

The Legal Status of Okinotorishima

Huang-Chih Chiang*

Abstract

Okinotorishima is located at 20°25'N 136°05'E and its area is less than 10 square meters. Since the United Nations Convention on the Law of the Sea (UNCLOS) came into effect in 1994, there are disputes among international communities that whether such “geographical features” enjoy 200 nautical miles of EEZ and continental shelf, and can attain sea areas to maximum 125,664 square nautical miles.

This article analyzes UNCLOS and the concerning statement about “Islands” and “Rocks”, and, taking reference to geographical features’ claims by state practices, exam the probable legal status of Okinotorishima. In conclusion, it is still disputable whether Okinotorishima can claim continental shelf and outer continental shelf and the Commission on the Limits of the Continental Shelf, which is authoritative in interpretation, evading the issue. After all, it is a highly political issue, and there is a limitation on international law.

Keywords: Okinotorishima, rocks, islands, outer continental shelf, continental shelf, exclusive economic zone, naturally formed, to sustain human habitation, an economic life of its own

* Professor of Law, College of Law, National Taiwan University.
E-mail: hcchiang@ntu.edu.tw