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The East China Sea: The Place Where Sino–U.S. Conflict Could Occur

Michael McDevitt

ABSTRACT The East China Sea remains a Sino–U.S. hotspot. The welcome diminishment of the possibility of an East China Sea conflict over Taiwan has been offset by the emergence of the Senkaku/Diaoyu Islands dispute between Japan and China as the new Sino–U.S. flashpoint. The United States could become militarily involved if China and Japan come to blows over sovereignty. Washington officially takes no position on the disputed sovereignty claim but, because the uninhabited islands are under Japanese administrative control, the Mutual Security Treaty with Japan would apply. There is no obvious road to resolution since Tokyo argues that its claim is “indisputable” and, as a result, does not want to discuss the sovereignty question, while China does everything short of actually seizing the islands to demonstrate that sovereignty is, indeed, in dispute. The possibility of an accident between the two countries’ coast guards or air forces is real.

KEYWORDS ADIZ; Diaoyu Islands; East China Sea; Japanese administrative control; Senkaku Islands; Sino–Japanese dispute; Taiwan

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INTRODUCTION

For decades, the issue of Chinese sovereignty over Taiwan has been considered to be the most plausible reason why the United States and China could come to blows. Taiwan and its strait are in the southern extremity of the East China Sea, thus making that body of water particularly significant and sensitive in the overall security relationship between Beijing and Washington. Fortunately, over the past five years, the prospect of war over Taiwan has been very remote because the political relationship between Taipei and Beijing was (and is) as good as it has ever been.¹

Nevertheless, the use of force remains a stated Chinese option, and, as a result, the Taiwan contingency continues to be an area of serious planning by both the U.S. and Chinese militaries. For all practical purposes, Taiwan remains the center of the Sino–American security universe. Either directly or indirectly, it has been the cause of the vast majority of past security-related issues between China and the United States. Because Taiwan remains a plausible potential trigger for war between China and the United States, it remains the most important driver of China’s military modernization—which has focused on what the U.S. Department of Defense has called “China’s anti-access/area-denial strategy.” For China, this

strategic concept is particularly attractive because whether the issue with United States involves Taiwan or any other contingency along its maritime approaches, especially the East China Sea, the capabilities it is putting in place remain militarily relevant.

Such a contingency has emerged. The risk of conflict because of Taiwan has been diminished only to be replaced by the emergence of Senkaku/Diaoyu Islands dispute between Japan and China as a new East China Sea Sino–U.S. flashpoint because of the U.S. security alliance with Japan.

This article will explore this new flashpoint as well as put the dispute into a larger context by exploring the importance of the East China Sea to China, Japan, and the United States.

THE SENKAKU/DIAOYU ISLANDS DISPUTE—BACKGROUND

The five small uninhabited islets and three rocks that are named “Senkaku Gunto” in Japanese and “Diaoyu Tai” in Chinese are located in the southern portion of the East China Sea. They are 205 miles from the China coast, 105 miles from Taiwan, and 105 miles from the nearest bit of Japanese territory. Today, they are under the “administrative control” of Japan, which also claims sovereignty over the island chain—a claim that Taipei rejects and that Beijing is assertively challenging.² The issue is sovereignty: Whose islands are they? Why does anybody care? While nationalism is an important motivation for all three claimants, sovereignty also yields exclusive control of fishing grounds around the islets as well as economic rights to any oil or gas below the seabed.³

The Japanese claim is based on a cabinet decision made by Imperial Japan in the waning days of the Sino–Japanese War in 1895 to annex the islands and make them part of the Okinawa prefecture. Tokyo argues that, starting in 1885, Japanese officials from Okinawa had surveyed the islands and determined that they were under the control of no country; thus, in Japan’s view, they met the international legal definition of *terra nullius* (land without an owner).⁴ Shortly after annexation in 1895, an action that was separate from the Treaty of Shimonoseki that ended the Sino–Japanese War of 1895,⁵ a Japanese businessman was granted a lease to the islands to establish a fish-processing plant. Until the

onset of the Second Sino–Japanese War in 1937, around 200 Japanese worked on the islands. After that conflict began, the processing plant was eventually abandoned.⁶ Since that time, the Senkakus have been uninhabited, with no displaced indigenous peoples waiting to reclaim their island homeland.

Both China and Taiwan argue that the annexation based on Japanese “discovery” is nonsense; the islands were discovered, named, and used by the Chinese centuries before Japan’s annexation in 1895, which both Taipei and Beijing say was illegal because the islands were not *terra nullius*.⁷ They had long been considered as appertaining to Taiwan.

On December 30, 1971, the Chinese Foreign Ministry published an official statement claiming the islands. China claims the islands have been its territory since the Ming Dynasty in the fifteenth century. The Dutch seized them in the seventeenth century and the Qing Dynasty regained them in 1662 after defeating the Dutch on Formosa (Taiwan).⁸ Furthermore, Japan’s 1895 *terra nullius* claim to the Senkaku/Diaoyu Islands is tied to China’s “century of humiliation”—Japan annexed them when China could do little to object.

