

China, Japan and the Evolving Risks in the East China Sea: Implications and Policies to Avert Risks

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Introduction

With much of the attention being paid to the South China Sea dispute, it becomes imperative to note that the constant militarisation of the East China Sea signals greater risks of an accidental military confrontation between the two Asian powers, China and Japan. At the outset, although the potential costs involved discourage any such intended move either by China or Japan but the increasing trends of escalation and constant militarisation of the East China Sea has seemingly increased the likelihood of an unintended confrontation between China and Japan, if not deterred. In this view, the alarming trends call for immediate de-escalation policies to be adopted by both China and Japan in order to quell the dangers of an imminent confrontation. Thus, the latent emergency needs to be acted upon by precautions to avert an unwarranted calamity imposed with heavy costs. Given this perspective, the paper examines the building tensions between China and Japan in the East China Sea. The paper argues that the increasing trends of military escalation between China and Japan reflect unwarranted risks. In this view, the paper examines the potential risks involved and therefore, recommends some policies in order to avert any form of miscalculated tragedy.

Background

On July 12, 2012, The Hague based Arbitral Tribunal's verdict on the South China Sea arbitration rejected China's historic claims to the South China Sea and declared the "Nine-Dash Lines" as illegal, causing serious legitimacy crisis for China to its disputed sovereignty claims.¹ At the same time, one of the most contested

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sovereignty stakes is rested in the East China Sea, where China faces a challenge from Japan over the territoriality of Diaoyu/Senkaku islands and the surrounding maritime waters. In its act of rejection of the South China Sea verdict, Beijing executed a strong showdown of force in the East China Sea. As on August 1, 2016, China carried out live-fire navy drills in the East China Sea, sending strong signals of its sovereignty claims and reflecting an uncompromising attitude.²

China's naval activism in East China Sea has heightened in the recent times. On June 9, 2016, China flexed its military muscles in the East China Sea by deploying a Chinese Navy frigate, identified as PLA-N Type 054 A *Jiankai-class* frigate,³ into the 24-nautical mile contiguous zone around the disputed Diaoyu/Senkaku islands in the East China Sea. This act of intrusion was further compounded by China's June 15, dispatch of a Chinese navy reconnaissance vessel - a PLA-N Type 815 Dongdiao-class spy ship⁴ into Japanese territorial waters of Kuchinoerabushima Island south of Kyushu. What makes this Chinese act important is that until now only China's coast guard ships patrolled the disputed waters but the frigate's deployment marked the first military ship that transited into the contiguous waters. This signifies *upping the ante* in China's militarisation of the East China Sea. Making matters worse, on June 17, two Japanese Air Self Defence Force (JASDF) *Mitsubishi F-15J Eagles* intercepted two Chinese *Sukhoi Su-30* fighters over the East China Sea in the Beijing declared Air Defence Identification Zone (ADIZ) near the Japanese-controlled Diaoyu/Senkaku Islands.⁵ Besides, in 2015 Chinese incursions into Japan's airspace prompted a record-high 571 fighter scrambles,⁶ elevating Japanese concerns. In this regard, with China's growing naval activism through increased incursions by coast guard vessels and jet fighters in surrounding waters and airspace, Japan too has upped its defensive posture.

In counter response, Japan has recently switched on a radar station in the East China Sea,⁷ giving it a permanent intelligence gathering post close to Taiwan and the disputed islands, and has also, increased its fleet presence by deploying 12 coast guard vessels.⁸ Tokyo also plans to develop and deploy by 2023 a new land-to-sea missile, which reportedly will have a range of 300 km, on islands such as the Miyako in Okinawa prefecture. The range will cover the disputed island chain.⁹

This continuous spiralling of tensions has caused the new low in China-Japan relations, making East China Sea take the centrestage in their security concerns. These actions imply little more than just causing diplomatic 'cold' in the relations. Even the recent diplomatic talks between China and Japan have failed to de-escalate the tensions. Following a temporary thaw in China-Japan relations after the 2015 Security Talks, maritime territorial tensions have ramped up again in the East China Sea. In the recent talks between Premier Li Keqiang and Prime Minister Shinzo Abe on the sidelines of the Asia-Europe summit meeting (ASEM) in Mongolia, Abe raised concerns over China's expanding military activity in the East China Sea.⁹

Given the above perspective, whatever the significance, the chain of events has raised the fundamental question on the likelihood of a potential conflict between China and Japan. With the heightened pressure of an inflated risk, an unwarranted military casualty is of central concern. With the envelope being pushed to extremes and no quick fix solution to avert an uncalled tragedy, both China and Japan need to rethink their military postures in order to practically reason whether the costs of a confrontation are in their best national interest. Therefore, pragmatism lies in acting proactive rather than reactive in this dilemma of accidental risks.

