

The Issue of 'Heixiazi Island' on the Eastern Border Between China and the Soviet Union (Russia)

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Abstract

In order to resolve the bilateral land border issue, from 1964 to 2004, the governments of China and the Soviet Union (Russia) held four rounds of diplomatic negotiations, and finally resolved this historical issue that affects the healthy development of bilateral relations by delimiting the border between China and Russia which is about 4,300 kilometers long. Due to its special nature and historical status, the issue of Heixiazi Island has always been an important factor affecting the historical process and even the outcome of Sino-Soviet (Russian) border negotiations. This article mainly reviews the negotiation history of the Heixiazi Island issue and analyzes the positions and viewpoints held by China and the Soviet Union during the negotiations. A brief comment is also made on the settlement of the Heixiazi Island issue through negotiations from the perspective of international law.

Keywords: Heixiazi Island, international law, territory and border dispute negotiations, Sino-Soviet border issue

1. Introduction: The Origin and Historical Background of the Heixiazi Island Issue

Heixiazi Island, also known as Fuyuan Delta, is located on the southwest side of the main channel at the junction of the Heilongjiang River and the Wusuri River on the Sino-Russian border. It is formed by the mainstream of the two rivers, with a total area of about 335 square kilometers. According to the relevant provisions of the Sino-Russian Aigun Treaty and the Sino-Russian Beijing Treaty that Tsarist Russia forced the Qing Dynasty to sign, the eastern section of the Sino-Russian border was bounded

by the Heilongjiang River and the Ussuri River, and the north of Heilongjiang and the east of the Ussuri River belonged to Russia. The south of Heilongjiang and the west of Wusuri River belong to China, and Heixiazi Island is located in the south of Heilongjiang and west of Wusuri River. (Qi Pengfei, 2013) But before and after the Revolution of 1911, Tsarist Russia took advantage of the chaotic domestic situation in China to privately include Heixiazi Island into the Russian territory. Since then, successive Chinese governments have negotiated with the Russian (Soviet) side many times, without any result. After the Middle East Railway incident in

1929, the Soviet Union took the opportunity to send troops to occupy Heixiazi Island. Since then, Heixiazi Island has been under the actual control of the Soviet Union, and China has been forced by the domestic situation to have no time to pay attention to the island's problems.

2. The Process of Negotiating to Resolve the Issue of Heixiazi Island

For a period of time after the founding of New China, the relationship between China and the Soviet Union was good and the border was peaceful. However, since the early 1960s, the relationship between the two countries has deteriorated, and the Soviet Union provoked the first border incident in 1960. Up the agenda. Since 1964, the two sides have conducted a total of four border negotiations intermittently. Among them, the issue of Heixiazi Island located on the eastern border between China and the Soviet Union has always been a difficult point in the negotiations.

2.1 The First Boundary Negotiation in 1964

In this negotiation, the two sides initially disagreed over the nature of the treaties signed by China and Russia in history and the basis for negotiations. Regarding the issue of Heixiazi Island specifically, when the Treaty of Beijing was signed, representatives of Tsarist Russia drew a red line along the right bank of the Heilongjiang River and the left bank of the Ussuri River to the sea on a map of the treaty with a scale of 1:1050000. The Zakvechevo waterway is on the Fuyuan waterway. The Soviet side believed that this red line was the boundary line on the map recognized by both sides at that time. Based on this, the two countries should use the Fuyuan waterway as the boundary, Heixiazi Island and other areas on both sides of the main waterway. The island had already been assigned to Russia at that time. Although after discussion, the two sides reached an agreement on most of the direction of the eastern boundary, and agreed that the section bounded by the Heilongjiang and Wusuri Rivers should be bounded by the centerline of the main channel, but the two sides still disagreed on the issue of Heixiazi Island. It is agreed to temporarily put aside the issue of the ownership of Heixiazi Island. However, at the last plenary meeting between the two sides on August 15, the Soviet side changed its attitude of temporarily shelving the issue of Heixiazi Island, and proposed to resolve the issue of the island

as a prerequisite for resolving the ownership of other islands on the eastern border. Afterwards, the negotiation attitude between the two parties gradually became tougher, and the first negotiation failed to reach any agreement in the end. (Dai Chaowu, 2016)