Tokyo argues that China did not protest the Japanese annexation and ignored the Japanese incorporation of the Senkaku/Diaoyu Islands into the Okinawa prefecture until the 1968 UN Economic Commission for Asia and the Far East (ECAFE) report indicated that the continental shelf between China and Japan’s Ryukyu Island chain may be one of the “most prolific oil reservoirs in the world.”⁹ Subsequent exploration indicates that this was a wildly optimistic forecast. But, at the time (1971), the ECAFE report probably catalyzed China’s interest in the Senkaku/Diaoyu Islands. Since then both Taiwan (The Republic of China, ROC) and the People’s Republic of China (PRC) have insisted that the islands have historically been part of Taiwan, hence part of China’s sovereign territory that was annexed when China was weak and Japan was strong.

The Japanese rejoinder is that the Senkakus were never treated by the Chinese as part of Taiwan until after the 1968 survey findings that noted the possible existence of resources below the seabed surrounding the Senkaku Islands. In fact, until 1970, the authorities of Imperial China, the Republic of China, and the People’s Republic of China did not dispute Japan’s ownership. China claimed the islands only

in 1970 after Japan and Taiwan had started talks on jointly exploring the energy resources around the Senkaku Islands and the United States had indicated that it intended to return the islands as part of the return of Okinawa to Japan.¹⁰

After the Japanese surrender in 1945, the United States assumed military administration of the Okinawa and the Ryukyu chain (Okinawa prefecture). The Senkakus were included in this area, which the United States administered during the 1945–1951 occupation. The United States retained administrative control, even after the U.S.–Japan Peace Treaty was concluded in 1951, ending U.S. occupation of Japan’s main islands. Okinawa remained under U.S. military administration for another 20 years, until Washington and Tokyo reached agreement on the reversion of the Okinawa prefecture to Japan in June 1971 (entered into force on May 15, 1972).¹¹ The United States returned the Senkakus to Japanese authority since they were considered part of Okinawa prefecture. When the agreement went to the Senate for advice and consent, the Foreign Relations Committee heard complaints from Taipei, at the time still an official U.S. ally, about including the Senkakus in the reversion. As a result, the Senate included a minute that said, “The Committee reaffirms that the provisions of the agreement do not affect claims of sovereignty with respect to the Senkaku or Tiao Yu Tai (*sic*; Diaoyu Tai) islands by any state.”¹² This statement forms the basis of the current U.S. policy, which is discussed later in this article.

THE CURRENT STATUS OF THE DISPUTE

That ownership of three of the islands had been in private Japanese hands is what triggered the current crisis between Tokyo and Beijing on the sovereignty issue.¹³ In April 2012, the nationalist mayor of Tokyo, Ishihara Shintaro, announced a plan for the metropolitan government of Tokyo to purchase the Senkaku Islands from the current owners. This was a political move to embarrass Japan’s Noda government by suggesting it was not assertive enough in upholding Japan’s sovereignty in the face of challenges from both China and Taiwan.

Feeling the pressure, the Noda administration announced in September 2012 that the government, not the municipality of Tokyo, would buy the

islands.¹⁴ The intent was to ensure that the islands could not be used by Japanese nationalists to provoke future confrontations with China. For its part, Beijing did not care what the motivations behind Prime Minister Noda’s plan were, it was adamant that China has indisputable sovereignty over the islands and that Tokyo’s action violated the understanding Deng Xiaoping had reached with Japan’s foreign minister to put the issue aside.¹⁵

China has rejected the claim that Noda’s government was faced with a genuine predicament and had no choice but to make the purchase.¹⁶ Clearly, Tokyo blundered by announcing the purchase decision only one day after Chinese president Hu Jintao personally warned Noda not to do so. According to press reports, during a conversation on the sidelines of the APEC meeting in Vladivostok, Hu told Noda that “it is illegal and invalid for Japan to buy the islands via any means. China firmly opposes it.”¹⁷

In retrospect, Prime Minister Noda seems to have played into Beijing’s waiting hands by pressing on with a hasty and poorly thought through purchase decision. There is no reason that the islands could not have been kept out of Ishihara’s hands by the simple expedient of asking a major Japanese corporate entity to buy the islands, thereby avoiding the impression of nationalization.

CHINA DEMONSTRATES THAT JAPAN’S CLAIM IS IN DISPUTE

In any event, China’s very prompt reaction to the decision by Tokyo to go ahead and purchase the islands indicates that it had a response strategy in place, ready for execution once Japan’s planned purchase was officially announced. Beijing moved quickly to challenge Tokyo’s long-held position that its sovereignty claim “was indisputable.” Since September 2012, China has been at pains to demonstrate that, contrary to Tokyo’s assertion of “indisputability,” in fact, the claim was very much in dispute.

