Introduction

The Senkaku/Diaoyu Dao/Diaoyutai Islands are a group of islands (not inhabited) in the East China Sea. With its geographical location, the Senkaku/Diaoyu Dao/Diaoyutai Islands are roughly the same distance (see figure 1) to China, Japan and Taiwan (Republic of China). This foreshadows the disputes on the ownership of these islands.

The Senkaku/Diaoyu Dao/Diaoyutai Islands dispute have planted its roots in the last century, or even way before. According to the Japanese side, the Senkaku/Diaoyu Dao/Diaoyutai Islands had been under Japanese administration since 1895. On the contrary, China believes that the Senkaku/Diaoyu Dao/Diaoyutai Islands have always been a part of Chinese territory and should be returned as a part of the Treaty of San Francisco after the defeat of Japan at the end of the World War II along with Taiwan. The situation was further complicated by United States involvement.

Besides their historical troubles, the islands have a great abundance of resources --- translating into enormous wealth in terms of mineral resources, fisheries, and trade routes. This of course, means that they lend themselves for provocations very well. Due to the abundance of natural resources such as oil, gas, and fishery, the Senkaku/Diaoyu Dao/Diaoyutai Islands have become the center of attention. Naturally, the importance of holding these islands have grown for China, Japan, and Taiwan after the United Nations Economic Commission for Asia and the Far East announced that this region “appears to have great promise as a future oil province of the world.”

The dispute was upgraded to military conflicts after 2012, when the Japanese government bought the islands back from private entrepreneurs. At first, private fishing ships constantly set out from China to test the Japanese control over the islands. After several ships have been taken down, the conflict sublimated to creating air defense identification zone and constant friction near the region. In recent years, there seemed to be a decrease in the conflicts around the islands. Although China and
Japan are expecting a change in their relationship, no specific agreements have been made on the Senkaku/Diaoyu Dao/Diaoyutai Islands disputes. This means that it is still necessary for the international community to look for solutions.

**Definition of Key Terms**

**The Senkaku/Diaoyu Dao/Diaoyutai Islands**

The Senkaku/Diaoyu Dao/Diaoyutai Islands refers to a group of uninhabited islands in the East China Sea. They are the topic of a large territorial dispute between mainly China and Japan, surrounding ownership and sovereignty of the land. Understanding the history and economic importance of the Senkaku/Diaoyu Dao/Diaoyutai Islands will be of utmost importance to all delegates.

![Figure 1: Illustration of the conflict region](image)

**Territorial Disputes/Claims**

Territorial claims and disputes are disagreements over the possession/control of land (the land being the Senkaku/Diaoyu Dao/Diaoyutai Islands) between two or more territorial entities (in this case being China and Japan). In regards to the issue at hand, China claims that the territory is theirs, and Japan does the same - resulting in a disagreement over the ownership of the land, thus creating a territorial dispute.

**Exclusive Economic Zone (EEZ)**

An Exclusive Economic Zone (EEZ) is a concept that was adopted at the Third United Nations Conference on the Law of the Sea (1982), whereby a coastal State assumes jurisdiction over the exploration and exploitation of marine resources in its adjacent section of the continental shelf, taken
to be a band extending 200 miles from the shore. The EEZ comprises of an area which extends either from the coast, or in federal systems, from the seaward boundaries of the constituent states (3 to 12 nautical miles, in most cases) to 200 nautical miles (370 kilometres) off the coast. Within this area, nations claim and exercise sovereign rights and exclusive fishery management authority over all fish and all continental shelf fishery resources. In the context of the issue, the Senkaku/Diaoyu Dao/Diaoyutai Islands are considered to be an EEZ.

Sovereignty

Put simply, sovereignty is defined as the full right and power of a governing body to govern itself without the influence or intervention of external sources. Most countries today have sovereignty, usually through their governments, thus allowing them to control the processes and events that take place in their nation, as well as manage their populations and enforce their own laws and ways of life. There are also references to sovereignty in the UN Charter, namely Articles 2(1) and 2(7), that “the Organization is based on the principle of the sovereign equality of all its Members. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.” These articles signify that sovereignty truly cannot be touched by external forces. Yet, in the case of the issue, it somewhat contradicts the core principles of the UN.

