

# Japan's Strategy on Managing Territorial Disputes of Senkaku Islands

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## **Abstract**

The purpose of this study is to clarify and provide new information regarding the Japanese approach to handling territorial issues involving the Senkaku Islands. By applying the Negotiation and Mediation theory by Dean G. Pruitt and Peter J. Carnevale to evaluate and further explain the types of negotiations between Japan and China to resolve the territorial issues of the Senkaku Islands, it will explain the process of Japan's strategy for doing so. The study discovered that both countries went through several dynamics in their negotiating process using the Negotiation and Mediation theory. To identify the best way to develop a solution, Japan and China used two strategies: the first was the contesting strategy, which took place at the start of the negotiating process, and the second was the yielding or concession strategy. Finally, carry out the problem-solving plan whereby both parties agreed to host a Joint Development to put an end to the territorial disputes over the Senkaku Islands.

**Keywords:** *Strategy, Territorial Disputes, Senkaku Islands*

## **Abstrak**

Tujuan dari penelitian ini adalah untuk mengklarifikasi dan memberikan informasi baru mengenai pendekatan Jepang dalam menangani masalah teritorial yang melibatkan Kepulauan Senkaku. Dengan menerapkan teori Negosiasi dan Mediasi oleh Dean G. Pruitt dan Peter J. Carnevale untuk

mengevaluasi dan menjelaskan lebih lanjut jenis-jenis negosiasi antara Jepang dan China untuk menyelesaikan masalah teritorial Kepulauan Senkaku, akan menjelaskan proses strategi yang dilakukan Jepang jadi. Kajian ini menemukan bahwa kedua negara mengalami beberapa dinamika dalam proses negosiasinya dengan menggunakan teori Negosiasi dan Mediasi. Untuk mengidentifikasi cara terbaik untuk mengembangkan solusi, Jepang dan Cina menggunakan dua strategi: yang pertama adalah strategi kontes, yang terjadi pada awal proses negosiasi, dan yang kedua adalah strategi menghasilkan atau konsesi. Terakhir, melaksanakan rencana pemecahan masalah dimana kedua belah pihak sepakat menjadi tuan rumah Pembangunan Bersama untuk mengakhiri sengketa wilayah atas Kepulauan Senkaku.

**Kata Kunci:** *Strategi, Sengketa Wilayah, Kepulauan Senkaku*

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## INTRODUCTION

A new defense and security chamber is now being developed in Japan. The Japanese believed that their pacifism may help Japan's security and defense. It can be demonstrated by Japan's prior success in UN-led peacekeeping missions with the Japan Self-Defense Force (JSDF). With the deployment of the Japan Self-Defense Force on these operations, several countries support Japan's participation to Peace Keeping Operations. China and Korea, among other countries, are wary of Japan's accomplishments. Knowing the fear of those nations, Japan still moves forward on developing its defense and security power through

its partnership with the United States. Having an alliance with the United States means that Japan has a significant power partner that can develop its military power and realize its goals, that is, the revision on Japan Constitution, especially Article 9. (Lee, 2007)

Japan and China have been fighting over the Senkaku Islands or the Diaoyu Islands since the 1970s. This has led to a security relationship between the two countries. There is a historical background to the islands. For Japan, the Japanese war and sovereignty served as a sign of the confirmation of its success in Sino. As for China, it has symbolized proof of defeat and disgrace. However, the potential on the islands is the

cause of the dispute between the two nations. The Senkaku Islands, also known as the Diaoyu Islands, are strategically advantageous and abundant in natural resources. We can infer that the islands are economically important to both parties. Because of this, competition between Japan and China over the islands arose, leading to the instability of the regional order and, particularly, the hegemony of China, which harmed Japan's interests over its islands. Other nations in the region and outside it, especially the United States, were drawn to the activity that China and Japan had started. Noticing the disturbance, Japan allied with the United States and made a constitution about the United States Security Policy in Asia-Pacific that successfully deals with China's firmness. (DAN, 2016)

