

# Influence of Asia's Colonization: Debating the Past, Present, and Future of Territorial Issues

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*On February 23, 2018, JIIA, in collaboration with the Centre for Land Warfare Studies (CLAWS), organized a symposium "Influence of Asia's Colonization: Debating the Past, Present, and Future of Territorial Issues" in New Delhi, India. The following is a brief synopsis of the event.*

Re-visiting the historical and geopolitical narratives of 20<sup>th</sup> century Asia and the enduring legacies of its colonization, have often generated a debate on how nation-states and their people view the impact and fallout of colonialism in varying ways. The 20<sup>th</sup> century remained enmeshed in terms of disputes, wars, economics, and politics. Colonialism and the period thereafter did, after all, make an indelible mark on demographics, borders, political systems, laws and customs, economies, cultural influx, and, identities.

The defining trends of Asia's colonial past during the 20<sup>th</sup> century, for that matter, seems to be continuing to cast a shadow on the ensuing century and Asia's future that remains weaved with it. The larger conceptual debate surrounding colonialism and the Asian experience does not get limited to historical connotations only. There is a vital contemporary geopolitical and geostrategic relevance to it. Historical narratives, re-interpretations, and/or distortions of history have been critically linked to colonial legacies and experiences, with the objective to redraw frontiers and expand spheres of influence by some states in the name of history.

Every phase of colonization, whether within Asia, or outside it, brought migration, introduced new political and social systems, boundaries (claim lines), intrastate relationships and legacies that got created out of that. This determined the direction in which Asian states moved economically, politically, and socially. More importantly, it defined the manner in which Asian nations developed their sense of nationhood. A major ramification of the colonial past and history has been the failure of some states to come to terms with the past, which has been instrumental in spurring competing/mutually reinforcing/overlapping themes of nationalisms, especially pertaining to certain territories in the maritime domain, and on land, in East, Southeast, and South Asia.

To discuss this vital subject and its related themes, a symposium entitled *Influence of Asia's Colonization: Debating the Past, Present, and Future of Territorial Issues* was organized by The Japan Institute of International Affairs (JIIA) in New Delhi, India, on February 23, 2018, in collaboration with the Centre for Land Warfare Studies. The symposium sought to discuss and debate the journey and prominent milestones of Asian states' colonial experiences, both individually, and as a region. It also strived to study and debate the impact of the evolving geopolitical and strategic narratives emanating out of this colonial past of the Asian continent.

The symposium deliberated upon whether mutual economic development and warming up will ever become an absolute substitute for political fissures that seem to be only getting deeper

among major Asian powers today. While Asian nation-states cannot amend/rewrite their [colonial] past, the endeavor of the discourse will be to evaluate the fixed vs. variable determinants that will influence Asia's geopolitical and geostrategic future amid the backdrop of this colonial past. Can Asia ever come to terms with its past and strive to make a collective effort to reduce the economic and political fault lines and build a cooperative future regionally? A brief overview of the proceedings is presented as follows.

### **The Era of Meiji Restoration**

The keynote address of the symposium discussed and elaborated upon the 150<sup>th</sup> anniversary of the Meiji Restoration. There was a big change of politics from 1867-68 to 1890, termed as the 'Meiji Restoration' when Japan established its parliament and went in for parliamentary politics.

The period before the Meiji Restoration – 265 years long Edo period (1603-1868) came after the warring state period of the 16<sup>th</sup> century during which many feudal lords fought each other making Japan the strongest military power in the world at that time in terms of the number of arms. Following the beginning of the Edo period, there was almost no war in Japan, for more than two centuries.

The succeeding establishment of the Meiji government in 1868 under the central leadership of the Emperor, saw astonishing results beginning with the abolishment of feudal domains, leading to Japan's transformation to a real centralized nation in which social stratification became much less rigid. Another major milestone of this period was the abolishment of *bushi* or the warrior class – *samurai*. Within around 15 years, in 1889, the Japanese constitution was written and parliament was started in 1890. Before that, a modern type of cabinet system was introduced in 1885 with Japan's first Prime Minister Ito Hirobumi who belonged to the lowest class of the samurai. This was unimaginable during the Edo period, and therefore, the Meiji Restoration was in a sense, a great class revolution as well, and became a revelation of the Japanese people's power that had gotten accumulated earlier during the Edo period.

The Meiji period saw transformational changes and should ideally be described as the Meiji Revolution, and not just 'Restoration'. From a global perspective was a rare example of successful change achieved without the shedding of much blood. Scholars have termed the Meiji Restoration and the American experience of revolution, and independence as the least costly and most fruitful accumulative change in contemporary history. The Meiji Restoration did not occur suddenly just with the enthronement of the Emperor Meiji, but, was made possible because of gradual changes that occurred during the Edo period that preceded it, such as an increase in population, improvements in agriculture and industrialization, a high literacy rate, the rise of popular culture, and the development of a national consciousness throughout Japan.

