

Territorial Disputes in Asia: Colonialism, Cold War and Domestic Politics

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The purpose of this chapter is to provide a broad overview of territorial disputes in today's Asia. The borders of Asia are rather vague. For the purposes of this chapter therefore I will focus only on Northeast, Southeast and South Asia, by this excluding the Middle East as well as the former Soviet republics in Central Asia and the Caucasus.

Territorial disputes in Asia vary greatly in terms of their origins, the scope of the territory in question and the role these disputes play in the bilateral or multilateral relations of the states involved. There are numerous ways territorial disputes can be categorized. For example, in a recently published *Global Encyclopedia of Border Disputes*, Brunet-Jailly (2015) presents three categories of border disputes: territorial, positional and functional. According to this typology, territorial disputes are about land. They are the most complex ones as they undermine the very integrity of states. Positional disputes arise when the parties agree in principle on a border but cannot agree on the exact position of the boundary line. Lastly, functional disputes are neither about territory nor the borderline but about competing understandings of the function that a certain border should perform. Alternatively, it is possible to categorize the disputes by focusing on the factors that cause states to cooperate or to escalate certain territorial disputes (see Huth, 1996; Huth and Allee, 2002; Fravel, 2008). One can also explore the role of power and levels of technology of the rival claimants (Mandel, 1980) or geopolitics (Emmers, 2009) or the role of non-state actors (Bukh, 2020) in understanding the diverging dynamics of such disputes.

While all the above factors and categories are no doubt important, this chapter focuses on the factors that brought about the disputes in question. Among the

numerous disputes that exist in Asia today, the chapter looks at those that play an important role in bilateral or multilateral relations of the concerned states. It is far beyond the scope of this chapter and the ability of the author to examine in detail the dynamics of these disputes. As such, the chapter will mostly describe the origins of these disputes and their present state.

When it comes to the origins of territorial disputes in Asia, historical claims of ownership are among the key arguments advanced by the parties. All of the disputes examined here, however, originated in the post-WWII years. Therefore, rather than a history per se, factors such as colonialism and its legacies, the Cold War struggle between communism and capitalism, and the domestic politics of one or more of the parties involved, are of most importance for our understanding of their origins. All of these factors are obviously interrelated. In most of the disputes examined below, two or all three of these factors account for their emergence as well as for their rise to prominence in the relations of the countries involved. This chapter, therefore, will try to identify the most important of these factors in the disputes discussed and explore the ways they interplayed with each other.

NORTHEAST ASIA

Most important territorial disputes in Northeast Asia today are those between Japan and its neighbors. Japan has a dispute with Russia over the Northern Territories (known as South Kuriles in Russia), with South Korea over Takeshima (Dokdo in Korean or Liancourt Rocks in English) islets and over the Senkaku (Diaoyu or Diaoyutai in Chinese) islands with both China and Taiwan. In the case of the disputes with Russia and South Korea, Japan is the one demanding the return of a territory it argues to be illegally occupied by the two countries. In the case of the Senkakus, Japan administers the islands claimed by both the Republic of China (Taiwan) and the People's Republic of China (PRC) and officially denies the existence of a dispute.

South Kuriles/Northern Territories

The South Kuriles/Northern Territories are located to the northeast of Japan's Hokkaido. They comprise three islands: Etorofu (Itrup), Kunashiri (Kunashir) and Shikotan, as well as the Habomai archipelago. The overall territory of the disputed islands is about 5,000 sq. km. Today, there are over 16,000 Russian residents on these islands who engage mainly in fishing, fish processing, forestry and farming.

The Soviet Union joined the Asia-Pacific War on the 9th of August, 1945 when it unilaterally abolished the USSR–Japan Neutrality Pact and declared war on Japan. In mid August and early September, the Soviet troops occupied the Kurile

(Chishima in Japanese) Islands and the southern part of Sakhalin (Karafuto in Japanese). In February 1946, all of these territories were incorporated into the Sakhalin Oblast region which was under the direct administration of the Russian SFSR. Since the mid 1950s, Japan has claimed the four islands as its own, illegally occupied by the Soviet Union and later Russia.

The disputed islands historically were part of Ainu lands but since the second half of the 19th century have been administered by Japan. None of the three bilateral border demarcation treaties between Japan and Russia ever placed the currently disputed islands under Russian jurisdiction. As such, the Soviet Union has no historical claims to the four islands and the occupation was made based on the February 1945 Yalta Agreement between Stalin and Roosevelt. The most important factors that brought about this dispute were the international politics of the Cold War and domestic politics in Japan and USSR/Russia. One of the most important legal documents related to this dispute is the Peace Treaty with Japan (or San Francisco Peace Treaty) signed on the 8th of September, 1951. In article 2(c) of the treaty, Japan renounced all rights to Sakhalin and the Kurile islands. The article, however, does not specify the exact scope of the Kurile chain. This omission enabled the Japanese government to later interpret this clause as not including the four southernmost islands that came to be known as the Northern Territories. Hara (2006) examined the various drafts that preceded the final text of the peace treaty and persuasively argued that the non-inclusion of the scope of the Kurile Islands, to be denounced by Japan, in the text of the treaty was very much a result of US Cold War strategy.