Tokyo mistakenly saw the purchase exclusively as a transfer of “property rights,” as the government had already purchased one of the islets years earlier. But Beijing elected to interpret it as an exercise of “sovereign rights.” Japan had “nationalized” the islets, which Beijing contends breaches the mutual

understanding to shelve the question of sovereignty over the disputed islands.¹⁸

On the same day that Tokyo declared that it would purchase the islets still in private hands, China issued an updated claim to its territorial baselines that, for the first time, included the Senkaku/Diaoyu islands.¹⁹ Three days later, in accordance with the requirements of the UN Convention on the Law of the Sea (UNCLOS), Beijing filed a claim with the United Nations of an extended continental shelf beneath the East China Sea that reaches all the way to the Okinawa Trough. (The Senkaku/Diaoyu Islands are on the newly declared continental shelf of China.)

On September 16, China's State Oceanic Administration (SOA) issued names and coordinates for the features it deemed to be included in the grouping of islands and "affiliated islets." Then, five days later, the SOA released the names of 26 geographic features on the islands themselves, including peaks, creeks, ridges, and bays. The purpose of these actions was to demonstrate its effective administration of the Senkaku/Diaoyu Islands and, therefore, strengthen China's sovereignty claim.²⁰

Further evidence of a premeditated and well-coordinated response includes the deployment of China Marine Surveillance (CMS) vessels and Fisheries Law Enforcement Command (FLEC) vessels to waters near the disputed islets on the same day of the Japanese announcement. Three days later, two separate CMS flotillas with a total of six ships were dispatched with the stated purpose of defending China's maritime rights and interests; both entered the 12-nautical-mile territorial waters of the islands. These deployments set a pattern that continues today.²¹

By frequent deployments of its constabulary maritime forces to waters that Japan considers to be its territorial seas and exclusive economic zone (EEZ) around the Senkakus, China is using routine maritime presence by official government ships to challenge what it deems an illegal sovereignty claim and to attempt to establish China's jurisdiction in the islands' waters. The reported creation of the Office to Respond to the Diaoyu Crisis at the onset of the crisis, with then-vice president Xi Jinping at the helm, suggests that Chinese actions undertaken toward the disputed islands were guided and coordinated by China's top leadership.²²

In July 2013, Beijing strengthened its maritime law enforcement capability, forming a new Chinese coast guard by merging four of its five civilian agencies that have responsibility for some aspect of maritime constabulary activity. This new bureaucratic entity will undoubtedly experience growing pains as it tries to integrate four distinct organizational cultures into a unified whole; but that has not been evident in its deployment pattern to the Senkakus. Over the long term, this will lead to expanded capabilities, presence, and operations in the East China Sea. Likely the new Chinese coast guard vessels will be armed, which was not the case for the vessels of some of the maritime agencies before they were absorbed into the coast guard. This will almost certainly add to the potential for inadvertent conflict in China's interactions with an armed Japanese coast guard also operating in these waters.²³

The Japanese have not been idle while China creates a "new normal" with its routine "violations" of what Japan considers its territorial seas around the Senkakus. The very capable Japanese coast guard has also been routinely present in the waters around the disputed islets, warning Chinese vessels away. Neither Japan nor China has involved their naval warships, thus keeping the threshold of interaction at the law enforcement rather naval level—a check on inadvertent escalation that neither country wants. Although these naval "gray hulls," as they are frequently called, are not directly involved, remaining over the horizon, they are never too far away.

THE LATEST CHINESE GAMBIT TO CHANGE THE STATUS QUO: AN EAST CHINA SEA ADIZ

On November 23, 2013, the Chinese government announced an East China Sea Air Defense Identification Zone (ADIZ). ADIZs are a U.S. creation dating to the early days of the cold war when the threat of Soviet bombers approaching the United States and Canada generated a need for some sort of procedure that would allow the U.S. North American Aerospace Command (NORAD) to identify, visually if necessary, by launching fighters to intercept and positively identify the approaching aircraft before it entered U.S. airspace. (The United States still intercepts

Russian long-range military aircraft approaching Alaskan airspace.)²⁴

International law does not prohibit any country from establishing an ADIZ in the international airspace adjacent to its territorial airspace. In fact, most U.S. allies have done so, as have other countries; some twenty-odd countries have announced an ADIZ. An ADIZ does not establish sovereignty nor is it a no-fly zone; it is strictly for identification. Unfortunately, China's East Sea ADIZ overlaps much of Japan's ADIZ, including, especially, the airspace over the Senkakus.

Back in 1969, Japan established an ADIZ that surrounds all of Japanese territory and extends into and covers much of the East China Sea, including, of course, the Senkakus. One portion of Japan's ADIZ is within 70 nautical miles of China's coastline. Japan has used its Air Self-Defense Force (ASDF) repeatedly, flying F-15s launched from bases in Okinawa to respond to China's surveillance aircraft flying in the vicinity of the Senkakus in case they penetrate Japanese airspace over the Senkakus. (Sovereign air space extends upward from the territorial sea, which extends 12 nautical miles from the coast.) According to data in the *Japan Times*, the ASDF made a total of 287 scrambles against Chinese aircraft, including fighter jets, between April and December 2013 (more than one a day)—an increase of 79 percent over the year before.²⁵

The resulting overlap of identification zones needlessly creates a great potential for an accident. Such overlap could result in a surveillance aircraft from Japan or China triggering the other country to launch a section of fighter jets to intercept and identify the aircraft flying in the overlapping ADIZs. This, in turn, could cause the second country to launch its own section of jets to intercept the jets of the other country. Thus, as many as five aircraft could all be headed for the same point in the sky.

