

The Senkaku Islands Constitute an Intrinsic Part of Japan

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1. Inherent territory

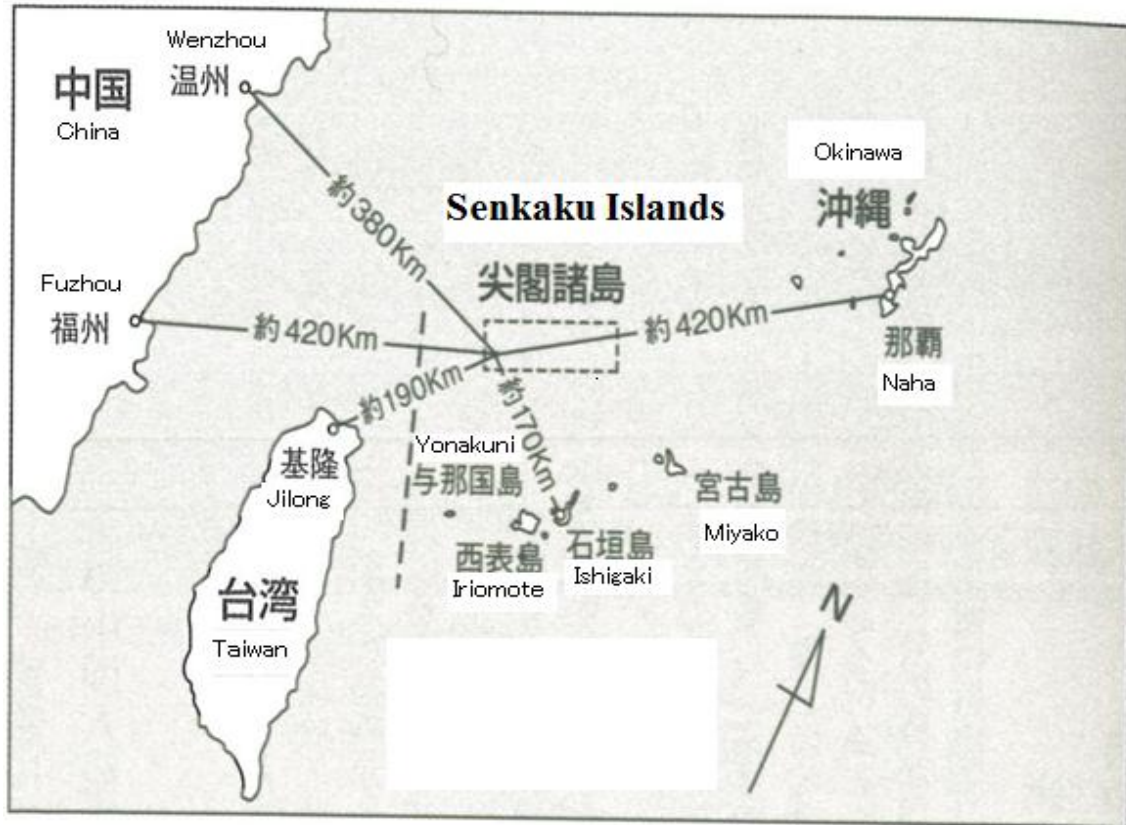
There can be no doubt that the Senkaku Islands are an inherent territory of Japan. However, being an inherent territory does not necessarily mean that the islands had belonged to Japan since ancient times. The islands were originally *terra nullius* (land belonging to no one). Situated in a remote area of the ocean, the islands had, for eons, remained uninhabited. There were no fishing activities in the sea around the islands, though the islands were used as markers for navigational purposes. No countries administered the islands as their territory, nor were they part of the territory known as the Ryukyu Kingdom.

The Government of Japan conducted surveys of the Senkaku Islands for nearly a decade and confirmed that the islands were in a state of *terra nullius*. Based on survey findings, the Government of Japan incorporated the Senkaku Islands into the territory of Japan in 1895 by exercising the rights of acquisition through occupation based on modern international law. To this exercise of rights, no objections were expressed at the time by the Qing Dynasty, or by the Republic of China or People's Republic of China over the decades that followed. Moreover, before 1970, both the Republic of China and People's Republic of China had acknowledged the islands as the territory of Japan, in writing, in official statements (e.g., a letter of appreciation for rescuing distressed fishermen), and in maps made with the approval of the governments, as well as in the party newspaper, People's Daily. (These facts are detailed later.) The provisions of international law, together with a legitimate occupation by Japan, serve to support Japan's sovereignty claims over the islands. That is why the Senkaku Islands comprise an inherent territory of Japan.

2. The History of Japan's Possession of the Senkaku Islands

The Senkaku Islands consist of a group of small islands, which lie scattered in the ocean approximately 420 km from Fuzhou, Fujian province, China, 190 km from Keelung, Taiwan, and 170 km from Ishigaki Island, Okinawa prefecture, Japan. (See map on the next page.) Though the islands had been uninhabited from ancient times, they did play an important role as navigational markers for routes between the Ryukyu Islands and mainland China and other Southeast Asian locations such as An Nam (currently the central-to-northern part of Vietnam), Luzon Island, and Java Island and, as such, had appeared on ancient maps.

Location of Senkaku Islands



Senkaku Islands



Oshiro Nagayasu, an official of Misatomagiri, Okinawa was the first person to conduct surveys of the islands by viewing them not only from a distance but by landing on the shores of Sekibisho Island, Kuba Island, and Uotsuri Island to study their topographical features, vegetation, and birds. Beginning in 1859, Oshiro conducted several surveys as part of his journeys to and from visits made to China during the Qing Dynasty. The survey findings were reported to the governor of Okinawa by Hyogo Osawa, also an official of Okinawa.

Years later, these survey reports would play significant roles as reference documents, because the situation surrounding the islands was to change dramatically. Ships equipped with advanced technologies would make deep-sea fishing possible, leading to the discovery that areas around the islands were fertile fishing grounds. It was also found that the islands possessed abundant resources including short-tailed albatross. As fishing became possible in the region, and resources on the islands likewise became available for harvesting, the need for knowledge about the islands rose.

In 1884, Koga Tatsushiro from Fukuoka, Japan sailed around the Senkaku Islands and landed on the island of Koubishu (known as Huangwei Yu Island by China), now known as Kuba Island by Japan. Shortly after his initial encounter, Koga began harvesting the albatross feathers, fish, and shells of the Senkaku Islands using Ishigaki Island as his base. And, in 1885, Koga sent a letter to the governor of Okinawa requesting permission to develop the island of Koubishu.

In January 1885, the Ministry of Home Affairs of Meiji Government ordered Okinawa prefecture to conduct surveys on “the uninhabited islands scattered between Okinawa, Japan and Fuzhou, Fujian, China,” that is, the Senkaku Islands. After examining Osawa’s reports made to Okinawa prefecture that were based on Oshiro’s aforementioned survey findings, Sutezo Nishimura, the then-governor of Okinawa, sent a letter on September 22 of that year to the minister of Home Affairs, stating that though the incorporation of the Senkaku Islands into the territory of Okinawa would not cause problems, he wished to conduct more field surveys. Meanwhile, Nishimura ordered Osawa to conduct further field surveys. In October of 1885, Osawa boarded the Izumomaru with an assistant police inspector and three other officials to oversee further field surveys. On November 4, Osawa submitted detailed reports to Nishimura. In addition, the captain of the Izumomaru also submitted his own report. Based on the reports, governor Nishimura sent a second letter, dated November 5, to the minister of Home Affairs proposing the erection of national territorial markers on the islands to indicate their incorporation by Okinawa prefecture.

On October 9, 1885, then-minister of Home Affairs, Yamagata Aritomo, prepared a proposal regarding the Senkaku Islands for a Daijo-kan (the Department of State for a brief period during Meiji Restoration) meeting. His stance was that because there was no evidence suggesting that “the uninhabited islands adjacent to Miyako Island and Yaeyama Island” belonged to the Qing Dynasty, it should not be a problem for the Okinawa government to construct national territorial markers on the islands. Then-minister of Foreign Affairs, Inoue Kaoru, responded that it would be better to refrain

from such action until further field surveys could be completed and reported upon. Otherwise, “the Qing Dynasty might harbor suspicions.” Inoue’s judgment was clearly based on a fear of the powerful Qing Dynasty. In fact, his caution is more clearly understood in view of an incident which occurred six years later in 1891. At that time, Japan exercised its rights of acquisition through occupation on Iwo Island, only to raise the ire of Spain. Despite repeated requests from the Okinawa governor in late 1885, the decision to erect national territorial markers was put on hold.

In contrast to the caution used in postponing formal possession of the islands, the situation in real world was evolving rapidly.

In examining maps from the period, we see the map “Dai Nihon Zenken Chizu” (Map of Japan’s Prefectures) Matsui Chube, ed., published in 1879, showing Wahei Island (Uotsuri Island), Sekibisho and Kobisho as Japanese territory. In another map, “Dai Nihon Zendo” (Map of Japan) Yanagida Takeshi, ed., published in the same year, the Senkaku Islands were drawn as part of the Okinawa Islands. Furthermore, the maps “Nihon Okinawa Miyako Yaeyama Shoto Midorizu” (Map of Japan’s Okinawa, Miyako, and Yaeyama Islands) Kada Sadakazu ed., published in 1885, “Dai Nihon Sokuryo Zenzu” (The Survey Map of All Japan) Shimomura Takamitsu, ed., published in 1886, and “Yogo Sonyu Dai Nihon Kyo Chizu” (Map of All Japan with English-language Inserts) Yoshikawa Hideyoshia, ed., published in the same year, all contain wording that treat the Senkaku Islands as part of Japanese territory. The drafting of these maps, though privately sponsored, was approved by the Ministry of Home Affairs.

As for government publications, Uotsuri Island is mentioned on the map “Dai Nihon Fuken Kankatsu Zu” (Map of Japan’s Prefectural Jurisdictions) published in 1879 by the Geography Division, Ministry of Home Affairs. And, the Senkaku Islands appear on the map “Kanei Suiro-shi” (The Hydrographic Journal of Japanese Territorial Waters) published in 1886 by the Hydrographic Department, Imperial Japanese Navy.

On January 13, 1890, the governor of Okinawa sent a letter to the minister of Home Affairs asking permission to construct national territorial markers on the islands, reasoning that Okinawa needed to include the islands into Yaeyama city’s jurisdiction, enabling the jurisdiction to crackdown on illegal seafood harvesting activities as fishing had become active around the islands.

On November 2, 1893, the governor of Okinawa sent another letter of request to both the minister of Home Affairs and the minister of Foreign Affairs stating that, “as fishing has become active around the Senkaku Islands, we need to crackdown on illegal activities, and therefore, we would like to build territory markers and incorporate the islands into Okinawa prefecture.”

In response to the requests, on December 27, 1894, the ministers of Home Affairs and Foreign Affairs held discussions on the issue and decided to announce their decision at an upcoming cabinet meeting. Their decision was to territorialize the islands and was adopted at a cabinet meeting on January 14, 1894. On January 22, the government

instructed the governor of Okinawa to go ahead and erect national territorial markers. This was two months prior to the initiation of the Japanese-Sino War peace conference in March, and three months prior to signing the Treaty of Shimonoseki on April 17.

At the peace conference, the Senkaku Islands were not mentioned. This is because the islands were not part of Taiwan's annexed islands. The Senkaku Islands were excluded when Taiwan, and its annexed islands, and the Penghu Islands were ceded to Japan.

As a case in support: the "Qing Hui Dian" (Great Qing Code) was compiled in 162 volumes by Qing Dynasty in 1668. A revised version in 1899 incorporated a map of all Taiwan, a map of Taiwan's provinces, a map of the Tainan region, and a map of the Taidong region. (Taiwan had already been ceded to Japan by then, but these maps were original versions.) The maps identified the annexed islands, but not the Senkaku Islands. This is because the Senkaku Islands were not part of Taiwan's annexed territory, let alone being the annexed territory of Fuzhou, some 400 km away. Moreover, maps showing Fuzhou with the islands did not exist.

