



A Critical Understanding on the Territorial Disputes of East Asia

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Abstract

Territorial Disputes proceed basically based on the “power”, and in the process various “logics” are mobilized by both sides. By the way, those logics are “political”, in the sense that their conclusions are not drawn out through sound reasoning, but decided in advance and then necessary logics are mobilized. People showing this kind of attitude most vividly are politicians representing their country.

By the way, ordinary people living in each country engaged in a territorial dispute usually, consciously or unconsciously, adopt the patriotic logics that their politicians and intelligentsia offer. It seems that two factors are influential in this phenomenon. One is the “ontological” aspect, that is, each person is a component of the nation engaged in the win-or-lose territorial dispute. The other is the “epistemological” aspect, that is, he is situated in the limited information.

We need to pay attention that logics offered in the process of territorial disputes by this kind of patriotic politicians and intelligentsia are not constructed from the fair viewpoint, but “edited” intending to lead to the conclusion favorable to their country. So the people of the relevant country who live in the situation where they are exposed to and accept the patriotic logics often think that the position of his own country is “vividly” right. Then, they easily think the opponent is a “bad” country which purports unreasonable logics. In the territorial dispute, if both countries try to secure momentum by uniting each people to be prepared to fight to the death, the dispute is easily escalated to the limit. Of course, this kind of phenomenon works towards the direction of worsening their mutual relationship.

The position each country takes in a territorial dispute, from the viewpoint of each country, is “patriotic”. But from a wider viewpoint, we can say that it is based on “national egotism”.

The alternative to this kind of vicious cycle is that more and more people will escape from the “political” viewpoint and take the “critical” viewpoint and then try to dissuade the government and the ordinary people of each country from behaving excessively obsessed with its national egotism respectively.

Key words: Territorial disputes, power, logics, East Asia, political viewpoints, sound reasoning



1. “Political” Viewpoint and “Critical” Viewpoint

Territorial Disputes proceed basically based on the “power”, and in the process various “logics” are mobilized by both sides. By the way, those logics are “political”, in the sense that their conclusions are not drawn out through sound reasoning, but decided in advance and then necessary logics are mobilized. That is because in territorial disputes, each country decides their “goal” in advance to prove the relevant area is their territory and then mobilizes logics considered to be useful for justifying their conclusion. People showing this kind of attitude most vividly are politicians representing their country. These people always draw the conclusion that the relevant area is their territory, regardless of the soundness of their reasoning. So in many cases the logics suggested by these politicians are far-fetched. Of course, as this kind of attitude is for their national interests, they could be said to be “patriotic”.

By the way, ordinary people living in each country engaged in a territorial dispute usually, consciously or unconsciously, adopt the patriotic logics that their politicians and intelligentsia offer. It seems that two factors are influential in this phenomenon. One is the “ontological” aspect, that is, each person is a component of the nation engaged in the win-or-lose territorial dispute. The other is the “epistemological” aspect, that is, he is situated in the limited information. Usually a person of a country has little opportunity to get familiar to logics other than those his own politicians and intelligentsia offer. As this kind of ontological factor and epistemological factors are influential, if the logic of his country is as persuasive as that of the opponent, he will support with comfort the logic of his country, and even if the logic of his country is a little less persuasive than that of the opponent, he will still support it with some discomfort.

We need to pay attention that logics offered in the process of territorial disputes by this kind of patriotic politicians and intelligentsia are not constructed from the fair viewpoint, but “edited” intending to lead to the conclusion favorable to their country. So this kind of logics expose many problems, if analyzed from the sound viewpoint. This kind of patriotic politicians and intelligentsia emphasize and highlight the points favorable to their country, but they blur or give purported interpretations to or just omit the points unfavorable to their country. So the people of the relevant country who live in the situation where they are exposed to and accept the patriotic logics often think that the position of his own country is “vividly” right. Then, in the normal course of events, they easily think the opponent is a “bad” country which purports unreasonable logics.

