

The Senkakus: Actions to Keep The Situation Under Control

September 24, 2012

Japan Institute of International Affairs

Tensions have been rising between Japan and China over the Senkaku Islands. In the light of historical facts and based on international law, it is clear that the Senkaku Islands are an inherent part of Japanese territory, and Japan exercises effective control over these islands. China's own assertion regarding the Senkaku Islands does not have valid grounds in international law.

Nevertheless, Japan believes that the issues regarding the Senkaku Islands should not intensify the rift between Japan and China. The Japanese government's Cabinet Decision on September 11 to purchase the Senkaku Islands is intended to keep peaceful and stable maintenance and control of the Senkaku Islands. The recent incidents of violence and looting directed against Japanese nationals and companies in China in the wake of this decision, however, are profoundly regrettable, and the Chinese government is reminded of its obligation as a law-abiding state to protect the physical safety and property of foreign nationals. The Chinese government itself should also refrain from dispatching government vessels to the sea areas surrounding the Senkaku Islands as this would unnecessarily heighten tensions.

It is a fundamental rule of modern civilized society that the use of physical and violent means against another country or its citizens is unacceptable, even if there is a difference of views between the two countries. As "permanent neighbors," Japan and China need to respond calmly to differences of views between them. At the same time, Japan and China should also pursue practical cooperation, as the two countries share various interests. On the other hand, Japan needs to respond firmly if and when its sovereignty is violated by physical and violent means.

In view of the current circumstances surrounding the Senkaku Islands and in line with the basic stance stated above, the Japan Institute of International Affairs presents the following recommendations to the Government of Japan (GOJ).

1. The GOJ should strengthen security measures for the Senkaku Islands. This will require significant improvements to the capacity and equipment of the Japan Coast Guard. Specifically, this includes the steady implementation of the current buildup plan for patrol vessels, including large patrol vessels. At the same time, existing large patrol vessels should be deployed as a matter of priority to the sea areas surrounding the Senkaku Islands, and safer and more effective control using non-lethal equipment should be pursued. Furthermore, to prevent a miscalculation by the other side and thereby forestall an escalation of tensions, visible efforts should continue to be made to ensure a rock-solid Japan-US alliance.
2. The GOJ should take every opportunity to demonstrate to the international community and facilitate its understanding that, in the light of historical facts and based on international law, it is clear that the Senkaku Islands are an inherent part of Japanese territory. In this connection, it must be noted that the US has unquestionably treated the Senkaku Islands as Japanese territory – as evidenced by the US' exercise of its administrative rights to the Senkaku Islands as part of Okinawa under Article 3 of the 1951 San Francisco Peace Treaty and setting up firing/bombing ranges on these islands, and by the US' explicit agreement in the Agreed Minutes for the 1972 Okinawa Reversion Agreement that the Senkaku Islands are included within the scope of the territory being returned to Japan under Article 1 of this Agreement (see Note). This shows that the US cannot assume a neutral stance regarding territorial rights to these islands. The GOJ should call the US government's attention to this point.
3. The GOJ should continue its level-headed approach to the issues regarding the Senkaku Islands. At the same time, the GOJ should point out to the Chinese government that it should ensure that physical and violent measures are not tolerated or justified for any reason, and that it should refrain from making provocative statements itself. The GOJ should also urge the Chinese government that just compensation should be made for the damages suffered by Japanese nationals and companies as a result of the recent incidents of violence and looting. If China is to continue to be a destination of investment from not only Japan but also other countries as well, it is essential that China take appropriate measures worthy of a law-abiding country.

4. The GOJ should pursue practical Japan-China cooperation on maritime issues, which is also important for advancing confidence-building between the two countries. Although Japan and China reached a basic agreement in 2008 on joint development of resources in the East China Sea, the Chinese government suspended the treaty negotiations in 2010, and the negotiations have not resumed despite repeated urging by Japan. The GOJ should urge the Chinese government to agree to the early restart of these negotiations. Furthermore, as a follow-up to the first round meeting of the Japan-China High-level Consultation on Maritime Affairs held this past May, it is important to convene the next meeting as soon as possible and, through this venue, to develop confidence-building measures and crisis-management mechanisms covering maritime affairs between Japan and China.

(Note) Agreed Minutes for the Okinawa Reversion Agreement (relevant excerpt)

Regarding Article I [of the Okinawa Reversion Agreement]:

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:

<u>North Latitude</u>	<u>East Longitude</u>
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 40 minutes