

# China's Territorial Claims at Sea: The East China and South China Sea (Part I)

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## Abstract

The sea trial of China's first aircraft carrier in August 2011 and a spate of recent incidents over disputed maritime territory in the East and South China Sea have prompted a new interest in the objectives and capacity of the People's Liberation Army Navy. This issue of *Eurasian Border Review* presents the first part of a special two-part feature on China's sea "frontiers." Part One of this analysis introduces China's varying interpretations of the International Law of the Sea and a case study of how this understanding operates in the East China Sea. Part Two will appear in the next issue of *EBR* in which territorial issues in the South China Sea will be discussed alongside the actual reality of Chinese naval strategy and its capacity.

## Introduction

Much has been said about the rapid increase in the number of Chinese maritime deployments, including the activities of the People's Liberation Army (PLA) navy and the Chinese maritime security agencies in the East China Sea and the South China Sea.<sup>1</sup> There are the Senkaku Islands (Diaoyudao) in the East China Sea, and four island groups (the Pratas Islands: Dongsha Qundao, the Parcel Islands: Xisha Qundao, the Macclesfield Bank: Zhongsha Qundao, the Spratly Islands: Nansha Qundao) in the South China Sea.

It is said that China not only claims their rich natural resources, namely, fisheries, oil and natural gas, but also eyes control of a part of the Sea Lines of Communication (SLOC). Figure 1 shows how Chinese map drawers have marked a broken U-shaped line in the South China Sea which covers the above-mentioned four island groups, and the line appears to delimit the extent of China's semi-enclosed sea.<sup>2</sup>

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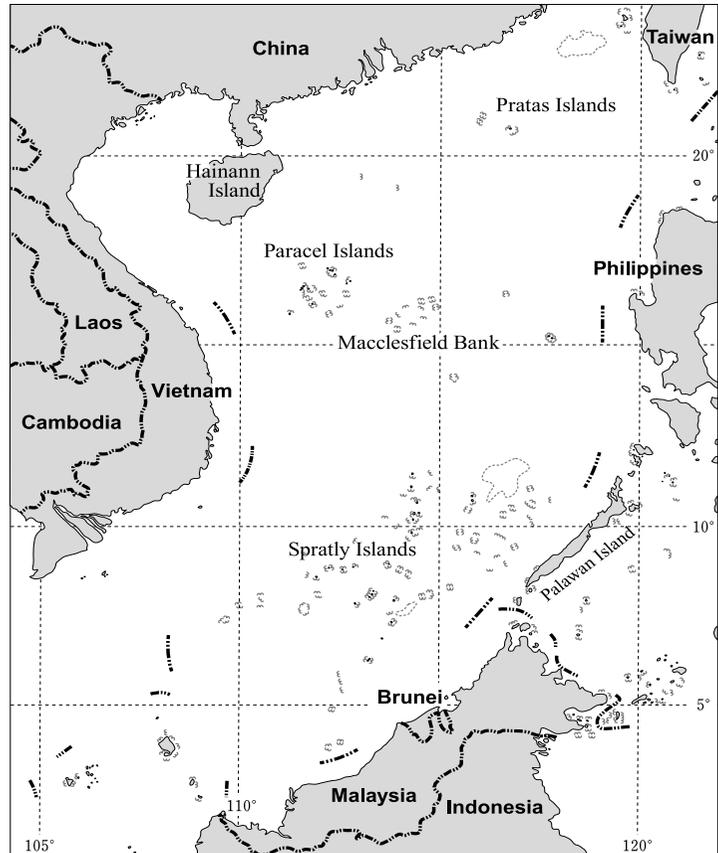
<sup>1</sup> There is also the Sino-Korean maritime issue in the Yellow Sea, though the Yellow Sea is separated from the East China Sea by the Northern Limit Line of the East China Sea (Yukio Shimada and Moritaka Hayashi (eds.), *Kaiyoho Tekisutobukku [Textbook of the International Law of the Sea]*, (Tokyo: Yushindo, 2005) p.93). This author only argues the issues of the East China Sea (the Senkaku Islands) and the South China Sea (the Spratly Islands).

<sup>2</sup> *Hainansheng Ditu [Map of Hainan Province]*, Zhongguo Ditu Chubanshe, Xinhua Shidian, Beijing, April 1988, B. A. Hamzah, "China's Strategy," *Far Eastern Economic Review*, 13 August 1992, p.22, Kuen-chen Fu, *Nan[Zhongguo]hai Falu Diwei Zhi Yanjiu [Research on the Legal Status of the South China Sea]*, 123xixun, 1995, Taipei, pp. 40-42

The PLA navy fleet had a naval engagement with the Vietnamese navy in the sea area surrounding the Spratly Islands, and occupied several islands in the late 1980s (*Jiefangjunbao* [People's Liberation Army Daily], March 25 1988, *Jiefangjunbao*, April 1 1988). China promulgated the law of the territorial waters, and named each of the above-mentioned island groups in the East China Sea and the South China Sea in the text of a party organ of the Chinese Communist Party [CCP] (*Renmin Ribao* [People's Daily], February 26 1992).<sup>3</sup>

Senior Admiral Liu Huaqing suggested to build aircraft carriers and nuclear submarines to the PLA general headquarters in 1987 (Liu Huaqing, *Liu Huaqing Huiyilu* [Memoirs of Liu Huaqing], Jiefangjun Chubanshe, 2005, Beijing, pp.477-481). In March 2010, senior Chinese officials told two visiting senior Obama administration officials, Jeffrey A. Bader and James B. Steinberg, that China would not tolerate any interference in the South China Sea, now part of China's "core interest" of sovereignty (*New York Times*, April 23 2010).<sup>4</sup>

This comment by Chinese officials seems to contradict the famous instructive phrase of Deng Xiaoping, the supreme leader of the CCP in 1989 to the CCP cadre, "*Tao Guang Yang Hui You*



**Figure 1**

Source: *Hainansheng Ditu* [Map of Hainan Province], Zhongguo Ditu Chubanshe, Xinhua Shidian, Beijing, April 1988

<sup>3</sup> It was said that the representatives of the Chinese foreign ministry opposed the specification of each island group in the legislative process of the executive committee of the National People's Congress, though it was overcome by representatives of the PLA (*Sankei Shinbun*, February 27 1992). This author owes thanks to Kazuaki Kotake of Kurume University, who provided the information on this episode.

