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The Origins of the Senkaku/Diaoyu Dispute between China, Taiwan and Japan

中・台・日における尖閣・魚釣問題の起源

Yabuki Susumu with an introduction by Mark Selden

This article introduces *Foreign Relations of the United States (FRUS)* documents and Okinawa Reversion Treaty Hearings on the Senkaku dispute to clarify Japanese, Chinese and United States positions on the historical origins and contemporary trajectory of the Senkaku/Diaoyu (hereafter, Senkaku) dispute.

Introduction

Yabuki Susumu, in a series of articles and talks, has rigorously mined the historical record of China (PRC/ROC)-Japan-US relations to illuminate the background to the dangerous conflict that presently threatens to bring war to the Western Pacific in the wake of Japanese nationalization of three of the Senkaku islands in September 2012. While other important issues add to the gravity of the conflict, including enlarged territorial claims by China, Japan and Korea in the form of advancing and defending competing claims to ADIZ in the East China and South China Seas, Yabuki shows the long trajectory of competing claims over the Senkaku dispute and the evolving policies of China, Japan and the United States in shaping it. Since so much of the international discussion of the issues has focused on China-Japan conflict, a particularly important contribution of the present paper is its clear presentation of US recognition at the highest levels of the significance of the competing territorial claims, and its maneuvering in negotiations with Taipei, Tokyo, and Beijing to shape the outcome.

The story can, of course, be traced back to earlier claims to the islands, including historical interactions involving Taiwan and Okinawan fishermen and Chinese tributary missions, to Japanese claims to the islands, and to their disposition by the US in framing and implementing the San Francisco Peace Treaty. The treaty set the stage for the transfer of the Senkaku to Japan in 1972 at the time of the reversion of administrative rights to Okinawa. But the story told here pivots on the detailed negotiations between Washington and Taipei in 1971 in the context of the US-China opening. What it shows is keen awareness of the Senkaku question by the ROC as early as 1970 in the context of US preparation for the reversion of Okinawa, and preoccupation with the issue by both Kissinger and Nixon as they prepare the 1971 US-China opening at the time of Ping Pong Diplomacy and discussions of PRC resumption of the UN Security Council Seat. An ROC Note Verbale to the State Department of March 15, 1971 made the historical and contemporary case for Chinese possession of the Senkaku islands. Following close attention to its content, in the shadow of demonstrations over the islands on Taiwan, Kissinger handwrote in the margin, "But that is nonsense since it gives islands to Japan. How can we get a more neutral position?" The authoritative legal position of the US was given at the time of the Fulbright Hearings on reversion in the form of a memorandum of October 20, 1971 by Robert I Starr, Acting Assistant Legal Adviser for East Asian and Pacific affairs. Noting the dispute over the Senkaku between China and Japan, it noted that "The United States believes that a return of administrative rights over those islands to Japan, from which the rights were received, can in no way prejudice any underlying claims (of ROC and/or PRC)." It would remain for China and Japan to negotiate their disposition. At no time thereafter has the US legal position changed. MS

On September 11, 2013, the Japanese government decided to nationalize three islets of the Senkaku's eight island group.

Table 1 Name of Senkaku/ Tiao-yu/Diao-Yu islands

Ownership[1]	Japanese Name[1]	Chinese Name[2], Taiwan	Square kilo-meters[1]	Maximum Elevation[3] meters
State 2012.9.11	Uotsuri-jima(魚釣島)	Tiao-yu-t'ai(釣魚台) Hoapin-san(和平山)	3.6	383
State 2012.9.11	Minami-kojima(南小島)	Nan-hsiao(南小島)	0.32	149
State 2012.9.11	Kita-kojima(北小島)	Pei-hsiao(北小島)	0.26	135
Private, Kobi Sho Gunnery Range 1972	Kuba-jima(久場島)	Huang-wei-yu(黄尾嶼)	0.87	117
State, Sekibi Sho Gunnery Range 1972	Taisho-jima(大正島)	Ch'ih-wei-yu(赤尾嶼)	0.04	84
State	Okino-kitaiwa(沖北岩)	Pei-hsiao(北礁)	0.05	28
State	Okino-minamiiwa(沖南岩)	Nan-hsiao(南礁)	0.01	17
State	Tobi-se(飛瀬)	no name	0.02	n. a.

Source: 1. Ministry of Foreign Affairs, Japan, *Japan's Basic Position on the Senkaku Islands and Facts,* October 2012.

2. Committee on Foreign Relations United States Senate, *Okinawa Reversion Treaty, Annex to Hearings,* October 27, 28 and 29, 1971. p. 5.

3. Unryu Suganuma, *Sovereign Rights and Territorial Space in Sino-Japanese Relations*, University Hawaii Press, 2000.

The Chinese government strongly protested the nationalization of the islets to the Japanese government, and on September 15 published a white paper on the "*Diaoyutai Issue*."[1] On September 18, on the anniversary of Japan's seizure of Manchuria in 1931, Chinese in a number of cities demonstrated in a so-called "one million demonstration." Some of the demonstrators destroyed shops and factories. Thus Japan-China relations deteriorated to the lowest point since normalization in September 1972.

On September 25, the United States published *Senkaku (Diaoyu/Tiaoyutai) Islands Dispute: U.S. Treaty Obligations.*[2] On September 28, the Taiwan Government published a white paper titled, *Riben Zhanju Diaoyu de Lishi Zhengju* (Historical Evidence of Japanese Occupation of Tiaoyu).[3] In October, the Foreign Ministry of Japan announced *Senkaku-shotō no Ryōyūken ni tsuite no Kihon- Kenkai* (English version: *Basic Position on the Senkaku Islands and Facts*), and asserted that 'the Senkaku Islands are indisputably an inherent part of the territory of Japan in light of historical facts and based upon international law'.[4]

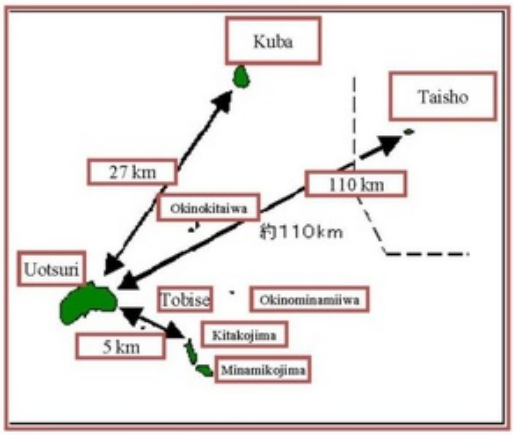
One year after the dispute erupted, the Beijing Olympic Committee voted in favor of Tokyo hosting the 2020 Olympics, and non-government level exchanges between both countries began to normalize. However, political relations remain frozen and show no signs of thawing.

Why did Japanese-China relations fall into this snare?

To answer this question, we must reconsider the Okinawa Reversion Treaty of some 40 years ago.

SCENE One:

	Owner ship	Area (㎢)	Background	
Uotsuri	State	3.6	Leased to a Japanese citizen free of charge in 1896. Sold off to a Japanese citizen in 1932. (The ownership was then transferred between Japanese citizens.)	Rented out to the state on April 1, 2002. Acquired and owned by the state on September 11, 2012
Kitakojima	State	0.26		
Minamikojima	State	0.32		
Kuba	Private	0.87		Part of the U.S. facilities and areas under the Japan-U.S. Status of Forces Agreement since 1972.
Taisho	State	0.04	State-owned throughout	
Okinokitaiwa	State	0.05	State-owned throughout	
Okinominamiiwa	State	0.01		
Tobise	State	0.02		



Source: Ministry of Foreign Affairs, Japan, *Japan's Basic Position on the Senkaku Islands and Facts,* October 2012.

WHITE HOUSE MEETING of NIXON AND CHOW

On April 12, 1971, Ambassador Chow who was leaving his position to return to Taipei as Foreign Minister visited the White House. Because of the visit of the U.S. Ping Pong Team to China, what was originally a courtesy call took on added significance. Shortly before Chow entered the room, Nixon and Kissinger discussed the visit of the U.S. ping pong team to the PRC. Nixon observed, "One interesting thing that we're saying goodbye to him on the day that the ping pong team, waited, you know, ping pong team makes the front page of *The New York Times.*" Responded Kissinger, "They are very subtle though, these Chinese." Nixon replied, "You think it means something." Kissinger stated, "No question."[5]

Ambassador Chow began the meeting by thanking the President for his many courtesies and saying he wanted the President to know that he always understood that the President and I [Kissinger] were the best friends of China in this Administration. The President said, "I want you to convey my warmest greetings to Generalissimo and Madam Chiang. We will stick by our treaty commitments to Taiwan; we will honor them. I said so in my State of the World Report.[6]

The Presidentcontinued, "On the UN membership issue, some of our friends have deserted us. We are prepared to fight for you but we want to do it in an effective way. I have many proposals on various schemes such as dual representation. I will make this decision, not the State Department. Some people say, let's find a clever way of doing it, but there is no clever way of being defeated. There is no change in our basic position, but there may have to be some adaptation of our strategy. We, however, before we make a decision want to talk to you.

