

THE FUTURE LEADER  
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Theme Salon Project  
—The relationship between legal integration,  
regional stability and economic development —  
from the perspective of territorial disputes

By Team One: Panda

Members:

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|-------------------|--|
| Jae Woo KWAK      | Seoul National University                        |
| Diana Hu          | University of Sydney                             |
| Tetsuya shirahata | kokushikan university                            |
| Bingxi Jiang      | ECUPL  |
| Peiwen Zheng      | Wuhan University                                 |
| Jiahui Ni         | Zhejiang University                              |
| Ping Mao          | Renmin University                                |
| Suhong Yang       | Renmin University                                |
| Shupeí Shen       | Renmin University                                |
| Yanlun Meng       | <u>Shanghai International Studies University</u> |

# **The relationship between legal integration, regional stability and economic development — from the perspective of territorial disputes**

**Delivered by Bingxi Jiang(姜秉曦)**

Good afternoon ,everyone! In recent years, the dispute of the territory has become one of the factors which are obstacles of the relationship among East-Asian countries. For example, Vietnam and China in the South China Sea dispute, Japan and South Korea Dokdo disputes. It constrains the economic communication between countries, which even endangers regional peace and stability. And it accordingly becomes a greater obstacle of the Asia-Pacific region integration process, particularly East Asia integration process.

The root causes about the territorial disputes also has a close relationship with the economy and politics. Until now, the main reasons of the territorial disputes include the main following three aspects:

Firstly, economic factor

In recent decades, many countries pay more attention to the offshore oil, gas and mineral resources development in order to make full use of the economic interests. However it leads to the problems about claims to sovereignty on the surroundings. Meanwhile, in 1982, "United Nations Convention on the Law of the Sea " is carried out. But many countries take an unclear attitude on the maritime delimitation disputes between them, and undoubtedly it enables countries to maximize the benefits to take self-demarcation. Therefore Southeast Asia and the South China Sea dispute largely rooted here.

Secondly, political factor

In the modern international system, the principle of national sovereignty is a fundamental principle of international law. The absolute requirement of national sovereignty, as a core part of the territorial sovereignty, can not be divided. In addition, the regular pressure about political leaders election makes it that the territorial issue have become an important political issue and a non-negotiable national issue. Accordingly the related issues among the countries have been put into a stalemate..The four northern islands dispute between Russia and Japan are also associated with this.

Third, the historical factor

As we all know, in modern times, the East Asian region by the impact of Western

colonialism. Colonial powers divided up among each other for the colonies, trading, compromise, the same as the East Asian countries led to territorial disputes between the moment an important factor. Such as Thailand and Cambodia's Preah Vihear temple dispute.

Because of the complexity of territorial disputes between countries, making its impact on the country's role in international relations has a subtle but profound impact.

### **Delivered by Jiahui Ni(倪佳慧)**

The regional disputes, the economic integration and legal system integration is interact. If it go ahead well, they will contribute to the Asian countries,forming a good circle. But if one of the link got worse, the whole circle will go bad. So it is of great importance to deal with the relationship between them.

Now,I will talk about the relationship of regional stability and legal system integration in Asia.As we all know, now we try to establish Asia community, which include integration of legal system integration and economic integration. we try to build an Asia Union like EU.

And Asian integration inevitably requires the integration of legal system in Asia. Although there is no strict sense of universal law, the status of integration in Asia escalates as the cooperation and exchange develop profoundly. The common legal problem mostly exist in economic sphere such as investment and trade law,economic and commercial law,labor and social law,protection of intellectual property law, environmental law and capital law.

### **challenge**

However, the territory disputes slow down the legal system integration in Asia. Just as we have listed in the beginning, there are many territorial disputes in East Asia nowadays,like Dokod island and Huangyan island dispute. And the territory disputes will affect regional peace and stability ,the friendly cooperation among countries. In 2012,at the seventh East Asia Summit, the Philippines and Cambodia disagreed with each other in the South China Sea issue ,which led to the ASEAN stance facing the danger of division. This is the first time ,the ten countries of ASEAN have failed to come to agreement since its establish.

So territorial disputes will influence regional stability and peace, then influence the cooperation among the countries that are parties to the disputes,especially to the common senses in legal system integration that have been reached or have being negotiated.In a word , the instability of regional will add the blocks in the process of the legal system integration, maybe the big process will stranded in these submerged reefs.

Firstly,. Legal is an effective way to solve territory disputes issue,international law play the main role in such problems.United Nations Convention on the Law of the Sea (UNCLOS)has play a great role inHandling maritime territorial disputes. But in the issue of Huangyan Island disputes, the problem cannot be solve because here is a dispute in a 200 mile exclusive economic zone. China and the Philippines, hold a different view in the provisions of United Nations Convention on the Law of the Sea (UNCLOS).The emergence of regional disputes put forward higher requirements and challenges to the degree of legal integration.

Secondly, territorial disputes always go along with the development and utilization of

resources. So in face of the national interest, the original kind friendship between East Asian countries is difficult to maintain. Definitely that will affect the state of friendship and cooperation between countries, making the effects about law on the resolution of territorial disputes weakened.

