

# “Islands” between Japan and China

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## Abstract

Japan-China relationship could be the most productive and prosperous bilateral relationship that brings benefits to Japan and China, East Asia, and the global political economy. However, it is one of the most sensitive, complicated, and unstable bilateral relations. There are “islands” between Japan and China, visible and invisible, natural and artificial. They are history, the Diaoyu/Senkaku Islands, and the U.S. as a security leverage to both Japan and China. To remove these “islands” will need intelligence, objectivity, and encouragement of generations of Chinese and Japanese people other than politicians. As two highly civilized, responsible, and trustworthy countries, there is a level of trust between Japan and China in terms of humanity and responsibility. The future of Japan-China relationship depends on the removal from the “islands” of historical sorrow and mistrust, territory dispute, and the U.S. as a force of distancing Japan and China.

The 21<sup>st</sup> century is the century of the Pacific Ocean, and East Asia is one of the major stages in world political economy where it forms multilateral organizations, holds important meetings, and attracts economic entities from other regions. Yet it is the area where the residual flame and legacy of the Cold War still exist. The question is often asked: what is the most important bilateral relationship in East Asia, U.S. -Japan or U.S. -China? The question itself is more or less from the perspective of the U.S. not from Japan or China, or East Asia. U.S. -Japan and U.S. -China relations are important bilateral relationships affecting international affairs in East Asia. But the most important bilateral relationship in East Asia is between Japan and China, which is also one of the most important bilateral relations in the world. It is a relationship between two East Asian countries, the second and third largest economies in the world that amounts nearly 20% of global economy. It is a relationship between close neighbors, the second largest developed country and the largest developing country, with many complementary economic elements. It is also a bilateral relationship between two different systems with deep connections in culture and history. However, there are “islands” blocking the development of a healthy and prosperous relationship between Japan and China. The invisible and artificial “islands” are mainly two: one is the mistrust between Japan and China related to history; the other one is the leverage of the U.S. on Japan- China relations. The visible and natural ones are the islands of Diaoyu/Senkaku, which has been the trigger to the crises in the neighborhood.

## History: “Islands” of Sorrow and Mistrust

There are historical antagonisms among countries, and some of them are desalinated or eliminated through agreements, resolutions, and reconciliations. The ones between Japan and China remain unre-

solved. They became the “islands” of sorrow and mistrust that obstruct the development and deepening of this bilateral relationship, which often occur as the description of the Pacific War in Japanese history textbook and the Yasukuni Shrine visit. They are the two biggest reefs among the “islands” of historical sorrow and the mistrust between the two countries. China considers them as the evidence of Japan’s not atoning for its invasion into China. Japan thinks them the view on its own history and a practice of Japanese culture.

China and Japan have a long history of cultural contacts. Before the Qing dynasty China had been stronger than Japan for most of the time, and the two neighbors had kept a peaceful relationship except for the harassment of Japanese pirates on the sea and the Yuan dynasty’s intention of invading Japan. After the Meiji Restoration, Japan became strong, and started prying into China. Between 1894-1915, Japan took Taiwan and an enormous amount of indemnity from China, joined the Allied Forces of Eight Powers, started the Russo-Japanese War, and instigated the independence of Inner Mongolia and Manchuria. Before World War I, Japan already determined its national policy of destroying China, and started its all-out invasion in Northeast China. During World War I, Japan invaded Shandong province of China and expanded its influence in Southern Manchu, Eastern Inner Mongolia, Fujian, and the Yangtze Basin through the Treaty of Twenty-one. In World War II, Japan controlled Northern and Eastern parts of China, and even penetrated through the Central China. Japan’s wars and invasions on China are the historical roots of Chinese sorrow and mistrust in Japan (Zhang, 2006). Among the things Japanese militarists did to Chinese during the war, the Nanjing Massacre in 1937 left the cruelest image among Chinese for generations.

In 1950s, Japanese and Chinese governments had been working on establishing a formal relationship. As a prerequisite, the war indemnity became one of the main topics. In 1957, Chinese Premier Zhou Enlai told the head of Social Democratic Party of Japan, Asanuma, that the war indemnity issue could not be decided before the normalization of Japan-China relations. It took the Chinese government another seven years to announce its decisions on the war indemnity from Japan. In January 1964, China formally decided to give up the war indemnity for the following four reasons: 1) both Taiwan and the U.S. have yielded Japan’s war indemnity; 2) as a socialist country, China cannot develop its economy depending on war indemnity; 3) distinguishing between Japanese militarists and Japanese people is one principle of Mao Zedong’s thoughts; and 4) asking for high war indemnity will postpone the normalization of a formal diplomacy between the two countries (毛里和子, 2006). China was poor, and its economy desperately needed money then. The war indemnity could be as much as \$ 50 billion, yet China gave it up. The cultural roots for China’s rejection of this money were its consciousness of “Middle Kingdom” and the Confucian mentality of thinking highly of righteousness and looking down on benefits. In 1972, when Japan and China were normalizing their relationship, China re-announced its giving up on the war indemnity. One of the reasons was that China did not want to add burdens to Japanese people, which would be not beneficial to Japan-China relations. But some Chinese thought it was foolish not to accept the war indemnity from Japan for the damage Japan did to China during the years of wars.