If this kind of attitude is established among people, the relevant country will have a considerable

“momentum” in the territorial dispute. As people are ready to “fight to the death”, whichever action the country takes, the people will support it, and then the opponent will feel much pressure to fight against it. So the patriotic politicians and intelligentsia appeal this kind of unity to their people. Oh, not appeal but demand!

But here some risk looms. In the territorial dispute, not only a certain country could be prepared to fight to the death, but also the other country could be prepared to do the same. So in the territorial dispute, if both countries try to secure momentum by uniting each people to be prepared to fight to the death, the dispute is easily escalated to the limit. Then among people of both countries, unfavorable sentiments grow against each other and might grow to be the status of antagonism. In extreme cases, such sentiment as to be determined to wage a war might form. Of course, this kind of phenomenon works towards the direction of worsening their mutual relationship.

2. Several Points towards General Theory of Territorial Disputes

The first point is about “the process of establishing sovereignty over an unowned area”. In the process of a country’s expansion, mainly as the process of enlarging territory, the process of establishing sovereignty over an unowned area can be considered to be “5 phases” as follows. This can hold good as “the time process” and “the degree of domination” also.

1. Recognizing
2. Utilizing
3. Conceiving to Own
4. Dominating Effectively
5. Getting Approvals

The first phase is the action of “recognizing”, that is to recognize the presence of an unowned area. This kind of recognizing might be the case of finding the area for the first time, or might be finding again the area which was already found by other countries. This process is basically unilateral.

The second phase is the process of “utilizing” it. In case a country recognize an unowned area, usually the country will utilize it. Usually it means economic activity. For example, if it is an island, they might catch fish there. If no competitor appear, this process will be done unilaterally’. But in case competitors appear, the situation becomes different.

The third phase is to “form the notion of ownership” about the area which they have recognized and utilized. This can be said to be the process of psychologically driving away the competitors from the area. By the way, this kind of process sometimes might happen only psychologically presupposing other countries and also in the middle of physically competing with other countries. So the notion of



ownership might form sometimes just in one country and other times in plural countries.

The fourth phase is “to dominate effectively”. This can be said to be the process of physically driving away competitors from the area that they have found and utilized and formed the notion of ownership. In case the notion of ownership has been formed in two or more countries, in the process of establishing effective domination, the possibility that military power is mobilized is high. Because no country want to give up the area easily about which it has formed the notion of ownership.

The fifth phase is “to acquire approvals” from other countries. In case a country arrived at dominating effectively the area, after forming the notion of ownership and driving away other countries from the area, how adjacent countries, which are potential stake holders, act is very important. In case luckily no country has raised objection to the effective domination of a country, the sovereignty of the country comes to be established completely. But from any reason or background, if any adjacent country does not admit the domination and raise protest to it, the domination is situated in an unstable status. Namely, a territorial dispute begins.

Like this, to understand the process of sovereignty formation over an unowned area and the degree of domination will be the important criteria to understanding territorial disputes.

The second point is about “the essence of territorial disputes”. In short, territorial disputes are “the competition for securing more area based on ‘egotisms’ of the competing countries”. Every country tries to dominate as broad area as possible. And during such process, various conflicts, including wars, occur.

The third point is about “the methods of solving territorial disputes”. Concerning a certain area dominated by a certain country, if another country claim over the area, that is, a territorial dispute begins, the consequent situation develops along the two lines according to the response of the dominating country.

One line is that the dominating country admits that there exists a territorial dispute. In this kind of cases, naturally, the two countries enter into the process of solving the dispute. Three concrete methods can be thought of.

First method might be the negotiations between the two countries. Without requesting the mediation or judgment of a third party, the two countries will try to solve the dispute. Then, naturally, deputies of the two countries will meet and begin the negotiations. If they find a solution that both countries can accept, they will end the dispute with mutual agreement.

The second method might be mediation by a third party. This could be adopted, even though the concerned two countries can not find a solution

through negotiations between themselves, they agree that to create a solution is necessary and could find a third party believed to mediate their dispute from the neutral and fair viewpoint.

