

## **China's Territorial Disputes with Japan: The Case of Senkaku/Diaoyu Islands**

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### **Abstract**

Wrestling between China and Japan over the Diaoyu/Senkaku Islands continues on. Recent rounds of tensions have not only catalyzed Sino-Japanese relations, but also set the East Asia region in a conundrum, witnessing reemerging debates along with strong sentiments on issues, like historical hatred and war memories, Taiwan and the Okinawa issue. To certain degree, these issues are revisited at this sensitive timing, and are thus brought back to the front burner. The turmoil features that structural problems underpinning these territorial and sovereignty disputes once again resurface and stir up the troubled waters in this region. The focus will be on China's historical arguments, in ancient and near history after WWII, and its deployment of measures implying its effective administration upon the Diaoyu/Senkaku Islands recently. China's challenges are multi-dimensional: how to refine the evidentiary effect of its historical evidence and arguments? How should the Taiwan issue that is deeply intertwined with the Diaoyu/Senkaku Islands issue help reify China's (the People's Republic of China) claim? How does China justify its understanding toward post-WWII legal and political regional arrangement paved by a series of international documents? How does China deploy effective administrative measures, while avoiding regional stakeholder countries being greatly pitted against therewith?

### **Keywords**

history, sovereignty, consensus, territorial acquisition, Taiwan

Since resurfacing above the table in late 1960s<sup>1</sup> (Zhu, 2013, pp. 29-30; Guo, 2010; Jin, 2013), arguments and claims over the Diaoyu/Diaoyutai/Senkaku Islands<sup>2</sup> dispute are featured with affluent pieces of historical evidence (Courmont, 2014, pp. 113-134).<sup>3</sup> Both claimants trace their ancestral practices, when China dated civilian usage as early as in Ming Dynasty, when people from Fujian Province (a southeast province located in the Southeast part in China which borders the Taiwan Strait) established close economic and trade relations, via navigation routes bypassing the Diaoyu Islands, with the Ryukyu Kingdom (Li, 2012; Lai, 1996).

### **The First Myth: History v. Modern International Relations**

In the Diaoyu Islands dispute, the historical argument, relatively, does not trigger vigorous heated debates. Scholarly works indicate that the Han-Chinese had reached the Ryukyu Kingdom, en route the Diaoyu Islands, via various navigation routes as early as in late 14<sup>th</sup> century (Liu & Yuan, 2012; Shaw, 2008). The mentioning of the Diaoyu Islands was dispersed among civilian sailing diaries, as well as official documents that marked official investiture missions to the Ryukyu Kingdom.

As early as 1372 during the Ming Dynasty (1368-1644), the Chinese emperor initiated tributary relations with the Ryukyu kingdom whose reign extended from Amami to the Yaeyama islands (Suganuma, 1995, p. 167). The Ryukyu kingdom maintained these relations with China throughout the Ming and Qing eras. Between 1372 and 1879 (when the Ryukyu Kingdom was annexed to Japan, renamed and administered as the Okinawa Prefecture in Japan's governmental ad-

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- 1 The sovereignty issue over this Islands attracted heavy attentions in late 1960s. A UN study was issued, regarding the petroleum potential in the East China Sea. The estimated amount was believed to be prodigious.
  - 2 China, Taiwan and Japan all claim sovereignty over this Islands. They use different terms. China calls it, the Diaoyu Islands. Taiwan and Japan name it, respectively, the Diaoyutai and Senkaku Islands. These names will be used interchangeably in this article, depending on the narrative subject. This article will not go deep into Taiwan's case in the dispute. So, the Taiwanese term, the Diaoyutai Islands, will not be used considerably.
  - 3 Taiwan, the Republic of China, has also laid territorial claims over the Diaoyutai Islands (the Taiwanese term). However, this article will focus on China's historical argument, legal justification, and its measures in recent round of tensions (after 2010). Taiwan's role in this dispute is undoubtedly significant. Nevertheless, the author opines that it deserves deep and comprehensive discussions which should be done in another piece as a whole. Therefore, the author intends to leave the Taiwan's Diaoyutai Islands claim in a future article. On an insightful look of Taiwan's role in this dispute.

ministration), twenty-four investiture missions were sent by the Chinese Emperor to Ryukyu to bestow the formal title upon a new Ryukyu King (Suganuma, 1995, pp. 167-168; Wade, 2007). Records would be submitted to the Chinese Emperor, and later archived as official documents of each mission.

The first civilian record of the Diaoyu Islands is a non-official Chinese navigational record, entitled *Shun Feng Xiang Song* [Fair Winds for Escort] written in 1403 (Shaw, 2008, p. 104). By identifying the location of these islets, this record is to help sailors to navigate safely to the Ryukyu Islands.

These investiture missions generally set off at Fuzhou (a harbor city in Fujian province in China). The whole navigation was featured with considerable risks as it required sailors to repeatedly set the compass throughout the itinerary. The route was dubbed as "Compass Route." Civilian diaries had lent significant supports for a safe trip and was said to be a compound of knowledge, experiences and folkloric tales contingent to navigation en route to the Ryukyu Islands. Accordingly, Chinese sailors might have been informed of the Diaoyu Islands long before these sailing diaries.

Further, in these mission reports, details shown that the island Chi Yu (Chi-wei-yu, the most northeastward island of the Diaoyu Islands chain) was regarded as the boundary between China and foreign lands. When passing, rituals might be held, with specific emphasis recording that the mission was entering the Chinese boundary (Suganuma, 2000, p. 54).<sup>4</sup>

Other than investiture mission reports, official records of the Diaoyu Islands could be spotted in other documents. The Ming Dynasty built up a military defence system extending from the northern Shandong province to Guangdong province in the south to fight against Japanese pirates, *Wo Kou*. A defense manual comprised of a total of 13 fascicles published by Zheng Ruozen, a military advisor to then Prime Minister Hu Zongxian in Ming Dynasty in 1561, the Diaoyu Islands are documented to be appurtenant to the Fujian garrison defence system (Couling, 1917, p. 255).

Civilian sailing diaries and official documents, viewed together, suggest that the disputed islands were first discovered and used by the Chinese as navigational aids over a period of about five hundred years. The detailed records that contain navigation passages, exact locations of these islets, undercurrents and rocks under-surface imply strongly a Chinese perception of its ownership over these islands.

Heavy reliance on historical evidence is clearly discernible in Chinese claims.

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4 This Xiao Chong mission (1576) recorded that before "having passed the Yebi Mountain (Kume Hill) it took days to enter the Kingdom (Ruguo)."