As mentioned above, partly because of the Confucian mentality of valuing friendship and devaluing money, China gave up the enormous money from Japan. However, the premise for doing so was that Japan had to make a deep apology for the damage it did to China during the war. To China, any denying of the historical facts in the war or paying respect to the war criminals would show the insincerity of Japan’s apology. But from the Japanese side, their views on the war are mixed from left to right. Some Japanese sincerely felt sorry for what Japan had done to China during the war. Some are very suspicious of the historical records China provided, for example, the number of people killed in Nanjing Massacre. Others believed that Japan had a mission of helping China and establishing a prosperous East Asia.

Due to the knowledge of the war, different views on the war, or concerns on how to tell the young generation about the war, Japanese history textbooks for school students replaced the word “Shinlyaku/侵略” with “Shinnshutsu/進出” in 1982. This issue evoked a diplomatic crisis between Japan and China. In 1986 when the Japanese government approved the new textbook, another crisis was aroused (毛里和子, 2006). Literally, both words in Japanese Kanji can be translated as “invade”. The difference is the former one only means invade; the later one can mean to “enter” or “participate” other than “invade”. So the word “Shinnshutsu/進出” indicates the meaning of “invade” in a more subtle and gentle way. But the meanings of the two words in Chinese characters are very different. The former one clearly means to invade; the later one has no meaning of “invade” at all. In the mid 1990s, fifty years after World War II, the neo-nationalism became popular in Japan. They claimed that the age of post-World War II had ended. Japan should discard the historical view of auto-sadism, and revise the history. Japan put forward a new concept of “double war” on World War II. According to the new concept, Japan admits that its war on China and the Southeast Asia was an invasion; but its war with the U.S. and France were wars among imperialists, and Japan was not the only evil. The Soviet Union’s occupation of Manchu was also an action of invasion. Japan praises its occupation of Taiwan that enhanced the educational level, and decreased the rate of illiteracy in Taiwan (毛里和子, 2006). Japan also questioned the number of people who were killed in Nanjing Massacre.

The Nanjing Massacre happened between December 13, 1937 and January of 1938 in Nanjing, China when Japanese military killed a large number of Chinese civilians. Japanese militarism was responsible for the Nanjing Massacre. It was one of the cruelest events in human history. However, it does not mean that Japanese are among the cruelest people. The war twisted those Japanese militarists’ soul so that they lost their normal mentality. To repent its actions during the war is the right attitude in order to be forgiven. In terms of the figure of people killed in this incident, it is a matter of a historical research. The majority Chinese believe that there were about 300, 000 Chinese who were killed during the six weeks of this massacre. Among Japanese scholars, news reporters, and others, there are different opinions on the figure: 1) at least way above 100, 000 people; 2) about 40, 000 people; 3) from a few thousands to 20, 000 people; and 4) only a few hundreds people were killed so that the massacre did not happen (Chapel, 2004). The substance of the Nanjing Massacre exists in its quality not the quantity. The key to this incident is not how many people exactly were killed but many defenseless Chinese civilians were killed cruelly. The idea of Prosperous East Asia was an ideal, however, what Japanese milita-

rists had done to China was absolutely contradictory to this ideal. The number would not change its essence of inhuman behavior.

The difficulties of resolutions on the Yasukuni Shrine visit between Japan and China lie in the different views from the two sides. According to Japanese views, visiting the Yasukuni Shrine is a religious ceremony strictly according to the ritual of Japanese Shindo (National religion). It is also a practice of Japanese nationalism. The war criminals were overly punished, but not punished by the Japanese domestic law. To Japan, those war criminals died for their country, and were considered the Showa martyrs as other soldiers, not the criminals. Many Japanese believe it is Japan's domestic issue that other countries have no right to interfere with (毛里和子, 2006). Moreover, moving the souls of those war criminals out of the Yasukuni Shrine has been an issue discussed but had no results yet in Japan. The majority of those whose souls were kept in the Yasukuni Shrine are ordinary soldiers. And it is an important element of Japanese culture to worship the souls of their dead people during certain seasons of a year. However, many Chinese consider the Yasukuni Shrine visit a practice of paying the respect to the war criminals.

History cannot be changed, but we can alter our perspectives and innovate our views on history. On the one hand, we should respect history and not deny the facts. On the other hand, we should stop exposing the historical scars to be hurt or to hurt others. China may have to look at the Yasukuni Shrine visit from a more understanding perspective with an awareness of Japanese culture. If it is necessary, the two countries can rewrite the history of their relations together based on the facts and data collected not by politicians, but by historians, from both countries.

### **Diaoyu/Senkaku: Islands of Territory Dispute**

Like many territory disputes in other regions, the dominium of the Diaoyu/Senkaku Islands is a complicated issue with multi-standards that cannot find a resolution between involved countries within the current international institutions and international law system. The multi-standards include: 1) the words in the annals used as the evidences of the exclusive right of discovery as well as other claims; 2) the exclusive right of management jurisdiction; 3) continuous evidences of sovereign territory naming; 4) records on administrative divisions; 5) clauses in international treaties; 6) international law on territory; and 7) geographical boundaries. Thus, different claims based on different standards are used as arguments in territory disputes between countries. Both Japan and China have been claiming the dominium to these small islands with different names, Senkaku in Japanese and Diaoyu in Chinese. In general, Chinese claims are based more on the words in the annals, the exclusive right of discovery, unlawfulness of cession according to treaties forced on China, and geographical boundaries. Japanese claims are based more on preemption of international law on territory acquisition and some clauses in related international treaties. In terms of the exclusive right of management jurisdiction and the records on administrative divisions, both countries claim their own evidences.

