

Analysis Conflict Cause of Senkaku and Diaoyu Island Territory Dispute between China and Japan

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Abstract

The Senkaku Islands dispute is one of the current major territorial disputes between powerful countries that have been happening over a long period and is still unresolved. The dispute's complexity, ranging from the absence of effective control of disputing countries to intertwining historical background, makes the dispute hard to resolve. Rather than bringing the case to the International Court of Justice to quickly resolve the issue, the disputing countries prefer to keep this problem among themselves to prevent the escalation of the conflict and confrontation. The root of this dispute is the acquirement attempt of resources by the conflicting countries due to the Island's strategic place and its richness in natural resources.

Keywords: *Senkaku Islands; Diaoyu Islands; Territorial dispute; China; Japan*

Introduction

The existence of territories is one of the fundamental basis of the establishment of a nation, apart from the existence of people and a government, from the de facto point of view. Every nation needs a territory as a space where it can accommodate its people, exercise its authority in the form of policies, rules, and regulations, and develop itself using natural resources that are contained within it. According to Andrew F. Burghardt (1973), there are seven bases of a nation's territorial claim, that is: 1) effective control, 2) historical, 3) cultural, 4) territorial integrity, 5) economic, 6) elitist and 7) ideological. Among the seven bases, the thing that primarily determines whether a territory belongs to a nation is its effective control (Burghardt, 1973).

In most cases, it is relatively easy to determine to which country a territory belongs by looking at which country has effective control over it. The term effective control itself refers to the sovereign activity of a country in the questioned territory. For example, suppose we are to ask whether or not Bali is a territory of Indonesia. In that case, we could find the answer by looking at whether Indonesia effectively controls it. We could begin by looking at the laws that have been applied there, how the

government of Indonesia controls its economies, or what regulation the Indonesian government has been imposing that indicates Indonesia's effective control over Bali.

However, many challenges arise when discussing countries' territorial borders, precisely in archipelago counties. Unlike land-based countries, whose territory is connected by land, archipelago countries have a territory that consists of many islands and is divided by sea or straits. This condition makes managing the country or spreading development throughout the whole country so much more challenging to do. Archipelago countries often have a territorial border comprising many tiny individual islands that are out of reach from the central government. Many of these tiny islands are often not managed by their government because no people live on them, and there are few natural resources to gain from them. Considering the essential basis of a country's territorial claim is the effective control within it, this tiny peripheral Island needs to have its government effective control. This is why many peripheral tiny islands often become a target for territorial disputes. Examples of this dispute are the territorial dispute of the Senkaku Islands and the Kuril Islands in Japan, and the Natuna Sea in Indonesia.

In the international world, disputes regarding territory claims between two or more countries are not a rare sight. Territorial disputes are often triggered by an acquisition attempt by two or more neighboring countries of a source of natural resources on its border, which has yet to be clearly defined. Examples of this kind of territorial disputes can be found in the case of the Natuna Sea dispute, in which Indonesia and China respectively try to claim its right to the sea's rich maritime resources; or the Senkaku Islands dispute, where China and Japan fight over rights of the rich oil reserved islands. Though most cases of territorial disputes are motivated by a national interest of two or more countries to acquire resources, in some particular cases, territorial disputes are motivated by more cultural matters, as seen in the Israel-Palestine war.

Apart from the clash of two or more countries' national interests, territorial disputes are also caused by the uncertainty of the definition of a country's border territories. This uncertainty can come from a vaguely designed treaty about a specific territory that can be interpreted in numerous ways, intertwining the historical background of a particular area between two or more countries or the absence of effective control of any government on a specific area. Considering the importance of territories to a country, territorial disputes can cause a serious conflict if there are no intention gestures from the disputing countries to solve the problem as peacefully as

possible. One example of a territorial dispute turning into a large-scale conflict is the Israel-Palestine dispute.

When disputing countries cannot solve their own territorial problems through agreements or treaties that can be mutually beneficial to each party or reach a final decision without provoking more conflicts, disputing countries can submit their case to the International Court of Justice (ICT). However, to leave the case into ICT's hands, disputing countries must first be willing to compromise and make a special agreement to show the countries' willingness to go through all of the processes and accept the court's decision. Although ICJ provides an alternative way to solve territorial disputes between countries that are objective and in line with international law, many disputing countries are unwilling to compromise and agree to take their case into the ICJ's hands. In cases like the Natuna Sea dispute of the Senkaku Islands dispute, conflicting countries prefer to solve the problem privately or even leave it as it is.