Therefore, the claim that Japan seized the Senkaku Islands as part of its victory in the Sino-Japanese War, or that the islands were grabbed in the chaos is utterly groundless.

As described earlier, the Japanese government carefully investigated to confirm the condition of *terra nullius*. Furthermore, it became clear that the sea around the islands had become fishing grounds for Japan. In considering these facts, the Japanese government responded to the local government's requests and made the decision to exercise rights of acquisition through occupation on the Senkaku Islands. The process for territorializing was flawless. And, that is why no countries expressed an objection at the time or after, until 1970.

3. The Effective Control and Development of the Senkaku Islands

As part of the cabinet decision of January 14, 1895, the Okinawa governor was ordered to erect national markers on the Senkaku Islands. By Imperial Decree No. 13 issued on March 5, 1896, the islands were formally incorporated into the Yaeyama Islands on April 1, 1986, becoming Japanese territory and having the names Minami-kojima, Kita-kojima, Uotsuri-jima, and Kuba-jima.

Koga Tatsushiro, having failed in his first attempt to obtain government permission for the economic development of Koubisho Island, tried repeatedly over the years to lease the islands. On June 10, 1895, he again asked to lease the four state-controlled islands. Finally, he received approval from the minister of Home Affairs for leasehold rights of the four islands with a lease term of 30 years.

Shortly thereafter, Koga brought dozens of people to the islands of Uotsuri and Kuba and began developing the land. But attracting large numbers to migrate was not easy since the islands lie solitary in the distant sea, and people were simply afraid of the

dangerous conditions. Furthermore, it was impossible for boats to dock, making it difficult to load/unload people and goods. Koga chartered ocean-going fish boats, but the boats could not go near the shore and had to anchor a distance from the shore of each island. Then, multiple round trips were needed between the boat and shore to transport people and goods using small dugout canoes. This was not the only difficulty Koga faced. In addition, he had to protect the settlers, supply food & shelter, resolve sanitation issues, treat and care for the infirm, rescue people from disaster, and more.

In 1900, Koga went to Tokyo to seek guidance from Minosaku Jukichi, a doctor of science at Tokyo Imperial University. Through Dr. Minosaku's referral, Koga met Miyajima Mikinosuke, who had a bachelor of science degree from the same university. Later, Miyajima would travel to the Senkaku Islands to give Koga field instructions on civil engineering and other matters. Another advisor to visit the islands was Kuroiwa Tsuneo, a teacher at the Okinawa Normal School. With their assistance and in consideration of all things, Koga finalized the basic policies of development as described below.

1. Restrict excessive hunting and over-exploitation while making efforts toward proliferation to protect species from extinction.
2. Build houses to shelter settlers.
3. Build piers for boats to dock and facilitate transportation between water and land.
4. Install catchment tanks on Kuba Island, because of the island's lack of fresh water resources.
5. Build roads and construct infrastructure for waste disposal and meet other sanitation requirements.

In line with the policies, civil works were carried out for small port development that included loading/unloading yards, docks, roads, waste treatment facilities, and dikes.

In 1906, Koga built three bonito fishing boats, hired dozens of fishermen and dried bonito makers from Miyazaki prefecture and ventured into the bonito business.

In 1907, he imported thirty thousand camphor seedlings from Taiwan to plant on Uotsuri and Kuba. They grew successfully.

From 1905 onward, he launched a taxidermy business for stuffed noddies, brown boobies, and other waterfowl targeting sales to the Yokohama and Kobe areas. The business boomed and export volumes totaled 200,000 birds in 1907 and 400,000 birds in 1908.

As the years passed through the Meiji, Taisho, and Showa eras, the Koga family engaged in many industries in the islands including the following.

1. Gathering bird feathers, stuffing waterfowl
2. Gathering fish (mainly shark fins), seaweeds, seashells, and turtle shells
3. Fishing bonito, manufacturing dried bonito for broth
4. Forestry
5. Cultivating fields

6. Harvesting coral
7. Mining phosphorous, collecting bird droppings
8. Canning

In 1908, on Uotsuri and Kuba combined, the fields under cultivation totaled about 60 hectares, with 99 houses and 248 residents. As an interesting side note, the address for Uotsuri island was 2392, Aza Nobori-no-jo, Ishigaki City, Okinawa, Japan.

In 1910, in recognition of his achievements and contributions, Koga Tatushiro was awarded the Medal of Honor with Blue Ribbon. After his death in 1918, development projects for the islands were carried out by his son, Koga Zenji. During the Koga leasehold, more than 200 Okinawans, on average, lived on Uotsuri island, striving for industry development. And, during that period, researchers from the private and public sectors, often working in cooperation, carried out many surveys and studies in the islands. As a consequence, numerous academic research reports were published.

In 1932, the minister of Home Affairs approved the sale of the Uotsuri, Kuba, Minami-kojima, Kita-kojima to Koga Zenji. In 1940, as the second Sino-Japanese War intensified, the oil supply to the islands was halted. The Koga family and their employees were forced to leave the islands temporarily and move to Naha city and Ishigaki island. After the war, the islands became uninhabited. However, even under US occupation, the Koga family kept paying property taxes to the Okinawa government, and the family remained the acknowledged property owner. Today, the Kurihara family of Saitama city owns the Koga estate. It is said that the Kurihara family bought the islands on the condition that the islands be left undeveloped forever as a nature conservation site.

As we have seen so far, the Senkaku Islands, once *terra nullius*, were claimed as a territory under international law, became the Japan's territory, and saw development progress during a period of inhabitation. After the reverse migration of the residents as well as during the period of US military occupation, the Government of the Ryukyu Islands under the auspices of the United States Civil Administration of the Ryukyu Islands administered the effective control of the islands. This is elaborated upon in section 4.

4. The Senkaku Islands under U.S. Occupation

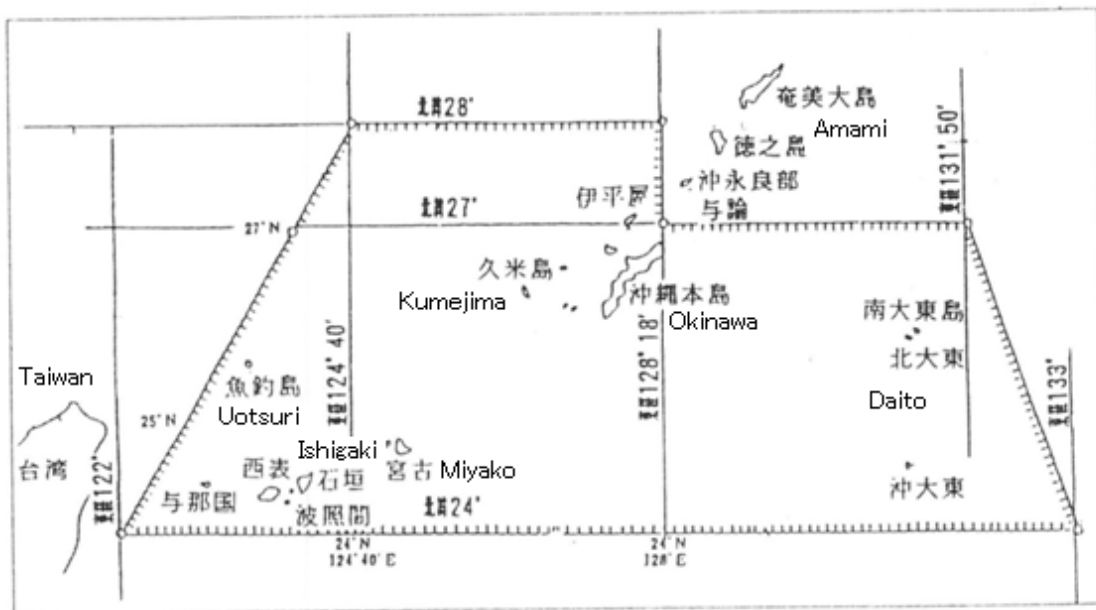
In a General Headquarters, Supreme Commander for the Allied Powers (GHQ/SCAP) memorandum dated January 29, 1946, the islands lying south of 30 degrees north latitude including the Amami-oshima Islands were excluded from Japanese jurisdiction. The Senkaku Islands belonged to this category.

According to the Law Concerning the Organization of the Gunto Governments enacted on September 1, 1950, Taisho Island was incorporated in the Miyakojima Islands, and the remaining Senkaku islands were incorporated in the Yaeyama Islands.

On April 1, 1952, the Government of the Ryukyu Islands under the auspices of the United States Civil Administration of the Ryukyu Islands was established to exercise control over four island groups: Amami, Okinawa, Miyako, and Yaeyama. Under the provisions of the Government of the Ryukyu Islands, the political and geographical jurisdictions were designated as the areas falling within the following boundaries:

28° North Latitude, 124°40' East Longitude; thence to
 24° North Latitude, 122° East Longitude; thence to
 24° North Latitude, 133° East Longitude; thence to the point of origin.
 (Some points are not shown.)

Pursuant to the return of the Amami Islands to Japan in the following year, the United States Civil Administration of the Ryukyu Islands designated the geographical boundaries of the Ryukyu Islands in the Civil Administration Proclamation No. 27 of December 19, 1953. This included a re-designation of the boundaries drawn in the previous year as described above, excluding the Amami Islands. (See the boundaries in a map below.) As the bold lines indicate, Uotsuri Island and the other Senkaku islands are inside the boundary line connecting a point at 28° north latitude, 124°40' east longitude at the top left to a point at 24° north latitude, 122° east longitude at the bottom left. Thereafter, this boundary line was consistently observed by the U.S. Military. This is clear evidence that the Senkaku Islands were included in the territory of Okinawa while under U.S. occupation. The territories described in the documents annexed to the Okinawa reversion agreement signed on June 17, 1971, and effectuated on May 15, 1972 were part of this proclamation.



Geographical boundaries of the Ryukyu Islands (Source: U.S. Civil Administration Proclamation NO. 27, 1953)

In 1951, the U.S. Military designated Kuba Island and Taisho Island as military reservations to be used for artillery ranges. The U.S. Military entered into an agreement with Koga Zenji on acquiring the leasehold interest of the islands for military use. The military had been paying the leasehold fees. A copy of lease contract is shown below.

久場島の軍用地基本賃貸借契約書
(1958.7.1)

GRI Nr. 183-1
琉球政府番号

BASIC LEASE
基本賃貸借契約書

THIS LEASE, made pursuant to the provisions of HICOM Ordinance Nr. 20, "Acquisition of Leasehold Interest," dated 12 February 1959 and made effective 26 January 1959, 12日付高等弁務官布令第20号「賃借権の取得について」の規定に従い

this 28 day of JAN, 19 60, between KOGA, ZENJI

19 60 年 1 月 18 日 東京都北区港野川7の46

whose address is TOKYO-TO, KITA-KU, TAKINOGAWA, 7-46

に居住する

, hereinafter called the

古賀善次

(以下賃貸人という)と

Lessor, and the Government of the Ryukyu Islands, hereinafter called the Ryukyuan Government, provides that:
琉球列島政府(以下琉球政府という)との間に締結され、次のとおり規定する。

1. The Lessor, in his capacity as ATTORNEY-IN-FACT
(owner or otherwise)

賃貸人は代理人(所有者又はその他の権利)として、この契約書の末尾に表示された土地をここに琉球政府に賃貸する。

2. The Ryukyuan Government is authorized to sublease said land to the United States of America under a master lease. The termination of such master lease, insofar as it pertains to the land described at the end of this lease, shall constitute a termination of this lease. 琉球政府は総括賃貸借契約の下に当該土地をアメリカ合衆国に転賃する権限を有する。総括賃貸借契約の終了は、それがこの契約書の末尾に表示された土地に関する限り、この契約の終了となる。

3. The term of this lease shall begin 1 July 1958 and shall continue indefinitely, or until this lease is terminated in accordance with paragraph 2 above. この契約の期間は1958年7月1日に始まり、不定期間又は上記第2項により終了するまで継続する。

4. (Alternate Nr. 1) The Ryukyuan Government shall pay to the Lessor upon the execution of this lease the sum of

(代替第1) 琉球政府はこの契約の締結に際して 58 年 7 月 1 日から
1959年6月30日までの借賃として米弗五千七百六拾参弗九拾貳仙
(5,763弗92仙)を

Leasehold agreement for military use

In 1961, Ishigaki city sent 11 surveyors to the Senkaku Islands to classify the land.

