

The China–Japan Border Dispute

Islands of Contention in
Multidisciplinary Perspective

Edited by Tim F. Liao, Kimie Hara, and Krista Wiegand

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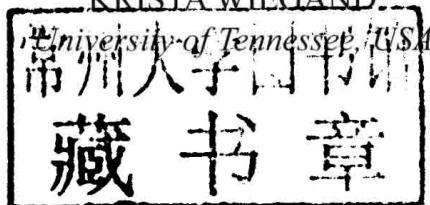
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Introduction*

Tim F. Liao, Krista E. Wiegand, and Kimie Hara

The year of 2014 marked the 120th anniversary of the First Sino-Japanese War (1894–1895) when the calendar returned to the year of *Jiawu* (甲午) after two complete sexagenary cycles. From August 1894 to April of the following year, Qing dynasty China and Meiji Japan fought over the control of Korea. The declining Qing China, with just a little over a decade and a half before the fall of the last imperial dynasty, failed to modernize its military effectively or its political system at all; in comparison, Meiji Japan was on its rise to a regional power in the post-Meiji Restoration period when Japan modernized its military as well as its political system. It came as no surprise that China suffered a humiliating defeat, losing Korea as a vassal state.

The war ended, following the signing of the Treaty of Shimonoseki on April 17, 1895. After the treaty, China ceded the Liaodong Peninsula and was to pay Japan 200 million Kuping taels for the purpose of reparation, with Korea becoming independent.¹ The treaty also sowed the seeds of contention and distrust between the two countries in the decades to come. It did not mention the currently disputed Diaoyu/Senkaku Islands², the topic of this book. In January 1895, during the First Sino-Japanese War, Japan annexed the uninhabited islands that became part of Okinawa Prefecture.

Japan gained influence over Korea and obtained control over Formosa (Taiwan) after the First Sino-Japanese War and the Liaodong Peninsula a decade later; it also gained popular support at home. The deeds of Japanese warriors and their victories are immortalized in woodblock prints by the famed artist Kobayashi Kiyochika and in the recent television drama *Saka no Ue no Kumo* (坂の上の雲).³ On the Chinese side, the humiliating defeat and the heroic fight were equally immortalized in the 1962 feature film *Jiawu Fengyun* (甲午风云). These efforts of popular culture etched deep in the collective consciousness of the Chinese and the Japanese people images of their relationship with the other people from across the sea.

Until the First Sino-Japanese War, however, the two countries, separated by a mere stretch of water, had hardly experienced contentious, straining, much less antagonistic relations. In earlier centuries, the cultural diffusion primarily followed one direction from China to Japan. The diffusion of Buddhism through China to Japan is one example; the famed Chinese Buddhist monk Jianzhen (in Chinese) or Ganjin (in Japanese) helped propagate Buddhism in Japan. A memorial hall in his honor is located in Yangzhou, China, and his statue can still be seen today in Toshodai-ji in Nara, Japan. Throughout most of the Tang dynasty (AD 618–907),

Japan sent emissaries (Kento-shi; 遣唐使) as well as scholars and artisans to Tang China to learn its culture and political system. These Japanese visitors were the pioneers of the bilateral friendship relations.

Since the last decade of the nineteenth century, however, China and Japan have been in a love-hate relationship, marked by two Sino-Japanese wars, with the second war between the two countries as part of the larger Second World War, causing millions of casualties, especially on the Chinese side. Memories of these wars, serving as constant reminders of the past, do not disappear easily. The current national anthem of the People's Republic of China was initially a Second Sino-Japanese War battle song (Liao, Zhang, and Zhang 2011). The normalization of the diplomatic relations between the two countries in 1972 rekindled the friendly image of Ganjin. Altogether, 44 giant pandas from China have lived in Japan since the normalization of the relations.⁴ Japan's cultural influence has gone beyond Toyotas in Beijing and Shanghai streets, Sony Walkmans on Chinese-made belts, and Canons around photographers' necks. It has also been represented by Japanese films and anime. With digital technology becoming widely available in recent years, Japanese television drama has drawn an online Chinese fan base (Hu 2005).

