This dissertation employs a novel constructivist approach to sovereignty and the relationship between international politics and international law to shed new light on the nature and dynamics of Japan’s territorial disputes in the post-Cold War period. Previous research has either been too broad (large-N studies) or in some cases too specific (e.g. economic interdependency studies) to appreciate the complex and nuanced nature of these disputes. Instead the dissertation shows how understanding the manner in which the states involved use sovereignty as a means to furthering their position in the dispute – in the ‘sovereignty game’ – provides more compelling explanations of the dynamics of these disputes. In the past, states often resorted to force to occupy disputed territories, but this research shows that rather than directly using force, states in contemporary territorial disputes use the exercise of sovereignty to improve their position in the ‘sovereignty game’: they attempt to exercise sovereignty over the disputed territory and to prevent the other state from doing the same. The dissertation uses three case studies from the end of the Cold War until the present day: the Liancourt Rocks (Takeshima/Dokdo) disputed by Japan and South Korea, the Pinnacle Islands (Senkaku/Diaoyu) disputed by Japan and China, and the Northern Territories (Hoppou Ryoudo/Kurils) disputed by Japan and Russia. The case studies differ in some features but share others, and all three are inter-related. This allows for fruitful comparisons between all three, and understanding each case study helps in understanding the others.

I . Literature Review

Territorial disputes in general, while historically crucial to actual international relations, are not a fashionable subject in the discipline of International Relations these days. In fact, despite being responsible for so much conflict worldwide research on their nature and dynamics is scant and severely under-theorized. As shown in the first half of the literature review, an approach known as territoriality has enjoyed a virtual monopoly on the study of territorial disputes in the discipline of International Relations, although this school itself has been confined to the margins, with the research
overwhelmingly performed by a small number of dedicated researchers. Meanwhile the specific research which has been undertaken on Japan’s territorial disputes is mixed. There has been some excellent work carried out on these disputes, particularly on both their history and the role of nationalism. Other work has been confined by the theoretical framework utilised, where the theory provides the answer, resulting in mono-causality.

The territoriality approach uses a hypothetico-deductive approach based on large-scale dyadic challenger/target aggregate data sets to ever further refine hypotheses regarding the relationship between territory and the escalation/de-escalation of conflict. It was borne out of a dissatisfaction with the realist approach to war and territory, specifically the fact that realists treated territorial disputes as “symptoms of conflict between states, whereas the struggle for power and security is the true cause” (Kocs 1995: 160, Vasquez 1993: 124). Thus, rather than focusing on the anarchic inter-state system as the locus conflict in the world, it has been built around the empirical fact that states which have territorial disputes with their neighbours are more likely to go war with those neighbours than states which do not (Holsti 1991, Vasquez 1993, Hensel 1996, Senese and Vasquez 2003). As a purely rationalist approach it excludes normative factors in territorial disputes, especially norms governing state behaviour. Furthermore the approach is based entirely on conflict escalation/de-escalation despite the fact that most territorial disputes rarely feature large-scale escalation and conflict; the approach cannot help us understand the basic dynamics of territorial disputes. The dyadic nature of the approach requires the oversimplification of disputes which involve more than two states. The insights which the approach has generated are often contradictory and the approach has managed to convincingly demonstrate nothing more than that the existence of a territorial dispute increases the likelihood of conflict between two states. Fundamentally territoriality is a flawed approach to territorial disputes, built on a simple and scientistic methodology, lacking firm theoretical grounding, and failing to appreciate the massive variance in the nature of territorial disputes around the world.