As we have learned in this section, the Senkaku Islands were recognized as part of Okinawa by the U.S. Military, while the islands were administered by the Ishigaki city office. However, after the islands again became uninhabited, their territorial waters were not fully safeguarded. Beginning in the early 1950s, illegal fishing activities by Taiwanese fishermen were reported. This is, in part, because Taiwan considered the Senkaku Islands to be in a state of *terra nullius*.

Beginning around 1968, Taiwanese workers made illegal landings on the islands and engaged in the salvage of sunken ships. Labeling them criminal trespassers, the Government of Ryukyu admonished the trespassers and ordered them to leave the islands.



The jurisdiction marker erected on Uotsuri Island by Ishigaki city (1969)

On May 9, 1969, the governor and officials of Ishigaki city traveled to five islands-- Uotsuri, Kuba, Taisho, Kita-kojima, and Minami-kojima--to erect concrete markers which indicated that the islands were within the jurisdiction of their city. A photo of one marker is shown above.



The warning sign installed by the Government of the Ryukyu Islands (1970)

In 1970, following instructions from the U.S. Army, the Government of the Ryukyu Islands erected warning signs stating that, “entry into the Senkaku Islands by non-

residents of the Ryukyu Islands is prohibited.” A photo of a sign showing the statement is shown above. In light of this case, it is easy to understand that effective control of the islands remained intact while under U.S. Military occupation.

Furthermore, the fact that numerous surveys had been carried out by authorities from Okinawa and Japan lends to the evidence that the Senkaku Islands were not abandoned by Japan but had remained under its effective control.

- 1950 – 1970: Five ecological surveys by Ryukyu University
- 1968: A survey on subsurface resources, water quality, seabirds, and vegetation by a joint research team comprised of researchers from General Administrative Agency of the Cabinet (Japan), University of Ryukyu, and the Government of Ryukyu.
- 1969 and 1970: Surveys on marine geology by the first and second academic research teams from General Administrative Agency of the Cabinet (Japan)
- 1970: A survey on geology, biota, seabirds, marine life, and insects by a joint team comprised of researchers from Kyushu University and Nagasaki University.

Further, in 1961, Omisha Tsunehisa, a resident of Naha City began conducting assessments of the oil and natural gas deposits in waters surrounding the islands of Okinawa, Miyako, and Yaeyama. By February 1969, he had submitted a total of 5219 applications to the Japanese government for the mining rights in waters surrounding the Senkaku Islands. In December of that year, Omisha submitted detailed reports on the oil deposit situation for the Senkaku Islands and nearby continental shelf. In the wake of these developments, the Japanese government launched its own survey teams.

Meanwhile, the United Nations Economic Commission for Asia and the Far East (ECAFE) conducted its own surveys of the waters. In 1968, ECAFE published its survey findings, which noted the possible existence of resources below the seabed surrounding the Senkaku Islands. Thereafter, China and Taiwan suddenly emerged to claim the Senkaku Islands as their territory. These claims coincided with the formal return of Okinawa to Japan.

5. China’s Claims Ignore Modern-day International Law

With the release of the ECAFE survey report, the Chinese government suddenly asserted its claim of sovereignty over the Senkaku Islands, acting as if its prior recognition of the islands as Japan’s territory did not exist. On December 30, 1971, China officially stated its claim to sovereignty over the Daiyou Islands and, in the following March, mentioned its sovereignty at a maritime committee conference of the U.N. China stated that it would not accept a return of the islands to Japan as spelled out in the Agreement between the United States of America and Japan Concerning the Ryukyu Islands and the Daito Islands. China’s argument is outlined below.

1. The Daioyu Islands, as the Senkaku Islands are known in China, have been part of China's territory from antiquity.
2. China will recover the Daioyu Islands as they are attached to Taiwan.

The grounds for these claims are as follows.

- 1) China discovered the Daioyu Islands first and incorporated them into China's territory.
- 2) Because China discovered the Daioyu Islands first, even if *terra nullius*, they cannot be occupied for the purpose of acquisition through the occupation principle. Uninhabited islands cannot simply be considered as *terra nullius* for the purpose of acquisition through occupation.
- 3) Historical records of imperial Chinese missions to its tributary state, the Ryukyu Kingdom, substantiate China's relationship with the Daioyu Islands.
- 4) The Ming Dynasty incorporated the islands into a coastal defense area of Fujian province, China in 1556.
- 5) Xi tai hou (Chinese: 西太后, China's then-Empress Dowager) conferred the islands to Sheng Xuanhuai in 1893.
- 6) The Daioyu Islands appertain to Taiwan in terms of geological structure.
- 7) Under the Bakan Treaty (also known as the Shimonoseki Treaty), Taiwan and its attached islands were ceded to Japan. Therefore, all the islands, including the Daioyu Islands as falling into this category, should be returned to China.

<Counter arguments>

None of China's arguments is based on historical fact, nor have the arguments any validity whatsoever under modern international law. That has been shown explicitly in the earlier sections where the explanation on the process of how the islands came to be the territory of Japan was discussed. Now, the counter arguments will be expounded upon.

1. As for argument 1 that the Daioyu Islands were China's territory from ancient times, the argument is negated by the fact that the Senkaku Islands were never included as part of the Qing Dynasty's territory during the period before Japan claimed its sovereignty over the islands. The last version of the *Qing Huidian* (1889), the statutory encyclopedias of the imperial dynasty, contains a map of Taiwan, a map of Tainan City, and a map of Taitung. All of these maps include the islands attached to Taiwan, but none show the Senkaku/Daioyu Islands. This fact, alone, renders the argument moot. The precedents of ancient maps edited by Chinese and containing the Senkaku Islands do not afford any grounds for China's claim under international law. The reason is simple: unless the islands are contained in the maps as part of China's territory, the maps cannot be used as a basis for the claim.

In an article published in the Sankei Shinbun on November 4, 2010, Shimojo Masao, a professor at Takushoku University, reported discovering that the

northeastern region of Taiwan and the current Keelung City was described with the Chinese characters “雞籠城”, pronounced Jilongcheng, in the *Da Qing Yitong Zhi*, a geographical document compiled by imperial rescript of the Qing Dynasty. The fact that islands lying north of the region--let alone the Senkaku Islands--were not recorded on the map of Taiwan in the *Da Qing Yitong Zhi* lends support to the aforementioned facts.

2. As for argument 2 that the Daiyou Islands belong to Taiwan, that argument, too, has no basis for the same reasons discussed in 1, above. Further, the Senkaku Islands were not mentioned during the course of negotiations for the Bakan Treaty (Shimonoseki Treaty) because the islands did not belong to Taiwan. There are no maps from the period showing they belonged to Taiwan, which is not surprising because there were no such entries in the *Qing huidian*. In short, there never were ties between Taiwan and the Senkaku Islands.

- 1) The source for the claim that China discovered the Senkaku/Daiyou Islands is found in written accounts of the imperial Chinese missions to the tributary state Ryukyu Kingdom. Including the earliest account *Shi Liu-ch'iu Lu* (Chinese: 使琉球錄) (1534) written by a Chinese envoy named Chen Kan, a total of 13 books about missions to the tributary states were compiled. There are Japanese transcripts for most of them translated by Harada Nobuo* of Japan.

*: Harada Nobuo was born in 1927 in Kyoto, Japan. He graduated from Kyoto University School of Medicine as a Doctor of Medicine. He worked in medical training fields as a professor, a welfare official, and a school principal. He engaged in research concerning the Ryukyu Kingdom, and wrote many books including translations of records from the imperial Chinese missions to tributary states.

In Harada's translation of Chen Kan's *Shi Liu-ch'iu Lu*, there is this passage: “(our ship) passed by Kingyosho (Daiyou), Kobisho, and Sekisho. The shadowy islands came and went one after another rapidly.” Surely, this cannot be considered as evidence that the Chinese discovered Kingyosho (Daiyou) and the other islands. Another passage in the book reads, “the shinkousen (the type of ship used for tribute missions and trading) has arrived at Fuzhou (Fujian province) from the Ryukyu Kingdom. We were glad to hear the news, after having worried about the mission. Our own sailors (Fujian) lack the navigational experience to sail (to Naha). We celebrated their arrival and were able to ask for details regarding course headings.” And, in yet another passage, the reader is told that, “The Crown Prince (of Ryukyu) had 30 Ryukyuan sailors familiar with the voyages assist every Chinese-speaking navigation officer while others substituted to perform the work of Fujian sailors.”

In short, the Ryukyuan sailors were far more knowledgeable about navigating between Ryukyu and Fujian than were the sailors from Fujian. In fact, the sailors who provided navigation headings and sailed the ships were Ryukyuan. This is

not surprising, because the Ryukyuans were an ocean-going people in contrast to the Fujians who were barred from such voyaging during the Ming Dynasty.

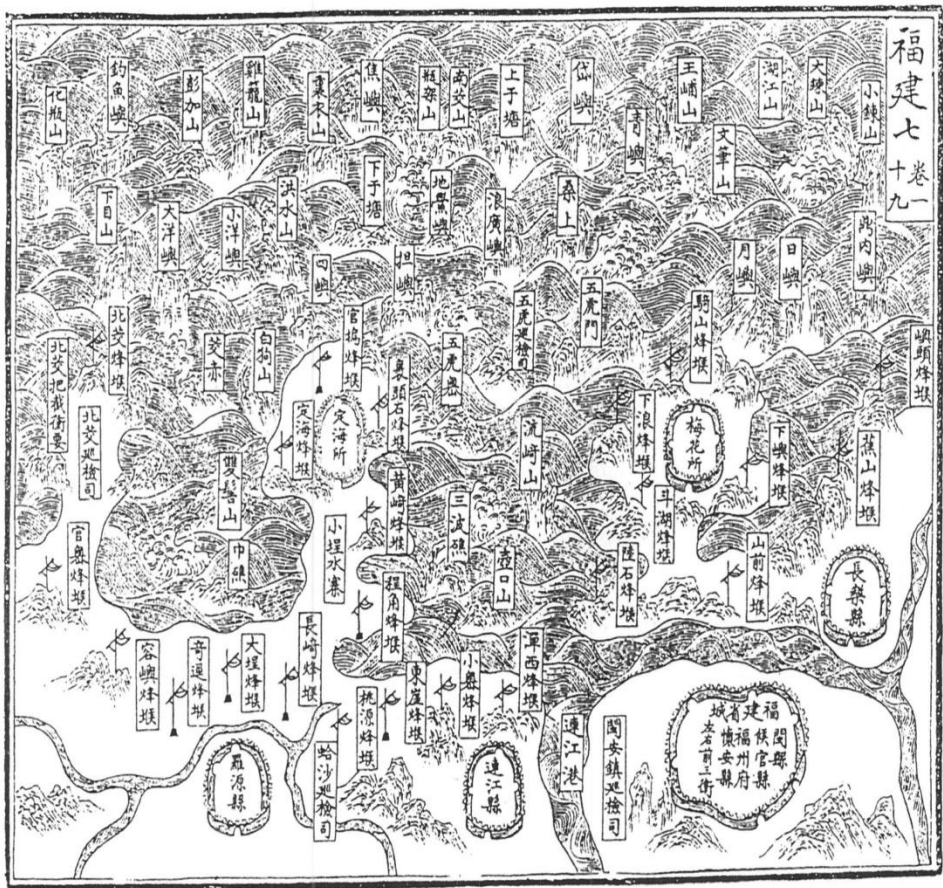
During the Ming Dynasty, the shinkousens of Ryukyu traveled between Ryukyu and Fujian ten times more often than the ships used for imperial Chinese missions. Thus, although it was the Chinese who kept mission records, it was the Ryukyuans who were knowledgeable about Senkaku Islands and taught the Chinese about them.

