



The Senkaku/Diaoyu Islands: tension between Japan and China in the East China Sea

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Tensions between Japan and China in connection with long-standing rival claims to sovereignty over the Diaoyu/Senkaku Islands in the East China Sea have deepened since September 2012, with nationalist sentiment being stirred up in both countries. Taiwan also claims the islands. Japan, which administers the islands, does not accept that there is a dispute to be resolved. China insists that there is.

The eight uninhabited islands and rocks are called the Senkaku Islands in Japan, the Diaoyu Islands in China and the Tiaoyutai Islands in Taiwan. The islands lie to the southwest of Japan's southernmost Island, Okinawa; to the east of the Chinese mainland; and northeast of Taiwan. They are strategically important in terms of maritime navigation and shipping, natural resources, including fisheries and hydrocarbons, and for defence purposes. China and Japan have also been unable to agree a maritime boundary in the East China Sea.

The crisis since September 2012 was triggered when the Japanese government bought three of the islands from a private Japanese owner. While this move appears to have been largely prompted by the fact that the Japanese authorities wanted to prevent the nationalist governor of Tokyo from buying them, China viewed this step as a provocative alteration of the *status quo* and subsequently publicly declared its territorial sea baselines and declared that the islands were under Chinese administration. This reflected a new Chinese concept, which Japan rejects, of 'overlapping control' over the islands. Since then, there has been a growing number of tense stand off's between Chinese and Japanese ships and planes in the area, but none have so far escalated into direct conflict.

While there have been tentative signs over recent months that both sides are open to efforts to reduce tensions over the islands, questions remain about how far the will and capacity to stabilize the situation exists. According to a recent report by the International Crisis Group, mechanisms for communication and de-escalation in the event of another incident are poorly developed and mistrust between the two countries remains high. However, as major trading partners, both also have wider economic interests to consider.

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1 Introduction

Eight uninhabited islands and rocks in the East China Sea have been the subject of long-standing rival claims to sovereignty on the part of the People's Republic of China, Japan and Taiwan. They are called the Senkaku Islands in Japan, the Diaoyu Islands in China and the Tiaoyutai Islands in Taiwan.

The islands are situated southwest of Japan's southernmost Island, Okinawa, east of the Chinese mainland, and northeast of Taiwan. The islands are strategically important in terms of maritime navigation and shipping, natural resources, including fisheries and hydrocarbons, and for military defence purposes.



Source: [RUSI](#)

2 The competing claims

A recent report by the International Crisis Group (ICG), "[Dangerous waters: China-Japan relations on the rocks](#)", summarizes the competing claims of Japan and China in the following terms:

The two countries claim the islands under different elements of international law. Japan's case rests on the principle of "occupation of *terra nullius*", or land without owner; it asserts that when it formally incorporated the islands through a January 1895 Cabinet decision, it had confirmed that they were uninhabited and showed no trace of having been under the control of China. China claims historical title, stating it has evidence that it exercised sovereignty over the islands as they were discovered, named and used during the Ming Dynasty (1368-1644) and administered as a part of Taiwan by the Qing Dynasty (1644-1912). It argues that the islands were ceded to Japan as part of the April 1895 Treaty of Shimonoseki that ended the First Sino-Japanese War, and therefore should be returned to China under the Cairo and Potsdam Declarations (1943 and 1945), which stated that Japan must return all territories seized through war. The key question under international law appears to be whether China established historical title before 1895. Taiwan also claims the islands based on the same historical title as China.

After the Second World War, the islands were occupied, along with Ryukyu Islands, by the U.S. under the 1951 Treaty of San Francisco and were reverted to Japanese administration in 1972. The U.S. plays an important role in the dispute as it asserts that the 1960 U.S-Japan Security Treaty covers the Diaoyu/Senkaku Islands.¹

The 1960 US-Japan Security Treaty commits the US to come to the defence of Japan in the event that Japan comes under military attack. The US does not take a position on the sovereignty of the islands but recognizes that Japan administers them. Many in Japan would like the US to explicitly endorse Japan's sovereignty over the islands.

For official statements of the legal positions of the governments of China and Japan, see:

["Fact Sheet on the Senkaku Islands"](#), Ministry of Foreign Affairs of Japan, November 2012

["Full Text: Diaoyu Dao an Inherent Territory of China"](#), State Council Information Office White Paper, September 2012

Taiwan has also set out its legal position, in which it claims that the islands were returned to Taiwan at the end of the Second World War. See:

["The Diaoyutai Islands an Inherent Part of the Territory of the Republic of China \(Taiwan\)"](#), Ministry of Foreign Affairs, Republic of China, April 2012

China considers Taiwan to be one of its provinces. Japan does not challenge this view.²

There is also a broader maritime boundary dispute between China and Japan in the East China Sea (see below).