So, while China broke no rules in establishing its ADIZ, to deliberately superimpose its own claims over Japan's ADIZ adds to the risk of accidents and the possibility of inadvertent conflict. The United States was quick to express "deep concern" and accused China of attempting to unilaterally change the status quo in the East China Sea by taking escalatory action.²⁶

Japan's use of fighter jets to intercept unarmed Chinese surveillance aircraft and the suggestion that

it might shoot down Chinese drones conducting surveillance over the islets encouraged voices in China to argue that it, too, needed an ADIZ—if Japan has one, so should we. In this regard, the statement issued by China's Ministry of Defense is instructive:

...openly making provocative remarks such as shooting down Chinese drones, playing up the so-called China threat, escalating regional tension, creating excuses for revising its current constitution and expanding its military... Japan's actions have seriously harmed China's legitimate rights and security interests, and undermined the peace and stability in East Asia. China has to take necessary reactions.²⁷

What seems obvious is that this was just the next step in Beijing's carefully orchestrated approach to forcing Japan to acknowledge that the islets are in dispute and that Japan's claim is not going to be accepted at face value. Fortunately, in the 16 months since the purchase decision, Japan and China have managed to avoid turning this into an open conflict. But, China keeps escalating its pressure on Japan, hoping it will "blink" and that also increases the risks for the United States.

WHY WOULD WASHINGTON BECOME INVOLVED IN A DISPUTE INVOLVING BARREN "ROCKS" IN THE EAST CHINA SEA?

In 1971, when the Okinawa Reversion Treaty was being deliberated in the U.S. Senate, the State Department said the United States took a neutral position regarding the claims of Japan, Taiwan, and China to the Senkakus. It was merely returning the administrative rights that it had received from Japan to Japan.

The State Department legal adviser wrote:

The United States cannot add to the legal rights Japan possessed before it transferred administration of the islands to us, nor can the United States, by giving back what it received, diminish the rights of other claimants. The United States has made no claim to the Senkaku islands and considers that any conflicting claims to the islands are a matter for resolution by the parties concerned.²⁸

During the same hearings, Secretary of State William Rodgers made clear that with the reversion of Okinawa and the rest of the islands considered part of Okinawa prefecture, "...that the Treaty of

Mutual Cooperation and Security between Japan and the United States . . . becomes applicable.”²⁹

In short, Washington has concluded that so long as the islands are under Japanese administrative control, they are part of the Japanese territory that the United States is treaty-bound to defend. Any ambiguity regarding the U.S. position was removed in October 2010 when Secretary of State Hillary Clinton publicly affirmed that, in fact, the Senkakus *were* covered under Article 5 of the U.S.–Japan Security Treaty.³⁰ She repeated this position three days later in Hanoi saying, “. . . with respect to the Senkaku Islands, the United States has never taken a position on sovereignty, but we have made it very clear that the islands are part of our mutual treaty obligations, and the obligation to defend Japan.”³¹

Thus, Washington has committed itself to possible conflict with China in defense of the islands. This was an important step in reassuring Japan and hopefully deterring Chinese impetuosity. It was also intended to reassure other U.S. allies in Asia that Washington would not abandon its friends when they faced Chinese pressure. But, the cost of this commitment is that it has created another potential Sino–U.S. flashpoint in addition to Taiwan.

Both Japan and the United States recognize that alliance is not a blank check for Japan to behave provocatively or escalate tensions with China or any of its civilian maritime fleet that regularly operate in the vicinity of the islands. Were the territorial dispute to become a military conflict, Japan would be expected to lead the defense of its territory before the United States became directly involved. Tokyo is sensitive to this issue. During a February 2013 visit to Washington, Prime Minister Abe of Japan, in response to a question following a presentation at a Washington-based think tank, indicated that Japan would defend the Senkakus. He said, “On the Senkakus, our intention is not to ask the U.S. to say or do this or that. We intend to protect our own territory now and in the future.”³²

Obviously, since the potential for military conflict involving U.S. forces exists in the Senkaku/Diaoyu Island dispute, the United States has a stake in deterrence and dissuasion of conflict. Both secretaries of state Clinton and Kerry have made clear that U.S. interests in this dispute are against the use of force or military coercion to unilaterally undermine Japanese administrative control and thus presumably

undermine the legitimacy of the link to U.S. treaty obligations. Unfortunately China continues to do so.³³

