

## The Delimitation of East China Sea Continental Shelf : Sino-Japanese Disputes from the Perspective of International Law

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The East China Sea which covers a total area of 750,000 square kilometers is a semi-closed sea lying between the eastern coast of China's mainland and the Pacific Ocean, bounded on the west by China, on the east by the Kyushu and the Ryukyu Islands of Japan, and on the north by Jichu Island of the Republic of Korea (ROK) and the Yellow Sea, and connected with the South China Sea by the Taiwan Strait on the south. Since rich oil resources were founded in the continental shelf of the East China Sea and the surrounding area of the Diaoyu Island in the late 1960s, the question of the delimitation of the East China Sea area between China and Japan began to surface. After the United Nations Convention on the Law of the Sea came into force in 1994, divergence between China and Japan in the delimitation of the continental shelf of the East China Sea became sharper and disputes over it increasingly intense.

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### I. Origin of the Disputes

After the end of the Second World War, exploration and exploitation of offshore resources attracted great attention. Through studying the data on the seabed of the sea area surrounding the Diaoyu Island collected by the Japanese and American submarines during the Second World War, American Geologist K.O. Emery at the Woods Hole Oceanographic Institution of the United States and Hiroshi Niino at the Ocean Research Institute, University of Tokyo suggested in 1961 for the first time that the surrounding area of the Diaoyu Island in the East China Sea was rich in oil resources. In 1968, the two scientists affirmed in their research report *Stratigraphy and Petroleum Prospects of Korea Strait and the East China Sea* that the continental shelf of the Yellow Sea, the East China Sea and the South China Sea was abundant in oil resources. Funded by the United Nations Economic Commission for Asia and the Far East, K.O. Emery and Hiroshi Niino together with some American, Japanese, Korean and Taiwan geologists made on-the-spot exploration of the East China Sea and the Yellow Sea and clearly pointed out in the Emery Report issued afterwards that the shallow sea area between Taiwan and Japan might be one of the areas that had the richest oil reserves in the world. For a time, international oil capital groups focused their attention on the East China Sea area. Countries and regions around the East China Sea including Japan, the ROK and Taiwan that were extremely short of oil resources arrived first, too impatient to wait for delimiting oil exploitation zones on the continental shelf of the East China Sea. By the end of September 1970, Japan, the ROK and Taiwan designated respectively with American and other international capital groups 17 exploitation zones in the East China Sea area, among which only four is not overlapped. Hence, the dispute over the delimitation of the continental shelf of the East China Sea surfaced.

Continental shelf used to be a geographic concept, generally referring to the fairly flat submarine areas extending seaward from the continental coastal plain to the continental slope. In 1945 the United States extended the geographic concept of continental shelf to the legal sphere, advocating that the natural resources of the subsoil and seabed under the high seas should be under jurisdiction and control by the coastal states. In 1960 the UN Commission on International Law began to study legal questions of the continental shelf. The Convention on the Continental Shelf adopted at the First UN Law of the Sea Conference in 1958 defined for the first time in explicit language the concept of continental shelf in terms of international law, and stipulated principles guiding the delimitation of the continental shelf between States with adjacent or opposite coasts. According to the Convention, continental shelf is defined as "the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of

the natural resources of the said areas.” “1. Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf appertaining to such States shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured. 2. Where the same continental shelf is adjacent to the territories of two adjacent States, the boundary of the continental shelf shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.”

The United Nations convened the Third UN Law of the Sea Conference in 1973 and adopted the UN Convention on the Law of the Sea in 1982. Composed of 17 parts with 320 articles and 9 appendixes involving every aspect of the Law of the Sea, the Convention explicitly prescribes the legal status and system of the territorial sea, the adjacent area, the exclusive economic zone and the continental shelf. However, as there had been divergent views on the principles of the delimitation of the sea and there appeared the “equitable principles” group and the “median line” group at variance with each other, the Convention made a compromise under such circumstance and provided in general terms that “the delimitation of the continental shelf between States with adjacent or opposite 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.”

