

REGIONAL FOCUS & CONTROVERSIES

Territorial Issues on the East China Sea

A Chinese Position

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There are several issues of dispute between China and Japan regarding the East China Sea. Among these issues, the maritime delimitation issue, the territorial sovereignty dispute over the Diaoyu Islands (also known as Senkaku Islands in Japanese), the resource development issue, and the divergent perspectives on the legal status of the Oki-no-Tori Shima (called Chong Zhiniao Rock in Chinese) may be typical yet important ones. These issues are of different levels and categories, which need to be resolved through different ways.

Keywords

Maritime Delimitation, Territorial Disputes, Joint Development, Oki-no-Tori Shima

1. Introduction

China and Japan share coasts of which the widest sea areas between the two countries are less than 400 nautical miles. According to international law, in particular, the 1982 United Nations Convention on the Law of the Sea (“UNCLOS”) state that in order to establish the boundaries of Exclusive Economic Zone (“EEZ”) and continental shelf,

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China and Japan shall resolve the delimitation issues by virtue of an agreement.¹

The long existence of the territorial sovereignty dispute over the Diaoyu Islands has complicated the maritime delimitation issue in East China Sea between China and Japan. Diaoyu Islands and adjacent islets in the East China Sea belong to the Chinese territory since ancient times, and China has the indisputable ownership over these islands. Japan not only uses the Diaoyu Islands as a base point for its EEZ and continental shelf claim, but also takes actions to strengthen the actual control of the islands, which undermines the sea border demarcation process.

Undetermined maritime boundaries and overlapping sovereignty claims are in the way for China and Japan to develop and utilize the abundant marine resources, especially the oil and gas deposits, in the East China Sea. Through consultations on an equal footing, and without discriminating the respective legal positions on the East China Sea delimitation, on June 18, 2008, China and Japan reached a principled consensus on the East China Sea issues, which included joint development of a certain block in the East China Sea.² This is a big progress, and will promote the two sides to continue their negotiations for the settlement of the disputes.

The *Oki-no-Tori Shima* issue is different from the issues mentioned above. It does not involve a direct conflict of national interests of China and Japan. It is a legal issue that should be concerned by the international community rather than a dispute between China and Japan.

Disputes do exist, but are not irresolvable. As neighboring countries, China and Japan share important mutual interests, and the East China Sea disputes are just one of the issues that the two sides need to settle. With joint efforts, China and Japan can handle the East China Sea disputes properly, and finally turn the East China Sea into a sea of peace, cooperation and friendship.

¹ Article 74(1) of UNCLOS stipulate that: "The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution. Article 83 (1) of UNCLOS stipulate that: "The delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution."

² The consensus includes three parts, the first part is "Cooperation Between China and Japan in the East China Sea," the second part is "Understanding Between China and Japan on Joint Development of the East China Sea," and the last part is "Understanding on the Participation of Japanese Legal Person In the Development of *Chunxiao* Oil and Gas Field In Accordance with Chinese Laws." See *China and Japan Reach Principled Consensus on the East China Sea Issue*, available at <http://www.fmprc.gov.cn/eng/xwfw/s2510/t448632.htm> (last visited on Feb. 13, 2010).