In international politics, a territory is a non-sovereign geographic area that has come under the

authority of another government; that has not been granted the powers of self- government normally devolved to secondary territorial divisions; or both<sup>1</sup>. According to the traditional international law, there are five ways in terms of territory acquisition: preemption, prescription, adjunction, cession, and conquest (Li, 2009). Japan and China have been claiming the dominium of the Senkaku/Diaoyu Islands using different ones of these five ways.

### Self-vindication from Japan

#### 1. Preemption of International Law

Preemption literally means “a prior seizure or appropriation; a taking possession before others”, and “a doctrine in law according to which federal law supersedes state law when federal law is in conflict with a state law” (Merriam-Webster Dictionary, 2013).

In 1885, a Japanese entrepreneur Koga asked Okinawa administration to approve his development plan on the Diaoyu/Senkaku Islands. Then the Japanese government started an investigation on the dominium of the islands. In his first report to the central government on September 22 1885, Okinawa magistrate Mr. Nishimura wrote that “we have been calling them Jiuchang Island and Diaoyu Island, but they might be the same islands named Diaoyu, Huangweiyu and Chiweiyu recorded in Chinese ancient documents.” Two months later, he reported to the government that these islands “have no connections with the Qing Dynasty of China.” However, the Japanese government cautiously dealt with this issue, and didn’t claim the ownership of these islands in the consideration of China’s possible reaction. It was not until January 1895 when China had lost the war to Japan when Japan claimed the Diaoyu Islands part of Okinawa without telling its neighbors including China. Since 1896, Koga and his son had been running business there until the company went bankruptcy in 1940. The islands have been absent of people ever since (Lian, 2010). Questions remain as follows: what kind of business did the Koga family run? Did China notice it? If China knew, why did not China take any actions on this matter?

#### 2. Prescription of International Law

The term of prescription means “the establishment of a claim of title to something under common law usually by use and enjoyment for a period fixed by statute; and the right or title acquired under common law by such possession” (Merriam-Webster Dictionary, 2013). Thus, the prescription of territory in international law legalizes the transfer of sovereignty upon the territory in question for a prolonged period of time without protest or other contest from the original sovereign due to the original sovereign’s extended negligence and/or neglect of the area in question<sup>2</sup>. When Koga and his son were running business on the island, neither the Qing Dynasty (up to 1911) nor the Republic of China (from 1911) took

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<sup>1</sup> [http://en.wikipedia.org/wiki/Territory\\_\(administrative\\_division\)](http://en.wikipedia.org/wiki/Territory_(administrative_division))

<sup>2</sup> [http://en.wikipedia.org/wiki/Prescription\\_\(sovereignty\\_transfer\)](http://en.wikipedia.org/wiki/Prescription_(sovereignty_transfer))

any actions protesting Koga's occupation of the island. Even the P.R. China neglected the islands for many years.

### 3. China's Acknowledgement

Japan claims that before 1971 China had acknowledged Japan's ownership on the Diaoyu/Senkaku Islands in several documents.

3. 1 The letters from the consul of Republic of China in Nagasaki, Mr. Feng, to four Japanese including Mr. Koga's son thanked them for helping some Chinese who drifted to the Diaoyu/Senkaku Islands. In these letters, Mr. Feng named the islands as the Senkaku Islands of Ba Chong Shan /Yaeyama Prefecture in Japan (Lian, 2010).
3. 2 An article from People's Daily on January 8, 1953 used the Japanese name of the islands — Jiange (Senkaku). The article admitted that the Senkaku Islands were part of Liu Qiu (Ryukyu) Islands. The most popular newspaper in Taiwan, "Lianhe Bao", also used the Japanese name for the islands in an article on October 6, 1968 (Lian, 2010).
3. 3 Some maps published in Taiwan and China before 1970 marked the Jiange (Senkaku) Islands as Japan's territory. Taiwan's middle school geography textbooks, published in January 1970, also considered the islands as Japanese territory (Lian, 2010).

### 4. The U.S. Returning Islands to Japan

The U.S. dominated the drafting and signing of the San Francisco Peace Treaty. The Diaoyu/Senkaku Islands were separated from Taiwan according to the treaty. The islands were included in the area under U.S. management authority within the U.N. trusteeship system. On December 25, 1953, the Ryukyu government during U.S. occupation published its 27th decree of "Geographical border of Ryukyu" which provided that the southern border of Ryukyu was 24° North Latitude. Thus, the Diaoyu/Senkaku Islands literally became part of the Ryukyu Islands. On June 17, 1971, the U.S. and Japan signed an agreement on returning the Ryukyu and the Da Dong Islands (effective from May 15, 1972). Thus the U.S. returned the Diaoyu/Senkaku Islands to Japan with the Ryukyu and the Da Dong Island (Jin, 2007).

### Counterevidence from Japan

1. Japan argues that the words in the Annals do not have the effect of law. The cases in international laws on territory are not based on records that cannot be proved.
2. There are no records of China's rule on the islands using executive, legislative, and judicial powers

such as taxation, judgment record, and so on (Lian, 2010).

3. Japan holds that China’s claim on the geographical boundaries of marine shelf is based on the concept of natural prolongation, which was the case for the international law in 1960s. According to U.N. law of the sea in 1982, the concept of natural prolongation does not apply to the case in which the body of water between two countries is less than 400 nautical miles (Lian, 2010).
4. The geographic characteristics of the seabed underneath the oceanic trench do not have any legal meanings (Lian, 2010).