Yet the mutual cultural exchanges and influences have not removed the thorns in the bilateral relationships, including the territorial dispute over the Diaoyu/Senkaku Islands. The San Francisco Peace Treaty, signed in September 1951, made no mention of these islands and arguably sowed the seeds of discord about them. On a broader scale, since the normalization of diplomatic relations, the bilateral Sino-Japanese relations as well as the relations in the East Asian region have nevertheless been marred by the every-now-and-then revisions of Japanese history textbooks, the lack of a remorseful stand by some recent Japanese prime ministers, notably Shinzou Abe, toward wartime comfort women, and the sporadic yet periodic visits by Japanese prime ministers to Yasukuni Shrine. Of all the contentious issues, perhaps the most tangible and threatening to diplomatic relations is the territorial dispute between China and Japan over the Diaoyu/Senkaku Islands. The dispute surfaced as an official territorial claim by China in 1971 after oil surveys were conducted in the waters near the islands, though the historical context goes back much further in time. Japan maintains status quo control of the islands while China also claims territorial sovereignty. Since 1971, there have been many attempts by both states to justify their territorial claims, as well as attempts by non-state actors to make the case on behalf of their respective governments. Despite strong economic relations through trade and investment, the islands dispute has off and on created political tensions between China and Japan over the past four decades. The dispute not only affects bilateral relations, but regional and international security, impacting the US–Japanese alliance and relations between China and Taiwan, which also has its own claim on the islands.

In recent years, the islands dispute between China and Japan has intensified. Activists from Hong Kong, Taiwan, and Japan have attempted to land on the Diaoyu/Senkaku Islands. Fishing vessels from China, Taiwan, and Japan have been present around the islands, whether or not considered “legal” by the other

side. In September 2010, a Chinese fishing trawler collided with Japanese patrol boats near the islands, resulting in the arrest of the Chinese fishing vessel captain who was held for two weeks. The two countries blamed each other for the collision. The collision incident triggered major protests in China, Japan, and Taiwan. September 2012 saw even more protests in as many as 85 mainland Chinese cities as well as Hong Kong and some US cities against Japanese government's purchase of the islands.⁵ Some protests included violence against Japanese-made vehicles, Japanese restaurants, and vandalism. In November 2013, China declared an Air Defense Identification Zone (ADIZ) for an area containing the disputed islands that requires all foreign aircrafts, military or civilian, to identify and report themselves to the Chinese authorities when entering the ADIZ. China sent air force jets to patrol the zone. The US and Japan protested the declaration, and since the imposition of the ADIZ, Korean, Japanese, and US military aircrafts have violated it, though without any incident.

The dispute over the islands shows an interesting case of differing perspectives held by the two countries. The Chinese claims of sovereignty tend to rely on history, especially the history prior to the First Sino-Japanese War, going back as far as the Ming dynasty (AD 1368–1644) when maps produced under the Ming rule showed Diaoyu. The Japanese claims of sovereignty, on the other hand, tend to focus on events after the Treaty of Shimonoseki, including Japanese taking over a group of unoccupied islands and their making a livelihood on the Senkakus. The differing perspectives suggest that a full understanding of the heart of the matter requires a multidisciplinary study of the territorial dispute between China and Japan. Using a historical perspective, we could understand the Chinese standpoint whereas from an international law perspective, we could follow the Japanese arguments. Yet separately, these perspectives are incomplete and do not speak to each other in a way that helps scholars, policy makers, legal experts, and observers of the dispute to understand its complexity.

Therefore, in this volume, we present a multidisciplinary perspective in which we examine the territorial dispute between China and Japan. The benefits of a multidisciplinary or interdisciplinary approach have been recognized since at least the second half of the twentieth century when there was a restructuring of knowledge, where “[n]ew divisions of intellectual labor, collaborative studies, increased borrowing across disciplines, and a variety of ‘unified,’ ‘holistic’ perspectives” have put pressures on traditional divisions of disciplinary knowledge (Klein 1990, p. 11). Using a multidisciplinary or interdisciplinary approach, we aim to answer complex questions and solve problems that are beyond the scope of any one discipline so that unity of knowledge can be achieved (Klein 1990). The issues raised by the Diaoyu/Senkaku Islands dispute are complex, beyond the scope of understanding by a single academic discipline. Such issues must be studied and analyzed by scholars from a variety of disciplines.