At the same time, much to the annoyance of the Japanese, the United States still maintains the position of “not taking a position” on the sovereignty dispute. Not taking a position, however, is not the same as being neutral, despite what the State Department legal adviser wrote in 1971. As Japan scholar Dr. Sheila Smith points out:

It is imperative that the United States not aim to present itself as neutral. In the dispute between Japan and China, the U.S. policy goal cannot be neutrality as Washington has an obligation to deter and if necessary to defend Japan should Beijing opt to threaten or use force to resolve the dispute. Should the United States attempt to demonstrate neutrality, it will fundamentally undermine its ability to extend deterrence on Japan’s behalf.³⁴

Over the long term, China may hope that this dispute will weaken the U.S.–Japan alliance because Washington has undoubtedly made clear that it wants to avoid getting into a direct shooting war with China’s People’s Liberation Army (PLA) over uninhabited islets that have no indigenous population, no geostrategic value, and no value in and of themselves. By using the same formulation that has worked well in the cross-strait situation between China and Taiwan, that is, “no unilateral changes to the status quo,” Washington is hoping that the implied threat of U.S. military involvement will stabilize the situation. China is undoubtedly aware that America’s credibility as a responsible treaty ally is involved, so it needs to tread carefully. The potential for U.S. military involvement has been visibly demonstrated through U.S.–Japanese Self-Defense Force exercises that have included training Japanese sailors and soldiers in amphibious operations, and helping Japan to create a small marine corps–like capability.³⁵

Informally, Japan has communicated to Beijing that it is willing to take the dispute to the International Court of Justice for arbitration. Tokyo will probably not do so officially because that would force the Tokyo government to acknowledge that a dispute over sovereignty does exist, which would undercut its long-held stance that no dispute exists. Beijing seems unlikely to do this because it has long distrusted international arbitration and because several independent legal scholars have opined that Japan’s claim is more credible under today’s standards of international law.³⁶

It seems that tensions will only be defused if both sides are willing to make concessions; for example, if Japan agrees that a dispute does exist and China agrees to stop intruding into the 12-mile territorial seas that surround the Senkakus—which would be a return to the situation that existed prior to December 2008 when China first breached the territorial seas. At this point that does not seem likely. Japan is worried about looking weak and thus is quite reluctant to concede that a dispute exists without some assurances that China will not simply pocket the concession. China, meanwhile, seems willing to defuse tensions only on its terms.³⁷ In the wake of Prime Minister Abe's visit to the Yakusuni Shrine—which “enshrines” the souls of Japan's war dead, including individuals convicted of war crimes after the World War II—China has embarked on an unprecedented global propaganda campaign to smear Japan's prime minister. China's attempt to depict him as being “beyond the pale” makes it hard to see how the two governments could engage in any dialogue to resolve the Senkaku issue.

WHAT OTHER INTERESTS ARE AT PLAY IN THE EAST CHINA SEA?

China's Broad Security Interests in the East China Sea

The East China Sea, along with the Yellow Sea, is China's most strategically important maritime region. China's concerns with security on its maritime approaches are based on three primary facts: first, China's economic center of gravity is its eastern seaboard, which has a very large frontage on the East China Sea; thus, its “gold coast” is vulnerable to attack from the sea, and Japan, China's historic enemy, controls the eastern boundary of the East China Sea because of its Ryukyu Island chain territory; second, as already discussed, China feels the need to deter Taiwan's push for independence and, should it elect to attack Taiwan, to be able to deter or defeat an approaching U.S. Navy relief force. The Senkaku dispute fits within this framework since China argues that the islands were historically part of Taiwan; third, China is in a historically novel situation: its driver of economic growth—international seaborne trade—and its economic development increasingly depend

on oil, natural gas, and other raw materials that are delivered by ship.

Ten years ago, the importance that the leaders of China placed on the security of its maritime frontier was highlighted in the December 2004 Chinese Defense White Paper, which stated:

While continuing to attach importance to the building of the Army, the PLA gives priority to the building of the Navy, Air Force and Second Artillery force to seek balanced development of the combat force structure, *in order to strengthen the capabilities for winning both command of the sea and command of the air, and conducting strategic counter strikes* [emphasis added].³⁸

China's explicit requirement of winning command of the sea raises the immediate question, how *much* of the sea—that is, what distance from the country's mainland—is the PLA thinking about? Nothing official has been published that would answer this question. However, expert consensus believes China's vision of command or control of the seas is closely related to its ability to provide land-based air cover. Today, that would be roughly about 200–300 nautical miles from its coast—this coincides with the operational radius of its fighter aircraft.

In practical terms, the PLA Navy must “control” what China terms its “near seas”: the Yellow Sea, the East China Sea, the Taiwan Strait, the Tonkin Gulf, and the South China Sea. Thus, China's sea control zone is essentially defined by the “first island chain,” with the East China Sea being the central link in such chain.