### Summary of Japan’s Views

The conclusive views of the Japanese side are worded in a document of “Government Opinion on the Senkaku Islands” by Ministry of Foreign Affairs on March 8, 1972. The key points are: 1) Japan did an investigation for ten years, and found no traces of Qing Dynasty’s rule on the islands before incorporating the Senkaku Islands into Japanese territory on January 14, 1895; 2) the islands were not included in the territory of Taiwan and the Pescadores ceded to Japan according to the Treaty of Shimonoseki in 1895; 3) the Senkaku Islands were not part of the territory that Japan had to give up (San Francisco Peace Treaty item No. 2) but part of the territory under U.S. management (San Francisco Peace Treaty item No. 3), therefore were returned to Japan with the Ryukyu Islands by the U.S. in 1971; 4) China never questioned the area under U.S. management until the development of the continental shelf of the East Sea in 1970s (Jin, 2007).

### Self-vindication from China

#### 1. Words in the Annals

China has a history of more than two thousand years in word records on various areas including the Diaoyu Islands. Words in the annals are often used as evidence after the confirmation through research in historical studies. China claims the exclusive right of discovery, exclusive right of management jurisdiction, continuous evidence of sovereign territory naming based on words in the annals.

##### 1. 1 Exclusive Right of Discovery

Jv (2006) used the term “exclusive right of discovery” in his book on history of the Diaoyu Islands. According to Jv, “Shan Hai Jing<sup>3</sup>”, an ancient book written before the unification of the Qin Dynasty<sup>4</sup>,

<sup>3</sup> An ancient mythological and geographic work; it was written in the warring states period with the author’s name unknown; many old myth have been preserved in the book.

<sup>4</sup> The periods before the unification of the Qin Dynasty generally indicates the Spring and Autumn and Warring States Periods from 770BC to 222BC.

has a record on the Diaoyu Islands named “Lie Gu Ye” and its location of “Hai He Zhou”, namely Black Tide (Hei Chao), or Kuroshio System (Japan Current). It is the earliest record on the islands (Jv, 2006); therefore, China has the exclusive right of discovery on the islands. In international laws, the term was used as preemption. Both terms of preemption and exclusive right of discovery apply to the ownerless lands.

## 1. 2 Exclusive Right of Management Jurisdiction

Jv (2006) uses three items to support the concept of exclusive right of management jurisdiction: tributary system, sending waterborne troops, and illustrations and marks on maps of ancient China.

The concept of a tribute system has different meanings in Chinese and English. In English, it usually has two meanings: i) wealth that one party gives to another as a sign of respect or of submission or allegiance, for example, ancient empires exacted tribute from their provinces and subject kingdoms; and ii) regulated trade in goods and services between the parties under a contractual relationship, for example, ancient China received tribute from various states<sup>5</sup>. The word for tributary system can be translated into two Chinese terms. In other word, there are two Chinese concepts translated into the same English word: “Jingong” and “Chaogong”. However, the two terms have been lumped together by scholars and in books. According to the author of this article, the two terms share a common meaning: to pay tribute. But they are not two names for exactly the same meaning. Jingong means both paying tribute and declaring oneself a vassal. Chaogong usually means that a state or colony pays things or money to a more powerful, or suzerain state. Thus, Jingong implies a domestic relationship between the ruler and the subjects whereas Chaogong indicates foreign relations. Jingong is a one way of paying tribute whereas Chaogong is a two way operation of foreign trade. The uniqueness of the Chaogong system in ancient China was that China, as a more powerful and suzerain country, often paid more back to tributaries than it received from them. The Diaoyu Islands are small islands without residents; it is not applicable to be included in tributary system. The Diaoyu Islands were considered be connected to Taiwan, and Taiwan, the Gonggu, and Bachongshan Islands were subjugated to the Han Dynasty (206BC-220AD) (Jv, 2006), so literally the Diaoyu islands were included in Jingong system, not individually but jointly, as part of being subject to Taiwan.

In the Chinese annals, the earliest record on the opening of the sea route to the area was that the waterborne troops of East Wu traveled between Zhejiang province of China and Yi Zhou (Ancient Liuqiu/Ryukyu) in 230AD. In the Sui Dynasty between 605 and 610AD, China sent waterborne troops to deliver the imperial decree to the Liuqiu/Ryukyu Islands, and to explore the islands in the area and other sea routes. The Diaoyu Islands were formally named as the Gao Hua Islands. It was in the Song Dynasty when the name of the Diaoyu Islands first appeared. During the Yuan, Ming, and Qing dynasties, Gao Ying was also used to call the same island (Jv, 2006). In Jv’s book, there are more than 130 illus-

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<sup>5</sup> <http://en.wikipedia.org/wiki/Tribute>



trations and marks on maps of ancient China drawn by Chinese, Japanese, and Westerners. These maps showed the status of the Diaoyu Islands in each historical period, illustrated the geographical characteristics of the islands, and the traces of their becoming a territory conflict.

## 2. Geographical Boundaries

The Diaoyu Islands consist of eight small islands and rock ledges, and amount to less than 7 square kilometers. Among them the largest one is the Diaoyu Island with an area of 4.319 square kilometers. The second largest island is the Huang Wei Island. It is only about one quarter the size of the Dianyue Island. The 3<sup>rd</sup> one, the Chi Wei Island is much smaller with an area of 0.154 square kilometers. The other four rock ledges together amount only for less than a square kilometer.

