

## 論文

# The United States Commitment to the Senkaku Islands Issue

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### I. Introduction

The conflict around Senkaku Islands (Diaoyu Dao in Chinese) is becoming ever more dangerous. Since 11 September 2012, when the Japanese government nationalized three of the islands by buying them from their private owner, China has been challenging not only Japan's claim to sovereignty over the islands, but also its control of them by force. This month, anti-Japanese demonstrations spread across China, some of which resulted in violent with the connivance of the government. In the last year, China has strengthened its own claims and sent patrol boats to encroach on Japanese territorial waters repeatedly, Chinese aircraft also raided into Japan's airspace over the islands. Finally, Beijing declared its "air defense identification zone" on 23 November 2013, which over a wide swath of the East China Sea and covers the Senkaku Islands. These events have sharply escalated tensions in the region.

Why is China acting in such a way? It seems that the Chinese government wants to fuel tensions for turning people's attention away from the serious domestic problems, such as widening rich-poor gap, political corruption, environmental pollution and social unrest. To make matters worse, China's new top leader Xi Jinping takes a firm attitude toward Japan, and will want to appear a strong commander-in-chief. Recently, he uses the word "core interest" in talking about the Senkaku problem, and declared that "no foreign country should ever nurse hopes that we will bargain over our core national interests. . . . Nor should they nurse hopes that we will swallow the bitter fruit of harm to our country's sovereignty, security and development interests."<sup>1</sup> Anyway, the Chinese leadership has enough problems at home; they do indeed have reasons to maintain their hard-liner's image. In fact, China has become more nationalistic over the past 20 years; growing nationalism in China aggravates the threat to the Asia-Pacific region's peace and prosperity.

The Senkaku matter, therefore, is less because of fishing, oil or natural gas than as counters in the high-stakes game for Asia's future. Whereas China claims that Diaoyu Dao has been its inherent territory since ancient times, and Japan "stole" them in the end of Sino-Japanese War 1894-95, Japan, for its part, has always insisted that the Senkakus are historically part of Ryukyu Islands and thus no dispute exists over the

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territory, which initially placed under its control in 14 January 1895. Before then, the Senkakus were uninhabited and without owner as terra nullius. Japan basically maintains that China acquiesced to Japan's title until 1970s, not once raising a claim to the islands. But then, with evidence of oil in the islands' vicinity, Taiwan and China took to asserting title over them one after the other. On 28 September 2012, the state-run *China Daily* put a full-page advertisement in *The New York Times* to publicity China's claims of its territorial sovereignty over the islands, without offering any solid evidences to support their own assertions.<sup>2</sup> That is why China would not refer the Senkaku sovereignty issue to the International Court of Justice.

The United States of America, as an ally with Japan, is now in a delicate position toward the situation in the East China Sea. America has confirmed that it takes no position on the territorial dispute over the Senkaku Islands, but it also has made it clear that it has an obligation to defend the islands under the Japan-U.S. Security Treaty Article 5, if it comes under armed attack. Meanwhile, America has been urging Japan and China to solve the dispute through dialogue and manage disagreement through peaceful means. Actually, the Obama Administration warned Japan not to purchase the Senkaku Islands last fall. According to an interview of former U.S. Assistant Secretary for East Asian and Pacific Affairs Kurt Campbell, the Japanese government was advised by the U.S. to be "careful" in handling the matter.<sup>3</sup>

Despite there is a gap in perception over the Senkakus dispute between Japan and the United States, China still suspects America is not taking a neutral stance on the issue. China has also been angered by what it sees as the U.S. support for its opponent in dispute with Japan, because "Japan would not have been so aggressive without the support and actions of the U.S." After all, China's display seems to be testing the strength of Japan's alliance with the U.S., the main aim is to influence America to exclude the Senkakus from the Japan-U.S. Security Treaty's ambit, for fear of sucked into war with China. Actually, the state-run *People's Daily*, *Global Times* and CCTV hopefully suggested that America would not go to war "over a rock".<sup>4</sup>

In this context, therefore, to think about the Senkaku Islands issue, America's commitment to them becomes a crucial point. Because the United States not only has important relationships with all three disputants: Japan, China and Taiwan,<sup>5</sup> but also played a significant role in the territorial disputes, at least in the initial stages. In China and especially in Japan, questions have arisen concerning the U.S. relationship and obligations to the islands. This paper will focus on that issue, which has three elements: (1) the U.S. administration of the Senkakus after the war; (2) the status of the Senkakus in the Okinawa Reversion Agreement; and (3) the applicability of the Japan-U.S. Security Treaty to the islands.

## II. The U.S. Administration of the Senkakus after World War II

As is well known, the claims of China and Taiwan have a similar basis. They

asserted that “Diaoyu Dao was first discovered, named, and used by Chinese”, “the Diaoyu Islands, along with Taiwan, became the territory of Ming and Qing dynasties”, and “On 17 April 1895, the Qing court was defeated in the Sino-Japan War, and forced to sign the unequal treaty in Shimonoseki and cede Taiwan along with Diaoyu Dao to Japan”. However, Japan argued that the islands were not officially controlled by China at that time. The Chinese government and propaganda were wrong when they insisted that China has claimed the sovereignty over the Senkaku Islands for centuries and has always treated Japan’s annexation as illegal. The fact is that China didn’t claim ownership of the islands until the 1970s. Its world atlases always showed them as Japanese territories, and even an article in the *People’s Daily* dated 8 January 1953 depicted the Senkakus as belonging to the Ryukyu Islands.

