

Is China Reasonable and Trustful?: Lessons to Learn from the Senkaku Islands Incident (2)

By HARA Satoshi

3. Analysis of the Territorial Claims to the Senkaku Islands

3.1 Japan's claim

The second lesson is that the historical background of territorial rights over the Islands must be fully analyzed as the Chinese claim is essentially based on its argument that the Islands have been Chinese territory 'since ancient times'. In this respect, Japan's arguments go as follows:

In 1885 KOGA Tatsushiro (古賀辰四郎), a businessman, submitted an application to the Okinawa Local Government to allow him to use the Senkaku Islands for the purpose of harvesting fish, birds and other marine resources and to lease the Islands to him. The local Government consulted with the Japanese Central Government, which recognized the need to investigate the current state of the Islands as these islands are located between Japan and China. Even though the Okinawa Governors were of the opinion that the Islands were free from any foreign control and were aware that Koga actually started his business by building a pier and a factory on the Islands without any foreign intervention, the Central Government decided to take a rather cautious approach by continuing investigation in the meantime. Such investigation included the sending of an official mission to the Islands by the ship called "Izumo-maru (出雲丸)".

Upon repeated requests by the Okinawa Governors to install an official landmark on the Islands, the Central Government maintained the same position as above for ten years until December 1894, when a proposal was submitted to the Cabinet to officially recognize and decide that the Senkaku Islands were *terra nullius* or 'land belonging to no one'. On January 14, 1895, the Japanese Cabinet formally decided to incorporate the Islands into the territory of Okinawa Prefecture.

Since then, the Senkaku Islands have continuously and peacefully been the territory of Japan, which was not challenged until 1971 for more than three quarters of a century. Even after the defeat of Japan in the Second World War in 1945, neither Taipei (the Republic of China) nor Beijing (the People's Republic of China) made any

territorial claim over the Senkaku Islands. Also, the Islands were under the administration of the United States as parts of the Okinawa islands for the period from 1945 to 1972, during which time Okinawa was occupied and governed by the United States. The Senkaku Islands were even used as a site of military training by the US forces.

3.2 *China's claim*

On the other hand, the Chinese arguments seem to go as follows:

From 1372 the Ming Dynasty started to send its official mission to Ryukyu (琉球, presently Okinawa), then an independent state of both Japan and China. In 1534 the eleventh mission led by CHEN Kan (陳侃) was sent, who made a report on his voyage, in which the names of islands including Diaoyu were recorded. Subsequently similar reports recorded these names in the same way. On the basis of these documents Taipei and Beijing insist that the Diaoyu (Senkaku) Islands were the territory of the Ming and Qing Dynasties and by no means *terra nullius*. Also, they cite the map made in 1785 by HAYASHI Shihei (林子平), a Japanese, in which the Diaoyu Islands are colored in red, the same color as the one used for the mainland China, whereas the Ryukyu Islands are colored in brown. They argue that this is the evidence that at that time Japan acknowledged the Islands as part of China.

On the above grounds China asserts that Japan's inclusion of Diaoyu Islands in the Okinawa Prefecture in January 1895 was a stealing of the Islands almost at the end of the Sino-Japan War of 1894-95, and that these Islands must be returned to China together with Taiwan and the Penghu Islands (澎湖列島) in accordance with the Potsdam Declaration of 1945.

3.3 *Japan's counterargument: Historically the Senkaku Islands were terra nullius*

The above argument by China is virtually the same as the paper called "History of Senkaku/Daiouyu Islands" written by INOUE Kiyoshi (井上清), a Japanese scholar, in 1972. However, Inoue's arguments were clearly and logically rebuffed by OKUHARA Toshio (奥原敏雄), another Japanese scholar, in the detailed manner in the 1970's. Let's see his arguments.

