

✓ Question ^[2]

What is the photograph's date, title, and creator? What does this suggest? 1904, *The famous torii of the temple built over the sea, on the sacred Island of Miyajima, Japan*, and an unknown photographer. This photograph was taken in Japan and there is a Shinto shrine (not a Buddhist temple as the title suggests) built over the sea. And the Japanese may consider the island, Miyajima, sacred.

What type of person might have taken this photograph? For what purpose? While the photographer is unknown; the publishers and copyright owners are (Elmer) Underwood & (Bert) Underwood, brothers who started a photography company to provide newspapers and magazines compelling images to accompany articles and help sell more copies.^[3] The Underwoods had a full-time staff and also purchased images from free-lance photographers.

Was it random or posed, amateur or professional, private or published? Seemingly random because the Torii and small boat are both independent of the photographer. Yet, somewhat posed in the sense that the photographer obviously wanted both in the viewfinder and they are perfectly framed within the trees.

This structure is called a "**torii**." It is a symbolic gateway into a Shinto shrine; it is a demarcation between the spaces of the ordinary world and the sacred space of the shrine.^[4] This torii was built for the shrine on the nearby island officially called Itsukushima; however, it is more commonly called "Miyajima", which in Japanese translates to "shrine island." The Itsukushima Shrine is internationally known because of this iconic "floating" torii.^[5]

This is the Seto Inland Sea^[5] a large body of water that separates Miyajima Island, seen in the foreground, from the Honshū island, seen in the background. Because Miyajima and Honshū are both islands of Japan, the construction of this torii in the water between them is not a problem. However, what might happen if two different nations separated by water wanted to construct monuments or build structures—or develop artificial islands—in the water? How would they go about resolving conflicts?

What are the established international laws for a nation's water rights? Existing international agreements stem from the United Nations Convention on the Law of the Sea (UNCLOS)^[6] and two of its laws relevant to this discussion concern territorial seas and exclusive economic zones. Each nation enjoys total sovereign rights and jurisdiction over **territorial seas** up to 12 nautical miles from its coastline. This law replaced the common understanding that originated from the 17th century (because of the range of cannon shots, "freedom of the seas" afforded national sovereignty up to 3 nautical miles from the coast and all other waters were international waters free for all to use). UNCLOS also established "**exclusive economic zones**" that extend 200 nautical miles from each nation's coast. Within this zone, nations have exclusive rights for all natural resources. These zones were adopted to resolve heated conflicts over fishing rights and resources (e.g., oil).^[7] In short, territorial seas establish sovereign rights on the surface of the water and exclusive economic zones extend those rights to below the surface. Recently, exclusive economic zones has become the source of conflict in the South China Sea (between China, Taiwan, Vietnam, the Philippines, Indonesia, and Malaysia), the Adriatic Sea (between Croatia and the European Union) and the Beaufort Sea (between the US and Canada)

The land in the background is Miyajima's administrative city Hatsukaichi on the island called Honshū,^[15] it is a naturally-made geographic feature. Japan, like many nations, also has artificial islands. In fact, some have called contemporary times the "**age of artificial islands**" because new, human-made islands are being constructed "in numbers and on a scale never seen before."^[9] Still, reclaiming land to develop an "artificial island" has occurred from prehistoric times (crannogs in Wales, Scotland and Ireland) throughout the centuries (Tenochtitlan, Mexico City) to the present (Flevopolder, Netherlands).^[10] Artificial islands have very little legal recognition according to the United Nations Convention on the Law of the Sea (UNCLOS) treaty.^[11] UNCLOS defined an "island" as a naturally formed area of land, surrounded by water, which is above water at high tide. **Should the artificial islands be formally recognized as "islands?"**

✓ Observe

Unknown Photographer. (1904). *The famous torii of the temple built over the sea, on the sacred Island of Miyajima, Japan* [Underwood & Underwood, publisher]. Library of Congress.^[1]