There exists, of course, a difference between a true interdisciplinary perspective and a broadly defined multidisciplinary approach. The former requires the individual scholar or all the scholars on a research team to have the knowledge

of and training in more than one academic discipline, exhibiting the characteristic permeability of disciplinary boundaries. This is the ideal world in which we conduct research by breaking down disciplinary boundaries. Unfortunately, such an ideal is difficult to achieve. More often than not, research teams consist of scholars from different academic disciplines who are brought together with a common objective to work on a common research problem. This less ideal arrangement is nonetheless more practical and often can be more efficient because none of the scholars on the team would have to get additional training in another discipline. Taken together, however, the research team still can obtain permeable disciplinary boundaries. We take this approach with the current book by assembling a group of scholars who are some of the best in their respective disciplines seeking to understand the Diaoyu/Senkaku Islands puzzle as part of their research agendas.

This group includes three historians, two legal experts, two political scientists, and one sociologist. Most of these scholars have expertise in both China and Japan studies, though a few primarily focus on one of the two societies. The eight scholars have contributed to this volume by conducting cutting-edge research on the islands dispute between the two countries from their disciplinary perspective. Six of the authors were selected from those who presented at an Illinois symposium on the disputed islands in April 2013. Two additional authors were brought in at a later stage to help enrich the volume. The difference in the authors' disciplinary backgrounds also means the style of analysis may differ. For example, Chapter 2 is along the lines of historical narrative analyses, whereas Chapter 6 contains a social scientific analysis driven by hypotheses. What binds these disciplinary differences together is our central concern over the current territorial dispute and our aim to understand the dispute.

Though there has been a decent amount of scholarship about the dispute, much of it has a clear disciplinary bias regarding the standpoint of Japan or China. Reading all the chapters in this volume, we hope, one will gain a much more comprehensive and more balanced understanding of the dispute and will begin to see potentially feasible solutions. We provide below a brief summary of the chapters in this volume. The three chapters in Part I (Historical Considerations) explore historical events and incidents in the development of issues about the islands dispute. The two chapters in Part II (Legal Considerations) analyze issues of claims, sovereignty, and resource development from an international law perspective. The three chapters in Part III (Social and Political Considerations) study political motivations and social implications of, and a possible solution for, the dispute. Following this introduction, the reader will find the chapter by Gavan McCormack that provides a thorough overview over the islands dispute between China and Japan.

More than six decades past the San Francisco Peace Treaty that purportedly resolved the Asia-Pacific War and created a system of peace, East Asia still remains troubled by the question of sovereignty over a group of tiny, uninhabited islands. Gavan McCormack's Chapter 1 looks at the evolution of the Senkaku/Diaoyu problem in the frame of Japan-China and US-Japan relations, including

the Okinawa angle, considering the conflicting readings of the historical record as well as the relevant principles of international law, academic, media, and civic constructions of the dispute. The chapter also considers the US stake and some formulas that have been proposed to resolve it.

The dispute over the Senkaku/Diaoyu Islands erupted in the 1970s, but the territorial dispute between Japan and China had started earlier, over Okinawa, immediately after the Second World War. Including the Senkaku/Diaoyu dispute, many of the present regional conflicts in East Asia originated in the post-Second World War disposition of Japan, particularly in the San Francisco Peace Treaty. Kimie Hara's Chapter 2 examines the origin of the Senkaku/Diaoyu dispute in the territorial disposition of the former Japanese Empire, particularly of Okinawa (Ryukyu) and Taiwan (Formosa), taking the "San Francisco System" as its conceptual grounding.

US policy over the Senkaku/Diaoyu at the time of the Okinawa reversion also deserves special attention in addition to the post-war peace treaties with Japan. The Nixon administration adopted a policy of taking no position on sovereignty when returning administrative rights over these islands. Chapter 3 by Man-houng Lin examines a key document, the May 26, 1971, note by the US Secretary of State William Rogers, in terms of its background, process, and current relevance on Taiwan's territorial claim over the islands.