The Chinese government and propaganda were also wrong in stating that the Potsdam Proclamation deprived Japan of all its overseas territories including the Diaoyu Islands. A careful reading of the proclamation together with the Cairo Declaration that preceded it and the Peace Treaty of Shimonoseki would tell him that no reference was made to “Diaoyu Dao” in these international documents, that is to say, not on the mind of world leaders at Potsdam, Cairo and Shimonoseki.

According to the white paper of the Chinese government, “Japan's occupation of Diaoyu Dao during the Sino-Japanese War in 1895 is illegal and invalid. After World War II, Diaoyu Dao was returned to China in accordance with such international legal documents as the Cairo Declaration and the Potsdam Proclamation.……However, the United States arbitrarily included Diaoyu Dao under its trusteeship in the 1950s and ‘returned’ the ‘power of administration’ over Diaoyu Dao to Japan in the 1970s. The backroom deals between the United States and Japan concerning Diaoyu Dao are acts of grave violation of China's territorial sovereignty. They are illegal and invalid.”<sup>6</sup> China always tried to justify itself in such a way.

In view of this situation, the Japanese government made unequivocal its formal position on 7 March 1972, through an official statement of the Ministry of Foreign Affairs (MOFA): *On the Issue of Territorial Sovereignty over the Senkaku Islands*. According to a new appeal of MOFA, “The Senkaku Islands were neither part of Taiwan nor part of the Pescadores Islands, which were ceded to Japan from the Qing Dynasty of China in accordance with Article 2 of the Treaty of Peace signed at Shimonoseki.” Moreover, “The Senkaku Islands are not included in the territory which Japan renounced under Article 2 of the San Francisco Peace Treaty, which came into effect in April 1952 and legally demarcated Japan’s territory after World War II. There were placed under the administration of the United States of America as part of the Nansei shoto Islands, in accordance with Article 3 of the said treaty, and were included in the areas whose administrative rights were reverted to Japan in accordance with the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, which came into force in May 1972. The facts outlined

herein clearly indicate the status of the Senkaku Islands as being part of the territory of Japan.”<sup>7</sup> On 26 September 2012, Prime Minister Yoshihiko Noda delivered a speech at the United Nations, during which he passed along the word that “no dispute exists.”

Which of these two opposing opinions told the truth? Of course, it takes courage to tell the truth. The historical fact is that the Treaty of Shimonoseki did not mention “Diaoyu Dao” (this point was specified in the original article 2 as follows: China cedes Formosa to Japan “together with all islands appertaining or belonging to the said island of Formosa.”), and the islands were not discussed during the negotiating sessions. Far from it, even the word “Diaoyu Dao” had never appeared in the official records of Ming and Qing Dynasty or Taiwan gazetteers (except some clearly inaccurate accounts) at that time.<sup>8</sup> Although China and Taiwan make their own assertions about the Senkakus over and over again, they are completely without positive proof indeed. It will be necessary to consult the international legal documents relating to the territorial issue as following.

As a well-known fact, the Cairo Declaration and the Potsdam Proclamation with laid out the terms for the Japanese surrender at the end of World War II, obliged Japan to return all the Chinese territories it had occupied. On 27 November 1943, the Cairo Declaration stated in explicit terms that “all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa and the Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed.”<sup>9</sup> The Potsdam Proclamation of 26 July 1945 referred to the Cairo Declaration, clearly defined the postwar territory of Japan. In accordance with Article 8: “The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.”<sup>10</sup> Lastly, Japan announced its acceptance of the Potsdam Proclamation as well as its unconditional surrender in August 1945. Later, when Japan was accepted as a member of the U.N. in 1956, it was on the condition it accepted the Potsdam Proclamation, and this was also the case when Japan and China restored diplomatic relations in September 1972.

All these international documents remain legally binding on the respective countries today, including America, Japan, China and Taiwan. It should be pointed out that both Cairo Declaration and Potsdam Proclamation did not mention the Senkaku Islands; therefore, the Senkaku Islands were not included in the territory which Japan renounced under the two international legal documents. In other words, the Senkaku Islands were incontrovertibly not part of the territory it was treaty-bound to renounce after Japan lost World War II.