Due to China's continued hostile actions despite warnings from its neighbors, the international community views China as the conflict's instigator. Japan asserts that the use of the *terra nullius* principle—which secures a state's control over a territory before other states do—is the basis for its sovereignty over its archipelago. Unfortunately, China rejects this principle. When Japan grows its defense industry, which China

sees as a threat to China's national security, China becomes even more suspicious. To be more precise, the dispute over Senkaku Island between Japan, China, and Taiwan began in 1969 when these three nations learned the islands are rich in natural resources. To maintain good relations with its neighbor, Japan, Taiwan agreed to hand over control of the Senkaku Islands. But according to China, during the Sino-Japanese War, Japan had already taken the Senkaku Island from China. If their seamen had been engaged in maritime activity there, according to China, who has arranged the islands since the beginning of the 15th century, China has the right to claim the area. The fact that China had offered Japan an alibi, which Japan refused to accept, delayed the end of the war. *Terra Nullius* was the fundamental principle used by Japan during the annexation of the Senkaku Islands or Diaoyu Islands. Japanese businesspeople passed this archipelago down from generation to generation from 1895 until 1945. During those years, the government jurisdiction of Okinawa prefecture ruled the islands as part of its prefecture. In 1945, the symbol of World War II ending, the United States took the islands as Japan had lost at that time.

Japan agreed to adopt "principles of constitutional democracy and rejoined the world state system as a United States ally" in 1951, six years after it signed the Treaty of San Francisco. The pact gave Japan the opportunity to exchange some of her imperialism for its judicial sovereignty. Nevertheless, on San Francisco Treaty, Article 3, Senkaku Island was still in the jurisdiction of the United States. China did not acknowledge this treaty because China was absent during the treaty-making. The Senkaku Islands were then returned to Japan by the United States after a bilateral agreement between the two countries was established and signed in 1972. (Hirano, 2014)

Japan and China already had the arrangement to settle the dispute over Senkaku Islands in 2008. The agreement for resolving the conflict concerned developing hydrocarbon discoveries near the Senkaku Islands in the East China Sea. Joint development was the name given to the arrangement, which was carried out when hydrocarbon or gas was discovered in 1968 by both China and Japan. However, because of disputes over the areas between the two sides, the arrangement times stretched out past the finding timeframes. Through

many arguments, including their disagreement with the exclusive economic zone's delineation by the United Nations Convention on the Law of the Seas, both sides asserted ownership of the Senkaku Islands. Both parties had a negotiation meeting to put an end to the endless dispute over its territories, and they both recognized it as a positive development for China-Japan relations. (Peterson, 2009)

The Senkaku Islands now come under Okinawa Prefecture, and it still uninhabited islands. Currently, Japan's government positions itself to maintain its authority over Senkaku Islands permanently. Taiwan is also participating and has taken the initiative to work with Japan to resolve this problem to foster peace among their regional neighbors. "Japan does not accept the existence of the conflict on restoring territorial sovereignty," the Initiative for Peace in the East China Sea claimed. The Japanese, who are known for their pacifism, felt it was important to use their pacifism as the barometer or standard while developing their plan to protect their lands. The Ministry of Defense of Japan oversees numerous matters pertaining to security, ties between Japan and other nations, including regional and North Korean affairs.

In this context, "regional situations" refers to those involving Japan and other nations in East Asia and Southeast Asia, such as Japan's relations with China, particularly those that exist in the East China Sea or, to be precise, on the Senkaku Islands. The Japanese Ministry of Defense therefore always looks for a good approach or methods to address any difficulties to protect our defense and have good relations with other nations. The process of Japan's defense is currently being strengthened and reinforced by the Japanese Ministry of Defense to prepare for any conflicts.

Based on the introduction above, this research article aims to find the right way to solve the territorial disputes over Senkaku Islands.

## LITERATURE REVIEW

The current literature mainly discusses China and Japan's motives for the Senkaku Islands. About how the problems arise, and which countries are responsible for the raised problems.

Shigeo (Shigeo, 1994) and Lee (Lee, 2007) both explained that the quarrel between Japan and China is taking time to reconcile as both countries seek a way to solve the problems through any

means necessary. Both authors tried to find solutions by explaining the disputes and examining the island's legal owner through the history of both countries and the other countries around them. Both authors concluded their studies of the conflicts by signing the treaty and avoided reigniting the conflicts between China and Japan over the islands.

Togo (Togo, 2014) provided a fresh perspective on how Senkaku Islands are impacted by territorial disputes, thoroughly explaining the articles from the root causes of the issues, such as China crossing the sea border close to the Senkaku Islands and explaining how that action has affected the territorial disputes. Bukh (Bukh, 2018) shares Togo's perspective by concentrating the study of the article on the causes of the issues, not defending any parties, and keeping committed to settling the conflict. However, the problem-solving production point in each article sets the two articles apart: While Bukh focuses on policy analysis and the advantages each state actor will experience in territorial disputes, Togo concentrates on the impact of the core issues identified. Even though the dispute solutions in these two articles differ, the conclusions of both articles are the

same as previous articles, which concluded on using treaties.