The previous paragraph discussed territoriality, a very broad approach to the study of territorial disputes. There is also a body of literature which focuses specifically on Japan’s territorial disputes. There are several historical accounts of the origins of the modern disputes, with Kimie Hara’s work providing authoritative and insightful studies (2001, 2007). She examines the drafting of the San Francisco Treaty and other archival evidence from that period, showing how the international structure led to each territorial dispute being left as a ‘wedge’ by the US in order to “retain some sources of discord between Japan and its neighbours .. in preparation for the possible fall of Korea” (2001: 373). There are of course many other notable studies which focus on Japan’s territorial disputes. Downs and Saunders (1998) and Deans (2003) assess the relationship between nationalism and legitimacy in conditioning China’s behaviour in the Pinnacle Islands dispute with Japan, while Koos (2005, 2009) uses economic interdependency theory and a methodology which is not dissimilar to the territoriality approach to gauge de-escalation and escalation in territorial disputes in East Asia. Kimura and Welch’s study of the Northern Territories dispute rejects conventional notions of International Relations Theory, attempting to demonstrate instead that state interests in a given situation are “highly variable and inescapably idiosyncratic” (1998: 216). This literature and the many other studies have made a valuable contribution to the understanding of Japan’s territorial disputes, yet thus far no scholars have made sovereignty
the primary focus of their study, nor has anyone attempted to study the territorial disputes from a combined perspective of both international law and international politics. This dissertation takes up this challenge.

II. Approach

The basic assumption of sovereignty from the perspective of this dissertation is that it is socially constructed. Wendt describes the modern concept of sovereignty as providing the basis “social basis for the individuality and security of states” (1992: 412). The essence of the institution of sovereignty is the “mutual recognition of one another’s right to exercise political authority within territorial limits” (1992: 412). Sovereignty is self-perpetuating, since it is in every state’s interest that it be preserved; when a state violates another state’s sovereignty this is also perceived as a violation of the concept of sovereignty itself, and thus is a threat to all states. There are three main aspects of sovereignty as it exists in international relations: recognition, authority, and territoriality. Recognition of sovereignty by other states provides legitimacy, and legitimacy means that other states will act to confirm the actions of the sovereign state over its recognised territory. Sovereignty then is “is not an attribute of the state but it is attributed to the state (Thomson 1995: 219). However sovereignty is not complete with only recognition: authority is also needed. Authority is the ability to actually exercise power within the state’s boundaries. The final requirement for sovereignty is territoriality, which is the idea that “states mutually recognise exclusive authority over what is contained in that [bordered] space” (Thomson 1995: 227).

Recognition is a key aspect of sovereignty in international relations; in a territorial dispute, just as in the case of the existence of a state, recognition matters. Without international recognition of sovereignty over a given territory, the sovereignty remains incomplete. Thus gaining international recognition of a sovereignty claim over a territory is an important part of the sovereignty game. Yet, as we saw, recognition is only one constituent of sovereignty; the second is authority, or in the case of disputed territories perhaps better referred to as actual direct control. Enjoying the recognition of the majority of states a sovereignty claim does not actually mean that you enjoy full sovereignty over the disputed territory. Indeed, if the territory has been occupied by another state for a long period of time the international community may even gradually come to accept the fait accompli of the occupation, even if originally the occupation was unrecognised. That is not to say that international recognition is worthless – far from it – rather the implications of the lack of recognition can be difficult to ascertain and are context-dependent. The lack of international recognition makes that sovereignty incomplete, and so even if the immediate material costs of that incomplete sovereignty are not apparent, this does not diminish the state’s desire for complete sovereignty – international recognition – over all of its claimed sovereign territory.

Authority too is a crucial aspect of the sovereignty game. Even if a state enjoys full recognition of sovereignty over a disputed territory, this sovereignty is incomplete if it does not enjoy the actual direct application of sovereignty. Thus a major part of the sovereignty game is the ability to demonstrate sovereignty over the disputed territory, as well as the corollary of
this: the ability to prevent the other state (s) from doing so. So what is an exercise of sovereignty? The formal legal definition of an exercise of sovereignty is relatively narrow – for example in International Court of Justice (ICJ) jurisprudence maps cannot indicate territorial title unless they are attached to an official text of which they form an intrinsic part. As we have seen, the legal realm of territorial disputes – the sovereignty game – is constituted by both law and politics, therefore states act in ways which are not strictly ‘legal’ but which are informed by law.