Japan's domestic politics played an important role in the entrenchment of the dispute in the mid 1950s. As the Soviet Union was not a party to the San Francisco Peace Treaty, there was a need for a separate treaty between Japan and the Soviet Union. During the first round of negotiations in 1955 the two parties were close to reaching an agreement as the Soviet leadership was ready to return Shikotan and the Habomais to Japan. However, Japan's position changed from the initial demand for the return of the two islands to include Kunashiri and Etorofu. Hellmann (1969) and others trace the emergence of the demand for the four islands to the anti-communist and anti-Soviet sentiments of the right-leaning faction of the conservatives in Japan who were not enthusiastic about the re-establishment of diplomatic relations with the Soviet Union. As a result of the 1955–6 negotiations, Japan and the USSR restored their diplomatic relations but did not sign a peace treaty. Since then, Japan has persistently demanded the return of the four islands, arguing that they do not constitute part of the territory it renounced in the Peace Treaty. On the other hand, the Soviet and later the Russian leadership argued that it acquired title to the islands as a result of World War II.

In the 1990s and early 2000s, there were numerous bilateral negotiations aimed at resolving the dispute. In the early 1990s, certain scholars and policy makers in Russia argued the need to return all of the four islands to Japan, but pressure from other members of the policy-making elite as well as overall

domestic instability prevented President Yeltsin from accepting Japan's demands (for details see Hasegawa, 1998; Kimura, 2000; Kuhrt, 2007; Bukh, 2009). The most recent important development in the dispute has been the announcement of PM Abe to use a 'future oriented, new approach' in the territorial negotiations after his meeting with Russian President Putin on the 6th of May 2016 (Nikkei Shimbun, 2016a). The two leaders were scheduled to meet in December 2016 in Japan to continue negotiations. Meanwhile, the Japanese media have reported that Abe's 'new approach' involves a plan for extensive economic cooperation and assistance with the development of the Russian Far East. In terms of the actual territorial dispute, the media reported that the government is considering a plan for the return of the two small islands and joint administration of the other two as a compromise (Nikkei Shimbun, 2016b). While Japan's government officially rebutted the existence of plans for joint administration and Russia's President Putin stated that he had no plans to 'sell' the Kurile islands (Mano, 2016). Negotiations continued in 2017 and 2018 but with Russia's position hardening, it seems that the two parties are as far as ever from resolving the decades old dispute.

Dokdo/Takeshima

Liancourt rocks, known in Korea as Dokdo and in Japan as Takeshima, are a group of tiny rocky islets located in the Sea of Japan (East Sea). The combined territory of the islets is about 185,000 sq. m. They are located approximately 92 km from Korea's Ulleung Island and about 157 km from Japan's Oki Island. The islets are volcanic rocks with a very thin layer of soil. They have fresh spring water, which is not drinkable due to guano contamination. There are only two permanent Korean residents living on the islets and about 30 Korean coast guards are stationed there. Today the islets have a lighthouse, a helicopter pad, police barracks and even a branch of Korea's National Assembly Library. The islets do not have a significant economic value though the surrounding seabed may contain natural gas and mineral deposits. They were officially incorporated by Japan in 1905 and were part of its Shimane Prefecture until Japan's defeat in World War II. In January 1952, in the midst of the Korean War and three months before the Peace Treaty with Japan came into force, South Korea's Syngman Rhee government issued a 'Presidential Proclamation of Sovereignty over the Adjacent Seas' that included the Dokdo/Takeshima islets within Korean territory. Since then, the islets have been effectively administered by the Republic of Korea (South Korea) as part of its Ulleung country, North Gyeongsang Province and claimed by Japan as part of its Shimane Prefecture. Today, both Japan and South Korea often refer to numerous ancient texts and maps to legitimize their claims to ownership. However, it is the interplay of colonial legacy, Cold War politics and domestic politics in both Japan and South Korea that accounts for the emergence of the dispute and its relatively recent rise to the fore of bilateral relations.

Similarly to the South Kuriles/Northern Territories, Dokdo/Takeshima is not mentioned in article 2(a) of the San Francisco Peace Treaty, in which Japan recognizes the independence of South Korea. In the early drafts of the treaty, however, the ownership over the islets was allocated to Korea. Contrastingly, later drafts either allocated the islets to Japan or did not mention them at all. There were probably numerous reasons for this change but arguably the politics of the Cold War played the decisive role in this transformation and the exclusion of the islets from the final text. In June 1950, North Korea invaded the South, starting the Korean War that lasted until July 1953. Thus in the early 1950s the US officials involved in drafting the Peace Treaty could not be sure that the whole Korean Peninsula and adjacent islands would not fall into the hands of the communist forces. The Korean War also increased the strategic importance of Japan in the ongoing struggle with communism in Asia. Thus the American policy makers believed that it was in the interests of the United States' Cold War policy in Asia to retain potential sources of discord between Japan and its neighbor (Hara, 2006).

This ambiguity of the Treaty enabled the policy makers from both sides to claim ownership based on competing interpretations of the Treaty and Japan's incorporation of the islets in 1905. In discussing the San Francisco Peace Treaty each side refers to documents and drafts that support its position. With regard to Japan's incorporation of the islets in February 1905, the Japanese position states that this was simply an act of confirmation of previous possession, unrelated to Japan's colonization of Korea. It argues that since Korea became Japan's Protectorate only in November 1905 (and a formal colony in 1910), nine months after the incorporation of Dokdo/Takeshima, and due to the fact that the islets were administered by the Shimane Prefecture and not the Governor General of Korea the two issues should be treated separately (Tsukamoto, 2011). Contrastingly, the Korean side construes the 1905 incorporation as Japan's first step in the colonization of the Korean Peninsula (Korean Ministry of Foreign Affairs, 2016).