The third method might be to go to the International Court of Justice (ICJ) and ask for its judge. This could appear only when both countries agree to go to ICJ. The other line is that the dominating country does not admit that there exists a territorial dispute. In this kind of cases, unless the challenging country does not occupy the area with military forces, the status of sovereignty over the area keeps the status quo, and any negotiations between the two countries concerning the sovereignty over the area does not occur. Only two colliding assertions of the two countries keep parallel, possibly with some new logics added to old ones. This kind of status can continue for quite long time. In this kind of cases, what might be the solutions?

First of all, we should regard “to keep the status quo” as “a temporary solution”. In case the dominating country does not admit the existence of a dispute, any try to change the status quo will easily lead to military collision. Of course, this kind of status, with no agreement between the two countries, is not the ultimate solution, but it can be said to be a temporary solution. When a territorial dispute occurs over an area where effective control by a country has been established, there is high possibility that the area will be in the status like this. So, we could understand keeping the status quo to be at the same time a status in a territorial dispute and a temporary solution.

By the way, to keep the status quo means that the situation favorable to the dominating country will continue. In this case, as the claiming country will be unsatisfied with the situation, some measures to quell down the complaint will be necessary. It might be “to divide the profits from the adjacent area”.

Like this, in case the dominating country does not admit the existence of dispute, first of all, it is important to keep the situation controllable through compromise by keeping the status quo and dividing the profits. So to keep the status quo means the status of a dispute and also should be regarded to be a temporary solution. And then both countries should cooperate towards solving the dispute ultimately. That is, it is necessary for both countries to try to find out an ultimate solution through mutual negotiation, mediation or judge by a third party.

3.South Kuril

“South Kuril” (4 Northern Islands) indicates the southern part of the Kuril Islands and it is effectively dominated by Russia. By the way, Japan claims over these 4 islands [Habomai Islands, Sikotan Island, Kunashir Island, Iturup Island].



3-1. Public Viewpoints of Two Countries

The viewpoint of the Russian government over the area has changed considerably reflecting its relationship with Japan. But Russia's basic viewpoint is like this; South Kuril became Russian territory through World War Two. And this is normal from the viewpoint of the international law. But as Japan has raised claims over the area, we will deal with the dispute properly considering our relationship with Japan.

The viewpoint of the Japanese government generally has been consistent. That is, South Kuril was historically Japanese territory. As Russia (USSR then) just occupied the area with military forces in the last phase of World War Two, the area should be returned to Japan.

3-2. Historical Background

In order to understand the territorial dispute over South Kuril, we need to understand the change of sovereignty over Sakhalin Island (Karahuto) and the Kuril Islands (Chishima). If we summarize the change of domination concerning the Kuril Islands on a map, it will be as follows.

〈Figure 1〉 Kuril Islands



[http://upload.wikimedia.org/wikipedia/commons/5/50/Demis-kurils-russian_names.png]

- 1) The line of 1855 [between Iturup Island and Urup Island] is the border peacefully agreed by Japan and Russia at the Shimoda Treaty in 1855.
- 2) The line of 1875 [right under the Kamchatka Peninsula] is the border peacefully agreed by Japan and Russia at the exchange treaty in 1875 in which Russia would dominate all of Sakhalin Island and Japan would dominate all the Kuril Islands.
- 3) The line of 1945 [right on top of Hokkaido] means that Russia came to occupy and dominate all of the Kuril Islands (with all of Sakhalin Island) by entering

into the battlefield against Japan in the last phase of World War Two.

When Russia got involved in World War Two, if Russia had occupied only South Sakhalin, keeping the Kuril Islands intact as Japanese territory, it would have meant that Russia recovered the borderline which had been decided through peaceful talks in the past. That is, if Russia had occupied South Sakhalin only, later no territorial dispute would occur between Russia and Japan. But Russia occupied more land than "lost land". Of course this could be justified as a punishment over Japan and rewards to Russia's entering into the war against Japan in the Asia front of World War Two. But it is also clear that it becomes a seed to give birth to a new territorial dispute.