<sup>4</sup> This author owes special thanks to Akio Takahara of Tokyo University, who commented on "core interests." "China's core interests" as the territory, usually mean Taiwan, Tibet, and Xinjiang (China pledges to promote bilateral ties with Uzbekistan, [http://eng.mod.gov.cn/DefenseNews/2010-12/01/content\\_4211416.htm](http://eng.mod.gov.cn/DefenseNews/2010-12/01/content_4211416.htm) accessed 27 May 2011).

*Suo Zuo Wei*” (Keep a low profile, hide your nails, concentrate your effort on domestic issues, and develop your power).<sup>5</sup>

How does China view the international law of the sea? What is the real purpose of China’s naval strategy, and what is their capability? Has China changed their “low-profile” foreign policy on the maritime affairs? It is difficult to know everything about this subject, but I have tried to analyze some collections of information about the East China Sea and the South China Sea. I will also discuss security implications for the Japan-US Alliance and the neighboring countries of China.

### **Chinese Interpretation of the International Law of the Sea, and their actual control of the sea**

Firstly, some scholars on China assert that China delineates the Exclusive Economic Zones (EEZs), and the extended line of the continental shelves, based on the median line and equity (the principle of fairness)<sup>6</sup> in the East China Sea and the Gulf of Tonkin (Li Guoqiang, *Zhongguo Yu Zhoubian Guojia De Haishang Bianjiewenti [The Maritime Frontier Issue between China and its Neighboring Countries]*, Japan Association for Asian Studies [2010 East Japan Annual Meeting], Conference paper, May 22 2010, p. 1, Peter Dutton, Carving up the East China Sea, *Naval War College Review* Spring 2007 Vol. 60 [2] p.51).<sup>7</sup>

Secondly, China delineated the broken U-shaped line in the South China Sea (Figure 1). Chinese map drawers changed this same line into a solid line when they used it for the land border line. Chinese diplomats called the broken U-shaped line a boundary line of Chinese historic waters in a somewhat ambiguous way (*Far Eastern Economic Review*, April 27 1995, p. 28). What do they really mean?

#### *The East China Sea, Gulf of Tonkin: The Chinese Principle and Boundary Issues*

The Chinese principle for delineating the boundary is to select the median line or the extended line of the continental shelves, whichever is favorable to China. In this way, the Chinese government asserts the extended line of the continental shelves as its boundary (EEZ) with Japan in the East China Sea, though the Japanese government disagreed with this Chinese assertion (Shao Yongling, *Haiyang Zhanguoce [The Chinese Naval War Strategy]*, Shiyou Gongyue Chubanshe, 2010, p. 195). It adds some tension to Sino-Japanese relations.

Further, China and Vietnam decided on the median line as the boundary of the EEZ and the continental shelf in the Gulf of Tonkin in 2000 (Tang Jiakuan, *Jinyuxufeng [Downpour and Warm*

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<sup>5</sup> Deng’s words were made after the Tiananmen Incident in 1989, though the phrase was said to be arranged by the CCP cadre in 1990s. Satoshi Amako and Ryo Asano (eds.), *Zhugoku/Taiwan (China and Taiwan)*, (Kyoto: Mineruva Shobo Publishing, 2008) pp. 211-212.

<sup>6</sup> Equity in maritime law is based on the shape of the coast line and the length of façade, Yukio Shimada, Moritaka Hayashi (eds.), *op.cit.*, (Tokyo: Yushindo, 2005) pp.83-86.

<sup>7</sup> Li Guoqiang is Deputy Director of the Centre for China’s Borderland History and Geography Studies (Beijing: China Academy of Social Sciences).

*Wind: Memoirs of Tang Jiakuan*], Shijiezhishishe, 2009, Beijing, pp. 261-262, Nguyen Hong Thao, "Vietnam and Its Ten Years' Implementation of the 1982 UN Convention on the Law of the Sea," *International Studies*, No. 15, December 2004, Hanoi, p. 21).

If the Chinese had selected the extended line of the continental shelf, it would not have been favorable to China, because the line would be much closer to Hainan Island (this comment was made by Ryo Asano [Doshisha University] at a research session on 10 January 2009, and again in this author's interview with an official of the Vietnamese Ministry of Foreign Affairs [13 September 2009]). It seemed that China imposed its claim on Vietnam by sheer force. Some Vietnamese still resent this instance of Chinese arrogance, because if China follows the "sea boundary line" set in the 1887 Convention on the Delimitation of the frontier between China (Qing Dynasty) and Vietnam (French Indochina), two-thirds of the Gulf of Tonkin would belong to Vietnam (Yann-huei Billy Song, China's Ocean Policy: EEZ and Marine Fisheries, *Asian Survey*, Vol. XXIX, No. 10, October 1989, p. 993).

