

Diaoyu Dao, Diaoyutai or Senkaku? Creative solutions to a festering dispute in the East China Sea from an 'Island Studies' perspective

Godfrey Baldacchino^{*,†}

^{*}University of Malta, Msida Campus, Msida, MSD 2080, Malta.

[†]University of Prince Edward Island, Charlottetown PE, CIA 4P3, Canada.

Abstract: *This paper draws on extensive island examples with a view to offer 'creative' solutions to the ongoing dispute over the Diaoyu/Diaoyutai/ Senkaku Islands between China (and Taiwan) and Japan in the East China Sea. In spite of the rhetoric and apparent intractability of island conflicts, there are various examples from the past (and the present) that suggest how island disputes may be decided, and in 'win-win' ways, to the satisfaction of the different parties involved. The resolution of island territorial problems can benefit greatly from a critical appreciation of how other small islands, also contested, have had their situation resolved in non-zero-sum ways. In such cases, sovereignty has been shared, split/divided or expunged; in other cases, sovereignty disputes have been put aside in order to co-develop and co-exploit natural resources. There is also one example of a UNESCO World Heritage Site consisting of a string of small islands and surrounding waters whose management is shared between three countries.*

Keywords: *China, Diaoyu, Diaoyutai, East China Sea, Japan, Senkaku*

Introduction

'[E]ven though no one uses the islands currently for anything, if World War III takes place anytime soon, this is where it will start – implausible as that may sound' (Posner, 2014).

The front cover of *The Economist* magazine of 22–29 September 2012 showed a clutch of very small rocky and uninhabited islets, with a collective land area of less than 10 km². But, in complete disproportion to their insignificant size, the caption suggested that China and Japan may 'really go to war over these'.

This set of islands is located in the East China Sea, between China and Japan. They are uninhabited, currently notionally administered by Japan, which calls the islands *Senkaku*, but they are also claimed by China (and Taiwan), by whom they are called *Diaoyu dao* (which actually means a fishing platform and is the name given to the largest island in the group) and *Diaoyutai* respectively.

Why indeed should a few rocky 'fishing platforms' stir such serious passions and lead

to such dangerous confrontations, which could also spark regional, possibly even global, conflict? How could regional powers, who are also neighbours and important trading partners, squabble over such seemingly minor issues? Can 'cold politics' coincide with 'hot economics' (Koo, 2009)? And why are island disputes especially difficult to resolve?

In this position paper, I first review some of the main reasons explaining the stand-off between Beijing/Taipei and Tokyo over the Diaoyu/Diaoyutai/Senkaku Islands. Second, I illustrate how various other small islands throughout history have ended up in a similar predicament, often being sucked into – and ending up being devastated by – regional conflicts, with the contending powers not necessarily interested in the islands *per se*, but what they portend, strategically and psychologically. Third, I argue that island disputes today are especially emotional, poignant and obdurate because islands (i) come across as unitary and indivisible entities; (ii) offer what may, at face value, come across as easy opportunities for the consolidation of state rhetoric about

territoriality, often couched in expressions of nationalism, control, territorial integrity and identity; and (iii) lock lucrative and significant marine and sub-seabed resources. Fourth and finally, I explain how, in spite of the rhetoric and apparent intractability of island conflicts, there *are* examples from the past (and the present) that suggest how island disputes may be decided, to some satisfaction of the different parties involved. Thus, I argue, the resolution of island territorial problems can benefit greatly from a critical appreciation of how other small islands, also contested, have had their situation resolved in non-zero-sum ways. This paper forms part of a more extensive book project (Baldacchino and collaborators, 2016).

Stage setting

Japan incorporated the islands as *terra nullius* (vacant territory) and has been continuously 'administering' the islands since then. It was after some hesitation that the Japanese central government annexed the islands in January 1895, after emerging victorious from the First Sino-Japanese War, and ratified by the signing of the Treaty of Shimonoseki in April 1895 which, however, refers to the cessation of 'the island of Formosa, and islands appertaining or belonging to said island of Formosa [modern day Taiwan]' but did *not* mention the Diaoyu/Senkaku Islands. The islands were then used by Koga Tatsushiro and other Japanese entrepreneurs to collect albatross feathers and marine products; habitation on the islands was also provided for workers who were employed in a fish processing plant.

