

Free research paper on china and japan conflict over the uninhabited senkaku isla...

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Introduction

Since early 1970s, China and Japan have been involved in a bitter territorial dispute over a group of uninhabited islands located in the East China Sea. In Japan, the group of islands is known as the Senkaku Islands, and in China, it is known as the Diaoyu Islands. The Islands, which is 6.3 km² in total, is mainly a centre of controversy due to their strategic significance in terms of economy and security, and their significant political implications. In recent times, the dispute has become such a predicament that the two countries are in constant conflict, which has impeded regional maritime cooperation and has also negatively affected the regional maritime ecosystem as well as the relationship between the nations. The location of the Senkaku/Diaoyu Islands is approximately equidistant from the Japanese Ryukyu Islands and the island of Taiwan, around 120 miles northeast of Taiwan, 200 miles southwest of Okinawa, and 230 miles east of China's mainland. This specific location of the Islands makes them significant to the national defence of China and Japan. Whichever country legally secures the sovereignty over the Senkaku/Diaoyu islands will have an advantage as regards military security with an extended and enlarged border, putting the other country into a disadvantaged position.

Nonetheless, government officials as well as academics do not often mention the Senkaku/Diaoyu issue in this aspect due to the fact that the islands are presently uninhabitable and unusable for military defence. However, according to Pan (2007) military experts in Japan have proposed that it could be feasible and desirable to set up a radar system, a submarine base or a missile base on the largest Senkaku/Diaoyu Island. Unquestionably, a failure

to mention the significance of the islands in terms of security does not mean that the issue is not a concern in this regard. The potential of the islands for military use in the future and their implications for security and national defence seems attractive to both countries.

In terms of the economy, the Senkaku/Diaoyu Islands are also considerably beneficial to both China and Japan. Control over the islands could have an effect on approximately 25 miles of surrounding mainland area or exclusive economic zone (EEZ) area. Furthermore, sovereignty of the islands would bestow ownership of the natural resources in the islands' vicinity. Not only is it about the fishery industry, more so, it is about potential oil and gas reserves in the region that is under dispute. In 1968, the United Nations Economic Commission for Asia and the Far East presented a report in which it was suggested that there were large hydrocarbon deposit in the waters surrounding Senkaku/Diaoyu Islands. Despite the fact that potential oil reserves have not come to fruition as yet, this report ignited the dispute between China and Japan together with Taiwan authority. Japan's and China's increasing insatiable appetite for energy and natural resources is justifiably regarded as main rationale for the dispute.

Apart from the economic and security benefits of the Senkaku/Diaoyu Islands, this dispute has been difficult to resolve due to the political implications of the islands. The dispute over the Islands is significant to both Japan and China's domestic politics and their international standing. The handling of the conflict is perceived as a factor that impacts on the legitimacy of the Japanese and Chinese governments in national politics as well as on their foreign relations in the global arena. Apparently, the

Senkaku/Diaoyu dispute is not the only nautical territorial dispute that Japan and China have with their neighbouring countries. The probable negative outcomes of the dispute are what Japan and China are trying to avoid. The real significance of the islands is in the conflict's implications for the broader context of both countries' approaches to nautical and island disputes, and in the manner in which the arising issues can be used by local political groups to advance their own interests. Nonetheless, this overlapping interest has made it even more challenging to find a satisfactory solution to the sovereignty dispute. Despite the fact that sovereignty is the central issue of the Senkaku/Diaoyu dispute, this complex issue can be broken down into 3 specific but inter-connected aspects:

- The ownership of the Senkaku/Diaoyu islands: Japan and China are at variance on whether the islands were unclaimed land when Japan claimed sovereignty over the Islands in 1895.
- The return of the islands: Japan and China disagree whether Japan returned the Senkaku/Diaoyu islands to China following the Japanese defeat in the World War II.
- The demarcation of maritime boundary: Japan and China dispute how their maritime boundary in the East China Sea ought to be demarcated in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), which came into force in 1994.

This paper discusses these three aspects of the Senkaku/Diaoyu Islands dispute, beginning with a background discussion of the issue. The paper also presents the claims of the two sides in dispute and analyses them from a historical as well as a legal perspective.

Background of the Dispute

The Senkaku/Diaoyu dispute dates back to as early as the 1970s following a prediction that there were hydrocarbon deposits in the region surrounding the Islands. Initially, the dispute was between Japan and the Republic of China (ROC) and was prompted by their overlapping concession zones neighbouring the Islands. In the initial stages of the conflict, the Islands were still in the control of the US administration pursuant to the United Nations trusteeship that was instituted under the 1951 Peace Treaty of San Francisco between the Allies (apart from China) and Japan. Even though it was not specified anywhere in the 1951 Treaty, the Senkaku/Diaoyu Islands were put under trusteeship by being encircled in an area referred to as Nansei Shoto. However, during the time that the U. S. administration had control over the island, neither the People's Republic of China nor the Republic of China had disputed against this arrangement. The sovereignty issue came forth when the US trusteeship came to an end in 1972 and the American administration announced its intent to return control of the region to Japan under the Okinawa Reversion Treaty. After September 1972, the islands dispute became a contest between Japan and the People's Republic of China, as Japan derecognized the Republic of China, while it forged formal consular relations with the People's Republic of China.

In spite of the well-known dispute, to some extent, Japan has gained control over the Islands from the time when the " reversion" took place. The dispute has also intensified with the recurrent claiming action as well as counteractions from both China and Japan. There was even more tension between the countries when Japan reported its intention to recognize a

lighthouse that was built on the Tiaoyu Island in 1978 as the “ official navigation mark”. Nevertheless, the tension receded as the relations between the two nations generally improved, and the dispute was put to rest, at least for some time. In the 1990s, the dispute resurfaced. In 1992, China declared its entitlement by passing the Law on the Contiguous Zone and Territorial Sea. Article 2 of this law explicitly states that the Diaoyu Islands are China’s territory and an adjunct to Taiwan. Further intensification took place in 1996 sanction to the LOS Convention was initiated by the two countries and their claims were updated to an EEZ and inland shelf. Since then, there have been several clashes between Chinese protesters and Japanese right-wing groups, and diplomatic conflicts between the governments regarding sovereignty over the Islands. For example, a Japanese right-wing group constructed a new lighthouse on one of the islands and asked the government to recognize it. This resulted in protests by the Chinese government as well as public outcry from Taiwan and Hong Kong. Chinese protesters and Japanese coast guards were involved in confrontations when the protesters made an attempt to land on the disputed Islands. A legislator from Japan landed on one of the Islands In 1997 but the government of China denounced this action as “ an illegitimate landing” and a “ grave violation of China’s territory rule.” In turn, Japan restated its “ fundamental position” while affirming that the government was not involved in such activities and did not provide any kind of support.

Following this incident, the government of China shifted from verbal claims and increased its presence in the disputed islands; scientific research vessels were dispatched to the region. In 2000, another right-wing group from Japan

landed on the Islands and built a shrine on Tiaoyu Island. Consequently, Beijing made a declaration that the Diaoyu Island as well as its neighbouring islets have been an fundamental part of China and therefore it made a petition to Japan to honour its pledge, and restrict the Japanese activists. In response, Japan argued that the Islands were in Japan's territory. A few years later in March 2004, seven Chinese activists landed on the disputed Islands, but they were taken away from the Islands almost immediately by the Japanese Coast Guard. Again, this incident ended in an unsuccessful diplomatic row. Japan and China have both been persistent in showing their firm positions on the disputed territory and demonstrate little desire to initiate a process to find a lasting solution.

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