With regard to the delimitation of the continental shelf of the East China Sea, because of specific natural geographic situations, countries and regions around the Sea took what they needed from the Law of the Sea to build up legal basis for their own claim for rights. In 1974 Japan and the ROK signed without the consent of China the Agreement between Japan and the Republic of Korea Concerning Joint Development of the Southern Part of the Continental Shelf Adjacent to the Two Countries. The “joint development zone” delimited by Japan using the “median line” method and the ROK using the principle of natural prolongation extended into the sphere of the continental shelf claimed by China, causing strong resentment and protests from China. In 1978 China and Japan began consultations on the delimitation of the continental shelf of the East China Sea. But as the two countries have serious divergence of views on the claims to the East China Sea area and on the principles of delimitation, the negotiations failed to make any progress.

In recent years, China has successively founded several oil and gas fields in the East China Sea area and exploited the Chinese area along the so-called “median line” proposed by Japan one-sidedly, arousing Japan’s unusual concern. Japan requested China to provide the data of exploration and at the same time delegated authority to private companies including the Empire Oil Company to exploit the continental shelf of the East China Sea, which is certainly unacceptable to China. Endless arguments between the governments and peoples of the two countries caused by the question of the delimitation of the East China Sea area have become one of the important factors hampering bilateral relations.

## **II. Differences in Claims**

The continental shelf between China and Japan is 325 nautical miles in width at maximum, 167 nautical miles at minimum and 216 nautical miles in average, which objectively causes partial overlap of the continental shelf and the exclusive economic zone of the two countries, and leads to conflicts between the two sides in their claims to the sea area.

### **1. China’s position and claim to the delimitation**

Due to historical reasons, China was not a party to the 1958 Convention on the Continental Shelf. After the restoration of its lawful seat in the United Nations in October 1971, China actively participated in drafting and deliberating the UN Convention on the Law of the Sea. In 1972 at the Conference of the UN Council of International Seabed Authority, the Chinese

government for the first time put forward the principle of equal consultation for the delimitation of the sea.

In April 1978 when the Third UN Law of the Sea Conference was bogged down in debates over whether to adopt the "equitable principles" or the "median line" method in the delimitation of the sea area, the Chinese representative pointed out, "The median line or equidistance line is only a method in the delimitation of the sea, which should not be defined as the method that must be adopted, still less as the principle for the delimitation. The delimitation of the sea should follow the fundamental principle, i.e., the equitable principle. In some cases, if equitable and reasonable results in the delimitation may be achieved by using the method of median line or equidistance line, States concerned can apply it by agreement. But China opposes the States concerned unilaterally imposing the median line or equidistance line on the other side before an agreement of the delimitation is reached." He stressed that China's principled stand on the delimitation of the sea is equitableness and mutual consultation.

The Chinese government signed the UN Convention on the Law of the Sea in December 1982 and ratified it in May 1996. In June 1998 the Ninth National People's Congress passed the Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf, which provides that "The exclusive economic zone of the People's Republic of China covers the area beyond and adjacent to the territorial sea of the People's Republic of China, extending to 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. The continental shelf of the People's Republic of China comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance." The Law clearly states that China's claim to the continental shelf is based on the criterion of natural prolongation. With regard to the principle of the delimitation of the sea area, the Law further stresses observation of the equitable principle. With regard to the East China Sea area, China holds that topographically, geomorphologically and geologically, the continental shelf of the East China Sea is the continuity and underwater natural prolongation of the Chinese continent. The continental shelf of the Chinese continent ends at the Okinawa Trough; that is to say, China's claim to the East China Sea area is natural prolongation, and the Okinawa Trough is the natural boundary between China and Japan in the delimitation of the East China Sea.

## **2. Japan's position and claim to the delimitation**

Japan participated in the First UN Law of the Sea Conference, but did not sign the Convention on the Continental Shelf. When the Third UN Law of the Sea Conference discussed the outer limits of the continental shelf in October 1974, Japan held that the depth criterion and natural prolongation would lessen international sea area, leading to an inequitable result; hence, it proposed that the largest width of the continental shelf should not exceed 200 nautical miles. In terms of the principle of delimitation, Japan belongs to the equidistant "median line" group.