Taiwan was returned to China at the end of World War II in 1945, based upon the 1943 Cairo Declaration and the 1945 Potsdam Proclamation. Japan accepted the terms of the Cairo Declaration to the effect that 'Japan shall be stripped of ... all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa and the Pescadores, [which] shall be restored to China' (Cairo Declaration, 1943). In the Potsdam Proclamation, the signatories affirmed (Article 8) that the terms of the Cairo Declaration would be carried out and limited Japanese sovereignty to its four major islands

– effectively the Japanese mainland – and to 'such minor islands as we determine' (Potsdam Declaration, 1945). The victorious Allied Powers did not specifically mention the disposition of the Diaoyu/Senkaku Islands in the territorial clause of the San Francisco Peace Treaty. However, they did decide, under Article 3, to place 'Nansei Shoto' (the Ryukyu Islands and the Daito islands) under US administration. Article 2(b) of the San Francisco Peace Treaty – which, by the way, was not signed, and never accepted, by China – simply states that 'Japan renounces all right, title and claim to Formosa and Pescadores' (San Francisco Peace Treaty, 1951). Now, whether Nansei Shoto does include the small Diaoyu/Senkakus may have been assumed, but the island group was not explicitly mentioned anywhere in the treaty (Hara, 2006).

It was not until Christmas Day 1953 that with US Civil Administration Proclamation No. 27 an explicit reference (with precise geographical coordinates) to the Diaoyu/Senkaku islands was made as part of the territory under US administration as well as part of the Ryukyu island chain (Lee, 2002). The USA administered the islands as part of the US Civil Administration of the Ryukyu Islands for almost three decades after 1945 – during which time some of the islands were used as targets for US bombing practice (Eldridge, 2014) – and until 1972, when the islands returned to Japanese control under the Okinawa Reversion Agreement between the USA and Japan. Japan regards, since 1896, the islands as a part of the city of Ishigaki in Okinawa Prefecture (Miyoshi, 2014). The official position of the Japanese government is that there is no registered dispute over the islands' effective control which, by the way, also went unchallenged by China for a long time (from 1895 to 1970).

China, meanwhile, argues that the Diaoyu/Senkaku have been frequented by Chinese fishers and navigators from at least the 13th century, used by them as orientation points on their sea voyages between China and Okinawa/Japan, and included in Chinese maps as Chinese territory since at least the 12th century. Moreover, they were annexed by Japan via the Treaty of Shimonoseki by virtue of being part of Taiwan province. Thus, as a

result of Japan's acceptance of the Cairo (1943) and Potsdam (1945) Declarations, the Diaoyu, as islands appertaining to Taiwan, should have reverted to China along with Taiwan. Their inclusion into the US Civil Administration of the Ryukyus (1945–1972) was illegal from China's point of view, but was not then formally protested because of the civil war underway in China at the time.

In any case, the strategic location of the islands is clear: their legitimate possession could extend the exclusive economic zone of China/Taiwan or Japan. The islands are probably also sitting on significant oil and gas deposits (Lavelle and Smith, 2012). Indeed, China (and Taiwan) began making explicit territorial claims to the islands after the Committee for Coordination of Joint Prospecting for Mineral Resources in Asia Offshore Areas (an intergovernmental organisation created under the auspices of the UN Commission for Asia and the Pacific) conducted research in the East China Sea in 1968 and reported that its seabed was likely to contain rich deposits of oil (Emery *et al.*, 1969, 41).

While the state-driven rhetoric on both sides presents a unified national façade, both countries have internal divisions to contend with (Hara, 2006). In China's case, Taiwan presents a complex variable. Taipei has been advancing a more conciliatory rhetoric and practice with regards its relations with Japan, to the extent that an agreement over shared fishing rights in Diaoyu/Senkaku waters has been concluded. (Japan of course may have its own reasons to seek conciliation with Taiwan in order to split the Chinese position.)

