

# **National Youth Summit III 2013**

## **GA: Special Political and Decolonization**

### **Fourth Committee**

## **The Diaoyutai (Diaoyudao/ Senkaku) Islands' Disputes**

### **Introduction**

Also known as Diaoyu Dao in Mainland China, the Senkaku Islands in Japan, the Diaoyutai Islands are a group of uninhabited islands currently controlled by Japan on the East China Sea. They are under the administration of Ishigaki, Okinawa Prefecture, but also claimed by two other authorities: China and Taiwan.

Taiwan considers the islands its territory as Taiwanese came to the islands first. China considers the islands a part of Taiwan, which it claims sovereignty over. These eight remote and small islands, often described as five islets and three rocks, are believed to sit close to significant petroleum and natural gas deposits. They are also considered strategic points on East-Pacific Ocean.

Due to complicated historical background and huge profits, the disputed claims are long standing. Although there have been several meetings between these three governments, few consensus have been reached. The issue has never been fully solved.

Tensions erupt periodically among Japan, China and Taiwan. Most recently, tensions flared up following Tokyo governor Ishihara's announcement in April to nationalize three of the eight islands from a Japanese private owner. People and officials of China and Taiwan made strong objections to this announcement. Yet it was even more shocking when Japanese central government purchased the island for 2.05 billion Yen on September 12 in a move that was designed to moderate growing nationalism and to prevent nationalists like Ishihara from acquiring the islands. Both China and Taiwan condemned the act. In China, nation-wide anti-Japanese protests erupted, which exacerbates the Sino-Japan relations. The series of protests further inflict heavy losses on Japan's economy because of its heavy reliance on selling goods to China. Furthermore, direct confrontations between fishermen, activists, and maritime vessels of China, Taiwan, and Japan around the islands have increased since April 2012, making the issue even more complicated.

Many people worried that the growing tensions among Japan, China, and Taiwan may result in an armed conflict. Will the situation ever be solved?

### **Geography**

The Diaoyutai Islands, consisting of five islets and three barren rocks, are located on the East China Sea. It is roughly 170 km northeast of Taiwan, 410 km west of Okinawa and 330 km east of China.

## **Economic Disputes**

Since the Diaoyutai Islands are potentially rich in petroleum and have rich fishing ground, China, Japan and Taiwan have claimed sovereignty over the islands. Also, being strategic points on East Pacific in military terms is another crucial cause of the dispute. Japan and the other two authorities have had several meetings regarding territorial and economic issues of the Diaoyutai Islands in the past few decades, but few consensuses were made.

## **Territory Disputes**

Japanese government first marked the Diaoyutai Islands in January 1895 after careful survey of the islands. Since then, the Diaoyutai Islands have been included under the administration of Okinawa Prefecture, The government made strong claim that there is no issue of territorial sovereignty regarding the Diaoyutai Islands. It bases its claim on the ground of several international treaties and laws.

## **San Francisco Peace Treaty**

After Second World War, the San Francisco Peace Treaty included instructions on how Japan should renounce territory it seized prior to the war. In Article II (b), it stated

“Japan renounces all right, title and claim to Formosa and the Pescadores.”

The Japanese government maintained that since the Diaoyutai Islands were not included in the territory listed on Article II of the San Francisco Peace Treaty and were never part of Formosa or the Pescadores Islands, now known as Penghu Islands, which were ceded to Japan from Qing Dynasty of China in the Treaty of Shimonoseki signed on May 1895, it did not need to renounce its rights to the Diaoyutai Islands when returning Taiwan and the Pescadores Islands to China under San Francisco Peace Treaty. However, China (People’s Republic of China) did not recognize this treaty, thus causing more contradictories.

## **Okinawa Reversion Treaty includes the Diaoyutai Islands**

From 1945 to 1971, the United States took control of Okinawa and several surrounding islands, including the Diaoyutai Islands as a result of the Treaty of Peace with Japan, commonly known as the San Francisco Treaty.

In Article III of the San Francisco Treaty, it stated

“Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29° north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island

and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.”

The power of administration, legislation and jurisdiction over these islands were reverted to Japan in 1971 based on the Treaty on Reversion of Japan of the Ryukyu and Daito Islands, commonly known as the Okinawa Reversion Treaty, which was signed on June 17, 1971 and entered into force on May 15, 1972. In Article I, it states that

“.....For the purpose of this Agreement, the term "the Ryukyu Islands and the Daito Islands" means all the territories and their territorial waters with respect to which the right to exercise all and any powers of administration, legislation and jurisdiction was accorded to the United States of America under Article 3 of the Treaty of Peace with Japan other than those with respect to which such right has already been returned to Japan in accordance with the Agreement concerning the Amami Islands and the Agreement concerning Nanpo Shoto and Other Islands signed between Japan and the United States of America, respectively on December 24, 1953 and April 5, 1968.”