In geology, the Diaoyu Islands are attached to the continental island of Taiwan. They are connected to other small islands to the southwest with which they are jointly located at the edge of the marine shelf in the East Sea of China. Another important geological characteristic is that the water around the Diaoyu islands is around 100 to 200 meters deep. And there is an oceanic trench as deep as 1000 to 2000 meters (Zhang, 2000; Lian, 2010) that separates the Diaoyu/Senkaku Islands and the Liuqiu/Ryukyu Islands geologically (Zhang, 2000). This oceanic trench has been called “black water”, “black tide”, or “black trench”. China considers it the sea border between China and the Liuqiu/Ryukyu Islands (Lian, 2010).

## 3. Clauses in International Treaties

### 3. 1 The Cairo Declaration

Announced on December 1, 1943, the Cairo Declaration stipulated that Japan had to return all the territory it took from the Republic of China since 1914 when World War I started. It mentioned Manchuria, Taiwan, the Pescadores, and with an “etc” after the list. There can be two interpretations of this “etc”: including or not including the Diaoyu Islands. Here are the two arguments for including the Diaoyu Islands but for not listing the Diaoyu Islands individually: 1) considering the Diaoyu Islands as part of Taiwan; or 2) because the Diaoyu Islands are without personnel and less than 7 square kilometers.

### 3. 2 The Potsdam Proclamation

When World War II came to an end, the U.S., Britain, and China announced the Potsdam Proclamation on July 26, 1945. It stipulated that Japan must be limited within Honshu, Hokkaido, Kyushu, Shikoku, and other small islands decided by three winning countries. The documents did not mention the details of these small islands. What were those small islands that the U.S., Britain, and China would agree on belonging to Japan? Or did they actually have a thorough discussion on the fate of other small islands? However, the eighth clause of this document reconfirmed the Cairo Declaration.

### 3. 3 The San Francisco Peace Treaty

As the preconditions to end the state of war between Japan and other countries, Japan was required by this treaty to give up Taiwan and the Pescadores, the Kuril Islands, part of the Sakhalin Island, the South Island and the Paracel Islands, etc. Japan accepted U.S. suggestions that the U.S. would be the only management authority within the U.N. trusteeship system over the islands including: 1) the Southwest Islands (Nansei Shoto) in the south of 29° North Latitude including the Ryukyu (Liu Qiu) Islands and the Da Dong Islands; 2) Islands in the south of the Widow Rock Island including the Xiao Li Yuan / Ogasawara Islands, the West Island, and the Liu Huang Islands / Ioujima; and 3) the Okinotori Island and the South Bird Island. The U.S. had all the rights including legislative, executive, and judicial rights, on these islands, their residents, and territorial waters. The Diaoyu Islands are located at between 25°58" and 25°44" North Latitude. The area of U.N. trusteeship under U.S. management authority was in the south of 29° North Latitude at the north end, but it did not specifically indicate the limit at the other end. The Diaoyu Islands were not among all the names listed in this item. However, the U.S. actually included the Diaoyu Islands in the U.N. trusteeship system, and returned them with the Ryukyu (Liu Qiu) Islands to Japan in 1972 (Zhang, 2000).

#### Counterevidence from China

Jv (2006) listed a few items as counterevidence from China.

1. The name Nansei Shoto (Southwest Islands) first appeared in "China-East Coast Hong-Kong to Gulf" written by a British author in London in 1877. The term only included Okinawa Gunto, Kerama Group, and Sakishima Gunto. When Japan used Nansei Shoto in 1897 after taking Taiwan and the Pescadores, a few other islands were included, but the Senkaku/Diaoyu Islands were not among them. The Senkaku Islands first appeared in an article written by an Okinawa resident who told his story of adventure in 1900. However, it was not until 1930 when Japan formally used the name of the Senkaku Islands as part of Nansei Shoto.

2. Data shows that the routes from Japan to China never passed the Senkaku/Diaoyu Islands. Starting from the Qin Dynasty, Japan had a relationship with China. Except when Japan was undertaking a policy of close-door, Japan and China maintained commercial and cultural relations. Among many routes from Japan to China, none of them passed the Diaoyu/Senkaku Islands.

3. There were two periods of the close-door policy when Japan cut off itself from the outside world for about 480 years. The first period of the close-door policy was between 907 and 1126, and the second one was between 1587 and 1854. This means that during these years, Japan did not have connections with the Diaoyu/Senkaku Islands.

4. Before 1885, Japan had not taken any actions on the Diaoyu/Senkaku Islands. In fact, Japan signed a treaty of deconcentration with the Qing Dynasty on the Ryukyu/Liuqiu Islands in October 1880. It took Japan ten years to cautiously scheme for the Diaoyu/Senkaku Islands until 1895 when China lost in

the Sino-Japanese War. According to the Treaty of Shimonoseki, Japan took Taiwan with attached islands and the Pescadores. The Diaoyu/Senkaku Islands were considered as those islands attached to Taiwan (Jv, 2006). However, when Japan returned Taiwan and other territories to China according to the Cairo Declaration, the Potsdam Proclamation, and the San Francisco Peace Treaty, neither Japan nor China raised the issue of the Diaoyu/Senkaku Islands. It was the R.O.C., not the P.R.C. that signed the Cairo Declaration and the Potsdam Proclamation with the U.S. and the U.K. But neither the R.O.C. nor the P.R.C. signed the San Francisco Peace Treaty. One possibility that the R.O.C. did not raise the issue could be that the R.O.C. took it for granted that the Diaoyu/Senkaku Islands were attached to Taiwan. However, when Japan accepted the U.S. as the only management authority within the U.N. trusteeship system to control the area in the south of 29° North Latitude, both the U.S. and Japan took it for granted that the Senkaku/Diaoyu Islands were included in the system. On March 8, 1972, the Foreign Affairs Department in Sato administration published the “Basic Views on the Ownership of the Senkaku Islands”, just before the U.S. returned Japan the Okinawa Islands (Jv, 2006).