Sovereignty can also be acquired by a state from another - this is known as the acquisition of sovereignty. There are various modes of acquisition, such as but not limited to:

- **Cession** - the transfer of territory from one state to another usually by means of treaty;
- **Occupation** - the acquisition of territory that belongs to no state, or terra nullius;
- **Prescription** - the effective control of territory of another acquiescing state;
- **Operations of nature** - the acquisition of territory through natural processes like river accretion or volcanism;
- **Creation** - the process by which new land is reclaimed from the sea, such as in the Netherlands;
- **Adjudication** - a formal judgement on a disputed matter;
- **Conquest** - an invasion or assumption of control.

However, there are certain assets, or parts that can and cannot belong to a country. Below is an illustration of the aforementioned:
Background Information

Military and territorial competition results from strained political relations

Before the 20th century, the Senkaku/Diaoyu Dao/Diaoyutai Islands were considered of little importance. However, the tense political climate between Japan and China during the early 1900s sparked territorial and military competition. Japan claims that in January 1895, when it defeated China and seized sovereignty over Taiwan during the Sino-Japanese War, it had rightfully taken ownership of the Senkaku/Diaoyu Dao/Diaoyutai Islands. However, China states that the Japanese illegally obtained the islands and forced Chinese officials from the Qing dynasty into signing the Treaty of Shimonoseki after losing the war. After World War II, the Chinese government cited the 1943 Cairo Declaration and the 1945 Potsdam Proclamation and declared that “according to international law, the Diaoyu Island and its affiliated islands have already been returned to China,” but Japan quickly retaliated by declaring that it had never given up the land when signing the San Francisco Peace Treaty in 1951. Tensions died down after a while, as no clear resolution was in sight.

Discovery of oil deposits and economic assets increases tension

In 1971, however, competition for territory was sparked once again by the Economic Commission for Asia and the Far East (ECAFE) when the mission reported rich oil deposits beneath the seabed of waters near the Senkaku/Diaoyu Dao/Diaoyutai Islands. Shortly after, Taiwan, China, and Japan each filed territorial claims in hopes of securing the region for themselves. China justified its sovereignty over the islands, advocating that Chinese explorers discovered the land and claimed it as part of their territory during the 15th century. The Chinese government also states that the water surrounding the islands
have been considered traditional Chinese fishing grounds for centuries. Japan, on the other hand, refuted China's reasoning and referenced a Japanese mission in the 1800’s which found that the islands were “uninhabited and showed no signs of Chinese occupation.” According to Japanese officials, neither China nor Taiwan have ever endeavored to gain sovereignty over the land. These two conflicting arguments set the foundation for a decades-old conflict now known as the Senkaku/Diaoyu Dao/Diaoyutai Islands dispute.

**Geographic location and importance of the islands**

Obtaining the Senkaku/Diaoyu Dao/Diaoyutai Islands comes with several economic and strategic advantages that all parties in this conflict seek to enjoy. Japan, the 4th largest export economy in the world, sees the islands as an opportunity to further broaden its influence on international trade and obtain lucrative natural resources such as oil, gas, and mineral deposits surrounding the land. China, on the other hand, hopes to fulfill its sovereignty claims on the islands due to an ongoing three way competition between China, Japan, and the United States for dominance in the Asia-Pacific region. If China is able to successfully control the Senkaku/Diaoyu Dao/Diaoyutai Islands, its military supremacy in the area would surpass that of the United States, whereas a US victory would secure the United States’s place as the most prominent influencer of the Asia-Pacific region.

![Figure 3: An in-depth map of the region surrounding the islands](image-url)
Recent Developments

In 2012, the Japanese government reached an agreement with a family of private owners that control three of the five total islands that comprise the Senkaku/Diaoyu Dao/Diaoyutai Islands. This recent addition of new territory enraged those in the Chinese capital Beijing as well as Taiwan. Media footage displays demonstrators plundering Japanese villages and restaurants as well as demolishing Japanese-made items such as cars and imported furniture. In 2013, China implemented their plan to create an air defence identification zone. It declared that any commercial activity was to be reported immediately to the Chinese government. This plan, however, was met by resentment on the Japanese side, as the zone overlapped with that of Japan's. In 2014, former US president Barack Obama declared that the United States believes “historically [the islands have] been administered by Japan and should not be subject to change unilaterally” and publicized the US’s support for Japan and its territorial endeavors in the Asia-Pacific region.

