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Abstract

For China, it faces with the islands disputes over the Diaoyu/Senkaku Islands in the East China Sea and the Spratly Islands in the South China Sea, and both are claimed by two or more states. How to settle such disputes peacefully is not only important for China and other disputants, but also vital for the maintenance of international peace.

Concerning the current disputes of islands in China, often, there are two problems that need to be settled: the sovereign status of the islands and the maritime delimitation around such islands. And for the special legal status of islands under the United Nations Convention on the Law of the Sea (UNCLOS), it makes the island dispute much more debatable and complicated. Moreover, since the land dominates the sea, ascertaining of territorial sovereignty over the island would be a precondition to delimitate the maritime areas.

China faces islands disputes over the Diaoyu/Senkaku Islands and the Spratly Islands, and both are claimed by two or more states. How to settle such disputes peacefully is not only important for China and other disputants, but also vital for the maintenance of international peace.

Under the traditional international law, there are two basic ways for the dispute settlement, which are by force or by peaceful means. Based on the international law and principles from the cases of the International Court of Justice (ICJ), combining with the particular characters of these islands disputes, this thesis concentrates on the discussion of the role of international law during the process of peaceful settlement of islands disputes, especially for the islands of China. Indeed, ICJ is not the only institution for dispute settlement, and currently, the disputant parties both in the Diaoyu/Senkaku Islands and the Spratly Islands are still hesitating to submit the cases to the ICJ. It's helpful for the parties involved to learn from the principles and

negotiating procedures, so that they can find a suitable way for the final settlement of certain disputes.

Key Words

Territory, sovereignty, island, island dispute, occupation, prescription, use of force, peaceful settlement, effective control, *uti posidetis*, Diaoyu/Senkaku Islands, Spratly Islands

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