Territorial Disputes: Compromise, Co-operate, And Keep Conversing
By Zhang Tuosheng

Much progress has been made in recent decades to resolve the many territorial disputes that plagued East Asia in the past, although some still remain. The thorniest of the remaining problems involves maritime rights and interests, where the potential for miscalculation could lead to conflict. But as Chinese international relations expert Zhang Tuosheng argues, there are reasons to be optimistic that a way forward is possible that will satisfy all parties.

Since the end of the Cold War, East Asia has been relatively stable and peaceful. However, various issues remain unsettled, including numerous disputes over territorial and maritime rights and interests. Within the region, China and Japan are the two countries most troubled by these disputes.

In the post-Cold War era, there are three important characteristics of territorial and maritime disputes in the region:

First, there are fewer disputes and they are generally under control. There is perceptible improvement in political relations among the countries involved and some old disputes that once triggered military confrontations have been settled. For instance, China and Vietnam resolved their differences over 1,300 kilometers of land borders at the end of 20th century, and in 2005, China and Russia worked out a solution to disputes over boundaries spanning 4,300 kilometers. Moreover, China and Vietnam reached an agreement on the demarcation of the Beibu Gulf, the once-contentious area between southwestern coastal regions of China and northern and central Vietnam. All this has helped improve overall relations among these countries — the remaining disputes are largely contained through dialogue.

Nonetheless, a number of issues have yet to be resolved. The main areas of contention are the Diaoyu/Senkaku Islands and the demarcation of the East China Sea (disputes between China and Japan), the South China Sea (a dispute among China and five Southeast Asian countries: Vietnam, the Philippines, Malaysia, Brunei and Indonesia) and the Dokdo/Takeshima Islands and East China Sea demarcation (disputes between Japan and South Korea). At times, there have been tensions over all these issues, but these strains have not led to any serious military crises, let alone military clashes. Furthermore, it is noteworthy that some of the countries have made efforts to develop the disputed areas jointly, such as in the cases of China and Japan, and China, Vietnam, and the Philippines, although they have not yet realized substantial progress.

Even the lingering disputes between Russia and Japan over the Northern Territory, which has been a stalemate since the occupation by Soviet forces at the end of World War II, showed some signs of thawing after the Cold War because both parties wanted a long-term solution. However, the scale of the contending interests and weak bi-lateral political and economic relations between the countries have failed to provide enough motivation for resolution. At the end of 2010, Russian leaders triggered fresh tensions by visiting the disputed Kuril islands. Overall, however, the situation is under control, and both parties continue to seek new solutions.

Land issues settled, the sea is another matter

The second important characteristic of East Asian disputes in the post-Cold War era is that, although disputes over land and borders have mostly been settled, assertiveness by countries over maritime rights is becoming a serious challenge. In East Asia, most land-based territorial disputes are small in size, remote in location, and/or already delimited by official treaties in history. There are also well-established international laws for resolving such disputes. In the past, China was deeply troubled by such territorial disputes. However, with the redrawing of its borders with Russia and Vietnam, its boundary problems in East Asia have been resolved. The Thai-Cambodia border remains the sole major unsettled land dispute in East Asia, as was evident in the deadly clashes that recently took place between the two countries, both members of the Association of Southeast Asian Nations (ASEAN).

However, differences over maritime borders have flared repeatedly in the past few decades for several reasons. First, in addition to its inherent value, maritime territory has critical spillover effects in the delimitation of the continental shelf or the ultimate extension of a territory’s landmass, and exclusive economic zones (EEZs). Second, the sea lanes of communication are vital to East Asian countries. Third, in the context of resource shortages and advancements in oceanic science, countries are now competing more intensely than ever before for offshore resources. Fourth, with the involvement of multiple parties, maritime disputes are unusually intricate in nature. Finally, the existing international laws governing the seas are not well established. In the cast of Russo-Japanese dispute over the Northern Territory, there have been several contradictory international treaties seeking to define sovereignty over the disputed islands. This makes the case particularly hard to resolve. So, in order to maintain long-term peace, stability and prosperity in East Asia, it is important to improve co-operation to achieve effective solutions to maritime disputes.

Importance of economics

The third and most significant characteristic of East Asian disputes in the post-Cold War era is that economic factors have become increasingly important compared to political and security issues. Since the end of the Cold War, improvements in political and security relations have helped reduce the relative significance of political and security factors in territorial disputes. The influence of increasingly important eco-
Although disputes over land and borders have mostly been settled, assertiveness by countries over maritime rights is becoming a serious challenge.

Nomic factors on territorial and maritime disputes could be positive or negative. On the one hand, the emphasis on economic development and mutual co-operation helps prevent existing differences from escalating. For example, the Sino-Japanese dispute remained more or less under control even from 2001 to 2006 when bilateral political relations were in a stalemate but economic co-operation was active. On the other hand, growing competition over economic resources may aggravate maritime disputes and complicate settlements.

HOPE ON THE HORIZON

In general, there are grounds for compromise in clashes of economic interests, because both sides can collaborate and reach a mutually beneficial resolution; political and security disputes tend to be zero-sum games, in which contending parties have little leeway for compromise or concession. So, if the growing significance of economic issues and the decreasing significance of political-security issues remains a trend, it should contribute to the resolution of remaining East Asian disputes. Indeed, with economic interdependence between nations greatly enhanced in the post-Cold War era, military confrontation is no longer a viable way to settle disputes.

Overall, there is considerable evidence that although the disputes over territory and maritime rights and interests involve very complicated factors, things are under control. The countries in dispute are seeking to develop mutual political, security and economic relations, and sticking to dialogue and discussion. China, for instance, has adopted policies that contribute significantly to controlling and resolving its disputes. Its emphasis on regional stability and dialogue, and adherence to the principle of never resorting to military means — as well as its active efforts on joint development — support this argument.

What policy recommendations might follow from these observations?

All countries should seek to address the most critical and easiest to resolve disputes first, and turn to the more difficult or less important ones later. In the short term, the objective should be to promote joint development and to institute maritime military-security confidence-building measures and crisis management mechanisms to prevent contests over maritime resources from triggering military clashes. In the medium term, the objective should be to settle some disputes while reducing tensions over others through continuing co-operation. In the long term, sustained development of political and economic relations among the nations who are parties to these disputes, the embrace of more collaborative win-win perspectives, the further development of relevant international laws and regional security mechanisms, and breakthroughs in new energy technologies may facilitate final settlement of the remaining disagreements over territories and maritime rights and interests in East Asia on the basis of dialogue and negotiation. The realization of this vision would strongly consolidate sustainable peace and development.

Zhang Tuosheng is Senior Fellow, Chairman of the Academic Assessment Committee and Director of the Center for Foreign Policy Studies at the China Foundation for International and Strategic Studies in Beijing.