Another literature from Balasz Szanto (Balasz, 2021) explaining, the territorial disputes is a dispute for a dispute's sake. Interesting explanation provided by the literature about the significant role of Senkaku Island's dispute for the political and economic matters between the actors. The literature give us an example over the use of the territorial disputes, such as it was used for the campaign during the elections for political reason and it was used as a reason for having defense reforms in order to balancing both actors defense power at that time. Hence the author also explaining that using treaty is the way to maintain the dispute.

It is proven by the other literature from Katherine (Katherine Tseng, 2014), at the current junction, clashes between China and Japan are not unlikely, both countries decide on growing more defense power. 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. 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 superpower like the US, and has triggered Japan's worries of a throwback of historical hatreds and war memories.

The existing research have explained that the Senkaku Islands Dispute could be maintained with the treaties among all the other possible ways. However, those other possible ways have not been explained by their articles. Therefore, this article sees that it is important to address "the other possible ways" to maintain or ended the disputes, because so many event happening during the disputes and the possibility to have other ways to solve the Senkaku territorial disputes are big. Therefore, to find the other possible ways to solve the Senkaku islands dispute, the author sees the bigger picture and aims to analyze the conflict using the

negotiation and mediation theory, to find, and try to figure out the new Japan Strategy for managing the Senkaku dispute. The author find the possibilities to find “the other possible ways” by emphasizing the conflict from the history until the current situations and connect it with the theory to know the detailed process and address the conflict clearly, so it could deliver the finding of the other solutions.

## RESEARCH METHOD

Considering the sources, the data in this study are secondary. The researchers use an intermediary medium to gather secondary data in an indirect manner. The author uses quotations from a variety of sources, including books, journals, papers, and reports from the Japanese Ministry of Defense, as well as resources that support it, including pertinent documents to the topics under study.

## THEORETICAL FRAMEWORK

In resolving the territorial disputes between Japan and China, both parties started using negotiation steps through meetings of their representatives in 2004. Then, a few years later, Japan and China agreed to conduct joint development around the East China Sea.

Pruitt and Carnevale say that negotiations are ways to figure out how to solve a problem and come to an agreement when each party has different options. According to Pruitt and Carnevale, who provide five tactics for conducting negotiations in their book: (Carnevale & Pruitt, 1992)

### 1. Problem Solving

This strategy seeks to arrive at a solution that can accommodate the negotiation parties' goals. The Dual Concern Model Theory describes a technique in which the parties involved demonstrate concern for both their own interests and those of other parties. Additionally, it clarifies that the issues between the opposing parties will determine how the problems are resolved. Sometimes the results are split between a genuine concern, such as one party feeling accountable to the other party and could be a strategic concern that seeks something wonderful or advantageous from the other parties. However, the approach to problem-solving typically resulted in a win-win outcome.

### 2. Contending

This strategy refers to competing or outperforming the opponent to put pressure on him to achieve his goals. The party employing this

tactic does so regardless of the requirements of other parties, even though the tactic's intended outcome was for other parties to give up and wish to join the users. This method employs several strategies that include time constraints, positional commitment, threats, and diversion.

### 3. **Yielding/Concession**

This strategy involves decreasing one's goals, demands, or proposals while caving in to pressure from the negotiator. The rationale for making concessions is to advance discussions closer to a resolution by assuming that the concession would be seen favorably by the opposing party or parties. Yielding refers to being flexible or accommodating. When parties use this strategy, they don't care much about their own interests. However, these parties frequently cooperate with one another's objectives, or it may be stated that surrendering is a tactic that involves going along with what the other side wants.

### 4. **Inaction**

This strategy, sometimes referred to as the avoidance tactic, is used by parties who have the tiniest amount of regard for their own interests and those of other parties. This side does nothing to solve the issue while employing this tactic.

This approach employs methods like wasting time, delaying negotiations, or talking about topics unrelated to the core concerns of the negotiations to postpone the implementation of a new strategy that may one day strengthen negotiating positions due to the temporary suspension of activity that was carried out but leaves the door open for future conversations.