3-3. Basic Structure of the Dispute

The United Nations of World War Two [America, Great Britain, Russia, China, etc] which won World War Two intrigued by the Axis Powers [Germany, Italy, Japan, etc] came to conclude the San Francisco Peace Treaty with Japan in order to finalize the war and establish peaceful relationship with Japan. On this treaty 49 countries signed by September 8 in 1951 and it became effective April 28 in 1952. In the treaty, how was the problem of Sakhalin and the Kuril Islands treated? The treaty stipulates that Japan renounce the right, title and claim to the Kuril Islands and South Sakhalin.

By the way, there appeared two difficult points concerning the territorial dispute between Russia and Japan. One is that Russia, one of the two stake holders concerning the Kuril Islands, had not signed on the treaty. And the other is that the stipulation of "the Kuril Islands" was not detailed.

Anyhow, if concerned countries accept the peace treaty explicitly or implicitly, the remaining problem of the territorial dispute between Russia and Japan is the problem of interpreting the name the Kuril Islands. Concerning this term, several kinds of interpretation might be possible.

The first viewpoint is such kind that lays emphasis on "the geographical aspect". In this viewpoint, there still might be two interpretations. One is the interpretation that the Kuril Islands indicates all the islands that exist between the Kamchatka Peninsula and Hokkaido. From this interpretation, South Kuril (4 Northern Islands) over which Japan claims comes to belong to the Kuril Islands. So this interpretation could lead to the Russia's strict position of the past which insisted "There exist no territorial dispute between Russia and Japan" before 1956 Tokyo Declaration. The other possible interpretation that lay emphasis on the geographical aspect is such that regards Habomai Islands and Shikotan Island to belong to Hokkaido and all the other islands [including



Kunahsir and Iturup] between Hokkaido and the Kamchatka Peninsula to form the Kuril Islands. This interpretation could lead to “Habomai-Shikotan Two Islands Return Policy”.

The second viewpoint is such kind that lays emphasis on “the political-military context”. The time when the peace treaty was stroke, Russia had already occupied South Kuril. Under this situation the stipulation that Japan renounces the Kuril Islands might be interpreted as Japan should recognize the then situation that Russia had occupied the area, regardless of the detailed geographical aspect. This interpretation could lead to the Russia’s strict position of the past.

The third viewpoint is such kind that lays emphasis on “the historical context”. As discussed before, there have been two cases as agreements stroke peacefully between Russia and Japan. One case was that both countries administer Sakhalin Island together and among the islands of the Kuril Islands Japan would administer some islands south from Iturup Island and Russia would administer other islands north from Urup Island. The other case was that instead of Japan’s giving up Sakhalin Island Japan would control the whole Kuril Islands. Taking this historical context into consideration, the Kuril Islands might be interpreted to indicate those islands north from Urup Island. This interpretation could lead to “4 Islands Return Policy” of the Japanese government.

If we accept the San Francisco Peace Treaty, which interpretation is “logical”? (Whether it is desirable or not) If we consider the linguistic expression and the then situation, the most powerful interpretation would be such kind that the countries which had signed on the treaty admitted the reality that Russia had already occupied the area. This leads to supporting the earlier strict position of Russia. (Naturally this kind of interpretation will be favorable to Russia. If Russia insist that there does not exist any territorial dispute between the two countries, it will be plausible. Or if Russia consider turning over a portion of the area, Russia could be regarded as conceding to Japan exceeding the stipulation of the treaty.)

But depending on this kind of interpretation, if we conclude that there does not exist any territorial dispute to deal with between the two countries, there might occur two problems. One problem is that it means Japan experiences quite big loss and so becomes unhappy about the situation and so a new seed of conflict is cast. The other problem is that the general principal of dealing with the then Japanese territory, that is “Turn over the area which Japan has acquired through force and greed” will be quite damaged. Because, unlike South Sakhalin, Japan had never acquired any part of the Kuril Islands by force and greed.