The first aspect of Okuhara's arguments relates to the historical documents Inoue and China quote. Okuhara states that the international law requires "effective control", i.e., concrete and direct state actions to govern a territory, in order to claim a territorial right over such a territory. The documents China quotes, such as the reports by CHEN Kan and others, are merely the record of their travel to Ryukyu and simply indicate that Ryukyu pilots aboard the ship told the Chinese mission leaders that the Diaoyu Islands were used as markers for the safe voyage. The pilots also told

the Chinese missions that after the ship passed the easternmost island (presently Taisho Island (大正島)) of the Diaoyu Islands, they could see the territory of Ryukyu. What is clear by these reports is that, firstly, the Chinese missions who visited Ryukyu absolutely needed the assistance of the Ryukyu pilots who were far more experienced and knowledgeable than Chinese about the voyage between Ryukyu and Fujian (福建, China) due to their traditional trade activities, and that without their assistance Chinese missions could not even sail safely in this area; secondly, the Diaoyu Islands were not the territory of Ryukyu; and thirdly, there is no mention in any reports that the Diaoyu Islands were governed and controlled by China or were Chinese territory. Rather, the reports indicate that these islands were apparently *terra nullius* and simply used as voyage markers.

China and the Inoue paper assert that the Diaoyu Islands were historically part of Taiwan. But, according to the Qing Dynasty's official documents on Taiwan issued in 1696 and 1765, it was in 1683 that for the first time Taiwan was officially incorporated into Fujian, China. Before this incorporation, Taiwan was regarded by China as the area beyond the Chinese civilization. Therefore, when CHEN Kan and other Chinese missions traveled to Ryukyu, sighted the Diaoyu Islands and recorded these names before 1683, neither Taiwan nor Diaoyu Islands were Chinese territories. Moreover, the maps attached to the above official documents on Taiwan show an islet which is located in the present City of Keelung (基隆) as the northernmost boundary of Taiwan. Interesting to say, Keelung was first built by the Spanish as Fort San Salvador in the early seventeenth century and then the Dutch took it over and controlled until 1668. Other Chinese documents on Taiwan including the one of 1871 recorded this islet in Keelung as the northernmost place of Taiwan. These facts tell us that before 1871 the territories of Taiwan did not cover the Senkaku Islands nor even other presently Taiwan's islets such as Pengjia Islet (彭佳嶼) located about 30 km north of Taiwan and about 150 km west of the Senkaku Islands. Actually, it was only in 1905 that these presently Taiwan's islets were for the first time annexed to Keelung City of Taiwan under the Japanese authority in Taiwan.

As to the map of 1785 by Hayashi in which both the mainland China and the Senkaku Islands were colored in red, if one observes closely the whole series of maps made by Hayashi, it is immediately noticed that the various areas are colored randomly. Taiwan is colored in yellow differently from China although it was already incorporated into China in 1683. Manchuria is colored in the same color of green as Japan although it was not the territory of Japan. Korea and Mongolia are colored in the same color of yellow although they are completely different countries. Therefore, there is no ground for China to assert the territorial right over the Senkaku Islands by quoting Hayashi's map (See Appendix 1). Moreover, Hayashi was a private scholar and his maps had nothing to do with the official position of the then Tokugawa

Government.

As explained above, the Chinese arguments that the Diaoyu Islands were historically Chinese territories are groundless. What is essential is the Senkaku Islands were *terra nullius* in 1895 when Japan incorporated the Islands to the Okinawa Prefecture.

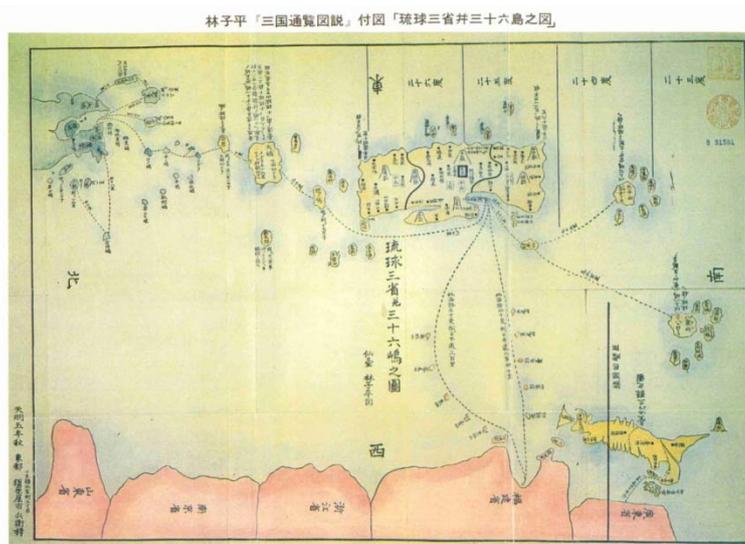
As to other Chinese historical claims, it is sufficient to say that according to the international laws, any territorial claim on the basis of “effective control” must be backed by direct, concrete and continuous control of the territory in question by the state authorities.