Also, an agreed minute to this treaty gave an explicit definition of the boundaries of the Ryuku Islands and the Daito islands. In Article I, it stated that

“The territories defined in paragraph 2 of Article I are the territories under the administration of the United States of America under Article 3 of the Treaty of Peace with Japan, and are, as designated under Civil Administration Proclamation Number 27 of December 25, 1953, all of those islands, islets, atolls and rocks situated in an area bounded by the straight lines connecting the following coordinates in the listed order:

<b>North latitude</b>	<b>East longitude</b>
28 degrees	124 degrees 40 minutes
24 degrees	122 degrees
24 degrees	133 degrees
27 degrees	131 degrees 50 minutes
27 degrees	128 degrees 18 minutes
28 degrees	128 degrees 18 minutes
28 degrees	124 degrees 40minutes

The latitude and longitude seemed to include the Diaoyutai Islands. It was further confirmed by the US Secretary of State William Rogers in 1971, stating “ [The Okinawa Reversion Treaty contains] the terms and conditions for the reversion of the Ryukyu Islands, including the Senkakus [Diaoyutai].”

These treaties and statements provided the ground for Japan of its administrative rights to the Diaoyutai Islands.

## **The Refute Claims**

China and Taiwan had similar claims refuting Japanese rights to the Diaoyutai Islands.

1. Senkaku Islands were not *terra nullius*, land belonging to no state, before 1895 as Japan claims.
2. Secret letters and documents revealed that Japan was clearly aware that the islands were part of Taiwan.
3. Japan stole the islands during the Sino-Japanese War.
4. Since the islands were part of Taiwan, they should have been returned to China along with Taiwan after Second World War.
5. The treaties claiming rights to Japan are invalid and should be nullified.
6. The United States reverted “administrative rights” to Japan in 1971 rather than returning right of sovereignty of the islands.

China and Taiwan also had similar basis for their claims. The Diaoyu Islands were first documented and included on maps of areas covered by Ming Dynasty (1368-1644) coastal defenses. Later during the Qing Dynasty (1644-1911), the islands were placed under the jurisdiction of Taiwan, which was a province of China. The Chinese fishermen used the islands for temporary shelter, but China never established a permanent settlement of civilians or military personnel on the islands. Nor had they put permanent military forces at nearby waters.

## **Where the United States stands**

The United States’ position on the Diaoyutai Islands has always been static and clear. It recognized the Diaoyutai Islands came under Article 5 of the Japan-US Security Treaty.

“Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.”

Also in Article II of the Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, it stated that

“It is confirmed that treaties, conventions and other agreements concluded between Japan and the United States of America, including, but without limitation, the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed at Washington on January 19, 1960 and its related arrangements and the Treaty of Friendship, Commerce and Navigation between Japan and

the United States of America signed at Tokyo on April 2, 1953, become applicable to the Ryukyu Islands and the Daito Islands as of the date of entry into force of this Agreement.”

Therefore, the US is obliged to intervene in the Diaoyutai Islands should there be a military crisis.

Yet despite the return of the Diaoyutai Islands to Japanese administration, the officials also made clear that the United States took no position on the question of the sovereignty of these islands. Recognizing administrative rights to Japan did not prejudice Japanese or others’ claims to the islands. In response to questions regarding the sovereignty over the Diaoyutai Islands, William Rogers answered, “This treaty [Okinawa Reversion Treaty] does not affect the legal status of those islands at all.” In his letter to Robert Starr, Acting Assistant Legal Adviser, he wrote,

“The United States cannot add to the legal rights Japan possessed before it transferred administration of the islands to us, nor can the United States, by giving back what it received, diminish the rights of other claimants. The United States has made no claim to the Diaoyutai Islands and considers that any conflicting claims to the islands are a matter for resolution by the parties concerned.”

United States has kept firmly on this policy since then. In 2010, during a conference held in Vietnam, Secretary of State Hillary Clinton said,

“Well, first, with respect to the Senkaku (Diaoyutai) Islands, the United States has never taken a position on sovereignty, but we have made it very clear that the islands are part of our mutual treaty obligations, and the obligation to defend Japan. We have certainly encouraged both Japan and China to seek peaceful resolution of any disagreements that they have in this area or others. It is in all of our interest for China and Japan to have stable, peaceful relations. And we have recommended to both that the United States is more than willing to host a trilateral, where we would bring Japan and China and their foreign ministers together to discuss a range of issues.”