East China Sea Resources

Beyond security, the East China Sea is also important to China because of its resources. In his book, *The Perils of Proximity: China-Japan Security Relations*, Richard Bush writes,

China and Japan disagree on just about everything with respect to which nation has a right to the oil and gas resources of the East China Sea. Each party seeks to interpret international law in the most self-serving way in order to maximize its access to the resources.

Tokyo and Beijing disagree on how to differentiate between their two economic zones in order to divide the oil and gas lying beneath their respective EEZs. Since the East China Sea is less than 400 nautical miles wide in the area of the gas fields, these EEZs overlap.³⁹

They also disagree on how to interpret the extent of the Asia continental shelf. The Chinese argue that it extends well beyond the midpoint of the East China Sea, stopping just short of the Ryukyu Chain, where the deep water known as the Okinawa Trough begins. This interpretation gives most of the economic resources to China. For its part, Japan argues that the continental shelf extends all the way to the Ryukyus, making the dividing line between Japan and Chinese EEZs at the midpoint of the East China Sea—thus, the resources would be split down the middle.

At issue is how to characterize economic sovereignty over the Chunxiao/Shirakaba gas field located in the center of the East China Sea. After a number of incidents early in the twenty-first century involving the warships of both countries steaming around or through the disputed area, an agreement on the joint development of the fields was reached in 2008. Five years earlier, China had started drilling in this field, greatly irritating Japan, which continues to argue that Beijing is actually siphoning gas from the part of the field that Japan considers to be on its side of the line. Nothing has come of the 2008 agreement, and since Beijing has never backed down on its contention that it holds complete sovereignty over the field (based on its interpretation of the extent of the continental shelf), it has proceeded to exploit the field.⁴⁰

In March 2011, Song Enlai, chairman of the board of supervisors for the China National Offshore Oil Corporation (CNOOC), told reporters in Beijing that the state-controlled company was already pumping oil from the Chunxiao gas field. Asked about the Chunxiao field, he said: “It’s a sensitive question. But we already started developing the field, we are already pumping oil. We’ve said that we are ready for cooperation in the disputed area. We are developing in the area that we believe is our sovereign area.”⁴¹

At this point, there is no reason to expect that the Chinese will be willing to compromise on the issue of where the EEZ boundary lies nor are they likely to agree to independent arbitration were Japan inclined to seek it. What is unclear is does Japan have any leverage? Short of using force, it appears that the best Japan can do is gain some economic benefit by going forward with joint exploration. Such course would require setting aside the issue of sovereignty—a *de facto* acquiescence to China and its claims.

U.S. Strategic Interests in the East China Sea

The security interests of the United States and Japan largely overlap in the East China Sea: (1) peaceful resolution of territorial disputes; (2) non-interference with the high-seas freedoms associated with the use of international waters; (3) assuring the defense of Japanese territory; and (4) acceptance of the internationally agreed-upon norms on freedom of navigation for military purposes that were negotiated during the development of the UN Convention on the Law of the Sea (UNCLOS). (The United States has signed this convention but has not yet ratified it.) Hence, it is not surprising that the 2011 U.S.–Japan Security Consultative Meeting (the so-called 2 + 2) included in its list of approved “Common Strategic Objectives” the following:

Maintain safety and security of the maritime domain by defending the principle of freedom of navigation, including preventing and eradicating piracy, ensuring free and open trade and commerce, and promoting related customary international law and international agreements.⁴²

For the United States, freedom of navigation for military purposes includes the right to conduct surveillance in the exclusive economic zone of any nation, including China. For Washington, the reality is that as long as China refuses to renounce the use of force against Taiwan and continues to put pressure on Japan about the Senkakus, the requirement for up-to-date intelligence will exist. Thus, American air and naval reconnaissance missions, a major irritant to China, are likely to continue.

U.S. reconnaissance missions have triggered the most serious Sino–U.S. military incidents over the past decade and could easily be the trigger for the next military incident with China. The United States and China fundamentally disagree about what military activities are permitted by UNCLOS in China’s, or any nation’s, 200-nm EEZ. The United States believes that nothing in UNCLOS or state practice changes the right of any nation’s military forces to conduct military activities in EEZs with no notification of or consent from the coastal state. China disagrees, claiming that any nation that undertakes reconnaissance activities in China’s EEZ without having notified China and gaining its permission is in violation of Chinese domestic law *and* international law.⁴³

The U.S. position was spelled out by former U.S. Navy international law specialist Peter Dutton of the Naval War College. He writes:

The creation of the exclusive economic zone in 1982 by UNCLOS...was a carefully balanced compromise between the interests of the coastal states in managing and protecting ocean resources and those of maritime user states in ensuring high seas freedoms of navigation and over flight, including for military purposes. Thus in the EEZ the coastal state was granted sovereign rights to resources and jurisdiction to make laws related to those resources, while high seas freedoms of navigation were specifically preserved for all states, to ensure the participation of maritime powers in the convention.⁴⁴

Despite the clear negotiation record, China is attempting to undo this carefully balanced compromise between coastal states and user states. Until agreed-on rules for Sino–U.S. maritime interactions in China’s EEZ are established, China’s desire to limit military activity in its EEZ is likely to create another incident in the future.