To sum up, Ryukyuans discovered the Senkaku Islands, but this does not mean that Ryukyu had sovereignty over them. And, under the circumstances, the Chinese, as novices in this instance, certainly have no justification for a claim of sovereignty.

2) China's argument that the Chinese discovered the Senkaku Islands first and therefore, even if they were *terra nullius*, no other nation can possess them based on the acquisition through occupation principle is fundamentally invalid because the Ryukyuans are believed to have first discovered the Senkaku Islands. But, even so, another nation can still exercise sovereignty over a *terra nullius* territory by acquisition through occupation. This principle is recognized under international law.

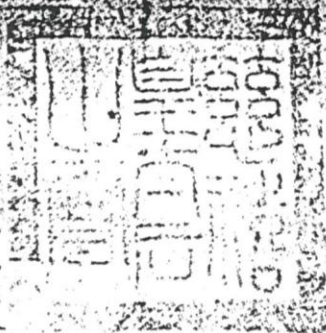
3) China's argument that its involvement can be confirmed by the imperial Chinese mission records lacks validity since there is no mention of the Senkaku Islands being Chinese territory in the documents. But regarding "involvement," the Ryukyuans, as an ocean-going people, can be said to have been deeply involved. After all, their shinkousen traveled 10 times more often than imperial Chinese mission ships. Shinkousen are known to have traveled between Ryukyu and China a total of 278 times over a five-hundred-year period, whereas the Chinese mission ships made only 23 such journeys over the same period. Voyages by official Ryukyuan ships from Ryukyu traveled to China and other countries such as Annam, Siam (currently Thailand), Sumatra, and Java more than 580 times, all of them passing through waters off the Senkaku Islands, using the islands as navigational landmarks.

4) China's argument that in 1556 Hu Songxian was ordered to eradicate wokou (Japanese pirates) and, in the process, Uotsuri, Kobisho and Sekibisho were incorporated into a coastal defense zone of Fujian is unacceptable. To assert that the Senkaku Islands came under China's control just because the islands appeared in the *Zhouhai Tubian* (Chinese: 籌海圖編) commissioned by Hu Songxian to show the defense zone is totally unreasonable.



Zhouhai Tubian by Hu Songxian (1556)

To counter pirate activity, it would be reasonable to create a map covering as wide an area of ocean as possible to include frequently traveled waters and ports of call. This is seen in warfare where maps of an enemy's territories would be made. In this case, China is insisting that the territory was designated as part of a defense zone because the enemy's territory appeared on the map and now, therefore, China has sovereignty over the territory. This is a ridiculous assertion. The nature of this map is different from maps used to show political territories. In fact, Jilongshan (Chinese: 雞籠山) appears as part of Taiwan on the map. Likewise, Jilongshan appears in "Profiles of Foreign Countries" in the official history book of the Ming Dynasty called the *History of Ming* (明史). The *Zhouhai Tubian* indicates this is not the case. So, is China stating that the *History of Ming* is inaccurate?



皇太后慈諭太常寺正卿盛宣懷所進藥丸甚有效驗

據奏原料藥材采自臺灣海外釣魚臺小島靈藥
產於海上功效殊乎中土知悉該卿家世設藥局
施診給藥救濟貧病殊堪嘉許即將該釣魚臺黃
尾嶼赤嶼三小島賞給盛宣懷為產業供采藥之
用其深體

皇太后及

皇上仁德普被之至意欽此

光緒十九年十月

The Xi tai hou Rescript (granting islands to Sheng Xuanhuai)

5) The Xi tai hou rescript is definitely a fake. The rescript stems from a story about Sheng Xuanhuai (Chinese: 盛宣懷; a businessman and politician during the Qing Dynasty) who is said to have ventured to three islands--Uotsuri, Kobisho and Sekibisho--to harvest Chinese wormwood, manufacturing the herb into tablets and presenting the tablets to Cixi tai hou (Chinese: 慈禧太后, aka: Xi tai hou). In appreciation of the herb's efficacy, the empress ordered the issuance of a rescript to bestow the three islands on Sheng Xuanhuai in 1893.

The reasons why the rescript is a fake are as follows.

Sekibisho Island is a barren rock where virtually nothing grows. As for Kuba and Uotsuri islands, Koga was there undertaking his development projects around that time. And, not only are there no records of activities of a wormwood harvest by Chinese, there are no records of any herbs being produced in the islands.

If the Qing Dynasty considered these islands to be its territories, why did it not object to the continuous activities by the Japanese starting in the early Meiji era and continuing for 28 years to 1895, which included explorations and surveys, along with depicting the islands as Japanese territory on maps? There was also the matter of Japanese occupation dating from 1895. How is it possible the dynasty never objected?

There are irregularities in the format of the rescript. It is dated with month of October only, lacking a day of the month. And, the privy seal embossed on the rescript is the wrong one.

Furthermore, it has been confirmed that Sheng Xuanhuai was not the minister of ceremonies (Chinese: 太常寺正) in 1893 contrary to that specified in the rescript. This means mistakes were made in making the fake. This alone leads to a conclusion that the rescript was fabricated.

The bestowment of the islands was not recorded in any documents, including the *Qing Shilu* (Chinese: 清實錄), *Donghualu* (Chinese: 東華錄), and *Donghua xulu* (Chinese: 東華統錄). And yet, it would be unheard of for the bestowing of lands to go unrecorded.

6) China's argument that the Senkaku Islands are attached to Taiwan in terms of the geological structure is irrelevant to territorial issues. If geological structures were part of resolving territorial issues, the possession of many territories would have to be switched around all over the world.

Regarding vegetation, it is said that when the dispute over the Senkaku Islands surfaced, Showa Emperor, Hirohito, a noted biologist, asked whether Japanese sago palms grow in the islands. Hearing the response in the affirmative, he replied, "that is what I thought, too." Japanese sago palms are abundant in Okinawa, but they do not grow in Taiwan. In terms of vegetation zones for sago palms, the Senkaku Islands are part of Okinawa prefecture.

7) As explained in 2 above, Japan's acquisition of the islands is irrelevant to the ceding of Taiwan under the Shimonoseki Treaty. Likewise, as explained in 6 above, the claim that the islands are attached to Taiwan in terms of geological

structure is not germane to territorial issues and, therefore, irrelevant to the cessation.

As a note, the People's Republic of China (PRC) issued the Law on the Territorial Sea and the Contiguous Zone of PRC on February 25, 1992, in which it is stated that the Diaoyu Islands (Senkaku Islands) are part of the PRC's territorial land.

6. Arguments of Republic of China (Taiwan) and the Counter Arguments

Because the Republic of China's arguments are nearly identical to those of China, described in Section 5, the same counter arguments made in section 5 apply. However, based on its long standing insistence that the Ryukyu Islands are appurtenant to Taiwan, the Republic of China is now stepping forward to claim that the Ryukyu Islands were originally the territory of mainland China.

Essentially, the claim appears to be supported by the People's Republic of China, though not explicitly. Indeed, Mao Tse-tung made similar remarks. Furthermore, this claim is shared among many Chinese scholars. Evidently, large numbers of Chinese people share the idea that countries which were once tributaries in China's tributary system of olden times now belong to China. This notion appears to be serving as the psychological basis for the presumptuous claim to sovereignty over the Senkaku Islands.

China was the dominant country in pre-modern East Asia. Unwilling to recognize its neighboring states as equals, China allowed only those countries which accepted the imperial system and a subordinate relationship to have diplomatic relations and trade with China. Thus, excepting Japan, which managed to maintain its independence, almost all East Asian countries were incorporated into the Chinese tributary (Sinocentric) system.

The Ryukyu Kingdom began participating in the Chinese tributary system early in the Ming Dynasty. The vassal relationship is referred to as *choukou* by the Japanese, and the ships used by the Ryukyu Kingdom for sending tribute and for trading were known as *choukousen*. Ignoring this fact while claiming the Ryukyu Kingdom belongs to China or is its territory amounts to a complete denial of modern international law, and may lead to turmoil, threatening stability in that part of the world. There are many neighboring countries which had tributary relationships with China such as Myanmar, Korea and Vietnam. Thus, it is important that nations everywhere understand China's pre-modern and unconventional customs and views on the world, if trouble is to be avoided.

Former president of the Republic of China (Taiwan), Lee Teng-hui, long free from the constraints of the Han people's Sinocentrism, spoke openly in an interview he gave to the Okinawa Times on September 16, 2002. The transcript of the interview was published on September 26, in which President Lee was quoted as saying,

“The Senkaku Islands belong to Japan, and are, therefore, Japan's territories. No matter how much China claims sovereignty over the islands, there is no real evidence to support the claims. In light of international law, it is not clear what grounds China has to make the claim of sovereignty. There is no point in arguing that China has territorial rights unless, firstly, China has sovereignty over the

islands and, secondly, there is evidence that China has stationed soldiers in the islands.

I know about past collaborations between the Kuomintang and the Communist Party of China. When Hong Kong agents fomented unrest among fishermen in Suao, I mobilized war vessels to crush the riot.

The more important issue for Taiwanese fishermen is fishing rights. Before WWII, the Japanese Diet granted rights to Taiwan to fish the waters of the Senkaku Islands, Yonakuni Island and Keelung. After the war, the Japanese Government remained silent regarding this arrangement. We would like the Japanese government to work on this issue in earnest.”

This is an example of world-class common sense in the international community. We hope the people of Taiwan will reject the dogma of Sinocentrism and listen to the words of former Taiwan president Lee Teng-hui.

7. The Position of the Japanese Government

Beginning in the early 1970s, the Republic of China (Taiwan) and the People's Republic of China started claiming sovereignty over the Senkaku Islands. Responding to these claims, the Japanese government has since expressed its position in the Diet and on other occasions. In March 1972, Japan's Ministry of Foreign Affairs announced its stance in a statement on sovereignty over the Senkaku Islands, confirming the fact that Japan has had continuous sovereignty over the Senkaku Islands. Furthermore, it made clear that the Senkaku Islands are included in the area over which the administrative rights were reverted to Japan in accordance with the Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands. The Government of Ryukyu officially announced the same stance on sovereignty over the Senkaku Islands as that of the Japanese government in September 1970. Furthermore, in August of same year, its position was confirmed by a resolution passed by the legislature of the Government of Ryukyu.

Below is a summary of the position of the Japanese government.

1. The Senkaku Islands were incorporated into Japan's territory by acquisition through occupation. Since then, the Senkaku Islands have continuously remained as an integral part of the Nansei Shoto Islands which are the territory of Japan.
2. Under the San Francisco Peace Treaty, the islands were placed under U.S. administration as an integral part of Nansei Shoto Islands.
3. Up to the present date, the area has been under Japan's administration in accordance with the Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands (1971).

In 1972, the Intelligence and Cultural Affairs Bureau of the Ministry of Foreign Affairs published a 19-page booklet concerning the Senkaku Islands. Its contents are

quite informative. Unfortunately, the booklets are now out of print; so, a new printing should be authorized, providing for distribution inside and outside Japan. Furthermore, the booklet should be posted on the Ministry of Foreign Affairs' official Web site to make the publication available to the world.