2.2 The Second Boundary Negotiation Between 1969 and 1978

In the 1960s, Sino-Soviet relations were highly tense. The Zhenbao Island incident in 1969 further escalated the tension on the Sino-Soviet border. In this context, the prime ministers of the two countries held an airport meeting. Armed conflict, consensus on the disengagement of the armed forces of both sides in the disputed area, and the agreement to hold border negotiations. On October 20, Sino-Soviet border negotiations began in Beijing. However, the Soviet side did not recognize the disputed areas between the two countries during the negotiations, saying that the concept of the disputed areas proposed by the Chinese side was a territorial claim to the Soviet side. (Ministry of Foreign Affairs, the People's Republic of China, n.d.) The second border negotiation lasted for nine years, but in fact there was no discussion on the specific direction of the border, so there was no real progress on the issue of Heixiazi Island.

2.3 The Third Border Negotiation from 1987 to 1991

In a speech in Vladivostok in 1986, Gorbachev expressed to China that he was willing to resolve the border issue between the two countries in accordance with the prevailing principles of international law. The Chinese side responded positively to this, and the two sides restarted border negotiations in February 1987, formally discussing the direction of the eastern section of the border. In this negotiation, the Soviet Union abandoned the insistence in previous negotiations that "the bilateral land boundary between China and the Soviet Union should be drawn along the Chinese coast of the border rivers between Heilongjiang and Ussuri, which belong to the Soviet Union." Inland River position (Qi Pengfei, 2014), and after five rounds of talks, the two sides have reached a basic consensus on the division of most of the eastern section of the border. But with regard to the issue of Heixiazi Island, the two sides still held diametrically opposed positions during the five rounds of negotiations. any concessions on the borders of the nearby islands (referring to Heixiazi Island) and the Pamir region (Qi

Pengfei, 2013). In this regard, the two sides decided to affirm in legal form the part of the boundary area that has been reached, and continue to negotiate on parts that have not yet been agreed upon, such as Heixiazi Island. In 1991, the foreign ministers of the two countries signed the "Agreement on the Eastern Section of the Sino-Soviet Border", which resolved 98% of the Sino-Soviet border.

2.4 The Fourth Negotiation from 2001 to 2004, the Complete Settlement of the Heixiazi Island Issue

After China and the Soviet Union (Russia) resolved the boundary issues in the eastern and western sections of the two countries and completed the demarcation work, the two countries conducted diplomatic consultations on resolving the remaining boundary issues (that is, the fourth boundary negotiation). In the previous rounds of consultations, the two sides still insisted on their own complete sovereignty over Heixiazi Island, and the negotiations did not progress for a while. Later, Chinese Foreign Minister Tang Jiaxuan proposed to the Russian side that China "considers two methods. One is that the two sides propose to be on Heixiazi Island. The other is to first reach a consensus on the division ratio of the Black Island. We are inclined to the second method and ask the Russian side to actively study it" (Tang Jiaxuan, 2009). Russia's reply tends to the first method. In the subsequent rounds of expert consultations, the Russian side finally proposed to transfer 40% of the island to the Chinese side, while the Chinese side stated that it should be resolved in accordance with the principle of balance (Tang Jiaxuan, 2009), and the two sides finally negotiated from July to August 2004. The specific trend of the boundary line of the remaining lot is specified.

On October 14, 2004, China and Russia signed the "Supplementary Agreement on the Eastern Section of the Sino-Russian Boundary", and then formed a joint boundary survey committee to conduct field surveys on Heixiazi Island and set up boundary posts. According to the "Protocol on Supplementary Narration of the Eastern Section of the Sino-Russian Boundary" signed by the two countries in 2008, Heixiazi Island covers an area of about 335 square kilometers. The Chinese side allocated 171 square kilometers, and the Russian side allocated 164 square kilometers.

