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Resolving the China-Japan Conflict Over the Senkaku/Diaoyu Islands 日中尖閣諸島問題解決へ向けて話し合いを

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Translation by Michael K. Bourdaghs

On September 7 Japanese patrol boats intercepted a Chinese fishing trawler near Kubashima, one of the Senkaku [Chinese: Diaoyu] Islands in the East China Sea. After it repeatedly rammed the patrol boats in attempting to escape, the fishing boat was detained and its captain arrested and charged with interference in the execution of official duties. The incident would come to have enormous repercussions, shaking up Sino-Japanese relations.

The Chinese trawler

The Senkaku Islands are claimed by Japan and are at present under Japanese control. Therefore, according to Foreign Minister Okada Katsuya, who was in Berlin at the time, this was an incident that occurred within Japanese territorial waters and would be "handled strictly in accordance" with domestic law. The Japan Coast Guard patrol boats were under the command of Maehara Seiji, the Minister of Land, Infrastructure and Transport. The arrest of the trawler captain clearly took place with Maehara's approval. Maehara had been critical of Chinese policies and believed in the need for a firm Japanese response.

All of Japan's major newspapers ran editorials about the incident on September 9. While the *Yomiuri* took a strong line, asserting that "the arrest of the Chinese boat captain was completely justified" and that "since the Meiji government claimed the Senkaku Islands as Japanese territory in 1895, no objections have been raised by any country," the *Asahi* called for "the wisdom to avoid transforming the area into a sea of conflict." The latter showed an awareness that "while Japan exercises control over the Senkaku Islands, claiming them as its territory, this is a sensitive issue for China, which also claims sovereignty." The *Mainichi* newspaper called for a "serious and impartial inquiry," warning that "the incident must not be allowed to escalate." It noted that both China and Taiwan claim sovereignty over the islands.

This all took place just before the hotly contested September 14 election to select the leader of the ruling Democratic Party of Japan (DPJ), and, distracted by the ongoing election campaign, the government seems initially to have paid little heed to the incident. The Japanese press likewise seemed unconcerned, especially since the Chinese government was taking steps to check the outbreak of large anti-Japan demonstrations. But the pre-dawn summoning of Japanese Ambassador Niwa Uichirō by China's State Councilor Dai Bingguo to deliver a diplomatic protest revealed the seriousness of the situation, and while the government continued to hold the trawler captain it also made preparations to release the other 14 crew members it had detained.

In the September 14 party leader elections Kan Naoto was victorious, defeating Ozawa Ichirō, who was widely perceived as supporting closer ties with China. Public interest was focused on the party's revamped leadership and on the cabinet reshuffling that took place in the wake of the election. Foreign minister Okada was named DPJ Secretary General, replaced as Foreign Minister by Maehara, the previous Minister of Land, Infrastructure and Transport. The new cabinet was inaugurated on September 17. Tensions with China were clearly building, but the new cabinet showed no sign of taking measures to resolve the deadlock. On September 19, it was announced that the detention of the trawler captain would be extended—a sign that preparations were underway to bring him to trial. At this point there was a ratcheting up in the intensity of the Chinese response. On the evening of September 19, cabinet-level exchanges with Japan were suspended and an invitation to 1000 Japanese children to visit Expo 2010 Shanghai was postponed. On September 20, four employees of a Japanese firm that was engaged in the removal of abandoned chemical weapons were arrested. Then, on September 21, speaking before a Chinese-American audience in New York, Premier Wen Jiabao proclaimed that "the Diaoyu Isands are part of China's sacred territory" and that the arrest of the trawler captain was "completely illegal and unjustifiable," warning

that if he were not immediately released China would take additional measures. Wen's statement was especially shocking because among China's leaders he had been regarded as one of the most favorably disposed toward Japan. Chief Cabinet Secretary Sengoku Yoshito on September 22 called for the opening of "immediate high-level strategic talks of a wide-ranging nature," but this was immediately rejected by China. On September 23, it was revealed that the Chinese government had ordered the suspension of exports to Japanese firms of rare earth materials, which are essential in the manufacture of high-tech products.

Behind the hard-line stance taken by the Chinese lay a determination to somehow avoid having the trawler captain put on trial under Japanese domestic law. This was because such a trial would undermine China's territorial claims to the Senkaku Islands, resulting in a situation that could be effectively countered only by military action. Not surprisingly, Prime Minister Kan and Chief Cabinet Secretary Sengoku, having recognized the nature of the crisis, were forced to back down. On September 24 the Naha District Public Prosecutor's Office announced it was releasing the trawler captain.

This led to widespread discussion of the incompetence of Japanese diplomacy. If you were going to give in to pressure and release the trawler captain, why extend his detention in the first place? Wouldn't it have been better simply to release him when the initial period of detention expired? Even if he did ram a patrol boat, wouldn't it have been better to deal with the matter by deporting him? In reality, however, there was a certain logic behind the actions of the Japanese government. Maehara had repeatedly asserted that Japan's position is that there is no territorial dispute in the East China Sea, that the Senkaku Islands are Japanese territory and hence that it does not recognize any other country's claims to them. From this standpoint, the arrest, indictment and trial of the trawler captain were justified and inevitable results. If such measures turned out to be inappropriate and incompetent in this situation, we have to realize that this means it is no longer possible to maintain this standpoint.

At this point, it's important to revisit the history of the Senkaku Islands dispute. The relevant sources can be found in Serita Kentarō's book, *Japan's Territory* (*Nihon no ryōdo*, Chūō Kōron Sha, 2002).