3-4. Prospect and Solution

Since Russia occupied the Kuril Islands as booty for participating in the anti-Japan front in the last phase of World War Two exceeding recovering lost territory, Japan has claimed 4 islands of South Kuril in order to recover at least part of the Kuril Islands based on the historical interpretation of the Kuril Islands.

During the process, Japan has acquired two major accomplishments. One is that Russia admitted that there exists a territorial dispute with Japan. The other is that Russia once agreed to turn over two islands (Habomai Islands and Sikotan Island), even though it was conditional. But there has been no agreement to turn over 4 islands over which Japan claims.

Generally when a country return over an area which it has controlled to another country, many troublesome problems occur. Mainly they are, the damage of national prestige of the country in the international society, the damage of the ruling power inside the country, resistance of the current residents, cost of moving and settling in of the current residents, etc. So for a change of the status quo to occur, other factors should work more powerfully than these factors.

The periods when such possibility was high were late 1950’s and 1990’s. As Russian economy was in deep difficulty, it seems that Russia had the strategy to get economic profits by partially responding to the Japanese claim. But finally, there has been no change of the status quo.

Like this, the fact that there was no change of the status quo even in the situation when Russia was in dire economic situation indicates that the possibility of the change of the status quo from now on will not be so high. So the possibility of the continuation of the status quo is high. But in this case, this dispute will function as a factor which restrict the improvement of the relationship of the two countries. So some kind of solution for improvement of the relationship of the two countries will be necessary. Can we think of some wise solution?

Considering the process until now, “Turning over 2 islands without blocking the possibility of turning over the remaining two” might be a wise solution to which both countries could agree. Since in the past both countries agreed that Russia would turn over 2 islands after dealing with the peace treaty, this solution has rather high reality. By doing so, Russia could quell down the request of turning over 4 islands for the time being and expect some economic profits. And Japan could get the realistic profits of gaining 2 islands and proceed to the long-term goal of recovering 4 islands.

By the way, there are two obstacles to this solution. One is that Russia is trying to make Japan agree that there will be no more territorial dispute. The other is that Japan sticks to “Recovering 4 islands instantly”.



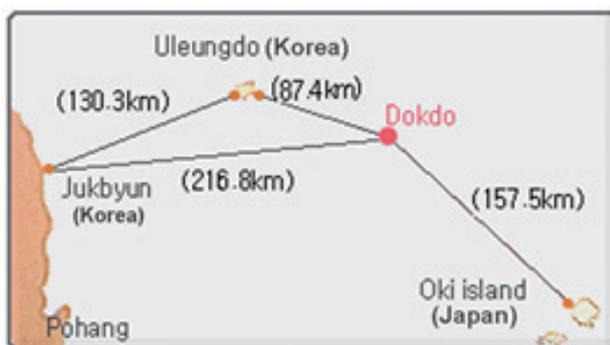
There is low possibility that any of these two options will be adopted by the counterpart. And without any change of the status quo, the status quo will continue, unless Japan tries to change the status quo with military forces, whose possibility is extremely low.

4. Dokdo

4-1. Public Viewpoints of Two Countries

Dokdo (Takeshima) is now effectively dominated by South Korea and over which Japan claims. Both countries insist that Dokdo is “historically” and “under the international law” their territory respectively. Korea, in addition, insists so from the geographical viewpoint. Probably this is based on the understanding that Korea is in the favorable position from the geographical viewpoint, regardless of the weight of this aspect in the dispute.

<Figure 2> Dokdo



[<https://www.dokdo-takeshima.com>]

4-2. Historical Background

In the pre-modern era, concerning the sovereignty over unmanned areas, especially over remote islands, there was a important feature. That is, whether the concept of owning such area is high or not, the effective domination over the area was “weak”. From this aspect, the sovereignty over such areas might be interpreted to be “unclear” from the viewpoint of the modern international law.