However, a close look reveals that these records are largely civilian, or semi-official in nature (Li, 2012; Lai, 1996). Official data exist, but only after well-established and well-acknowledged civilian practices—often in terms of business and trade (Qian, 2006). In the scenario of the Diaoyu Islands case, frequent civilian contacts, via navigation, between Fujian Province in China and Naha in Ryukyu Kingdom had largely informed the Fujian-ese about the Diaoyu Islands (Huang & Xie, 2013, pp. 14-19; Wade, 2007). Despite the early discovery of the Diaoyu Islands in folkloric narratives, there existed rare wordings, which were phrased in a definite way, showcasing Chinese ownership of these unmanned, remote islets (the Diaoyu Islands) at the brinkmanship of sailing range of Chinese vessels.

When reviewing these historical evidence, Chinese scholars tend to interpret it with a positive attitude, describing that despite their unofficial formality, frequent civilian activities, along with records in the logbook detailing navigation routes in this area, has constituted weighing supports that ancient Chinese had long regarded the Diaoyu Islands a part of their territories. However, such realization runs counter to the contemporary international law regarding territorial acquisition, which emphasizes explicit state actions that would convey clear sovereign inferences (Sharma, 1997, pp. 6-8, pp. 19-20).<sup>5</sup>

One vivid example is *terra nullius*, which diagnoses the discovery and then official claims to occupy a territory that belongs to no one. Chinese records showed that actions displaying sovereign function had not been specifically carried out over the Diaoyu Islands. There existed no official announcement of discovery of these islets, and no official gazettes recording the formal incorporation of such as a Chinese territory. In other words, not only the concept *terra nullius* was not realized with later legal behaviors announced to support required sovereign ownership, the Chinese authority also had not clarified when and to what extent that subsequent administrative management, dubbed as *animus occupandi*,<sup>6</sup> of these islets in contemporary international law by prescribing the disputed place a name and a corresponding position in its governance structure, was effectively implemented.

The jurisprudence of the International Court of Justice also shows a certain degree of insistence upheld by the Court on a clear display of this intention. The

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5 Traditional international legal perspectives on territorial acquisition emphasize on sovereign actions and their political inference.

6 In *animus occupandi*, a state shows its intention to occupy through a formal announcement or some other recognizable act/symbol of sovereignty such as planting of a flag. In this logic, to formally give a name to a place shows the intention to integrate it into the acting authority's reign. This behavior also can be regarded a practice of sovereign function by the acting authority.

Court stated such in a paragraph in its decision upon the *Eastern Greenland Case*, "...[a] claim to sovereignty based not upon some particular act or title such as a treaty of cession but merely upon continued display of authority, involves two elements each of which must be shown to exist: the intention and will to act as a sovereign, and some actual exercise or display of such authority..." (Permanent Court of International Justice, 1933, pp. 45-46).

In this aspect, Chinese historical documents could not support its sovereign argument under the benchmark of contemporary international law. This, instead, has become one hurdle dampening contemporary Chinese efforts in regaining the sovereignty battle against Japan.

Similar obstacles exist in other territorial spats involving China and other Asian countries. China's claim over the South China Sea, which is based on a historical map, dubbed as the "nine dotted line," is another instance (Li, 2012, pp. 7-14).<sup>7</sup> Claims over the great swaths of water, and sovereignty of islands, rocks and reefs spotted thereupon are also grounded on historical facts that Chinese fishermen had long practiced navigation and fishing activities in that area since ancient time. The discrepancy between the Chinese and mainstream understanding is daunting.<sup>8</sup> Seasonal observations showcase this discrepancy, which intends to denigrate this Chinese logic, refuting that the Chinese could have claimed a larger portion of the world, since their ancestors had once conquered the Euro-Asia continent in Yuan Dynasty, and had sent an emissary fleet westward all the way to the coast of the African continent.

## The Second Myth: Territorial Disposition Not Consulting China(s)

Albeit the prioritization and over-emphasis of the historical dimension, the Chinese understanding in contemporary international law also raises concerns. In the Diaoyu Islands dispute, of significant importance are two international documents, to which Chinese interpretation also runs counter to the mainstream opin-

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7 The Nine-dotted line map is also known as the U-shaped line. It was developed by the KMT government in 1947, after a group of experts was sent for investigations in the South China Sea after WWII.

8 The mainstream view upheld by most ASEAN claimants is that UNCLOS should be the benchmark for resolving the South China Sea disputes. Nevertheless, this view may raise further inquiries, in the sense that the South China Sea dispute is comprised of various dimensions, including islands sovereignty, maritime zoning and resources exploitation. UNCLOS regards mainly on the latter two issues, but not islands sovereignty.

ion in the international community.<sup>9</sup>

### **China's Repudiation of the Peace Treaty with Japan**

The first flashpoint is China's repudiation to the Peace Treaty with Japan (also known as the San Francisco Peace Treaty, SFPT). That said, a snapshot examination of Chinese legal justification helps sort out this unique Chinese interpretation.

China views that the secession of the Diaoyu Islands took place in 1895, together with Taiwan, due to the Shimonoseki Treaty that wrapped up the first Sino-Japanese War from 1894 to 1895. In 1941, the then republican government renounced the Shimonoseki Treaty, thus had rendered null and void the Japanese sovereign authority over the Diaoyu Islands (Wang, 1998, p. 399).<sup>10</sup> An echoing step was that Japan also made commitments in the Instrument of Surrender (1945) and the SFPT (1951) that Japan agreed to nullify all treaties and agreements it had entered into with China before December 1941, and to denounce its sovereign authority over occupied territories (Treaty of Peace between the Republic of China and Japan, September 8, 1951). At a later stage in WWII, the Cairo Declaration in 1943, and the Potsdam Declaration in 1945, fortified the Alliance stance in this regard (Shen, 2001, pp. 1112-1114). However, the SFPT which further codified the Cairo and Potsdam Declaration, is not recognized by the People's Republic of China government (the PRC).