The ensuing period when Japan defeated Russia in the Russo-Japanese war, had a big impact on the rise of nationalism throughout Asia and Africa. Japan, unfortunately, was unable to exercise leadership with respect to those under colonialism, and instead acquired overseas territories and repressed those who were under colonial rule. Japan later headed down the mistaken road toward the Pacific War. The concept of Greater East Asia Co-Prosperty Sphere ended up being a failure because it expected no equality among its members. Moreover, members shared no basic universal principles such as non-intervention in domestic politics or peaceful resolution of conflicts. Nonetheless, the Pacific War did promote Asian nationalism. Japan's post-war approach to the world was roughly successful, although few changes could have been done after the end of the Cold War. In the context of contemporary times, it is high time for Japan to reconsider its foreign policy and security policy, still very much based on the basic lines from 1945 onwards.

### **History of Asia's Colonization: The Territorial and Boundary Issues**

The first session of the symposium addressed the origins of territorial and border issues across

Asia and the history of its colonization. The panelists spelled out the following points broadly. It is widely believed that modern international law is nothing more than the development of international law as was seen in Europe at a time when there were many different versions of international laws around the world. When discussing current territorial conflicts, it is important to approach such conflicts from their respective historical perspectives, including those of pre-modern international law, to gain a comprehensive understanding of the issue.

There were distinctive territorial concepts of “hanto” ( 版図 ; territory) and “kegai no chi” ( 化外の地 ; lands outside imperial influence) in Japan before acceptance of the modern international law. After the opening up to the West and onset of the Meiji Restoration period, Japan actively took in Western “imperialist” international law and expanded its territories overseas. It is interesting that there were intense discussions between China and Japan about the interpretation of the concept “hodo” ( 封土 ; domain) in Article 1 of the Sino-Japanese Friendship and Trade Treaty on whether it referred to a territory as defined by modern international law, or did it include the tributary states.

Under the French colonization, Indochina experienced rapid economic development in the fields of mining, industry, agriculture, development of public works. Besides, infrastructure was very impressive in Indochina at that time – with one of the largest networks of roads and bridges in Asia that served the colonial economy and transport of goods to the sea. But beyond these material goods, one of the most important legacies was in the fields of law and usage of concepts considered to be better related to the principles of objective law in the management of international disputes adapted to a globalized rule-of-law-based world. While it cannot be denied that various types of inequalities and discrimination were associated with the French colonial rule over Indochina, it needs to be noted that French rule exerted a certain degree of positive influence on the territories in question.

For example, colonialism brought about changes in material spheres such as progress in agriculture, mining, and infrastructure, and also brought along with it: 1) Acceptance of a modern legal system 2) Demarcation of borders based on topographic maps 3) The creation of national consciousness in Indochinese countries through movements aimed at denying the suzerainties of China and Thailand.

When it comes to the issue of the Paracel and Spratly Islands, Vietnam holds its arguments based on international law concepts, which it inherited from the modern legal system of France. Against the backdrop of the exercise of force and balance-of-power concepts, China has been limited to invoking vague concepts of “historical rights” over the islands and is attempting to justify territorial rights over the islands by invoking its past suzerainty over Annam. On the Paracel and Spratly Islands’ issue, France has limited itself to making general expressions about legal principles and has avoided taking concrete positions. As a former suzerain of Vietnam that was historically involved to some degree in that country, France should reconsider the positions that it should take.

In South Asia, India has had land disputes with almost all of the six countries with which it shares land borders. The roots of these territorial disputes can be found in the decisions taken by the British government based on its 19<sup>th</sup> century colonial strategy. Behind the British decision to partition India and Pakistan were: 1) its obligations to the Muslim League 2) The old British policy of divide and rule 3) Desire for an access to Central Asia 4) Desire to contain the Soviet Union. A British writer accurately predicted in 1944 that the separation of Muslims would result in their impoverishment and radicalization. The end of the Cold War diminished the strategic value of Pakistan and gave rise to a desire for peace between India and Pakistan. While this continued for a time after 9/11, Pakistan’s strategic value (for the US) increased again amid the Global War

on Terror because of the country's proximity and access to Afghanistan. This put a dampener on attempts to bring about peace between India and Pakistan. The land and maritime boundary problems between India and Bangladesh were just as complicated as those with Pakistan, but have been resolved with the establishment of democratic governments in Bangladesh.

### **Asia's Geopolitical and Geostrategic Future in the Backdrop of its Colonial Past**

The second session of the symposium analyzed and discussed the geopolitical implications of the legacies left behind by history in Asia, the strategic importance of which is increasing. The panelists put forth the following points broadly. While experiencing significant economic growth, Asia today is a major hotspot on the global landscape where numerous conflicts and tensions are clustered, with China being involved in many of them. China attempts to justify its "creeping expansionism" in its border with India, in the South China and East China Seas by invoking various and vague historical narratives.