In July 1983 Japan signed the UN Convention on the Law of the Sea and began surveying the outer continental shelf of its peripheral sea area. In June 1996 the Japanese Diet passed the Law on the Exclusive Economic Zone and the Continental Shelf, which provides that "Japan's exclusive economic zone comprises the area of the sea extending from the baseline of Japan to the line every point of which is 200 nautical miles from the nearest point on the baseline of Japan (excluding therefrom the territorial sea) and its subjacent seabed and its subsoil. Provided that, where any part of that line lies beyond the median line ("the median line" here is the line every point of which is equidistant from the nearest point on the baseline of Japan and the nearest point on the baseline from which the breadth of the territorial sea pertaining to the foreign coast which is opposite the coast of Japan is measured), the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the

line." And that "Japan's continental shelf comprises the areas of the sea extending from the baseline of Japan to the line every point of which is 200 nautical miles from the nearest point on the baseline of Japan (excluding therefrom the territorial sea). Provided that, where any part of that line lies beyond the median line as measured from the baseline of Japan, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line." It states clearly that Japan's claim to the continental shelf is based on the criterion of a distance of 200 nautical miles.

With regard to the delimitation of the East China Sea between Japan and China, Japan maintains that relevant provisions of the UN Convention on the Law of the Sea, which are formulated in the light of topographic and geomorphic features of the Atlantic Ocean, are inapplicable to the East China Sea and the Pacific Ocean area with complicated topographic features. It stresses that Japan and China belong to the same continental shelf in the East Sea area and that the Okinawa Trough is only a backarc ocean basin contingently formed in the course of the natural prolongations of the land territory of the two countries and cannot break up the continuity of the continental shelf of the two countries. For this reason, Japan proposes that when delimiting the East China Sea, the two countries should neglect the legal effect of the Okinawa Trough.

Thus it can be seen that there exists a serious divergence between China and Japan in their claims to the East China Sea area and the principle of the delimitation. First, on the claim to the continental shelf, China stands for the natural prolongation criterion, while Japan the distance criterion. Second, on the principle of the delimitation, China stands for the equitable principle, while Japan prefers the equidistant "median line". Third, on the issue whether the two countries belong to the same continental shelf, China holds that geographically, topographically, geomorphologically and geologically the Okinawa Trough has distinct features that separate the continental shelf and slope of the East China Sea from the Japanese Ryukyu Islands, which is of special significance and an important factor that should be taken into consideration in the delimitation of the continental shelf. Japan holds that the Okinawa Trough is only a backarc ocean basin contingently formed in the course of the prolongation of the continental margin of the two countries. So, Japan's claim to the continental shelf of 200 nautical miles is not affected by this, and the legal effect of the Okinawa Trough should not be taken into consideration in the delimitation of the continental shelf of the East China Sea.

### **III. Analysis of the Claims from the Perspective of International Law**

The UN Convention on the Law of the Sea entitles every coastal State to its coastal waters. With regard to the question of the delimitation of the East China Sea area, both China and Japan can find legal grounds for their claims from the provisions of the Law of the Sea, and have affirmed them in the form of their domestic law. But, when conflicts of their claims occur, neither side should oppose the other with its domestic law; instead, they should make a comprehensive analysis and assessment on the basis of international law.

#### **1. In terms of the system of the rights over the continental shelf, "natural prolongation" principle has advantage over the "distance criterion".**

Paragraph 1 of Article 76 of the UN Convention on the Law of the Sea provides the following definition for the continental shelf: "The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baseline from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance." With regard to the outer limits of the continental shelf, Paragraph 5 of Article 76 of the Convention provides that "The fixed points comprising the line of the outer limits of the continental shelf on the seabed, drawn in accordance with paragraph 4 (a)(i) and (ii), either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 meter isobath, which is a line connecting the depth of 2,500 meters." The Convention

advances the two concepts of natural prolongation and a distance of 200 nautical miles, providing different bases of the title for coastal States whose geographic features are either favorable or unfavorable.

