adopted the straight baseline and was unilaterally declared by Japan in January 1997, led to arguments between South Korea and Japan, and the ROK government still does not recognize it.

The actions taken by Japan were more than enough to deny the country from denouncing the Peace Line, announced in January 1952. Moreover, while the Peace Line was a boundary line declared when South Korea and Japan had yet to establish official diplomatic relations, the new territorial waters adopting straight baseline announced by Japan in 1997 poses serious problems as it was unilaterally established by Japan even though official diplomatic relations were present between the two countries.

#### Conclusion

As the Peace Line was declared by South Korea to prevent Japan's illegal fishing activities and various provocations regarding Dokdo before it established diplomatic ties with Japan, it is difficult to determine the Peace Line as illegal when considering the situation of the period. South Korea was not a member state of the UN at the time, and was also a non-signatory of the San Francisco Treaty. However, it stated the Declaration of Sovereignty Over Neighboring Seas and declared the Peace Line as a sovereign state as the UN recognized South Korea's independence. The Peace Line succeeded the MacArthur Line which was effective at the time it was declared, and the declaration clearly states that navigation of foreign ships in high seas was free from intervention.

The purpose of South Korea's Declaration of Sovereignty Over Neighboring Seas was to declare its sovereignty over waters situated within the Peace Line as well as to protect and preserve natural resources. Considering that Latin American countries made similar declarations, South Korea's Declaration of Sovereignty Over Neighboring Seas was one with international precedents.

South Korea established the Peace Line in an effort to prohibit Japanese fishing boats from approaching adjacent waters of South Korea as there were no official diplomatic ties between the two countries, and to establish territorial rights over Dokdo. Therefore, grounds to assert illegitimacy of the announcement of the Declaration of Sovereignty Over Neighboring Seas and the Peace Line are extremely weak when considering the situation of the period.

As a result, the territorial rights over Dokdo continues up to this day to be established by the Peace Line which succeeded the MacArthur Line. As Japan's assertion that the Peace Line is illegal is wrong, South Korea should make appropriate response to Japan's statement that South Korea is executing illegal occupation of Dokdo.

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