China and Japan's East China Sea Dispute: Contested Interests

The dispute between China and Japan in the East China Sea is multifaceted. The contestations mainly revolve around legal claims and material interests. These are discussed in the succeeding paras.

Clash of Legal Claims

On legal grounds the dispute is two-fold, which concerns: (a) the sovereignty over the Diaoyu/Senkaku Islands and (b) the way the maritime border between China and Japan in the East China Sea should be drawn.

First, it concerns the contested sovereignty over the territoriality of Diaoyu/Senkaku Islands which comprises five uninhabited islands and three rocks. The islands are currently administered by Japan but claimed by China based on historical

records. Here, the clash of interest lies in the competing claims made by China and Japan over the territoriality based on differing international laws. Japan claims that the Diaoyu/Senkaku Islands were *terra nullius* (or land without owner) at the time they were formally incorporated into Japanese territory in 1895. Thus, the fundamental Japanese claim is that the disputed islands were acquired by virtue of “discovery occupation,” one of the established modes of territorial acquisition under international law, whereby valid title under a piece of territory can be acquired through occupation if it was recognised as *terra nullius*.¹⁰ Hence, for Japan there exists no dispute on the sovereignty of the islands as they belong to Japan.

On the other hand, China makes its claims based on historical records, arguing that the islands have been Chinese territory as they were “first discovered, named and used by the Chinese as early as the 14th century”.¹¹ Based on this, China negates Japan’s claims based on the principle of “discovery occupation” as the islands were not *terra nullius*. In this view, China’s 2012 White Paper on “Diaoyu Dao” strongly claims:

*“Diaoyu Dao and its affiliated islands are an inseparable part of the Chinese territory. Diaoyu Dao is China’s inherent territory in all historical, geographical and legal terms, and China enjoys indisputable sovereignty over Diaoyu Dao.”*¹²

With this view, China firmly opposes Japan’s sovereignty over the islands as Beijing argues that Japan’s occupation of the islands as part of the Treaty of Shimonoseki of the First Sino-Japanese War in 1895 is “illegal and invalid”¹³ and thereby, asserts that the islands should have been returned to China under the Cairo (1943) and Potsdam (1945) Declarations, which stated that Japan must return all territories stolen from China.¹⁴ Unlike Japan, Beijing acknowledges the presence of a sovereignty dispute in the islands and thus, wants to establish its own jurisdiction in the East China Sea by challenging Japan’s administrative control over the islands and the surrounding waters.¹⁵

Secondly, the dispute revolves around the demarcation of the sea boundary and different interpretations by of the UNCLOS in the East China Sea, which stipulates the 200-nautical-mile maritime border claim over Exclusive Economic Zones (EEZs).

Here the conflict lies in the overlapping of the EEZs between China and Japan. China in using the UNCLOS principle of the natural extension of its continental shelf delimits at the Okinawa trough just west of the Ryukyu Island chain, while Japan draws it halfway between the Ryukyu and the Chinese mainland.¹⁶ This has created overlapping claims of nearly 81,000 square miles.¹⁷

Clash over Material Interests

The dispute also involves both China and Japan's competing national interests in the East China Sea. The Diaoyu/Senkaku Islands are not only strategically located but also their adjacent waters are rich in economic value given the abundance of hydrocarbon resources and rich fisheries stock, both vitally important for China and Japan, given their heavy dependence on oil and gas, and their rich appetite for fish. The untapped oil reserves are estimated at 100 to 160 billion barrels, according to the US Energy Information Administration.¹⁸

According to the relevant prospecting data, it is estimated that the oil and natural gas reserves in the East China Sea will be enough to meet China's needs for at least 80 years. While the abundance of manganese in the waters near the Diaoyu/Senkaku Islands will meet Japan's needs for 320 years, enough cobalt for 1,300 years, enough nickel for 100 years, and enough natural gas for 100 years, not to mention other mineral resources and plentiful fish.¹⁹