I am sending Ambassador Murphy to Taiwan; he is going there on business anyway, and the Generalissimo should talk to him as he talks to me. Taiwan and the UN is a fact of life for us and we will do nothing to give it up, but we have to be intelligent and we want to hear your views."

Chow said, "We appreciate your special attention; above all, don't spread the impression that all is lost." The President then asked me to explain the choices on China representation, and I summed up the memorandum that I had written to him on the subject (copy attached).[7]

The President asked Chow for his analysis. Chow said, "We could stick them out for Universality plus the Important Question." I [Kissinger] said, "Will the IQ carry and Universality lose?"

Chow said, "No, this depends on how it is formulated." He then raised this issue of the Senkaku Islands.[8]

It has to do with the protection of the Chinese Nationalist interests. If Taiwan can do that, then intellectuals and overseas Chinese will feel they must go to the other side. The State Department statement insisting that this is part of Okinawa has had violent repercussions. This will get a movement of overseas Chinese.[9]

The President said, "I want you to know that the relaxation of trade that we are planning is mostly symbolic; the important issue is the UN. We will be very much influenced by what the Generalissimo will think. As long as I am here, you have a friend in the White House and you should do nothing to embarrass him. The Chinese should look at the subtleties. You help us and we will help you. I want Murphy to bring his report personally to me. We will stand firm as long as we can, but we must have an army behind us.[10]

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Because Ambassador Chow Shu-kai raised very important questions, Kissinger decided to meet him once more on the same day at 3:31–3:47 p.m.[11]

Dr. Kissinger said that he wanted to see Ambassador Chow briefly to express his personal sentiments on how much he had enjoyed having Ambassador Chow in Washington. He wanted, too, to repeat the sentiments which had been expressed earlier by the President on this same score.

Dr. Kissinger then referred to what the President had said concerning moves which the U.S. might possibly make toward Communist China, indicating that some steps might be taken this week. However, this had nothing to do with U.S. relations with the GRC, and quite frankly, were undertaken in order to prevent Russia from being the dominant country in dealing with Communist China. Ambassador Chow noted that he could understand this.[12]

Continuing, Dr. Kissinger saidthat we had picked a few steps which might be taken now, such as travel. While we could let a few Chinese Communists in, it was doubtful they would be breaking down our doors asking for visas. Ambassador Chow again noted that he could see our point—the new steps might make the Russians more amenable.

Nevertheless, he didn't know if the Russians would respond to this approach, and Peking would be put in the middle between China, the U.S. and Moscow. Dr. Kissinger agreed that there were limits to what the Russians could do. This was a very complicated game.

Ambassador Chow described the U.S. approach as a highly sophisticated one, which couldn't be explained very easily to the people on Taiwan. He would need to report to his President on this matter in generalized terms.

Dr. Kissinger pointed out that no one in Washington outside of a very few knew what was to be undertaken. In fact, a long list had been presented, of which we were taking but a few items. Ambassador Chow said that in the measures the U.S. was taking which affected his country, the understanding if not the support of the Chinese people was needed.

He described the strong sentiments which various Chinese groups had with regard to a number of issues, particularly the question of the status of Senkaku Islets. The demonstration which had taken place in Washington on April 10 was a case in point—those demonstrating had been scientists, engineers, and professional people and not just students.

The demonstration had come on all of a sudden because these people had become excited, and was symbolic of what they and the country would stand for. Ambassador Chow declared that he had been asked by President Chiang to take up the Senkaku question with the President and Dr. Kissinger.

Dr. Kissinger stated that he was looking into the Senkaku matter, and asked Mr. Holdridge to forward a report to him on the issues involved by April 13. Ambassador Chow, in commenting further on the Senkakus, remarked that even when the Japanese had occupied Taiwan and the Ryukyus, legal matters involving the Senkakus had been handled by courts on Taiwan, and the fishing boats which went to the Senkakus had been from Taiwan.

From the Japanese point of view, they didn't care how the Senkakus were administered. For the Chinese though, the issue of nationalism was deeply involved.

Ambassador Chow referred to the fact that there would be some decisions required with respect to the General Assembly next year and he hoped that the "other side" (i.e., the Chinese Communists) could be kept out.

Whatever formula was advocated, the Chinese position had to be made tenable in the eyes of the people. Moreover, regardless of what was proposed, it would be hard to sell. Ambassador Chow went on to discuss the desirability of likeminded nations in East Asia working more closely together.

He described ASPAC[13] as something of a social club of the foreign ministers, who put forward differing views on various subjects. The Koreans and the Japanese, for example, were quite far apart on many issues. His idea was for countries such as the ROC, Korea, Thailand and Vietnam to have more and closer consultations. This would not be like a "minor club," but would have a real purpose in such things as military matters.

Such a grouping, having more or less of a joint stand, would make it easier for the U.S. to make military moves. The group could come to the U.S. and say that it would back the U.S. up. If the four governments could be gotten together, more planning could be undertaken on issues such as the UN, and a parallel approach maintained instead of each government going its separate way.

The U.S. would be expected to be a benevolent friend. It wouldn't necessarily be expected to act, and the other nations would have to do things for themselves, but the tacit backing of the U.S. was needed. Rivalries had to be avoided, since there were already enough adversaries in the Communist and non-Communist worlds.

Dr. Kissinger remarked that in these days, anyone who stands up to the Communists comes under attack; this was not from the Communists but from fellow citizens. Ambassador Chowreferred to the existence of rumors that the U.S. was giving up, and of the need to arrest the trend of assuming that such was the case.

Dr. Kissinger said that he agreed. We did not believe that we had to demonstrate our wisdom and political sagacity by destroying our friends.

This was very much in the President's mind. On the UN issue, we would send someone to the ROC to explain our position, and would need some support from the ROC side. Dr. Kissinger asked Ambassador Chowto explain to his President that our President was a true friend, and that there had to be understanding between the two.

AmbassadorChow stated that he would look upon his role in Taiwan as Foreign Minister as being one of support for the U.S. position. He considered himself very proud to have known Dr. Kissinger, whom he regarded as a friend.

He asked that Dr. Kissinger allow him the privilege of communicating directly with him. Dr. Kissinger replied that he definitely wanted Ambassador Chow to do so. If Ambassador Chow should write and let Dr. Kissinger know his private reactions, this would be a tremendous help. He wanted Ambassador Chow to know that in his opinion, he, Ambassador Chow, had always conducted his affairs here with dignity, and when in Taiwan should feel he had two friends in the White House.

If we were obliged to do things which caused them pain, this would be to the minimum extent possible. He assured Ambassador Chow that we would do nothing without checking with the ROC. As far as our moves toward the Chinese Communists were concerned, they were mainly of significance with respect to the USSR and in response to our own domestic situation.

Ambassador Chow said that he could see the U.S. point of view in both cases, although there were of course questions raised with respect to mainland China.

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The following day Kissinger asked Mr. John H. Holdridge of the National Security Council Staff to check ROC's *Note Verbale*.[14]

John H. Holdridge's memorandum reads as follows:

You asked for information on the Chinese claim to the Senkaku Islets. The most recent summary of this was contained in a Note Verbale sent the State Department by the Chinese Embassy on March 15.

Its main points are as follows:

—As early as the 15th century Chinese historical records considered the Senkakus as the boundary separating Taiwan from the independent kingdom of the Ryukyus.

—The geological structure of the Senkaku Islets is similar to that of other islets associated with Taiwan. The Senkakus are closer to Taiwan than to the Ryukyus and are separated from the Ryukyus by the Okinawa Trough at the end of the Continental Shelf, which is 2,000 meters in depth.

—Taiwanese fisherman have traditionally fished in the area of the Senkakus and called at these islets.

—The Japanese Government did not include the Senkakus in Okinawa Prefecture until after China's cession of Taiwan and the Pescadores to Japan after the first Sino-Japanese war in 1895.

—For regional security considerations the GRC has hitherto not challenged the U.S. military occupation of the Senkakus under Article 3 of the San Francisco Peace Treaty. However, according to international law temporary military occupation of an area does not affect the ultimate determination of its sovereignty.

—In view of the expected termination of the U.S. occupation of the Ryukyu Islands in 1972, the U.S. is requested to respect the GRC's sovereign rights over the Senkaku Islets and restore them to the GRC when this termination takes place.

John H. Holdridge's *Comment* reads as follows:

As you can imagine, the Japanese Government has a comparable list of apparently offsetting arguments and maintains simply that the Senkakus remain Japanese. State's position is that in occupying the Ryukyus and the Senkakus in 1945, and in proposing to return them to Japan in 1972, the U.S. passes no judgment as to conflicting claims over any portion of them, which should be settled directly by the parties concerned.

After reading this memorandum, Kissinger immediately handwrote the following comment in the margin: "But that is nonsense since it gives islands to Japan. How can we get a more neutral position?"

In the writers' view, this is a very important conversation which decided the fate of the Senkaku/Diaoyutai problem. President Nixon and his aide Kissinger realized the complex nature of this dispute.