After the end of World War II, on 29 January 1946, the Supreme Commander for the Allied Powers Instruction (SCAPIN) No.677( subject: Governmental and Administrative Separation of Certain Outlying Areas from Japan) clearly defined Japan’s power of administration to “included the four main islands of Japan (Hokkaido,

Honshu, Kyushu and Shikoku) and the approximately 1,000 smaller adjacent islands, including the Tsushima Islands and the Ryukyu (Nansei) Islands north of 30° North Latitude(excluding Kuchinoshima Island); and excluding (a) Utsuryo (Ullung) Island, ……; (b) the Ryukyu (Nansei) Islands south of 30° North Latitude (including Kuchinoshima Island), the Izu, Nanpo, Bonin(Ogasawara) and Volcano(Kazan or Iwo) Island Groups, and all other outlying Pacific Islands……; and(c)the Kurile(Chishima) Islands,……”.<sup>11</sup> Although the commander did not enumerate the Senkakus in detail, but definitely included them in the area of “(b) the Ryukyu (Nansei) Islands south of 30° North Latitude”, where placed under the military occupation of the Allied Forces.

The U.S. administration of Okinawa Islands with the Senkakus began in 1952 as a result of the Treaty of Peace with Japan (commonly known as the San Francisco Peace Treaty) which signed on 8 September 1951 and came into effect on 28 April 1952. Although the treaty did not mention the Senkakus in detail, but the Article 3 placed “Nansei Shoto south of 29° north latitude (including the Ryukyu Islands and the Daito Islands)” under the United Nations’ trusteeship system with the U. S. administering authority.<sup>12</sup> Since the Senkaku Islands lie to the waters between 25°40' to 26°north latitude and 123°20' to 124° 40' east longitude, it is clear that the Article 3 included the Senkakus as part of the Nansei Shoto Islands.

Before Japan and a number of countries signed the treaty, the U.S. Secretary of State Dulles John Foster stated the legal status of Ryukyus clearly in his remarks on 5 September 1951, “Article 3 deals with the Ryukyus and other islands to the south and southeast of Japan. These, since the surrender, have been under the sole administration of the United States. Several of the Allied Powers urged that the treaty should require Japan to renounce its sovereignty over these islands in favor of United States sovereignty. Others suggested that these islands should be restored completely to Japan. In the face of this division of Allied opinion, 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.”<sup>13</sup> It means that America permitted Japan has the “residual sovereignty” of Ryukyu Islands under their own administering authority. As a concept of international law, the “residual sovereignty” means that the Japanese sovereignty is suspended temporarily until the final politico-administrative settlements.

Hence we may well assume, as is quite clear from the above facts, that the Senkaku Islands are clearly a part of the territory of Japan, in light of the historical facts and based upon the international law. Since these international legal documents, which demarcated Japan’s territory after World War II, were all designed under the America’s hegemony, China’s criticisms like “Japan’s plot to deny the outcomes of the Allied Powers’ victory in the war against fascism”, or “Japan want to subvert the postwar international order”,<sup>14</sup> are completely unreasonable and just a nonsense.

On 10 September 1970, when asked “what is the U.S. position regarding the future disposition of the Senkaku Islands?” State Department spokesman Robert McCloskey answered that “under Article 3 of the Peace Treaty with Japan, the U.S. has administrative rights over the Nansei Shoto. This term, as used in that treaty, refers to all islands south of 29 degrees north latitude, under Japanese administration at the end of the Second World War, that were not otherwise specifically referred to in the treaty. The term, as used in the treaty, was intended to include the Senkaku Islands.” He also stated clearly that “under the treaty, the U.S. government administers the Senkaku Islands as a part of the Ryukyu Islands, but considers that residual sovereignty over the Ryukyus remains with Japan. As a result of an agreement reached by President Nixon and Prime Minister Sato in November 1969, it is anticipated that administration of the Ryukyus will revert to Japan in 1972.”<sup>15</sup> In this way, the United States of America had exercised the administrative authority on the Senkaku Islands after World War II until the reversion of Okinawa.

### III. The Status of the Senkakus in the Okinawa Reversion Agreement

On 17 June 1971, Japan and the United States signed the Agreement Concerning the Ryukyu Islands and the Daito Islands (commonly known as Okinawa Reversion Agreement), which provided that any and all powers of administration over the Ryukyu Islands with the Senkakus would be returned to Japan. However, China condemned the agreement as “a backroom deal”, and complained that “China has opposed the backroom deals between the United States and Japan concerning the Diaoyu Islands.” America had carefully reviewed China’s such claims, but it cannot agree with them.<sup>16</sup>

It was in 23 June 1945, when the Tenth Army of Japanese Forces, which had stationed in Ryukyu Islands, surrendered to the U.S. forces. The Surrender was signed on 7 September 1945, in which “the undersigned Japanese Commanders, in conformity, with the general surrender executed by the Imperial Japanese Government, at Yokohama, on 2 September 1945, hereby formally render unconditional surrender of the islands in the Ryukyus within the following boundaries: 30° North 126° East, thence 24° North 122° East, thence 24° North 133° East, thence 29° North 131° East, thence 30° North 131° 30’ East, thence to point of origin.”<sup>17</sup> Since then, the Senkaku Islands have been placed under the U.S. military occupation together with other Ryukyu Islands.

When the Allied Occupation ended and Japan regained sovereignty in 1952 under the San Francisco Peace Treaty, Okinawa was still put under the U.S. rule. Under a 1969 deal struck between Prime Minister Eisaku Sato and President Richard M. Nixon, Okinawa was returned to Japanese rule in 1972. During that period of 20 years, the Senkakus were placed with other Nansei Islands under the American authority; they have been under the effective control by U.S. Civil Administration and the Ryukyu government. The United States has never denied Japan’s residual sovereignty over the Senkaku Islands. We can see the facts through some ordinances

or proclamations as following.