Discerning this aspect concerning the sovereignty over unmanned areas of pre-modern era, Japan, which succeeded in modernizing itself by adopting Western civilization, began to proceed to incorporate some areas whose sovereignty considered to be “unclear” from the modern international law. As part of such work, incorporating Dokdo was performed. That is, Japan incorporated Dokdo as a part of Shimane Prefecture in 1905. By the way, at that time officials of Chosen dynasty thought “Our Dokdo was deprived of by Japan”. This kind of consciousness would be the base of Korea's adamant position

towards Dokdo later. Anyhow, as in 1910 the whole Korean Peninsula was colonized by Japan, the domination of Dokdo by Japan continued until the end of World War Two.

4-3. Basic Structure of the Dispute

In World War Two, Axis Powers [Germany, Italy and Japan] came to surrender successively to the United Nations [America, Great Britain, China and Russia] in the order of Italy, Germany and Japan. So the Korean Peninsula which was under the colonial rule of Japan came into the process of becoming independent. [By the way, American army came into the South and Russian army came into the North, so it led to the process of dividing the Korean peninsula into two countries].

The United Nations which won the war came to deal with the territories of the defeated countries. Concerning the Korean Peninsula, the United Nations paid attention to Jeju Island, Geoje Island, Ulleung Island and Dokdo. Probably that was because as these islands are located between the Korean Peninsula and the Japanese Archipelago, there exist the possibility of potential territorial disputes.

McArthur Headquarters that governed Japan and Korea at that time seems to have made clear in the first phase that Dokdo does not belong to Japan. SCAPIN No.677 stipulates that Ulleung Island, Riancourt Rocks [=Dokdo] and Jeju Islands are excluded from the Japanese territory and SCAPIN 1033 stipulates that Japanese ships and people are prohibited from entering into Dokdo or its neighboring 12 nautical miles area.

By the way, this position was not reflected in the San Francisco Peace Treaty. Article 2(a) of the Peace Treaty stipulates that Japan renounces all right, title and claim to Korea including Jeju Island, Geomun Island and Ulleung Island. By the way, there is no reference to Dokdo here. Here, Korea insists that as this article only numerates three islands [Jeju Island, Geomun Island, Ulleung Island] as examples among many islands which belong to Korea, it does not mean Dokdo is excluded from the Korean territory. On the other hand, Japan insists that the fact that there is no reference to Dokdo in the Peace Treaty means that Dokdo is recognized to be Japanese territory. From the fact that there is no explicit reference to Dokdo, it is one of the points where interpretations of two countries collide.

Like this, under the situation that some unfavorable international atmosphere concerning Dokdo was created since Dokdo was not referred to in the San Francisco Peace Treaty, Korean President Lee Seungman declared “A President Declaration concerning sovereignty over the seas adjacent to Korea”(1952.01.08). In this declaration, Dokdo was included inside the borderline [Peace Line] to which



Korean sovereignty reaches.

Then Japan raised protest to the declaration, putting up the logic that Dokdo was regarded to be Japanese territory in the San Francisco Treaty.

This declaration could be estimated to be “an emergency measure” taken by Korea under the unfavorable international atmosphere. Since then this declaration works as “the main axis” in the Korea–Japan conflict surrounding Dokdo. We can say that in the era where modern order was being formed in East Asia Japanese incorporation of Dokdo was the main axis in the conflict surrounding Dokdo, and in the post–war era this declaration appeared as the new main axis in the conflict.

4-4. Prospect and Solution

There exist the voices that Dokdo problem should be solved “completely” in both countries. By the way, what might be the complete solution and how can we reach it?

First of all, the complete solution means that both stake–holders, Korea and Japan, admit that Dokdo belongs to one of the two countries, whichever the country would be.

Then how can we reach it? First, theoretically we can think of “negotiations” between the two countries. By the way, in reality is it possible for the two countries to reach an agreement through negotiations? The possibility is extremely low. Neither Korea will take the position that Dokdo belongs to Japan, nor Japan will take the position that Dokdo belongs to Korea.

Secondly, we can think of the method that the two countries agree to go to the International Court of Justice. Japan has suggested this method several times to Korea, but Korea rejected each time. And there is low possibility that the Korean position will change. So the possibility that two countries will compete in the court is very low.