But in terms of the relationship between the natural prolongation and the distance of 200 nautical miles, the natural prolongation criterion is prior to the distance criterion that is in a subordinate position, for the first part of Paragraph 1 of Article 76 of the Convention clearly defines that "The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin". A distance of 200 nautical miles in the second part of the paragraph is provided by taking into consideration the interests of the coastal States whose continental shelf does not extend as far as 200 miles. The two methods for the delimitation of the outer limits of the continental shelf in Paragraphs 4 and 5 are provided in accordance with the principle of natural prolongation. The coastal State whose continental shelf extends beyond 200 nautical miles chooses to establish the maximal limits of the continental shelf in the light of its geographic and geological features. The provisions on the outer limits of the continental shelf on the deep ocean ridges and submarine ridges in Paragraph 3 and Paragraph 6 differentiate whether these ridges in geological structure comprises natural submerged prolongation of land mass.

In the Judgment for the 1969 North Sea continental shelf cases, the International Court of Justice made a systematic theoretical enunciation of the scientific quality of the natural prolongation, stating that "In accordance with the Law of the Sea the rights of the coastal State in respect of the area of continental shelf constituting a natural prolongation of its land territory over the land existed *ipso facto* and *ab initio*, by virtue of its sovereignty over the land .... That right was inherent. In order to exercise it, no special legal acts had to be performed." In the Judgment for the 1982 Tunisia-Libya Continental Shelf Case, the International Court of Justice mentioned again that "Natural prolongation is the sole basis of the title" and clearly stated that "According to the first part of Paragraph 1 of Article 76 of the Convention on the Law of the Sea the natural prolongation of the land territory is the main criterion. In the second part of the paragraph, the distance of 200 miles is in certain circumstances the basis of the title of a coastal State." In the 1985 Guinea-Guinea-Bissau Maritime Delimitation Case, the International Arbitration Tribunal maintained that the distance criterion only narrows the scope of the natural prolongation criterion rather than deviates from it.

It is undeniable that in the Libya-Malta Continental Shelf Case, the first case concerning the continental shelf it adjudicated after the adoption of the UN Convention on the Law of the Sea, the International Court of Justice held that "The concepts of natural prolongation and distance both remain essential elements in the juridical concept of the continental shelf", and pointed out that "This is especially clear where verification of the validity of title is concerned, since, at least in so far as those areas are situated at a distance of under 200 miles from the coasts of claimant States of any areas of seabed claimed by way of continental shelf, and the geographical or geomorphological characteristics of those areas are completely immaterial". But this cannot be regarded as a forceful evidence to deny that natural prolongation is the main criterion, for in the Judgment, the International Court of Justice also pointed out that "For juridical and practical reasons, the distance criterion must apply to the continental shelf as well as to the exclusive economic zone; this is not to suggest that the idea of natural prolongation is now superseded by that of distance. What it does mean is that where the continental margin does not extend as far as 200 miles from the shore, natural prolongation is in part defined by distance from shore." This inference is drawn on the prerequisite that the continental margin of the State concerned does not extend as far as 200 nautical miles from the shore. Then, if the continental shelf of a State extends beyond 200 nautical miles, its basis of the title is obviously the natural prolongation criterion, instead of distance criterion.

In terms of topographical, geological and geomorphological characteristics, the continental shelf of the East China Sea is the continuation of the Chinese continent and underwater natural prolongation of China's land territory. According to surveys by geologists, the Okinawa Trough covering an area of about 100,000 square kilometers slopes from northeast to southwest, with a length of 1,100 kilometers from south to north, a width of 150 kilometers at most and 30 kilometers at least and a maximum depth of 2,940 meters, the northern part of the Trough being shallow and the southern part deep. That is to say, the Okinawa Trough constitutes a natural boundary between the continental shelf of the East China Sea and the Ryukyu Islands. Therefore, China's proposition that the continental shelf of the East China Sea extends to the Okinawa Sea conforms to the definition provided in the UN Convention on the Law of the Sea. In other words, only by adopting the natural prolongation criterion can the basis of China's title over the continental shelf of the East China Sea area be in line with the principle of international law. If the distance criterion is adopted, the continental shelf of the East China Sea will undoubtedly be broken up into the "interior continental shelf" and the "exterior continental shelf", which is totally at variance with the connotation of the definition of the continental shelf and thus runs counter to the UN Convention on the Law of the Sea.