The exercises of sovereignty which are of interest to this dissertation are specifically those which relate to disputed island territories. They include any state actions which refer to the disputed territory, and can, depending on the context, be effected not only by the state in the traditional sense (that is to say, not only be the central government), but also by substate actors, which can include citizens, private groups and regional governments. Ultimately, an exercise of sovereignty takes place when both sides recognise it as such, and thus a simple test as to whether a state or other body’s action is an exercise of sovereignty or not is whether the other state lodged a protest in response. Obviously not all exercises of sovereignty carry the same weight.

As noted in the previous section, one of the ways an exercise of sovereignty can be recognised is the response to it: does the state protest or acquiesce? In order to lodge a legal protest, a state merely has to lodge a formal protest. However, the extent of the political protest takes us to the critical issue of the effect of the exercise of sovereignty, and the ability of each state to exercise sovereignty and prevent the exercise of sovereignty by the other state; in other words, the relationship between the exercise of sovereignty, the protest and/or acquiescence, and the position of each state in the sovereignty game. When a state attempts to exercise sovereignty over a territory, the first question which must be asked is: is this exercise of sovereignty a break in precedent or is it in keeping with the status quo of the sovereignty in the dispute? If the exercise of sovereignty falls within the existing status quo then this does not affect the sovereignty status and thus there is no requirement for any major protest (unless the other state wishes to use this opportunity to alter or reverse the status quo, see below). If the exercise of sovereignty is unprecedented in the dispute – i.e. if the exercise does not fall within but instead alters the status quo – then the other state has two choices: protest or acquiesce. Protest in this instance is not legal protest, though it may include it – acquiescence can take place despite the state lodging a formal legal protest. Rather, protest in this case is political protest, which involves the state employing its resources – diplomatic, economic or military – to prevent the other state from carrying out the exercise of sovereignty. Once the state has acquiesced, the precedent is made, and once the precedent is made it becomes very difficult to reverse – more difficult than it would have been to protest and prevent the initial exercise of sovereignty itself.
III. Liancourt Rocks

The timing of the incorporation of the Liancourt Rocks into Shimane Prefecture – in 1905, the same year as Korea was made a Japanese protectorate – resulted in the highly emotional nature of the modern dispute in South Korea. In Japan the secret pact agreed in the negotiations in advance of the 1965 normalisation treaty meant that the rocks were largely forgotten about until 1996, the abrogation of the secret pact and the ratification of UNCLOS (Roh 2008). The reasons why the secret pact was abrogated suggested in this chapter focus on the relationship between Korean nationalism and democratisation, and more importantly (from the perspective of this dissertation) on the ratification of the UNCLOS and the resulting overlapping EEZs claims in the Sea of Japan. The latest phase of the territorial dispute then dates from 1996 rather than 1990.

Tokyo’s response to the construction of the wharf on the rocks follows the logic not of international law but of the sovereignty game. Such a powerful and direct exercise of sovereignty (construction of state infrastructure) had to be protested at a level much higher than the usual note verbale protesting South Korean occupation of the rocks, or else Tokyo’s political claim would seem weak. This led to Foreign Minister Ikeda’s protests. Yet the emotional nature of the dispute in South Korea created an anti-Japanese backlash against the protest. The result of the situation was that while Tokyo did protest South Korea’s new activity on the rocks, it also acquiesced politically to what was essentially a fait accompli: Seoul would never back down in response to a foreign minister’s protest, even if that was an unusually high-level protest in the recent history of the dispute. Of course the economic, diplomatic or military capital which Japan would have had to expend in order to prevent a fait accompli was prohibitive, rather, the level of protest was commensurate to ensuring that Tokyo’s interests in the dispute were maintained: preserving its negotiating position for the surrounding disputed maritime territory, maintaining the overall claim to the rocks from a legal perspective (and thus maintaining its precedential value with regard to the Pinnacle Islands).