The rejection by the PRC to the SFPT is apparent. The SFPT does not constitute a nexus in any part of Chinese legal justification. Further, official documents witnessed this renouncement. On December 4, 1950, Prime Minister and Minister of Foreign Affairs Zhou En-Lai, under plenipotentiary power authorized by the highest leader Chairman Mao, issued a formal statement rejecting the treaty as an unjustified document that would not bind the PRC government in Beijing (Tian,

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9 The mainstream understanding of post-WWII regional arrangement, which considerably shaped the territorial disposition of the Diaoyu/Senkaku Islands, is based on a series of international documents. The initial one is in 1941 when the Cairo Declaration was endorsed by the Alliance powers. Subsequently, the most crucial one is the Peace Treaty with Japan signed in 1951. In the 70s, when China and Japan normalized their relations, two other documents jointly fortified bilateral efforts to maintain lasting peace between China and Japan, the Joint Communique signed in 1972, and a treaty marked mutual friendship and common goals for peace inked in 1978. Of crucial notice is China's proposition toward the Peace Treaty with Japan signed in 1951. China repudiated the 1951 Peace Treaty, which overshadowed its claims upon the Diaoyu Islands in the aftermath.

10 In 1941, the Chinese government formally declared war against Japan. China then renounced all treaties entered into with Japan before 1941, thus nullifying terms and conditions in these treaties. Inter alia, the Shimonoseki Treaty that wrapped up the first Sino-Japanese War (1894-1895) was also scrapped. In this sense, Japan's ruling authority over the Taiwan Island was called into question. China had long regarded the Diaoyu Islands as an inherent part to the Taiwan Islands. In this sense, Japan's sovereign claim thereupon was baseless and unsound, either.

1996, pp. 89-91). That position has been upheld, which remains one major principle guiding China's foreign policy in following decades.

Bearing in mind the deviation from the 1951 SFPT in the Chinese chronology, the next crucial moment came in early 1970s, when two events took place that greatly shaped up the Diaoyu Islands dispute.

In 1971, the US and Japan sealed the Okinawa Reversion Agreement, returning the administration authority of the Okinawa and its adjacent islands to Tokyo. Nevertheless, the US had adopted a strategic obscure position whether the reversion included the Diaoyu Islands (Manyin, 2013). Absent due consultation with China and the United Nations, the validity and legality of the Okinawa Reversion Agreement was called into question. The two Chinese governments in Beijing and Taipei (the Republic of China government, the ROC) launched formal protests to the US-Japan deal (*Peking Review*, 1972, p. 12).<sup>11</sup>

Nevertheless, the Communist China buried the hatchet with Japan first in 1972, when the two formalized bilateral ties, and later in 1978 by signing the Sino-Japanese Treaty of Peace and Friendship (Treaty of Peace and Friendship between the People's Republic of China and Japan. August 12, 1978). In the 1972 Joint Communiqué between the PRC and Japan, the Communist China held that Japan had confirmed again its commitment to the arrangement in the Potsdam Proclamation (Joint Communiqué between the People's Republic of China and Japan, 1972).<sup>12</sup> Quoting Chinese Premier Zhou Enlai's words when meeting with Komeito Chairman Takeiri Yoshikatsu as a part of bilateral efforts for normalization of the Sino-Japanese relations, "there is no need to touch on the Senkaku Islands issue. Mr Takeiri, you also had no interest. I also had no interest. But the historians raise it as a problem due to the oil issue, and Mr Inoue Kiyoshi is very keen on it. However, there is no need to place importance on it (*omoku miru*)" (Drifte, 2013, pp. 19-21). Similar exchanges took place between Zhou and then Japanese Prime Minister Tanaka Kakuei, when Kakuei responded to Zhou's proposal not to discuss the dispute in a similar manner, "Let's discuss it another time" (Drifte, 2013, p. 19).

In the negotiation process of the Peace and Friendship Treaty with Japan in 1978, China held that the two had reached a tacit understanding of sidestepping the Diaoyu Islands dispute, and of leaving it to later stages when the two had formed

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11 The Communist China issued formal protest. The Republican China in Taiwan also launched formal protest on June 11, 1971. Republic of China Ministry of Foreign Affairs (Taiwan), The Republic of China's Sovereignty Claims over the Diaoyutai Islands and the East China Sea Peace Initiative.

12 The words stated that Japan "maintains its stand under Article 8 of the Potsdam Proclamation."

stronger basis for mutually acceptable and beneficial resolutions (Jin, 2013).<sup>13</sup>

These two international documents, the SFPT and the Okinawa reversion agreement, shared certain poignant commonalities: they both did not engage a crucial stakeholder, China(s), and were pursued mainly under the US domination. Further, territorial disposition made in these documents is related to the Diaoyu Islands dispute via issue-linkage, when China bundles the Diaoyu Islands into the Taiwan issue, and Japan to the Okinawa Islands group. In this sense, both documents created ambiguous rooms for territorial spats, which nevertheless suit the claimants respectively.

### **China Challenging Post-WWII Regional Arrangement?**

To China, the Diaoyu Islands constituted an inherent part of the Taiwan Island, to which Chinese sovereignty has been perceived as solid and legally sound. The Taiwan issue, while under manageable control under the quote by Foreign Minister, Wang Yi in September, 2013, remains unresolved. To Japan, the Diaoyu Islands belong intrinsically to the Okinawa Islands group, which interestingly, does not share the nerve with Tokyo toward these unmanned remote islets (Ministry of Foreign Affairs of Japan, 2012).<sup>14</sup> In other words, connection between the Okinawa and the Diaoyu Islands does not seem to be well-established, when studies in this aspect generate scarce outcomes either (Li, 2012; Lai, 1996).

However, in recent rounds of tensions, connection bridging the Okinawa and the Diaoyu Islands gets deepened, albeit on a negative note to Japan's position. Chinese scholars issued commentaries on the official media, arguing that the Diaoyu Islands issues should be viewed together with the questionable sovereignty over the Okinawa Islands now claimed by the Japanese government (Li & Zhang, 2013; Jin, 2013; Zhang, 2013; Wang, 2013; He, 2013).<sup>15</sup> Chinese scholars upheld

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13 The provisions of the Joint Communiqué are further confirmed by the Treaty of Peace and Friendship between the PRC and Japan, signed on August 28, 1978. The controversy exists because this understanding is written formally into neither the Communiqué (September 29, 1972) nor the Treaty (October 23, 1978). However, in a later occasion when Vice Premier Deng Xiaoping met Japanese journalists, Deng explicitly commented that there existed no interests for China and Japan to touch upon the Diaoyu/Senkaku Islands disputes at that time. The Japanese representative had not reacted to Deng's comment, which inferred a tacit understanding to shelve this dispute between the two for the time being.

14 Ancient Ryukyu-ans did not regard the Senkaku Islands (the Chinese called it the Diaoyu Islands) a part of their territories, see Huang and Xie, "Knowledge of the Diaoyu Islands by the Ryukyu Kingdom," 14-16. For modern Ryukyu-ans, they generally share Tokyo's position, thus have upheld the Japanese sovereign claim over the Senkaku Islands.