On 29 February 1952, the United States Civil Administration of the Ryukyu Islands (USCAR) issued Ordinance No.68, for publishing the Provisions of the Government of the Ryukyu Islands. In accordance with Article 1 of the Provisions, “The administrative and territorial jurisdiction of the Government of the Ryukyu Islands are designated as all of those islands and territorial waters within the following geographic boundaries: 29° North Latitude, 125°22’ East Longitude; thence 24° North Latitude, 122° East Longitude; thence 24° North Latitude, 133° East Longitude; thence 29° North Latitude, 131° East Longitude; thence to the point of origin.”<sup>18</sup>

Furthermore, on 25 December 1953, the USCAR issued Proclamation No.27, for defining the geographical boundary lines of the Ryukyu Islands. In accordance with Article 1 of the Proclamation, the territorial jurisdiction of the Ryukyu government are redesigned as “all of those islands, islets, atolls and rocks and territorial waters within the following geographic boundaries: 28° North Latitude, 124°40’ East Longitude; thence 24° North Latitude, 122° East Longitude; thence 24° North Latitude, 133° East Longitude; thence 27° North Latitude, 131°50’ East Longitude; thence 27° North Latitude, 128°18’ East Longitude; thence 28° North Latitude, 128°18’ East Longitude; thence to the point of origin.”<sup>19</sup> Both the two enactments clearly provide that the Senkakus was included in the area where the U.S. administration extends. Moreover, during the period of U.S. administration, the U.S. Navy established firing ranges on the Kuba Island and Taisho Island from 1955, and paid an annual rent to Mr. Jinji Koga, the son of the first Japanese settler of the islands.

Since then, there have been numerous cases of unlawful entry into the Senkakus, for the control of which the Ryukyu government have taken various measures from 1968. One such measure was the erection. On 12 July 1970, the Ryukyu government set up some warning signs on the Senkaku Islands in the Japanese, English and Chinese language, the warning signs had the following content: “Entry into any of the Ryukyu Islands including this islands, or their territorial waters other than innocent passage, by persons other than the residents of the Ryukyu Islands, is subject to criminal prosecution except as authorized by the U.S. High Commissioner.”<sup>20</sup>

With the coming into force of the Okinawa Reversion Agreement on 15 May 1972, Japan has recovered her full sovereignty over the Ryukyu and Daito Islands. Article 1 of the Agreement defines the term “with respect to the Ryukyu Islands and the Daito Islands, as defined in paragraph 2 below, the United States of America relinquishes in favor of Japan all rights and interests under Article 3 of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, effective as of the date of entry into force this Agreement. Japan, as of such date, assumes full responsibility and authority for the exercise of all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of said islands.”<sup>21</sup>

Moreover, Agreed Minute of the Agreement defines the boundaries of the Ryukyu

Islands as designated under the USCAR No.27, the latitude and longitude boundaries set forth in the Agreed Minute appear to include the Senkakus. “The territories defined in paragraph 2 of Article 1 are the territories under the administration of the United States of America under Article 3 of the Treaty of Peace with Japan, and are, as designated under Civil Administration Proclamation Number 27 of December 25, 1953, all of those islands, islets, atolls and rocks situated in an area bounded by the straight lines connecting the following coordinates in the listed order:…….”<sup>22</sup>

In the beginning, China raised no objections when the Senkakus were placed under the U.S. administration. But when the reversion of Okinawa to Japanese control was decided in 1970, the United States was asked by both China and Taiwan at that time not to recognize Japanese sovereignty over the Senkakus. The Republic of China has set to formulate a territorial claim from 1970 in an informal manner; the People’s Republic of China has acted in a similar way. In 1971, both the Chinese governments have taken the official position to the effect that the Senkaku Islands constitute an integral part of Chinese territory, such as the statement of the Department of Foreign Affairs of the Republic of China dated 11 June 1971, and the same of the Department of Foreign Affairs of the People’s Republic of China dated 30 December 1971.

However, a report compiled by the CIA on the Senkakus dispute, which was drafted in May 1971 and was included in declassified documents from the National Security Archive of George Washington University, concluded that “the Japanese claim to sovereignty over the Senkakus is strong, and the burden of proof of ownership would seem to fall on the Chinese.” The intelligence report noted that some Chinese atlas, which was published in 1966 in Beijing during the Cultural Revolution, definitely indicates that the ocean area in which the Senkakus are located is beyond China’s border. In addition, the atlas along with another maps indicate that “the Senkaku Islands belong to the Ryukyus, and therefore to Japan”; and “none of the Chinese Nationalist (Taiwanese) maps that were examined indicate that the Senkaku ocean area is within China’s boundaries.”<sup>23</sup> The report also pointed out that a random selection of maps published in Europe also fail to show the Senkakus are part of China’s sovereign territory, while the 1967 edition of the Soviet Union’s official world atlas included a chart specifically designating the Senkakus as Japanese territory.

