

## Is China Reasonable and Trustful?: Lessons to Learn from the Senkaku Islands Incident (3)

By HARA Satoshi

### 3.4 *The legal principle of 'Estoppel' must apply to China*

The second important aspect of Okuhara's arguments is that since Japan incorporated the Senkaku Islands as *terra nullius* in 1895, China never protested against Japan's governance over the Islands till 1971. Rather, it accepted in its official documents and maps that the Senkaku Islands were the territories of Japan. Even after the end of the Second World War in 1945, neither Beijing nor Taipei made any territorial claims over the Islands until 1971 when they first and abruptly did so only after the UN Economic Commission for Asia and the Far East (ECAFE) published its report on the possible oil and gas reservoirs in the East China Sea in the end of the 1960's.

Let's examine how expressly China recognized that the Senkaku Islands were Japan's territory.

Firstly, the Japanese Government exerted its sovereign right over the Islands since 1895 by officially permitting Koga Tatsushiro to use the Islands for his marine businesses with tens of his workers residing in the Islands. Later in 1932 the Islands were sold by the Government and the Islands' ownership was transferred to KOGA Zenji (古賀善次), son of Koga Tatsusiro, who continued marine business operations and paid taxes to the Japanese authorities. All the relevant documents and ownership registry book are well kept in the public offices as well as in the owner's hands. During this period no claims were made by China at all. In addition to the above, the Japanese Government as well as the Okinawa Local Government conducted a number of official researches on the Senkaku Islands.

Moreover, in 1918 thirty-one fishermen and their family from the Fujian Province, China, were shipwrecked off the Senkaku Islands and rescued by Koga and his men and safely sent back home. The then Consul of the Republic of China in Nagasaki sent in May 1920 an official Letter of Appreciation to Koga and others, in which the Consul referred to the Islands as "Senkaku Islands, Yaeyama County, Okinawa Prefecture, Empire of Japan". This confirms that China at that time fully recognized that the Islands were Japanese territories.

Secondly, this understanding of China with respect to the Islands never changed even after the Second World War. On January 8, 1953, the People's Daily, an official newspaper of the Chinese Communist Party, carried a political commentary article on Ryukyu (Okinawa), in which it gives the geographical definition of the Ryukyu Islands and expressly includes the Senkaku Islands in the Ryukyu Islands. It even used the Japanese name of Senkaku and did not use the Chinese name of the Islands, that is, Diaoyu Islands (See Appendix 2).

Also, in 1960, the official Chinese map company in Beijing (北京市出版社), presumably present SinoMaps Press, published a map in which the Senkaku Islands were described as a part of Japan and the name of "Senkaku Islands" was printed rather than the Chinese name of Diaoyu Islands. In December 1972, this map was published by the same map company in the modified version, in which the names of the Senkaku Islands were changed to the Chinese names (See Appendix 3). According to Okuhara, the map describing Provinces of the People's Republic of China published in China in 1964 shows the Pengjia Islet (彭佳嶼, mentioned above) located between the Senkaku and Taiwan as the northernmost place of Taiwan, thereby excluding the Senkaku from the territory of Taiwan.

Among the maps published in Taiwan, the "World Atlas Vol. 1 (世界地圖集)" published jointly by the Defense Research Institute (國防研究院) and the China Research Institute of Geoscience (中國地學研究所) in 1965 printed the Japanese name of "Senkaku Gunto" meaning the Senkaku Islands as well as the Japanese name of each island of the Senkaku in the Roman alphabets. Also the map in the textbook of geography for secondary schools published in 1970 clearly shows the "Senkaku Gunto (尖閣群島)" as territories of Japan (See Appendix 4).

Therefore, it is unequivocally clear that both Beijing and Taipei recognized the Senkaku Islands as the Japanese territory.

As explained earlier, since the Senkaku Islands were not included in Shimonoseki Peace Treaty between Japan and the Qing Dynasty in 1895, the Islands did not constitute a part of the territory, namely in this case Taiwan and the Penghu Islands, which Japan renounced under Article II of the San Francisco Peace Treaty of 1951. Furthermore, under Article III of the same Peace Treaty, the Senkaku Islands were placed under the US Administration as part of the Nansei Shoto Islands (Okinawa Islands). The administrative rights over the Nansei Shoto including the Senkaku Islands were reverted by the United States to Japan in 1972.

Since the incorporation of the Senkaku Islands in 1895 until 1971, China including the People's Republic of China and the authority of Taiwan made no claims to Japan with respect to the Islands. On the contrary, they acknowledged the Islands as the Japanese territory as explained so far. Therefore, the legal principle of 'Estoppel

(禁反言)' must apply to China which failed to claim the Islands for very considerable duration of more than seventy-six years.