Thirdly, we can think of the mediation by a third country. By the way, which country will take over the task? In the situation that there will be no benefits to the mediating country, and on the other hand complaints will rise high from the country which receives the result unfavorable to them.

If we see like this, solving the Dokdo problem “completely” which is voiced high in both countries is just a “hope” which has little possibility to come true in the near future.

So under the situation that the complete solution is not easy to be found, the temporary solution might be “to keep the status quo and to divide the profits from the adjacent area”. That is, Korea will effectively dominate it continuously, Japan will protest to it continuously, and keeping the surrounding seas as neutral space and so dividing the benefits from the adjacent area. And under that temporary solution, if two countries find a method to solve the dispute

completely, it could be adopted, whether it would be negotiations between themselves, mediation by a third country or judge by ICJ.

5. Senkaku Islands

5-1. Public Viewpoints of Concerned Countries

Japan is effectively dominating the Senkaku Islands (Diaoyudao). By the way, China and Taiwan claim sovereignty over the area. But Japan denies the existence of the territorial dispute.

〈Figure 3〉 Senkaku Islands



[<https://images.search.yahoo.com/search/images:senkaku>]

5-2. Historical Background

Japan succeeded in modernizing itself by adopting Western civilization and appeared as a new imperialist country competing with Western imperialist countries in Asia. Analyzing this from the territorial aspect, it means that Japan came to secure new territory exceeding the old territory.

As discussed earlier, Japan proceeded the policy of incorporating areas whose sovereignty seemed “unclear” from the viewpoint of the modern international law. As part of this movement, Japan incorporated Senkaku Islands on January 14 in 1895 through a cabinet decision. And decided to establish a post that indicates the area is Japanese territory. Like this, Japan incorporated Senkaku Islands regarding the area to be not owned by any country.

On the other hand, China and Taiwan insist that Senkaku Islands was a part of the area forced to give to Japan when Japan won Qing–Japan war in 1894.



5-3. Basic Structure of the Dispute

In World War Two Japan succumbed to the United Nations and the Senkaku Islands was occupied by the American military. And so for the time being the Senkaku Islands was under the control of the American military which stationed in Tokyo.

The United Nations, which won the war against the Axis Powers in World War Two, and Japan stroke the San Francisco Peace Treaty in order to organize the post-war order. With this treaty, Japan came to be independent again. But some areas which Japan had dominated in the past [Okinawa Islands and Ogasawara Islands] became under the trustee of America [This shows that America had the intention to “control” the area at least temporarily which are militarily important].

America which had controlled the Okinawa Islands temporarily decided to turn over the area to Japan. This was stipulated in the treaty signed on June 17 in 1971. By the way, the Senkaku Islands was included in the area scheduled to be returned to Japan.

Knowing the contents of the treaty, China and Taiwan protested to it. China and Taiwan insisted that America should return the Senkaku Islands to them respectively, since the Senkaku Islands was deprived of by Japan from Qing dynasty through a war and a consequent treaty.

Neglecting protests from China and Taiwan, America turned over the Senkaku Islands to Japan in the time of returning the Okinawa Islands. The basic structure of the territorial dispute over the Senkaku Islands was formed like this.

Not having admitted that the Senkaku Islands belongs to Japan in the negotiation process for normalizing their relationship through the strategy that they do not talk over the matter with Japan in the late 1960's, China began to raise protests since 1970's. Here the fact that in the area plenty of petroleum and natural gas is hidden functions as an background factor, even though it is not explaining all.

5-4. Recent Development

Recently, emerging as a new super power like becoming the second largest economy in the world surpassing Japan through the rapid economic growth for more than 30 years, China is raising protests more aggressively. In the past as China was weak, China had not raised protests or raised only weak protests aiming at accumulating their ground for the future dispute. But now China is aggressive on the basis of its strengthened power.

Though the dispute over the Senkaku Islands is basically a problem between Japan and China, since China is emerging as a new super power, this dispute is developing into the problem exceeding

two-country relationship.