Finally, other countries often participate in the territorial disputes, making the original international issues more complicated. Sometimes the other third-party arbitration like United union can not hold a fair and neutral attitude. The ruling made by the International Court may not solve the real problems practically and completely, and may even lay hidden dangers for war. In 1962, the International Court made a ruling on the territorial dispute between Cambodia and Thailand to claim that the temple is owned by Cambodian. Although Thailand carried out the judgment, but its civilians did not admit it and accordingly the relationship between two countries is worse with more contradictions.

## Opportunity

On the other hand, it's also an uncommon opportunity to promote Asian legal system integration. The territory disputes issue is a hard case to deal with, and always involve many country's national interest. If we can use law system integration as a way to solve the issue, many Asian countries and other countries will be benefited a lot.

Regional peace and stability is a long term issue, we cannot solve it in a short time. So we hope the role of legal integration can play a bigger role, and resolve the problem.

## Delivered by Peiwen Zheng (郑佩雯)

From the presentations of my team members, we can conclude that we East Asia countries are close neighbors, and we are developing long-term, stable and friendly relationships that serve the fundamental interests of the countries and peoples, and benefits the peace, stability and development of Asia and the world. East Asia countries should take history as a mirror for looking into the future, properly handle problems affecting multilateral ties, and work for the restoration of normal development in bilateral or multilateral relations.

By listening to the lecture given by Professor Yang yesterday and our discussion, we have found out that there are various ways for us to enhance the legal integrity of East Asia.

To begin with, East Asian countries are supposed to deal with the conflicts between the legal provisions of their domestic law and the legal provisions of other east asian countries. Since Japan and Korea are more experienced in law-making, we may learn from them.

Furthermore, east asia countries are supposed to offer opportunities for young people to take part in the academic exchange and to communicate with others. In my opinion, this summer camp is quite a good chance for us east-asian students to increase our understanding and communication of other countries. We are law students, we are the citizens of our countries, activities like this camp will eventually influence our viewpoints about the legal issues of east-asia countries. By holding such events often, we can certainly enhance the legal integrity of east-asia countries.

Last but not least, we shall establish a mature dialogue mechanism in east-asia. For

example, China and Japan have reached **four agreements** to solve the territorial disputes. Namely, the four documents are the China-Japan Statement inked in 1972, the China-Japan Treaty of Peace and Friendship of 1978, the China-Japan Joint Declaration of 1998 and a joint statement on advancing strategic and mutually-beneficial relations in a comprehensive way that was signed in 2008. But they still can't satisfy the demand of solving the territorial disputes. Inquiring into the reasons, we have not established a mature dialogue mechanism for the government officers to communicate with each other annually.

In order to solve this issue and sweep the way to enhance legal integration, we can learn from the experiences from other countries in EU. For example, France and Germany had reached **the Elysee Treaty in 1963**. That treaty has made it a law for government officers to meet for definite times annually. If Asian countries make it a system for the government officers to hold conferences to talk about the important issues in bilateral relations, we will have more opportunities to discuss problems and render solutions to the disputes in time. In this way, we may make use of the legal integration to ensure the regional stability and economic development in East Asia countries.

## **Comments from the reviewers:**

First of all, the four doctor students make simple comments on the first team. As we can see from their behaviour, the first team has done a lot of work to prepare for the presentation, and they have given us an impressive report. The four members have good coordinations with each other and have deep survey about their topic. However due to the limited time, there are still several problems that the first team did not mention. For instance, the first team mentioned the issues between France and Germany, but it does not support the detailed information. And they do not talk about the punishments towards the possible solutions. Accordingly, the possible solutions they raised is less practical. In conclusion, more detailed information and further investigation should be done in the future.

## **Questions and answers**

Question: from Camper Shi Guangyuan:

Do you guys really believe that you can cooperate around islands without political issues? And can you explain why there are conflicts along those islands?

Answered by Camper Diana:

Yes, surely we believe that there are possibilities that different countries can solve the problems peacefully and smoothly. After all, there are many kinds of reasons for the conflicts about the islands, including the political reasons, economic reasons and historical reasons. Even if we put the political reasons away, the economy and other factors still play an important role in the development process.

Answered by Camper Zheng Peiwen:

I also agree with Diana. As we all know, the development of economy is of vital importance in this time and age. That is to say, the final aim of the conflicts about all the islands is to realize the boom of economy in East Asia regions.

Question from the commentator:

What do you think is the most important factor that influences the regional stability between China and other countries?

Answered by Camper Jiang Bingxi:

Well, I think the factors are complicated and varied in different periods in history. Maybe we can not say it in several words. But among the complicated factors, the development of economy is definitely the key one. Without economy, we can get no motivates to promote solving the conflicts about islands.

Camper Diana:

I think the regional stability relies on the economy. It is because of the economy that any country can not be independent totally. They need to make full use of the strengths of their own and their nearby countries. That is the point and gives a chance for Eastern Asia countries to unite together and rely on each other. They have to face the conflicts of islands and have to solve these problems peacefully and thoughtfully.