### 5. **Withdrawal**

This strategy means the negotiator stops the negotiations, so there is no agreement. However, the failure to reach this agreement is a victory.

From 2004 to 2008, Japan and China adopted the Problem-Solving Strategy, which involved finding a peaceful solution to their territorial issues with the Senkaku Islands. This was one of the five techniques mentioned above. Despite several roadblocks, including other negotiating tactics employed by both parties, and several issues that needed to be addressed, it appeared that the negotiations were doing well at the time. Regarding the management of natural resources in the East China Sea, particularly hydrocarbons, the discussions at the time led to many legislations and agreements between Japan and



China, that both parties must not violate.

## RESULT AND EXPLANATION

### TOWARDS PROBLEM SOLVING ON TERRITORIAL DISPUTES OF SENKAKU ISLANDS

The negotiation and mediation theory of Peter J. Carnevale and Dean G. Pruitt, which focuses on problem-solving theory, will be discussed in relation to how Japan manages territorial disputes in the Senkaku islands in this chapter. In 2004, through discussions between their officials, Japan and China began adopting negotiating techniques to settle their territorial issues. The two countries eventually agreed to collaborate on East China Sea-related initiatives a few years later. According to Pruitt and Carnevale, conversations are ways for parties to a negotiation to address a problem more specifically and conclude when they have a variety of possibilities. (Kent E, 2006)

To carry out negotiations, according to Pruitt and Carnevale described in their book, there are five strategies; there are Problem Solving, Contending, Yielding or Concession, Inaction, and Withdrawal. Problem-solving is a strategy when both negotiating parties have their interests and focus

on a win-win solution. Then, the contending strategy is a competing or dominating strategy in which one of the parties uses the force of power to make sure the other parties give up on the negotiations. The yielding or concession strategy is when both negotiating parties reduce their objective, demands, and offers to reach a solution. However, this strategy shows that both parties tend to cooperate in negotiations. Inaction strategy, also called avoiding strategy, where both parties are using some reasons or showing the slightest concern about the problem while waiting to find other strategies which still open the possibility for further discussion in the future. The last one is the Withdrawal strategy which both parties stop negotiating as they will have no agreement, but the failure to reach a solution or agreement can be a victory. (Shogo, 2007)

From the five strategies described above, Japan and China used the Problem-Solving Strategy from 2004 until 2008, in which Japan and China chose to find a way and peace to resolve the territorial disputes over Senkaku Islands. Negotiations at that time seemed to be going well despite several obstacles, such as contending, concession, inaction, and several

things that needed attention. The negotiations at that time resulted in a "Joint Development" between Japan and China regarding managing natural resources in the East China Sea, especially gas. Likewise, "Joint Development" between Japan and China is provided by several regulations and agreements that both parties must not violate. (Michael T, 2006)

Japan as an actor, tried to negotiate territorial disputes using several ways to solve the problem, which explains the use of the Negotiation and Mediation theory, which resulted in the Joint development of gas in Chunxiao, one of the disputed areas. As was said in the prior chapter, the disagreement between Japan and China about the Senkaku islands is attributable to a disagreement between the two nations that was precipitated by the discovery of significant natural resources on the island. Natural resources have enormous benefits for every country worldwide, without exception. One of the benefits is as a substantial foreign exchange earner as experienced by the Gulf countries. Furthermore, the most significant natural resource is beneficial to meet a country's energy resource needs, and no country on our planet can dispute this. So, oil

and gas are the most important natural resources on Earth. Both China and Japan are major powers in Asia, and both have made significant advancements in military defense and industrial economy. As a result of all the progress possessed by the two countries is the increasing need for natural resources, especially oil and natural gas resources, and using it to support the needs and progress of the two countries industries. In addition, as explained above, the two natural resources are one of the supporting factors that are very important for the realization of the progress and prosperity of a country in all fields. Therefore, solving the problem of the territorial disputes of the Senkaku Islands must be done well, where both parties are not harmed by each other. (Heazle & Knight, 2007)

### **Japan solves the dispute through Joint Development in Chunxiao**

The conflict over the Senkaku/Diaoyu Islands and the larger issue of maritime delimitation in the East China Sea should be considered in the context of any joint development in Chunxiao. Japan used a median line regarding the Chinese claim in its statement because it anticipated that the Chinese and Japanese claims would overlap and that delimitation discussions would take a while. The