On Japan's side, the wild card may be the prefecture of Okinawa from which the Diaoyu/Senkaku islands are currently administered. These islands have had a strained history with Tokyo that carries overtones of neo-colonialism. Moreover, the islands were detached from the rest of Japan in the aftermath of the Second World War and were significantly militarised by the occupying US forces; the military presence continues in spite of the 'return' of Okinawa to Japan in 1972. The USA is an interested party in the security of the East China Sea; its military resources in Okinawa may be brought into action should any China-Japan dispute escalate: something

that Japan may wish to keep in mind as a form of reassurance; but which both China and the USA would like to avoid. Interestingly, when the seat of the Kingdom of the Ryukyus, Okinawa, was an independent territory that enjoyed an alliance with China that lasted 500 years (until 1879), vestiges of this historic link with China – and some suspicion of Tokyo – may yet prove useful in any eventual resolution of the Diaoyu/Senkaku dispute (Yamaguchi and Arakawa, 2002).

Small islands and a tense existence in history

We are living at a time where many states experience, or *claim* to experience, threats to their cohesion and political integrity. Large states with sprawling geographies and heavily populated communities, possibly also split along multiple ethnic and racial lines, seek to balance these centrifugal forces with federative arrangements, granting some level of devolution and/or self-determination to stave off demands for secession or to bring together previously self-governing territories: Brazil, Canada, India, Nigeria, Russia and the USA are good examples. In other, largely continental, states, similar expressions of local identity exist, but these are organised around distinct *island* affiliations and sympathies, often bred out of a specific historical and/or (post)colonial experience, that also nurture a 'love-hate' relationship with the respective mainland: Sicily and Sardinia (Italy), Corsica (France), Jeju (Korea), Hawai'i (USA) and Macau and (part-island) Hong Kong (China) are suitable examples. In four countries – Japan, the UK, Indonesia and the Philippines – the world's only large and heavily populated archipelagic states – these forces are combined, to varying degrees. The 2014 Scottish independence referendum, the separatist movement in Mindanao (Podder, 2012) and tensions in Irian Jaya (May *et al.*, 2013) are keen reminders of this centrifugal tension, expressed in different ways: some peacefully, some more violently.

Nor is this tense existence for small islands a recent historical phenomenon. In the island-rich Caribbean, many of what are today small island states changed hands in the context of regional power politics between the 16th and 19th centuries: for example St Lucia changed hands between the French and the British no less

than 14 times. Even earlier, the islands of the Mediterranean were already testimony to considerable military operations, often involving the military powers of Christendom versus Islam, but also the crafty commercial interests of city states like Genoa, Pisa and (most successfully) that island city state, Venice.

In many other cases, small islands are mere pawns in a larger geo-strategic conflict: Think Malta and 'the Great Siege' (1565); Midway, Iwo Jima and Okinawa in the Pacific Theater of the Second World War (1943–1945); Kinmen, and the Battle of Guningtou (1949); and Cuba and the US-USSR 'missile crisis' (1962). They are *not* seen as important acquisitions for their own sake; rather, they are perceived as essential platforms that help one party to secure its logistic, resourcing and/or refueling challenges; or to get its military *materiel* much closer to its enemy's heartland. Islands also become small prizes that, however, can score important psychological victories: Prime Minister Margaret Thatcher asked the British public to 'rejoice' when South Georgia was retaken by British troops in the early stages of the Falklands War (Dodds, 2013). Islands can also be construed as tactical feints, meant to lure and distract; battlegrounds that force the enemy into pouring kit, soldiers and other resources that are then 'locked' and cannot be used in other, more significant, theatres of war. Thus, Japan seized the remote and sparsely inhabited islands of Attu and Kiska, in the Aleutian Islands off Alaska, in June 1942, a manoeuvre possibly designed to divert US forces during Japan's impending attack on Midway Island in the central Pacific (Coyle, 2002).