In submitting a territorial dispute case to the ICJ, concerned countries can put forward nine forms of international territorial claims: treaties, geography, economy, culture, effective control, history, *uti possidetis*, elitism, and ideology. Among nine forms, the most frequently used by disputing countries are the effective control of the disputed territory, historical rights to the title, *uti possidetis*, geography, treaty law, and cultural homogeneity. However, although the countries involved in territorial disputes make arguments based on all of those justifications of claims, only three have operated consistently as the ICJ's decision rule: treaty law, *uti possidetis*, and effective control (Sumner, 2004).

One of the most significant territorial disputes of the 20th century, and still going on as of this article, is the Senkaku Islands dispute. Senkaku Islands refers to a group of five islands and three reefs the Japanese administer. The Senkaku Islands are located west of Okinawa Island in Japan, east of China, and northeast of Taiwan. The Senkaku Islands are called the Chinese by the name of Diaoyu Islands and are called by the Taiwanese by the name of Tiaoyutai Islands. Due to the proximity and intertwined historical background, until now, the ownership of this set of Islands is still being debated between the three countries. However, due to the fear of escalating the conflict and causing a significant war between powerful countries, the three countries decided to leave it and prolong the stalemate.

The Senkaku Islands are essential to the three countries due to their strategic position and abundant natural resources. The first important is that the Senkaku Islands are placed in the middle of the three countries' oil import routes (Friedman & Economics, 2017) so that whoever controls the Islands can control the oil flow from the three countries. The Senkaku Islands also have oil and natural gas reserves, which can benefit the country controlling them (Davidescu, 2013). The UN founded the gas

reservoir in 1968, and can be said to be the trigger point for the ongoing dispute. The Senkaku Islands also hold massive maritime resources, especially for the fishery industries. It is said that the Senkaku Islands hold 5 percent of the total fishery goods distributed worldwide. Considering the many benefits this set of islands bring to the country possessing it, it has become clear why this dispute is happening.

This article will analyze the Senkaku Islands dispute between Japan, Taiwan, and China. To provide a thorough explanation of the dispute, first, there will be an exploration of the chronology of the dispute from the moment that it was formed until the present day. After we establish a deep understanding of the conflict, there will be an analysis of how the involved actors interact. This section will provide us with a better understanding of the national interest of Japan, Taiwan, and China that motivated the dispute and a thorough mapping of the conflict. By mapping the conflict, we can provide a detailed picture of how the conflict developed through a set of decisions that the disputing countries have made.

In discussing the mechanism of a territorial dispute and how the international world views the dispute from the perspective of international law, we are also using journals and articles made by international relation experts to broaden and verify our point of view regarding these topics. This is a necessary step to take considering how delicate and complex territorial dispute settlement can become. For example, we use Andrew F. Burghardt's writing to understand more what territorial claims that countries take to take an ownership of a certain area and how the disputing countries strengthen their territorial claim of a certain area. We also used Brian Sumner's writing to understand more about how the International Court of Justice handle territorial dispute that is broken down into how disputing countries can file a case to be brought up to the ICJ and what measure the ICJ take to determine the rightful owner of a certain area in a territorial dispute.

Research Method

The data that is used in this article are gathered through a literature review and will be analyzed with a qualitative method. When discussing any dispute, compiling data from every party's point of view is necessary to prevent biased conclusions about the conflict. Therefore, in conducting this research, we gather data and points of view from all the conflicting parties, that is, Japan, Taiwan, and China, and the point of view of the international world. It is important to note that the result of the Senkaku Islands territorial dispute will affect the well-being of the countries involved and the international community in general. This is because the conflicting countries consist of major world powers such as China and Japan and will also involve The United States as it stands behind the Japanese and Taiwanese.

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In analyzing the Senkaku Islands dispute, we will mainly use data from news articles containing information regarding the dispute's details. These news articles will help us explain the dispute's chronological order from its inception to its current situation. Moreover, we will also be gathering news articles or other sources that contain information about decisions that are made by the disputing countries to understand the interactions of the involved actors and how those interactions impact the situation of the dispute. Finally, we will use the data that has been gathered to try to understand the root causes of the dispute.