The 1998 Fisheries Agreement was a temporary EEZ compromise as neither side could allow the rocks to be surrounded by the others’ sovereign maritime territory (i.e. their EEZ). The waters surrounding the rocks became a joint administration zone. Article 15 of the agreement was included to prevent the agreement having any effect on the territorial dispute itself. Despite the construction of the wharf, the increased size of the garrison on the rocks, and so on, South Korea enjoyed no gains on the maritime territory issue: the agreement was basically along the same lines as previous Korean-Japanese fisheries agreements. After the fishery agreement Tokyo maintained its low-level protest, thus preserving its position vis-à-vis the EEZ issue and the precedential aspect of the dispute. Despite coming under nationalist pressure to take a tougher line in 1996 and 1997, when various issues – such as the ‘Dokdo stamps’ – arose in the early 2000s the then Koizumi administration dealt with them quietly and carefully. These issues clearly show that Tokyo at this time would not let the dispute damage relations with South Korea. Foreign minister-level protest ensured that its EEZ claim would be intact and the precedential value – in this case both legal and political – of the territorial dispute in terms of the Pinnacle Islands would be preserved.

The fact that Tokyo did raise the stakes when it came to the maritime territorial dispute
in 2006 confirms this hypothesis. The Japanese government was serious that, although again of no real legal importance, Korean names of undersea features in the disputed maritime zone would be used to strengthen to Korean EEZ claims. The brinkmanship the hydrographic research issue led to, and the difficulties in resolving the tense stand-off, left little doubt that it was the maritime territory, not the rocks themselves, that Tokyo was interested in. The role of international recognition in the territorial dispute becomes apparent during this crisis. Tokyo’s reaction was spurred on by South Korea’s intention to have parts of disputed EEZ named at an International Hydrographic Organisation conference, giving the Korean names international recognition. Such international recognition would provide further legitimacy to South Korea’s claim on the maritime territory and therefore bolster its claim in a political sense.

Observing the territorial dispute over the long-term, a change in Tokyo’s position can be identified from the mid-2000s on. Takeshima Day, initially played down by the central government and ignored by Diet politicians, has gained legitimacy and is now attended by both LDP and DPJ diet members. The Liancourt Rocks dispute is no longer the preserve of far-right groups or academics as perhaps it was in the 1990s or early 2000s, but rather it is increasingly becoming part of a mainstream nationalist discourse. In August 2011 three Diet politicians on a ‘fact-finding’ trip to Ulleungdo were refused entry to South Korea. A couple of months previously a Korean Air test flight which flew to the rocks and back resulted in Japanese officials being instructed to boycott the airline. Tokyo’s position on the inclusion of the rocks in education has stiffened too, from its inclusion in the state-approved Saishin Nihonshi in 2002, to the Ministry of Education non-binding supplementary guidelines for teachers and textbook publishers issued in 2008 which, for the first time included a reference to need to educate children that “differences exist between claims of our nation and South Korea over Takeshima” (Japan Times 17/07/2008).

IV. Pinnacle Islands

The Pinnacle Islands dispute was awoken from its dormant state in 1990 when it emerged that Tokyo was considering recognition the lighthouse on Uotsuri Island as an official beacon. At that time post-Tiananmen China was dependent upon Japan economically and politically and kept relatively quiet. Still, events in Taiwan were enough for the JCG to pass the issue on to the Ministry of Foreign Affairs (MOFA) who prioritised positive bi-lateral relations over the territorial dispute – this would remain the MOFA-driven policy for the next decade. The action of refusing to recognise the lighthouse in deference to other states set a political precedent itself: Japan was not willing to exercise sovereignty over the islands if this meant damaging bilateral relations. The 1992 Chinese territorial sea law was a precursor to come in terms of the effects UNCLOS would have on the dispute. Japan protested through the standard diplomatic channels calling for a repeal of the law, but it did not attempt to use the considerable economic leverage it had at the time to force China to withdraw the reference. This indicates a form of political acquiescence to China’s claim, and counter-intuitive result was that Japan switched to its “no dispute exists” position. At this stage Japan’s Pinnacle Islands policy was driven by MOFA who did not consider the Pinnacles a major
issue; certainly it was rated highly enough to expend political or diplomatic capital over.