In September 2012, the United States’ Secretary of Defense Leon E. Panetta visited Beijing and told Xi Jinping, the new leader of the Chinese government, that the United States took no sides on territory disputes in East Asia, including the Diaoyutai Islands, but it recognized Japanese administrative rights to the islands. He also suggested Beijing and Tokyo should look for peaceful and mutual beneficial solutions on the disputes over territorial rights in East China Sea.

The United States wished to avoid further military confrontations and growing nationalism in both China and Japan.

## Timeline

Date	Event
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January 14, 1895	The Japanese government officially obtains the Diaoyutai Islands. Japan asserts the islands were not owned by anyone prior to their occupation, and according to international law, the first comer has sovereignty over the land. China maintains its sovereignty over the Senkaku chains for centuries.
September 2, 1945	The United States takes over the Ryukyu Islands and the Daito Islands after Japan surrenders to the Allies.
June 17, 1971	Japan and the United States sign the Treaty on Reversion of Japan of the Ryukyu and Daito Islands. This agreement prompts the first huge protests in Taiwan.
August 12, 1978	China and Japan signed the Japan-China Peace and Friendship Treaty. They agreed to put aside the dispute over the Diaoyutai Islands.
July 14, 1996	Several Japanese activists attempted to build a lighthouse on one of the Diaoyutai Islands, triggering a series of protests from China and Taiwan.
September 1996	An anti-Japan protests erupted in China.
October 7, 1996	Hong Kong and Taiwanese activists attempted to land on the Diaoyutai Islands.
March 24, 2004	Chinese activists successfully landed on the Diaoyutai Islands.
September 7, 2010	A Chinese trawler collided with Japanese patrol boats near the islands. The Chinese captain was arrested, flaring up tensions between China and Japan.
April 2012	Tokyo governor Ishihara expressed his attention to raise funds for nationalizing the Diaoyutai Islands.
August 14, 2012	Seven Hong Kong activists landed on the Diaoyutai Islands.
August 19, 2012	Ten Japanese activists swam ashore and raised Japanese flag on the islands.
September 10, 2012	Japanese central government announced to purchase the islands in an effort designed at easing the tensions.
September 14,	Chinese surveillance ships sailed to waters around the

2012	islands to claim Chinese sovereignty rights over them.
September 2012	The largest anti-Japanese protests erupted in major cities of China. Some Japanese companies were forced to shut down factories temporarily in China.
September 18, 2012	Two Japanese activists landed on the islands at the anniversary of the invasion of Manchuria.
November 2012	After the Chinese election, Japanese government expresses its wish for a mutual beneficial solution.
December 13, 2012	Japan sent eight F-15 fighter jets after detecting the first incursion by a Chinese State-owned aircraft into the airspace above the Diaoyutai Islands since monitoring began in 1958.

## Key Terms

The Diaoyutai Islands (Taiwan)/ Diaoyu Dao (China)/ the Senkaku Islands(Japan)

Okinawa Reversion Treaty

San Francisco Peace Treaty

Japan-US Security Treaty

Nationalism

East China Sea

Terra nullius

Second World War

Exclusive economic zone

## Questions

1. Can the Diaoyutai Islands dispute be solved by peaceful means?
2. How can we cool down the situation in East Asia which has been unusually turbulent this year?
3. Is there any possibility that the China, Japan and Taiwan share the resources and develop the Islands jointly? And how?
4. If not, what actions should be taken to regulate the behaviors of China, Japan and Taiwan?

## Supplementary Reading

The Diaoyutai Islands An Inherent Part of the Territory of the Republic of China (Taiwan)

<http://www.mofa.gov.tw/EnOfficial/Topics/TopicsArticleDetail/fd8c3459-b3ec-4ca6-9231-403f2920090a>

The Republic of China (Taiwan) Proposes: The East China Sea Peace Initiative

<http://www.mofa.gov.tw/EnOfficial/Topics/TopicsArticleDetail/2c73470c-4336-42b9-acb4-a814251b5747>

White Paper: Diaoyu Dao, an Inherent Territory of China

[http://www.gov.cn/english/official/2012-09/25/content\\_2232763.htm](http://www.gov.cn/english/official/2012-09/25/content_2232763.htm)

Japan-China Relations: Current Situation of Senkaku Islands

<http://www.mofa.go.jp/region/asia-paci/senkaku/index.html>

## News Updates

<http://www.guardian.co.uk/world/senkaku-islands>

<http://articles.cnn.com/keyword/senkaku-islands>

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