Some observers have asked whether China and Japan might permit the issue to be settled by the International Court of Justice. The ICG writes:

With this level of complexity, a judicial or arbitration settlement would be the most logical solution. Yet, there is little chance that an international tribunal will be able to examine the issue. Japan does not formally acknowledge that a dispute exists and believes it would therefore be up to China – which it says is seeking to challenge Japan's "valid control" of the island chain – to refer the issue to the International Court

¹ ICG, ["Dangerous waters: China-Japan relations on the rocks"](#), Asia Report No. 245, 8 April 2013, p2. In a supporting footnote, the ICG notes that China and Taiwan did not participate in the negotiations leading to the 1951 Treaty of San Francisco.

² Ibid, p52

of Justice (ICJ). Japanese officials also point out that, unlike Japan, China does not accept the compulsory jurisdiction of the court. Chinese analysts say that Beijing has no faith in the ICJ's fairness, as it is a "Western" system that will only produce results "biased against China".³

3 The UK position

Like their US counterparts, successive UK governments have declined to take sides in the dispute over the sovereignty of the islands. Below is a recent statement by the Foreign Secretary, William Hague:

HC Deb 22 Jan 2013 c160-1

Sir Peter Tapsell (Louth and Horncastle) (Con): Does my right hon. Friend agree that the dispute about the Senkaku islands cannot be regarded as just a regional issue, because of the United States' commitment to defend both Japan and Taiwan, although the legal position of the islands is not so clear? As it is reported that the Chinese are massing missiles on the coast of the East China sea capable of hitting Japan, we could be facing a very dangerous international situation. As we are friends of all the disputants and their allies on this issue, this is an opportunity for the Foreign Secretary to show his statesmanship.

Mr Hague: When I say that it is a regional issue, I do not mean that the rest of the world is not concerned about it. It is a matter to be resolved by the countries in the region. That is the important point. Of course we have been talking to the parties involved and have urged them to seek peaceful and co-operative solutions in accordance with international law, including in accordance with the United Nations convention on the law of the sea, so we will continue to take that role.

Mr John Spellar (Warley) (Lab): The rising economic importance of Asia is widely acknowledged, as well as the importance of those sea lanes, not only to the Asian economy but to the European and the wider world economy. I concur with the right hon. Member for Louth and Horncastle (Sir Peter Tapsell)—this cannot be just a matter of regional importance, especially with the increasing level of defence equipment expenditure taking place in that region. Can we therefore look at ensuring that the disputes are resolved through international law and not through military action?

Mr Hague: The latter point is very important and absolutely right, but the best role that the United Kingdom can play in order to contribute to that is to do the sorts of things that I described. I do not think that the United Kingdom taking a position on the strength of various claims would serve very well our objective of trying to bring about a peaceful resolution, but the right hon. Gentleman is right to stress the importance of that.

4 The maritime boundary dispute between China and Japan in the East China Sea

Japan and China have also been unable over a prolonged period to agree a maritime boundary in the East China Sea. They have established overlapping exclusive economic zones.

Many believe that a crucial element in this wider dispute is the hydrocarbon potential of the East China Sea. The US Energy Information Administration has estimated that there could

³ Ibid, p3

be 60-100 million barrels of oil and 1-2 trillion cubic feet of natural gas in the area.⁴ But, for obvious reasons, there has not been much exploration activity to date.

A recent BBC Online article provides a useful map, which shows the approximate location of the Chunxiao oil and gas fields:



It should be noted that the BBC has used the Chinese name for the oil and gas field; the Japanese call it Shirakaba.⁵ The East China Sea also contains large-scale fishing grounds.

5 Timeline of recent events⁶

September 2010

A Chinese trawler collides with two Japanese coastguard vessels near the islands. The Japanese authorities accuse the trawler of ramming its boats and detain and charge the captain of the trawler. China announces retaliatory measures. Japan releases the captain after just over two weeks, with many Japanese viewing this as a humiliating climb-down.

April 2012

The then governor of Tokyo, Shintaro Ishihara, a right-wing nationalist, announces a plan for the municipal government to purchase three of the islands from their private owner and build on them in order to assert Japanese sovereignty.

May 2012

The then Japanese government under Prime Minister Yoshihiko Noda decides to purchase the three islands. It claims to be motivated by a desire to prevent the bigger crisis in relations with China that might emerge if the governor of Tokyo's plan is successful.