In this situation, the government of America has once and again manifested its intention of neutrality and non-intervention in the territorial issue over the Senkaku Islands. For example, State Department spokesman Brey declared on 17 June 1971, that “the United States Government is aware that a dispute exists between the Government of the Republic of China and Japan regarding the sovereignty of the Senkaku Islands. The United States believes that a return of administrative rights over those islands to Japan, from which those rights were received, can in no way prejudice the underlying claims of the Republic of China. The United States cannot add to the legal rights of Japan possessed before it transferred administration of the

islands to the United States, nor can the United States by giving back what it received diminish the rights of the Republic of China.”<sup>24</sup> After that, successive American governments have restated this position of neutrality regarding the issue. For this reason, some experts in China and Japan see the issue of the Senkakus “as a time bomb planted by the U.S. between China and Japan.”<sup>25</sup>

Actually, the declassified documents along with the CIA report demonstrate that while affirming that the Senkakus fall under Japan’s jurisdiction, U.S. administrations dating back to the 1970s have consistently maintained a neutral stance on the issue. An April 1978 memorandum the U.S. National Security Council prepared for Zbigniew Brzezinski, national security adviser to President Jimmy Carter, said that “our interest is in doing nothing to undercut the Japanese, but at the same time remaining aloof from this potentially contentious Sino-Japanese territorial issue.”<sup>26</sup>

After all, the historical fact is that when the U.S. returned Okinawa to Japan in 1972, the Senkaku Islands were included in the package. At the same time, however, there has long been speculation about the possibility of U.S. involvement in the event of a military clash between China and Japan over these disputed islands.

#### IV. The Applicability of the Japan-U.S. Security Treaty to the Senkakus

As we have seen above, although the U.S. government does not take a formal position on the sovereignty issue of the Senkaku Islands, but it has made it clear the Japan-U.S. Security Treaty would extend protection to the islands. On 20 September 2012, U.S. Assistant Secretary for East Asian and Pacific Affairs Kurt Campbell told a subcommittee of the Senate Foreign Relations Committee, saying, “We acknowledge clearly that Japan retains effective administrative control over the Senkaku Islands, and they are included clearly under Article 5 of the bilateral security treaty, under which American forces are required to defend Japanese territory in the event of an attack.”<sup>27</sup> Later, Secretary of State Hillary Rodham Clinton also sent a clear warning to China in a joint news conference on 18 January 2013, after meeting with Japanese Foreign Minister Fumio Kishida in Washington, said that the Obama Administration opposed “any unilateral actions that would seek to undermine Japanese administration of the Senkakus.”<sup>28</sup> These remarks, however, provoked sharp response from China.

After the war, Japan entered into an alliance with the United States, this alliance remains the centerpiece of Japan’s strategic policy. Under a longstanding security treaty with Japan, the United States is obliged to defend the country including the Senkaku Islands —it is the position that Clinton referred. She also declared that the United States recognized the islands were administered by Japan. In fact, the more powerful China grows, the more Japan should depend on U.S. security guarantees. In recent years, China’s foreign policy behavior has become more insolent, as an article of the *People’s Daily* saying that “even the United States, the world’s sole superpower, acknowledged that it cannot encircle and contain China, so why should Japan?” The

Chinese leadership seems to think that America has been weakened by the financial crisis and its wars in Iraq and Afghanistan, even as China has grown stronger. In reality, however, it does worry about the Japan- U.S. military alliance indeed.

As is well known, the Security Treaty between Japan and the United States of America was signed on 8 September 1951, the same day of the signing of San Francisco Peace Treaty, and has become the foundation of state security for Japan since then. In accordance with Article 1, “Japan grants, and the United States of America accepts, the right, upon the coming into force of the Treaty of Peace and of this Treaty, to dispose United States land, air and sea forces in and about Japan. Such forces may be utilized to contribute to the maintenance of international peace and security in the Far East and to the security of Japan against armed attack from without, including assistance given at the express request of the Japanese Government to put down large-scale internal riots and disturbances in Japan, caused through instigation or intervention by an outside power or powers.”<sup>29</sup> During the Cold War era, the treaty had become the lifeline to Japan, since it was always under the threat from the Soviet Union.

On 19 January 1960, the treaty was revised, and changed its name into Treaty of Mutual Cooperation and Security between Japan and the United States of America. In accordance with Article 5, “Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.”<sup>30</sup> It should bear in mind that the treaty itself declares here that each party would act in response to “an armed attack, in the territories under the administration of Japan.” There, “administration” rather than “sovereignty” in the key distinction that applies to the Senkaku Islands. Since then, the United States and Japan have not altered the application of the Security Treaty to the islands.