The Japanese Government began to indirectly express its wish to possess the Senkaku Islands around 1879 when some maps of the Ministry of Interior recorded the islands of Senkaku as parts of Okinawa. Around 1885 Koga Tatsushiro started to send workers to the Senkaku Islands to catch albatrosses for down feather and other marine resources. As stated earlier, upon request of the Okinawa Local Government, the Japanese Central Government made an official cabinet decision to incorporate the Islands into Okinawa in January 1895 after carefully investigating for ten years and confirming that the Islands were *terra nullius*. (Continued)

(This is an original contribution by Mr. HARA Satoshi, Culture Analyst, to “JFIR Commentary” on 27 January 2011. Mr. HARA is a Member of the Policy Council of JFIR.)

<Appendix 1>

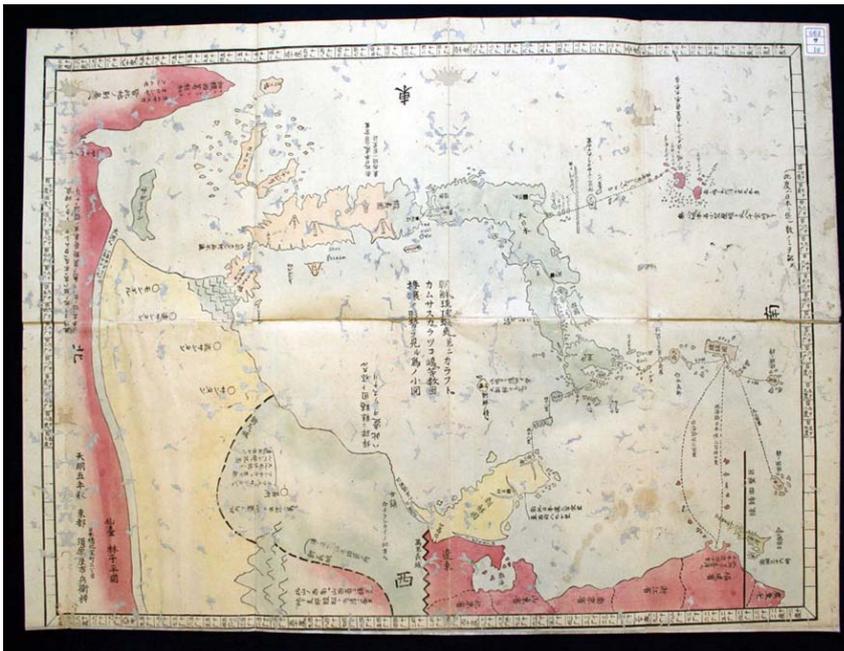
Maps made by HAYASHI Shihei (林子平) in 1785



The first map below shows Ryukyu (Okinawa) at the top in the color of pale yellow, and China (Qing) at the bottom in red. The two chains of islands between them are colored in red, and the right-hand side chain includes the Diaoyu Islands. Taiwan on the right-bottom is colored in yellow whereas Kyushu, Japan, on the left in green.

Source: <http://www.mahoroba.ne.jp/~tatsumi/dinoue16.html>

The second map below shows Japan and the periphery. Japan and Manchuria are colored in green, China and Siberia in red, and Korea and Mongolia in yellow.



Source: http://blogs.yahoo.co.jp/m_rosso04/19510840.html