From the usual interpretation of the international law of the sea, the delineation of the boundary between neighboring states is currently based on the median line, not by the extended line of the continental shelves, though the United Nations Convention on the Law of the Sea (UNCLOS) article 74 only requires negotiation on the basis of international law to achieve an equitable solution (<http://www.joc.u-tokyo.ac.jp/~worldjpn/documents/texts/mt/19821210.TIL/html> accessed April 20 2011).<sup>8</sup> The inconsistency in interpretation of the law to select a line favorable to oneself is also not acceptable in an ordinary sense.

China began oil and gas exploration in the East China Sea in 1974, and the then Ministry of Geology and Mineral Resources discovered the Pinghu oil and gas field in 1983, and preparation for exploration began in 1992 (Shigeo Hiramatsu, *Zhugoku no Kaiyo Senryaku [China's Naval Strategy]*, Keiso Shobo, 1993, Tokyo, pp. 104-112, Reinhard Drifte, *Japanese-Chinese Territorial Disputes in the East China Sea: Between Military Confrontation and Economic Cooperation*, working paper, 2008, LSE Research online, <http://eprints.lse.ac.uk> p.17, accessed April 26 2011).

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<sup>8</sup> The precedents of the International Court of Justice (ICJ) on the delineation of the boundaries between neighboring states, in some cases attached more importance on the equity (ex. the issues of maritime boundary in the Gulf of Maine in 1984, and Libya - Malta in 1985), but most of the time placed weight on the median line, and amended some portions of the median line by consideration of the equity (ex. the maritime boundary disputes of Greenland - Jan Mayen in 1993, and Qatar - Bahrain in 1991; Yukio Shimada, Moritaka Hayashi (eds.), *op.cit.*, 2005, pp.81-86, Peter Dutton, "Carving up the East China Sea," *Naval War College Review* Spring Vol. 60 [2] (2007) pp. 54-57; Mami Matsuba, *Tairikudana to Haitatekikeizaisuiiki no kyokaikakutei - Hanrei Shokai - (Settlement of the Boundary Issues of the Continental Shelves and EEZs - Introduction to the Precedents)*, [http://www.ndl.go.jp/jp/data/publication/refer/200507\\_654/065403.pdf](http://www.ndl.go.jp/jp/data/publication/refer/200507_654/065403.pdf) accessed May 13 2011). The United States government reservation on the median line is understandable, because they stressed the importance of the equity at the ICJ case concerning delimitation of the maritime boundary in the Gulf of Maine Area with the Canadian government in 1984. But it is rather an exceptional case. A Japanese maritime law specialist in the Ministry of Foreign Affairs said that the current precedents basically attach importance on the median line (Author's interview with a Japanese diplomat, March 4 2009). The UNCLOS article 15 also requires the delineation of the territorial waters between neighboring states by the median line (<http://www.joc.u-tokyo.ac.jp/~worldjpn/documents/texts/mt/19821210.TIL/html> accessed April 20 2011).

In October 1999, a rig only 4.8 km from the median line found gas in what was later called the Chunxiao field, and the gas field stretched to some part of the Japanese asserted EEZ (Drifte, *op. cit.*, p.17, Shigeo Hiramatsu, *Nihon wa Chugoku no Zokkoku ni Naru [Japan would become a dependency of China]*, Kairyusha, 2009, pp.51-53). The Japanese government protested the Chinese exploration, and currently Japan-China bilateral negotiations on the joint development continues intermittently.

The total quantity of the discovered natural energy resources under the seabed in the East China Sea, mostly natural gas, is said to be 180 million barrels (if we convert its quantity into oil). This is equivalent to 10% of Japan's annual consumption (*Asahi Shinbun*, June 1 2010, Akira Ishi and Kazuhiko Fuji, *Sekai wo Ugokasu Sekiyu Senryaku [World Oil Strategy]*, Chikuma Publishing, 2003, p. 129, p. 154). The estimated quantity of oil and gas in the Japanese EEZ in the East China Sea was said to be around two times Japan's annual consumption (*Yomiuri Shinbun*, August 25 2004). Japanese oil companies did not join in the search for these resources because the Japanese government had been reluctant to allow exploration, and the deposits seemed to be small, and the search was said to be quite costly.<sup>9</sup>

Regarding the fishery resources, the Japanese Ministry of Agriculture, Forestry, and Fisheries reported that the total fishery catch in the East China Sea and the Yellow Sea was about 9.2 million tons (China: 8 million tons, South Korea: 1 million tons, Japan: 0.2 million tons) in 2004 (General Remarks, Fishery in East China Sea, Ministry of Agriculture, Forestry, and Fisheries, [http://www.jfa.maff.go.jp/kokushi\\_hp/H17syousai/63.pdf](http://www.jfa.maff.go.jp/kokushi_hp/H17syousai/63.pdf) accessed June 1 2008).

The next issue is the Senkaku Islands in the East China Sea. The Senkaku Islands consist of five islands, namely, Uotsurijima Island (Figure 2, the biggest island, 4.3 square kilometers), Taishojima Island (Figure 3, 0.15 square kilometers), Kubajima Island (1.1 square kilometers), Kitakojima Island (0.45 square kilometers), Minamikojima Island (0.3 square kilometers), and three small rocks (Okinokitaiwa, Okinominamiwa, Tobiseiwa).<sup>10</sup> In Chinese, Uotsurijima Island is called Diaoyudao, or Diaoyutai, Taishojima Island is called Chiweiyu, Kubajima Island is called Huangweiyu, Kitakojima Island is called Beixiaodao, Minamikojima Island is called Nanxiaodao.<sup>11</sup>

The Chinese government officially stated that "Diaoyudao historically belong to China" (*Renmin Ribao*, December 31 1971).<sup>12</sup> The *Renmin Ribao* reported, "these islands had been included

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<sup>9</sup> Several Japanese companies applied for East China Sea exploration permits in the 1970s, but the Japanese government turned them down. It is reported that the Ministry of Foreign Affairs did not want to upset China. Until 2004, the Japanese government was reluctant to allow Japanese companies to survey the East China Sea (Drifte, *op. cit.*, pp.18-20). The Japanese specialists are rather pessimistic about the oil and gas production in the East China Sea (Akira Ishi and Kazuhiko Fuji, *op. cit.*, pp.136-140).