5. It was on January 11, 1895 when China was losing the battle, Japan set up a sign on the Diaoyu/Senkaku Islands for the first time. Japan claimed that it had confirmed the non- sovereignty of the islands before the action. Three days later, in a cabinet resolution, the Senkaku/Diaoyu islands were formally stated as Japan’s territory. However, Japan neither announced this resolution, nor informed its neighbors (Lian, 2010).

#### Summary of China’s Views

China’s arguments on its ownership of the islands are as follows: 1) the word records in the annals support China’s exclusive right of discovery and the exclusive right of management jurisdiction; 2) geographically, the Diaoyu/Senkaku Islands belong to the marine shelf of the East Sea of China, and the black trench separates them from Japan; 3) none of the international treaties clearly indicated the dominium of the Diaoyu/Senkaku Islands, not to mention that these treaties were more or less manipulated by the U.S.; and 4) there were no traces of Japan’s connections to the islands until 1895 when Japan took advantage of China’s lost in the Sino- Japanese War. The San Francisco Peace Treaty only requested Japan to give up the territory it took from China, but did not state clearly that it must return to the P.R.C. or the R.O.C (Lian, 2010). The P.R.C. has never acknowledged this treaty because neither the P.R.C. nor the R.O.C. was at the San Francisco Peace Conference, not to mention that none of them signed the treaty.

#### Solution: Decolonization and Naturalization of Territory Dominium

Territory is a country’s natural belonging and the land of that people. Division of territories should be mainly based on geographical features and boundaries. Original borders between countries are mostly according to natural barriers such as rivers, mountains, deserts, and oceans. It was the natural law that divided the early clans, tribes, and national states.

Colonialism originated in a relationship between a mother city and a place for agriculture in the ancient world. Modern colonialism was related to the expansions of modern European countries. “The term neocolonialism has been used to refer to a variety of things since the decolonization efforts after World War II.” It is “based on economic relationships and interference in the politics of weaker countries by stronger countries<sup>6</sup>.” The five ways of territory acquisition according to the traditional international laws were, in fact, the theoretical explanations for colonialism, especially the concepts of cession and conquest. There are two new ways in contemporary practices of territory sovereignty: independence of colonies and referendum (Li, 2009). However, there are still many political factors affecting the process of independence or referendum.

On the one hand, we should avoid the colonialist influence on the issues of territory dominium. On the other hand, naturalist views face the challenge of more complicated situations concerning territory conflicts. The naturalism in territory dominium needs a new version that combines the international laws, but completely abandons colonialism. This needs more thorough discussion, theoretical research, and case studies. This article only raises two related situations. First, we cannot apply the principle of 200 nautical mile territory sea rights in a situation that there are less than 400 nautical miles between two countries. Second, those uninhabited islands or reefs should be considered as part of waters. A natural way to solve these two problems is to draw the border of waters at the medium line including the uninhabited islands and reefs. In this way, the territory issues will be more natural than political. It will be less complicated, and easy to reach a resolution.

### **The U.S.: “Island” in Japan-China Bilateral Relationship**

After the Cold War, the U.S. has gradually transferred its focus to the area of two important countries of fast development. The strategies the U.S. uses are mainly “clinging to” its allies in East Asia to keep its military advantage in the area and “optimizing” the U.S. led world system to include the emerging China (Wang, Ni, Yu, 2008). Strategically the U.S. does not want to see a close Japan-China relationship. It is to U.S. advantage that Japan and China are in different boats, thus at least Japan has to rely on the U.S. The U.S. wants to keep its alliance with Japan “tight and close” so that it puts the U.S. itself in part of the two in this three-party game among U.S., Japan, and China in East Asia (Nye, 2010).

Among the three countries, the U.S. has the most experience and leadership skills in international relations. In history, the U.S. has been enemy or ally with Japan or China, but it has been always in an active position in dealing its relationship with Japan or China. However, there is no evidence of US strategy in building up a healthy trilateral relationship among Japan, China, and itself. Instead, the U.S. dealt with Japan or China unilaterally to its own benefits, which often resulted in distancing Japan and China. The historical grudges between Japan and China and the security ties between Japan and the U.S. provide the U.S. the opportunities to keep Japan and China apart, not to mention that some officials in both Japanese and Chinese governments are shortsighted or nationalism-oriented on Japan-China bilat-

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<sup>6</sup> [http://en.wikipedia.org/wiki/Colonialism#Types\\_of\\_colonialism](http://en.wikipedia.org/wiki/Colonialism#Types_of_colonialism)

eral relations. The delicacy of this trilateral relationship is embodied in the dilemmas of three bilateral relations.