Chapter 4 by Ryan Scoville focuses on the role of international law in the dispute. It is an attempt to bring clarity and order to the sovereignty debate through a close analysis of key texts and legal principles. First, he simplifies the debate by identifying a number of commonly raised issues that are immaterial as a matter of law, then he organizes the debate by identifying and evaluating the legal questions that matter: 1) whether the Islands were unoccupied territory when Japan annexed them in 1895; 2) whether Japan ever acquired title under the doctrine of acquisitive prescription; and 3) whether the Allies made a lawful determination in favor of Japanese title after the Second World War in accordance with the Potsdam Declaration and Instrument of Surrender. The chapter concludes with an explanation of how Japan likely maintains sovereignty of the islands due to the doctrine of acquisitive prescription, which is no more indeterminate than the doctrine of occupation on which China relies, and which trumps China's original occupation as a later-in-time source of title. Prewar acquisitive prescription from 1895 to 1937 confirms that the Cairo and Potsdam declarations did not transfer sovereignty to China, and postwar acquisitive prescription from 1951 to 1970 forms a second, freestanding basis for the Japanese claim.

Examining how the international law applicable to sovereignty over the disputed islands creates incentives for further escalatory incidents, Chapter 5 by Carlos Ramos-Mrosovsky shows why litigation or arbitration of the competing territorial claims is unlikely and could be counterproductive. The chapter argues that formal international legal processes may nevertheless be useful in managing the dispute and in preventing the escalation of dangerous incidents. It proposes that the historical experience of international commissions of inquiry charged with

investigating the facts of politically dangerous maritime incidents may offer a useful precedent for leaders in Beijing and Tokyo seeking to unwind tensions arising from a confrontation over the disputed islands. The employment of international commissions of inquiry might contribute to a more stable environment for the development of the region's reported natural resources and set a positive example for East Asia's other maritime disputes.

Analyzing the description of the relevant history of the islands found at the Chinese Foreign Ministry's and the Japanese Foreign Ministry's websites and at the *People's Daily* and the *Asahi Shimbun* websites, Tim Liao's Chapter 6 seeks to understand the differences in collective memory formation in these two countries. By emphasizing and resorting to different periods of history, China and Japan stage their respective territorial claims. The chapter shows that to produce a convincing territorial claim, both China and Japan form collective historical memory about the islands through enhancing rhetorical force, resonance, and range of reference in memory formation as shown at their websites even though they may intend to target different audiences for their respective collective memory projects.

Japan's current policy position on the Senkaku/Diaoyu Islands is that there is no dispute and the government is therefore unwilling to consider even discussing the dispute with China, let alone compromises and concessions. Despite the fact that Japan maintains effective control of the islands, Chapter 7 by Krista Wiegand explores why Japanese governments consistently maintain the same unchanging position regarding the dispute despite access to the potential for massive oil and natural gas resources near the islands, and Wiegand argues and demonstrates that the motivation for Japan's position is not really about domestic nationalism or political accountability to Japanese constituents who care about the Senkaku/Diaoyu Islands, but rather, a strategy of leverage and concern for reputation. By maintaining its rigid position, Japan is able to maintain leverage against China and to demonstrate resolve to other states in the region and to the international community.

Examining recent events since 2010, Paul Midford considers the rise of tensions between China and Japan in the East China Sea, especially over the Senkaku/Diaoyu Islands, tensions that have come to predominate in this vitally important bilateral relationship. Chapter 8 explores how tensions arose in 2010, and how they have transformed both Japanese perceptions—public and elite—of China. Midford proposes a means for resolving these tensions through mutual concessions. To resolve the longer-than-immediate-term dispute over these islands and the demarcation of these two countries' respective exclusive economic zones, the chapter proposes that the Svalbard model for dividing sovereignty and resource exploitation between contenting parties and the Norwegian-Russian 2010 agreement on delimiting their respective exclusive economic zone (EEZ) borders in the Barents Sea can serve as a useful model.

These eight chapters constitute a collective effort in exploring and understanding the difficult issues of the Diaoyu/Senkaku Islands dispute between China and Japan. Together, they seek to answer three broad questions: What gave rise to the