We can say that China has entered into the phase of “expansion”. In expansion, two kinds are typical. One is the expansion of territory, and the other is the expansion of influence. And these two kinds of expansion usually appear at the same time and concentrically. Usually to areas which are near and/or resistance is weak, the expansion of territory is pursued, and to areas which are remote and/or resistance is strong the expansion of influence is pursued.

Even though with several factors it is hard for China to pursue territorial expansion on the big scale, at least partially China is already pursuing. The situation in the South China Sea is vivid. Such situation appeared as occupying some areas using even military forces.

This kind of possibility is looming in the East China Sea also, particularly surrounding the Senkaku Islands.

China is trying to “recover” Senkaku Islands putting up its historical background. And Japan has the position to fight to the end in case China attacks, putting up the international law. It seems that Japan has that kind of strategy to strengthen its preparedness first and also to form the front not between Japan and China but between America-Japan alliance and China.

America for long time has dealt with the Senkaku dispute as a conflict between Japan and China. Even though America turned over the Senkaku Islands to Japan [This means that America at that time regarded the Senkaku Islands to belong to Japan], not proceeding to the position that it openly admits Japanese sovereignty over the Senkaku Islands, took the position of an on-looker. This meant that even in case Japan and China collide surrounding the Senkaku Islands, America would not sever relations with China.

By the way, recently American position has changed. That is America publicly declared that the Senkaku Islands belongs to the area America-Japan alliance protect. We can say that America has accepted Japanese request. That is, it means that not in the dimension of Japan but that of America-Japan alliance they will protect the Senkakau Islands. It also means America is prepared to sever relations with China and enter into a war against China, if China attacks the Senkaku Islands.

So now the conflict surrounding the Senkaku Islands became a conflict developing not only on the dimension of Asia but on the dimension of the world.

5-5. Prospect and Solution

In the dispute of the Senkaku Islands, the country which dominates effectively is Japan and the countries which claim over it are China and Taiwan.



How this dispute will develop? And what might be the temporary and ultimate solutions?

Usually the country which does not dominate a disputed area and claims over it insists they should go to ICJ. As there is little possibility that the dominating country will turn over the area through negotiations, and it is hard to find a third country on which the two countries can depend, the claiming country usually insists that they should go to ICJ believed to be fairest currently.

Taiwan takes this kind of position. That is, Taiwan urges Japan to go to ICJ. By the way Japan rejects this solution. Japan says, as the Senkaku Islands obviously belongs to Japan it is not necessary to go to ICJ. On the other hand, Japan seeks a compromise by dividing profits with Taiwan. For example in a fishery treaty, Japan gives some rights to Taiwan.

By the way, China takes a “weird” position. Even though China insists that from the viewpoint of the international law it is obvious that the Senkaku Islands belongs to them, China does not insist that they should go to ICJ. Why China does take this kind of weird position?

It might imply two points. One is that China might think that it is in the weak position from the viewpoint of the international law. The other is that China might consider the scenario of occupying the Senkaku Islands by surprise.

From these aspects, the dispute over the Senkaku Islands is more volatile and potentially explosible compared to other disputes.

Then what might be the desirable solutions? As a temporary solution, to keep the status quo and to divide profits from the adjacent area is desirable. This means smaller risk to both parties. And it also gives some benefits to both and also leave the possibility of acquiring the area ultimately to both parties, however high or low the possibility is.

And under that temporary solution, if two countries find a method to solve the dispute completely, it could be adopted, whether it would be the negotiations between themselves, mediation by a third country or judge by ICJ.

6. Conclusion

The position each country takes in a territorial dispute, from the viewpoint of each country, is “patriotic”. But from a wider viewpoint, we can say that it is based on “national egotism”. Because patriotic positions that both countries take in order to optimize their national interests respectively collide each other and make the regional or world-wide tension higher.

The alternative to this kind of vicious cycle is that more and more people will escape from the “political” viewpoint and take the “critical” view point and then

try to dissuade the government and the ordinary people of each country from behaving excessively obsessed with its national egotism respectively.

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