15 These pieces are conglomerated on the website of the Modern China Research in the Chinese Academy of Social Sciences. Retrieved from April 30, 2014, from [http://jds.cass.cn/Category\\_1195/Index.aspx](http://jds.cass.cn/Category_1195/Index.aspx). This issue also attracts considerable attentions from Chinese scholars.

that the Japanese sovereignty over the Okinawa Islands were legally unsound. Japan capitalized on the Qing government who was vulnerable to coercion, due to decades of foreign invasion starting from middle 19<sup>th</sup> century, and was financially indebted because unequal treaties (Hou, 2010). The negotiation between the Meiji administration and the Qing government was stuck, and ultimately abandoned. Literally speaking, the Okinawa, later incorporated by Japan in 1879, was, as perceived by the Chinese, stolen from China.

By rejecting the SFPT and revisiting the long-dormant Okinawa sovereignty issue, China is actually challenging the post-WWII arrangement in East Asia, and would burden itself with a laborious mission in justifying its interpretation. In this sense, it is precarious that Beijing had chastised Tokyo as a spoiler of the post-WWII arrangement in East Asia in recent rounds of tensions (*Dowei News*, 2013, October 30; 2013, October 21; 2013, October 22).<sup>16</sup>

As a stakeholder who has largely benefitted from decades of regional stability, in whatever forms, it will be rather unconvincing for China to sit in this position at this juncture. Chinese scholars have argued that the SFPT may serve as manifestations of Japan's commitments to be bound by the post-WWII arrangement mandated by the SFPT (Shen, 2000; Charney & Prescott, 2000, p. 469). Even without Chinese recognition, Japanese "unilateral" commitments would still be binding, requiring Tokyo not to be a spoiler in regional order. Yet, having repudiated the validity of the SFPT, China would be morally tarnished by making this claim. Judging that China has been substantially benefitted from this arrangement 60 years after its settlement, international criticism might confront China with its cherry-picking manner, when the certainty and predictability of international law would be significantly compromised and its function of enhancing the rule of law in international context, being eroded.

Besides the discrepancy of interpretations toward regional and international law and order, a contingent issue is to whom that Japan, the disputant, and stakeholder countries like the US, should talk to. A split China further overshadows the dispute.

### **Implication of a Split China**

Another key issue that keeps the Diaoyu/Diaoyutai Islands disputes heated is a split China across the Taiwan Strait. Despite the prevailingly-upheld "one China" principle and the fact that the Taipei government (also known as the Kuomintang, the Chinese Nationalist Party, the KMT) in Taiwan is largely excluded from the in-

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<sup>16</sup> The whole year of 2013 has seen escalating tension between China and Japan over the Diaoyu/Senkaku Islands dispute. Yet, from the second half of the year, China has targeted on Japan's efforts for "collective self-defense" rights, bashing it as a signal for militarization and inclination to a right-winged ideology.

ternational community after it was deprived of the United Nations membership in 1971 (Restoration of the Lawful Rights of the People's Republic of China in the United Nations, 1971, October 25), this split governance and separate sovereign claims over the Diaoyu/Diaoyutai Islands create loopholes, to which only a cross-strait talk, and ultimately a resolution of the Taiwan issue would redress such cleavage.<sup>17</sup>

To be more specific, both Chinese governments have laid sovereign claims, and both had sacrificed their Diaoyu/Diaoyutai Islands claims to other prioritized political interests at different periods. The KMT government in Taiwan has experienced a "China Dilemma" in this dispute, when the Chinese Communist Party (CCP) government in China, a "Taiwan Dilemma."

### **China's "Taiwan Dilemma"**

China is confronted with a "Taiwan Dilemma" in the Diaoyu/Diaoyutai Islands dispute. To China, the dilemma would cause domino effects, which overshadows first, the sovereignty battle over the Diaoyu/Diaoyutai Islands, and would be ensued by the Taiwan issue. Lastly, the overall strategic deployment of the Chinese navy, in the East and South China Sea, would be negatively overshadowed.

This "Taiwan Dilemma" is presented in several dimensions. In the beginning, the Communist China has made an issue-linkage between the Diaoyu/Diaoyutai Islands dispute and the Taiwan issue. Beijing was informed with the Diaoyu/Diaoyutai Islands dispute, and had issued protests in late 1960s against the inclusion of the Diaoyu/Diaoyutai Islands in the US-Japan Okinawa reversion. A piece in *Beijing's Review* issued by the Foreign Affairs Ministry of the PRC demonstrated the clear connection of the Diaoyu/Diaoyutai Islands with the Taiwan issue (*Peking Review*, 1972, p. 12). Then Chinese leader, Mao Zedong, had seen the Diaoyu Islands/Diaoyutai dispute from a broader context of Taiwan's return, and a symbol of wiping off a century-long memory of foreign invasion and of national humiliation.<sup>18</sup> To protest upon the Diaoyu Islands/Diaoyutai thus represented Mao's ambitions in resuscitating the Chinese glory, in liberating Taiwan from the grip of

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17 The Diaoyu/Diaoyutai Islands sovereignty dispute also has plagued the two governments in Beijing and Taipei. They upheld similar claims, under different national titles representing the People's Republic of China and the Republic of China. Both sides have refrained from direct confrontation on this issue so far. The ultimate solution of the Diaoyu/Diaoyutai Islands sovereignty disputes between the two thus depends on if both sides could settle their political disagreement.

18 The foreign context then posed considerable challenges to the People's Republic of China government. The deteriorating relations between Beijing and Moscow, domestic political malaise characterized by the Cultural Revolution, and struggles to effectively boost domestic economic development had all driven the Beijing government to take a harsh stance in the Diaoyu Islands issue. In other words, a tougher position in territorial disputes with a feudal enemy, Japan, served to deviate public opinions from the focus of failing domestic governance.

western imperialism and more implicitly, in solidifying the legitimacy of the Communist Chinese government ruling.

From a realistic perspective, the “Taiwan Dilemma” has also made itself greatly felt in the contemporary regional context.

Externally, it has to cement further the “one China” policy. Only after this policy being honored in all dimensions could China be assured that external intervention would not make inroads to the Diaoyu/Diaoyutai Islands dispute, by allying Taiwan to form a more powerful anti-Chinese camp. In this sense, external stakeholders, like mainly the United States, would realize that their efforts are to be in vain because Taiwan's claim would be an adjutant to the Chinese one.