<sup>10</sup> The area data of Senkaku Islands are cited from the materials of Japan Maritime Self-Defense Force (JMSDF) on 2 March 2011, and Ikuo Kayahara (ed.), *Chugoku Gunji Yogo Jiten [Encyclopedia of the Chinese Military Affairs]*, (Tokyo: Sososha, 2006) pp.252-253.

<sup>11</sup> *Renmin Ribao* (December 31 1971), *Yazhou Zhoukan* (September 16 1996). *Yazhou Zhoukan* is Asiaweek's Chinese edition.

<sup>12</sup> China's unofficial statement was made by Xinhuashe on December 4 1970 (Sakae Midorima, *Senkaku Retto [Senkaku Islands]*, (Naha: Hirugisha Publishing, 1998) p.21).



**Figure 2 The Senkaku Islands/Uotsurijima Island [Koichi Sato]**



**Figure 3 The Senkaku Islands/Taishojima Island [Koichi Sato]**

in the Chinese maritime defense area from the Ming Dynasty era, and they belong to Taiwan, not to Japan's Ryukyu (Okinawa) Islands. Japan deprived China of these islands during the Japan-Qing Dynasty War, and forced the Qing Dynasty government to cede Taiwan and these islands at the "unfair" Treaty of Shimonoseki in April 1895. After World War II, the Japanese government illegally ceded Senkaku Islands to the United States, and the U. S. government declared that they have the

administrative rights on these islands.

The administrative rights 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 June 17 1971.<sup>13</sup> Chinese scholars often show some old charts which described the Senkaku Islands and the Spratly Islands before the twentieth century as evidence of their territorial claim, but these old chart described these islands not as evidence of territorial claims or administrative control, but as a navigational guide (Midorima, *op. cit.*, pp. 58-66, Tatsuo Urano, *Nankai Shoto Kokusai Funso Shi [History of the International Conflicts over the South China Sea Islands]*, Tosui Shobo Publishing, 1997, Tokyo, pp. 107-121).<sup>14</sup>

From the beginning of the old Chinese Dynasty, China’s relations with neighboring countries were not the relations between territorial states; they were based on the tributary system. The Chinese tributary system was a lenient and profitable trade system for neighboring states, if they paid respect to the Chinese Emperor, so many states surrounding China wanted to get tributary status (Takeshi Hamashita, *Okinawa Nyumon [Historical Introduction of Okinawa]*, Chikuma Shinsho, 2000, Tokyo, pp. 81-122, Kurayoshi Takara, *Ajia no Naka no Ryukyu Okoku [The Ryukyu Kingdom in the Asia]*, Yoshikawa Kobunkan, 1998, Tokyo, pp. 10-12, pp. 58-75).

The Qing Dynasty was not so strict with maritime territorial claims and responsibilities, either. In 1898, the then British minister counselor complained to the Qing Dynasty’s government about some Chinese fishermen’s plunder of a British ship that had wrecked on one of the Paracel Islands (Tatsuo Urano, *op. cit.*, p. 239). The Governor-general of Guandong province told him that the dynasty was not responsible, because the Paracel Islands didn’t belong to the Qing Dynasty.

The domain of the Chinese Dynasty repeatedly expanded and shrank; its borders were not lines (*bianjing*), but areas (*bianjiang*).<sup>15</sup> Given this history, it is not easy to define China’s periphery by old maps. Further, the biggest domain was not the ethnic Han’s (Chinese) but the ethnic Mongolians’. It is much more difficult to claim the uninhabited islands in the ocean such as the Senkaku Islands and the four island groups in the South China Sea including the Spratly Islands.<sup>16</sup>

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<sup>13</sup> *The Basic View on the Sovereignty over the Senkaku Islands* (<http://www.mofa.go.jp/region/asia-paci/senkaku/senkaku.html> accessed April 28 2011). The date of the reversion was May 15 1972 (<http://www.archives.pref.okinawa.jp/publication/2009/05/post-198.html> accessed April 28 2011).

<sup>14</sup> Some Chinese scholars suggested a Ming Dynasty’s personal logbook in 1534 (Chen Kan, “Shi Liuqiulu” [Record of My Duty to Ryukyu]) as evidence of Chinese discovery and preferential right. But the logbook was not the official record, and its author described that his ship hired Ryukyu seamen as pilots for navigation from the Ming Dynasty to the Ryukyu Islands (Midorima, *op. cit.*, pp. 49-52). If so, the Chinese discovery is not true, and there was no clear description of the Ming Dynasty’s ownership of Senkaku Islands in the logbook (Midorima, *op. cit.*, p.53).

<sup>15</sup> Shigeo Hiramatsu, *Chugoku No Anzenhoshou Senryaku [China’s Defense Strategy]*, Keiso Shobo Publishing, pp. 74-79, *Jiefangjunbao*, April 3 1987.

<sup>16</sup> A Japanese scholar, Kiyoshi Inoue who was a supporter of the CCP suggested the Japanese old map of Hayashi Shihei as the evidence for Chinese sovereignty of the Senkaku Islands, though Midorima pointed out that, “the map is not suitable for evidence because it was a copy of an old Chinese map, and was therefore not the official record and on it many descriptions were incorrect, for example, Ryukyu (Okinawa Island) was described as being larger than Taiwan, and it showed that Taiwan didn’t belong to China” (Kiyoshi Inoue, *Senkaku Retto*

Therefore, the Chinese logic of the territorial claim is very weak.