Japanese median line was created "unilaterally" without consulting China, which, according to one analyst, may have rendered the line worthless for delimitation reasons, which is why Chinese officials did not acknowledge it. Both nations accept UNCLOS delimitation techniques (United Nations Convention on the Law of the Sea). But international legal law is gradually moving away from justifications for natural prolongation in favor of methods that establish a median line that may then be modified to take account of circumstances or rights. China, however, argues that the East China Sea cannot use the median line technique due to the International Court of Justice's (ICJ) 1969 decision in the North Sea dispute. This is due to the 1969 hearing of the North Sea case. By agreeing to the median line delimitation method, Beijing may relinquish its claim to the easternmost part of the East China Sea. Beijing will likely preserve its dogmatic view of international law as a result. (Arthur S, 2005)

Chunxiao, according to Beijing, is located on the western side of Chinese waters. Therefore, the Chunxiao project is legal even under the Japanese understanding of international law. Privately, Japanese politicians acknowledge

this, and some contend that the 1996 declaration of the median line was incorrect since it does not include the whole 200 nautical miles (nm) that Japan is legally entitled to under UNCLOS; Tokyo may have effectively given some of Japan's claim to China. Beijing hasn't exactly been as open yet, in fact. The Chinese contend that the disputed region in the East China Sea is located between the Japanese-claimed median line and the Okinawa Trough, which delineates the end of the Chinese continental shelf claim. China claims that it has never conducted an oil drilling operation in this disputed region. Beijing thus interprets Japan's move to carry out exploratory drilling on the east side of the middle line as an effort to change the status quo. Japan asserts that its Exclusive Economic Zone (EEZ) extends into the east side of the median line and includes the Chunxiao and Tianwaitian, Duanqiao, and Longjing fields (Tsai, 2016). So, it has a right to a portion of the resources generated. When the Emery Report, which suggested that there may be considerable crude oil deposits beneath the East China Sea, was published in 1969, the Senkaku/Diaoyu Islands conflict was already a contentious issue. Variable estimates of East China Sea

deposits are made. The overall oil reserves are put at between 70 and 160 billion barrels, and the total gas reserves are put at between 175 and 250 trillion cubic feet (cf). The Xihu Trough is now expected to produce up to 17.5 trillion cubic feet (cf) of natural gas throughout the basin and 363.9 billion cf at Chunxiao, which represents the greatest possible yield. No Chunxiao field is now producing oil at a pace that is suitable for commerce. Even if these estimates could be exaggerated, China and Japan are unwilling to make delimitation concessions since doing so could weaken their claim to the whole sea. And lastly, the conflict in the East China Sea goes beyond just a matter of resources. Chinese initiatives to search for resources in the East China Sea are seen by Japanese authorities as a part of a "creeping expansionism" plan intended to increase Chinese influence across the East China Sea and past Japan into the Pacific Ocean. (Heazle & Knight, 2007)

### **The Concession between Japan and China (2003-2005)**

Both parties used combative language during the initial round of the maritime conflict as Japan tried to react to Chinese exploration and production

activity at Chunxiao.. In August 2003, CNOOC (China National Offshore Oil Corporation) signed an agreement with international energy companies Shell and Unocal to develop several gas fields in the Xihu Trough. Japanese leaders publicly protested this agreement when a gas production facility detected the Chunxiao gas field in May 2004. Japan issued several diplomatic protests and requested that China cease its activities and share its seismic data. China refused, arguing that the Chunxiao project occurred in Chinese waters. Chinese Foreign Minister Li Zhaoxing floated the idea of joint development of the East China Sea to his Japanese counterpart Kawaguchi Yoriko at the Third Asia Cooperation Dialogue in June 2004, known as the first round of talks. However, Japanese officials refused to accept collaborative development negotiations unless China delivered seismic data acquired in the middle line area. (Selig S, 2005)

Contending is inevitable; in the face of repeated Chinese intransigence towards its requests and increased domestic pressure for action, Japanese leaders surveyed the median line area to ascertain whether the Chunxiao project was tapping Japanese resources. In July 2004,