Small islands can also serve as *proxies* (dummies planted by third parties to forestall cooperation among two regional players); they can serve as *pretexts* (a 'dress rehearsal' for bolder and broader territorial ambitions elsewhere (e.g. Weigand, 2011) and also *bait* (meant to test the resolve of other parties towards action). For evidence of the lingering value of islands in military strategy, note that as of 2002, 29 out of 59 countries where the USA had a military base were either on islands, or took up entire islands (Foster, 2006).

Moreover, small islands suggest quick and total military operations: once an enemy force has reached a small island, the usual outcome is eventual capitulation of the local garrison

(Royle, 2001). Indeed, it was also not uncommon for *complete* island populations to be dragged into slavery (Baldacchino, 2015). Even as late as 1798, the island of San Pietro, south of Sardinia, Italy, was ransacked by a surprise pirate raid and all 920 survivors, mainly women and children, were taken away and sold as slaves in Tripoli (Zachs, 2005). In the modern age, complete island populations have been forcibly removed in the name of strategic military interests, as in the early 1970s from Diego Garcia, British Indian Ocean Territory, a decision that continues being contested in the courts (Vine, 2011). Other evictions occurred in the name of science and nuclear arms testing, as in the case of 1946 from Bikini atoll, Marshall Islands (DeLoughrey, 2013); these islands remain toxic and 'unliveable' (The Guardian, 2014).

Islands as dynamic arenas of political transformation and economic value

Various islands find themselves similarly placed: sitting uncomfortably at the cross-hairs of competing regional powers, through no fault of their own. In an atlas of 123 'geo-political hotspots', Anderson (2000) identifies 21 cases that involve islands, in whole or in part. A typical situation is for an island or a group of islands to be administered and governed by one country, but is then claimed by some other neighbouring country (or countries). Again, typical of these situations is that *the whole* island, or a whole archipelago, is the subject of dispute: it is as if having only one jurisdiction on and for an island is a natural occurrence. Indeed, while there are thousands of inhabited islands in the world today, *only 10* are divided between more than one country: Cyprus, Ireland and Usedom/Unznan in Europe; Hispaniola and St Martin/ Sint Maarten in the Caribbean; Tierra del Fuego in South America; Boris Ussuriyski/ Heixiazi shared by Russia/ China, and Borneo/Sebatik, Timor and New Guinea, all three cases involving Indonesia (Baldacchino, 2013). Moreover, the situation in some of these is not totally settled, stable or harmonious: 3 of these 10 cases – Cyprus, Ireland and Timor – are included amongst Anderson's 21 cases as geopolitical island hotspots. Thus, apart from these few exceptions, small islands

have inspired 'dreams of total knowledge' and 'delusions of comprehensive totality' (Macfarlane, 2012, 111) – serving as convenient microcosms of the wider world – as much as delusions of absolute, indivisible and total control. In fact as much as in fiction, small islands have a habit of breeding despots (Baldacchino, 2012; Lawrence, 1928/1986; Redfield, 2000, 12). As Dyer (2013 n.p.) has noted, an obvious solution would be to divide any disputed territory evenly. However,

The Japanese and the Chinese could [do it]: no face lost, and everybody makes a profit ... So why don't they just do it? Maybe because there are islands involved. Nobody has ever gone to war over a slice of seabed. But actual islands, sticking up out of the water, fall into the category of 'sacred national territory, handed down from our forefathers' over which large quantities of blood can and must be shed.

Meanwhile, ocean spaces are no longer dismissed as 'empty' but have become 'a dynamic arena of political transformation and claims-making' (e.g. Chalfin, 2015). Islands have become and remain critical in maritime and territorial disputes, particularly with regard to their capacity to generate maritime jurisdictional claims for the delimitation of maritime boundaries. International regimes like the UN Convention on the Law of the Sea (UNCLOS), which both China and Japan signed in 1996, 1996 have 'vested otherwise worthless islands with immense economic value' (Ramos-Mrosovsky, 2009, 906). Suitable examples include Heard and McDonald Islands (Australia), Okinotorishima (Japan), the Hawaiian Islands (USA), Clipperton (France) and Jan Mayen (Norway) (e.g. Song, 2010). The regime of islands, as provided in Article 121 of UNCLOS, remains unclear – depending on circumstance, including their ability to support habitation, islands may theoretically have a full, partial or no effect on determinations of entitlement to maritime areas – and no authoritative ruling or consensus on its interpretation has yet emerged (Schofield and Wang, 2012). This has various states scrambling to strengthen their claims that offshore islands are theirs and can indeed sustain human life. The huge swathes of ocean that such claims may harness for island and coastal states is considerable: this would be prized for fishing and/

or the existence of mineral deposits under the seabed.