About Senkaku Islands (The Intelligence and Cultural Affairs Bureau of the Ministry of Foreign Affairs, 1972)

The Ministry of Foreign Affairs has posted its basic position at its Web site,
<http://www.mofa.go.jp/mofaj/area/senkaku/>

It is available in three languages: Japanese, English, and Chinese.

The Basic View on Sovereignty over the Senkaku Islands

From 1885 on, surveys of the Senkaku Islands had been thoroughly made by the Government of Japan through agencies of Okinawa Prefecture and by way of other methods. Through these surveys, it was confirmed that the Senkaku Islands were uninhabited and showed no trace of having been under the control of China. Based on this confirmation, the Government of Japan made a cabinet decision on 14 January 1895 to erect a marker on the islands and formally incorporate the Senkaku Islands into the territory of Japan.

Since then, the Senkaku Islands have continuously remained as an integral part of the Nansei Shoto Islands which are the territory of Japan. These islands were neither part of Taiwan nor part of the Pescadores Islands which were ceded to Japan from the Qing Dynasty of China in accordance with Article II of the Treaty of Shimonoseki which came into effect in May of 1895.

Accordingly, the Senkaku Islands were not included in the territory which Japan renounced under Article II of the San Francisco Peace Treaty. The Senkaku Islands were placed under the administration of the United States of America as part of the Nansei Shoto Islands, in accordance with Article III of the said treaty, and were included in the area, the administrative rights over which were reverted to Japan in accordance with the Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands signed on 17 June 1971. The facts outlined herein clearly indicate the status of the Senkaku Islands being part of the territory of Japan.

The fact that China expressed no objection to the status of the islands being under the administration of the United States under Article III of the San Francisco Peace Treaty clearly indicates that China did not consider the Senkaku Islands as part of Taiwan. It was not until the latter half of 1970, when the question of the development of petroleum resources on the continental shelf of the East China Sea came to the surface, that the Government of China and Taiwanese authorities began to raise questions regarding the Senkaku Islands.

Furthermore, none of the points raised by the Government of China as "historic, geographic or geological" evidence provides valid grounds, in light of international law, to support China's claims regarding the Senkaku Islands.

Japan's claims are very reasonable and accepted by modern people with common sense around the globe. The problem is hesitation on the part of Japan's government and Ministry of Foreign Affairs about extensively broadcasting its claims to China and the world for fear of "stirring up the nationalistic elements."

8. U.S. Congress Reports on Issues Regarding the Senkaku Islands

During its occupational administration over Okinawa, the U.S. managed the Senkaku Islands as part of the Okinawa Islands, acting as though no territorial issues would arise from this arrangement. But, strangely, and indeed unfortunately, the US assumed a position of "neutrality" after China initiated its claim of sovereignty. The U.S. should recognize this is not simply a dispute over territorial sovereignty between countries with different interests, but, rather, it is an issue of whether the countries involved intend to observe international law. As such, a position of neutrality is not available to the U.S.

On November 1, 1996, the U.S. Congressional Research Service of the Library of Congress released a report titled, "The Senkaku (Daioyu) Islands Dispute: The U.S. Legal Relationship and Obligations." The US-Japan security treaty applies to the islands. While making clear that it has cooperative obligations regarding military attacks from third parties, the US emphasizes its position of neutrality. This report is problematic as it is seemingly considerate of China's position while playing down the principles of international law.

Summary

The United States has had a legal relationship to the islands since the conclusion of the Peace Treaty with Japan in 1951. The chief components of the U.S. legal relationship to the islands are:

- (1) U.S. administration of the islands from 1953 to 1971;*
- (2) Inclusion of the islands in the terms of the U.S.-Japan Okinawa Reversion Treaty of 1971;*
- (3) a U.S. position on the claims themselves; and*
- (4) the application of the U.S.-Japan Security Treaty to the islands under the provisions of the Okinawa Reversion Treaty.*

INTRODUCTION

The disputed claims are long standing. Current tensions began in late 1995 and into 1996 when China began sending ocean surveillance ships and oil drilling rigs into the waters close to the islands. In July 1996, a Japanese student group erected a lighthouse on one of the islands flying the Japanese flag. China responded with a series of denunciations of Japan. In China and especially in Japan, questions have arisen concerning the U.S. legal relationship to the islands. This report will focus on that issue, which has four elements:

THE COMPETING CLAIMS

The claims of China and Taiwan have a similar basis. China asserts that fishermen from Taiwan used the islands for fishing activities since the time of the Ming Dynasty (1368-1644). Journeys by Chinese envoys to Okinawa during this period are cited, for these envoys sometimes recorded that the western boundary of the Ryukyu islands (Okinawa is the largest island of the Ryukyus) lay at a point east of the Senkakus (Diaoyus). In 1893, the Dowager Empress of China, Tze Shih, made a grant of the islands to one Sheng Hsuan Wai, who collected medical herbs on them.¹ However, China never established a permanent settlement of civilians or military personnel on the islands, and apparently did not maintain permanent naval forces in adjacent waters.² Japan did not claim the islands until the Sino-Japanese War of 1894-1895. On January 14, 1895, the Emperor approved an Imperial Ordinance annexing the Senkakus to Japan.³ In May 1895, Japan and China signed the Treaty of Shimonoseki ending the war. Under the Treaty, China ceded Taiwan (Formosa) to Japan "together with all the islands appertaining or belonging to the said island of Formosa." The Treaty did not mention the Senkakus, and the islands were not discussed during the negotiating sessions.⁴ Japan has claimed from this that its incorporation of the Senkakus (Diaoyus) was an act apart from the Sino-Japanese War. China argues that Japan used its victory in the war to annex the islands. China also argues that the intent of the allied declarations at Cairo and Potsdam during World War II was to restore to China territories taken from it by Japan through military aggression.⁵

U.S. ADMINISTRATION OF THE ISLANDS, 1953-1971

U.S. administration of the islands began in 1953 as a result of the 1951 Treaty of Peace with Japan. The Treaty did not mention the Senkakus (Diaoyus), but it referred to other islands that had reverted to Chinese control or which China claimed. These included Taiwan, the Pescadores, the Spratlys, and the Paracels. Article 3 gave the United States sole powers of administration of "Nansei Shoto south of 29 north latitude." In 1953, the U.S. Civil Administration of the Ryukyus issued U.S. Civil Administration of the Ryukyus Proclamation 27 (USCAR 27), which defined the boundaries of "Nansei Shoto south of 29 degrees north latitude" to include the Senkakus.⁶ At the time of the signing of the Okinawa Reversion Treaty, several State Department officials asserted that following the signing of the Japan Peace Treaty, "Nansei Shoto south of 29 degrees north latitude" was "understood by the United States and Japan to include the Senkaku Islands."⁷ Moreover, during the period of U.S. administration, the U.S. Navy established firing ranges on the islands and paid an annual rent of \$11,000 to Jinji Koga, the son of the first Japanese settler of the islands. (End of the abstract.)

Excluding the description of China's sovereignty claim, the report is accurate. The reference to China's claim that Taiwanese fishermen fished the disputed waters during the Ming Dynasty is replete with error. For one thing, the Ming Dynasty never possessed Taiwan. Moreover, because Taiwanese's fishing methods at the time were primitive, they would never have fished in waters near the Senkakus a distance that even Okinawan

fishermen, who were geographically closer, did not venture to travel at that time. Furthermore, as mentioned in Section 5, the imperial rescript of the Empress Dowager (aka: Xi tai hou) granting the islands to Sheng Xuanhuai is a complete fabrication. Japan's Ministry of Foreign Affairs should make these facts known, so the U.S. can correct the errors.

9. Marxist Historian Inoue Kiyoshi's Delusional Views

In 1970, in the wake of the territorial dispute over the Senkaku Islands, Inoue Kiyoshi, then-professor and historian at Kyoto University, began, with surprising ardor, writing research papers and arguments in defense of China's sovereignty claims. In 1972, he released a compilation of writings on the subject titled, *The Senkaku Islands*, published by Gendai Hyouronsha. Today, much of his work is being used by China to bolster its position.

Basically, Inoue's argument is twofold. First, he argues that Japan obtained control of the Ryukyu Islands, stole the Uotsuri/Diaoyu Islands, and openly seized Taiwan in the Sino-Japan War. Therefore, Japan's sovereignty over the Senkakus and its acquisition through occupation is not only a manifestation of imperialism, but is also invalid in view of international law. Second, he argues that historical records show the Senkakus had been known to be Chinese territory since the Ming Dynasty, and records from the Qing Dynasty confirm that fact.

The first assertion is no more than an unabashed reflection of Marxist ideology, a hollow theory as described above in Section 2, "The History of Japan's Possession of the Senkaku Islands." Thus, there is no need for further discussion of that point here.

The second assertion is based on historical documents, mostly the *Sakuhou Ryukyushi Roku*, the Japanese version of *Shi Liu-ch'iu Lu* (Chinese: 使琉球録). As introduced in Section 5, the translator of the Japanese version (a total of 11 volumes) is Harada Nobuo. He published a book titled, *The Senkaku Islands: A Reading of the Sakuhou Ryukyushi Roku*. In the book's Introduction, Nobuo states,

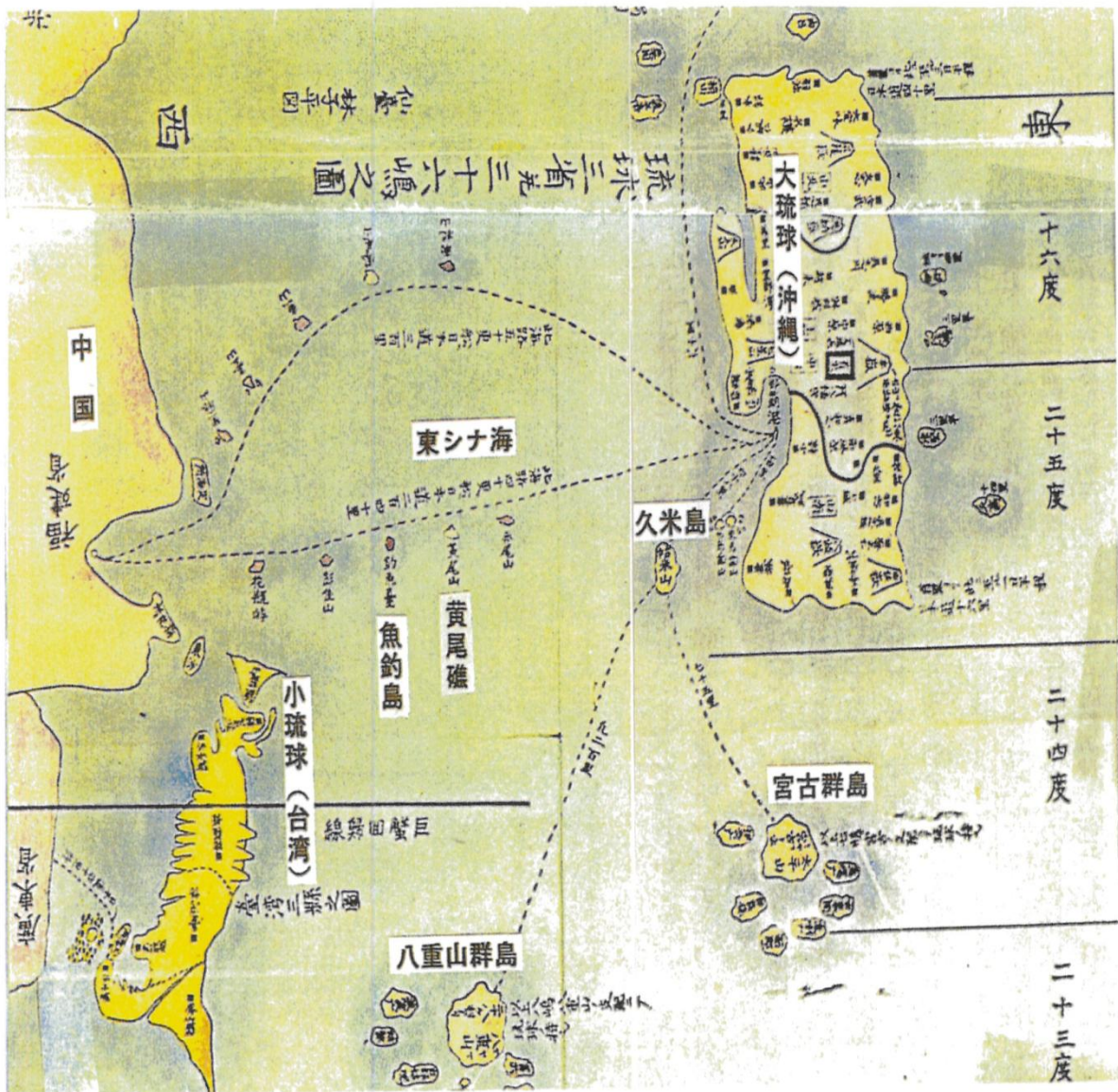
"The book, *The Senkaku Islands*, author: Inoue Kiyoshi, was, as I expected, loaded with distortions. In his book, Inoue misused *Sakuhou Rryukyushi Roku*, a book which I treasured and translated word by word wholeheartedly and with careful annotation, in a most abusive way to support the twisted logic found in his own book. It was so upsetting that I lost all patience. I am not very familiar with politics, and I lack deep knowledge of history and international law, but I feel strongly that Inoue's book fails to portray history properly, and certainly does nothing to clarify historical facts."