Finding and Discussion

The territorial dispute between Japan and China was caused by the efforts of each country to claim ownership of the Senkaku/Diaoyu Islands. Japan calls the islands the Senkaku Islands, while the islands are known as the Diaoyu Islands for China. In mapping the causes of the conflict, the authors mapped the conflict using two analyses. The first is mapping the conflict using a chronological sequence, and the second is mapping the actors involved. Furthermore, mapping the causes of conflict is carried out using an analysis based on the concept of national interest.

Senkaku Island Territory Dispute Conflict Mapping Based on Chronological Sequence

The government annexed the Ryukyu Kingdom and incorporated the region into Okinawa Prefecture. Okinawa Prefecture comprises hundreds of islands called the Ryukyu Islands, forming a chain of islands between southwestern Kyushu and Taiwan. The Senkaku/Diaoyu Islands are included in the administrative Okinawa Prefecture (Okinawa Reversion Treaty Hearings, 2013). Meanwhile, in January 1985, the first Japanese-Chinese War occurred; Japan included the area covered by the administration

of Okinawa Prefecture and classified the area as "Terra Nullius" or an area that "does not belong to anyone." Terra Nullius is a principle in international law used for states to justify claims to an area through occupation (Ministry of Foreign Affairs of Japan, 2012).

Then in April 1895, the first War between Japan and China occurred, making China lose. After that, the two countries signed the Shimonoseki Agreement, which stated that China agreed to surrender the Formosa Island territory and all the islands to be handed over to Japan. However, the Shimonoseki Agreement must clearly explain the geographical boundaries of Formosa Island and other islands that were handed over to Japan. So this is one of the reasons why the Senkaku/Diaoyu Island dispute could happen between Japan and China.

In 1951, the San Francisco Agreement replaced the Shimonoseki Agreement, which stated that the Formosa Island territory was ceded to Japan. This agreement is a consequence of Japan's defeat in the Second World War; in this agreement, the territory previously controlled by Japan was relinquished to the USA, including the territory of Formosa Island, Manchuria, and also Pescadores. The ambiguity regarding whether the Senkaku/Diaoyu Islands are included in the area of Formosa Islands according to what is included in the Shimonoseki Agreement is the reason for the different perspectives between Japan and China regarding the ownership of the Senkaku/Diaoyu Islands. Japan stated that the San Francisco Agreement, these islands were placed under the administration of the United States so that according to Japan the Senkaku/Diaoyu Islands should indeed be included in the area referred to in the Shimonoseki Agreement.

In 1972, the United States ended its reign on Formosa Island and returned it to Japan, including the Senkaku/Diaoyu Islands. At first, China made no claims during the San Francisco Agreement, which stated that the Senkaku/Diaoyu Islands were included in those surrendered by Japan to the United States. However, in the 1970s, as the United States prepared to return to the Ryukyu Islands, China dropped the claim that the area should belong to China. China filed the claim based on several arguments, namely first because of the discovery of a map of the area, which showed that the area belonged to China during the Qing Dynasty. China claims that these islands have belonged to China since 1372, which later became part of the territory of the Qing Dynasty.

The process of conflict escalation continued after the 1970s until September 7, 2010, when a Chinese fishing boat collided with two Japanese Coast Guard vessels near the Island. The Japanese arrested the captain of the Chinese ship. This incident

ended when the Japanese finally released the Chinese prisoners. The increase in conflict tension continued with the initiation of the Government of Tokyo, Shintaro Ishihara, to purchase the three disputed islands from his private owner, namely the Kurihara family, in September 2012, which sparked massive protests in China. The escalation of the conflict over this territory reached its most serious point in November 2013. The Chinese government established the "East China Sea Air Defense Identification Zone," which includes the Senkaku Islands on Chinese maps. It announced requiring all aircraft entering this zone to submit flight plans and radio frequency or transponder information.