Senkaku Islands

Uotsurijima [Chinese: Diaoyu] is the largest island in the Senkaku chain, which includes seven other small islands. In the days of the independent Ryūkyū kingdom, the islands were where the court welcomed investiture missions from China, so that they formed one maritime link in the transportation network for tributary relations with the Qing court. Mentions of "Diaoyu Island" have been confirmed in sixteenth century documents from China. Such records, however, do not immediately justify territorial claims over the islands. What matters more is how these islands have been handled in the modern period, which gave birth to the concept of national territory. Japan formally claimed sovereignty over Okinawa in 1879 and subsequently expressed interest in the uninhabited islands lying to the north of Yonagunijima, including Uotsurijima, Kumeakajima, and Kubasaki. In 1885 Japan moved to claim these as its territory, proposing to include them within Okinawa prefecture, but at the time China also showed an interest in the islands, assigning them official names, including Diaoyu, and out of a reluctance to make unilateral assertions of territorial sovereignty, Japan's claim was withdrawn.

Additional territorial claims to the islands were also proposed in 1890 and 1893, but these were also tabled. Finally a cabinet decision on January 14, 1895 formally claimed sovereignty over Uotsurijima and Kubajima. This came at a time when Japan was enjoying a string of victories in the Sino-Japanese War and was actively engaged in a struggle for maritime superiority. The assertion of territorial sovereignty over the islands at this point after a decade of hesitation came about because Japan no longer felt any need to consider the reaction of China, which was in the process of losing the war, and because a decision had already been made to demand that Taiwan be ceded to Japan upon the war's conclusion. Actual peace negotiations got underway at Shimonoseki on March 20, and on April 1 Japan demanded that China cede Taiwan and the Pescadore Islands to it. The question of administrative control over Uotsurijima became bound up with the process of annexing Taiwan.

New names were assigned to the islands in 1900. Faculty from Okinawa Normal School carried out a survey and proposed calling them the "Senkaku Islands." This was eventually adopted.

Upon Japan's defeat in World War Two, by order of the Supreme Commander of the Allied Powers, Okinawa was split off from Japan, a measure that naturally included the Senkaku Islands. Taiwan was explicitly returned to Chinese sovereignty, with the Republic of China incorporating it into its national territory, but apparently no records exist that indicate the Senkaku Islands were also to be incorporated into China at this point. The Senkaku Isands were not returned together with Taiwan to China and remained under the mandate of the American military government that ruled Okinawa. Two of the Senkaku Islands were used as air target practice ranges by the U.S. military during this period. With the proclamation of the Republic of China, Taiwan became home of the Nationalist government after it was ousted in the Chinese Revolution. On the mainland, the People's Republic of China (PRC) was proclaimed. In 1951, Japan signed a peace treaty with the Nationalist government in Taiwan, but no discussions were held at that point regarding the status of the Senkaku Islands. With its own future existence uncertain, the Nationalist government likely felt unable to broach the issue of these small islands. Moreover, considering that it was under the patronage of the United States, it was in no position to register complaints about islands the U.S. was actively using.

Twenty years later, Japan established diplomatic relations with the PRC government in Beijing. Just before this, on December 29, 1970, the People's Daily declared that the Diaoyu Islands, "like Taiwan have been since ancient times Chinese territory." A December 30, 1971 statement issued by the PRC Ministry of Foreign Affairs asserted that "Diaoyu and the other islands in the region have long been Chinese territory." Despite this, the Sino-Japanese negotiations led to an agreement that included no mention of the Senkaku Islands issue, and with a joint declaration issued on September 29, 1972 Japan and China established diplomatic relations. The peace treaty previously signed with the National government in China was revoked, and Japan broke diplomatic relations with Taiwan. Six years later, on August 18, 1978, a Treaty of Peace and Friendship between Japan and the PRC was signed. In Japan for the treaty ratification, Vice Premier Deng Xiaoping spoke at the time about the Senkaku Islands issue noting that, "On the occasion of the normalization of diplomatic relations between China and Japan, both sides agreed not to raise the issue. Now, in the negotiations that led to the conclusion of this Treaty of Peace and Friendship, we have again agreed not to raise this issue….This sort of problem can be shelved for the time being. We have no objections to putting it aside for a decade."

When we consider this history, it is clear that Japan exercises administrative control over the Senkaku Islands, but it is just as clear that there remain open questions about their territorial sovereignty. China was willing to shelve this issue and maintained a long silence on it, but in recent years with the rapid expansion of Chinese national power and the increasing importance of ocean resources, it has taken a more overt stance in its assertions regarding the Senkaku Islands. I cannot render any judgment whether there are valid grounds for territorial claims made

on the Paracel and Spratly Islands in the South China Sea, but with regard to the Senkaku Islands, China's assertions have contained subtle nuances that are intertwined with the history of Sino-Japanese relations.

Given the present situation, haven't we reached the point where we need to acknowledge the existence of this territorial dispute, where both sides should exchange and investigate in detail their respective claims? It is foolish for both sides to continue to assert "exclusive territorial rights" over these remote uninhabited islands. Extensive discussions should be held to determine how best to view the historical developments that led to the current situation. These should lead to proposals for a resolution to the dispute. Until then, both governments also need to discuss in realistic terms how the movement of fishing boats will be controlled in the interim. This is the sort of approach that is called for now.

There are three ongoing territorial disputes in Northeast Asia: the four islands of the Northern Territories [disputed between Russia and Japan], Dokdo/Takeshima [known in English as the Liancourt Rocks, disputed between Japan and South Korea], and the Senkaku Islands. Wouldn't it be appropriate to gather scholars from Russia, Japan, South Korea, North Korea, China, Taiwan and the U.S. to engage in an overarching discussion that dealt with all of these disputes together? Above all, it is crucial to avoid having these burst into open conflict.

This is a translation of an article that originally appeared in Kyunghyang Shinmoon. Japanese original text and Korean translation are available here.

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