Japan hired the Norwegian survey ship *Ramform Victory* to carry out a seismic study on the east side of the median line. Vice-Foreign Minister Wang Yi called Japan's conduct "provocative and outrageous" in China's diplomatic complaint that followed. During this event, China and Japan struggled to produce a joint development because both countries wanted to avoid budging with their selfishness on this matter and produced a concession before the matter was solved. As explained above, the concession is when both parties or countries try to offer a demand or reduce the demand to accustom or adjust the matter with the other party. The concession between China and Japan on this joint development is influencing several factors, such as distrust between both parties, demands for inequality, and different expectations. To ensure that joint development is agreed upon, the problem is solved, and concessions between both parties are inevitable, and will be explained below. Tokyo announced this decision following releasing the survey data collected by the *Ramform Victory*. The report, which came out on February 19, 2005, found that there was a good chance that the geological features of the Chunxiao field went over the

median line and onto the Japanese side. This confirmed what the Japanese already thought. At the end of March, the Liberal Democratic Party (LDP) Special Committee on Ocean Affairs recommended that Japan conduct its exploratory drilling on its side of the median line. On 2 April, as the first anti-Japanese riots took place in China, the minister of agriculture and fisheries, Nakagawa, issued an ultimatum demanding the Chinese cease their activities at Chunxiao and turn over their seismic data to Japan if they were genuinely interested in jointly developing the area. China denounced the report in the strongest possible terms on 14 April, describing Japan's actions as provocative, and claimed, "the right to take further action." Despite these demonstrations, Tokyo remained committed to this policy course through mid-2005. In mid-July, it awarded the East China Sea drilling concessions to Teikoku Oil. This more assertive policy had widespread support across the Japanese political spectrum, demonstrated by a high-profile aerial tour of the Chunxiao field conducted by members of the ruling coalition and the opposition Democratic Party of Japan (DPJ). Furthermore, when Beijing appeared to blame Japan

for the demonstrations in Chinese cities, Nakagawa stepped back from an earlier rhetorical commitment to joint development. Despite this posturing, the second round of negotiations between China and Japan, however, was able to go forward in late May 2005, and at that time China formally presented a proposal for the cooperative development of the region between the median line and the Okinawa Trough., first proposed by Foreign Minister Li in July 2004. (Mark J, 2007)

Before the third round of talks, scheduled for early October 2005, tensions in the East China Sea reached their peak. Following rumors that production had begun at the Tianwaitian field by Japan, a flotilla of PLAN (People Liberation Army Navy) vessels, including a Sovremenny class destroyer, was sighted near the Chunxiao field. It appeared to be a demonstration of force to back up Chinese rhetoric. Following the news that Teikoku Oil had won the drilling concession, Chinese Foreign Ministry spokesman Qin Gang said the Japanese action made conflict "inevitable". It also has been confirmed that the Sovremenny had trained its guns on a passing Japan Maritime Self-Defence Force

(JMSDF) P-3C maritime patrol aircraft, further reinforcing the Chinese stance, as did the statement by the spokesman for China's ambassador to Japan, that Japanese drilling would be "an invasion of Chinese territory and be viewed as a highly provocative act". It was the PLAN's (People Liberation Army Navy) most significant show of force. In addition to the high-profile sighting of a Han class submarine in Japanese waters in November 2004, the Ramform Victory have approached by Chinese warships twice during its survey. Japan replied by increasing the frequency of P-3C patrol flights over the median line area. Inaction can be shown at the third round of talks from 30 September to 1 October, and Japan appeared to soften its stance slightly. It downplayed its ultimatum and proposed a joint development scheme that included the Chunxiao, Tianwaitian, and Duanqiao fields at Chunxiao, as well as the Longjing field 100 km to the north. Chinese negotiators said they would consider the proposal, and the two sides agreed to meet again on 19 October. However, Beijing canceled the meeting after Koizumi visited the Yasukuni Shrine on 17 October. (J.R.V & Clive, 2005)

### **The End of Concession between Japan and China (2006-2007)**

The Japanese proposal was not considered until the discussions were revived in March 2006 due to China's ban on formal interaction. Increased frequency and depth of bilateral meetings were characteristics of the Chunxiao issue, which at first appeared to advance independently of the strong bilateral relationship. The fourth round of negotiations was conducted in March after an unofficial encounter between Sasae Kenichiro, the Japanese negotiator, and Cui Tiankai, his Chinese counterpart, in January 2006. Despite the slow pace, encouraging signals could be seen. After some bluster, both sides handled a Chinese sailing prohibition in the disputed area very amicably. A prohibition on ships operating close to Chunxiao was announced on the website of the Chinese State Oceanic Administration in April, and numerous Japanese fishermen were removed. Japan protested because this broke the terms of the Sino-Japanese fishing pact. Until the Chinese conceded that the location supplied for the ban was an error, both parties remained steadfast. It was designed to cover the Pinghu gas field, which is completely inside Chinese territorial seas and is not