The sovereignty game got well underway with the ratification of UNCLOS in 1996. Both sides claimed the islands and used different methods – backed up by different international legal principles – to generate their respective EEZs and continental shelves. This resulted in substantial overlapping claims, with the Pinnacle Islands lying on China’s claimed continental shelf in the disputed zone. The ratification of UNCLOS and related events in the Liancourt Rocks dispute led to Seiōnsha to reigniting the dispute, once more using the construction and recognition of lighthouses. While again Taiwan (and Hong Kong) erupted, Beijing prevented similar civilian protests on the mainland – but it did protest in a far more serious tone, and issued threats on the consequences of recognition. Once again Tokyo decided against a state exercise of sovereignty over the islands, with both Prime Minister Hashimoto and Foreign Minister Ikeda explicitly linking the reactions of the other parties and the need for good relations with the decision to drop the lighthouse recognition question.

The domestic fallout from the 1996 incident led to a growing awareness and interest in the dispute among politicians in both the LDP and opposition parties. At the turn of the century the research vessel issue pushed the internal LDP opposition to the apparent weak stance of the government to breaking point when an internal LDP committee suspended the ODA loans to China. Although gaining ground in the sovereignty game, China was at this stage still vulnerable to Japan’s economic leverage and agreed to a prior notification system (PNS). In a sense the disputed waters were still somehow more ‘Japanese’. However, China continued its push for sovereignty over the waters and by 2004 not only was the system effectively defunct but China began to protest Japanese operations in the disputed maritime zone. By this stage the disputed waters were no longer considered Japanese, rather they were very much disputed, and China was operating there almost at will. All this led both the media and politicians in Japan to talk openly about a Chinese fait accompli.

Under the Koizumi administration Japan’s stance on the territorial and associated maritime dispute altered dramatically. The change began with the leasing of the islands in 2002, which was in effect a clear demonstration of state sovereignty over the islands. The 2005 recognition of the lighthouse demonstrates even more clearly the policy-change, particularly given that as recently as 1997 Foreign Minister Kajiyama planned to have the lighthouse removed. As Japan had backed down on the issue twice before the sudden announcement caught China by surprise, and was in itself presented as a fait accompli, a move which prevented China from issuing the usual warnings or threats about the consequences should recognition go ahead. It should be noted that the Koizumi administration, unlike previous administrations in the 1990s, showed little interest in maintaining good relations with China, and although the recognition did contribute to the 2005 anti-Japanese demonstrations, there was enough anti-Japanese sentiment generated by other issues that the recognition would not have made much difference.

Despite Japan’s tougher line on the dispute, China continued to push its sovereignty claim. The first state-backed Chinese protesters since 1998 attempted to land in 2004. The Koizumi administration saw this as an opportunity to set a precedent by seeking to/allowing the protesters to be prosecuted under domestic Japanese law for alleged crimes committed while on the disputed islands. This was a major break with standard practice and the status quo and would have had a
dramatic effect on the sovereignty game. Beijing weighed in heavily to warn of the “serious consequences” of such an action. Within a couple of days Tokyo made a u-turn, but it did so fast enough and with a ready-made excuse so that neither side lost face in the incident.

The same could not be said of the 2010 collision incident. Unlike in 2004, the DPJ-led government allowed the arrest and prosecution to advance much further, keeping the captain of the Chinese fishing boat for over three weeks. In the meantime, Beijing made it clear that its threats were not empty, responding with diplomatic ‘shock and awe’, and eventually forcing Tokyo to back down and release the captain. As in 2004, China was unwilling to allow Japan to exercise jurisdictional sovereignty – over a Chinese national – on or near the disputed islands, as such an exercise would have severely prejudiced China’s position in the sovereignty game. But unlike in 2004, there was no safe ‘out’ for the DPJ once they began proceedings, and the result of the incident was an ignominious climb-down which worked to reinforce the territorial status quo rather than revise it: Japan had demonstrated to the whole world that it was incapable of prosecuting Chinese nationals suspected of committing a crime on or near the Pinnacle Islands, and therefore that it clearly did not enjoy unfettered sovereignty over the islands or their waters. This fact made the reiteration of the ‘no dispute exists’ line sound hollow.