Major Countries and Organizations Involved

China

Despite protests from the Japanese, China has been “slowly but steadily” violating the original borders by sending both military ships and fishing boats into Japanese territory. After creating the Chinese identification zone in 2013, the government proceeded to drill holes near the median line, which was originally drawn to restore peace between China and Japan. "We will not compromise on, concede or trade on territory and sovereignty, nor will we tolerate them being infringed on even a little bit," declared Defense Minister Chang Wanquan in April 2016. China Daily reports that the government sees the 2012 Japanese private purchase as an infringement on China’s sovereignty and a blatant disregard of the unwritten agreement between the two parties to “shelve the issue for future generations to solve.”

China claims that "on the bases of [the islands’] discovery, its inclusion into its defense perimeter from Japanese pirates during the Ming dynasty, and its incorporation into China as part of Taiwan in the Qing dynasty… [and] maintains [the islands] were ceded to Japan at the end of the first Sino-Japanese War in April of the same year." Although Japan argues that the islands were discovered to be uninhabited during the 17th century, the Chinese government claims that this fact does not imply that the islands were “terra nullius”, or an unoccupied territory entitled to the first nation that discovers it, according to international law.

Japan
Historically, Japan has been proactive in its efforts to claim the Senkaku/Diaoyu Dao/Diaoyutai Islands, investing a total sum of $600 million since 1987 in order to prevent the territory from disappearing due to rising sea levels. Japanese media reported that June 10th marked the 60th consecutive day that China’s military vessels have traveled within the borders of the Senkaku Islands. The Japanese government believes that China’s activities near the islands are part of its plan to seize the region without using military force. Japan hopes to “ensure the international community adequately understands China’s attempts to change the status quo” and “employ information power and disseminate the details of Chinese activity around the Senkakus.” In 2019, Japan began to steadily increase its coast guard and defense budget in preparation for any further unforeseen conflicts.

The government maintains that the Senkaku/Diaoyu Dao/Diaoyutai Islands remain under Japanese sovereignty in accordance with modern international laws. Whereas China claims that its rival had ceded the islands after World War II, the Japanese Ministry of Foreign Affairs argues that “The Senkaku Islands were not included in the territory which Japan renounced under Article 2 of the San Francisco Peace Treaty of 1951 that legally defined the territory of Japan after World War II.” Japan also claims sovereignty over the islands due to their tax levies on private owners and law enforcement in the region. The government firmly believes that “none of the points raised by the Government of China and the Taiwanese authorities...provide valid grounds in light of international law to support their sovereignty over the Islands.”

The United States of America

The United States of America has been involved in competition over Asian-Pacific territory for quite some time, and the Senkaku/Diaoyu Dao/Diaoyutai Islands could either help the United States become the most militarily dominant country in the region or cause the US to fall behind its current rival-China. In 2014, US President Barack Obama confirmed the country’s support for Japan. For the United States, preventing China from seizing the islands is a strategic move that could ensure its own economic advantage. Militarily, the United States hopes to impede Chinese efforts towards territorial advancements. Ever since 2007, the US has been involved in an informal dialogue with other democratic countries such as Japan, Australia and India called the Quadrilateral Security Dialogue (Quad), in response to China’s increased economic and military power over countries located in the Asia-Pacific region. As the US-China political climate heats up due to both military strife and trade wars, obtaining the Senkaku/Diaoyu Dao/Diaoyutai Islands would confirm US hegemony in the South China Sea, opening up new economic opportunities such as the exchange of arms with countries around China for both economic gains and a military advantage over the Chinese government.
## Timeline of Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1368-1912</td>
<td>The Ming Dynasty placed Diaoyutai under the Chinese coastal defense. Chinese books published during this era mention Diaoyutai. During the Qing Dynasty, the Qing Court placed the islands under the jurisdiction of the local government of Taiwan.</td>
</tr>
<tr>
<td>1894-1895</td>
<td>The Qing Dynasty of China lost the first Sino-Japanese War and the Treaty of Shimonoseki was signed for China to recognize that Korea was independent. Taiwanese territory was also ceded, which technically includes Diaoyutai, Penghu Islands, and the Liaodong Peninsula in Manchuria (Japan took ownership of the aforementioned land).</td>
</tr>
<tr>
<td>1937</td>
<td>The Second Sino-Japanese War started.</td>
</tr>
<tr>
<td>1945</td>
<td>Japan surrendered to the US-led allied nations at the end of WW2. General Order No. 1 was signed which ended the Japanese rule of Taiwan. The United States also occupied the Okinawa prefecture.</td>
</tr>
<tr>
<td>1952</td>
<td>The Treaty of San Francisco was signed, without the mention of Senkaku Island.</td>
</tr>
<tr>
<td>1968</td>
<td>The UN Economic Commission for Asia and the Pacific reported that there may be potential undersea oil reserves in the territory.</td>
</tr>
<tr>
<td>1971</td>
<td>The governments of China and Taiwan formally declared ownership of the islands.</td>
</tr>
<tr>
<td>August 12, 1978</td>
<td>Japan and China signed the Treaty of Peace and Friendship between each other (PFT).</td>
</tr>
<tr>
<td>2004</td>
<td>A group of Chinese “Baodiao movement” activists landed on one of the disputed islands. Prime Minister Junichiro Koizumi ordered their deportation after 2 days.</td>
</tr>
<tr>
<td>2007</td>
<td>Japan denounced the attempted landing of Chinese nationalist militants from the “Baodiao movement”.</td>
</tr>
<tr>
<td>2008</td>
<td>A Taiwanese fishing vessel and a boat from Japan Coast guard collided.</td>
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A Chinese fishing boat rammed 2 Japanese coast guard patrol boats off the islands. The boat’s captain was arrested but was released in 2 weeks after diplomatic debates.