As far as Japan is concerned, though the Law on the Exclusive Economic Zone and the Continental Shelf it passed in 1996 provides that "Japan's continental shelf comprises the areas of the sea extending from the baseline of Japan to the line every point of which is 200 nautical miles from the nearest point on the baseline of Japan and its subjacent seabed and its subsoil", yet, as said above, a distance of 200 nautical miles should totally be the result of the natural prolongation a coastal State's land territory, and may only be decided by the coastal State in the condition that it does not infringe on other States' "natural prolongation". Japan's law on the continental shelf only invokes part of the Convention that is favorable to it, which means that the law leaves aside the "natural prolongation", the basis that the continental shelf system relies on, and only stresses the distance criterion. Japan enacts its domestic law by interpreting the Convention according to its own favor, and then misinterprets the Convention according to its domestic law, which shows that Japan is strongly utilitarian.

2. In terms of principles of the delimitation, the "median line" method lacks juridical basis, while the equitable principle conforms to the spirit of international law.

Sea boundaries between adjacent States are always delimited by agreement or the third party, and not determined by the will of an individual State in the form of its domestic law. As China and Japan have not yet delimited the East China Sea area, the so-called "median line" propagated by the Japanese media is only Japan's unilateral claim and not legally binding on China.

The Law on the Exclusive Economic Zone and the Continental Shelf enacted by Japan stipulates that Japan applies the "median line" method, i.e., "the line every point of which is equidistant from the nearest point on the baseline of Japan and the nearest point on the baseline from which the breadth of the territorial sea pertaining to the foreign coast which is opposite the coast of Japan is measured", in the delimitation of the exclusive economic zone and the continental shelf between Japan and its adjacent States with opposite coasts.

Obviously, Japan has referred to the provisions on the delimitation in the 1958 UN Convention on the Continental Shelf. But the "median line" method of delimitation provided in this Convention is neither entitled to the status of the general principle of international law, nor a sole method for the delimitation. The Convention especially stresses that the delimitation should be effected by agreement and should take into account of special circumstances.

In the Judgment for the 1969 North Sea continental shelf cases, the International Court of Justice held that "The equidistance principle is not necessarily the absolute principle for the delimitation of continental shelf. Even in the Convention on the Continental Shelf, the equidistance principle is applied when the States concerned have not yet reached an agreement on the boundary of the continental shelf and unless another boundary line is

justified by special circumstances. Except for the States that have ratified the Convention, the equidistance principle has not become a unified base in the late practice and relevant agreements, and is immature in customary international law. In other words, the equidistance principle is not a rule of customary international law. After entering into force, the Convention on the Continental Shelf has not been widely put into practice by States. Application of the equidistance principle mechanically without taking into account of special circumstances of the disputed areas will result in unnatural delimitation and fail to bring about an equitable result." It means that the "equidistant median line" is only a method employed in the delimitation in order to bring about an equitable result rather than a privileged method over others. If the "median line" method can achieve an equitable result, it is applicable; if not, then, other methods should be employed.

The first paragraph of Article 83 in the UN Convention on the Law of the Sea provides 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 on the Statute of the International Court of Justice, in order to achieve an equitable solution." This paragraph does not provide specific principles of the delimitation, but it clearly states that the ultimate goal of the delimitation of the sea is to achieve an equitable solution. In the 1982 Tunisia-Libya Continental Shelf Case, the International Court of Justice held that "The principles and rules applicable to the delimitation of continental shelf areas are those which are appropriate to bring about an equitable result." The Court further enunciated the equitable principle, pointing out that "Principles are always subordinate to the objectives. The equitableness of a principle must be assessed in the light of its usefulness for the purpose of arriving at an equitable result. It is not every such principle which is in itself equitable; it may acquire this quality by reference to the equitableness of the solution". It shows that the enunciation of the equitable principle by the International Court of Justice conforms to the provisions of the UN Convention on the Law of the Sea. On the issue of the delimitation of the East China Sea between China and Japan, China's persistent position on the equitable principle in the delimitation embodies the principle of international law. Whereas Japan, which did not consult with China and imposed on China a "median line" it unilaterally drew on the map by employing the "equidistance" method as the established border line of the East China Sea, obviously violates the equitable principle of international law. In terms of geographical, topographical and geological features of the East China Sea area, China and Japan have conspicuous differences, resulting in an important "special circumstance" where Japan cannot use "equidistance criterion" to draw a "median line". To the west side of the East China Sea is China's continual coastline with a length of more than 3,200 kilometers, among which the part south of 30 degrees of north latitude of the Hangzhou Bay alone reaches as long as 900 kilometers. To its east side is Japan's Ryukyu Islands. The farthest distance between the 50 small islands is over 100 nautical miles. The total coastline of the Ryukyu Islands is 1,235 kilometers, among which the total coastline of the Tokara Gunto, the Amami Gunto, the Okinawa Gunto and the Sakishima Gunto that face the East China Sea is 380 kilometers long. If China's and Japan's coastlines of the sea area south of 30 degrees of north latitude are measured in the general direction of the coastline, then China's continental shelf and Japan's is in the ratio of 64.3 to 35.7. In addition, the Okinawa Trough should also be regarded as another special circumstance in which the "equidistant median line" is not applicable to the East China Sea area. Under such unbalanced geographic conditions, Japan's practice of delimiting the continental shelf of the East China Sea area equally by the "equidistant median line" is obviously not in keeping with the relevant norms of international law.