IN SUM

The East China Sea is important in the security calculations of Beijing, Tokyo, and Washington because unresolved sovereignty issues there could lead to conflict. These flashpoints coexist with crucial sea lanes for both China and Japan (6 of China’s 10 largest commercial ports can be accessed only via the East China Sea).⁴⁵ Because that area is the home waters of Asia’s two most powerful countries, it is a major security zone for both. China has been working on making the East China Sea a no-go zone in case of conflict with its neighbors or with the United States.

In case of conflict, China’s strategic aim is to keep U.S. naval and air forces as far from China as possible. This has obvious strategic implications for the East China Sea littoral states that depend on the United States to underwrite their security as alliance or strategic partners: if they get into a confrontation with China, the United States *may not be able* to support them.

At the June 2013 summit meeting between President Obama and President Xi Jinping, they agreed to attempt to establish a new type of great power relationship. China’s Foreign Minister Wang Yi says the key elements of this new relationship are “three features in the new type of great power relationship: first, no conflict and no confrontation; second, mutual respect; and third, win-win

cooperation.”⁴⁶ Within “mutual respect,” the Chinese include mutual respect for each others’ “core interests.” According to the national security advisor, Ambassador Susan Rice, the United States is in the process of “operationalizing a new model of major power relations.”⁴⁷

Presumably that involves thinking through the basic problem of what happens when the “core interests” of China and the United States overlap and are mutually contradictory. The East China Sea is the main locus of this contradiction. Taiwan, the Senkaku Islands, and military activities in China’s EEZ are all areas where China’s attempts to achieve the outcomes it desires rest to one degree or another on the implied threat of force or, in the case of the Senkakus, on the use of so-called salami-slicing strategy—a steady progression of very small steps, none of which is likely to trigger conflict but, in the end, reshapes the status quo in its favor.⁴⁸

China says that it is only trying to reclaim lost territory taken when China was weak and that U.S. surveillance activities are essentially hostile actions that are not permitted by the Law of the Sea Treaty. Chinese officials argue that the country’s military modernization, which includes what the Pentagon calls “anti-access/area denial” is an inherently defensive strategy intended to redress a historic weakness in defending itself from attacks from the sea.

Problems associated with the East China Sea pose major difficulties for Washington; each of the major issues at play is unique, with no simple solution to solve them all unless Beijing simply accepts Washington’s request to renounce the use of force and refrain from attempting to upset the status quo. The most pressing problem is the Senkaku Islands disagreement because no clear path forward is evident, whereas Taiwan seems likely to be stable for the next few years. In the case of military activities in the EEZ, a slim possibility exists that China will change its views regarding the applicability of high seas freedoms in an EEZ as the PLA Navy begins to operate globally. For the moment, the best Washington can do is to continue to reiterate its view that peace and stability are the most important goal. Official U.S. government officials *must* point out privately that a war between Japan and China would be a disaster and that Japan and China *must* be very careful not to inadvertently stumble into a conflict that might drag in the United States.