Analysis Conflict Mapping Based on Actors Involved Senkaku Island Territory Dispute

Several actors are involved in mapping the dispute over the Senkaku/Diaoyu Islands area, namely China, Japan, and the United States. That incident is based on what happened in 1879 when the First War between China and Japan occurred. The relationship between Japan and China can be considered rivals because they are fighting each other for the ownership of the Senkaku/Diaoyu Islands. As previously explained, the conflict between China and Japan over the ownership of the Senkaku Islands occurred due to differences in perceptions and references in filing ownership claims. For China, a map of the territory during the Qing Dynasty that included the Senkaku/Diaoyu Islands should make the area historically belong to China. As for Japan, the Shimonoseki Agreement, which contained an agreement between China and Japan that surrendered the Formosa Islands' territory, was the point at which the Senkaku/Diaoyu Islands should have become part of Japan's ownership.

While the relationship between those actors and America was limited at the time of the San Francisco Agreement, where as a result of Japan's defeat during World War 2, Japan and the United States had a bonded relationship because Japan had to surrender ownership of its territory to the United States as the winner of World War 2, one of which is the Senkaku/Diaoyu Islands. Furthermore, the United States is mapped to be one of the actors involved because in 1972, when the United States handed over the Senkaku/Diaoyu Islands back to Japan was one of the critical events which eventually led to conflict and protests about how the United States returned to power from the region to Japan, not to China. Although not taking sides on one side, the United States is mapped as one of the actors involved in the conflict because it participated in a significant agreement that contained the handover of power over the region. The USA agreed to the 1971 reversion treaty incorporating the Senkaku/Diaoyu Islands as part of the Ryūkyū Islands being returned to Japan; the

U.S. government took the position that "This treaty does not affect the legal status of those islands at all.", by referring to this statement shows that the USA role is limited and the return of Senkaku/Diaoyu Islands in 1971 to Japan is only to fulfill USA obligations. It does not make any legal decision about where these territories belong (Lee, Ivy, 2013).

Analysis of Conflict Cause from National Interest of Each Country

To analyze the causes of conflict over disputes over the Senkaku/Diaoyu Islands area this can be seen from the perspective of national interests. Every country involved in a territorial dispute has its interests, making it urgent to have the territory realize its national interests. According to some experts, the national interests shared by Japan and China are formed because of the economic side, namely, the national interest from the economic perspective.

The position of the Senkaku/Diaoyu Islands, which have abundant marine resources that can support the fisheries sector for fishermen in these two major countries, has made China and Japan try to acquire these areas. For China itself, China's need for very high fishery resources is also a driving factor for China to make claims over the Senkaku Islands. After the government increased agricultural and fishery production, including repairs to fishing equipment such as boats and nets, there was an increase in total fish production from freshwater fish farming. Data shows that in 2016, China's catch of seawater fish was 13.28 million tons, while the amount of fish originating from fish farming activities was 19.63 million tons. Because of the large number of marine fish farming activities, there was damage to China's coastal waters. If China fails to overcome the seawater pollution problem, then gradually, China's coastal waters will get worse. With the significant demand for domestic fisheries, China needs to increase fishing activities in the East and South China Seas, including the Senkaku Islands (Sato, K., 2019).

Apart from that, this national economic interest is also formed primarily because of research results which project that the Senkaku/Diaoyu Islands region has the potential for significant oil resource reserves. So it can be concluded that the escalation of the struggle for the area of the Diaoyu/Senkaku island chain was increasingly visible when the United Nations Economic Commission for Asia and the Far East (UNECAFE) identified the potential for rich oil reserves in the area around the Diaoyu/Senkaku Islands in 1969 (Blanchard, Jean-Marc F, 2000). A UNECAFE research report conducted by researchers from China, Korea, and Japan, together with several scientists from the United States in 1969 stated that "Sediments that are under

the continental shelf and in the Yellow Sea are believed to have great potential as a source of oil and gas reserves" (Chansoria, Monika, 2019).

Furthermore, it can be concluded that this conflict is still ongoing between the two parties because each actor is still pursuing his national interests. Therefore, if we analyze using the concept of national interest in this matter, China has an interest in the natural resources in the Senkaku Islands region. In addition, the location of the Senkaku Islands in the Pacific waters makes China increasingly want to strengthen its position in the region for the interests of China's foreign policy, Belt and Road Initiatives, and China's economic trade interests. As for Japan, this claim made by China makes the Japanese side have to carry out a defensive strategy to protect the territory of the Senkaku Islands as Japanese territory, according to applicable international law.