#### **4. Encouraging Chinese to Build a Reasonable and Trustful Nation**

The Chinese story of the “Monkey King” or Sun Wukong (孫悟空) is one of the favorite stories among children in the world. One impressive scene shows that the Monkey King being very proud of his magic wand demonstrates his power by flying thousands of miles in a few seconds. In reality, however, he can fly only over the area of the palm of Buddha and can never get out of it. When we observe anti-Norway campaign or anti-Japan demonstrations in China, they remind us of this story. They appear to indicate that the Chinese people criticizing and demonstrating against Norway or Japan can do so only as far as the Chinese Communist Party allows them to do. The reason is obvious. While tightly controlling the press and the Internet, the Communist Party can provide the Chinese people with limited and selected information that is only favorable to it. The recent Nobel Prize incident is a good example, where foreign TV news broadcast in China reporting this wonderful news were blacked out for the domestic Chinese audience.

It is my opinion that we in the democracies of the world must exert our good endeavor to convey to Chinese citizens our willingness to welcome a reasonable and trustful China in our international community of today. We must encourage them to get fully aware of and honor the existing international rules and regulations as well as the universal values including human rights by providing them with true and correct information as much as possible. After all, we are living on the same globe and it is our duty to make China, either the people or the Communist Party, a responsible partner in our world. (End)

**(This is an original contribution by Mr. HARA Satoshi, Culture Analyst, to “JFIR Commentary” on 28 January 2011. Mr. HARA is a Member of the Policy Council of JFIR.)**



## <Appendix 3>

### (1) The “World Atlas” published in China in April 1960

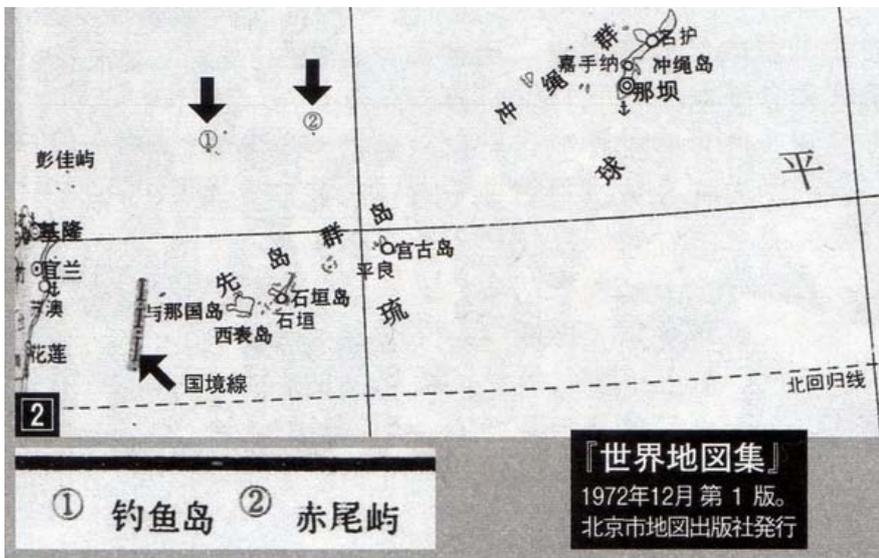


The “World Atlas” published in April 1960 by the official Chinese map company in Beijing (北京市地圖出版社), presumably present SinoMaps Press, described the Senkaku Islands as a part of Japan with the name of “Senkaku Islands” instead of the Chinese name of Diaoyu Islands.