On the Agreed Minute of the treaty, the Japanese plenipotentiary asked for U.S. support as follows, “While the question of the status of the islands administered by the United States under Article 3 of the Treaty of Peace with Japan has not been made a subject of discussion in the course of treaty negotiation, I would like to emphasize the strong concern of the government and people of Japan for the safety of the people of these islands since Japan possesses residual sovereignty over these islands. If an armed attack occurs or is threatened against these islands, the two countries will of course consult together closely under Article 4 of the Treaty of Mutual Cooperation and Security. In the event of an armed attack, it is the intention of the government of Japan to explore with the United States measures which in might be able to take for the welfare of the islanders.”<sup>31</sup> The United States plenipotentiary promised him that “in the event of an armed attack against these islands, the United States government will consult at once with the government of Japan and intends to take necessary measures for the defense of these islands, and to do its utmost to

secure the welfare of the islanders.”<sup>32</sup>

Moreover, the inclusion of the Senkakus in the Okinawa Reversion Agreement under the definition of the Ryukyu Islands made Article 2 of the Agreement applicable to the islands. According to the Article 2, “It is confirmed that treaties, conventions and other agreements concluded between Japan and the United States of America, including, but without limitation, the Treaty of Mutual Cooperation and Security between Japan and the United States of America……become applicable to the Ryukyu Islands and the Daito Islands as of the date of entry into force of this Agreement.”<sup>33</sup> Say it in another way, Japan-U.S. Security Treaty becomes applicable to Okinawa, the same as applied to the Japanese home islands. In short, while maintaining neutrality on the competing claims, America agreed in the Okinawa Reversion Agreement to apply the Security Treaty to the treaty area including the Senkaku Islands.

In recent years, top American military officials has announced many times that the Senkaku Islands clearly fall under the scope of the Japan-U.S. Security Treaty, and American forces are required to defend them in the event of an attack. For example, when Defense Secretary Leon Panetta visited Tokyo, and hold a news conference with Japanese Defense Minister Satoshi Morimoto after their meeting on 17 September 2012, he restated U.S. stance that it won't take sides on the competing sovereignty claims, but the United States will stand by treaty obligation with Japan, which includes defending Japanese soil, based on the Japan-U.S. Security Treaty Article 5.<sup>34</sup> In a statement on 23 November 2013, the same day Beijing declared its air defense zone, Defense Secretary Chuck Hagel, as part of a rapid American response, made it clear that the announcement “will not in any way change how the United States conducts military operations in the region”, and warned that the U.S. government viewed the Chinese move “as a destabilizing attempt to alter the status quo in the region.” He also reaffirmed that the U.S. would stand by its security treaty obligations to aid Japan if it were attacked.<sup>35</sup> Three days later, Washington defiantly flew two B-52 bombers through the air defense zone without warning.

In fact, with its shift to Asia, the U.S. has expanded military presence in this region and placed important military resources in strategic Asian locations. On 22 September 2012, Japan's Ground Self-Defense Force and the U.S. Marine Corps held a joint drill on Guam aimed at bolstering their ability to defend remote islands. The exercise was shown to media and conducted amid rising tensions between Japan and China.<sup>36</sup> On 10 June 2013, the U. S. and Japan began another joint drill in California that simulates retaking remote islands using MV-22 Osprey aircraft for landing exercises. It is the first time the Ground, Maritime and Air Self-Defense Forces have jointly participated in such a drill on American mainland. Although Japan and the U.S. said they had no particular enemy country in mind while planning the drill, but China still requested that the exercise be halted.<sup>37</sup> It is needless to say that Japan's security ties with the United States serve as a strong message to China.

The Japan-U.S. Security Treaty obliges the U.S. to defend Japan if an area under Japanese administration is attacked by another country. But it is believed that if a remote island is attacked, it would likely be up to Japan to respond first, not the U.S. military. Thus the United States and Japan have not only increased the number of joint exercises, but also started to discuss worst-case contingency plans for retaking the Senkaku Islands, if China moves to seize them. Several concrete scenarios are believed under consideration, including one in which Japan's air, ground and maritime forces would conduct operations with U.S. forces if the Chinese military invaded the Senkaku Islands. In addition, the two countries have agreed to review the 1997 guidelines for bilateral defense cooperation, it is likely they will separate the work of creating joint operation plans involving the Senkakus from the whole process and advance it first.<sup>38</sup> America has made clear that its alliance with Japan applies to the Senkakus, raising the possibility of U.S. military action in support of Japan.

After all, the Senkaku Islands are geopolitically important to the U.S. defense line on West Pacific area linking Okinawa, Taiwan and Guam. Control of them (so-called the "first island chain") would give China unobserved access to the Pacific Ocean, something it lacks. China's aims are far beyond the Senkaku Islands.<sup>39</sup> For this reason, the United States treats them de facto as Japanese territory, since Japan is one of its few vital allies, and has become the vanguard of the American strategy to contain China. The implication is that China should be ready to take on the U.S. which has made clear that its security treaty with Japan covers the disputed islands. Japan's alliance with the United States has served as a powerful deterrent to against China.

## V. Conclusion

Today, America's China policy is changing: withdrawing its troops from Afghanistan while shift to the Asia-Pacific—the world's most economically dynamic region. However, the Chinese leadership sees it was aimed at China and ramping up military spending. In fact, China's fast-growing military and increasingly firm assertions of its territorial claims have concerned neighboring countries, pushing them to seek stronger relations with the U.S.—the region's traditional superpower.