disputed by Japan. Soon later, in late May, the fifth round of negotiations took place. The fact that both parties agreed to build an incident-at-sea mechanism to prevent escalation due to unintentional use of force represents progress even if both sides rejected the other's request for cooperative development. The East China Sea conflict will go forward more quickly, Foreign Ministers Li and Aso Taro agreed on May 23 during the first high-level meeting between Chinese and Japanese officials in more than a year. Early in July, at the sixth round of negotiations, three technical working groups on resource extraction, a hotline agreement, and confidence-building measures (CBMs) in legal areas were formed. These changes took place notwithstanding the difficult state of the bilateral ties. (Shigeo, 1994)

The CBMs started to pay off when Abe was chosen as prime minister and made a rhetorical promise to mend relations with China. In a meeting in January 2007, the legal professionals reviewed the legal interpretations of the controversy. In April 2007, representatives from the Ministry of Economy, Trade, and Industry's Agency for Natural Resources met with counterparts from the Economic Reform and

Development Commission, the organization supposedly in charge of China's oil companies, to discuss issues pertaining to resource exploitation. To create a hotline between the two agencies, the Japan Coast Guard (JCG) and the State Oceanic Administration finally met in July 2007. Although these changes took place over a period of eighteen months and did not result in any legally binding agreements, they show a change from the combative language and military posturing that characterized the conflict's first stages. The roots for these CBMs were already laid before Abe's election, suggesting that someone in the Chinese policy-making system was willing to see past Beijing's unwillingness to negotiate with Koizumi and treat the Chunxiao issue rationally. There were hiccups along the way to this progress. In contrast, the Chinese offered to share the seismic data from Chunxiao with Japan at the seventh round of negotiations before Wen visited that country in April 2007. Their Japanese counterparts viewed this offer favorably. The long-awaited data, however, was not presented during the conference on April 2. However, the 11 April joint statement from Wen and Abe showed that both parties wanted to

leave the Koizumi period behind. It signaled the start of the conflict's concluding stage. (Liao, 2007)

### **Japan and China reach the Solution (2007-2008)**

Despite the bravado, there was little immediate sign of further advancement. Little progress was made in rounds eight, nine, and ten; instead, only pledges to find a solution as soon as feasible were made. How to properly handle marine delimitation and the median line in a joint development agreement was the main issue of contention. China insisted that because the Chunxiao project was in its territorial seas, collaborative development was not possible. Because they were in the disputed territory, fields close to the Senkaku/Diaoyu Islands would be jointly developed under its plan. In Chinese seas, Chunxiao and Tianwaitian were prohibited and getting close to being produced. Japan, on the other hand, was hesitant to consider the cooperative development of resources located inside the disputed area due to worries over Chinese maritime expansion. Tokyo's top objective was still to enter fields that were on the median line, at the margin of Japan's claim, and may contain resources that were also claimed by Japan. Any agreement



would create a legal precedent, which may provide one side the right to interpret the rules of law governing the dispute. To reach a deal, neither party was willing to give up any of its own rights to the East China Sea. On October 31, 2007, Sasae informed the LDP Special Committee on Ocean Affairs that Chinese negotiators had made a preliminary agreement to jointly develop fields in the median line area, subject to how Japan handled the median line problem. This tiny concession showed Beijing was accommodating about the site of the joint venture but was nonetheless cautious about the longer-term effects for its East China Sea claims. The timing of an agreement in relation to state visits was a major topic covered in open-source information rather than actual reporting of progress in bilateral talks because of the bilateral discussions becoming more and more opaque. Japan and China have agreed, through serious consultations based on their shared understanding between their two leaders reached in April 2007 as well as their new shared understanding reached in December 2007, that the two countries cooperate without compromising their respective legal positions throughout the East China Sea, where the sea boundary

between Japan and China has not been delineated. Both nations will carry on their discussions. This did not put an end to media speculation, which led to a lot of speculation. The *Nihon Keizai Shimbun*, for instance, stated on 4 February 2008 that the two sides were thinking about splitting revenues equally under a scheme in which each side would own a majority share in fields on its side of the median line. Rumors persisted that the historic Hu Fukuda announcement would include an agreement. Even though this did not occur, both presidents were optimistic about the future during the meeting in Tokyo. According to Hu, "prospects for settling the dispute are already in view, and I'm happy about it". (Jean-Marc F, 2005)