### 1. Dilemma of China-Japan Relationship

The history of Sino-Japanese relations has witnessed friendly cultural exchange between neighbors. It has also experienced wars, territory conflicts, and mutual mistrust. Since the normalization of China-Japan diplomacy, economic connections between the two countries have been broadened dramatically. However, the economic “bridge” could never connect the “islands” of territory conflicts and historical sorrow and mistrust between the two countries. Thus, it created a dilemma of “political and economic disjunction”, or often described as “politically cold and economically hot” (Lincoln, 2007).

The U.S. is an important factor in the dilemma of China-Japan relationship. The U.S. not only tries to “shape the environment into which China was emerging” “by reaffirming the U.S. -Japan alliance” (Nye, 2010), but also tries to make the world, especially Japan, believe that both North Korea and China are threats to the security of East Asia; therefore the Cold War born U.S. -South Korea and U.S. -Japan alliances are still legitimate and necessary. In other words, if Japan independently develops its relations with China, it will run the risk of losing its important ally. But as long as the Japan-U.S. Alliance exists, China cannot stop thinking itself being one of the imaginary enemies of that alliance, thus it hinders further development of a China-Japan relationship.

When the DPJ (Democratic Party of Japan) had an intension to work with China on a prosperous East Asia, and asked for an equal relationship with the U.S., the U.S. was worried about U.S. -Japan relations. But China missed this rare opportunity of being closer to Japan. Due to this dilemma, China did not work closely with the DPJ government that had less influence from the U.S. to welcome Japan to return to Asia and be politically more independent.

### 2. Dilemma of China-U.S. Relationship

Before and after the P.R. China was established, the U.S. only admitted Guomin Dang (Nationalist Party) led by Chiang Kai-shek. During the Cold War period, China followed the former Soviet Union, and stood in an opposite camp to the U.S. China also stood by the North Korea during the Korea War, and meanwhile, the U.S. stopped China’s action of unifying Taiwan. The U.S. was strongly against China’s becoming a member of the U.N. China and the U.S. considered each other enemies until the early 1970s. Due to the common interests of facing the threats from the former Soviet Union, China and the U.S. realized the necessity of being together to deal with the Soviet Union. However, China and the U.S. have never been allies since World War II due to the dilemma of this bilateral relationship, partly because of the U.S. cold war mentality. In speculating on U.S. responses to China’s economy larger than the U.S. in 2030 or 2040, the U.S. came out with three strategies: “to contain China, to create an alliance around China which would stop it”, and “to slow China’s growth a little bit like we did with the Soviet

Union during the Cold War” (Nye, 2010).

In recent decades, facing the same global challenge in the areas of terrorism, financial crisis, and economic development, the U.S. and China, the largest developed country and the largest developing country, the top two economic entities in the world, have to work together. However, the U.S. often shows its tactical toughness to suppress China’s uprising and role- playing in the world arena. Nye says that “in the tactical sense, I think the meeting with the Dalai Lama and the arms sales to Taiwan are correct” (2010). In his recent speech, the former director of American Institute in Taiwan, Stanton (2013) claimed that China wanted to unify with Taiwan simply because of the importance of Taiwan’s strategic location. He said that the U.S. would not interfere with the unification of the two sides of the Taiwan Straits. He also believed that the main obstacles of this unification came from China for its lack of democracy, law, and transparency. The expression and speeches from influential officials are the footnotes of the dilemma in China-U.S. relations. Obama’s meeting with Dalai Lama in the map room of the White House is a typical “two-man act” of the U.S. in its relationship with China.

### 3. Dilemma of Japan-U.S. Relationship

According to the San Francisco Peace Treaty, the U.S. was the management authority within the U.N. trusteeship system over the Japanese islands and waters for twenty years. Meanwhile, the U.S. and Japan concluded the U.S. -Japan Alliance in 1951 on the background of the Cold War. It provided that the alliance would be renewed every ten years within a time frame of fifty years. After the Cold War finished, the U.S. launched the Gulf War in 1991 and Anti-Terrorists War in 2001. The U.S. then strongly advocated the share values of democracy and “peace of righteousness” between itself and Japan, thus the alliance became the Eternal Japan-U.S. Alliance within a timeframe of 100 years (長尾秀美, 2005). The U.S. also takes advantage of “Japan’s fears about abandon” from the “Nixon shock” to Clinton’s “Japan-passing” (Easley, 2006).

Some Japanese hold a critical attitude towards the Japan-U.S. Alliance. They believe that Japan is like “a tributary state of the U.S.” within this alliance, and other Asian countries “pay no notice of Japan” (長尾秀美, 2005). In 2009, the Democratic Party of Japan took power over the Liberal Democratic Party. They delivered very different messages of “developing a new East Asian Community”, and “a more equal alliance” with the U.S., and tried to “change the Futenma Airbase on Okinawa.” However, the U.S. told Japan “unless you do things our way Uncle Sam won’t help you anymore.” The U.S. is fully aware that “Japan can’t afford to let the U.S. alliance atrophy” for three reasons: 1) to deal with a nuclear North Korea; 2) to deal with the rise of China; and 3) to have a close economic relationship with China while preserving a full political independence (Nye, 2010). The U.S. delivers the security promise to Japan in many occasions that it will protect Japan as if Japan is to be attacked by North Korea or China any time. The U.S. successfully stopped the DPJ’s move on this matter.

