

THE PODIUM

## The Senkakus: The true nature of the issue

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With the Chinese Communist Party Congress over and a new leadership under Mr. Xi Jinping setting sail, the world is watching with anticipation and unease as to where this giant is heading.

The situation over the Senkaku Islands could show who China really is.

Both history and international law clearly establish that the Senkakus are an inherent part of Japan's territory. China's assertions that they are part of its territory have no consistency or legal grounding.

The burden of proof lies with China. Why did China not advance its claims of sovereignty for more than 70 years after 1895, when Japan peacefully took possession of the Senkakus based on the principle of terra nullius (no-man's land)? China did not start pushing its claims until 1971.

There are even documents and maps in which China acknowledged the Senkakus as Japanese territory.

Some people may wonder why China does not file a suit with the International Court of Justice (ICJ), rather than sending its vessels and aircrafts close to the Senkakus for a provocative showdown, if it is really confident about its case. Should China wish to accept the compulsory jurisdiction of the ICJ and pursue this matter at the Court, the Japanese government would accept this challenge in accordance with the statutes of the ICJ, having already accepted the Court's compulsory jurisdiction. In doing so, however, China must be prepared to accept the ICJ's ruling, even if it is not in China's favor.

To buttress the weakness of its own assertions, China has recently sought to create the wrong impression that Japan seized the Senkakus from China and has rejected the outcomes of World War II. This is untrue. While Japan accepted the San Francisco Peace Treaty that determined the post-war international order and renounced its claims to Taiwan and the Pescadores, the Senkakus were recognized as a part of Okinawa and never treated as territory that should be returned to China. This same treaty transferred administrative rights to Okinawa, including the Senkakus, to the United States, and under the Okinawa Reversion Agreement in 1971 the US then returned these rights to Japan.

Japan has not taken and will not take any provocative action. On the other hand, China's sending its vessels and aircrafts close to the Senkakus for a deliberate showdown is a dangerous act of provocation. The world has long learned that challenging the territorial status quo with force, even as an expression of discontent, is a dangerous business.

Some in the West tend, wrongly, to equate the issue over the Senkakus with the Japan-South Korea dispute over Takeshima. While there is no doubt that Takeshima is an inherent territory of Japan, Takeshima does not have the regional security implication in the same sense that the Senkakus do pertaining to Asia's future peace and stability.

Japan will never take Takeshima back by force. On the other hand, behind China's hardline stance on the Senkakus lie China's maritime strategies. The issue over the Senkakus must not be dismissed as the one with merely bilateral implications. China is endeavoring to alter the present state of affairs of free navigation enjoyed and endorsed by the US, Japan and other regional countries. If China controlled the Senkakus, it could use them as a breach to punch a hole through the first island chain, advancing its anti-access strategy and moving its navy into the open ocean. There are even some in China who question Japan's territorial rights to Okinawa.

Will China uphold the principle of "peaceful development," or will China emerge as a revisionist power driven by its growing strength? The issue over the Senkakus is a case in point, and everyone hopes for the former. At the same time, the US and Japan must act together with the rest of the international community for peace and stability in Asia as well as extend their hands in cooperation to China, as hoping is not a synonym for assurance.

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