The domestic politics played an important role in the entrenchment of the dispute in the 1960s and its escalation in the 2000s. In 1965, after over a decade of negotiations, Japan and South Korea finally normalized their bilateral relations. The issue of ownership over Dokdo/Takeshima was one of the main stumbling blocks in the process that led to the conclusion of the Treaty on Basic Relations. Both sides realized that the economic importance of the islets was negligible. Unconfirmed reports suggest that during the negotiations, representatives from both sides stated that blowing up the islets would have been an ideal solution as it would have eliminated the problem. Due to domestic political reasons, however, neither side was willing or able to yield to the other side's demands. Park Chung Hee's dictatorial rule was perceived as illegitimate by many of his countrymen. Furthermore, his policy of rapprochement with Japan was opposed by many South Koreans where anti-Japanese sentiment rooted in the memory of the recent colonial past continued to be strong. Thus arguably Park did not want to further

provoke his fellow countrymen by making any concessions to Japan's demands. In Japan, the ruling conservative Liberal Democratic Party (LDP) faced strong criticism from the Socialist Party, the latter being against fostering closer relations with South Korea's military dictatorship. Giving up the claims to the islets would have enhanced the opposition (Hyon, 2006; Bukh, 2015). Thus the final text of the treaty does not touch upon the territorial dispute, but in a tacit agreement the two sides agreed to shelve it so that both governments could continue to hold their respective interpretations regarding the ownership of the islets but avoid escalation of the dispute (Roh, 2008).

Until the mid 1990s, the dispute was in a relatively dormant state. It flared up again in 1996 when both Japan and Korea ratified the United Nations Convention on the Law of the Sea (UNCLOS) and declared their respective Exclusive Economic Zone (EEZ). In accordance with their claims, both countries included the islets as their sovereign territory. Various issues related to Korea's relations with Japan came to play an important role in the struggle between the conservative and the progressive parties in Korea over voters' support. The territorial dispute gained nationwide recognition and became one of the central issues in South Korea's domestic politics. In 2005, Japan's Shimane Prefecture, which had continuously lobbied the central government to restore Japan's territorial rights to the islets, passed an ordinance that designated the 22nd of February as a prefectural 'Takeshima Day'. There were numerous reasons for this act but arguably Shimane Prefectural elites' frustration with central government's fiscal reforms was the most important one (Bukh, 2020). The ordinance was met with strong protests from the Korean government and civil society groups and resulted in increased tensions in bilateral relations. Today, the dispute over Dokdo/Takeshima continues to be one of the main stumbling blocks in Japan–Korea relations.

Diaoyu/Diaoyutai/Senkaku

The Senkaku (PRC name: Diaoyu, ROC name: Diaoyutai) dispute between Japan on the one side and the People's Republic of China (China) and the Republic of China (Taiwan) on the other is about eight islands located in the southern part of the East China Sea. The total territory of the islands is about 6.3 sq. km, and they are located in a very important strategic position approximately 170 km from Japan's Ishigaki Island and from Taiwan. The islands are located in close proximity to shipping lines, surrounded by rich fishing grounds and potentially have oil and gas fields in adjacent waters.

The islands were incorporated by Japan into its Okinawa Prefecture in January 1895 during the Sino–Japanese War. In the first few decades of the 20th century there was some economic activity on the islands but they have been uninhabited since the 1940s. Along with the rest of the Okinawa Prefecture the islands were administered by the United States after Japan's defeat in 1945 and returned to

Japan's administration in 1972. Today they are administered by Japan as part of its Okinawa Prefecture, and since the early 1970s have been claimed by both Beijing and Taipei as being historically part of China. The Japanese position states that the 1895 incorporation of the islands was that of *terra nullius* conducted after a careful examination that produced no evidence of ownership by China (Toyoshita, 2012). Contrastingly, both Chinese governments make claims of historical ownership, arguing the islands to be part of Taiwan and stating that Japan illegally occupied the islands during the 1894–5 Sino-Japanese War (PRC State Council, 2012).

Neither of the two Chinese governments paid much attention to the islands until 1969 when two studies, one by a committee under the United Nations Economic Commission for Asia and the Far East and one sponsored by the Japanese Prime Minister's Office, identified potential oil and gas resources in their vicinity (Blanchard, 2000). ROC was the first to bring up claims to the Diaoyu islands in August 1970 and PRC followed suit a few months later.

It may seem that the legacy of Japan's colonial expansion in Asia as well as the struggle over natural resources are the main causes of this dispute. Surely, the importance of both the past in the collective memory of the Chinese people and natural resources cannot be denied but the international politics of Cold War and domestic politics played a decisive role in the emergence of the dispute. For both Chinese governments the struggle over legitimate representation of the whole of China both domestically and internationally was one of the key issues that defined their policies. In 1970, the international environment was turning increasingly unfavorable to the Kuomintang government on Taiwan and arguably raising the claims to the Diaoyutai islands could be seen as an attempt to enhance its legitimacy domestically. The Chinese government, however, had no other choice but to follow suit and make similar claims as it argued Taiwan to be a province of China and itself the sole legitimate representative of the whole Chinese nation (Chen, 2014). Cold War international politics also shaped the United States' position on the dispute which further contributed to its entrenchment. In 1971, as a reflection of the various developments in American Cold War interests vis-à-vis Japan and both Chinas, the Nixon administration decided not to take a position on issues of sovereignty when the United States and Japan reached an agreement on the return of Okinawa (Hara, 2006). It was only in April 2014, during Barak Obama's visit to Tokyo, that a US President clearly stated that the Senkaku islands fell within the scope of the US–Japan Security Treaty, thus explicitly supporting Japan's claims to legitimate ownership.