Hence, based on the contested claims and interests, the main maritime security concerns relating to China and Japan in the East China Sea are: (a) disputes over islands (b) disputes over maritime rights and interests (c) the Chinese Navy passing through international waters, through the Japanese archipelago into the Western Pacific and (d) overlapping ADIZs.²⁰

Escalating Risks and Policies for Crisis Management

Since the normalisation of relation in 1972, the East China Sea issue was just a minor irritant in China-Japan ties until becoming one of the potential flashpoints. The latest escalation of tensions in the East China Sea has renewed the attention to foresee the possibility of there being a military clash between China and Japan in the contested maritime region. The accelerated trend with which the East China Sea is getting increasingly militarised by China and

Japan, has pushed the maritime security index to dangerous levels. This has heightened the possibility of a latent clash between China and Japan and has therefore, become a matter of concern as the chances of accidents remain high.

Given the inflated dimension of the maritime tension, the potential risks that call for precautionary actions are mainly three-fold:²¹ Firstly, the risk of accidental and unintended military confrontation between China and Japan given the heightened emotions and the operational activities at close proximity. To cite an example, the June 17 incident when two Japanese fighter planes intercepted two Chinese fighters over the China's ADIZ, in the East China Sea could have resulted in a serious incident.

Secondly, the risk involves political miscalculation in an effort to demonstrate sovereign control which can lead to an armed conflict. This can be caused by misperceptions of the other's motives and actions. The patrolling activities carried by China and Japan as well as their strong military postures in terms of deployment of frigates (China) or installing radar stations (Japan) does pose concerns of a military clash based on perception gaps. Additionally, in this miscalculation the US factor looms large given Washington's commitment to safeguard Japan against any aggression. There are high chances of Beijing's miscalculation of US intentions in the dispute.

Thirdly, the risk involves a deliberate action to forcibly establish control over the islands, which largely remains unlikely for either China or Japan to enact, but the possibilities cannot be overlooked. The activities, such as the Japanese Government's purchase of the Diaoyu/Senkaku islands in 2012 and similarly, China's unilateral establishment of ADIZ in 2013 does imply the potential risks. Given these prominent conceivable risks, although both China and Japan do not seem to make use of force to guarantee their positions, but there is still some catalysts which can foster the two actors to do so. One of the critical factors is the increasing nationalist sentiments in both countries that largely narrow down the room for any form of settlement of the dispute. Additionally, both China and Japan are equally strong actors who can counter-weigh each other at any level of an armed escalation. In this scenario, the best policy for both countries lies in adopting proactive measures to manage an unwarranted military tragedy.

With the heightened risks of an armed conflict between China and Japan in the East China Sea, prevention remains the central question. With a failure in establishing a crisis management mechanism to meet the risks, it is important to note that any framework of management at the foremost will require a mutual understanding and trust of both the countries. To do so, first it requires to build diplomatic efforts to exchange information and negotiate in order to quell the risk of misperceptions. Second, both countries need to tone down their military postures to de-escalate the brimming tensions. Third, both China and Japan should build a crisis management mechanism as well as successfully implement it to thwart any form of emergency in the East China Sea.

In order to successfully establish and implement a crisis management mechanism in the East China Sea, both China and Japan need to do the following :-

- (a) Make the 'security-talks' a regular phenomenon in the bilateral relations. This could help in building the trust and thereby, bridging the gap between misperceptions of intentions and actions.
- (b) Both China and Japan can have joint naval exercises between PLAN and JMSDF and also exchange communications between each other to maintain the status-quo in the East China Sea.
- (c) Both China and Japan can initiate third party intervention such as the United States to act as the mediator in times of emergency and hence, maintain the stability in the relationship.

Conclusion

The brimming tensions in the East China Sea call for serious attention. With the spiralling tensions between China and Japan as reflected in the increased militarisation, the risks of an unintended confrontation looms large. Any form of military confrontation will impose severe costs on both, China and Japan. Thus, to avert an uncalled tragedy both China and Japan should undertake passivity in controlling the military tensions. In doing so, the best policy lies in adopting a crisis management mechanism that acts as a strong impediment in neutralising any form of potential risks. Both China and Japan need to act proactively in scaling down the tensions in

the East China Sea, which if not controlled could result into an unwarranted tragedy.

Endnotes

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