Considering what has been said so far, the June 2008 agreement must be viewed in its proper perspective. Contrary to certain evaluations, neither a delineation of East China Sea boundaries nor a general agreement on resource development has been reached. It is, at most, an understanding of Beijing's and Tokyo's most fundamental viewpoints. But Beijing is likely to be flexible given that the proposed joint development area crosses the median line. The Chinese statement cites two examples as crucial: the

agreement made by Wen and Abe in April 2007 and a "new" agreement reached in December 2007. The latter looks to be a reference to the initial development zone China offered that somehow included the median line. This action does not indicate Chinese "recognition" of the median line, despite various assessments to the contrary. However, it does suggest some flexibility on China's part. To resolve the Senkaku Islands conflicts, China and Japan decided to work together on a joint development of Chunxiao. The two sides then moved on with collaborative exploration, agreed-upon site selection for joint development, and joint development at the selected sites based on the idea of mutual benefit to better comprehend their combined development. Details will be decided in collaboration between the two parties. The two parties will work diligently to swiftly come to a bilateral agreement required for carrying out cooperative development through their respective domestic processes. (Yomiuri Shimbun, 2008)

With the joint development agreed upon, as explained above, it can be concluded that the concession and other elements are needed in the problem-solving process. The

dynamics of conflicts or disputes between both parties certainly provide or present a different way to reach completion, like how Japan and China, in territorial disputes in Senkaku Islands, must go through other conflicts and joint developments to find the problem solving to reach a solved condition. Therefore, the joint developments described above are the factors that affect the completion or solved conditions of territorial disputes in the Senkaku Islands.

## CONCLUSION

Japan is known as a country with cultural diversity and beauty. Therefore, many people think that Japan is a country that is always peaceful and has no conflict at all. However, it turns out that Japan, which most people consider to be a peaceful country, is also in conflict with its neighboring country, China. As discussed in each chapter above, Japan and China have conflicts in the form of territorial disputes over the Senkaku Islands. This conflict has been going on for a long time and has always been the center of attention for both countries. Because of the abundance of natural resources on the islands, particularly oil and gas, the Senkaku Islands came to the fore and were the subject

of disputes between Japan and China. It is known that Japan and China are developed countries in terms of economy and technology, and therefore the interest of the two countries on the island is undeniable; as we know from the history of the development of Japan and China relations always faced competition, which in the end the competition between the two countries always caused conflict. However, conflicts between the two countries, Japan, and China, always have a solution to end or stop the conflict. Historically, the territorial disputes over the Senkaku Islands between Japan and China have been ongoing since 1970. Japan and China always have their declarations of ownership on the Senkaku Islands. China says that Senkaku Island has belonged to China since the 15th Century during the Ming Dynasty, and Japan has confiscated the Senkaku Islands when Japan won the Sino-Japanese War. Japan also claimed that China ceded the Senkaku Islands to Japan as war loot during the Sino-Japanese War. The Senkaku Islands were claimed by Japan because they were uninhabited at the time and because Japan eventually chose to rule the islands. Since the territorial dispute between Japan and China over the Senkaku Islands has persisted

for so long, several agreements or treaties have been developed to address it. Despite the formation and acceptance of accords and treaties, the struggle between Japan and China over the Senkaku Islands remained. This article analyzes and explains how negotiations between Japan and China to resolve territorial disputes over the Senkaku Islands from 2004 to 2008, which led to Joint Development and put an end to the territorial disputes, using the Negotiation and Mediation Theory by Dean G. Pruitt and Peter J. Carnevale.

Negotiations between Japan and China over the Senkaku Islands used numerous tactics represented in Negotiation and Mediation Theory, including Contending, Yielding or Concession, Inaction, and Problem-solving. After examining the discussions on territorial disputes using the Negotiation and Mediation theory, the author concluded that the process of territorial disputes negotiations between Japan and China over the Senkaku Islands includes all sorts of dynamics. The two nations went through many Contending strategies at the beginning of the negotiation process, followed by Yielding or Concession strategies and Inaction by Japan. Forward with the Problem-Solving

approach, where all sides agreed to put an end to their territorial disputes over the Senkaku Islands by convening a Joint Development.

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