



A QUIET SOLUTION FOR THE EAST CHINA SEA TERRITORIAL DISPUTE

BY DENNIS HICKEY AND ERIC HUANG

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Throughout most of the post-Cold War era, analysts identified three “flashpoints” as the principle challenges to East Asian stability. The most prominent is the Korean Peninsula. Relations across the Taiwan Strait and the South China Sea dispute also hold the potential to undermine peace and stability. In recent years, a fourth flashpoint was added to the list – the quarrel among Japan, the Republic of China (ROC or Taiwan) and the People's Republic of China (PRC or China) over the Senkaku/Diaoyutai/Diaoyu (SDD) Islands in the East China Sea. After a period of relative calm, the prospects for conflict over the SDD islands appear to be rising.

Japan calls the SDD island group the Senkakus and argues that it gained control of the territory in 1895 when the islands were *terra nullius* (land belonging to no country). Tokyo claims that they were never part of China, and not included in the “unequal” Treaty of Shimonoseki, which had forced China to cede territories to Japan after the First Sino-Japanese War (1894-95). Tokyo also contends that Beijing and Taipei only became interested in the islands after a 1968 study revealed that oil reserves might be located nearby. Tokyo charges that Beijing and Taipei have manufactured frivolous arguments to bolster their claims ever since then. It contends that no territorial dispute exists and refuses to negotiate over the matter.

Taiwan calls the islands the Diaoyutai and its main political parties – the Kuomintang (KMT) and the ruling Democratic Progressive Party (DPP) – claim they belong to the ROC. The KMT traditionally employs legal arguments based on historical records to make its case and emphasizes that the Cairo Declaration and Potsdam Declaration should have returned the islands to the ROC. The DPP prefers to cite geological and/or geographical arguments to support Taipei's claims. Both parties agree the islands were stolen by Japan in 1895.

The PRC agrees the SDD islands (which they call the Diaoyu Islands) were stolen by Japan. But as Beijing insists that the ROC ceased to exist in 1949, it cannot cite some of the same legal evidence employed by Taipei to bolster its claims. Moreover, the PRC has declared that the SDD islands “as affiliated islands of Taiwan, should be returned, *together with Taiwan*, to China (emphasis added).” This position hobbles cooperation between Taipei and Beijing.

The SDD dispute remained largely dormant during the 1950s and 1960s. This is because the islands were placed under US control after World War II. In 1971, the US transferred the right of administration of the SDD to Japan but took no position on the sovereignty issue. The move infuriated Taipei and sparked demonstrations. Beijing declared that Washington's action was “completely illegal” and “can by no means change the PRC's territorial sovereignty over the Diaoyu Dao Islands.”

Since 1971, Taipei and Beijing have voiced claims to the SDD islands on numerous occasions. But matters only began to spin out of control after Japan “nationalized” the islands on Sept. 11, 2012. As one analyst observed, “the status quo was derailed.” Following the announcement, anti-Japanese demonstrations erupted in Taiwan and China. On Sept. 25, 2012, Taiwan's Coast Guard escorted fishing boats into SDD territorial waters and engaged in a water-cannon skirmish with Japanese Coast Guard vessels. Chinese Coast Guard ships began to penetrate into the 12-mile territorial waters of the SDD islands in unprecedented numbers. China also ramped up air activity in the region. Perhaps most alarming, however, was Beijing's Nov. 23, 2013, declaration that it had established an “Air Defense Identification

Zone (ADIZ)” in the East China Sea. These developments undoubtedly contributed to President Barack Obama’s decision to declare in April 2014 that Japan’s administrative control of the SDD islands is covered by the US-Japan Defense Treaty.

Relations between Taipei and Tokyo began to improve in 2013 after Japan agreed to provide Taiwan’s fishing fleet with the additional use of more than 4,530 sq km of contested ocean. The two sides also established a fishing commission to settle other issues. Reducing tensions between Beijing and Tokyo proved more challenging. In 2014, however, they hammered out a nonbinding four-point consensus on relations. The fourth point stated that the two countries agreed to work to prevent an escalation in tensions “through dialogue and consultation and establish a crisis management mechanism.” In 2015, representatives began working on a crisis management mechanism (including a crisis “hotline”). It was launched in 2018.

There are hopes that these measures will reduce chances of a military conflict over the SDD islands. But Japan is also making moves that exacerbate tensions. On Jan. 26, 2018, Tokyo rolled out a new museum – the National Museum of Territory and Sovereignty – to emphasize claims over the SDD islands and other territories. Although not as inflammatory as the Yushukan war museum, the exhibition provoked criticism from Beijing. Moreover, on July 17, 2018, Japan’s Education Ministry expedited plans to implement a new “national territory education curriculum.” Beginning next year, students will be taught about the legitimacy of Tokyo’s claims over disputed territories. In this instance, both Taiwan and China blasted Japan. Andrew Lee, spokesman for Taiwan’s Ministry of Foreign Affairs (MOFA) declared, “the government has maintained a consistent stance on the issue, which is that the Diaoyutai Islands are part of the ROC’s territory.” He emphasized that changing textbooks cannot change the fact that Taiwan enjoys sovereignty over the islands.

Anti-China elements often ridicule the claims of Taipei and Beijing. But a more objective assessment is warranted. As Henry Kissinger opined in 1971, Taiwan has a strong claim to the SDD islands.

Leading Japanese political figures agree. In 2013, Hatoyama Yukuo, former Japanese prime minister, declared that it “is unavoidable that the Chinese side thinks Japan stole” the SDD islands. Given historical facts and the propensity for elements within the Japanese polity to embrace policies that infuriate the nation’s neighbors, it is likely that the East China Sea will remain a flashpoint in the Western Pacific unless changes occur in Tokyo.

Thus far, Taiwan has proffered the most sensible proposal to reduce tensions in the East China Sea. In August 2012, Ma Ying-jeou, then ROC president, proposed an “East China Sea Peace Initiative” calling on disputants to exercise restraint, shelve controversies, engage in peaceful dialogue, and observe international law. He argued that, while sovereignty cannot be divided, resources can be shared. Using a cooperative pact enjoyed by European states bordering the North Sea as a model, Ma suggested that Tokyo, Beijing, and Taipei should cooperate to explore and share resources in the East China Sea. The present administration in Taipei has embraced an almost identical approach. Indeed, when responding to Tokyo’s textbook announcement, the ROC’s MOFA stressed that Taiwan has long advocated a peaceful resolution to territorial disputes.

Given Washington’s security commitments and the fact that the SDD dispute is at the center of international shipping lanes and flight routes, a peaceful resolution to this quarrel is in its national interest. Much has been made of Obama’s acknowledgement that the US defense umbrella covers all territories administered by Japan, including the SDD islands. And it is noteworthy that the Trump administration has not budged from this position. What many missed, however, was Obama’s call for maritime disputes in the region to be settled peacefully, a position emphasized during his April 2014 visit to Japan.

Using quiet diplomacy, Washington should inform Tokyo that, while the US security commitment remains firm, Japan ought to acknowledge the fact that a dispute over the SDD islands exists, and that the time has arrived to open negotiations. Tokyo should be reminded that Taipei’s sensible approach to this quarrel has a track record of success in Northern

Europe and could be applied to this dispute. Indeed, it appears to be the only proposal that holds the potential to resolve the quarrel and transform this flashpoint for conflict into a sea of tranquility.

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