V. Northern Territories

The years immediately after the end of the Cold War saw both up and downs in Japan’s quest for sovereignty over the Northern Territories. The 1991 Kaifu-Gorbachev summit was a disappointment on many levels, yet it did yield the visa-nashi programme, which blurred the boundaries of the sovereignty issue. If Japanese – and only Japanese – could visit the islands without a visa yet not enter any other part of Russia without a visa, then clearly Russian sovereignty over the islands was not perfect, and it also meant that Russia recognised Japan as having some form of special sovereignty rights to the islands. Further, it helped prevent violations of the 1989 cabinet agreement, since journalists and some citizens could now visit and thus would not be tempted to obtain a Russian visa in order to travel.

Meanwhile, Japan spent the early 1990s trying to internationalise the dispute, to gain recognition of its sovereignty over the islands and perhaps more importantly pressure Russia into handing them over. The international community, and the more specifically the G7, was more interested in stabilising the Russian colossus and helping the nascent democracy to get off the ground, and instead it was Japan who eventually gave into international pressure, agreeing to the G7 economic aid package. This also closed the door, for the time being at least, on attempts by Japan to link the territorial issue with economic cooperation. The 1993 meeting of Hosokawa and Yeltsin resulted in the Tokyo Declaration, a document which would become a key part of Japan’s negotiation strategy in later years. The document specifically named all four islands, and in Japanese, recognised the 1956 Moscow Declaration, and called for “an early conclusion of a peace treaty .. based on the principles of law and justice” (Tokyo Declaration Art.2).

Despite the rhetoric of the Tokyo Declaration, the following years saw the little movement, as instead of negotiating based on the declaration,
Russia sought to take a hard-line on the sovereignty issue. Yet all Moscow’s plans to develop the islands failed, as the reality was that at this point Russia itself was too weak to do much with these remote islands, and no third party was willing to risk relations with Japan for the sake of developing far-flung islands in the Russian Far-East. The 1997 Krasnoyarsk summit breathed new life into attempts to resolve the Northern Territories dispute and sign a peace treaty, but the 1996-2002 negotiations ultimately failed as neither side was willing to compromise on the most important thing: sovereignty. By the time of the Irkutsk summit between Mori and Putin it was apparent that the best Japan could hope for was a two-island deal with some possibility of negotiations for the other two, but no guarantees. The joint statement from Irkutsk described the 1956 Moscow Declaration as the “basic legal document”; the document, which specifies the handing over of Habomai and Shikotan and the signing of a peace treaty. This, rather than the 1993 Tokyo Declaration, would be the basis of Putin’s diplomacy from then on.

The two-plus alpha approach – separating the islands into two batches for negotiating purposes – was highly controversial in Japan. The Koizumi administration which took power in 2001 was against the two-plus-alpha approach, and Foreign Minister Tanaka made this clear within a month of taking her post. The MOFA Russian division purge which followed was taken by Russia to mean that Japan was no longer interested in compromise, and thus that negotiations were a waste of time. There was no bilateral summit between Putin and Koizumi until early 2003. The Peace Boat’s voyage in late 2002, after the negotiations had come to a standstill, was a sign of things to come. As relations deteriorated and the prospects of the “early return” of the islands grew dimmer, such violations of the cabinet agreement would increase. After the Koizumi administration moved back to the more hardline stance of returning all four islands in exchange for a peace treaty, negotiations between the two sides broke down. Relations between Japan and Russia had changed dramatically in the ten years since Hashimoto and Yeltsin first had their informal Krasnoyarsk summit – Russia was no longer the economically and politically unstable state looking for Japanese aid. It had grown economically strong through its energy exports, and import-dependent Japan had become one of its good customers. Moreover, as Russia grew stronger it began to consolidate its sovereignty over the islands themselves, investing billions of rubles to develop modern infrastructure on the islands, create new jobs and increase the population, as well as revamping the military installations such that by the end of the 2000s there was even talk of a “military build-up” on the islands.