Japan and China normalized their relations in 1978. It seems that in the process of negotiations the two sides agreed to shelve the dispute (Drifte, 2013) though Japan's Ministry of Foreign Affairs officially denies the existence of such agreement. Since 1978 the dispute has been through a number of phases (Wiegand, 2009) but it was after the incidents in 2010 and 2012 that the dispute became a major source of tensions in Japan–China relations (Smith, 2015).

The 7th of September 2010 confrontation between a Chinese fishing trawler that was fishing in the waters near the islands and the Japanese Coast Guard shocked the Japanese public and policy makers alike (Smith, 2015). The captain of the trawler was detained after refusing inspection and ramming two Coast Guard ships. The incident escalated into a major diplomatic crisis after the Japanese authorities decided to prosecute the captain. China demanded immediate release of the captain and applied pressure on Japan through economic sanctions and detention of Japanese citizens. The Japanese government released the captain in late September and the tensions receded (Smith, 2015). The second phase of the crisis started in September 2012 when the government of Japan decided to nationalize three of the Senkaku islands which were privately owned and leased by the government. In China, nationalization was construed as Japan's attempt to strengthen its position in the dispute. Many cities in China saw large-scale anti-Japanese demonstrations, attacks against Japanese businesses and individuals and looting and burning of Japanese property (Nakauchi, 2012). Domestic politics in both countries played a major role in the escalation of the dispute and its emergence as one of the potential sources of military conflict in the region. In the case of China, anti-Japanese nationalism is one of the tools used by the Communist Party aimed at enhancing its domestic legitimacy (Liu, 2016). In the case of Japan, the September 2012 nationalization of the three Senkaku islands came as a response to Tokyo's right-leaning Governor Ishihara Shintaro's initiative to purchase the islands and put them under the jurisdiction of Tokyo. As such, the nationalization was actually intended as a measure to prevent further escalation in the dispute rather than induce it. In the aftermath, government officials claimed that it had communicated with the Chinese side and its position was met with understanding (Yoshino, 2016). However, the Japanese government either misunderstood the Chinese response or miscalculated the possible reaction. In 2013, China declared its East China Sea Air Defense Identification Zone which included airspace over the Senkakus, further escalating the tensions.

Today, Chinese maritime and air intrusions into the territorial waters and airspace near the islands occur on an almost daily basis and Japan is beefing up its military in the south of the country. At this point, it remains to be seen whether both governments will manage to prevent the dispute from leading to an actual military clash between their countries.

SOUTHEAST ASIA

Thai–Cambodia Territorial Dispute

Thailand and Cambodia have a number of border demarcation issues but the most important dispute which very recently led to military clashes between the two countries was over the area of land of approximately 4.6 sq. km which

surrounds the ancient Hindu temple of Preah Vihear (Thai name Phra Viharn). The temple is situated on top of a cliff in the Dangrek/Donrak mountain range. It is located in Cambodia's Preah Vihear province and claimed by Thailand as part of its Sisaket Province. The most direct access to the temple is from the Thai side and it was only in 2003 that Cambodia completed the construction of a road enabling access to the temple from the Cambodian side.

In 1954, Thai troops occupied the temple and tensions between the two countries persisted until they decided to refer the dispute to the International Court of Justice (ICJ) in 1959. In 1962 the ICJ ruling awarded ownership of the temple to Cambodia. Thailand withdrew the troops but at the same time the government refused to accept the verdict. Furthermore, in the following decade the loss of the temple became a symbol of national humiliation in the nationalist discourse in Thailand (Grabowsky and Deth, 2015).

The dispute was revitalized in 2008, after the World Heritage Committee responded to Cambodia's request and decided to list the temple as a UNESCO World Heritage site despite objections from Thailand. In July 2008, Thailand started to amass military in the vicinity of the disputed area with some of the soldiers reportedly crossing into Cambodian territory (BBC, 2008). In October of the same year, the troops exchanged fire and armed clashes continued until the end of 2011. In April 2011, Cambodia filed an application to the International Court of Justice (ICJ) requesting a reinterpretation of its 1962 judgment and a request for an order for provisional measures. Cambodia argued that the 1962 judgment granted sovereignty over the temple and its vicinity to Cambodia. The Thai submission to the ICJ, in response to Cambodia's claims, argued that the ongoing dispute was not over the ownership of the temple subject to the 1962 ruling but a new boundary dispute over the 4.6 sq. km surrounding the temple (Kingdom of Thailand, 2011).

On the 18th of July 2011 the ICJ issued a ruling demanding the withdrawal of military personnel from the disputed area by both sides. It was only in July of the following year, however, that the two sides replaced the soldiers with police and paramilitary border guards (Della-Giacoma, 2012). The three years' conflict resulted in about 30 people dead, many others maimed and tens of thousands temporarily displaced (Della-Giacoma, 2012; Raymond, 2014).

In November 2013, the ICJ issued an interpretation of its 1962 ruling stating that, by way of interpretation, the judgment of 15th of June 1962 decided that Cambodia had sovereignty over the whole territory of the promontory of Preah Vihear. However, it did not give sovereignty to Cambodia over all of the disputed territory, stating that it had no jurisdiction to rule over ownership of the nearby hill (ICJ, 2013). Then Thai Prime Minister Yingluck Shinawatra's position on the ruling was somewhat ambiguous and the two governments did little to demarcate the border, but the situation at the border has been relatively stable since (Raymond, 2014). Yingluck was ousted as a result of the May 2014 coup and since then Thailand has been ruled by the military. At this point, however, there are no indications that the military is seeking to reignite the territorial dispute.