Islands that lie 'at the edge', geographically and politically, as much as psychologically, of imagined national or imperial boundaries, are also bound to excite nationalist passions (Davis, 2015). Strident discourse from state agencies, possibly fanned and supported by populist media, can very easily craft a narrative that speaks of such islands – and any inhabitants – as integral to the very soul of the people/nation and its identity. (Ironically, such expressions – notably, British Prime Minister Thatcher's calling the Falkland Islanders 'kith and kin' (Dodds, 1998) – often fly in the face of the actual policy record, which may be best characterised by long periods of official lethargy and neglect.) Sentiments of territoriality can find expression in outward displays of emotion and affect, not just in public demonstrations of loyalty and patriotism but also in just-as-manifest spectacles of antagonism to the vilified out-group: the party that is seen to be threatening the integrity of the nation. These highly charged episodes can lead to symbolic (such as effigy or flag burning) or physical violence (such as vandalising property, beatings and lynch mobs, but also state-sanctioned armed conflict). They can bolster the popularity of incumbent politicians and governments, but risk getting out of control; nor are the scars of such conflicts easily forgotten. A suitable example of such a dispute concerns the Falkland Islands (to Britain) or the Malvinas (to Argentina): her resolute defence of a common island people following the Argentine invasion of the islands in 1982 helped lead British Prime Minister Margaret Thatcher to electoral victory in June 1983 (Clarke *et al.*, 1990).

Creative alternatives: beyond the 'Zero-Sum' solution

But on some issues, *it is impossible for both sides to win*. China's territorial disputes, for example with the possible exception of the one with India, which is big enough to allow room for a conceivable compromise, *are zero-sum* (The Economist, 2014; my emphasis).

One must be wary and critical of dangerously dogmatic assertions – such as the one previously mentioned – that dismiss creative solutions, or

that implicitly expect solutions to reside only in large tracts of contested land space. Indeed, history is well endowed with examples of islands – large and small, populated and uninhabited and single and archipelagic – that have been at the brunt of territorial disputes and which have seen them resolved *not* in ‘winner-takes-all’ ways. Here are real-world examples that defy the zero-sum approach, listed here in historical sequence:

- St Martin (France)/Sint Maarten (The Netherlands) – co-habiting a divided island – since 1648 (Hillebrink, 2013). This is the world’s smallest shared and inhabited island jurisdiction.
- A condominium with alternating governance: Pheasant Island (Spanish: *Isla de los Faisanes*, French: *Île des Faisans*, Basque: *Konpantzia*) is an uninhabited 2-acre islet on the Bidassoa river and the Franco-Spanish border. The island is under joint sovereignty of Spain and France, each of which control the island for alternating periods of six months – since the Treaty of the Pyrenees (1659) (Kliot and Newman, 2013, 270).
- Heligoland for Zanzibar – a case of swapping one island unit for another, as agreed between Germany and Britain to resolve colonial squabbles in Africa, since 1890 (Drower, 2002).
- New Hebrides – a Condominium (co-/parallel governance by Britain and France) from 1906 to independence as the Republic of Vanuatu in 1980 (Rawlings, 2012).
- Svalbard – Norwegian sovereignty, but open territory for commercialisation to treaty signatories since 1920 (Grydehøj *et al.*, 2012).
- Åland – a demilitarised autonomy, with protected Swedish culture and language, yet part of the sovereign state of Finland since 1921 (Hepburn, 2014).
- The separation of the Ellice islands (now Tuvalu) from the Gilbert Islands (now Kiribati) in 1978, suggesting that even small archipelagos with incredibly small populations can be validly split (McIntyre, 2012).
- Antarctica – Special regime, a global commons, governed by its own treaty – since 1959, and with all sovereignty claims temporarily suppressed (Dodds, 2011).
- Picton, Lennox and Nueva islands, with mediation by the Pope: the islands and 3-mile territorial sea belong to Chile, while oceanic rights are shared by both Argentina and Chile, since 1984 (Guo, 2015).
- Shared jurisdiction – as with Ellis Island, USA – first landfall in North America for millions of migrants – between the (sub-national) states of New York and New Jersey (since 1998), this proving to be a practical solution when the US Supreme Court found that the original island belonged to New York but the reclaimed land on the island belonged to New Jersey (Mottola, 1999).
- Shared, joint exploitation of natural resources, without compromising claims to sovereignty (Valencia, 2007) – and as is the situation with the Timor Sea Treaty between Timor Leste and Australia over resources in the Timor Gap – since 2002 (Schofield, 2007).
- Boris Ussuriiski/ Heixiazi – a 50–50 land division solution agreed to by Russia and China to stabilise their contiguous border along the Amur river, since 2004 (Iwashita, 2013).
- Transboundary protected areas as promoted by the IUCN-World Conservation Union. A few of these are marine-based and involve islands, such as the Wadden Sea area, in Northern Europe. This is also a UNESCO World Heritage site since 2009; it comprises a string of islands involving Germany and the Netherlands, with Denmark also participating (Shine, 1997).
- Divided jurisdiction, as has been recently proposed for Hans Island/ Tartupaluk, an uninhabited rocky outcrop with a land area of 1.3 km² (0.5 square miles), located in the centre of the Kennedy Channel which separates Ellesmere Island, Canada, from Washington Land, in north-west Greenland, a home rule territory that forms part of the Kingdom of Denmark. Hans Island, the only disputed land left in the entire circumpolar Arctic, has been claimed by both Greenland/Denmark and Canada (National Post, 2012).

Opportunities

In a statement made at the Japan–China Summit Meeting (Prime Minister Takeo Fukuda and Vice Premier Deng Xiaoping) during negotiations on the Treaty of Peace and Friendship between Japan and China in 1978, Vice Premier Deng Xiaoping made this statement:

There exist a variety of issues between our two countries. For example, there is the issue of what is called the Diaoyu in China, and the Senkaku Islands in Japan. There is no need to raise subjects like this at a meeting like this. As I expressed to Foreign Minister Sonoda in Beijing, there is probably insufficient wisdom to resolve the issue in our generation, but with the next generation likely to be savvier than us, they will probably be able to find some resolution to the issue. It is essential to look at this issue with a broad perspective (1978, October 25) (Ministry of Foreign Affairs of the PRC, 2014).

Is the ‘wisdom’ hoped for by Vice-Premier Deng now available? Or is 21st century diplomacy as, or more, liable to patriotic pursuits and nationalist vitriol than that of the 20th century?

It has been suggested that the cool-headed decision of China and Japan in the 1970s to shelve contentious issues (such as Japan’s war-time record and the question of sovereignty over the Diaoyu/ Senkaku Islands) appears to have been overturned of late (Choong, 2014). A clear escalation has been noted since the Japanese Government went ahead with the purchase of three (hitherto leased) islands within the Diaoyu/Senkaku group in September 2012, involving protests, violent actions and a boycott of economic products. China announced the introduction of new air traffic restrictions in November 2013, by creating the East China Sea Air Defense Identification Zone (ADIZ) covering most of the East China Sea. The move has been interpreted as an attempt by China to pressure Japan into acknowledging that there is a dispute between Tokyo and Beijing over ownership of the Diaoyu/Senkaku chain (BBC, 2013). Meanwhile, the Abe Government in Japan, via its Foreign Ministry, is of late displaying a map of the country that proclaims its ‘inherent

territory’ – 固有の領土 (Koyū no ryōdo) – going blatantly beyond its currently internationally recognised borders: the map incorporates three sets of islands (the Senkaku amongst them, along with Takeshima and the South Kuriles) that are claimed or occupied by neighbouring countries: China, Korea, and Russia respectively (Ministry of Foreign Affairs of Japan, 2014; Dudden, 2015).