SECOND SCENE:

TEXTILE NEGOTIATION AT TAIPEI BY D. KENNEDY

Three months after the Chow-Kissinger meeting, President Nixon dispatched Treasury Secretary David Kennedy to Taiwan to negotiate the textile issue.[15] Receiving a report from Taipei, Assistant to the President for International Economic Affairs Peter G. Peterson explained to Nixon the negotiation process based on Kennedy's report.

1. Ambassador Kennedy reported that the U.S. and Taiwan had reached some preliminary understanding on several major portions of a five-year voluntary restraint program for textiles, including a nine percent average growth rate for synthetic textiles and one percent for wool.[16] However, several very serious

points of contention remain (base year figure and trigger mechanism for imports in categories not specifically covered in the agreement). Until they are resolved, the negotiations are at an impasse.

2. Ambassador Kennedy believes there is no give whatsoever in the U.S. industry's position on these issues and there is some strong pressure for the industry representatives to come home. The Taiwan government also has compelling reasons to be adamant. They see no reason why they should not hold out for terms at least as good as those that Japan is now giving us unilaterally. They are also concerned about being the first of the three Asian countries to voluntarily settle with us unless the terms are advantageous. The Taiwan Government feels it has taken a heavy beating from the U.S. in recent months (oil moratorium, Two-China developments) and that it would lose a great deal more international face if it were to settle for a disadvantageous bargain.

3. Ambassador Kennedy believes we have three alternatives:

(a) Go to Hong Kong and Korea with the agreement as it now stands and with an understanding with Taiwan (which they have agreed to) that they will accept a base year figure and consultation mechanism that those two countries are willing to accept. Ambassador Kennedy rejects this approach since Hong Kong and Korea would realize the problem we face with Taiwan and be in a position to exert leverage on us to give in on other matters to get what we need on the base year and the consultation mechanism.

(b) Return home now and admit failure. Ambassador Kennedy believes your prestige is on the line in the textile and footwear issues and that to fail could have very serious domestic and foreign ramifications (he believes the footwear negotiations would collapse if the textile negotiations were called off). While the industry indicates it would rather go home than give any further, he doubts that would be their feeling a few months down the road in the face of totally unrestrained textile imports.

(c) Offer certain concessions to Taiwan. Ambassador Kennedy feels the impasse can be broken without disastrous side effects for either our industry or the Taiwan Government. While the GRC stressed the importance of certain military items (F–4s for example) Ambassador Kennedy is convinced that the "only" way to resolve the issues is to withhold turning the Senkaku Islands over to Japanese administrative control under the Okinawa Reversion Agreement.

4. Ambassador Kennedy's argument on the Senkakus was as follows:

"This is a major issue in Taiwan with both domestic and international implications. If the U.S. were to maintain administrative control, it would give the GRC a tremendous public boost since they have expressed themselves so forcefully on the issues.

Further, it would be a very direct indication of our continued interest in and support for the GRC—and it would be done at Japan's expense, a point that is vital to our ability to proceed effectively with textile negotiations in Hong Kong and Korea and subsequently in Japan. Announcement of such a decision allows the GRC to save face both at home (it takes the Vice Premier off the hook) and abroad.

Taiwan could accept the current textile package in face of Hong Kong and Korean pressure. "In addition, such an act would, in my opinion, provide a very badly needed shock effect on the Japanese. It would indicate that U.S. acquiescence in all matters requested by the Japanese could no longer be taken for granted.

"I can fully appreciate the opposition which such a proposal will generate in certain quarters of our government. But I feel that this can and must be done. We accepted stewardship of these Islands after World War II. Neither historically nor geographically are they a part of the Ryukyus Chain containing Okinawa.

Consequently, the GRC suffers a great loss of face if we allow Japan to gain administrative control of them. Since possession of the Islands is still in dispute, there is every reason for the United States to maintain administrative control until such time as the dispute is settled.

Taiwan feels very strongly that once Japan had administrative control there is absolutely no possibility of their ever relinquishing that control. By no means am I suggesting that we hand the islands over to Taiwan. Rather, I am strongly recommending the wisdom of preserving the status quo rather than allowing Japan to assume administrative control with the great loss of face this entails for Taiwan.

"I know of no other action sufficiently important or sufficiently dramatic to resolve our textile problems specifically as well as to pave the way for resolution of several general international trade difficulties. The stakes involved are very high which I fully realize. I realize, too, that only the President can make such a decision. Therefore, I urge you in the strongest possible terms to present to him all the potential benefits and ramifications of my recommendations."

5. Henry Kissinger is looking into the background of the Senkaku Islands dispute and will be able to report to you at our meeting this afternoon on what would be involved in not turning over the Senkaku Islands to Japan at this point.

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Hearing Ambassador Kennedy's proposal, Nixon, Kissinger and Peterson gathered at Camp David to make a final decision. The result was delivered to Ambassador Kennedy immediately.

FRUS document 134. Backchannel Message From the President's Assistant for International Economic Affairs (Peterson) to Ambassador Kennedy, in Taipei[17] shows the process how Nixon's decision was delivered to Government of Taiwan.

—Washington, June 8, 1971, 1229Z. Eyes Only for Amb Kennedy, Taipei from Peter Peterson.

After lengthy discussion, the President's decision on the Islands is that the deal has gone too far and too many commitments made to back off now.[18] I (Peterson) showed your wire (Kennedy) on this and even reread portion dealing with its importance.[19]

The President was deeply regretful that he could not help on this, but he felt that the decision was simply not possible. The President has instructed me to tell you that he will send a senior military representative in August to review with GRC in "a favorable and forthcoming way" important defense possibilities.[20]

I've explained that this makes final negotiations now very difficult but decision is August visit because of need to do this while Congress is out in August. Not to complicate your life further but I just talked with Roger Milliken who says that industry here was about to decide to ask everyone to come back because deal now being talked about comes up to 2.7 billion over the term, which is half billion up from 2.2 billion or 7-1/2 percent increase worked out here on the 1970 base that Milliken says was the ceiling.

Also, Milliken reports Mills will say that he can get deal from other countries similar to Japanese which will work out considerably better than deal you have offered.[21]

Harry Dent and I suspect that Mills may have suggested he will support quota bill as part of his own political objectives. Bryce Harlow confirms from high sources that Mills has made some kind of commitment to support quota bill next spring. Apparently, the 2.7 billion that industry representatives there agreed to strikes them as too much here in this country and that 2.2 billion was the ceiling.

I have just called Milliken to say that the President would certainly appreciate their staying with us in this effort and if it breaks up now it would be hard to reconstitute the effort. He said they felt that likelihood is good enough for quota legislation that they would probably take their chances and come home now.

My recommendation is that you tell GRC that deal must be at a volume level that you can get industry to really accept and that this is important enough to us that we will have to review defense and other carrots and sticks in order to achieve it.

Then I would go on and start in other two countries and let GRC stew about potential U.S. actions. If industry says they want to come back to U.S., I'd be inclined to go on anyway and see what it takes in other two countries to get deal industry would accept.

I think it would be better if industry would stay but it's not essential. My reasoning is that if you can get deal that sounds reasonable not only to some of

the industry but also the public, then I think we are far better off than having appeared to have failed and only Presidential alternative would be to support what could be a disastrous, wide-ranging quota bill on many categories or veto and still lose textile support.

If we don't make any deal, it certainly would seem to hurt the President a lot and help political opponents equally. I've explored this with top advisers and all agree that the best deal we can make is a lot better than none at all. Do your best on this basis.[22]

The President deeply appreciates what you are doing.[23]

THIRD SCENE:

PARIS MEETING BETWEEN SECRETARY OF STATE ROGERS AND FOREIGN MINISTER AICHI ON OKINAWA REVERSION TREATY

On June 9, 1971, Secretary Rogers and Foreign Minister Aichi hold final meeting at Paris U.S. Embassy. Rogers "strongly urging GOJ to discuss issue with GRC prior to signature of Okinawa Agreement on June 17. Ambassador Nakayama sent an extremely secret telegram to Tokyo.

It reads as follows:

Regarding Senkaku (Sovereignty) Problems GOC is quite anxious about people's reaction, and pressured Washington not to revert to Japan. Washington wishes Japan to help them, and negotiate with GOC without diminishing Japan's own legal rights. They would request Japan to begin talks as early as possible.