This criticism concludes that Inoue's version of historical proof is basically delusional and based on an actual distortion of facts. Although it may no longer be necessary to counter every one of his points, some of the better known, or frequently mentioned, points will be focused on here to reveal their falsity. Please refer to the counter

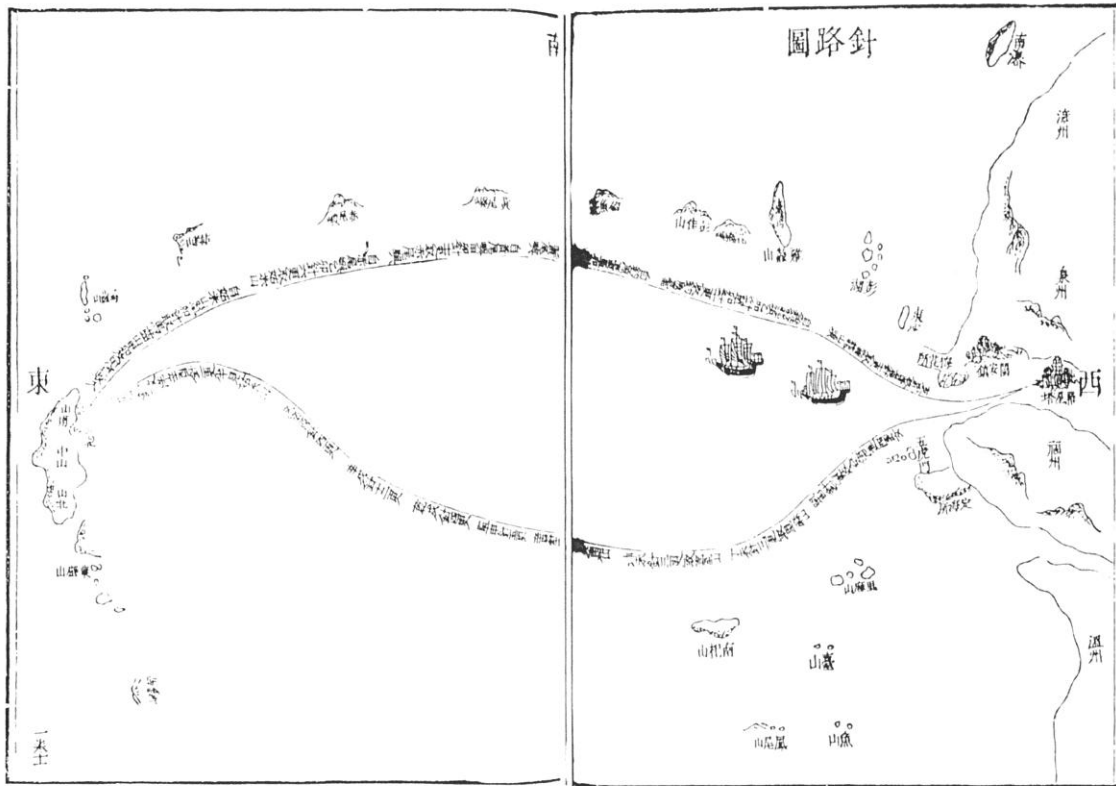
arguments to the grounds for China's claims in 1) to 4) of Section 5, as the counter arguments cited there are also the counter arguments to Inoue's points.

- Inoue argues that it was clear from the records of imperial missions to the Ryukyu Kingdom that the Chinese and Ryukyans knew that Kuba Island lay near the border of the Ryukyu Kingdom, and islands lying west of Sekisho (Taishojima Island) were not the territories of Ryukyu. But, it does not follow that everything lying west of Sekisho would necessarily be the territory of China. It is true that the islands west of Sekisho were not the territory of Ryukyu, because they were not inhabited, not to mention being places where boats could not land. These circumstances were the same for the Chinese. For Inoue, it is as if any land appearing on maps belonged to China except the territories of Ryukyu, or territories of another country. This is laughable, exposing China's view of dominance and its Sinocentric imperialism. Inoue cited Chen Kan's *Shi Liu-ch'iu Lu* as evidence, in which Little Ryukyu (Taiwan) appears on navigational routes. But, Inoue's argument disintegrates with the fact that Taiwan was not included as part of the Ming Dynasty's territory.
- Inoue points out that the area between the Sekisho and Kuba islands was referred to as "Jiao" (Chinese: 郊, meaning outskirts), the "border between inside and outside," in the records of the Qing imperial envoy Wang Ji, and was a place where envoys prayed for a safe journey. Inoue misconstrues this to suit his argument. The fact is, the records do not suggest territorial implications, rather, they imply a successful crossing of the most treacherous waters (Jiao) promising the safe reach of Kuba Island with its human habitation. Indeed, because the Senkakus lie in a solitary location in the distant sea, even the Ryukyu people could not go ashore, let alone a Chinese approach of the islands. Furthermore, the Qing Dynasty, which incorporated Taiwan into its territory, did not add the Senkaku Islands to its territorial maps. Finally, that mention of the Senkaku Islands was not found anywhere in the *Qing Huidian* (Chinese: 清会典), the statutory encyclopedias of the Qing Dynasty, is conclusive evidence that they were not considered to be part of Chinese territory.
- Inoue claims that in the *Zhouhai Tubian* (Chinese: 籌海圖編) issued by Hu Songxian in 1556, the islands of Keirosan (Chinese: 雞籠山), Uotsurijimakyou (Chinese: 釣魚島興), Kobinsan (Chinese: 化瓶山), Kobisan (Chinese: 黃尾山), Rankakusan (Chinese: 欄攪山), and Sekisho (Chinese: 赤興) were depicted as offshore islands of the coastal cities of Luoyuan (Chinese: 羅源) and Ningde (Chinese: 寧德) in Fujian province, indicating that these islands were part of Chinese territory. As discussed in counter argument 4) of Chapter 5, the map was made for the purpose of Japanese pirate eradication following a Ming Dynasty imperial order. The map itself was sloppily drafted as shown on page XX, for example, Uotsuri/Daioyu Island is, in reality, 400 km away from Fujian, but is placed on the map next to Keirosan which is much closer to Fujian, and Kobinsan, in reality, is closer to Keelung and not located on the Uotsuri/Daioyu Island side,

but on the Okinawa side. Understandably, the map was intended to cover as many Japanese pirate bases and their neighboring areas as possible for eradication. However, Inoue's rationale for defining them as China's territories because they fell within the defense zone is totally absurd. It is equivalent to arguing that an enemy's territories placed on battle maps for the purpose of naval action means the territories belong to the nation creating the maps. Above all, despite the fact that the Ming Dynasty had never incorporated Little Ryukyu (Taiwan) into its territory, Keirosan appears in the *Zhouhai Tubiani*. In short, the *Zhouhai Tubiani* was not meant to designate territories. We cannot help but question Inoue's credibility as a historian who would offer such material as evidence of territorial possession.



Fuzu, the *Sangoku Tsuran Zusetu* by Hayashi Shihei



The *Zhongshan chuan xin lu* by Xu Baoguang

- Inoue points out that the Senkaku Islands are the same color as other Chinese territories on Fuzu, a map attached to the *Sangoku Tsuran Zusetu* (Japanese: 三国通覽図説), a geopolitical book written by Hayashi Shihei in the late-Edo era about Japan's three neighboring countries. The book contains a map called "Ryukyu Sanshou Narabini Sanjuroku-no-shima Zu," meaning a map of three Ryukyu regions and thirty-six islands. There is commentary by Hayashi in the book where he states that he used the *Zhongshan chuan xin lu* (Chinese: 中山伝信録) as reference material for preparing the book in Sendai (Sendai city in northern Japan) because he had never visited Ryukyu and its neighboring regions. The *Zhongshan chuan xin lu* is a record kept by Xu Baoguang, a Chinese imperial envoy to the Ryukyu Kingdom and was written in 1721 during the Qing Dynasty. On Hayashi's Fuzu, the Big Ryukyu (currently Okinawa), Miyako Islands, Yaeyama Islands, and Amamioshima Island are colored light brown, with Little Ryukyu (Taiwan) colored in yellow, and China in the color of cherry blossoms. The Senkaku Islands are depicted in a similar color to cherry blossoms, completely different from the yellow color of Taiwan. Citing the Fuzu map, Inoue claimed that this was evidence that the Senkakus were recognized as part of China's territory.

Please take a look at the copy of the map from the *Zhongshan chuan xin lu*, above. Hayashi, having little first-hand knowledge of the region, made use of this map and assumed Uotsuri/Daioyu Island as being located close to Fujian province,

contrary to the reality of its being over 420 km from the province, about twice the distance between Kume Island and Uotsuri/Daioyu Island. And, as he knew that Uotsuri/Daioyu did not belong to the Ryukyu Kingdom, he might have imagined the Senkakus to be part of China's territory. The map from the *Zhongshan chuan xin lu* does not color code territories, and its representation of the relative distances between islands is far from accurate, indeed, misleading. Furthermore, what is to be made of the fact that Little Ryukyu (Taiwan) supposedly belonging to the Qing Dynasty around that time is colored yellow, different from the color of Chinese territories? Is this not evidence that the Senkakus are not part of China's territory if Inoue's methods were to be used? Clearly, the Fuzu map found in the *Sangoku Tsuran Zusetu* cannot be deemed to be reliable evidence for support of China's claim that the Senkakus are part of its territory.

10. Incontrovertible Evidence: Five Examples of Documented Evidence Attested to by China, Itself

As discussed in the previous chapters, historically, the Senkaku Islands had been chiefly known as markers on navigational routes between Ryukyu (or Japan) and China, or Ryukyu (or Japan) and Annam, Manila, Siam, Sumatra, and Java. The islands are situated in a remote area of the ocean, and it was quite difficult for boats to land there prior to 1895. So, fishermen could not have fished in the vicinity of the islands, which were, for all intents and purposes, uninhabited. Therefore, the Senkakus were clearly in the state of *terra nullius* prior to 1895.