14 pro-China activists sailed to the islands to assert Chinese sovereignty claims. Five swam ashore before the Japanese coast guard detained all the activists and deported them. 10 Japanese nationalists landed on Uotsuri Island to assert Japan’s sovereignty claim, ignoring Tokyo’s warning that the landing was unauthorized.

Japan’s government said it had decided to purchase the disputed islands from a private Japanese owner in an effort, Tokyo claimed, aimed at diffusing territorial tensions. Six Chinese surveillance ships sailed into waters around the Diaoyu Islands to assert China’s territorial claims and for “law enforcement”, leaving after seven hours.

The biggest anti-Japanese protests since China and Japan normalised diplomatic relations in 1972 were held in cities across China. The Japanese embassy in Beijing was besieged by thousands of protesters throwing rocks, eggs and bottles. Two Japanese activists landed on the Diaoyu Islands while widespread anti-Japanese protests had been held across China at the anniversary of Japan’s invasion of Manchuria.

81 Taiwanese trawlers accompanied by a dozen Taiwan Coast Guard patrol boats patrolled off the islands to defend the sovereignty of the Republic of China on the islands and Taiwan’s fishing rights in the area.

Taiwan Diaoyu Islands Protecting Association planned to send a statue of Matsu to the islands but was obstructed by Japanese official boats on its journey.

America and Japan held joint military drills in the sea areas around Diaoyu Islands. China announced the establishment of the East China Sea Air Defense Identification Zone (ADIZ) - a zone allowing it to “identify, monitor, control, and react to aircraft entering the zone with potential air threats”. The United States of America pledged support for Japan in the dispute against China.

### Relevant UN Treaties and Events

- Letter dated 72/05/24 from the Permanent Representative of Japan to the President of the Security Council, 24 May 1972.
Previous Attempts to Solve the Issue

Economic pacts

There have been attempts to resolve the dispute between China, Japan and Taiwan, in which the negotiations between Japan and Taiwan had shown some success. In April 2013, Japan and Taiwan made a pact on sharing their administrations of the finishing resources in the Exclusive Economic Zones (EEZs) they both claimed near the Senkaku/Diaoyu Dao/Diaoyutai Islands. According to the agreement, the waters south of 27 degrees north latitude and north of the Yaeyama Islands --- with the exception of the disputed Senkaku/Diaoyu Dao/Diaoyutai Islands --- should be open to both sides, regardless of the jurisdiction of both countries’ law enforcement. Japan, in concern with Taiwan’s possible alliance with China, decided to make a concession. Taiwan, accordingly, differentiated its approached with China’s.

On the other hand, tension-relief between China and Japan had not been ideal. In June 2008, the two nations agreed upon joint exploration near the “median line” declared by Japan for oil and gas sources --- the Chunxiao/Shirakaba gas and oil fields. This agreement guaranteed no infringement of either side’s legal claims in the Senkaku/Diaoyu Dao/Diaoyutai area. Unfortunately, the peace achieved by the compromise did not last long and have failed in the implementation of the agreement. Due to intense domestic criticism, China had withdrawn from implementing the agreement, for its people believed that China should not have conceded so much.