Internally, China has to downplay the rippling effect, generated by the Diaoyu/Diaoyutai Islands dispute, on the cross-straits relations. In particular, Beijing has been conducting self-restraints, not to engage direct conflict with Taipei regarding the Diaoyu/Diaoyutai Islands dispute in public occasions.<sup>19</sup> Taipei is also avoiding to bringing it up in its negotiation agenda with Beijing.

A close look reveals that the two Chinese governments have not engaged in discussions, let alone confrontations, in public occasions over the Diaoyu/Diaoyutai Islands dispute. Both claim they are the legitimate Chinese government, and have recourse to a grandeur verbalism that the Diaoyu/Diaoyutai Islands belongs to their common Chinese ancestors. In this sense, their affirmation of sovereignty claims over the Diaoyu/Diaoyutai Islands serves as a demonstration of their perceived legitimate Chinese representativeness, the legitimacy of their governance. That said, both Beijing and Taipei's sovereign claims over the Diaoyu/Diaoyutai Islands are directed at not only foreign audience, but the competing counterpart across the Taiwan Strait who, till present days, are still ensnarled in a *de jure* war of government-hood and state-hood. Before a consensus gets shaped over this governance legitimacy issue, both tend to shun away from direct, face-to-face confrontation over the Diaoyu/Diaoyutai Islands issue.

### Taiwan's “China Dilemma”

The KMT government remained muted officially in the 60s and 70s towards the US administration (Ministry of Foreign Affairs of the Republic of China (2014, February 5)).<sup>20</sup> Diplomatic archives later unraveled show that the Chiang admin-

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<sup>19</sup> China has called for cross-straits cooperation on the D/S dispute against Japan in many public occasions. Yet, Beijing and Taipei are yet to touch upon this issue directly in cross-straits exchanges.

<sup>20</sup> Records show that the first formal diplomatic protest to the Diaoyu Islands by the Nationalist government in Taiwan was in 1971, when the Okinawa reversion arrangement was negotiated and to be in operation.

istration had required the returning of the Diaoyu/Diaoyutai Islands and had objected to include such in the Okinawa arrangement (Lee & Ming, 2012; *United Daily*, 2013, April 8). When the Okinawa reversion issue was negotiated, Washington was well informed of Taipei's requirement and had asked two partners and friends Tokyo and Taipei, to enter into negotiations.

Nevertheless, all intertwinements were deepened under the table, indicating that the KMT government was actually fighting a war between Scylla and Charybdis. On one hand, the sovereignty battle over the Diaoyu/Diaoyutai Islands was a painful reminding that the Chinese government was again being excluded from talks concerning its national interests, thus leaving its future at others' disposal (Price, 2001).<sup>21</sup> At that time, Taiwan, the ROC, was still smarting from not being engaged in the enactment and signing of the SFPT. To add these old hatreds, threats of being expelled out of its United Nations (UN) seat and being taken over by the rivalry Communist PRC government loomed large. In other words, the KMT government had made compromises on its sovereign claims over the Diaoyu/Diaoyutai Islands, in return of the US and international supports of its Chinese representativeness in the UN. However, the deliberate cooperation by the KMT government failed to earn US supports. As a nine days wonder, the UN seat of the KMT government was taken over by the Communist PRC government in 1971,<sup>22</sup> and the US severed ties with Taiwan, the ROC, in 1979.

On the other hand, the deliberately ambiguous attitude of the KMT government triggered public resentment, leading to the launch of large scale protests among overseas Chinese students to express their angers toward the US and KMT government (Lin, 2010, pp. 24-46).<sup>23</sup> Students' frustration was rooted from, first, disappointment toward the United States, who used to self-identify itself as a freedom fighter against the communist group. The long-propaganda-ed self-image collapsed, when the US ended up by striking a backdoor deal without consulting a crucial stakeholder, the ROC in Taiwan. Moreover, these advocates' furriness was also directed at the Chiang administration in Taipei, which was ensnarled in con-

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21 In 1950 when negotiation of the SFPT began, opinions varied in terms of the Chinese participation in treaty enactment. Some objected to bring in the Chiang administration in Taiwan, like the UK. Some indicated that Chinese representation would enhance the legitimacy of the SFPT, like India. The US decided not to invite the Republic of China in, in order to accelerate the process. Lee and Ming.

22 Restoration of the Lawful Rights of the People's Republic of China in the United Nations. The United Nations General Assembly Resolutions 2758 (XXVI), 26<sup>th</sup> Session (1971, October 25).

23 The "Baodiao" campaign (Defending the Diaoyutai Islands sovereignty movement) started when students in Taiwan and the US convened to protest against the Okinawa Reversion agreement in 1971. Despite protests, a large number of Chinese intellectuals and residents in the US jointly submitted a proposal to Chiang Kai-Shek.

tradition when it tried to hush up students and advocates, overthrowing its original position that the Diaoyu/Diaoyutai Islands had belonged to us from ancestral time (Ministry of Foreign Affairs of the Republic of China, 2014, February 5).<sup>24</sup>

That said, the sovereign claims laid over the Diaoyu/Diaoyutai Islands by two Chinese governments also have caught Taiwan in a “China Dilemma,” in the sense that Taiwan is actually fighting to stand out its Chinese representativeness via demonstrating its sovereign claims over the Diaoyu/Diaoyutai Islands. This conundrum has presented considerable challenges to Taiwan, when a delicate management of fence-straddling is required between a potential rivalry with significant military and economic leverages, China and a necessary friend in its external relations, Japan. This “China Dilemma” also triggers inquiries, sometimes with a self-imposed limit, that if Taiwan’s diligent efforts in the Diaoyu/Diaoyutai Islands dispute were destined to strengthen China’s, but not Taiwan’s, territorial claims and their respective sovereignty status. These worries are not unrealistic, since Taiwan’s claims have often been shrugged off, or being regarded as those subordinate to and fortifying the claims made by the central government in Beijing.

In this aspect, the perceptions of younger generation in Taiwan to the Diaoyu/Diaoyutai Islands dispute are intriguing. In particular, their indifferent manner and bias toward the Chinese connection implied by the Diaoyu/Diaoyutai Islands dispute, has provoked heated discussions (Sun, 2011; Hsieh, 2010).<sup>25</sup>

Introspect of a senior advocate to the movement of Defending the Diaoyu/Diaoyutai Islands’ sovereignty (also known as the Baodiao movement) is worth mentioning. “...Perhaps, the quintessence of the Movement [to defend the Diaoyu/Diaoyutai Islands sovereignty] to the younger generation is to remind the people now living on the island [the Island of Taiwan] of a simple fact, that we are all sharing something in common with the Chinese, at various dimensions, such as the history, the kinship, the painful memory and humiliation of foreign intrusion and colonial exploitation... we are second to none to shoulder the responsibility to defend against all kinds of unjustified arrangements manipulated by power politics as characterized in the Diaoyu Islands dispute” (Lin, 2010).