Meanwhile, Obama's new strategy so-called "pivot to Asia" (recently rather known as "rebalancing") will shift 60 percent of the U.S. Navy to the region by 2020. America has deployed additional weapons and personnel to the Asia-Pacific region, along with increasing cooperation both with treaty partners, including Japan, South Korea and the Philippines, as well other countries, such as India and Vietnam, that aren't traditional allies. To criticize China's decision of air defense zone, *The New York Times* insisted that "given China's unilateral decision, with its threat of possible military action, the United States needed to stand up for its ally Japan, for the principle of freedom of navigation of the seas and skies, and for other Asian nations that also have territorial disputes with China in the East China Sea and the South China Sea."<sup>40</sup>

The risks of a clash between Japan and China are rising, and the consequences could be calamitous. Since the Senkaku Islands are the first line of defense against rising China, the world, including America, has a duty to warn China before it too late. Like Japan, other Asian countries also have territorial disputes with China, such as India, Vietnam and the Philippines; they also would look even more keenly towards America for support.<sup>41</sup> In the coming years, China's menace will be the main focus of the American defense policy. Therefore, Obama's "pivot to Asia" would be a useful start in showing America's powerful commitment to its allies, especially to Japan.

#### Notes

- 1 "China Leader Affirms Policy On Islands", *The New York Times*, January 30, 2013.
- 2 China Daily, "Diaoyu Islands Belong to China", *The New York Times*, September 28, 2012.
- 3 "U.S. said don't buy Senkakus: Campbell", *The Japan Times*, April 11, 2013.
- 4 Some Western experts also express similar views, such as "Japan's trust in U.S. support has diminished"; "Finally, Japan cannot expect much U.S. support in its conflict with China"; "America has desired to improve relations with china" and so on. See Reinhard Drifte, "Engagement Japanese Style", in Marie Soderberg ed., *Chinese-Japanese Relations in the Twenty-first Century*, London and New York: The European Institute of Japanese Studies, 2002, p.55. Also see Brahma Chellaney, "Japan's Security Dilemma", *The Japan Times*, August 7, 2013.
- 5 The Republic of China (commonly known as Taiwan) began asserting its claim over the Senkaku Islands around 1970, before China began to do so. On 5 August 2012, President Ma Ying-jeou launched his East China Sea Peace Initiative, which calls on all parties concerned to respect international law and resolve disputes by peaceful means. After that, Taipei Economic and Cultural Office in New York, one of the Taiwanese diplomatic offices, also put a full-page advertisement: *The East China Sea Peace Initiative* in *The New York Times*, October 10, 2012.
- 6 State Council Information Office, The People's Republic of China, *Diaoyu Dao, an Inherent Territory of China*, September 25, 2012. <http://www.scio.gov.cn>
- 7 Ministry of Foreign Affairs of Japan, *The Basic View on the Sovereignty over the Senkaku Islands*, October 2012. <http://www.mofa.go.jp/region/asia-paci/senkaku/senkaku.html>
- 8 The earliest historical record of the names of "Diaoyu Yu" and its affiliated islands can be found in the book *Shun Feng Xiang Song* published in China in 1403. It shows that Chinese had already discovered and named "Diaoyu Dao" by the 15th centuries. Chinese envoy mission records during this period are also cited. However, they don't indicate that those uninhabited islands had been under Chinese control at that time. Actually, Chinese just used the islands as navigation posts en-route to Ryukyu Kingdom during the Ming and Qing period. See Han I, "The Status of the Diaoyu Islands in Historical Documents", *The Sanyo Review*, Vol.19, December 2012, pp.39-59.
- 9 *The Cairo Conference*, 外務省条約局 編『主要条約集』昭和 55 年、1693-1694 頁。
- 10 *Proclamation Defining Terms for Japanese Surrender, Article 8*, Ibid., p.1701.
- 11 *General Headquarters The Supreme Commander for the Allied Powers, No.677*, Division of Special Records, Foreign Office, Japanese Government, *Documents Concerning the Allied Occupation and*

*Control of Japan*, Vol. II, March 1949, p.24.