Minister Aichi replied to Rogers that Japan will do it after signing the treaty, as in the case of the explanation of Joint Statement of Sato-Nixon in 1969. We have ample confidence to deal with GOC, Washington need not worry about it. (尖閣諸島問題につき、国府は、本件に関する一般国民の反応に対し、非常に憂慮しており、米国政府に対しても、国府から圧力をかけてきているが、本件について日本政府がその法的立場を害することなく、何らかの方法で、われわれを助けていただければありがたいと述べ、例えば、本件につきなるべく速やかに話合を行うというような意志表示を国府に対して行っていただけないかと述べた。これに対し、本大臣より、基本的には米国に迷惑をかけずに処理する自信がある。国府に必要とあらば話をすることは差支えないが、その時期は返還協定調印前ということではなく、69年の佐藤・ニクソン共同声明の例にならい事後的に説明をすることとなろうと答えた)

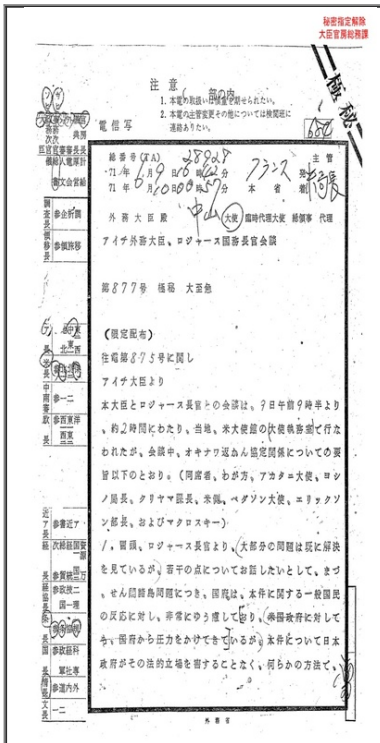
Judging from Aichi's words to Rogers, Japan's Foreign Ministry did not pay much attention to this problem. Mofa seems to have regarded lightly GOC's strong demand and the negotiation process between GOC and Washington.

On the contrary, Rogers accompanied spokesman McCloskey to Paris after 'Chiang asked that the U.S. Government categorically state at the time of the signing of the Okinawa reversion agreement that the final status of the islands had not been determined and should be settled by all parties involved.'

The writer believes that Nixon and Kissinger fully recognized that the Senkaku sovereignty issue was related with the Taiwan problem and could complicate upcoming talks with Premier Zhou Enlai.

In the event, the Okinawa Treaty was signed without any contact with GOC.

Copy of the Original Material No.877, From Ambassador Nakayama to Foreign Ministry, Tokyo

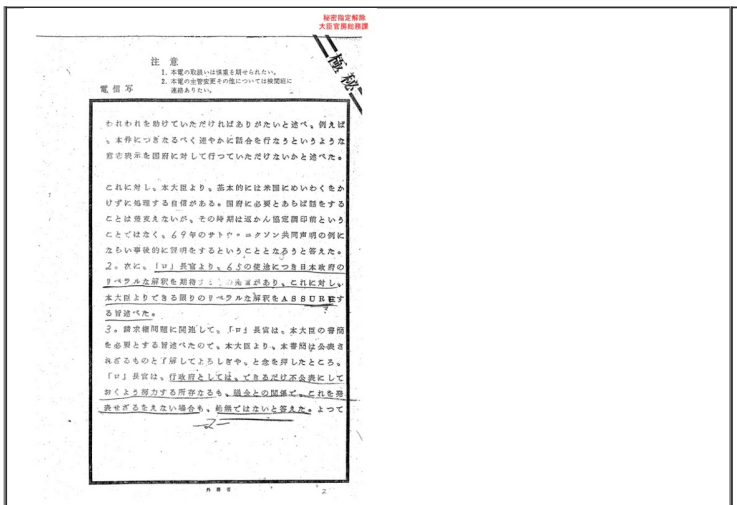


パリ日本大使館発 愛知・ロジャース会談に関する極秘電報

(1971年6月9日) 1971年6月9日パリ日本大使館発、極秘、大至急。

本大臣[愛知]とロジャース長官との会談は、9日午前9時半より、約2時間にわたり、当地、米大使館の大使執務室で行われたが、会談中沖縄返還協定関係についての要旨以下の通り。(出席者は、わが方、赤谷[源一、国連]大使、吉野[文六、米国]局長、栗山[尚一、条約局法規]課長。米側、ペダソン[Richard F. Pederson, 国連]大使、エリクソン[Richard A. Ericson、国務省東アジア太平洋局日本]部長、マクロスキー[Robert J. McCloskey 国務省報道官])。

(1)冒頭、ロジャース長官より、大部分の問題は既に解決を見ているが、若干の点についてお話したいとして、まず尖閣諸島問題につき、国府は、本件に関する一般国民の反応に対し、非常に憂慮しており、米国政府に対しても、国府から圧力をかけてきているが、本件について日本政府がその法的立場を害することなく、何らかの方法で、

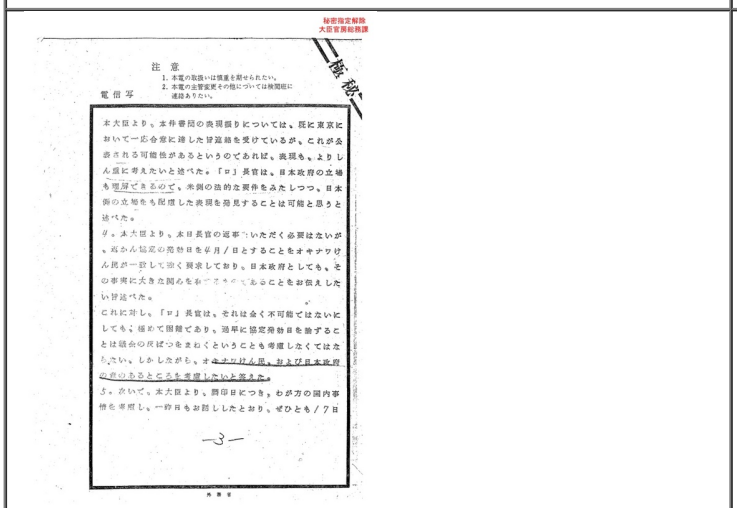


われわれを助けていただければありがたいと述べ、例えば、本件につきなるべく速やかに話合を行うというような意志表示を国府に対して行っていただけないかと述べた。

これに対し、本大臣より、基本的には米国に迷惑をかけずに処理する自信がある。国府に必要とあらば話をすることは差支えないが、その時期は返還協定調印前ということではなく、69年の佐藤・ニクソン共同声明の例にならい事後的に説明をすることとなろうと答えた。

(2)次にロジャース長官より、六五の使途につき日本政府のリベラルな解釈を期待するとの発言があり、これに対し、本大臣よりできる限りのリベラルな解釈をassure[保証]すると述べた。

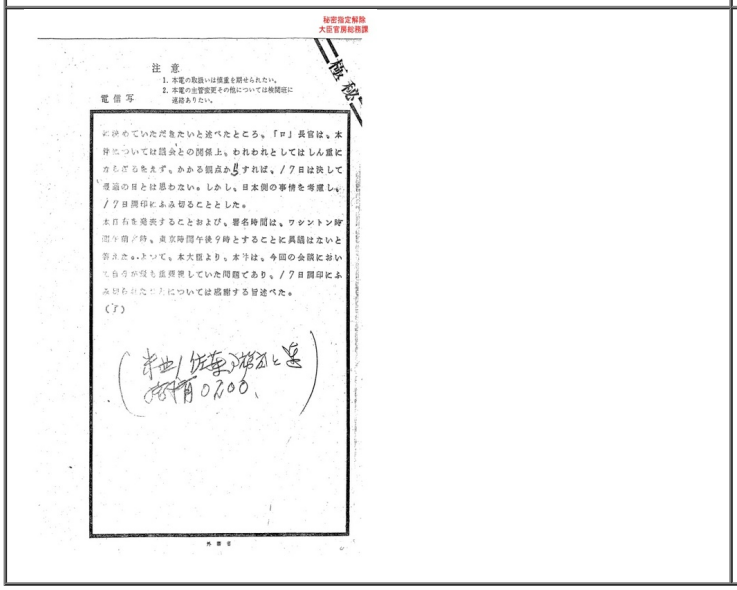
(3)請求権問題に関連してロジャース長官は、本大臣の書簡を必要とする旨述べたので、本大臣より、本書簡は公表されざるものと了解してよろしきやと、と念を押したところ、ロジャース長官は、「行政府としては、できるだけ不公表にしておくよう努力する所存なるも、議会との関係で、これを発表せざるをえない場合も、絶無ではない」と答えた。
よって



本大臣より、本件書簡の表現ぶりについては、既に東京において一応合意に達した旨連絡を受けているが、これが公表される可能性があるというのであれば、表現も、より慎重に考えたいと述べた。ロジャース長官は　、日本政府の立場も理解できるので、米側の法的な要件をみたしつつ、日本側の立場をも配慮した表現を発見することは可能と思うと述べた。

(4)本大臣より、本日長官の返事をいただく必要はないが、返還協定の発効日を4月1日とすることを沖縄県民が一致して強く要求しており、日本政府としても、その事実に大きな関心を有するものであることをお伝えしたい旨述べた。これに対し、ロジャース長官は、それは全く不可能ではないにしても、極めて困難であり、過早に協定発効日を論ずることは議会の反発を招くということも考慮しなくてはならない。しかしながら、沖縄県民および日本政府の意のあるところを考慮したいと答えた。

(5)次いで、本大臣より、調印日につき、わが方の国内事情を考慮し、一昨日もお話しした通り、ぜひとも17日



に決めていただきたいと述べたところ、ロジャース長官は、本件については議会との関係上、われわれとしては慎重にならざるをえず、かかる観点からすれば、17日は決して最適の日とは思わない。しかし、日本側の事情を考慮し、17日調印にふみ切ることとした。

本日右を発表することおよび、署名字観は、ワトン時間午前4時、東京時間午後9時とすることに異論はないと答えた。よって、本台紙ンより、本件は、今回の会談において自分が最も重要視していた問題であり、17日調印にふみきられたことについて感謝する旨述べた。(了)

FOURTH SCENE:

MEETING BETWEEN KISSINGER AND ROC AMBASSADOR CHOW.