The baggage of history often weighs down Asia's strategic environment. In contrast to Europe, more and more attention has been paid to the past problems of Asia. Countries that have gained confidence because of their economic successes have been playing the history card. Asia's history problem is not limited to China as that history hinders relations even between democracies as can be seen from the strained ties between America's closest allies in East Asia – South Korea and Japan. Still, no country uses history to change the status quo territorially like China. In fact, to advance the strategic interests, China is employing the very practices that were imposed on China by the European imperial past. For instance, when Hong Kong was returned to China, Beijing portrayed it as a correction of a historical injustice. Today, as the takeover of Sri Lanka's Hambantota port illustrates, China is establishing Hong-Kong-style new colonial arrangements in areas far from its shores. While the concept of a 99-year port lease was developed by the British and imposed on China in the 19<sup>th</sup> century, today, Beijing has embraced that 99-year port lease concept and is applying it in distant lands, from Hambantota to Darwin (Australia), and now pressuring even Myanmar to sign a 99-year lease on Myanmar's Kyaukpyu Port.

Efforts to change the territorial and maritime status quo will remain the biggest threat to security in Asia. History is being invoked in attempts to justify the geostrategic imperative of using force to change the status quo in the East China Sea, South China Sea, and on the Indian-Chinese border. This is the most destabilizing factor in Asia. Several Asian countries including China selectively interpret history and blend these interpretations with fiction to reconstruct their own version of history. They do this to glorify their past, to whitewash their transgressions, and to reinforce the victimhood narratives that they might have created. A good example is Xi Jinping's attempt to legitimize Sino-centrism by pursuing what he calls the 'China Dream'.

The two biggest attempts in the 21<sup>st</sup> century to change the status quo by force were the annexation of Crimea by Russia and China's construction and militarization of artificial islands in the South China Sea. Russia is facing sanctions from the international community for its actions in Crimea, while China got off without any sanctions at all. This sent a wrong message to China and encouraged China to escalate its moves along its border with India and in the East China Sea. There are two ways to conquer a country – one by the sword, and the other, by debt. China has adopted the second path, of getting nations to borrow heavily, to exert control over small and medium-sized countries.

China re-interprets history based on its national interest. When discussing the pros and cons of colonialism, the cons obviously outweighs the pros. China, where revisionism is gaining strength, is the only country that has a victimization mentality with respect to territorial issues.

With the exception of the South China Sea, territorial disputes among Southeast Asian states have been manageable and have not led to major confrontations. The reasons for this include 1) Lack of involvement of major powers 2) The existence of ASEAN as a confidence-building mechanism 3) The moderate nature of nationalism in these countries 4) The respect for international law held by these countries.

Playing the history card to expand its sphere of influence, China is known to have invoked history in its attempts to tarnish Japan's image in countries such as South Korea and the Philippines. In the context of shrinking disparities in the military capabilities of the US and China, Japan has several security options available: 1) Forge a multilateral security framework led by the US 2) A multilateral security framework without a strong US commitment 3) An independent and isolationist policy of homeland security 4) Pursuit of a Sino-Japanese entente.

### **Broad Conclusions**

The closing address of the symposium outlined the settlement of disputes, and the role of Asia in the international world. Speaking of the settlement of disputes from a purely legalistic viewpoint, the first question that arises is what is a dispute in international law? The judgment of the Permanent Court of International Justice in 1924 clearly identifies what constitutes a dispute. The issue then arises, who decides the existence of a dispute? As for Japan, its position is that there is no dispute between China and Japan concerning the Senkaku Islands. And, as for Takeshima, although Japan says there is a dispute, however, South Korea says there is no dispute at all over the island.

The International Court of Justice stated in 1950 that whether there exists an international dispute or not, is a matter for objective determination. As for the International Court of Justice, it had a system of compulsory jurisdiction, but among more than 190 countries as members of the International Court of Justice, only 66 countries accepted compulsory jurisdiction. Out of the 66 countries, only six Asian countries, accepted the compulsory jurisdiction, namely Cambodia, India, Japan, Pakistan, the Philippines, and Timor-Leste. The importance of the rule of law is vital in the international community. Two very good and recent examples of nations displaying respect for the rule of law are, India, in how it accepted the decision handed down by the International Tribunal for the Law of the Sea (ITLOS) about its maritime boundary with Bangladesh; and Japan, in how it responded to the International Court of Justice's (ICJ) ruling about whaling off the Antarctic.

To quote James L Brierly, a former Oxford University professor of international law, and author of the book *The Law of Nations: An Introduction to the International Law of Peace*, published in 1928 – almost 90 years ago in what perhaps is among the best textbooks on international law published in the 20<sup>th</sup> century. Brierly wrote that arbitration is useful as a means of settlement only when and as far as society has accepted the rule of law as its normal way of life. As present Japanese Prime Minister Shinzo Abe has stated, “Peace and prosperity in Asia forever, Japan for the rule of law, Asia for the rule of law, and the rule of law for all of us.”