- 12 *Treaty of Peace with Japan, Article 3*. The original text is as following, “Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29° north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands ) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.” 外務省条約局 編『主要条約集』昭和 55 年、7-8 頁。
- 13 Dulles, John Foster’s Remarks, 浦野起央 等編『釣魚台群島（尖閣諸島）問題研究資料』勵志出版社 刀水書房、2001 年、177 頁。
- 14 Yang Bojiang, “Japan in danger of losing moral compass”, *China Daily*, September 4, 2013.
- 15 Robert McCloskey’s comment, 浦野起央 等編『釣魚台群島（尖閣諸島）問題研究資料』勵志出版社 刀水書房、2001 年、199 頁。
- 16 For excellent research of the U.S. stand on China’s claims of the dispute, see U. S. Congressional Research Service (CRS) reports: (1)Larry A. Niksch, *Senkaku (Diaoyu) Islands Dispute: The U.S. Legal Relationship and Obligations*, September 30,1996. <http://wlstorage.net/tile/crs/96-798.pdf> (2) Mark E. Manyin, *Senkaku (Diaoyu/Diaoyutai) Islands Dispute: U.S. Treaty Obligations*, January 22, 2013. The second has been updated and modified slightly from the first. <http://www.fas.org/>
- 17 *Surrender of Headquarters Tenth Army*, 百瀬孝 編著『史料検証 日本の領土』河出書房新社、2008 年、177 頁。
- 18 *Civil Administration Ordinance No.68* (Provisions of the Government of the Ryukyu Islands), 沖縄県教育委員会発行『沖縄県史資料編 14』2002 年、269 頁。
- 19 *Civil Administration Proclamation No.27*, The ryukyu-okinawa history and culture website 1995-2013. <http://www.nirakanai.wvma.net/pages/archive/caproc27.html>
- 20 *Order of the High Commissioner of the Ryukyu Islands*, 浦野起央 等編『釣魚台群島（尖閣諸島）問題研究資料』勵志出版社 刀水書房、2001 年、190 頁。
- 21 *Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, Article I*, 外務省条約局 編『主要条約集』昭和 55 年、66 頁。
- 22 *Agreed Minutes*, Ibid., p74.
- 23 “CIA: Japan’s Senkaku claim the strongest”, *The Japan Times*, October 5, 2012.
- 24 Brey’s Remarks, 浦野起央 等編『釣魚台群島（尖閣諸島）問題研究資料』勵志出版社 刀水書房、2001 年、252 頁。
- 25 For example, according to Professor Kimiko Hara, the San Francisco Peace Treaty did not clearly establish sovereignty of the Senkakus (same case with Liancourt Rocks, known as Takeshima in Japan). In 1972, the United States returned the Senkaku s to Japan, and Japan has administered them since. But the Okinawa Reversion Agreement also avoided establishing sovereignty of the disputed islands. When China and Japan restored diplomatic relations in 1972, the leaders of both countries decided to shelve the dispute of sovereignty of the islands until a future date. Anyway, it

seems that the U.S. had hoped to drive a wedge between Japan and both China, for preserving its forces stationed in Okinawa after the reversion. See 原貴美恵『サンフランシスコ平和条約の盲点』溪水社、2005年、276-279頁。豊下櫛彦「尖閣問題と安保条約」(『世界』岩波書店2011年1月号)、「尖閣購入問題の陥穽」(『世界』2012年8月号)。

Actually, Chinese experts express similar views. A retired Chinese diplomat Chen Jian, who served as an undersecretary general of the U.N. and as China's ambassador to Japan for a longtime, warned that the U. S. is using Japan as a strategic tool in its effort to mount a comeback in Asia, and stirs the tensions between China and Japan. He said during his speech at the Foreign Correspondents' Club in Hong Kong that "the U.S. is urging Japan to play a greater role in the region in security terms, not just in economic terms." See "Ex-Envoy Says U.S. Stirs China-Japan Tensions", *The New York Times*, October 31, 2012.

- 26 "CIA: Japan's Senkaku claim the strongest", *The Japan Times*, October 5, 2012.
- 27 "Isles covered: Campbell", *The Japan Times*, September 22, 2012.
- 28 "China Criticizes Clinton's Remarks About Dispute With Japan Over Islands", *The New York Times*, January 21, 2013.
- 29 *Security Treaty between Japan and the United States of America, Article 1*, 外務省条約局 編『主要条約集』昭和55年、162頁。
- 30 *Treaty of Mutual Cooperation and Security between Japan and the United States of America, Article 5*, Ibid., p.131.
- 31 *Agreed Minute to the Treaty of Mutual Cooperation and Security*, Ibid., p.147.
- 32 Ibid.
- 33 *Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, Article II*, Ibid., p.66~67.
- 34 "Resolve Senkaku row peacefully: Panetta", *The Japan Times*, September 18, 2012.
- 35 "Japan Rejects China's Claim To Air Rights Over Islands", *The New York Times*, November 25, 2013.
- 36 "U.S. Marines, GSDF 'retake island' in Guam drill", *The Japan Times*, September 23, 2012.
- 37 "Japan-U.S. drill to retake remote island kicks off", *The Japan Times*, June 12, 2013.
- 38 "Japan, U.S. militaries plan Senkakau options", *The Japan Times*, March 22, 2013.
- 39 For an excellent and detailed report on the strategic settings of the Senkaku Islands, see Mark J. Valencia, "The East China Sea Dispute", *Asian Perspective*, Vol.31, No.1, 2007, p.129.  
<http://uotsurishima.com/english/uotsurishima/biblioteca/>
- 40 Editorial: "China's Coercive Play", *The New York Times*, November 26, 2013.
- 41 Obviously, Taiwan has similar desire for the America's support too. It should be noted that under the American management, Japan and Taiwan concluded a long-awaited fisheries agreement on 10 April 2013. The agreement sets aside the sovereignty issue over the Senkakus and allows Taiwanese trawlers to operate in part of Japan's exclusive economic zone near the disputed islands. It is said that the Japanese government compromised mainly to prevent Taiwan from forming a united front with China against Japan. See "Japan to let Taiwanese fish near the Senkakus", *The Japan Times*, April 11, 2013.