

Symposium: Conflict in the East and South China Seas

Editor's Note: The disputes among Asian nations concerning the East and South China Seas territorial and maritime sovereignty questions constitute a major geopolitical issue with potential global ramifications. The following symposium is intended to help instructors and students better understand key issues and conflicting national perspectives. Our four scholars at times offer differing and contrasting perspectives on key issues; this illustrates the complexity of the disputes.

History Lost in the Shuffle

By Alexis Dudden



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Japan has a number of territorial disputes. The one that gets most attention is in the East China Sea, involving the uninhabited islands that the Japanese know as the Senkaku and the Chinese and Taiwanese know as the Diaoyutai. All sides claim sovereignty, yet their ultimate control is vague. How and why such designation became vague is not.

International law requires something called "external sovereignty" for states to claim control over territory for more than just domestic gains. In simplest terms, other states must recognize a claim as legitimate for it to stick. With "administrative rights" over the islands in dispute, Japan has a step below sovereignty. Tokyo gained these rights in 1972 when the United States reverted Okinawa's sovereignty to Japan yet knowingly left hanging the question of full control over the tiny islands in the East China Sea. Between 1945 and 1972, the United States had governed these rocks together with its occupation of all of Okinawa, which was the way that Tokyo had managed them between 1895 and 1945.

In 1971, during American discussions about Okinawa's return, Washington's Acting Assistant Legal Adviser for East Asian and Pacific Affairs Robert Starr credited other claims to the islands, explaining to a Dallas lawyer named Robert Morris, who represented the Taiwanese claim why the United States would not award sovereignty to Japan:

The United States believes that a return of administrative rights over those islands to Japan, from which the rights were received, can in no way prejudice any underlying claims (of ROC and/or PRC) . . . The United States has made no claim to the Senkaku

Islands and considers that any conflicting claims to the islands are a matter for resolution by the parties concerned.¹

Although Tokyo lobbies hard today for Washington to change its designation to full sovereignty, the United States holds to this position, as President Barack Obama reaffirmed during his April 2014 state visit to the region. In the meantime, the ambiguity renders the islands ripe for all sorts of political purposes, thus erasing some of their more compelling modern histories.

Following Japan's 1879 annexation of the Ryūkyū kingdom (Okinawa), the nation further expanded into the East China Sea. Military and trade expeditions along the Chinese coast developed into war. Fought predominantly to the north, battles in this southern area would lead to Japan's 1895 acquisition of Taiwan. In the Treaty of Shimonoseki, Japan received Taiwan and its related islands.

Today, the Japanese government argues that this history has nothing to do with the islands disputed now. Instead, plucky entrepreneurship meant that a man named Koga Tatsuhiro from Fukuoka would colonize these rocks for his fish drying and albatross processing factories that a confidential cabinet decision arranged for him in 1895.

This is true, yet stepping away from contemporary political jockeying opens up the context involved. For centuries, fishermen built temporary huts on rocks in areas they fished too far from home. In the late nineteenth century, new Japanese property laws allowed people—including fishermen—to make more exclusive claims, and shacks became more permanent structures.

In the East China Sea and the Pacific Ocean, they used base camps to hunt for albatross, coral, pearls, and other resources.

By the 1894 Sino-Japanese War, Koga had already made clear his hopes to build a settlement on the islands disputed now. However, Japanese officials were aware of a potential larger strategic value in making them part of the nation. Once Tokyo was confident of victory over China, yet before the war was over, the Home Ministry granted Koga rights to profit from these rocks, agreeing to the leasehold on January 14, 1895. Internationally recognized Japanese national control would follow several months later, after a peace treaty ended the war.

Until 1940, when the expanding Asia-Pacific war shut down Koga's operations, he and his family employed 200 people regularly to run his fish-drying factory on the largest of the islands and also an albatross butchery (for the feathers). Lack of fresh water caused constant illness and abandonment among the workers who came mainly from Taiwan and Okinawa.

With Japan's 1945 defeat, Taiwan, along with a host of places throughout the region that had become part of Japan's empire—including the islands disputed now—were legally up for grabs; Japan lost sovereignty over its main islands until the April 28, 1952, peace treaty with the Allies went into effect.

It is noticeable, therefore, that although the Japanese government would use some of Koga's history to justify its claims today, there is little to no official mention of Kedashiro Yotake's history on the islands, which begins, like American control of the islands, just when Koga's history ends.

As World War II escalated in the East China Sea, it produced violence on a scale far greater than at any time in its history, especially during the 1945 Battle of Okinawa. On June 30, 1945, then-two-year-old Kedashiro Yotake, his mother, brother, and baby sister boarded the last refugee ship from Ishigaki harbor in southern Okinawa for Taiwan. On July 3 at 2:00 p.m., American planes bombed the refugees, and Kedashiro watched his older brother's head get blown from his shoulders.²

Survivors made it to the largest of the Senkakus. With no fresh water, the refugees faced the same problems that workers at Koga's venture encountered. Several days after Japan's surrender, a Japanese troop ship returning from the Chinese coast rescued Kedashiro, his mother, and his sister, who were among the minority of bombing survivors still alive.