Source: mizumajyoukou (水間政憲) Mizuma Masanori

<http://mizumajyoukou.jp/?Mizuma%2FScoop%2F01%2F01>

### (2) The same “World Atlas” published in December 1972



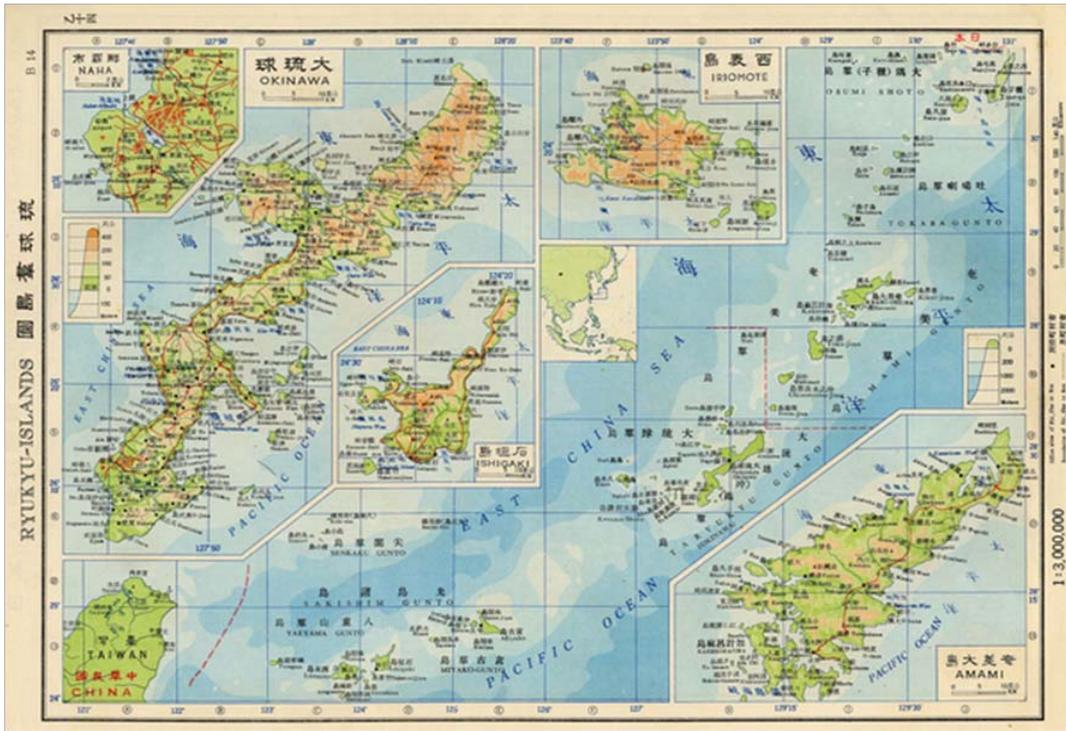
The same map company published a new version in 1972 which described the Senkaku Islands by using the Chinese names of Diaoyu Island (釣魚島) ① and 赤尾島 ②.

Source: Weekly Post dated October 15, 2010.

## <Appendix 4>

### (1) “World Atlas Vol. 1” published in Taiwan between 1959-1972

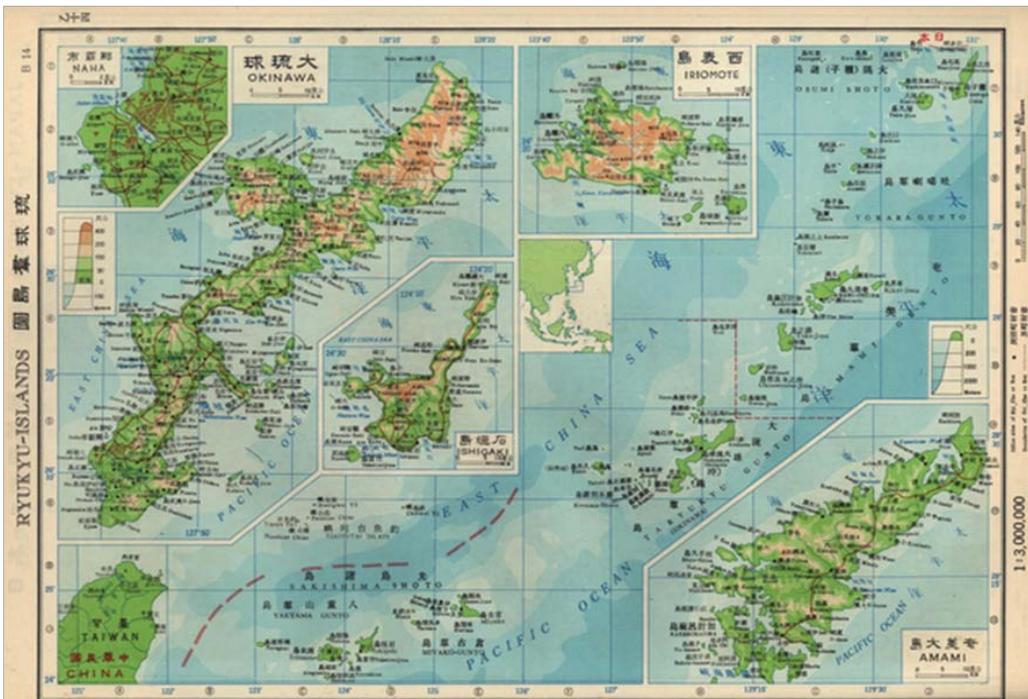
The “World Atlas Vol. 1” published between 1959~1972 jointly by the Defense Research Institute (國防研究院) and the China Research Institute of Geoscience (中國地學研究院) printed the Japanese name of “Senkaku Gunto” both in Chinese ideogram and Roman alphabets meaning the Senkaku Islands. The territorial boundary (red dotted line) was drawn in red between Taiwan and the Senkaku.



Source: PIXNET, <http://richter.pixnet.net/blog/post/18881937>

(2) The same “World Atlas Vol. 1” published in 1972

The same “World Atlas Vol. 1” published in 1972. The names such as “Senkaku Gunto” were changed to the Chinese names. Also the territorial boundary (red dotted line) was moved to the new location between the Senkaku Islands and the Okinawa Islands.



Source: Same as above.