⁴ ICG, "Dangerous waters: China-Japan relations on the rocks", Asia Report No. 245, 8 April 2013, p1

⁵ "Q&A: China-Japan islands row", *BBC News Online*, 22 January 2013

⁶ This timeline is drawn from a range of sources, including the ICG's recent report. It does not claim to be comprehensive.

August 2012

Chinese activists from Hong Kong briefly land on the islands, triggering a visit by Japanese activists in response.

September 2012

The Japanese government completes the purchase of the three islands from a private Japanese owner. The move produces an angry official Chinese response, accusing Japan of nationalising the islands and thereby violating a tacit common understanding that neither side would take unilateral steps that alter the *status quo*.

On the grounds that it is no longer required to respect the *status quo*, China publicly declares its territorial sea baselines⁷ around the islands and asserts for the first time that the islands are under Chinese administration. This reflects a new Chinese concept of 'overlapping control' over the islands.

Six Chinese ships subsequently sail into the waters around the islands, staying for a short period to assert China's territorial claim. There are large-scale anti-Japan protests in cities across China. The Japanese embassy in Beijing is attacked. Major Japanese firms temporarily shut factories and offices in China. Two more Japanese activists land briefly on the islands.

November 2012

Press reports indicate that Chinese boycotts of Japanese products are having a serious affect on trade, including Japanese car sales in China. It is claimed that Chinese government maritime surveillance vessels have made 12 forays into the waters close to the Islands since Japan bought them in September. Japan has increased the number of coastguard vessels patrolling the island from three to 30.

December 2012

A Chinese maritime surveillance plane flies over the islands for the first time. Japan responds by scrambling eight F-15 fighter jets. The incident demonstrates that the dangers of an armed clash exist in the air as well as at sea.

January 2013

Having campaigned on a position of 'no negotiations', the incoming Japanese prime minister Shinzo Abe sends a personal letter to the incoming president of China, Xi Jinping, in which he speaks of a desire to reduce tensions between the two countries. However, subsequently there are further skirmishes in the East China Sea. In one incident, according to the Japanese government, a Chinese naval frigate locks its weapons radar onto a Japanese destroyer. Japan again mobilises fighter jets. If true, this would be the first time that one side has been targeted by the other side's weapons. China denies the incident took place, but the US supports the Japanese claim.

February 2013

Japan's defence minister calls for the establishment of a 'military hot-line' between the two countries in order to help reduce tensions. Japan and China agreed to establish

⁷ **Territorial sea baseline:** the line from which the seaward limits of a maritime zone is measured. These include the breadth of the territorial sea; the seaward limits of the contiguous zone, the exclusive economic zone and, in some cases, the continental shelf.

both military and political hot-lines in 2010 and 2011 respectively, but they never materialised.

March 2013

A Chinese official announces that China intends to undertake a land survey on the islands in the near future. However, in a sign that China, having completed its leadership succession process, may be open to reducing tensions between the two countries, a senior general in the People's Liberation Army who is close to the new President of China, Xi Jinping, warns against bellicose language and asserts that diplomatic and political methods are the best way to handle the dispute.

April 2013

Japan and Taiwan reach an agreement, operative for 17 years, which will allow Taiwanese fishing boats to fish in waters close to the islands. China condemns the move. US Secretary of State John Kerry visits China and Japan. While in Tokyo, he reiterates US policy that it recognizes that the Senkaku islands are under Japanese administration but does not take a position on sovereignty. He adds that the US opposes any "unilateral or coercive action that would somehow aim at changing the status quo".

6 Additional reading

P. Dutton, "[Carving up the East China Sea](#)", *Naval War College Review*, Spring 2007

J. Dreyer, "[Sino-Japanese relations: the security perspective](#)", China Policy Institute blog, 18 February 2013

"The Senkaku/Diaoyu Islands: dangerous shoals", *The Economist*, 19 January 2013

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S. Joshi, "[Growing pains: The Sino-Japanese naval dispute in context](#)", *RUSI.org*, September 2010

J. Lee, "[Senkaku/Diaoyu: Islands of conflict](#)", *History Today*, Issue 3, 2011

J. Logan, "War over the Senkaku/Diaoyu islands", Cato Institute, 20 February 2013

M. Swaine and M. Fravel, "[China's assertive behaviour Part II – the maritime periphery](#)", Hoover Institution, 2011

US Energy Information Administration, [The East China Sea](#) (Last updated September 2012)