After half a year since signing the Okinawa Reversion treaty the Republic of China (GOC) Foreign Minister visited the U.S. and held a year-end meeting with Dr. Kissinger. ***FRUS*** document 180. Memorandum of Conversation is the record of their conversation.[24] The conversation was held at Key Biscayne, Florida, December 30, 1971, 10:30 a.m. Participants are Dr. Henry A. Kissinger, Chow Shu-kai, Foreign Minister, Republic of China Director Cheng, Republic of China His Excellency, James Shen, Republic of China Ambassador to the United States and Coleman S. Hicks, notetaker.

The conversation began with light banter among the participants.

Chow: It is very nice of you to take the time to see us here in Key Biscayne. I have just come from Japan and you, of course, will be meeting the Japanese in San Clemente. I have three questions that I would like to ask you. First, how secure is Taiwan from Communist attack? Second, will you press us to negotiate with Peking? And number three, I would like to raise matters regarding confiscation of property. The Japanese are very excited about these concerns.

Kissinger: Well, I won't tell you anything until the Ambassador promises to invite me to another Chinese dinner. (Laughter)

Chow: What we are seeking is reassurance from you about these matters. We are concerned that the Communists can gain control of the air.

Kissinger: Let's settle the defense question first. At my press conference in November I commented that our defense commitment was unimpaired.[25] I have also said that to Chou En-lai, and our defense commitment has not been affected by our dealings with Peking. If you are attacked, we will come to your defense. Personally, I don't think China can maintain control of the air.

Chow: But we are in a situation where the quantity and quality of the Communist military capacity is going up and our impression is that the military assistance program is standing still. This results in a change of the military balance.

Kissinger: There has been no stoppage of our military assistance program to the Republic of China.

Chow: This is encouraging but there is concern about it.[26]

Kissinger: Can you give me particular items? I will check into it.

Chow: We are interested in excess equipment, F–104s, tanks and so forth. We do not seek offensive weapons.

Kissinger: I can reassure you that no steps have been taken to limit the military assistance program to the Republic of China.

Chow: There are rumbles in the lower levels at the State Department about tie-ups in the program.

Kissinger: Look, the lower levels of the State Department are prone, as you have probably seen, to take credit whenever it is due someone else but at the same time to undermine support for Presidential policies. The President has a warm personal feeling for the Republic of China. The steps we have taken with the Communists have been necessary. They are cold-blooded, calculated diplomatic moves. They have nothing to do with sympathy.

Chow: Well, I hope you can stir things up on this military assistance program.

Kissinger: I thought everything was in normal channels. What did Rogers say when you talked to him this morning?

Chow: (unintelligible)

Kissinger: I, of course, don't know the exact details about the military balance between you and the Communists, but personally I don't believe that the Communists have the capacity to use their military force outside their borders. But if so . . .[27] Coleman, get Colonel Kennedy to look into this matter.

Chow: Another issue relates to the submarines.

Kissinger: I approved that two months ago.

Chow: All the key matters relate to training. Secretary Rogers appears to be apprehensive about this.

Kissinger: We have approved this. Why would it be in our interest not to go ahead and do it? Of course we will do it.[28]

Chow: The next issue I would like to raise with you is the handling of the Senkaku Islands. When you talk to the Japanese in San Clemente, may I encourage you to consider our position? The Japanese watch very carefully the U.S. role in the Pacific and seek consultation with you. We have a difficult domestic political situation regarding the Islands. Peking wants to develop an anti-American campaign on Taiwan. We need help from our friends. The Islands don't make any difference to Japan but they do to the people of Taiwan. Perhaps you could discuss these withered pieces of rock—there is no oil there—with the Japanese.

Kissinger: We will raise it with the Japanese.

Chow: We hope to keep them quiet about it.

Kissinger: You don't want the Islands back; you just want to avoid a big fuss about them, is that right?

Chow: Yes, that's right. It is like Outer Mongolia. The Japanese have an interest in Outer Mongolia. If we were on the Mainland, we might be over-sensitive about Outer Mongolia and Tibet. The important thing is that they remain politically autonomous.

Kissinger: You are interested in Tibet. (Laughter)

Chow: In our bilateral relations we will continue to play it cool. We have told the Japanese that, for instance, we will trade with everyone. We will even trade with the socialist countries like East Germany. We would rather trade, of course, with our friends, but . . .

Kissinger: Will you negotiate with the Mainland?

Chow: No.

Kissinger: People have asked me often about my comments on this in my press conference at the end of October. To be honest, I thought that my comments would be helpful to you. I was trying to remove that item from the agenda in Peking during the President's visit. What I indicated was a policy of allowing the Mainland and Taiwan to settle the problem politically themselves, without the use of force. You will get no pressure from us to settle this matter as long as President Nixon remains in office. I think this is the best possible formula from your perspective. If we were to say that we would not accept a political solution, the result would be a big international incident—problems at the United Nations; in short, a big issue. As long as no pressure is put on you for a political settlement, why isn't this formula the best possible policy?

Shen: When you say that it is an internal Chinese affair that gives the impression though that you are washing your hands of it.

Kissinger: I didn't say that we were washing our hands of it. I said merely that we would put no pressure on you to make a political settlement and that we would tolerate no force on the part of either side in resolution of the dispute. It seems to me to be a very practical solution. Regardless, I don't think that Zhou En-lai will renounce force. He isn't about ready to ask us to act as an intermediary in this matter.

Shen: The last thing anybody would be interested in would be having you act as an intermediary.

Kissinger: It is important to do a little Chinese thinking here, to look at the matter in a complicated light. This issue will come up at the UN year after year. We will continually say that our policy is to tolerate no use of force in settling the political matter. What can go wrong?

Shen: But we need desperately to maintain our defense capacities. If they lag, it might lead the Communists to a miscalculation.

Kissinger: We have already talked about the defense matters. Personally, I don't see a military capacity by the Mainland Chinese which would be effective against you. They are not about ready to use their air force against you. They are too scared of the Russians; why would they bother to take you on? You know, a hundred miles of water to cross is quite difficult.

Chow: But they might use tricks. They might link this issue to the prisoners of war or the Vietnam problem. Of course, we know that you are smart enough not to be taken in.

Shen: People on Taiwan are concerned. What we are confronting here is largely a psychological question.

Kissinger: Whatever materials are in the military pipeline on our systems program, we will deliver on. To be frank, I don't know the details of exactly what is, but, Mr. Foreign Minister, when you were Ambassador in Washington, we did what you wanted, didn't we? What you needed, we gave you. You appear to think that the Communists are quite flexible. I don't. I believe that their domestic problems are very serious, that they will not renounce the use of force in the Taiwan issue, and also that they will not use Vietnam to pressure us on a political settlement.

Chow: There are many rumors about . . .

Kissinger: Yes, of course, I hear all these rumors. There is one that I made a deal with Chou in China that we would withdraw troops from Taiwan before his visits. Have we? Let me ask you this: Have we withdrawn any troops? I certainly don't think so, to the best of my knowledge. There may have been some rotations, but no withdrawals.

Chow: (The Foreign Minister made some comments about General Barnes[29] which were not intelligible.)

Kissinger: You get all the stories that aren't true.

Chow: (The Foreign Minister discussed some aspect of dealing with the Japanese—more was not understandable.)

Kissinger: We will talk toSato and Fukuda in San Clemente and attempt to restrain their activities in the Islands. You stick to your guns and be sure to keep us informed on all your dealings with the Communists.

Shen: We have certainly learned our lesson. We have talked to the President three times, to the Vice President once.

Kissinger: You have showed great dignity and character. Of all the sons-of-bitches in the world, you are the last of all who deserve what has happened this year.

Chou: Thank you very much for taking the time to meet with us today.

Kissinger: You must understand that what we do, we do with a heavy heart. We don't do it to betray our friends. We take actions visà-vis the Communists only because those actions are required.I assure you again that you will get no pressure from us on any political deal with the Mainland.