The Thai irredentist narrative that became overwhelmingly influential in 2008 and beyond, located the dispute within the broader discourse on the territories Thailand lost to the British and French colonial powers in the late 19th and early 20th century (Pawakapan, 2013). As such it may seem that colonialism and, more specifically, the legacies of colonial powers' policies in Southeast Asia, are the main cause of this dispute. No doubt, to a certain extent, colonialism is a factor in the dispute, as one of the main documents used by the ICJ in the 1962 judgment was a 1907 border treaty between French Indochina and Siam signed as a result of French gunboat diplomacy and a related map (Strate, 2013). Furthermore, in the mid 1930s the Thai government discovered that in the Preah Vihear area the demarcation line diverted from the watershed it was supposed to follow and placed the cliff on which the temple was built on the French side of the border. When the Thai authorities tried to renegotiate the border line, the government of French Indochina refused (Grabowsky and Deth, 2015). The relations between Siam and the French in the late 19th and early 20th century, of course, should not be seen simply through a colonizer/colonized dichotomy, as both sides engaged in a struggle over control of Lao and Cambodian territories (Chachavalpongpun, 2012).

While the present dispute between Thailand and Cambodia does have its roots in the colonial period of the region, the most important factor that led to the escalation of the dispute in 2008 and the subsequent clashes was domestic politics in Thailand. At that time, the issue was reignited and politicized in Thailand in the context of the domestic struggle between the so-called 'royalists' on one side and the supporters of the former Prime Minister Taksin Shinawatra on the other. In 2006 Taksin was ousted in a military coup and fled the country, but his party, renamed the People's Power Party, came back to power a year later after the December 2007 elections. The politicization and escalation of the dispute in 2008 was very much a result of a campaign led by the People's Alliance for Democracy activists and the opposition Democratic Party aimed at discrediting the pro-Taksin government and seizing power in Thailand (Chachavalpongpun, 2012; Pawakapan, 2013). As such, colonial history was used as a political tool in the hands of the opposition rather than being the direct cause of the latest cycle in the dispute over Preah Vihear/Phra Viharn.

South China Sea Disputes

The territorial and maritime disputes in the South China Sea are probably the most complex ones among the various disputes, not only in the region but world-wide. The disputed areas are abundant in natural resources such as gas and oil and also carry strategic importance, as roughly half of the world's commercial shipping passes through them. Today these disputes play an important role not only in the relations among the claimants but also the foreign policies of countries such as Japan and the United States. The disputes involve overlapping

maritime, territorial and fishing rights claims by China, Taiwan, Brunei, the Philippines, Vietnam, Indonesia and Malaysia.

The South China Sea disputes are over ownership of the whole or parts of the Paracel Islands and the Spratly Islands. Since the military clash between Chinese and South Vietnamese forces in January 1974, the Paracels have been fully under Chinese control. However, different parts of the Spratlies are occupied by the Philippines, China, Taiwan and Vietnam.

The Paracels consist of about 30 islets, with the largest, Woody Island, only slightly more than 2 sq. km in size. The Spratly Islands are an archipelago which consists of approximately 700 islands, atolls and reefs (Lanteigne, in Brunet-Jailly ed., 2015). There are no indigenous inhabitants on these islands, but there are scattered garrisons of military personnel from a number of claimant states (Hara, 2006). Vietnam, China and Taiwan (both make claims on behalf of one China) are in a dispute over the whole of the Spratly Islands (Nansha Qundao in Chinese, Trường Sa in Vietnamese and Kalayaan in Tagalog). Malaysia, the Philippines and Brunei also make claims to part of this territory. China, Taiwan and Vietnam are in a dispute over the sovereignty of the Paracel Islands (Xisha Qundao in Chinese and Hoàng Sa in Vietnamese). The Scarborough Reef (Huangyan Dao in Chinese and Panatag in Tagalog) is claimed by both Beijing and Taipei and the Philippines. Indonesia is not a party to these disputes but it does have a dispute with China over fishing rights claimed by China in waters around the Natuna Islands which are under Indonesian administration.

Similar to other territorial disputes discussed here, today all of the parties are making extensive use of historical evidence to support their claims. The disputes in the South China Sea, however, are of relatively recent origin and can be seen as resulting from an interplay of the legacy of colonialism and the international politics of the Cold War. Parts of the Spratly Islands were claimed by the British Empire in the late 19th century but the British did little to exploit the islands or to establish effective administration there. It seems that as of the late 1920s, the Chinese did not view the Spratly Islands as their territory but made a claim of sovereignty in 1933 (Dzurek, 1996). As to the Paracels, the Chinese Empire sent a mission to the islands as early as 1902 and Chinese troops erected sovereignty markers on some of the islands (Dzurek, 1996). Due to the subsequent domestic turmoil and three decades of civil war, and the fight against the Japanese, the Chinese were not in a position to uphold their claims. The Japanese companies on Taiwan which became a colony of Japan in 1895 started to exploit both groups of islands in the 1930s but did not make formal claims of ownership. Fearing Japanese invasion, the French colonial authorities in Indochina claimed the Spratlies and later the Paracels while recognizing the existence of Chinese rival claims to the latter. In 1939, the Japanese established a military presence on both groups of islands. As Japan entered a cooperation agreement with the French Vichy Government, during most of WWII the Japanese and French troops lived side by side both on the Paracels and the Spratlies (Tonnesson, 2002).

As such, the disputes over ownership of the islands already existed in one form or another in pre-WWII years and were very much an integral part of the French, British and later Japanese colonial expansion in the region. Japan's defeat left a power vacuum in the South China Sea, and in the late 1940s, the Kuomintang government, France and the newly independent Philippines engaged in a struggle over the islands (Tonnesson, 2002).