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24 The Republic of China government retreated to Taiwan in 1949 after it failed the Chinese Civil War to the Chinese Communist Party. The ROC government had long insisted on its sovereign status over the Diaoyutai Islands, and had taught its people this stance.

25 In Taiwan, the younger generation generally does not have the enthusiasm to the D/S dispute as their older counterpart. There emerge debates over factors of their indifference, and the ramification. In China, however, the D/S Islands issue remains a hot potato, easily provoking public sentiments and social criticisms.

## Lessons in Recent Rounds of Tension: From A Realistic Perspective

Situations surrounding the Diaoyu/Diaoyutai/Senkaku Islands have flared up since 2010. Starting with a fishing run-in which later escalated to a collision between a Chinese civilian fishing vessel and a Japanese coast guard agency ship, the hostility then peaked in September, 2012, when Tokyo formalized a nationalization plan of three islets in the Senkaku Islands group.<sup>26</sup> Since then, the Sino-Japanese relations have plummeted. The stalemate lingers on, freezing off once-heated bilateral exchanges in various dimensions. This three-year period has brought back some structural issues to the front burner, which has long been kept dormant (Ministry of Foreign Affairs of Japan, 2012, November).<sup>27</sup> Besides, the throwback of these structural issues also catalyzes changes of China's strategy, casting uncertain outlooks to the development of the dispute.

The following characteristics can be summarized after three years. First, a rising China, with greater national prowess, confidence and better understanding of engagement rules of regional and international affairs, is now intending to fine-tune established engagement rules in order to better serve China's national interests.<sup>28</sup>

The Diaoyu Islands dispute vividly exemplifies this action-reaction dynamism. China has grabbed the chance to enhance its effective control in various dimensions. Two events merit attentions, whose ramifications relatively run deeper than other measures.

On 10 September, 2012, China announced the territorial baselines of the Diaoyu Islands (*Global Times*, 2012, September 11). Later on 14 December, 2012, China submitted a continental shelf claim to the United Nations that asserted Chi-

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26 Beginning in April 2012, the Diaoyu/Diaoyutai/Senkaku Islands dispute flared up again when Tokyo Governor Ishihara, an infamous right-wing activist, announced a plan to purchase three islets of the five-island chain from the current private landowner. The plan was then backed by then Japanese Prime Minister Noda when he declared that the Japanese central government would purchase and nationalize these three islets. Noda opined that nationalization plan aimed at better risks management and administration, and to avoid self-willed decisions by the irredentist Tokyo Governor that may further exacerbate the situations. The plan was formally approved on September 11, 2012.

27 Some structural issues have been successfully tamed down, by a tacit understanding that both side should shelve the dispute and focus on joint development and mutually beneficial bilateral exchanges. These structural issues are like different understandings toward the legality of the San Francisco Peace Treaty, and whether a tacit understanding had been reached between China and Japan. It is apparent that Japan now adopts a position that there is not such understanding of shelving the dispute, and there exists no dispute on the sovereignty of the Senkaku Islands.

28 This perception is largely driven by the Chinese view toward international law and some established general principles in international community. In some cases, China appears quite cooperative, abiding by these well-developed laws and principles. Examples are like international treaty regimes, such as generally, the United Nations Charter, and most provisions in Law of the Sea Conventions. In other occasions,

nese sovereignty in the East China Sea to the Okinawa trough (Division for Ocean Affairs and the Law of the Sea, 2013, August 15). These claims, albeit pending subsequent state practices and approval of the Commission on the Limits of the Continental Shelf, connote something more than maritime delimitation. China's taking actions in response to Japan's nationalization announcement, to prevent further encroachment on China's sovereign claims, and to fortify China's effective control, a relatively weaker aspect, in this area.

Since tensions peak, grey zones featuring whether a tacit understanding to suspend the territorial disagreement remains valid, are quickly shrinking. However, it can also be interpreted from another perspective. China and Japan now both enact domestic legislations, codifying in words in their laws that the Diaoyu Islands constitutes a part of their territories.<sup>29</sup> Apparently, there exists a dispute, since a land piece cannot be simultaneously proclaimed by two separate sovereign countries. It becomes a fact now that disputes do exist and have continued on between China and Japan over this area, a reality that Japan cannot reject (*China Review News*, 2013, November 30).<sup>30</sup> Consequently, China is creating, albeit in a forceful way, a window of communication, to enable talks with Japan. Nevertheless, such talks are premised on one pre-understanding: disputes exist on the Diaoyu/Senkaku Islands between China and Japan.

However, China's move triggers suspicion if China is to abandon the maxim taught by late leader, Deng Xiaoping, about China's foreign policy, "*tao guang yang hui*" [to keep a low profile to buy time and cultivate supports to China's own developments] (*I-feng News*, 2013, December 17). Further, when speculations are rife, most address, on a negative note, worries if China is to become more assertive and aggressive in guarding its perceived national interests. These concerns are

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however, China seems to conditionally observe these laws and rules, which lead to harsh criticism that a rising China is trying to re-mouldle international legal order to better fit its unilateral national interests. For these latter controversial practices, international human rights treaties attract the most attentions. Also, China does not observe the rule enshrined in Law of the Sea Convention to accord "innocent passage" in its territorial waters to foreign military ships. The Chinese authority retains the right to decide whether to grant the passage permission to foreign military vessels.

29 On the Chinese side, "Law on the Territorial Sea and the Contiguous Zone," the law was adopted at the 24<sup>th</sup> meeting of the Standing Committee of the National People's Congress on February 25, 1992. On the Japanese side, "Law on the Territorial Sea of Japan," the law was enacted May 2, 1977, and was later amended to "Law on the Territorial Sea and the Contiguous Zone" on 1996.

30 Japan has denied the existence of the dispute over the sovereignty of the Senkaku Islands. In October 30, 2013, Japan Defense Minister commented in a special committee in Japan's newly established National Security Council that Tokyo would define the Senkaku Islands and adjacent areas as "grey zones." The rules of how Japan Self Defense Force conducts defense activities in this "grey zone" would be discussed later under the aegis of the National Security Council.

greatly felt in various Asian capitals, as some China's neighbors are relatively keen to welcome US presence in this region as a counterweight to China's overwhelming influences.