This island (Miyajima) is a naturally-made geographic feature. Japan also has 15 human-made, **artificial islands**. An artificial island was made for the Kansai International Airport in Osaka and another to house Yokohama's amusement park, Sea Paradise. A controversial artificial island, however, is Okinotori, which is 1,000 miles south of Tokyo and very small (about two acres). Japan has spent over \$600 million dollars in coastal engineering to turn Okinotori from a partially-submerged reef into an island: they added tetrapods to prevent erosion, piled masses of sand, and covered it with a rust-proof titanium net.^[8] Claiming Okinotori as its southernmost island gives Japan a large and profitable "**exclusive economic zone**" in the Philippine Sea. Other nations have objected to Japan's claim to Okinotori; Chinese leaders have called it "a rock." China also has many artificial islands. According to the Asia Maritime Transparency Initiative "China has engaged in unprecedented dredging and artificial island-building in the Spratlys, creating 3,200 acres of new land, along with a substantial expansion of its presence in the Paracels."^[12] The US has accused China of fully militarizing at least three of islands in the South China Sea and that its military buildup has destabilized the region. China has responded that it has the right to develop South China Sea islands however it wishes.^[13] In 2016, a trial from the UNCLOS ruled unanimously that China's expansive maritime claims in the South China Sea have no basis in international law.^[14]

✓ Reflect

How does this photograph compare with other evidence? Much of the information gathered from this photograph coheres with photographs that explore international law as it concerns national sovereignty, acquiring territory, or the environment.

Why might other evidence (messages and data) agree or disagree with this photograph? Other photographs or texts may explore international law, the acquisition of land, and territorial water issues, from different perspectives that answer the overarching question differently. Other sources may have different reasons for presenting data, such as to make their perspective seem more reasonable, or to present the "other side" in a less positive way.

What else do you need or want to know about this image? What role, if any, should the United Nations play with the issue of territorial waters today in the 21st century? That association of nations was formed to promote international cooperation and peace; should territorial waters be a topic that the United Nations addressed directly?

Unknown Photographer. (1904). *The famous torii of the temple built over the sea, on the sacred Island of Miyajima, Japan* [Underwood & Underwood, publisher]. Library of Congress.^[1]



The original photograph was developed into two for a stereoscope viewfinder, a device that looked like a pair of binoculars and produced a three-dimensional effect. This activity will proceed with one of the two.

Citations →

Citations: [#] throughout the primer and lesson

1. Unknown Photographer. (1904). *The famous torii of the temple built over the sea, on the sacred Island of Miyajima, Japan* [Underwood & Underwood, publisher]. Library of Congress. <https://www.loc.gov/resource/stereo.1s30464>
2. Adapted from the “Teacher’s Guides and Analysis Tools” from the Library of Congress, see <https://www.loc.gov/programs/teachers/getting-started-with-primary-sources/guides/?loclr=blogtea>
3. Foresta, M. (1996). *American Photographs: The First Century*. National Museum of American Art with the Smithsonian Institution Press; <https://americanart.si.edu/artist/bert-underwood-7129>
4. <https://www.britannica.com/topic/torii>
5. <https://www.japan-guide.com/e/e3450.html>
6. <https://www.imo.org/en/ourwork/legal/pages/unitednationsconventiononthelawofthesea.aspx#:~:text=TheUnitedNationsConventionon,theoceansandtheirresources.>
7. https://www.un.org/depts/los/convention_agreements/texts/unclos/part5.htm
8. Choi, D. (July 20, 2016). A tiny Japanese island may complicate the recent ruling in the South China Sea. *Business Insider*. <https://www.businessinsider.com/okinotorishima-japan-island-2016-7>
9. Fisher, R. & Hirschfeld, J. (January 6, 2022) Why we are in 'the age of artificial islands.' *BBC Future*. <https://www.bbc.com/future/article/20220105-why-were-in-the-age-of-artificial-islands>
10. https://www.newworldencyclopedia.org/entry/Artificial_island
11. UN, Preamble United Nations Convention on the Law of the Sea: Agreement Relating to the Implementation of Part XI of the Convention. https://www.un.org/depts/los/convention_agreements/texts/unclos/closindx.htm
12. <https://amti.csis.org/island-tracker/china/>
13. AP News. (March 22, 2022). China says military development of islands within its rights. <https://apnews.com/article/china-beijing-international-law-south-china-sea-4370828e295d2eec9a4804bba9940273>
14. <https://www.state.gov/sixth-anniversary-of-the-philippines-china-south-china-sea-arbitral-tribunal-ruling/#:~:text=InitsrulingtheTribunal,nobasisininternationallaw.>
15. <https://www.kanpai-japan.com/miyajima>