Notes

1. While the positive trends in cross-strait relations are welcomed, the United States is not out of the woods regarding Taiwan. There is a growing sense that as much as policymakers might wish otherwise, maintaining the current status quo indefinitely will be very difficult because of the growing sense of Taiwanese identity among the people of Taiwan, the possibility that the pro-independence party of Taiwan (DPP) could win the 2016 presidential election, and China's efforts to drastically change the balance of power in the East China Sea region. These trends could cause Beijing to run out of patience waiting for the Taiwan authorities to agree to start cross-strait political discussions, which could result in the stance that China "cannot wait forever" for political discussions to lead to reunification because to do so would be tantamount to "peaceful separation." Accordingly, the status of Taiwan and cross-strait relations could return to the top of Washington's East Asia security agenda.
2. For simplicity, since the islands are under Japanese control, I will refer to them by their Japanese name for the balance of this article. This article will focus on the Sino-Japanese dispute, but it is important to note that in August 2012, President Ma Ying-jeou of Taiwan made known that Taiwan was also an interested player in this dispute. He proposed an East China Sea Peace Initiative while at the same time asserting the Republic of China's (Taiwan) claim to what it calls the Diaoyutai Islands. Ma is personally invested in the dispute, having written his Harvard Law School dissertation on the topic. That did not stop him from making clear that he would not jump on the bandwagon with China against Japan, and, in fact, he was subsequently able to conclude a fishing agreement with Japan that permits Taiwan fishermen to continue to fish in the EEZ of the Senkakus. See "Japan Makes Concessions to Taiwan over Diaoyutai Fishing: Reports," *Taiwan News Online*, April 10, 2013, http://www.taiwannews.com.tw/etn/news_content.php?id=2192804.
3. Takashi Oka, "Oil under East China Sea Is the Crux of 3-Nation Issue," *New York Times*, January 30, 1971.
4. Hungdah Chiu, "An Analysis of the Sino-Japanese Dispute over the Diaoyutai Islets (Senkaku Gunto)" (School of Law University of Maryland, Occasional Paper/Reprints Series in Contemporary Asian Studies, no. 1, 1999), 11.
5. From a Japanese perspective, this is an important point because, at the end of World War II, Japan was obliged to return the territory it had gained from China as a result of the 1895 treaty.
6. "Traces of Japanese Activity Remain on Senkaku Islands," *Asahi Shimbun*, September 3, 2012, http://ajw.asahi.com/article/behind_news/politics/AJ201209030092.
7. "Statement of the Ministry of Foreign Affairs of the People's Republic of China," English translation, *Peking Review* 15, no. 1 (January 7, 1972): 11–13, <http://www.marxists.org/subject/china/peking-review/1972/PR1972-01.pdf>.
8. *Ibid.*
9. *Report of the 4th Symposium on the Development of Petroleum Resources of Asia and the Far East; Economic Survey of Asia and the Far East, UNCAFE 1968* (Bangkok: 1968).
10. The current Japanese position in English is found on Japan's Ministry of Foreign Affairs website along with a plethora of supporting documentation, http://www.mofa.go.jp/region/asia-paci/senkaku/pdfs/senkaku_en.pdf.
11. Chiu, "An Analysis of the Sino-Japanese Dispute," 21. As part of the reversion treaty, the United States retained certain military facilities in Okinawa prefecture, including two of the rocks in the Senkaku chain; these were used for aerial bombing practice. The United States still retains administrative control of these features, although they have not been used as training ranges since 1979.
12. Recall, at the time, that the U.S. government recognized the ROC as the legitimate government of China, and Chiang Kai-shek's regime had many friends on Capitol Hill.
13. Wani Yukio, "Barren Senkaku Nationalism and China-Japan Conflict," *Asia-Pacific Journal* 10, no. 4 (July 9, 2012).
14. Julian Ryall, "Japan Agrees to Buy Disputed Senkaku Islands," *Telegraph*, September 5, 2012, <http://www.telegraph.co.uk/news/worldnews/asia/japan/9521793/Japan-agrees-to-buy-disputed-Senkaku-islands.html>.
15. Yu Tamara, "Senkaku Talks with China End in Stalemate," *The Yomiuri Shimbun*, July 13, 2012. <http://www.asianewsnet.net/news-33353.html>. During the Sino-Japanese normalization negotiations, Deng Xiaoping told Japan's foreign minister, Sonoda Sunao, on August 10, 1978: "There is the problem of what you call the Senkaku Islands and what we call the Diaoyu Islands, and there is also the problem of the continental shelf. In Japan there are some people who use these issues to obstruct the signing of the Treaty. In our country there are also people who want to obstruct [the Treaty] But it is better not to dwell on it. In the spirit of the Peace and Friendship Treaty, it does not matter to put the issue to the side for some years." Cited in Reinhard Drifte, "Japanese-Chinese Territorial Disputes in the East China Sea—Between Military Confrontation and Economic Cooperation" (Working paper, Asia Research Centre, London School of Economics and Political Science, London, 2003).
16. In the days following the announcement of the purchase, Chinese media labeled the Japanese government as being two-faced and hypocritical. See *People's Daily Online*, September 14, 2012, <http://opinion.people.com.cn/n/2012/0914/c1003-19005918.html>, and *People's Daily Online*, September 11, 2012, <http://world.people.com.cn/n/2012/0911/c1002-18978927.html>.
17. Kiyoshi Takenaka and Sui-Lee Wee, "Japan Infuriates China by Agreeing to Buy Disputed Isles," Reuters, September 10, 2012, <http://www.reuters.com/article/2012/09/10/us-china-japan-idUSBRE8890AU20120910>.
18. See note 15.
19. "Statement of the Government of the People's Republic of China on the Baselines of the Territorial Sea of Diaoyu Dao and Its Affiliated Islands," <http://www.fmprc.gov.cn/eng/zxxx/t968769.htm>.
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21. To develop an informed analysis of China's strategy, see Bonnie Glaser, *People's Republic of China Maritime Disputes*, "Statement before the U.S. House Armed Services Subcommittee on Seapower and Projection Forces and the House Foreign Affairs Subcommittee on the Asia Pacific," January 14, 2014, <http://docs.house.gov/meetings/FA/FA05/20140114/101643/HHRG-113-FA05-Wstate-GlaserB-20140114.pdf>.

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27. Defense Ministry spokesman on China's air defense identification zone, http://eng.mod.gov.cn/Press/2013-12/03/content_4477633.htm.
28. Okinawa Reversion Treaty Hearings, 11. Cited in Mark E. Manyin, "Senkaku (Diaoyu/Diaoyutai) Islands Dispute: U.S. Treaty Obligations," Congressional Research Service, 7-5700 R42761, January 22, 2013, <https://www.fas.org/sgp/crs/row/R42761.pdf>.
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