At this point the party retired from Dr. Kissinger's villa and began to walk back to the hotel, where the Chinese boarded their vehicle. During the walk, Dr. Kissinger spoke with the Foreign Minister about several problems. Dr. Kissinger emphasized again his impression that the formula of no-military action, but an openness to political accommodations, was the best possible formula for the Chinese Nationalists. On the UN issue, he acknowledged that the United States had engaged in what turned out to be a bad strategy vis-à-vis the timing of the second return from China. He indicated that he thought a two-week delay would have been possible had the matter been handled more properly. General comments were made about the Japanese vis-à-vis the United States; their touchiness on the China trip, their trading role with Taiwan, etc.[30]

FIFTH SCENE:

OKINAWA REVERSION TREATY, HEARINGS BEFORE THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

On October 27, 1971, the U.S. Senate Committee on Foreign Relations opened at 10.15 a.m., in room 4221, New Senate Office Building. Senator J. W. Fulbright chaired, saying: The treaty comes before us against a backdrop of strained United States-Japanese relations, stemming primarily from many long suppressed economic tensions and aggravated by the developments of the past few months regarding China. The United States has now stated that it seeks to normalize relations with the People's Republic of China, *a change in policy apparently taken without consultation with Japan*. And the People's Republic has now been seated as the representative of China in the United Nations**.** These important steps naturally have a substantial impact affecting U.S. security interests throughout Asia, including Okinawa. In considering the reversion treaty, the committee will be interested in examining the general effect of the treaty on United-States-Japanese relations as well as its implications for U.S. treaty commitments and security interests in Asia."

As Fulbright said, as the United States has now stated that it seeks to normalize relations with the People's Republic of China, the Japanese government opposed the People's Republic of China being seated as the representative of China in the United Nations in the last minutes.

Opening Statement by J. W. Fulbright reads:

Today the committee opens its public hearings on the Okinawa Reversion Treaty. The treaty represents the end of an era in United States-Japan relations. It settles the last remaining major issues between the two countries arising out of World War II, returning to Japan the remaining occupied territory which has been promised it. Ratification of this treaty would remove the last vestige of occupying power status now held by the United States and would formalize a relationship of equality between the two states. In his letter transmitting the treaty to the Senate, the President has urged that the return of Okinawa "is essential to the continuation of friendly and productive relations between the United States and Japan."

The treaty comes before us against a backdrop of strained United States-Japanese relations, stemming primarily from many long suppressed economic tensions and aggravated by the developments of the past few months regarding China. The United States has now stated that it seeks to normalize relations with the People's Republic of China, a change in policy apparently taken without consultation with Japan. And the People's Republic has now been seated as the representative of China in the United Nations. These important steps naturally have a substantial impact affecting U.S. security interests throughout Asia, including Okinawa. In considering the reversion treaty, the committee will be interested in examining the general effect of the treaty on United States-Japanese relations as well as its implications for U.S. commitments and security interests in Asia.

We are very pleased this morning to welcome the Secretary of State, William P. Rogers, who will initiate the presentation of the administration's position. If I may add, Mr. Secretary, speaking personally, although there has been much criticism of the action of the United Nations and I regret that our position was not fully supported, nevertheless I personally feel that this action over a long period may prove to be beneficial to the policies of this administration. And I am not a bit discouraged as to the future of your efforts to bring about much better relations with China and the rest of the world.

Statement of Hon. William P. Rogers, Secretary of State; Accompanied by U. Alexis Johnson, Under Secretary of State for Political Affairs reads as follows:

Thank you very much, Mr. Chairman; I appreciate those remarks. Mr. Chairman and members of the committee, I am here today to explain why this administration considers it very important that the Senate should advise and consent to the ratification of the agreement between the United States and Japan. The agreement, signed on June 17, 1971, provides for the return of the Ryukyu Islands to the administrative control of Japan. This agreement can, I believe, truly be called an historic document. It would resolve the last major U.S.-Japanese issue arising from World War II. The agreement provides for the return to Japanese administration of an area which has been historically associated with Japan and whose population strongly desires to be united once again with its native land. The Ryukyus are also an area of significant strategic importance to the United States. The agreement takes full account of this agreement and its related arrangements would protect and promote the U.S. security interests in the Far East. Deputy Secretary Packard will discuss its security aspects in greater detail in his testimony.

Among 61 points which Rogers raised and answered to Senates questions, I will introduce three points; **No.4** Japan's Retention of Residual Authority, **No.5** Recognizing of Japan's Residual Authority, and **No. 17** Sovereignty of Senkaku Islands.

No. 4 Japan's Retention of *Residual Authority*

On September 5, 1951, in presenting the draft of the peace treaty to the Peace Conference, Ambassador John Foster Dulles noted that some of the allied powers had urged that the treaty require Japan to renounce its sovereignty. Others had proposed that the islands be restored completely to Japan. "In the face of this division of allied opinion," Ambassador Dulles said, "the United States felt that the best formula would be to permit Japan to retain *residual sovereignty*, while making it possible for these islands to be brought into the United Nations trusteeship system, with the United States as administering

authority." It was decided at that time that although the United States had long-term security interests in the Ryukyus, the "peace of reconciliation," which we and most of our allies sought with Japan, would be vitiated by the islands' enforced, permanent detachment from Japan. The "*residual sovereignty*" formula was clearly designed to convey the thought to Japan and to the world that although the United States was obliged to retain control of the Ryukyus temporarily for security reasons, what had been Japanese territory was not being permanently detached from Japan and the principle of no U.S. territorial acquisitions as a result of war was being observed.

No.5 Recognizing of Japan's *Residual Authority*

In December 1953, the United States returned the northern portion of the Okinawa Island chain, the Amami Islands, to Japanese jurisdiction. In June 1957 President Eisenhower and Prime Minister Kishi reaffirmed "Japanese *residual sovereignty*" over the Ryukyus. In June 1961, President Kennedy and Prime Minister Ikeda did likewise. In March 1962, in connection with an executive order concerning the administration of the islands issued on the basis of a U.S. Government task force study of the Ryukyus policies and programs, President Kennedy recognized the Ryukyus "to be a part of the Japanese homeland." He added that he "looked forward to the day when the security interests of the free world will permit their restoration to full Japanese sovereignty." In November 1967, President Johnson and Prime Minister Sato met in Washington and agreed on the establishment of an advisory Committee to the High Commissioner "to promote the integration of the Ryukyus with Japan and thus help to minimize the stresses that would accompany reversion." President Johnson also stated at the time that he "fully understood the desire of the Japanese people for the reversion of the islands." The President and the Prime Minister agreed to conduct joint and continuous review of the status of the Ryukyu Islands, "guided by the aim of returning administrative rights over these islands to Japan. This left Okinawa, the Daito Islands, and the more southerly islands in the Ryukyu Archipelago as the only territories listed under Article III of the peace treaty, which were still under U.S. administration. Finally, President Nixon and Prime Minister Sato, in their communiqué of November 1969, announced that "The two Governments would immediately enter into consultations regarding specific arrangements for accomplishing the early reversion of these islands without detriment to the security of the Far East, including Japan. "The President and the Prime Minister," the communiqué continued, "agreed to expedite the consultations with a view of accomplishing the reversion during 1972, subject to the conclusion these specific arrangements with the necessary legislative support."

Thus Japan's "*residual sovereignty*" over Okinawa has been recognized by every American President and every U.S. administration since the end of the occupation. The agreement before you, Mr. Chairman and members of the committee, the agreement before you and its related arrangements are the logical and timely culmination of an historic progression set in motion over 20 years ago.

—Thus, the author considers that the reversion of Okinawa is widely recognized by the Allies and by the world opinion. The problem is the sovereignty of the Senkaku Islands. Regarding this problem point No. 17 of Rogers' explanation reads:

No.17 Sovereignty of Island Senkaku

Fulbright said: There is this troublesome question that I have seen in the paper and I wondered if you wanted to comment on it. I believe it concerns the island of Senkaku. Is that left as is without an attempt to determine its sovereignty? There was a piece in the paper the other day indicating that there may be some difficulty over the sovereignty of that island.

Secretary Rogers replied, Mr. Chairman I am glad you asked that question because we have made it clear that this treaty does not affect the legal status of those islands at all. Whatever the legal situation was prior to the treaty is going to be the legal situation after the treaty comes into effect.

The Chairman. In any case, that is not a reason to object to this treaty, whatever one may think about it. Is that correct?

Secretary Rogers. That is right. That is correct.

The Chairman. It does not affect it.

Regarding Japan's Retention of **Residual Authorit**y there were several questions. What is the concept of **Residual Authorit**y? Is it a legal concept or just political maneuvering?

After all, the following letter by Robert I Starr, Acting Assistant Legal Adviser for East Asian and Pacific affairs is the legal position of the U.S. Government.

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Department of State,

Washington, D.C., October 20, 1971.

Robert Morris, Esq.,

Rice & Rice,

Mercantille Dallas Building, Dallas, Tex.

Dear Mr. Morris: Secretary Rogers has asked me to reply to your letter [Robert Morris] of September 28, 1971, concerning the claim of Grace Hsu to ownership of the Tiaoyutai, Huang Wei Yu, and Chih Yu islands. We assume that you that by "Huang Wei Yu"and "Chih Yu", you refer to Huang-wei-chiao and Chih-wei-chiao, two islets in the Tiao-yu-tai group. The Japanese names for these two islands are respectively Kobi-sho and Sekibi-sho, and the entire group is known in Japanese as the Senkaku Islands. Under Article of the 1951 Treaty of Peace with Japan, the United States acquired administrative rights over "Nansei Shoto" south of 29 degrees north latitude. This term was understood by the United States and Japan to include the Senkaku Islands, which were under Japanese administration at the end of the Second World War and which are not otherwise specifically referred to in the Peace Treaty. In accordance with understandings reached by President Nixon and Prime Minister Sato of Japan in 1969, the United States is expected to return to Japan in 1972 the administrative rights to Nansei Shoto which the United States continues to exercise under the Peace Treaty. A detailed agreement to this effect, on the terms and conditions for the reversion of the Ryukyu Islands, including the Senkakus, was signed on June 17, 1971, and has been transmitted to the Senate for its advice and consent to ratification.