3. Comments on the Negotiation to Settle the

Issue of Heixiazi Island

3.1 The Demarcation Claim Put Forward by China in the Negotiation Is in line with International Law

On the issue of Heixiazi Island, China has always insisted on determining the border between the two countries on the basis of the existing boundary treaty between the two sides, in accordance with recognized international law and international practice, and then determining the ownership of Heixiazi Island. China believes that according to the provisions of the 1860 "Sino-Russian Treaty of Beijing", China and Russia are bounded by the Heilongjiang and Ussuri Rivers. According to international practice, the boundary river is a navigable river, and the boundary line is the centerline of the main channel of the river. Therefore, the eastern border between China and Russia should follow the centerline of the main channel of the Heilongjiang River and the Ussuri River, and Heixiazi Island is located near the centerline of the main channel of Heilongjiang River. South, on the Chinese side north of the center line of the main channel of the Ussuri River, the entire Heixiazi Island should belong to China.

From the perspective of state succession in international law, the new China was established on the basis of the original territory of the old China, and it was also the successor of the inherent rights of the old China. The boundary treaty to determine the territory of a country should be inherited in any case according to the general principles of international law. (Zhou Yusheng, 1976) And according to the provisions of the 1969 Vienna Convention on the Law of Treaties, the parties concerned may not invoke the "fundamental change of circumstances" to request the termination or abrogation of the boundary treaty. (International Law Commission, n.d.) Therefore, China recognized the old border treaty between China and the Soviet Union as the basis for resolving the border issue while distinguishing right from wrong in history. At the same time, based on reality, China advocated re-approving the direction of the border line through negotiations and re-signing a new border treaty. China's proposition and position are in full compliance with international law.

3.2 Negotiations and Consultations to Settle Territorial and Border Disputes Conform to Basic Principles of International Law

First of all, China's choice of peaceful

negotiation and equal consultation to resolve the Heixiazi Island issue is in line with the purposes of the Charter of the United Nations, especially the basic principles of international law such as the prohibition of the use or threat of force and the peaceful settlement of international disputes. In the 1960s and 1970s when Sino-Soviet relations were tense and even border armed conflicts occurred, China proposed measures such as maintaining the status quo of the border, avoiding armed conflicts, disengaging the armed forces of the two sides in disputed areas, and seeking to restart Sino-Soviet border negotiations. Although the first in the end, the second boundary negotiation did not reach any substantive results, but China and the Soviet Union insisted on choosing a negotiation method to resolve disputes peacefully, which is in line with international law and the basic norms of international relations.

Secondly, Article 33, paragraph 1, of the Charter of the United Nations stipulates the peaceful settlement of international disputes, including “negotiation, investigation, mediation, conciliation, arbitration, judicial settlement, the use of regional agencies or regional arrangements, or other peaceful means of the countries’ own choice.” In the peaceful settlement of international disputes, negotiation is not only the simplest and most direct method, but also a relatively reasonable and effective method. (Zhou Yusheng, 1976) The “equal division” of Heixiazi Island through negotiations and the conclusion of relevant agreements fully embody the national will of China and Russia as sovereign states.

3.3 The Resolution of the Heixiazi Island Issue Reflects China’s Flexible Application of International Law

From the whole process of negotiating to resolve the Sino-Russian border issue, it can be seen that China did not adopt a package solution like the Sino-Myanmar demarcation of the border. The direction of the section of the border and the direction of the western section of the border, the signing of relevant border treaties and the establishment of border military mutual trust have created good conditions for the final settlement of disputed area issues.

4. Conclusion

On the basis of international law, China and the Soviet Union (Russia) resolved the sensitive and complicated issue of Heixiazi Island reasonably

and fairly through peaceful negotiations and consultations on an equal footing. Throughout the negotiation process, China not only adhered to the principles of international law but also showed moderate flexibility. It not only looked at history objectively, clarified right and wrong, but also based on the reality and status quo of Heixiazi Island: Although China has sovereignty over the island and has historical evidence and international law, but the actual control of the island was not in the hands of China at that time. Based on this, China made appropriate concessions in a pragmatic spirit and took back half of Heixiazi Island. The cooperative development and use of the island by China and Russia in the later stage also proved that the demarcation method and results are in line with the overall situation of the friendly relations between the two countries and the long-term interests of the two peoples. The settlement of the Heixiazi Island issue through peaceful negotiations has also set a successful example for the future settlement of territorial disputes between China and India.

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