China's assertion that the Senkaku Islands belong to Taiwan is also controversial, because the CCP organ recognized that the Senkaku Islands belonged to the Ryukyu Islands, not to Taiwan in 1953 (*Renmin Ribao*, January 8 1953). Former Japanese Foreign Minister Seiji Maehara pointed this out at a press conference on September 29 2010, though the Chinese foreign ministry spokesperson ignored it (*Japan Times*, September 29 2010).<sup>17</sup>

Former Taiwanese President Lee Tenghui also mentioned, "The Senkaku Islands belong to Okinawa of Japan, not to China. There is no evidence which supports China's assertion. I only would like to ask the Japanese government to reconsider the fishery rights of the Taiwanese fishermen in the sea area surrounding the Senkaku Islands" (*Okinawa Times*, September 24 2002).<sup>18</sup> President Ma Yingjiu, the current President of Taiwan, asserts Taiwan's ownership of the Senkaku Islands, and he has no intention to cooperate with China on this issue (*Yomiuri Shinbun*, November 10 2010).

A Chinese scholar, Yang Zhongkui suggested the document of the Empress Dowager who awarded three of the Senkaku Islands, namely, Uotsurijima Island, Taishojima Island, and Kubajima Island, to the Sheng Xuanhuai family in order to grow medicinal herbs in 1893. The Sheng family manufactured the pills from a medicinal herb (*Statice arbuscula*) of Senkaku Islands, and the pills impressed the Empress (Midorima, *op.cit.*, p. 12, pp. 67-70, p.174; Mark J. Valencia, *The East China Sea dispute: "Context, Claims, Issues, and Possible Solutions"*, *Asian Perspective*, Vol. 31, No. 1, 2007, p.153).

But this document was suddenly suggested by Yang in February 1972 to support the Chinese government's assertion. There was no date attached, and only the year and month (Year *Guanxu* Nineteen, October) were described in the document.<sup>19</sup> Sakae Midorima pointed out that, "Taishojima Island is made of rocks, and there is no weed growing. So it is strange that the island was awarded for herb growing" (See Figure 3, Midorima, *op. cit.*, pp.69-70). The Chinese official statement on Senkaku Islands in 1971 didn't employ it as evidence, and Chinese scholars recently admitted that the document was fake (*Renmin Ribao*, December 31 1971; Nobuyuki Sugimoto, *Daichi no Hoko [A*

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[*Senkaku Islands*], Daisanshokan, 1996 [a color copy of Hayashi's map is included in the appendix of this book], Midorima, *op. cit.*, pp.60-63).

<sup>17</sup> The CCP at its Second Congress in 1922, called for the unification of China, but did not mention Taiwan as part of the territory to be included within its borders (Harry Harding, "The Concept of 'Greater China': Themes, Variations and Reservations", *The China Quarterly*, December 1993, Number 136, p.679). In an interview with Edgar Snow in 1936, Mao Zedong made the same point more explicitly. Likening Taiwan to Korea, Mao said that both territories should become independent states following the defeat of Japan, rather than being reattached to China (Edgar Snow, *Red Star Over China* [New York: Grove Press, 1961], p.96, Harry Harding, *op. cit.*, p.679).

<sup>18</sup> President Lee also suggested the US\$1 billion investment plan to Okinawa in December 1996 to strengthen the Taiwan-Okinawa economic ties, though it was not realized (*Ryukyu Shimpo*, December 10 1996). It was said that President Lee's real aim was not economic ties but political security ties with Okinawa (which has U. S. military facilities) when his Chinese Nationalist Party (CNP) experienced difficult times during the Taiwan Straits Crisis 1995-1996 and President Lee sought shelter for the CNP in case of emergency (author's interview with a *Ryukyu Shimpo* staff writer on December 8 2001).

<sup>19</sup> Midorima, *op. cit.*, pp. 66-70, and p.174 (a photocopy of the document).

*Roar of the Earth*], PHP, Tokyo, 2006, p. 76).<sup>20</sup>

The Japanese government officially rebuffed the Chinese assertion on March 8 1972. It stated as follows: “From 1885 on, surveys of the Senkaku Islands had been thoroughly made by the Government of Japan through the agencies of Okinawa Prefecture and by way of other methods. Through these surveys, it was confirmed that the Senkaku Islands had been 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 January 14 1895 to erect a marker on the islands to formally incorporate the Senkaku Islands into 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” (*The Basic View on the Sovereignty over the Senkaku Islands*, Ministry of Foreign Affairs, Japan, March 8 1972, accessed April 28 2011, <http://www.mofa.go.jp/region/asia-paci/senkaku/senkaku.html>).<sup>21</sup>

No country asserted a territorial claim when Japan occupied the Senkaku Islands in 1895. The Consul of the Republic of China (ROC) in Nagasaki Prefecture presented a letter of appreciation to the citizens of Ishigakijima Island who rescued castaway Chinese fishermen on the “Japanese Senkaku Islands” on May 20 1920 (Midorima, *op.cit.*, p. 12, pp. 180-181, *Ryukyu Shimpo*, September 9 2010).

Tatsushiro Koga, a businessman and head of fishermen, rented these islands from the Imperial Japanese government in 1896, and the Japanese government disposed of the Senkaku Islands to Koga in 1932.<sup>22</sup> He and his son, Zenji Koga, built houses at Uotsurijima Island and Minamikojima Island. They managed some 160 fishermen and workers, letting them produce shark fins, dried bonitos, and stuffed sea birds (Midorima, *op. cit.*, pp. 103-109).