The Government of the Republic of China and Japan are in disagreement as to sovereignty over the Senkaku Islands. You should know as well that the People's Republic of China has also claimed sovereignty over the islands. The United States believes that a return of administrative rights over those islands to Japan, from which the rights were received, can in no way prejudice any underlying claims (of ROC and/or PRC). The United States cannot add to the legal rights Japan possessed before it transferred administration of the islands to us, nor can the United States, by giving back what it received, diminish the rights of other claimants. The United States has made no claim to the Senkaku Islands and considers that any conflicting claims to the islands are a matter for resolution by the parties concerned. I hope that this information is helpful to you. If I can be of any further assistance, please do not hesitate to let me know.

Sincerely yours,

Robert I Starr,

Acting Assistant Legal Adviser

for East Asian and Pacific affairs.

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This is the most important legal statement of the U.S. Government on the sovereignty of the Senkaku islands. The United States has continued to maintain this position since the ratification of the Okinawa Reversion Treaty, typical examples being ***China's Maritime Territorial Claims: Implications for U.S. Interests,*** **November 12, 2001** and ***Senkaku/Diaoyu Islands Dispute: U.S. Treaty Obligations,*** **September 25,** 2012.

Unfortunately, most Japanese people, including so-called experts on international problems, know nothing about these U.S.-Taiwan negotiations and their results. The resulting misunderstandings of the conditions of Reversion Treaty sustain Japanese nationalism.

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Appendix: **The Lessons of Japan-Taiwan agreement on fishing rights around the Senkaku/Diaoyu Islands**

The Asahi reported 'Japan, Taiwan agree on fishing rights around Senkakus', on April 10, 2013 as follows;

Japan made concessions to reach a basic agreement with Taiwan over fishing rights around the disputed Senkaku Islands, a deal that will likely rile China. Under the agreement, which could be announced as early as April 10, Taiwanese fishing boats are prohibited from entering Japan's territorial waters within 12 nautical miles of the Senkaku Islands in the East China Sea, according to sources. However, they can operate in the rich fishing grounds outside the territorial waters.

Tokyo and Taipei plan to set up a joint control committee to arrange the fishing fleet sizes of both sides, the sources said. Most of the area that will be under joint control lies south of 27 degrees north latitude, east of the Japan-China median line and northwest of the boundary claimed by Taiwan. The area also includes part of the waters north of the Yaeyama Islands and southeast of the boundary claimed by Taiwan, a rich fishing ground that Taipei is eager to harvest. The Senkakus, a group of five uninhabited islets and reefs, are administered by Japan but also claimed by both China and Taiwan, which call them Diaoyu and Diaoyutai, respectively. Taiwan also lays claim to fishing rights in waters around the Senkaku Islands. China has called on Taiwan to form a unified front against Japan over the Senkakus issue. "Compatriots on both sides of the strait must jointly preserve sovereignty over the Diaoyu Islands," a spokesman for the State Council of China's Taiwan Affairs Office said.

However, Japan's concessions on fishing rights to Taiwan have driven a wedge between China and Taiwan and prevented a possible unified front over the territorial dispute. "*Sovereignty cannot be divided, but resources can be shared*," Taiwan President Ma Ying-jeou said. Neither Tokyo nor Taipei plans to mention *the sovereignty issue* in the agreement. The waters around the Senkaku Islands are considered traditional operating areas for Taiwanese fishermen. With the bluefin tuna fishing season beginning in April, a delay in the agreement with Japan could have caused an uproar among Taiwanese fishermen. The part of the East China Sea close to the Senkaku and Yaeyama islands in Okinawa Prefecture is a prolific fishing ground that has attracted many fishing boats from Japan, Taiwan and China. That is also an area where exclusive economic zones claimed by the three sides overlap. The lack of a fisheries pact has meant that many Taiwanese fishing boats have been seized by Japan Coast Guard cutters. The fisheries talks between Tokyo and Taipei started in 1996, were halted in 2009, and resumed in 2012. THE ASAHI SHIMBUN

In the writer's view one of the most important facts is that the PRC did not strongly oppose the Japan-Taiwan fishing agreement. This is a background fact that is easily forgotten, but it is very important for future arrangements with the PRC.

A concept that provided the basis for Japan-Taiwan negotiation is Dr. Ma Ying-jeou's thesis that "***Sovereignty cannot be divided, but resources can be shared***." Dr. Ma Ying-jeou's Harvard Law School dissertation is titled, ***Trouble over Oily Waters****: Legal Problems of Seabed Boundaries and Foreign Investments in the East China Sea, December* 1980. The reason why this agreement has been successfully concluded is that neither Tokyo nor Taipei plans to mention *the sovereignty issue* in the agreement.

Applying Ma Ying-jeou's thesis to the Japan-China Senkaku Conflict, Japan's effective control over the Senkaku Islands should be respected, while, at the same time, the ROC's and the PRC's underlying claims of the sovereignty of Diaoyutai should also be respected. Japan should not reject ROC and PRC claims on sovereignty of the Senkaku/Diaoyutai Islands. We need a ***new formula*** for peace in the East China Sea.

This is a revised version of an article prepared for the inaugural meeting of the East Asian Maritime Cooperation Forum (EAMCF) at BEXCO Convention Center on December 19, 2013, sponsored by Sea Power League of the Republic of Korea (SPLRK) and Seoul National University Asia Center (SNUAC).

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See also his interview with the Asahi "INTERVIEW: China-watcher Yabuki says Senkakus are a diplomatic mistake by Japan," Dec 12, 2012

And three interviews with Yabuki by Stephen Harmer at Forbes: Interview with Professor Yabuki on the Senkaku/Diaoyu Crisis and U.S.-China-Japan Relations, Oct 3, 2012; and Japan and U.S. Ignored Chinese Signals and History, Blundering into the Senkaku/Diaoyu Crisis, February 20, 2013; and Mark Selden at the Asia-Pacific Journal http://japanfocus.org/-Yabuki-Susumu/3906 .

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Notes

[1] *Diaoyutai shi zhongguo guyou de lingtu*, Guowuyuan baodao-bangongshi.

[2] Congressional Research Service Report, Report for Congress, CRS 7-5700, by Mark E. Manyin

[3] Ministry of Foreign Affairs, Republic of China.

[4] http://www.mofa.go.jp/mofaj/area/senkaku/

[5] Memorandum of Conversation, Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1025, President/HAK Memcons, Memcon—the President, Kissinger, and Amb. Chow Apr. 12, 1971. Top Secret; Sensitive; Eyes Only. The President's Daily Diary indicates that Chow met with the President from 11:31 a.m. to 12:05 p.m. and that Emil Mosbacher, Chief of Protocol for the Department of State, was also present. (Ibid., White House Central Files)

The conversation was recorded by the White House taping system. The statements in quotation marks are actually paraphrases. (Ibid., White House Tapes, Recording of conversation between Nixon and Kissinger, April 12, 1971, 11:28 a.m.–12:41 p.m., Oval Office, Conversation No. 477–3)

[6] Apparent reference to the "Second Annual Report to Congress on United States Foreign Relations," February 25, 1971, in *Public Papers: Nixon, 1971,* pp. 219–345.

[7] Probable reference to an April 9 memorandum from Kissinger to Nixon; see *Foreign Relations, 1969–1976*, vol. V, Document 344. See also Document 167 in this volume.

[8] Japanese-American negotiations over Okinawa sparked renewed Chinese interest in the Senkaku Islands (Tiaoyutai or Diaoyutai in Chinese). Chow gave a 4-page aide mémoire to Green on September 16, 1970, outlining ROC objections to Japanese sovereignty over the islands. (National Archives, RG 59, EA/ROC Files: Lot 75 D 61, Subject Files, Petroleum–Senkakus, January–September 1970). Shoesmith summarized reports of student demonstrations in Taipei against Japanese control of the Senkaku Islands and noted: "The Embassy believes that the initiative for the demonstrations has come from the students rather than the government. But the latter probably has given tacit approval out of reluctance to oppose the fruits of youthful patriotism and its own dissatisfaction over our China policy and oil exploration moratorium." (Memorandum from Shoesmith to Green, April 17; ibid., Lot 75 D 76, Petroleum–Senkakus, January–March 1971) There were also student protests in the United States and Hong Kong. The White House tape of the April 12 meeting indicates that Chow emphasized that the final disposition of the Senkakus should be kept open, and that this issue was a measure of the ROC's ability to protect itself. He emphasized the symbolic importance of the islands. (Ibid., Nixon Presidential Materials, White House Tapes, Recording of conversation between Nixon and Kissinger, April 12, 1971, Oval Office, Conversation No. 477–3)

[9] After Chow left the Oval Office, the President remarked that Chow was correct on the need to consider the political views of overseas Chinese. (Ibid.)

