

**CHINA AND JAPAN'S DIAOYU/SENKAKU
ISLANDS DISPUTE**

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Executive Summary

1. On 7 September 2010, a Chinese fishing trawler collided with a Japanese coast guard vessel when it tried to shake off the pursuit of a Japanese vessel. The Japanese accused the Chinese trawler of illegal operation in restricted areas within 15 kilometers from the Hunagwei Yu (Kubajima Island in Japanese) of the Diaoyu/Senkaku Islands.
2. Since 1972, Japan has laid claims to the sovereignty of the Diaoyu/Senkaku Islands. Both the People's Republic of China and Taiwan have also claimed sovereignty over these islands.
3. China and Japan responded strongly and took a rigid stance in the aforementioned incident. Japan eventually released all crew members and the captain.
4. On 8 November 2010, a series of short video clips were posted on YouTube, featuring the seemingly purported collision of the Japanese coast guard vessel by the Chinese trawler. The videos escalated the conflict and deepened the mistrust that had long plagued Sino-Japanese relations.
5. China and Japan have entered into several bilateral fisheries agreements since the 60s, with a view to facilitate joint, effective management of fishery resources in the East China Sea. The latest one was the Sino-Japanese 1997 Fisheries Agreement.
6. The inchoate enforcement and monitoring mechanism, and the structural flaw that prevented the incorporation of South Korea into the treaty regime eventually undermined the intended conservation goals of the Sino-Japanese 1997 Fisheries Agreement.
7. China claims sovereignty over the Taiwan Island. The Diaoyu/Senkaku Islands, 100 nautical miles from the northeastern part of the Taiwan Island, are

located at the western verge of the continental shelf in the East China Sea and bordering the Okinawa Trough.

8. Accordingly, paragraph 2 in Article 2 of the Law of People's Republic of China on the Territorial Sea and Contiguous Zones (1992) mandates that the Diaoyu/Senkaku Islands are a part of Chinese territory.
9. However, Japan asserts that the median line between the Diaoyu/Senkaku Islands and the Chinese coast bordering the East China Sea should be the maritime boundary. Japan also held that the Diaoyu/Senkaku Islands are capable of generating 200 nautical miles of Exclusive Economic Zones.
10. In several of its judgments in maritime delimitation, the International Court of Justice had not relied exclusively on any single principle, but on the equidistance principle, along with equitable considerations to avoid disproportionate outcomes. This tendency suggests that the islands should not be given significant considerations in maritime boundary delimitation.