Meanwhile Japan’s own sovereignty claims were under threat. Independent Japanese travellers to the islands threatened to undercut its own position on the visa situation, and with developed infrastructure came international investment interest, as reports came out of Chinese and South Korean businesses partnering up with local Russian firms. But perhaps nothing demonstrated the weakness of Japan’s position more clearly than events after September 2010, when Medvedev visited the islands and teamed up with China to show Japan a united front their respective territorial issues. As Russia announced increases to the budget of the development plan for the islands, and minister after minister flew out to inspect the infrastructural projects, Kan and Maehara could do nothing but blow hot air (e.g. Kan’s “unforgivable outrage” remark). Despite Russia consolidating its sovereignty and Japan fighting a rear-guard action on both its own and Russia claims of sovereignty, there was no indication Japan would
VI. Conclusion

The three case studies show that the states involved in Japan’s territorial disputes have used the exercise of sovereignty – and the prevention of the exercise of sovereignty – in order to further their position in each of the respective disputes. The extent to which the state will go to use or prevent these exercises depends on what the states goals in the dispute are: for example in the Liancourt Rocks dispute Japan focuses on the maritime and precedential aspects of the dispute rather than direct sovereignty over the rocks themselves (not to say it would not take the rocks if South Korea offered them!), and thus adjusts its position in terms of the sovereignty game accordingly. It took Japan several years after the ratification of UNCLOS in 1996 to realise that both South Korea and China were eroding its position in the sovereignty game in both the Liancourt Rocks and the Pinnacle Islands disputes respectively. But from around 2005 Tokyo started to take a stronger line in both disputes, using various forms of exercises of sovereignty to push its case. In the case of the Pinnacle Islands, the new DPJ regime went one step too far in 2010, attempting an exercise of sovereignty (the prosecution of the trawler captain) which China, using economic and political resources, managed to prevent.

The sovereignty game in the Northern Territories differs more from the Liancourt Rocks and the Pinnacle Islands than those two do from each other, though it still shares many similarities. Unlike the other two, the Northern Territories dispute was not energised by the 1996 ratification of UNCLOS; it was already the dominant factor in Japan-Russia relations. In the 1990s Japan attempted to use its economic clout to gradual loosen Russia’s grip of sovereignty over the disputed islands, but with the rise of Putin and the return of an energy-rich Russia and relatively stable to the world stage, a stagnating Japan was left with no cards left to play. Yet Tokyo will not compromise on the fundamental issue of sovereignty, and it is clear that it will not compromise on the sovereignty of the other disputes either. To compromise with Seoul over the Liancourt Rocks would risk a loss of legitimacy to its claim to the Pinnacle Islands, given their (very) similar histories, while given the current state of Sino-Japanese relations, a compromise over the Pinnacle Islands would suggest weakness – and besides, it seems unlikely that Beijing will accept anything apart from complete sovereignty: Beijing appears to be biding its time and gradually improving its position in the sovereignty game.

By using the sovereignty game to assess how the states involved in these disputes use exercises of sovereignty (and the prevention of same) this dissertation casts new light on Japan’s territorial disputes. The sovereignty game is intricate and nuanced, and involves not only the islands themselves but the maritime territory surrounding them as well as garnering international recognition of sovereignty over the territory. By acting with an understanding of international law – though not acting in an entirely legal manner – states can gradually improve their ability to exercise sovereignty over a territory without resorting to the use of force. Thus while the use of force back down. Editorials from many of the major newspapers called for a patient but strict approach to the Northern Territories dispute – even if it took hundreds of years, Japan should not back down on the sovereignty issue.
remains a factor in the international relations of territorial disputes today, this dissertation has shown that most of the time it is the ability to exercise sovereignty over disputed territory – not the ability to conquer it – which really matters.