[10] Nixon remarked that he would not raise the issue of the U.S. position in public, but, if asked, would say that it had not changed. He also emphasized that Murphy's visit would be private, with no press coverage, and that Murphy would report to the White House, not the Department of State. Finally he urged Chow to be "mum" about the United Nations issue until after Murphy visited Taiwan. (Ibid.) The White House also wanted to limit speculation by U.S. officials concerning policy toward China. An April 14 memorandum from Kissinger to the Acting Secretary of State reads in its entirety: "In the wake of recent developments, the President has asked that all substantive comments by U.S. officials, including responses to formal press inquiries, background statements on and off-the-record remarks and guidance to Posts abroad, concerning U.S. relations with the People's Republic of China be cleared with him through my office." (Ibid., NSC Files, Box 521, Country Files, Far East, China, Vol. VI)

[11] Memorandum of Conversation, Source: National Archives, Nixon Presidential Materials, NSC Files, Country

Files, Far East, China, Vol. VI. Confidential. Sent for information. Drafted on April 14. The meeting was held in Kissinger's office. In an April 14 covering memorandum, Holdridge suggested that no further distribution be made. Kissinger initialed his approval. (Ibid.) Kissinger and Chow met from 3:31 to 3:47 p.m. (Library of Congress, Manuscript Division, Kissinger Papers, Box 480, Miscellany, 1968–1976, Record of Schedule)

[12] During April 1971 there were signs that the Republic of China had accepted the U.S. position. Kearns reported that he spoke privately with Chiang Ching-kuo after a dinner at McConaughy's home in Taipei. He paraphrased Chiang as follows: "It is necessary for us to publicly oppose actions taken by the United States Government that favor the Chinese Communists. However, we wish the President to know that we understand the necessity of taking such actions at this time." Chiang asked that his message be relayed to the President, and Peterson forwarded it on April 17. (Memorandum from Kearns to Peterson, April 15, and memorandum from Peterson to Nixon, April 17; both in National Archives, RG 59, S/S Files: Lot 73 D 443 and William P. Rogers' Official and Personal Papers, White House Correspondence)

[13] Asian and Pacific Council.

[14] Source: National Archives, Nixon Presidential Materials, NSC Files, Box 521, Country Files, Far East, China, Vol. VI. Confidential. Sent for information. A notation on the memorandum indicates Kissinger saw it on April 23, 1971.

[15] Memorandum From the President's Assistant for International Economic Affairs (Peterson) to President Nixon. Source: National Archives, Nixon Presidential Materials, White House Special Files, President's Office Files, Box 12, President's Handwriting Files. Secret. Sent for action. A notation on the memorandum indicates the President saw it. This trip was arranged in early May. See Document 121. Overall trade policy toward the nations of East Asia is documented in Foreign Relations, 1969–1976, volume IV.

[16] Attached but not printed is a message sent via backchannel by Kennedy to Peterson on June 7. A relatively complete record of the Sino-American textile negotiations is in National Archives, Nixon Presidential Materials, White House Special Files, Staff Member and Office Files, Peter Peterson, Box 1, 1971, Textile Negotiations (cables).

[17] Source: National Archives, Nixon Presidential Materials, White House Special Files, President's Office Files, Box 87, Memoranda for the President. Secret; Eyes Only.

[18] Nixon, Kissinger, and Peterson met at Camp David from 3:25 to 4:10 p.m. on June 7. (Ibid., White House Central Files, President's Daily Diary) According to a draft telegram to Rogers by U. Alexis Johnson: "Henry Kissinger stepped into the breach with material that I supplied him, and last night [June 7] obtained the President's decision that we would not change our position on the Senkakus. However, this points up the heat that GRC is bringing to bear on us and in turn in some degree probably reflects the heat that GRC is feeling on a subject which it neglected for so long." (Ibid., RG 59, U. Alexis Johnson Files: Lot 96 D 695, Nodis Chrono 1971) Kissinger and Johnson discussed the Senkaku Island issue by telephone on the morning of June 7. Johnson stated: "The principle that we are applying is that we received the islands from Japan for administration and are returning them to Japan without prejudice to the rights—no position between the two governments on it." (Memorandum of conversation between Kissinger and Johnson, June 7, 10:35 a.m.; ibid., Telcons, May–June 1971)

[19] See Document 133 and footnote 2 thereto.

[20] In an October 5 memorandum to Haig, Holdridge wrote that Peterson's office had contacted him to note that no military assistance mission had been dispatched to Taiwan. He noted, "Given Ambassador Kennedy's promise to the GRC, and given the doubts likely to be raised in their mind by any considerable postponement of the survey mission, we should move ahead reasonably soon to send a suitable officer to Taiwan." Haig's handwritten comment on the bottom of the memorandum reads: "Cripes John—this is dynamite. In any event we should wait till we see how textiles come out."(National Archives, Nixon Presidential Materials, NSC Files, Box 522, Country Files, Far East, China, Vol. IX)

[21] Representative Wilbur D. Mills (D–Arkansas) was the ranking member of the House Ways and Means Committee.

[22] On June 7 Kennedy told Chiang Ching-kuo of the decision on the Senkaku Islands. Chiang asked that the U.S. Government categorically state at the time of the signing of the Okinawa reversion agreement that the final status of the islands had not been determined and should be settled by all parties involved. (Backchannel message from Kennedy to Peterson, June 9; ibid., White House Special Files, Staff Member and Office Files, Peter Peterson, Box 1, 1971, Textile Negotiations (cables)) In a June 10 memorandum to Kissinger, Johnson noted that Rogers had raised this issue with Japanese Foreign Minister Aichi at their meeting in Paris on June 9. (Ibid., RG 59, U. Alexis Johnson Files: Lot 96 D 695, Kissinger, Henry, 1971) On June 12 Peterson informed Kennedy, who was in Seoul, that Rogers had approached Aichi, "strongly urging GOJ to discuss issue with GRC prior to signature of Okinawa Agreement on June 17." He also noted that a Department of State spokesman would announce on June 17 that a return of "administrative rights" to Japan of the Senkaku Islands "can in no way prejudice the underlying claims of the Republic of China." (Ibid., Nixon Presidential Materials, White House Special Files, Staff Member and Office Files, Peter Peterson, Box 1, 1971, Textile Negotiations (cables)) On June 15 Peterson cabled Kennedy, in Seoul, stating that Aichi had met with the ROC Ambassador in Tokyo to discuss the Senkaku issue. (Ibid.) On July 12 Chiang Ching-kuo complained to McConaughy that "the Japanese so far have refused to talk in any meaningful way on the subject." (Telegram 3388 from Taipei, July 12; ibid., RG 59,Central Files 1970–73, POL CHINAT)

[23] An exchange of notes between Rogers and Ambassador Shen on June 29 extended and amended the October 12, 1967, agreement on trade in cotton textiles. See TIAS 6361 (the 1967 agreement), TIAS 7011 (an exchange of notes for an interim agreement signed in late December 1970), and TIAS 7135 (the June 1971 notes). The agreement was further extended and amended in August 1971 (TIAS 7177). A new agreement was reached in December 1971 (TIAS 7249, corrected in TIAS 7469). The United States and the Republic of China were also parties to a multilateral accord on trade in wool and man-made fiber textile products in December 1971 (TIAS 7493 and 7498).

[24] Source: National Archives, Nixon Presidential Materials, NSC Files, Box 523, Country Files, Far East, China, Vol. X. Secret; Sensitive; Eyes Only. The meeting was held at Kissinger's villa at the Key Biscayne Hotel. A short attached note reads: "Coleman: This is ready to go to file. JHH doesn't think it's necessary to have HAK read it through. Eileen."

[25] Kissinger held a short press conference on November 29 to announce the date for the President's trip to the PRC, where he was asked about the U.S. defense commitment to the ROC. (Department of State Bulletin, December 20, 1971, p. 709)

[26] In a January 14 memorandum, Holdridge informed Kissinger that "Chou's comment probably represents a form of mild pressure on us to avoid delays or disapprovals rather than discontent over an actuality; [*less than 1 line of source text not declassified*] reporting has indicated considerable anxiety in the ROC Defense Ministry that we might tighten or reduce the flow of military assistance." (National Archives, Nixon Presidential Materials, NSC Files, Box 523, Country Files, Far East, China, Vol. X)

[27] All ellipses are in the source text.

[28] Holdridge informed Kissinger that the Department of Defense had passed to the ROC the White House's request that no crew members arrive in the United States prior to March 11, 1972. (National Archives, Nixon Presidential Materials, NSC Files, Box 523, Country Files, Far East, China, Vol. X)

[29] Apparent reference to Major General John Winthrop Barnes, who became Chief, MAAG, in the ROC in 1972.

[30] Brackets in the source text.

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