In this sense, it seems a fair observation that status quo in this part of Asia attracts considerable supports. China's perceived assertiveness thus triggers overwhelming dedication among regional countries to ally against China's intentional challenges to the post-war arrangement in East Asia (Jerden, 2014; Thuy, 2013; Swaine & Fravel, 2011).

Second, this changing attitude also leads to a shift of focus in China's strategy. Its attentions are drawn, from details at relatively far ends of the dispute, to structural problems that would shake/overthrow status quo and reshape stakeholders' interests considerably.

One vivid example is the re-invigoration of debates over the Okinawa sovereignty. Later in May 2013, two Chinese scholars from the Chinese Academy of Social Science wrote an article in the State media, the People's Daily, arguing about the perceived uncertainty of the sovereignty of Ryukyu Islands, also known as Okinawa in Japanese (Zhang & Li, 2013, May 8; McCurry, 2013, May 15). The article laid out, in chronological order, historical evidence and legal documents that support China's centuries-long relations with the Ryukyu Kingdom, and the unfruitful negotiations between the Qing government and the Meiji government over the Ryukyu issue in late 19<sup>th</sup> century. The piece concludes that the negotiations between the Qing government and the Meiji administration lapsed because the eruption of the first Sino-Japanese War in 1895, from which the Ryukyu issue remained yet to be fully settled. Later in middle May, a second piece came out, when one author of the first article further elaborated on what it meant (Zhang, 2013, May 17). The second piece elaborates on more contemporary events that followed the first Sino-Japanese War in 1895.

These two pieces are a mere drop in the ocean in past years, when numerous articles have been published under similar topics in nation-wide journals and newspapers (Suganuma, 1995; Wade, 2007). Authors reaffirmed in these pieces by touching on following issues: the validity of the 1952 San Francisco Peace Treaty and the reversion agreement between the US and Japan over Okinawa in 1971; whether several Statements made among major victory states, such as the Potsdam and the Cairo Declaration, had been faithfully upheld, and if the Japanese ruling were justified, eyeing the polarizing difference in Okinawa's dialect, religion, culture and polity from those in the Japanese home lands. To sum up, most would draw the conclusion that the Okinawa issue remains unsettled, and the self-determination right of the Ryukyu people requires weighing consider-

ations (Lei, 2013).<sup>31</sup>

A more sensible explanation will be that China is exploring new directions to break up current stalemate, while obtaining moral and political high grounds in the Diaoyu Islands issue. These gestures are inevitably tinged with nationalistic sentiments under the wave of the rising nationalism and the goal of developing marine powers under the new leadership.

Re-shovelling the Okinawa issue indeed has caught Japan in surprise, in particular, the shift of China's strategic focus. One primary observation is that China is now unraveling certain structural problems to earn more credits for its own claims. The discussion of the Okinawa issue is to fortify the historical dimension of Chinese sovereignty claim, arguing that Chinese suzerainty relations with ancient Ryukyu Kingdom had been established as early as in the 14<sup>th</sup> century (early Ming Dynasty) (Qian, 2006). Evidence shows that the discovery and utilization of the Diaoyu Islands and marine resources in adjacent areas by the Chinese had been facilitated via close relations between ancient China and the Ryukyu Kingdom. That said, Chinese discovery, in a formal sense, of the Diaoyu Islands was facilitated as early as in the 14<sup>th</sup> century, after well-established civilian relations and commercial exchanges between China and the Ryukyu Kingdom (Lai, 1996; Lei, 2013).

Further, both the Okinawa and Senkaku Islands were occupied, or annexed by Japan at the second half of the 19<sup>th</sup> century, when the Qing government was at the tether of its hands in dealing with imperial invasion from the Western powers. In other words, Japan had employed threat and use of force to bring these two islands into its control. Questions thus arise about the legitimacy of the Japanese annexation and the self-determination rights of the local population in the Okinawa Islands. Last, but not least, both were then impacted by the reversion agreement in 1971, with the Okinawa being a major subject of this transferring deal.

In short, current development indicates that China has learned to play rules of engagement in the Diaoyu Islands issue. With the shifting of its strategic focus to structural issues like the Okinawa Islands sovereignty and its connection to the Diaoyu Islands, China has been able to retain political one-upmanship by setting off legal wars against Japan, when the phrases are coined in a sensational way by appealing to the Okinawa people's emotions.

Third, recent developments have inflicted greater pressures upon the US, driving it to take a clearer role in the dispute. Pressures come from both side, al-

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31 Another piece, titling "the Mudan Incident and Annexation of Ryukyu Kingdom by Japan," stirred up the troubled water with a great public fanfare in Tokyo.

beit with different reasoning and for various purposes. China would like to see the US distancing itself away from the battlefield, as this preference has been upheld in various public occasions. On the contrary, Japan is hoping that the US would clearly strengthen the US-Japan security alliance by render explicit support to Japan's sovereign claims.

The Chinese announcement of a new Air Defense Identification Zone (ADIZ) in the East China Sea covering the Diaoyu Islands air zone on November 23, 2013, is killing two birds with one stone - to shore up Chinese effective marine controls by enhancing aviation information management and to teach stakeholder countries clearer lessons that the long-maintained strategic obscurity has been eroded by deeds and words favorable to Japan's position. Surely, the United States is second to none, as the main target of the Chinese action in this scenario.

From China's perspective, the US position, in actions or words, has long been favoring Japan. The scale is further tilting to Tokyo, when the US announced its rebalancing strategy with a high public fanfare in 2010 (Friedberg, 2012, October 9). Much to Beijing's annoyance, the US aims at bolstering its military presence in East Asia even as it cut overall defense spending. Even with a shift of focus to the economic front in Obama's second term, the US position and policy in the Diaoyu/Senkaku islands dispute is perceived as hardly neutral, let alone a qualified mediating role between China and Japan. In other words, the discord between US actions and words, and between intended and achieved outcome of US policy, is demonstrating.

However, recent developments indicate that a more right-winged Japan, which set fire on the historical issues with its neighboring countries, cast even thornier challenges to the US. The Deputy Secretary of State Richard Armitage publicly sent admonitions to Tokyo about possible backfiring impacts if the dispute continues to grow between Japan and its neighboring countries (*Dowei News*, 2013, October 24). Washington found itself stuck in a conundrum, when its continuing security commitment to Japan may cost it a greater price of losing an alliance, South Korea and an important country, China, engaging in many crucial dimensions in the US activities in the globe.