The Government of Japan conducted surveys of the Senkaku Islands for nearly a decade and confirmed that the islands were in a state of *terra nullius*. Based on survey findings, and the fact that around that time fishing and bird hunting activities were starting to be undertaken by Japanese from bases in the Okinawan islands that were made possible by advances in ocean-going fish boats, on January 14, 1895, the Government of Japan officially announced its decision to incorporate the Senkaku Islands into the territory of Japan by exercising its rights of acquisition through occupation.

At the time, no objections were expressed to this exercise of rights by China's Qing Dynasty. And, three months later, on April 14, the Treaty of Shimonoseki was signed to end the Sino-Japanese War. During negotiation of the treaty, the Chinese side never mentioned the Senkaku Islands, and the treaty did not include the Senkakus in the cessation of Taiwan and its attached islands. For the record, there is the case of an objection by Spain over Japan's possession of Iwo Jima in an exercise of rights of acquisition through occupation. In view of Spain's action, it seems strange that the Chinese did not object if they actually believed they had a claim. It is, therefore, reasonable to regard this circumstance as evidence that the neighboring country, along with the rest of the world, viewed Japan's possession of the Senkakus as a matter of course.

Under international law, when no objections are submitted to an exercise of the right of acquisition through occupation, the sovereignty right is said to be accepted by international society then, it is established, or more specifically, ratified.

In the case of Japan's sovereignty over the Senkakus, there is evidence to support the sovereignty beyond ratification by acceptance without opposition. Later on, despite the fact that the Republic of China and People's Republic of China were in a position capable of issuing objections, rather than doing so, they actively recognized Japan's sovereignty over the islands. In other words, their actions can be viewed as a ratification of the status quo. The listing of evidence acknowledging ratification would be very long; hence, only five of the most conclusive examples are documented here. Among the examples is documented evidence which amounts to acknowledgement by China, itself, of Japan's sovereignty over the Senkaku Islands.

Of them, (1) to (3), below, refer to references contained in an article titled, "**Japanese Government: The Foundation for Japan's Territorial Dominion over the Senkaku Islands!**" published on August 7, 2008 by Takahana Yutaka, chairman of Teikei Inc. In September of the same year, the Society for the Dissemination of Historical Fact (chairman: Kase Hideaki) translated the article into English and posted it on its English-language website for dissemination to the world.

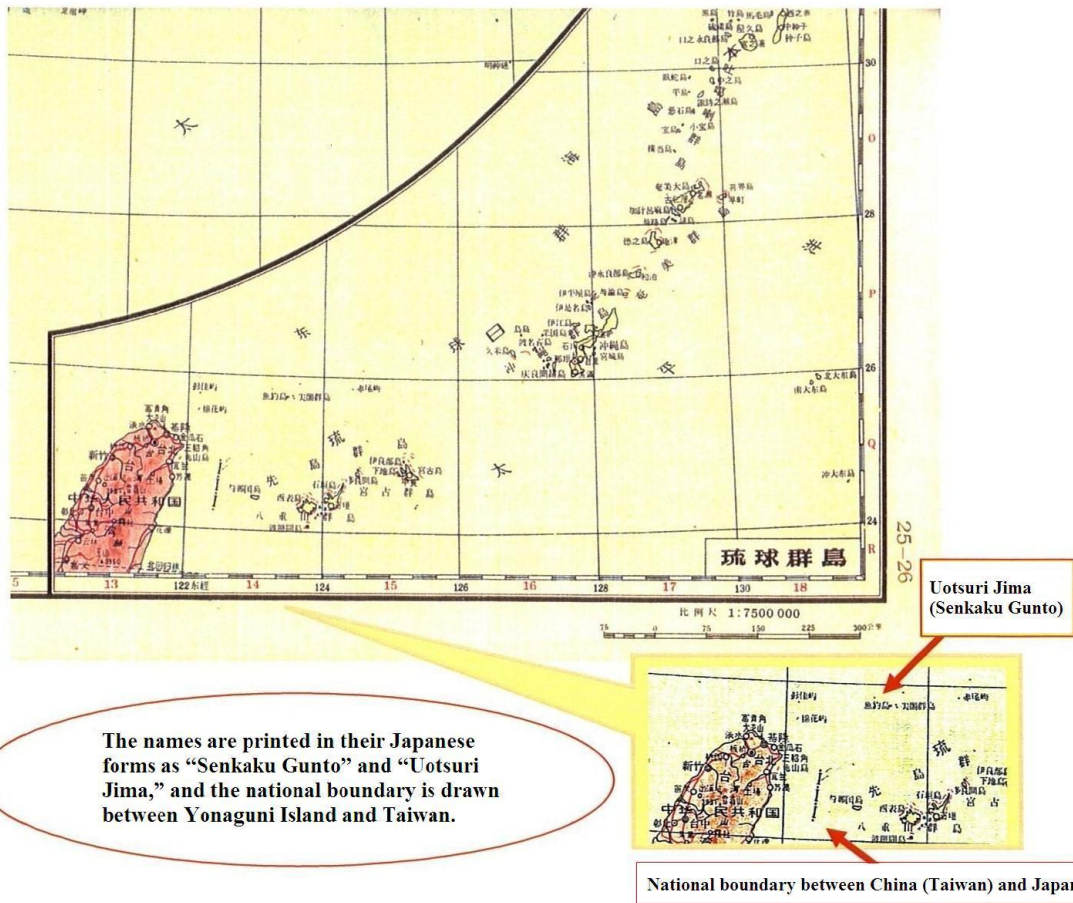
In the aftermath of illegal activities in waters surrounding the Senkaku Islands by Chinese fishing boats, and the subsequent seizure and arrests by Japanese authorities, the Society for the Dissemination of Historical Fact felt the need for people everywhere to be informed of the truth concerning Japan's sovereignty over the Senkakus. Last September, the society sent out bulletins globally announcing Takahana's article in its email newsletter (No. 30). Response to the article has been strong and, for the most part, positive. As many people know, the article was featured in several magazines such as the Japanese monthly magazine, *WILL*. And, copies of photos (1) & (2) were displayed in various articles and reprinted in the Japanese weekly magazine, *Shukan Post*.

Photos (1) & (2), reprinted in published articles, were taken from the Takahana piece. However, as would be discovered later, similar maps had already been printed in the 19-page booklet, *About the Senkaku Islands*, published in 1972 by the Intelligence and Cultural Affairs Bureau of the Ministry of Foreign Affairs as mentioned in Section 7, above. Despite discovering such crucial evidence and releasing it through the booklet, the ministry has so far failed to make these facts widely known to the Japanese people or those overseas.

The five examples of documented evidence are as follows.

(1) *The World Map Atlas* published in 1960 by Beijing Map Publishing Co.

From: *The World Map Album* (Beijing Map Publishing Co., 1960).



The names are printed in their Japanese forms as "Senkaku Gunto" and "Uotsuri Jima," and the national boundary is drawn between Yonaguni Island and Taiwan.

National boundary between China (Taiwan) and Japan

Maps published in China are likely to express the nation's official position on its own territory because citizens are expected to accept the party line in that nation, where opposing views are suppressed.

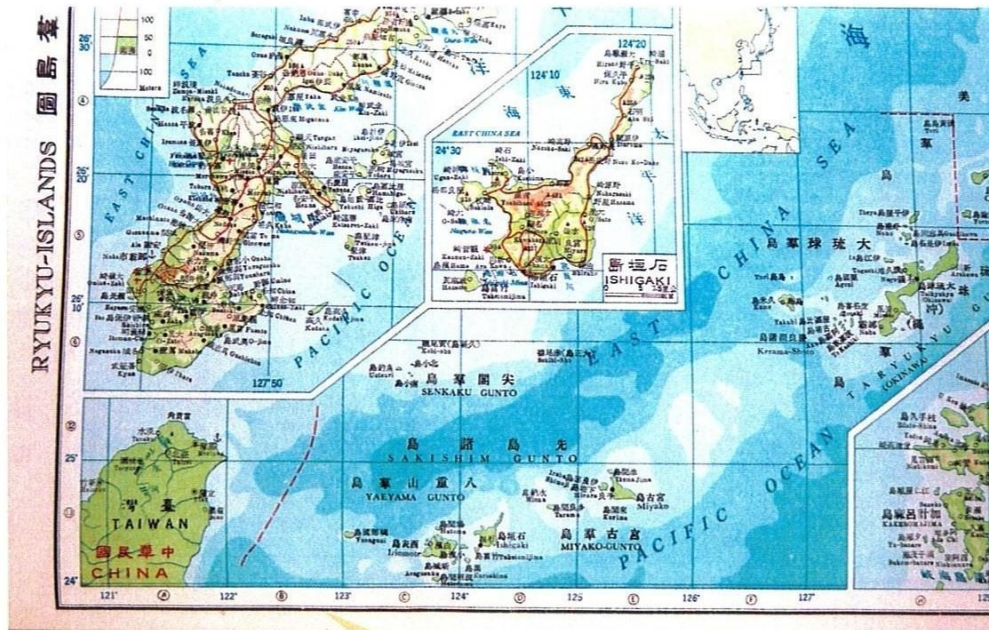
The *World Map Atlas* was published in China in 1960, more than a decade following the communists' rise to power and a full decade prior to the start of the Senkaku Islands territorial dispute. The maps were prepared and published in a time of peace. It is worth noting that the map attached in the booklet, *About the Senkaku Islands* published by the Ministry of Foreign Affairs of Japan happens to be the same map and from the same publisher but was originally printed in 1958. Moreover, there are likely to be more versions of the map, printed before 1958 and after 1960.

Nonetheless, the significance of the map is large, because, according to the map, the Senkaku Islands were not only shown to be inside Japanese territory, but were also printed with Japanese names, i.e., "尖閣群島" for Senkaku Islands and "魚釣島" for

Uotsuri Island (Chinese name is 釣魚島). This indicates that, at the time, China harbored no reservations in recognizing and acknowledging the Senkakus as the territory of Japan.

(2) World Map Atlas, Vol. 1, East Asian Nations (published jointly by Taiwan's National Defense Studies Institute and the Chinese Institute for Geoscience, 1965)

From *World Map Album, Vol. 1 — East Asian Nations* (joint publication by the Taiwan's National Defense Studies Institute and the Chinese Institute for Geoscience, 1965)



We can clearly understand the acknowledgement of Japanese sovereignty over the Senkaku Islands by the placement of the national boundary (the red line) and the usage of Japanese names



National boundary

This atlas released by the Republic of China (Taiwan) was published in 1965, about 5 years prior to the start of the Senkaku Islands dispute. Because the joint publishers are Taiwan's National Defense Studies Institute and the Chinese Institute for Geoscience, the maps are a clear reflection of Taiwan's national policies at the time.

According to a map of the area, the national boundary line between Taiwan and Japan is extended to run between Taiwan and the Senkaku Islands. And, the names are

presented in Japanese and appear as “魚釣島” for Uotsuri Island and “尖閣群島” for Senkaku Gunto. (Not used are the Taiwanese names “釣魚台” for Diayudao and “釣魚台群島” for Diayutai Qundao.)

Furthermore, another map (not shown here), found in the middle-school textbook *Basic Intermediate Geography* and published in 1967, presents the Senkaku Islands as not being part of the territory of Taiwan. In the same textbook, the range of the Ryukyu Islands is described as “Latitude 24° – 30° north, longitude 122.5° – 131° east”. According to these coordinates, the Senkaku Islands fall within the waters of the Ryukyu Islands. This means that Taiwanese students were taught that the Senkaku Islands were not part of Taiwan.

There is more. In the booklet *About the Senkaku Islands* by Japan’s Ministry of Foreign Affairs, a copy of the same textbook map is reprinted but from the 1970 version of the textbook. This means until 1970, students in Taiwanese schools had continued to be taught the same content. But the map in the 1971 version of the textbook was dramatically modified. The boundary line was altered to show that the Senkaku Islands were separate from the waters of the Ryukyu Islands.