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<sup>20</sup> The late Nobuyuki Sugimoto was the Consul General of Japan in Shanghai, and was famous as a prominent China watcher in Japan.

<sup>21</sup> Recently, many scholars of third party countries, like Reinhard Drifte, Peter Dutton, Linus Hagstrom, M. Taylor Fravel, Daniel Tretiak, and Mark J. Valencia wrote on the issue of the Senkaku Islands, though none quoted the Japanese resources with the exception of Linus Hagstrom and Reinhard Drifte (Reinhard Drifte, *Japanese-Chinese Territorial Disputes in the East China Sea : Between Military Confrontation and Economic Cooperation*, (LSE Research online, <http://eprints.lse.ac.uk> 2008) pp.1-44); Peter Dutton, “Carving up the East China Sea,” *Naval War College Review* Vol. 60 [2] pp.49-72; Linus Hagstrom, “Quiet power: Japan’s China policy in regard to the Pinnacle Islands,” *Pacific Review* Vol. 18 No. 2 June (2005) pp.159-188; M. Taylor Fravel, *Strong Borders Secure Nation*, (Princeton: Princeton University Press, 2008), Daniel Tretiak, “The Sino-Japanese Treaty of 1978: The Senkaku Incident Prelude,” *Asian Survey* Vol. XVIII No. 12, December 1978, pp.1235-1249; Mark J. Valencia, “The East China Sea dispute: Context, Claims, Issues, and Possible Solutions,” *Asian Perspective* Vol. 31 No. 1 (2007) pp.127-167). It is the reason that many of their arguments are distorted by the Chinese writers’ materials written in English. For example, some articles quoted the Chinese assertion based on the above-mentioned faked document of the Empress Dowager (Mark J. Valencia, *op.cit.*, p.153). It is also a pity that none of the scholars of these third countries quoted the above-mentioned English version of the Japanese government statement on the Senkaku Islands. That is one of the reasons why they ignored the legitimacy of the Japanese sovereignty of the Senkaku Islands, and they only competed with one another for the “best proposal of settlement.”

<sup>22</sup> Koga’s first set foot on the Senkaku islands in 1884 when his delegation investigated the islands and collected the down of albatross and some marine products (Midorima, *op. cit.*, p.98).

In the post-war period, the U.S. government occupied the Ryukyu Islands, including the Senkaku Islands, from 1945 to 1972. The U.S. government returned the Ryukyu Islands to Japan in 1972, and all of the Ryukyu Islands including the Senkaku Islands are covered by the Japan-U.S. Security Treaty (Philip J. Crowley, "Remarks to the Press," US Department of State, <http://www.state.gov/r/pa/prs/ps/2010/09/147836.htm>). The U.S. government used a part of the Senkaku Islands (Kubajima Island and Taishojima Island) as a shooting range for the U.S. navy and paid a rental fee to Zenji Koga and his family, the then owner of the Senkaku Islands during the occupation period from 1951 to 1972 (Midorima, *op. cit.*, p. 115).

Under the U. S. administration, Ryukyu University and the Japanese government practiced ten scientific investigations on the Senkaku Islands and some parts of the sea area surrounding these islands from 1950 to 1971 (Midorima, *op. cit.*, pp.116-118, Sadao Ikehara (ed.), *Senkaku Retto Gakujutsu Chosa Hokoku [The Research Report of Senkaku Islands]*, Ryukyu University, Nishihara, 1971).<sup>23</sup> They found 46 points of water resources in all islands with the exception of Taishojima Island, and some of them were potable fresh water springs. The delegations also found many birds such as swallows, kingfishers, hawks, albatrosses, brown boobies, small owls, as well as mammals such as goats, cats and rats.<sup>24</sup>

China suddenly began to assert a territorial claim on December 4 1970 (Midorima, *op. cit.*, p. 21). The Chinese government changed their attitude toward the Senkaku Islands because they learned in May 1969 from a United Nations' report about oil and gas deposits under the East China Sea.<sup>25</sup> China also knew of the U.S. government's decision to return the Ryukyu Islands, including the Senkaku Islands, to Japan in November 1969 (Midorima, *op. cit.*, pp. 17-18, Akihiko Tanaka, *Anzenhosho [The Japanese Security and Defense]*, Yomiuri Shinbun Sha Publishing, 1997, p. 368). The existence of the natural resources (oil and gas) in the East China Sea surrounding the Senkaku Islands, and the shift of administrative power from the United States to Japan, seem to have been the reasons for the change in China's will.<sup>26</sup>

China has provoked Japan occasionally, and some of their actions were said to be connected to the Chinese domestic power struggles in the CCP. China dispatched some 140 armed fishing boats to the sea area surrounding the Senkaku Islands in April 1978. It was said that some anti Deng Xiaoping cadre or supporters of the Gang of Four in the CCP challenged Deng, and dispatched the armed fishing boats to the Senkaku Islands to disturb Deng's moderate diplomatic policy with Japan (Sugimoto, *op.cit.*, 2006, pp. 63-64, *Asahi Shinbun*, April 13 1978).<sup>27</sup> In accordance with this Chinese

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<sup>23</sup> There was no record of the Chinese scientific investigation of the Senkaku Islands in Qing Dynasty era.

<sup>24</sup> There are also some Senkaku moles and Senkaku river crabs in Uotsurijima island ([http://www.biodic.go.jp/rdb\\_fts/2000/74-059.html](http://www.biodic.go.jp/rdb_fts/2000/74-059.html) accessed April 28 2011; *Sankei Shinbun*, November 7 2010), The Senkaku moles were found in 1991.

<sup>25</sup> *Technical Bulletin Vol. 2*, Economic Commission for Asia and the Far East, Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas, the Geological Survey of Japan, May 1969.