In 1995, Kedashiro and some fellow survivors of the bombing responded to Japan's fiftieth anniversary of the end of the war commemorations by building a marker to their personal histories that have been long-forgotten by others. Annually ever since, they have observed July 3 as the Senkaku Islands' most meaningful day in its modern history, and the survivors insist their islands' stories teach peace: "Because the Senkakus are the nation's frontier, [using these islands] to protect [Japan] is wrong; opening them up is best."

Japan, China, and Taiwan all use maps and records from 1895 and earlier to make their respective claims today. Since 1945, however, American decisions concerning control over the East China Sea's territories have for all practical purposes rendered earlier assertions moot, unless Washington accords ownership to a specific contender.

All sides appear to agree that history matters, yet the determination to see it as background music to the present instead of learning from it has transformed the twentieth century's historical legacies into contemporary security problems. The United States did not create many of the pasts that fuel these battles, but as victors in 1945 Washington drew expedient boundaries to contain them, that no longer hold.

America continues to lose traction in the region by failing to address the deep-seated roots of these tensions. Injunctions for all sides

to "calm down" are at best disingenuous and at worst paternalistic. The United States must confront the history of the region's conflicting maps together with Japan and China (and Korea and Russia, too) in order to remember in practical terms how these problems began in the first place. ■

NOTES

1. For elaboration, see Yabuki Susumu and Mark Selden, "The Origins of the Senkaku/Diaoyu Dispute between China, Taiwan and Japan," *The Asia-Pacific Journal* 12, issue 2, no. 3, last modified January 13, 2014, <http://tinyurl.com/nnvoops>.
2. See Takahashi Junko's excellent essay about Kedashiro published in the *Asahi Shinbun* opinion section on October 3, 2012; see also Takahashi's blog commentary at <http://tinyurl.com/os6pdzw>.

The Senkaku Islands and Japan's Evolving Diplomacy

By Sheila A. Smith



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With surprising rapidity, tensions between Japan and China over the Senkaku Islands, a small group of uninhabited islands in the East China Sea, are raising the specter of a potential armed clash between Asia's two major powers.

In 2010, a Chinese fishing trawler rammed two Japan Coast Guard (JCG) vessels in the waters around the Senkakus. For the first time, the Japanese government decided to indict the fishing trawler captain because of his dangerous and provocative behavior. A two-week diplomatic standoff with China ensued as Beijing escalated its diplomatic pressure on Tokyo. An informal embargo of exports of rare earth minerals to Japan and the arrests of four Japanese businessmen in China during the crisis ushered in a new phase of confrontation in the Japan-China relationship.

In 2012, however, the Japanese government's purchase of the islands from their owner instigat-

ed a virulent response not only from Beijing but also from demonstrators across China. Facing a challenge at home from the nationalist governor of Tokyo, Ishihara Shintaro, a longtime advocate of greater Japanese defenses of these remote islands, Prime Minister Noda Yoshihiko sought to prevent further activism over the islands. But the eruption of protest in China made cooperation between the two governments impossible.

The Chinese government sent maritime patrols to the disputed islands, increased its surveillance of the East China Sea, and announced a new Air Defense Identification Zone (ADIZ) that includes the disputed islands. For the first time since the Treaty of Peace and Friendship was concluded between Tokyo and Beijing in 1978, the two countries seemed locked into a potentially disastrous confrontation over the Senkakus.

During these recent tensions, the United States and Japan have sought to clarify their

alliance response in order to deter aggression. Worries that China might attempt to occupy these offshore islands prompted Japan's security planners to develop island defenses. Japan's management of the island dispute will shape its diplomacy not only with China, but also with the United States and other Asian maritime powers.

The Senkakus: The Sovereignty Conundrum

The seeds of the sovereignty dispute lie in the postwar settlement with Japan. The 1952 San Francisco Peace Treaty stipulated that the Ryūkyū Islands were Japanese territory, but the United States retained control over Okinawa for decades after treaty ratification. Repeated meetings between US and Japanese leaders noted Japan's "residual sovereignty."

In 1971, as Washington and Tokyo finalized the Okinawa reversion agreement, the Republic of China (Taiwan) noted its objection to including the Senkaku Islands in the territory reverted to Japanese sovereignty. By the end of the year, the PRC had followed suit.

The Treaty of Peace and Friendship between Japan and China was concluded in 1978, but in final negotiations, the PRC's Senkaku claim emerged at the fore. Indeed, a very similar drama of a showdown over the islands erupted in April 1978 as negotiators labored to finalize the treaty. Hundreds of Chinese fishing boats appeared offshore in numbers far too large for Japan's small Coast Guard to manage. After Japanese government protest, however, the ships returned home, and the Chinese government claimed there was