#### **IV. Prospects of and Ways for Settlement of the Disputes**

The UN Convention on the Law of the Sea requests that the contracting States should try their best to settle disputes over the delimitation of the sea area by agreement. China and Japan, two important members of the United Nations and responsible big powers in East Asia, have the responsibility and duty to maintain security and stability of the region. For this reason, the two countries, on the basis of international law, should adopt practical

attitudes, respect each other's claims, recognize the differences existing objectively and settle the disputes peacefully by taking into account of various correlated circumstances. First, before the final settlement of the delimitation, China and Japan should consider joint development of the East China Sea area, which is in keeping with both the principle of peaceful settlement of disputes established by international law and the practical interests of the two countries. Paragraph 3 of Article 83 of the UN Convention on the Law of the Sea concerning the "delimitation of the continental shelf between States with adjacent or opposite coasts" provides that "Pending agreement as provided for in Paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make effort to enter into provisional arrangements of a practical nature and during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation." China and Japan, two signatory States of the Convention, have obligation to make provisional arrangements of a practical nature through political negotiations during the transitional period. For instance, the two countries can first determine the overlapped sea areas they claim (disputed sea areas) and refrain from taking any action relating to the submarine resources in the disputed sea areas before the agreement of the delimitation is reached. Then, they may consider setting up a joint development zone and dividing it into several smaller zones in the disputed sea areas, leaving aside such sea areas as the Daiyou Island which are liable to cause disputes. Each smaller zone may apply different laws and adopt different oil exploitation, management and distribution systems. The two countries can start with smaller zones to develop a basis of mutual trust between the governments and peoples and gain experience in cooperation, and then expand the area for cooperation and joint development.

Second, if the disputes over the continental shelf of the East China Sea still cannot be satisfactorily settled through long diplomatic efforts, the two sides can also consider resolving it through judicial channels. According to the UN Convention on the Law of the Sea, the delimitation of the sea should be conducted first through consultation and by agreement between parties concerned. It means that in the delimitation of the sea the choices of the parties concerned should be respected to the greatest extent. As long as the parties concerned can reach an agreement, any method of the delimitation, provided it can be accepted by the parties concerned, is reasonable and equitable. If the countries concerned cannot reach any agreement on the delimitation in a reasonable period of time, either country in the dispute shall resort to compulsory procedures provided for in the Convention by submitting the dispute to the International Court of the Law of the Sea, the International Court of Justice, the Arbitration Tribunal or the Special Tribunal of Arbitral. Take the International Court of Justice as an example, by the end of 2005, it had accepted and heard ten cases involving disputes over the delimitation of the sea, and another three were under review. It should be pointed out that these legal bodies have accumulated rich experience during the practice of settling disputes over the delimitation of the sea between countries, and that on the whole they can act in accordance with international law and take into consideration of various relevant factors of the courtiers concerned. In objective reality, because of Japan's aggression against China in history, the peoples of the two countries have very complicated sentiments toward each other. Any slight action in the delimitation of the East China Sea will affect bilateral relations. Thus, for both China and Japan, to settle their disputes over the delimitation of the East China Sea by legal means may as well be regarded as an effective approach.