Easley thinks “the U.S. -Japan-China triangle is most significantly shaped by strategic priorities and

trust” (2006). Common or different strategic priorities and lack of trust are respectively the causes of regional stability and disputes. Easley also thinks “the United States and Japan trust each other, whereas the U.S. and China and Japan and China do not.” This is a general statement on U.S. -Japan-China trilateral relations based on the theory of trust (Kydd, 2005). In Japan-China relationship, is it possible that the U.S. will be neutral and fair despite the U.S. itself mistrusting China? Can the U.S. convince China and the world that it will not take the side of Japan despite of the U.S. -Japan Alliance? When both the U.S. and Japan do not trust China, it is better they deal with China individually so that the mistrust does not multiply. It is also fair to China to deal with one mistrusting partner at a time. There is still a possibility that, for its own interests, the U.S. will try to keep Japan and China apart. The situation is as Kydd describes “untrustworthy hegemony will actually make cooperation less likely” (2005). However, if both Japan and China are trustworthy countries, and focus on their mutual benefits and the future of their people, they will eventually build up trust concerning that Japan-China economic cooperation has been in a wide range and at a high level. The U.S. can play the role of manipulator, controller, initiator, or conciliator in this trilateral relationship. But the basic quality and practice of the leadership in the age of globalization will accompany a multilateral and mutual beneficial mechanism.

The U.S. is clearly aware of game play in this trilateral relationship: “whether there is power in an interdependence relationship results not from the interdependence, but from the asymmetry or the unevenness in the interdependence” (Nye, 2010). This could be why the U.S. does not really want to see a close relationship between Japan and China. What the U.S. concerns the most is its own interests and its power on Japan, China, East Asia, and the world. Started from the San Francisco Peace Treaty, the U.S. has been dealing with Japan and China with a Cold War mentality: Japan as an ally and China as an enemy. This is not an equal, fair, and open attitude for healthy international relations. The U.S. could be a positive factor to or influence on Japan-China relations by stopping its Cold War play between the two countries. First, the U.S. looks at China’s rise as a normal phenomenon in world history, and not to suspect China to be another Soviet Union pursuing the hegemony with it. Second, the U.S. accepts and encourages Japan to have a more independent foreign policy. Third, as a more experienced and skillful international leader, the U.S. should encourage Japan and China to be closer, and help them to eliminate the accumulated historical resentment, and mediate the resolution to disputes between them. Of course, Japan and China, as independent sovereignties, should be able to work out own ways to establish a mature and trustworthy relationship.

There is a Chinese saying that “it is better for the doer to undo what he has done.” If Japan and China can work together to remove all the “islands” between them, the U.S. will not be the “island” distancing them. The famous Japanese scholar of Japan-China relations, Kazuko Mori, presents a three-layer analysis of this bilateral relationship. She names the three layers as values, power, and interests. At the layer of values, there are issues such as war indemnity, nationalism, and views on history including history textbooks and the Yasukuni Shrine visit. Two issues of power are the Taiwan issue related to the U.S. -Japan Alliance, and the leadership in Asia including Japan’s becoming one of the member states of the U.N. Security Council. The area of interests covers the Diaoyu/Senkaku Islands, the East



Sea, and economic conflicts including issue of Japanese ODA to China (毛里和子, 2006). These are all the various “rocks”, “reefs”, and “islands” that block the development of Japan-China relations. Japan has lost its identity as an Asian country by breaking off from Asia to join Europe, and breaking off from Asia to join the U.S. It needs to re-establish an image of an Asian country. China also needs to overcome its traditional consciousness of “great China”. An important starting point, according to Professor Mori, is that both Japan and China should keep the identity of Asian countries, not fighting against each other, but working together not for own national interests, but for the interests of East Asia as well as Asia. In this way, it will build up the trust between Japan and China, and thus settle their historical differences (毛里和子, 2006).

Professor Kazuko Mori puts forward six-point proposal for restructuring the Japan- China relations: 1) rationalization of the relations; 2) periodic contacts between the top leaders; 3) channels of resolving the problems in values, history, and benefits; 4) long-term views on historical issues; 5) promoting common activities at the governmental level; and 6) establishing multilateral institutions including the East Asian Community (毛里和子, 2006). According to the author of this article, rationalization is the key. Without rationalization, any contacts or channels would be futile, any common activities or multilateral institutions would be to little purpose, and there would have long-term views from neither side of this bilateral relationship.

### **Conclusion**

The future of Japan-China relationships depends on removal of the “islands” of historical sorrow and mistrust, territory dispute, and the U.S. as a leverage of distancing Japan and China. To remove these “islands” will need intelligence, objectivity, and courage of generations of Japanese and Chinese people. As two highly civilized, responsible, and trustworthy countries, there is a level of trust between Japan and China in terms of humanity and responsibility. Avoiding a war is the number one rule. Natural islands can be blocks separating the two countries, but also can be bridges connecting the two territories, thus building the friendship between the two nations. With rationality, both countries can adopt ways of shelving disputes, co-developing, or stopping irritating each other on the dominium of the islands, and leaving the issue to the next generations as the islands are natural ones that exist forever. With rationality, both countries will respect their respective histories and cultures, and have objective views on historical events and incidents which happened between them. Historians from both sides should stay out of politics, treat history as an academic research, and write history based on accurate documents and data. With rationality, both Japan and China will deal fairly with their relations with the U.S., neither to be influenced by the U.S nor to use the U.S. as the leverage against each other, thus to solve all the dilemmas in their relations with each other and with the U.S. respectively. There will be no balance in a two to one trilateral relationship. The balance will only exist in three equal bilateral relations or a trinity of three countries. The later one is more realistic if three countries share the goal of common development and prosperity, and more importantly, the security of East Asia.



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