<sup>26</sup> Many people have pointed out China's ambition toward the oil fields, but a former senior Japanese diplomat stressed that China's changing attitude seemed also to be influenced by the power shift vis-à-vis the return of Okinawa (author's interview with a former senior Japanese diplomat on March 23 1992).

<sup>27</sup> The Gang of Four was the CCP faction led by Jiang Qing, wife of Mao Zedong.

maritime offensive, the Japan Coast Guard dispatched a helicopter patrol vessel to the Senkaku Islands, and left the vessel stationed in the surrounding sea area. A P-3C patrol plane of the Japan Maritime Self-Defense Force (JMSDF) patrols the sea area by air every day. But the Chinese offensive did not stop.

It is said that the CCP's intra-party struggle in the Japan-China game in East China Sea is not as important as before. The current Chinese leaders are not the life-time leaders such as Mao Zedong and Zhou Enlai. There is a term of office and retirement age for the CCP leaders.<sup>28</sup> This is one of the reasons that the intra-party struggle become not as important as before, though the intra-party struggle on the policy options seems to continue, even if the Hu Jintao administration is moderate, and not an anti-Japanese faction.<sup>29</sup> There were some recent cases which suggested that the CCP's intra-party struggle might have some impact on Chinese foreign policy procedure towards Sino-Japanese relations.

Seven members of the *Zhongguo Minjian Baodiao Lianhehui* [ZMBL] (Non-governmental Organization for the Liberation of Diaoyudao in China) landed on Uotsurijima Island in March 2004 (*Kaijo Hoan Repoto [Japan Coast Guard Annual Report] 2006*, Japan Coast Guard, p. 35, *Asahi Shinbun [Evening News]*, March 25 2004).<sup>30</sup> They were arrested by the Japanese police, and the incident had a negative impact on Japan-China relations. It was said that the ZMBL homepage was closed several times by the Hu Jintao administration because of their provocation and disturbance of public security in China.<sup>31</sup> But the ZMBL has survived and continues its activities, so it is said that the ZMBL is supported by some anti-Japanese CCP cadre.

Two Chinese oceanographic survey vessels also appeared in the sea area surrounding the Senkaku Islands as a political demonstration in December 2008. The two vessels conducted no oceanographic survey, and just wandered around the sea area surrounding the Senkaku Islands. It occurred a few days before the First Japan-China-Korea Summit Meeting in Kyushu

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<sup>28</sup> For example, the term of the president of state is five years, and the president may be only once reappointed (Satoshi Amako, et.al., *Iwanami Gendai Chugoku Jiten (Encyclopedia of Modern Chinese Affairs)*, 1999, Tokyo, p.365).

<sup>29</sup> In Japan, the post-Koizumi Liberal Democratic Party (LDP) administration, and the current Democratic Party of Japan (DPJ) administration have been also amicable to China in comparison with the Koizumi administration, because Prime Minister Junichiro Koizumi insisted on the annual Visit to Yasukuni Shrine that Chinese leaders recognize as a Japanese militarist symbol (Tatsumi Okabe, Nicchu Kankei no Dakai he Mukete [Toward a Breakthrough of Japan-China Relations], *Toa [East Asia]*, November 2005 pp.50-63).

<sup>30</sup> One of the members of ZMBL who landed had painted a stone guardian dog [*komainu*] of Yasukuni Shrine in red in 2001(*Asahi Shinbun [Evening News]*, March 25 2004). It was said that when they landed, they also destroyed the Senkaku Shrine which was built by the Japanese political party *Nihon Seinen Sya* in 2000 (Uyoku ga Kataru Senkaku Mondai [Right Wing Leaders told the Issue of Senkaku Islands], *Saizo [a magazine's name]*, Tokyo, pp.76-79). *Nihon Seinen Sya* built a small lighthouse in 1978 and rebuilt it in 1988 in Uotsurijima Island, and they also built another lighthouse on Kitakojima Island in 1996 (April 30 2011, [http://www.seinensya.org/whats\\_seinensya/img/todai/todai.html](http://www.seinensya.org/whats_seinensya/img/todai/todai.html)). The Japan Coast Guard made the lighthouse in Uotsurijima state-owned on February 9 2005 (*Kaijo Hoan Shinbun*, February 17 2005).

<sup>31</sup> Currently, some part of the homepage cannot be seen (<http://www.cfdd.org.cn/html/news.html> accessed October 29 2010).

([http://www.mofa.go.jp/mofaj/area/jck/summit/0812\\_gai.html](http://www.mofa.go.jp/mofaj/area/jck/summit/0812_gai.html) accessed May 2 2011; *Kaijo Hoan Repoto 2009*, the Japan Coast Guard, Tokyo, p.8). It was a very strange activity, and was not appropriate for an amicable summit meeting with Japan. It may be circumstantial evidence of the pluralized decision making procedure of Chinese foreign policy.<sup>32</sup> It was likely that the anti-Japanese CCP cadre dispatched the vessels to ensure Prime Minister Wen Jiabao's behavior would not be too amicable to Japan.

Therefore some Japanese scholars have pointed out that the Sino-Japanese game in the East China Sea is still used as a tool in a complicated intra-party struggle (Akio Takahara, *Senkakuoki Gyosen Dahojiken to Kongo no Nichibeichu Kankei [The Capture Incident of the Chinese Fishing Boat and the Future of the Japan-U.S.-China Relations]*, Nihon Kisha Kurabu [Japan Press Club], October 22 2010, <http://www.jnpc.or.jp/files/2010/10/b0cd1e08c67c4abc748c385415a10081.pdf> accessed April 29 2011). The complicated intra-party struggle may have some ill-effect on the amendment of the current Chinese government policy toward Japan.