But, there are other initiatives that have helped to dampen this ‘tit for tat’ escalation. Already in March 1969, Japan began protracted negotiations with Taiwan and South Korea, leading to an agreement in principle in September 1970, to set up a joint development project in the East China Sea (Drifte, 2008).

When meeting Suzuki Zenko, a member of the lower house of the Japanese Diet from the Japanese Liberal Democratic Party on 11 May 1979, China’s Vice-President Deng Xiaoping said that consideration may be given to joint development of the resources adjacent to the Diaoyu Island without touching upon the touchy question of its territorial sovereignty. In June 1979, the Chinese side formally proposed the concept of joint development of resources adjacent to the Diaoyu Island to the Japanese side through diplomatic channels (Ministry of Foreign Affairs of the PRC, 2014).

Of late, after a serious escalation phase, China and Japan have sought to reduce the tension over the islands, particularly when confronted by urgent priorities to restore and boost their mutual economic links and trade (Perlez, 2014). Taiwan, for its part, has proposed The East China Sea Peace Initiative which, while reiterating (but side-stepping) claims to sovereignty over the Diaoyutai/ Senkaku, augurs towards ‘shelving disputes, pursuing peace and reciprocity and promoting joint exploration and development’ (Ministry of Foreign Affairs, ROC, 2012). As part of this initiative, the Taiwan Government has signed a fishing agreement with Japan that covers the waters around the contested islands, which currently fall within overlapping jurisdictional claims (Taiwan–Japan Fisheries Agreement, 2013); this is performed fully within the spirit of Paragraph 3 of Article 74 of UNCLOS (1982). Can such an agreement, and its spirit of pragmatism, extend to other areas of joint exploration between these countries?

Conclusion

Which strategies have worked, and which have not? What tested protocols can be repeated? What is the problem of looking at *existing* disputes (which always seem to defy resolution)? There are also the pros and cons of the status quo, or *non*-dispute resolution. In this case, shelving the issue, even in the name of regional peace and cooperation can be seen to work for China, which continues to grow stronger militarily and economically but also for Japan, which continues to implicitly administer the disputed islands.

Islands have been 'novelty sites' in more ways than one (Baldacchino, 2007): they have served as laboratories for evolution, nurturing high levels of endemism (Whittaker and Fernández-Palacios, 2007); they have encouraged contemporary offshore pursuits (Palan, 2006), and other examples of 'creative governance' (Baldacchino, 2010). Cannot this track record be better acknowledged, and extended, to dispute resolution? Can the parties with interests in this issue look beyond anticipated zero-sum solutions by also looking beyond zero-sum cases, as can be the outcome of international litigation, as in the 1928 Island of Palmas award (Stubbs, 2014)? An International Nature and Wildlife Preserve for the Diaoyu/Senkaku has been suggested as a 'dream solution' (Przystup and Saunders, 2013). And, just as Okinawa's future has been suggested (by Prof. Sato Manabu) as an 'open border land', the same may be suggested for the Diaoyu/Senkaku group (McCormack and Norimatsu, 2012, 219).

To close, this paper argues that a more careful look at the circumstances and processes that brought contending regional powers to an honorable, even mutually advantageous, settlement over *other* islands throughout recent history would be one such timely and valid approach with respect to the festering dispute in the East China Sea. The task ahead may involve confidence and security building measures to at least start considering these options.

Even those who recognize the importance of transcending such logic in favor of condominium or shared sovereignty options, generally hold that the issue can only be addressed at the last stage of any negotiated process, if at all (Drifte, 2014, n.p.).

In any case, as this paper has hinted, the sheer minor scale and size of small (and especially uninhabited) islands and archipelagos, and their often lack of exploitable, land-based natural resources, may create those very conditions conducive to playful experimentation between contending parties, leading to creative and workable solutions.

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