In the San Francisco Peace Treaty, article 2(f), Japan renounced all right, title and claim to the Spratly Islands and to the Paracel Islands. The treaty, however, did not specify in which country's favor Japan was renouncing the islands. As Hara (2006) has persuasively argued, this omission of the recipient was made in accordance with the French and US Cold War interests. The French claimed the Paracels on behalf of the State of Vietnam which effectively remained its colony, but as the situation in Indochina was unclear, the French feared that the islands might come under communist control. The United States also did not want to approve a treaty that might allow acquisition of the islands by communist China (Hara, 2006). The countries in the region began to intensify their claims during the 1970s, when deep sea oil exploration became possible and when the United Nations Convention on the Law of the Sea (UNCLOS) was concluded in 1982.

As already noted, there were several clashes between the Vietnamese and the Chinese navies over ownership of the islands during the Cold War years but the dispute started to escalate in the 1990s. In 1992, the Chinese government passed the Territorial Waters Law which claimed China's right to essentially all of the South China Sea, and in the following years it started to construct various, mostly military, installations on some of the disputed islands including parts of the Mischief Reef previously controlled by the Philippines (Guan, 2000). Increasingly, the dispute became an integral part of domestic politics in China, Vietnam and the Philippines as claims of ownership and arguments about injustice resonated with the dominant historical narrative in these countries that forced the governments to take a strong position over territorial claims (Huang and Jagtiani, 2015). Since 2010, tensions have continued to escalate. The tensions in the South China Sea became one of the most important issues on ASEAN's agenda and also created a deep division among those members that were parties to the dispute and those that had no direct stake in it (Ba, 2016).

In 2012, a stand-off between Chinese and Filipino ships near Scarborough Reef resulted in China gaining control over the reef (Cronin, 2015). In the following year, the Philippines initiated arbitral proceedings against China under Annex VII of UNCLOS. The Philippines claim was supported by Vietnam, while China refused to participate in the arbitration claiming that the Permanent Court of Arbitration (PCA) had no jurisdiction in this case. During the same period, tensions between Vietnam and China escalated when China began drilling oil in part of the South China Sea claimed by both countries, with a subsequent series of violent anti-Chinese riots in Vietnam (Reuters, 2014). In July 2016, the PCA issued an award in the arbitration case against China in which it accepted most

of the claims made by the Philippines. It did not rule on the ownership of the disputed islands but rejected China's claims to historical rights over large parts of the South China Sea. While the ruling was positively appraised by a number of countries, including the United States and Japan, Beijing declared it to be null and void and refused to accept it (Tiezzi, 2016).

Today the disputes in the South China Sea are not limited to the parties but play an important role in the US–China rivalry in the region. The United States does not officially take a stance on questions of sovereignty but the South China Sea issue became an integral part of its 'rebalancing to Asia' strategy and its attempts to maintain its influence in the region and contain the rise of China (Cronin, 2015). The United States' official position is that the disputes need to be resolved peacefully in compliance with international law and that China needs to respect the freedom of navigation in the South China Sea. Recently, Japan has also started to play a more active role in the dispute by giving military aid to Vietnam and the Philippines and has declared that its navy will participate in joint patrols with the United States (Jozuka, 2016). Similar to the dispute over the Senkaku/Diaoyu islands, it remains to be seen whether the participants will manage to reach a *modus vivendi* while avoiding an escalation of the dispute to a fully fledged military conflict.

SOUTH ASIA

India–Pakistan Dispute over Jammu and Kashmir

India and Pakistan have a number of territorial disputes but the most important one is over Kashmir. One-third of Kashmir is under Pakistani administration and two-thirds are controlled by India. With a combined population of over 17.5 million (Census India, 2011; AJ&K Government, 2016) and a total territory of over 300,000 sq. km it is probably the largest territorial dispute in the world in terms of the size of the disputed territory and the population that inhabits it.

The dispute over Kashmir resulted in thousands of dead and, being a major source of conflict between two nuclear powers, plays an important role not only in regional relations but also, in various ways, in the policies of major powers such as the United States, China and Russia. At the same time, as Alastair Lamb (1991) noted, the origins of the dispute are very much straightforward, in that the dispute is very much a legacy of the British colonial rule in India and the hasty nature of the British departure from the Indian subcontinent in 1947–8.

At the end of WWII, the United Kingdom was on the verge of financial collapse and embarked on the process of dismantling its extensive empire. In February 1947, the British government announced the end of its rule of the Indian subcontinent. While it had taken the British over 300 years to build their Empire, the process of dismantling it was very swift and took less than three months (Lamb, 1991).

In July 1947, the United Kingdom adopted the Indian Independence Act which partitioned British India into two newly independent dominions of India and Pakistan. It also terminated British suzerainty over the hundred or so princely states which were formally independent but were indirectly ruled by the British. Jammu and Kashmir was among these princely states, and the Act recognized its right to join either of the dominions. Jammu and Kashmir had a predominantly Muslim population but was ruled by a Hindu Maharaja. Its geographical location further complicated the situation as it could have joined either Pakistan or India. The main principle of the partition was to divide the British India along the Hindu/Muslim line and, as such, Kashmir should have joined Pakistan but the Maharaja decided to accede to India. Furthermore, the economy of Jammu and Kashmir was bound up with what was about to become Pakistan, and the waters of the rivers which flowed through Jammu and Kashmir were essential for Pakistani agriculture. In light of the above factors, it seems that at least a large part of Jammu and Kashmir should have become part of Pakistan but according to the British plan for the partition it was up to the state to decide on its future (Lamb, 1991).