The captain of a Fujianese trawler which was poaching for filefishes bumped his boat into a Japan Coast Guard (JCG) patrol boat in the sea surrounding Kubajima Island in September 2010 ([http://www.mofa.go.jp/mofaj/press/kaiken/gaisho/g\\_1009.html](http://www.mofa.go.jp/mofaj/press/kaiken/gaisho/g_1009.html) accessed October 2 2010; *Asahi Shinbun*, September 8 2010).<sup>33</sup> The Japanese government arrested the captain, and the Chinese government gave notice to immediately postpone Japan-China bilateral negotiations on the joint development of oil and natural gas in the East China Sea (*Nihon Keizai Shinbun*, September 12 2010).<sup>34</sup> It was also possible to guess that the anti-Japan cadre in the CCP utilized this incident to suspend Japan-China bilateral negotiations.<sup>35</sup>

Further, a senior director of the China National Offshore Oil Corporation (CNOOC) told the Japanese press that the CNOOC had already begun oil production at the Chunxiao field, although the Chinese foreign ministry immediately denied the production (Spokeswoman's Press Conference on

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<sup>32</sup> Linda Jakobson and Dean Knox traced the recent pluralized decision making procedure of China's foreign policy, and they pointed out the weak position of the Chinese foreign ministry. Linda Jakobson and Dean Knox, *Zhugoku no Atarashii Taigai Seisaku*, (Tokyo: Iwanami Shoten, 2011) [The Japanese Translation of "Linda Jakobson and Dean Knox, *New Foreign Policy Actors in China*, SIPRI Policy Paper No. 26, 2010"], pp.2-3 and pp.17-19).

<sup>33</sup> The recent incident by a Chinese trawler in the sea area surrounding Kubajima Island seems to have been accidental, and the 15 crew seem not to have been connected to the PLA navy, because no dynamite, no cyanide, and no sailor uniforms were found on the boat. These explosives, poisons, and military uniforms were found by the Philippine navy patrol boat which captured Chinese fishing boats in the sea area surrounding the Spratly Islands in the South China Sea in 1995 (*Far Eastern Economic Review*, April 6 1995, p. 15; author's interview with an officer of the Philippine Armed Forces, November 11 1995).

<sup>34</sup> It was said that the captain's breath reeked of liquor (Author's interview with a Japanese government official on November 10 2010).

<sup>35</sup> The anti-Japan comment of the trawler captain also reappeared in a Hong Kong newspaper on the occasion of Prime Minister Wen's visit to Japan (*Mingpao*, 23 May 2011, <http://news.mingpao.com/20110523/gaa1.htm> accessed May 23 2011). The captain said that he was monitored by Chinese government officials (accessed May 25 2011, [http://news.searchina.ne.jp/disp.cgi?y=2011&d=0524&f=national\\_0524\\_121.shtml](http://news.searchina.ne.jp/disp.cgi?y=2011&d=0524&f=national_0524_121.shtml), *Sankei Shinbun*, May 25 2011). If so, it is possible that the anti-Japanese CCP cadre let the captain comment and they checked Prime Minister Wen's soft attitude toward Japan.

10 March 2011, Ministry of Foreign Affairs, China, accessed May 6 2011, <http://www.fmprc.gov.cn/chn/gxh/tyb/fyrbt/t804847.htm>; *Asahi Shinbun*, March 9 2011).<sup>36</sup> It may be another piece of circumstantial evidence of the pluralized decision making procedure of Chinese foreign policy, because the Chinese foreign ministry had promised the Japanese foreign ministry to stop the arbitrary development of the Chunxiao field for a while.

Related to the recent Senkaku Incident, Jeffery Bader, Senior Director for Asian Affairs in the Obama administration, said, “What the Japanese are referring to is a longstanding U. S. position, which is, number one, we do not take a position on the respective territorial claims of China and Japan towards the Senkaku Islands. But number two, the U.S.-Japan Security Treaty covers all areas administered by Japan, and since the reversion of Okinawa from the U.S. to Japan in 1972, the Senkaku Islands have been administered by Japan, so that is what that is a reference to.” (*Press briefing by Press Secretary Robert Gibbs, Special Assistant to the President and Senior Director for Asian Affairs Jeff Bader, and Deputy National Security Advisor for Strategic Communications Ben Rhodes*, September 23 2010, <http://www.whitehouse.gov/the-press-office/2010/09/23/press-briefing-press-secretary-robot-gibbs-special-assistant-president-> accessed April 27 2011).

Bader’s comment was more than the comment of an official of the State Department in 1972, because the official told the Japanese press that the U.S. position on the sovereignty of the Senkaku Islands was neutral (*Asahi Shinbun*, March 22 1972). The Japanese should understand that the U. S. government may not support Japan’s sovereignty on the Senkaku Islands, if these islands are occupied by China. Every year, about 500 Chinese and Taiwanese fishing boats come to the sea area surrounding the Senkaku Islands for poaching, and some of them, have the political will to land on the islands (author’s interview with an official of the Japanese government on March 9 2011). The Japanese government should remember that they may not depend on U.S. support for the defense of Senkaku Islands if they are occupied by China, because the Obama administration is said to be close to the “G2” (a group of two comprising China and the United States) approach.<sup>37</sup> If so, the Japanese should defend these islands by themselves.

(This discussion will be continued in the next issue of *EBR*)

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<sup>36</sup> The CNOOC director said “oil” production, not “gas” production.

<sup>37</sup> C. Fred Bergsten, “A Partnership of Equals,” *Foreign Affairs* July/August (2008) Vol. 87 No. 4 pp. 57-69; Zbigniew Brzezinski, “The Group of Two that Could Change the World,” *Financial Times*, January 13 2009.