Summit meetings

After the Japanese government intended to purchase the Senkaku/Diaoyu Dao/Diaoyutai Islands from their individual owners, outrageous protests broke out and spread across China. In addition to public demonstrations, frictions between the China-Japan broader around the Senkaku/Diaoyu Dao/Diaoyutai Islands deepened the conflict. To cope with the conflict raised by the disputed islands, Japan takes measures to mitigate the intense relationship with China. On November 11, 2017, the Prime Minister of Japan made a public apology, and the dispute was eventually resolved.
Minister of Japan and the President of China together held a Summit Meeting while visiting VietNam for the Asia-Pacific Economic Cooperation Economic Leaders’ Meeting. The two sides recognized each other’s achievements, expressed their friendly intentions on improving the bilateral relationship, and discussed future cooperation. Towards the end of the meeting, both leaders confirmed this meeting would be a witness of a new beginning for the two nations’ relationship. The rising aggression before the meeting seemed to decline. Domestic unrest in China had been turned down. In the following year, Chinese premier Li Keqiang and Japanese prime minister Shinzo Abe visited the other country, respectively. Despite the imitaged relationship, the two countries did not propose any clear resolutions. A steady step has to be taken to directly solve the problem.

Possible Solutions

Unfortunately, keeping peace and balance in the region proves to be quite a feat, seeing as the issue at hand is so dynamic and vulnerable to rapid changes. Solutions that delegates brainstorm must take into account the great amount of difficulty that an international or regional body would have in connecting not only policies, but also resources, and bringing about change to the underlying causes of the conflict.

China has increased the number of vessels that it sends to the region drastically, after the conflict soured and soared with Japan. The boastful amount of natural resources, if used for military means could prove to be quite dangerous in regards to international security.

Delegates are reminded that this issue involves international cooperation (notably between Japan and the United States of America). It is with that, one must consider the implications that particular actions may have, not only on the countries within the region, but also the international community. There is no ideal solution to the matter at hand, given its complexity. However, below are a few possible solutions that delegates may find useful to incorporate or draw inspiration from, at the time of resolution writing.

A Joint (Bilateral) Agreement or Treaty

Although previous endeavours to form treaties and agreements have failed, a potential solution may be for Japan and China to acknowledge the sovereignty claims over all the islands by the other, and jointly agree to delegate the administration of the islands to a joint oversight board with equal memberships on the Chinese and Japanese sides, with a rotating chairmanship and consensus on the decision making rules. Whereafter patrols for the purposes of safety and tours of the islands for reasons of tourism and/or ecology and history could be organized together by China and Japan and regulated by
the board. This would not only heal the soured relationship between Japan and China, but also allow them to fully utilize the economic capabilities of the islands, as well as strengthen bilateral relations and restore peace to the region. This would also guarantee that foreign involvement remains low, and that no country is then able to capitalize on the islands to an extent such as military development. The same could apply to Taiwan (Republic of China) if they were to accept such a deal to be brokered. In that case, there would no longer be any disputes whatsoever, as all parties would get their fair share of land, and profit from the abundance of resources (even if slightly less in value).

A Split

A quick solution, to calm current tensions, may be to form lines equidistant to the nearest island. The sides would be split equally amongst all parties. Although disputes may rise once again in regards to the amount of resources available on one side compared to the other, or a patrol ship crossing the line - cases of extraction or drilling on the wrong side. The solution is not foolproof, but would provide instant gratification to all sides, and allow for some more time to think of a better way forward.

Establishing an International Protection Zone

Another solution lies in Japan and China brokering a deal that takes the islands off the table in terms of the effects they have on establishing maritime boundaries in the East China Sea. Quite recently, the International Court of Justice (ICJ) decided in the Serpent Island Case to not allow minor “islands” to distort the continental shelf projection of continental states (such as Japan). A possibility could be for the ICJ to regard Senkaku as only “rocks” and give them a 12 Nautical Miles (NM) protection zone. This would result in the islands being off limits for both countries. However, the surrounding sea waters would also be sources of great economic value, thus leading to a resolution of one of the most ultimate cases of sovereignty disputes.

Bibliography


Appendix or Appendices

   
   This is a link to the 1971 Okinawa Reversion Agreement, in which the United States returned the Japanese territories obtained after the Pacific War.

   
   A brief introduction to the Senkaku/Diaoyu Diaoyutai Islands dispute - good starting point.

   
   An explanation of the reasoning behind China, Japan and US' involvement in the issue.