In early October 1947, a tribal rebellion against the Maharaja got support from Pakistani soldiers. In response, the Maharaja appealed to India for assistance. Before intervening, India's PM Nehru demanded from the Maharaja accession to India. After these conditions were met, India airlifted its soldiers into Srinagar, the capital of Kashmir. While the Indian army managed to save the city, the tribesmen had taken over a third of Kashmiri territory. A UN-sponsored ceasefire in 1949 created a *de facto* new border, dividing Kashmir in its large sense into an India-controlled part comprising the regions of Ladakh, Jammu and the valley of Kashmir, and Pakistani-controlled territories, today called Azad (Free) Kashmir and the Northern Areas (Blarel in Brunet-Jailly ed., 2015). As such, one-third of the former princely state is administered by Pakistan, while two-thirds are under India's control. The UN issued a number of resolutions recommending a plebiscite in Kashmir as a way to resolve the dispute but this recommendation was never implemented by the parties.

In 1965, the two countries fought for over two weeks after Pakistan launched operation 'Gibraltar' aimed at fomenting a rebellion in Indian-controlled Kashmir. After UN intervention and Soviet mediation, the two governments signed an agreement to return to the status quo and to refrain from using force in the territorial dispute. Nevertheless, only five years later they fought again, this time a war related to Bangladesh's secession from Pakistan. In the late 1980s, insurgency in India-held Kashmir erupted. The insurgency was a rebellion against the political and economic domination of Delhi and, while supported by Pakistan, it was more of a struggle for autonomy and self-determination than a struggle to join Pakistan (Schofield, 2010; Blarel in Brunet-Jailly ed., 2015).

The insurgency and Pakistan's support for the militants triggered numerous crises and local clashes between the two countries, including a small-scale war

in 1999. Border skirmishes resulting in loss of life of both soldiers and civilians are frequent. Between 2004 and 2007, the two governments held talks to establish a framework for the resolution of the dispute, but the 2008 Mumbai terrorist attacks interrupted this process. Both governments officially claim all of Kashmir. However, Pakistan came to recognize the existence of a movement for independence in the valley of Kashmir and the improbability of inclusion of all of Kashmir within its borders. Likewise it seems that India does not expect to include the areas of Kashmir under Pakistani control in its territory. Despite these important changes in the two countries' positions, the prospects for resolution of the dispute in the foreseeable future are rather dim (for a detailed analysis see Schofield, 2010; Cohen, 2013; Blarel and Ebert, 2015).

India–China Territorial Dispute

China and India share the world's longest unmarked border. The territorial dispute between the two Asian giants is over large chunks of territory in Aksai Chin and Arunachal Pradesh. Aksai Chin is approximately 38,000 sq. km in size and is mostly uninhabited. It is controlled by China as part of its Xinjiang Autonomous Region and is claimed by India as part of Jammu and Kashmir. Arunachal Pradesh, referred to as South Tibet in China, is a state in the north-eastern part of India with a population of about 1.2 million. China claims approximately 90,000 sq. km in the eastern section of the border which more or less corresponds to the territory of Arunachal Pradesh (Garver, 2001; Pardesi in Brunet-Jailly ed., 2015).

The two disputes are directly related to the question of Tibet, its status and borders and, to a great extent, can be seen as a legacy of colonialism in South Asia. There are probably two key factors that brought about the disputes between China and India. One is related to the nature of the Qing Empire, the changes that occurred during its decline and the post-1949 Chinese attempts to regain control over most of the areas that were considered part of the Qing Empire (Fravel, 2008). Tibet was thus under the Qing suzerainty. It was not under direct control of the Qing but from the late 18th century its foreign relations were under the authority of the Chinese envoy in Lhasa. The 1911 Chinese Revolution overthrew the Qing and led to the collapse of the Chinese Empire. After the revolution, the Chinese forces in Tibet disintegrated. Two years later, the last Chinese left Tibet and it gained *de facto* independence which existed until the Chinese invasion/reunification in 1951 (Van Eekelen, 1967). Importantly, Tibet was recognized only by Mongolia, and none of the Chinese governments ever accepted its independence (Van Eekelen, 1967; Kuzmin, 2010).

The other factor that had a direct impact on the emergence of the dispute was British colonial rule in South Asia and related policies. In the late 19th century, spurred by rumors that the Dalai Lama was negotiating with Russia, the British decided to establish relations with Tibet. According to the Lhasa Treaty of 1904,

Tibet was obligated not to cede or lease territory to any foreign power without British consent, nor to allow any external powers to intervene in Tibetan affairs. In the 1906 Anglo–Chinese Convention, however, Britain tacitly accepted Chinese suzerainty over Tibet. The Anglo–Russian Convention concluded in the following guaranteed the territorial integrity of Tibet and also tacitly acknowledged China’s suzerainty (Van Eekelen, 1967).

Tibetan independence was never recognized by Britain. In 1913–4, British India and Tibet concluded a number of agreements including the Simla Accord which defined the border between India and Tibet. The Accord divided Tibet into two parts: Outer and Inner. Outer Tibet was to retain complete autonomy under nominal Chinese suzerainty. Inner Tibet was allowed complete control in all religious matters. While China was a party to the negotiations, Beijing refused to sign the Accord and none of the subsequent Chinese governments have ever acknowledged its validity (Pardesi in Brunet-Jailly ed., 2015). One of the two bilateral agreements concluded between Britain and Tibet at the same time as the Simla Accord marked the boundary between British India and Tibet to the east of Bhutan. This boundary agreement granted British India control over large portions of what later became India’s Arunachal Pradesh state. Needless to say, China has never acquiesced to this agreement nor to the boundary it established which came to be known as the McMahon Line (Kuzmin, 2010; Pardesi in Brunet-Jailly ed., 2015).