Analysis Senkaku Island Territory Dispute Resolves

Considering the heightened tension among powerful countries in recent months, it is almost impossible to tell what will happen in the following years or even months. China increasing its hard commitment to the One China Policy by making military moves that create massive tension in the Taiwan Strait and the United States' commitment to defend Taiwan directly in case of an invasion (Lee & Birsal, 2022), a major world conflict can break anytime if conflicting countries are unwilling to make decisions that will decrease the tension between them. In the middle of this increasing tension, making a hasty decision to resolve the ongoing Senkaku Islands territorial dispute would be unwise. Decisions regarding the dispute must be made with extra calculations to avoid increasing the tension and possibly starting World War III.

Although bringing the dispute case to the International Court of Justice is certainly a possibility, there is no indication that the disputing countries will decide to do so. There hasn't been any gesture of compromise on either Japan, Taiwan, or China's side to agree to bring the case into the hands of the International Court of Justice, therefore eliminating the possibility of arbitration. Currently, either Japan, Taiwan, or China prefers to handle the situation privately and continue to attempt to establish a good relationship between countries to settle the dispute peacefully in the long run. These decisions are made to avoid increasing the tension between countries which arbitration will cause. Arbitration is risky due to its tendency to leave one of the involved parties dissatisfied, which will significantly escalate tension between the countries involved.

Amidst the rising tension between Japan and China, a new hope of fixing the two countries' relationship seems to have emerged at the Asia-Pacific Economic Cooperation (APEC) Summit in Bangkok on 17 November 2022, where Japanese Prime Minister Fumio Kishida and Chinese President Xi Jinping finally open their first discussion in three years. In their dialogue, both leaders express the importance of maintaining a good relationship between Japan and China by deepening trust, widening cooperation and regional integration areas, and resisting conflict and confrontation (Murakami & Baptista, 2022). From viewing the dialogue between the two leaders, it is clear that escalating a conflict that leads to confrontation between two countries is not a part of both countries national interests. Although there hasn't been a plan to settle the dispute, both countries will likely do everything they can to avoid escalating the conflict and confrontation.

Conclusion

Problems during the colonialism era caused the Senkaku/Diaoyu territory dispute region since China's defeat to Japan in the First War between Japan and China eventually resulted in the Shinomoneru Agreement in which China surrendered the Formosa Islands to Japan. The transfer of territory in this agreement seen by China needs to explain the geographical boundaries of the extent of the Formosa Islands, including whether the Senkaku/Diaoyu Islands are included in the Formosa Islands. The Senkaku/Diaoyu Islands were again handed over to the United States as the impact of Japan's defeat during the Second World War through the establishment of the San Francisco Agreement. Finally, in 1972, the Senkaku/Diaoyu Islands were returned by the USA to Japan; this was a critical point for the conflict over territory between Japan and China because the incident of returning territory to Japan was considered by China to be inappropriate because according to China there was historical evidence showing that the area was included in the territory of the Qing Dynasty. Japan claims ownership of the area using the Terra Nullius principle and evidence of the 1972 Treaty.

The cause of the conflict over the Senkaku Islands area is not only due to differences in historical records in filing claims, but filing claims for ownership of the area is also driven by the national interests of the countries involved. The Senkaku/Diaoyu Islands have abundant fishery and marine potential, thus making China and Japan, dependent on the maritime sector, try to gain ownership of the Senkaku/Diaoyu Islands area. Apart from that, another important thing that underlies the conflict over territory between the two countries was that in 1898, academic research discovered that sedimentation in the Senkaku/Diaoyu Islands region had

potential oil reserves. That way, the urgency to own the Senkaku/Diaoyu Islands is growing. So related to this, the Senkaku/Diaoyu Islands, which have a lot of potential natural resources, have triggered conflicts over resources for the two countries, Japan and China, which are trying hard to gain ownership of the area.

During this period of heightened tension among major world powers, resolving the dispute can be highly improbable due to the risk of increasing the tension between countries. However, in the APEC summit, both China and Japan agreed that escalating the conflict and risking a confrontation is not in the national interest of either country. For now, both countries are focusing on repairing their relationship so that when the time comes, they can reach an agreement regarding the conflict that will mutually benefit both national interests. Although bringing the case to the International Court of Justice is possible, disputing countries are avoiding arbitration to decrease their tension.

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