While engaging in this fraudulent conduct impudently, Taiwan began claiming sovereignty over the Senkaku Islands as if they were demanding denied rights.

(3) Letter of gratitude from Republic of China consul in Nagasaki (1920)

In 1919, 31 fishermen from Fujian province were shipwrecked in the vicinity of Uotsuri Island. Fortunately, they were rescued by Koga Zenji and others, and all were repatriated without incident. On May 20, 1920, Koga and three others received letters of gratitude from the Chinese consulate in Nagasaki. The English translation of the letter is as follows.

“In winter of the eighth year of the Chinese Republic (1919), Guo Heshun and 30 other fishermen of the county Huifan in Fujian province, found themselves adrift in a gale and were washed ashore on the island of Wayojima (another name for Uotsuri Island) in the Senkaku Islands in the Yaeyama district of Okinawa prefecture of the Empire of Japan. At the time, Mr. Tamayose Magatomo of Ishigaki village office and others of Yaeyama district, quickly came to their aid and the shipwrecked fishermen were safely repatriated. We would like to convey our deepest appreciation for this kindness. This letter of gratitude expresses that.”

The letter of gratitude from the Chinese consul in Nagasaki (1920).

感謝狀

中華民國八年冬福建省惠安縣漁民
郭合順等三十一人遭風遇難飄泊至
日本帝國沖繩縣八重山郡尖閣列島
內和洋島承
日本帝國八重山郡石垣村雇玉代勢
孫伴君熱心救護使得生還故國洵屬
救災恤鄰當仁不讓深堪感佩特贈斯
狀以表謝忱

中華民國駐長崎領事馮冕
中華民國九年五月二十日

This document clarifies the Republic of China's recognition of the Senkaku Islands as part of Yaeyama district in Okinawa prefecture of the Empire of Japan.

(4) Classified 1969 map produced by the People's Republic of China official map authority (from the Washington Times, September 15, 2010)

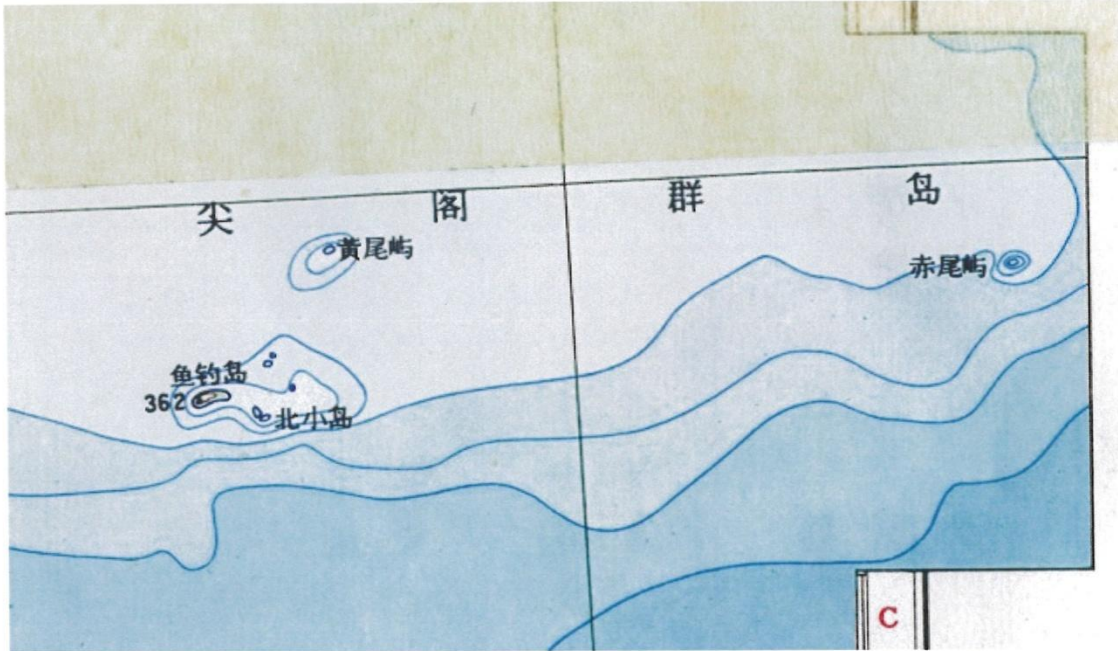
One of the respondents to the aforementioned Society for the Dissemination of Historical Fact email newsletter (No. 30) was Miami University professor June Teufel Drayer. In his response, he expressed solidarity with what was presented in the newsletter, then asked if we knew about an article on the subject printed in the *Washington Times*. He attached a copy of the article as shown in the next page.

Beneath the map, there is a comment by columnist Bill Gertz:

“A classified 1969 map produced by the People's Republic of China official map authority lists the “Senkaku Islands” as Japanese territory, undermining Beijing's more recent claims that the islands it calls the Daiyutai Islands are Chinese territory. The map bolsters Tokyo's claims to sovereignty.”

The Washington Times

Inside the Ring



A classified 1969 map produced by the [People's Republic of China](#) official map authority lists the "Senkaku Islands" as Japanese territory, undermining Beijing's more recent claims that the islands it calls the Daiyoutai Islands are Chinese territory. The map bolsters Tokyo's claims to the sovereignty.

By [Bill Gertz](#)

In the map, the Senkaku Islands are colored as Japanese territory, and Uotsuri/Daiayou Island is presented with the Japanese name "魚釣島".

Just how *The Washington Times* obtained this classified map is unknown but, surely, a newspaper of its stature would not release false information. Furthermore, there is no information that this was met with objections nor did it become an issue. It's encouraging to know that this sort of map is increasingly being recognized internationally.

(5) Article in *People's Daily*, January 1, 1953 edition

While the *People's Daily* is an official publication of the People's Republic of China, this state-owned newspaper is, in effect, an organ of the Central Committee of the Communist Party of China. The newspaper has long been iconic within China, boasting

a circulation of over ten million, but in recent years, its influence seems to be in decline as evidenced by a circulation that has now dwindled to about one million. The newspaper's name is printed at the header using a copy of Mao Tse-tung's handwriting.

The article, discussed below, that appeared on page 4 was printed in the January 18, 1953 edition. This was at a time when the People's Daily had immense influence with a circulation of over ten million. The title of article is, "The People of the Ryukyu Islands Oppose and Will Fight against US Occupation."

人 民 日 報 一 九 五 三 年 一 月 八 日

資料 琉球群島人民反對美國佔領的鬥爭

琉球群島散佈在我國台灣東北和日本九州島西南之間的海面上，包括尖閣諸島、先島諸島、大東諸島、沖繩諸島、大島諸島、土噶喇諸島、大隅諸島、等七組島嶼，每組都有許多大小島嶼，總計共有五十個以上有名稱的島嶼和四百多個無名小島，全部陸地面積為四千六百七十平方公里。群島中最大的島是沖繩諸島中的沖繩島（即大琉球島），面積一千二百一十一平方公里；其次是大島諸島中的奄美大島，面積七百三十平方公里。琉球群島綿亙達一千公里，它的內側是後國東海，外側就是太平洋。

美國在一九四五年六月佔領了琉球群島後，就着手在該島建築軍事基地。隨後美國在亞洲大陸上侵略計劃的破產，琉球基地的建築工程也就更趨積極起來。這在美國發動侵略朝鮮戰爭前，美國在琉球群島的軍事工程就已佔用了琉球三分之一的土地，用作建造基地的費用超過了兩億美元。其後，琉球基地的建造計劃一再擴大，而且以更大的速度進行着。一九五一年六月二十二日「美國新聞與世界報道」雜誌曾透露出美國侵略者的野心：「美國在沖繩島的目標是用空軍獨霸亞洲，要使它成為太平洋的最大基地。由沖繩島起飛，B二十九型轟炸機能達到亞洲大部分內陸地區，轟炸半徑可能包括中國全部和西北利亞大部地區——包括西伯利亞大鐵路。B三十六型轟炸機則可達到更遠的距離。」去年九月八日，沖繩島的美國官員竟公然宣佈：「用來將沖繩島改建成「太平洋的直布羅陀」的全部經費將近四億八千萬美元。建築工作正在按計劃進行，防範

風的公路、飛機場、兵營、司令部以及其他軍事設備，將遍佈全島。」另一方面，據不久前日本的報紙消息稱：美國在沖繩島那霸港入口處的浮島神社下已修建了具有八萬噸容量的三個地下油庫，沖繩島適宜各島都散佈着基地，共修建有二十幾個大型飛機場，並且在奄美大島、宮古島、沖之永良部島等島嶼上都裝設了雷達。許多島上都建成了發射飛機跑道的軍用公路。而美國通訊社也曾經不止一次地承認：「美國B二十九型轟炸機，每天都從沖繩島起飛去襲擊北朝鮮」。

與建築及使用琉球軍事基地同時，美國侵略者積極謀求永久霸佔琉球群島。美國佔領琉球後不久，就獨攬了琉球的一切政權。去年以來，美國侵略者竟不顧「開羅宣言」、「波茨坦公告」等各項國際協議中都沒有規定託管琉球群島的決定，也不顧蘇聯政府和中華人民共和國政府的再聲明，更不顧一百萬琉球人民的堅決反對，竟勾結日本吉田政府，擅自在此片面製訂的對日「和約」中規定：「日本對於美國向聯合國提出將北緯二十九度以南的琉球群島……置於聯合國託管制度之下，而以美國為唯一管理當局」的任何提議，將予同意。在提出此種建議，並對此種建議採取肯定措施以前，美國將有權對此等島嶼之領土及其居民，包括其領水，行使一切及任何行政、立法與司法權力。」美國以這樣卑鄙的手段擅自為其無限期霸佔琉球群島的侵略行為披上「合法」的外衣後，並於去年四月一日在島上建立了以比嘉秀平為首的琉球傀儡政府。

七年多以來，美國侵略者用極其野蠻橫暴的手段，

A lined passage in the first paragraph states,

“The Ryukyu archipelago is a chain of islands located on the Pacific Ocean between northeast Taiwan and southwest Kyushu in Japan. It comprises seven groups of islands, including the Senkaku Islands, the Sakishima Islands, the Daito Islands, the Amami Islands, the Tokara Islands and the Osumi Islands. The chain,

contains both large and small islands. Over 50 islands have names, while more than 400 remain unnamed and, in total, they comprise a land area of 4,670 square kilometers.”

Without qualifications, the passage conveyed the message to all Chinese people that the Senkaku Islands form one of seven island chains comprising the Ryukyu archipelago. Obviously, the four-page article had received close scrutiny prior to be printed in the official organ of the communist party’s central committee and was eventually approbated by Mao Tse-tung. This means that Mao Tse-tung, himself, recognized the Senkakus as part of the Ryukyu Islands chain.

The article is China’s official statement, and yet, as soon as China learned of the possible existence of natural resources below the waters surrounding the Senkaku Islands, it began to claim the Senkakus as Chinese territory, seemingly oblivious to its prior position on the matter. Where is the dignity of the state? Some accept this as being China’s way of thinking. But this way of thinking is very dangerous. If this sort of yakuza-like lawlessness prevails, then what happens to order in the international realm? We should give it serious thought. China’s approach to this matter appears dated and Sino-centric. In addition to lacking a modern approach, China’s thinking amounts to unbridled hegemony which will have a serious impact on countries around the world. If such a mighty nation with its population of 1.3 billion starts to assert claims as it pleases, a dark underworld will emerge where no human rights are available.

The Senkaku Islands dispute is more than a battle over a small territory between Japan and China.

(The foregoing is a translation of Chapter 2 of *Why China Is Aiming to Seize the Senkaku Islands*, edited by Fujioka Nobukatsu and Kase Hideaki, and issued by Jiyuu-sha, Tokyo in 2010. The translation was done by the Society for the Dissemination of Historical Fact.)