The dispute over Aksai Chin relates to the Indo–Pakistani dispute over Kashmir discussed in the previous section. When the British ended their rule in the sub-continent, there was no demarcated border in Kashmir. In the years that followed India’s independence, Indian governmental documents had depicted the border between India and China in this region as ‘undefined’. China came into possession of this territory when it occupied/liberated Tibet in 1951. It was only in 1953 that India made claims to Aksai Chin based on the boundary of pre-colonial Dogra rulers of Kashmir (Pardesi in Brunet-Jailly ed., 2015).

In 1960 Beijing called India to start negotiating their boundary. India responded by arguing that such a boundary already existed and referred to the 1914 agreement between British India and Tibet. Eventually, New Delhi agreed to start negotiations but, as a precondition, demanded Chinese evacuation from Aksai Chin, which was refused by Beijing. China’s attempt to consolidate its position in Aksai Chin which was made in response to the rebellion in Tibet was perceived by the Indian government as China’s further encroachment into India’s territory (Pardesi in Brunet-Jailly ed., 2015). In 1962, Nehru ordered Indian forces to clear Chinese forces from the disputed territory but the Chinese army struck back. During a month-long war in October–November 1962, the Indian defenses crumbled and the Chinese forces recaptured Aksai Chin (Garver, 2001).

Sino–Indian relations somewhat improved in the late 1970s. In 1986–7, however, tensions escalated in the Arunachal Pradesh area with countries beefing up their military presence and coming to the brink of war. As a result of negotiations,

however, the tensions receded and both sides de-escalated their deployments (Arpi, 2013).

The territorial dispute between China and India became an important factor in regional international relations. It has played a key role in shaping the emergence of a Sino–Pakistani strategic partnership, which was born in the 1950s and, despite the numerous drastic changes that have happened in the region and in both countries' domestic politics, it continues to exist today (Garver, 2001; Lim, 2016). Today, the Sino–Indian relationship is one of the key factors in regional stability. After the 1987 incident, relations between the two Asian giants transformed into a cold peace and while both sides officially maintain their territorial claims, they came to accept the status quo.

CONCLUSION

This chapter has examined the main factors that led to the emergence of the most important territorial disputes in today's Asia. The list of disputes presented in this chapter is not exclusive and there are numerous other disputes that have not been covered due to lack of space. One such dispute is between North Korea and China. The territory claimed by North Korea concerns 33 sq. km around the peak of Mount Paektu. There were military skirmishes in the region between the North Korean and Chinese forces in the late 1960s but the timing of the dispute's initiation is uncertain (for details see Pinilla and Brown, 2004; Fravel, 2008). Today, it seems that the dispute does not play an important role in North Korea's relations with its neighbor. Another such dispute is the one between South Korea and China over a submerged rock in the Yellow Sea. Known as Ieodo in Korean, Syuan in Chinese and Socotra Rock in English, the rock is located about 150 km from Korea's Marado Island and about 270 km east from China's Chenchien-shan Island. It was claimed by South Korea as part of its territory in 1951 but today both countries claim it as part of their respective Exclusive Economic Zone (EEZ). Clashes between Korean coastguards and Chinese fishermen in the vicinity of the rock in 2011–2 as well as China's declaration of its Air Defense Identification Zone (ADIZ) in 2013 that included airspace over Socotra caused certain tensions in bilateral relations (for details see Harold, 2012; Global Security, 2016). Both countries, however, managed to prevent further escalation in the dispute and today it does not play an important role in bilateral relations.

Similarly to Northeast Asia there are numerous territorial disputes in the Southeast Asian region that rarely make the headlines. One such example is the dispute between Malaysia and Indonesia over the Ambalat sea block in the Celebes Sea or the dispute between Indonesia and East Timor over the Oecusse District (for details see entries by Gunn and Liow in Brunet-Jailly ed., 2015). Thailand also has border demarcation issues with Malaysia, Myanmar and Laos (Tansubhapol, 2012). In South Asia there are also border disputes which are

relatively unknown not only to outside observers but probably to many citizens of the countries involved. For example, probably not many Chinese today know that their country has a territorial dispute with Bhutan that originated during the Tibetan conflict in the 1950s (for details see Mathou, 2004). Another, probably more well-known, dispute in South Asia is the one between Pakistan and Afghanistan with the latter refusing to recognize the British-drawn Durand Line as the international border between the two countries (Grare, 2006).

While all the above disputes have played a certain role in bilateral relations of the claimant states, due to space limitations, this chapter has focused only on those disputes that are of most importance not only for the parties but also for the whole region and beyond. For the same reason, this chapter has not explored disputes that have been successfully resolved such as, for example, the border dispute between Russia and China which was finally resolved in 2004.

This chapter has focused on the relative salience and interplay of three factors that contributed to the emergence of the respective territorial disputes: the legacy of colonialism, Cold War politics and domestic politics. It has shown that the importance of each of these factors varied from one dispute to another. Needless to say, there are multiple other factors, such as geography, natural resources or strategic value which have played a certain role in facilitating the emergence of the dispute in question or in its entrenchment.

Most of the disputes examined here emerged more than six decades ago, during the process of decolonization and various regional and domestic struggles, most of which were absorbed by the global Cold War rivalry between the communist and the capitalist blocs. Many of the disputes discussed here resulted in military clashes between the parties that led to loss of life and affected the lives of thousands, if not millions of people. Despite the end of the Cold War and the drastic regional and global transformations that followed, these disputes continue to play an important role in the claimants' relations with each other and beyond.

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