Accordingly, the US has seemingly started to consider rebalancing its position. Originally, the US policy intends to show supports favorable to Japan.

The US position in China's ADIZ has experienced a sharp overturn, after US vice President's Asian visit in early December, 2013. The State department began to use "disputed region" to describe the Diaoyu/Senkaku Islands area, besides its usual insistence on stressing Japan's effective administration (*Dowei News*, 2013, December 9). Nevertheless, the US appears rather vigilant about the term, when the spokesman manages to play down the impact by interchangeably using terms

“sensitive areas” and “disputed regions” (*Dowei News*, 2013, December 7).

Washington also softened up its positions in the Chinese ADIZ, when it later changed the tone, encouraging China not to implement the rules before talks being conducted with neighboring countries (*Dowei News*, 2013, December 3). The original harshness, questioning the legitimacy and the right to set up ADIZ, was quietly dismissed. While it may be premature to conclude that the US has changed its position by accepting China's ADIZ and admitting the existence of disputes in the Diaoyu/Senkaku Islands area, the signal to that direction, nevertheless, is stronger.

Recalling the Sino-US summit between Xi and Obama (*I-feng News*, 2013, June), where a concept of a new type of great power relation was proposed, the Sino-US communication channels are believed to be well-facilitated among, nearly, all levels in their respective governmental structure. The inference thus is, certain common understanding may have been debated and accomplished between China and the US in the management of the Diaoyu/Senkaku Islands dispute. That said, the US's concern in the Diaoyu/Senkaku Islands dispute now falls on Japan's tilting inclination to right-wing extremism and drastic military build-up. Facing a growingly rough US-Japan security cooperation relation, the US now is thrust upon a forceful reconsideration of its role in the dispute. Specifically, a neutral position would require Washington to conduct self-restraints from implying its support to Japan's position in words or actions. Further, Washington would need to cultivate credentials and trusts from regional and extra regional countries, if it intended to be an arbitrator in this dispute.

## Conclusion

At the current junction, clashes between China and Japan are not unlikely, when their pursuits conflict: China's continually growing national prowess which further strengthen its belief of taking back what originally belongs to it, and Japan's long desires of being a normal country which is further justified by the fear of losing the disputed Senkaku Islands. Moreover, the US influence in this region is in the decline, which has provoked repeated calls for a Japan, with more self build-up in the military and re-invigoration of economic developments (*Dowei News*, 2013, October 24). The fading US influences thus leave behind a vacuum in East Asia, which is competed for by various potential countries, such as a Japan enmeshed long in domestic economic malaise, and a rising China which reiterates repetitively that it has no intention to be another super power like the US, and has triggered Japan's worries of a throwback of historical hatreds and war memories.

All such phenomenon overshadows pending territorial spats and casts uncertain outlooks of their prospects.

The rising tension of the Diaoyu/Senkaku Islands area, as explored in this article, exemplifies these challenges. Besides, recent developments in the Diaoyu/Senkaku Islands dispute also show that, conflicts are imminent in first, an old interpretation of territorial concept informed by historical perceptions versus a modern understanding dominated by Westphalian thinking, and second, a poignant confrontation between power politics and international legal system.

The confrontation between the Chinese approach which heavily relies on historical evidence and the Japanese one on the concept of “effective control” is exemplary. In contemporary jurisprudence of territorial disputes, historical evidence is ranked as a supplementary means, while “effective control” of disputed land pieces is regarded as a weighing instrument for territorial justification. The reason why Chinese claims seemingly trigger less resonance is that it is informed by historical evidence, while Japan’s claims focus more on effective administration and has brought it into its control since 1971. Nevertheless, China is learning quickly and has now managed to make it up by enacting administrative measures in various aspects. All these efforts pay off. To the least extent, attempts and changes of status quo have stirred up the troubled waters to a significant degree.

Confrontation also is present when politics and law butted heads in a highly complicated dispute, like the Diaoyu/Senkaku Islands case. In a nutshell, disputants tend to rely on domestic and unilateral legislations to define the boundary of its compromises, and law is trumped by political deliberations.

In the scenario of the Diaoyu/Senkaku Islands case, Japan and China has enacted laws of territorial waters, including the disputed areas into its domestic legislations. China, as a late comer, has also announced territorial baselines of the Diaoyu/Senkaku Islands waters in 2012 (*Global Times*, 2012, September 11). In this sense, the Diaoyu/Senkaku Islands case is featured with a shortage of international and multilateral agreements, when disputants and stakeholder countries, like the US, enact a compound of domestic and unilateral legislations. The influence is, thus, profound. Therefore, dialogues are necessitated to carve a way out of this legal entanglement. Besides, negotiations may be better facilitated when disputants are safeguarded, with their behaviors justified by their own domestic legal obligations.

There remains one factor that merits discussions. Domestic politics in North-east Asia have overshadowed these drawn-out territorial disputes. Policy interruptions are not uncommon in company with cabinet re-shuffling, or power hand-over due to periodic elections. Termed positions bring along the issue of tunnel view with narrow-minded-ness, prioritization of party interests to national and people’s interest, and incoherency in governmental positions. Cleavages as such

often causes impediments to succeeding administrations, preventing bona fide thoughts but to spend considerable amounts of time and resource to solve out situations enmeshed in a stalemate. At times, external harshness may also lead to intra-governmental fighting in the disputant country. Military posture usually butts heads with the foreign policy ones, making it a more urgent requirement of interest reconciliation and policy coordination.

Eyeing this emerging institutional challenge, a contemporary development is a trend when major countries in Northeast Asia establish their national security organs in end 2013 (*Xinhua News*, 2013, November 12; *Global Times*, 2013, November 27; *Xinhua News*, 2013, December 20). Judging that a national security mechanism may facilitate more comprehensive policy-making and better coordination, the window of opportunity for establishing a platform of regular talks and later, of institutionalized negotiations is not unlikely.

Having said that, regular talks may better facilitate innovative solutions for the Diaoyu/Senkaku Islands dispute. Globalization of production chain, of mobility of human and financial capitals, and technology revolution has largely reshaped international relations and international legal concepts. Yet, the mindset and perception of human being toward concepts like territoriality and sovereignty is yet to catch up this trend. While tensions continue brewing in the Diaoyu/Senkaku Islands area, it may be a good timing for all those concerned, to reconsider upon the reasons and ramifications of territorial disputes.

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