

On Taiwan's East China Sea Policy: A Legal and Policy Reappraisal

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Abstract

The East Sea is abounded with oil and fishery resources, so that China and Japan can not reach agreement concerning delimitation in that area. Although joint exploitation arrangement has been reached in 2008, the rivalry between China and Japan is so deeply-rooted and it is highly unlikely to have a permanent solution in near future. On the other hand, Taiwan also has plenty of interests in East China Sea and is involved in this dispute as well, so it is necessary to analysis the issue. In this article, the position of Japan, China and Taiwan toward the delimitation of continental shelf in East China Sea will first be examined. Also one of the key issues in this dispute – Diaoyutai, will be analyzed, including its sovereignty, the maritime rights of that islet, and its effect in maritime delimitation. For the ultimate interests of Taiwan, it is suggested at the end of this article that, first, the principle of natural prolongation shall be discarded, and make the claim based on the principle of equidistance or median lines; second, to emphasize that Diaoyutai is the subsidiary islands of Taiwan, rather than China; third, to claim that the effect of Diaoyutai in delimitation of East China Sea shall be decreased, or null.

Keywords: East China Sea, Diaoyutai/ Senkaku Islands, continental shelf, delimitation of the maritime boundaries, principle of natural prolongation, principle of equidistance, principle of median lines, joint exploitation, provisional arrangements, legal effect of the islands, exclusive economic zone

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