

The Senkaku Islands

Ministry of Foreign Affairs

November 2012

Japan's Basic Position on the Senkaku Islands and Facts

◆Japan's Basic Position◆

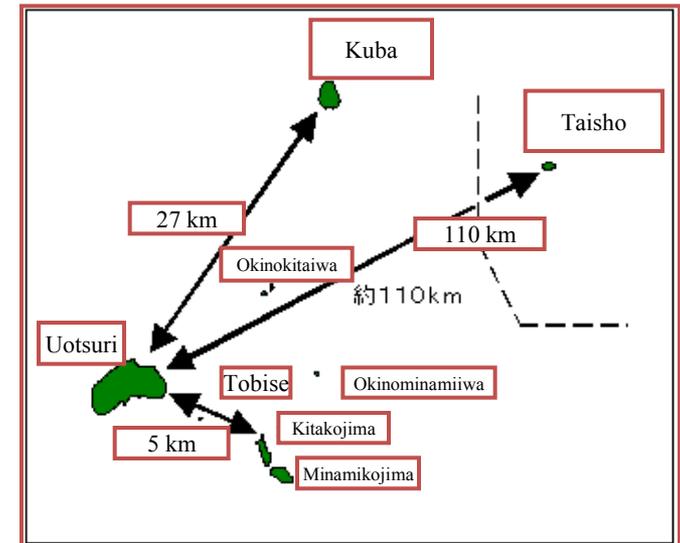
- There is no doubt that the Senkaku Islands are clearly an inherent part of the territory of Japan, in light of historical facts and based upon international law. Indeed, the Senkaku Islands are under the valid control of Japan.
- There exists no issue of territorial sovereignty to be resolved concerning the Senkaku Islands.

◆About the Senkaku Islands◆

“The Senkaku Islands” is the collective term that refers to a group of islands that includes Uotsuri, Kitakojima, Minamikojima, Kuba, Taisho, Okinokitaiwa, Okinominamiwa, and Tobise located at the west side of the Nansei Shoto Islands. The Senkaku Islands, once inhabited by the Japanese and home to a dried bonito factory, are now uninhabited. Kuba Island (and surrounding islets) is under private ownership. The other areas are state-owned. Administratively, they are part of Ishigaki City, Okinawa Prefecture.

| | Owner ship | Area (km ²) | 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 | |
| Okinominamiwa | State | 0.01 | | |
| Tobise | State | 0.02 | | |

◆Map of the Senkaku Islands◆



Background to the Senkaku Islands

- 1895 (January) Incorporated into Okinawa Prefecture through a Cabinet decision.
- 1946 (January) A memorandum issued by the General Headquarters of the Supreme Commander for the Allied Powers put an end to Japan's administrative power over the islands. (Okinawa was placed under U.S. administration.)
- 1951 (September) The Treaty of Peace with Japan (San Francisco Peace Treaty) was signed. Japan renounced the territorial sovereignty over the Island of Formosa (Taiwan) and the Pescadores under Article 2; the Senkaku Islands remained as part of the territory of Japan. In accordance with Article 3, the U.S. exercised its administrative rights over the Islands pending the placement of the Nansei Shoto Islands under the UN trusteeship system.
- 1968 The UN Economic Commission for Asia and the Far East (ECAFE) conducted a survey on coastal mineral resources.
⇒**The report indicated the possibility of oil reserves in the East China Sea.**
- 1971 (June) The Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands was signed, reverting the administrative rights over these territories to Japan from the U.S.
The Agreed Minutes to the Agreement included the Senkaku Islands in the territories to be returned to Japan.
- 1971 **China and Taiwan officially asserted "territorial sovereignty" over the Islands for the first time.**
(In the form of a foreign ministry statement in June for Taiwan and in December for China).
- 1992 China unilaterally established the Law on the Territorial Sea and the Contiguous Zone.

Gist of Japan's Position

- (1) Under the San Francisco (SF) Peace Treaty of 1951, Japan renounced Taiwan, leaving the Senkaku Islands under the territorial sovereignty of Japan.
→Neither China nor Taiwan raised any objections.
- (2) It was not until 1971, after potential oil reserves were identified in the region, that China and Taiwan officially began to argue “territorial sovereignty” over the Islands.
- (3) There was no agreement to “shelve” the Senkaku issue in the process of normalizing diplomatic relations between Japan and China in 1972 or in the negotiations for a Treaty of Peace and Friendship between the two countries in 1978.
- (4) Historically, there has been no evidence to support the arguments of China/Taiwan that they effectively controlled the Senkaku Islands.
- (5) Japan has been striving to make the East China Sea a "Sea of Peace, Cooperation, and Friendship."

(1) Under the SF Peace Treaty of 1951, Japan renounced Taiwan, leaving the Senkaku Islands under the territorial sovereignty of Japan. Neither China nor Taiwan raised any objections.

- It was the SF Peace Treaty (signed in 1951), which followed the Cairo Declaration and the Potsdam Declaration, that legally determined Japan's territory after World War II .
- Article 2 stipulates that Japan renounced Taiwan and the Pescadores. Article 3 provided that the Nansei Shoto Islands be placed under the administrative authority of the US. At that time, the Senkaku Islands were included in the Nansei Shoto Islands and thus remained as part of Japanese territory. In other words, the Senkaku Islands were not included in Taiwan or the Pescadores that Japan renounced.
- Taiwan* recognized the SF Peace Treaty in the Treaty of Peace between Japan and the Republic of China, signed in 1952. At that time, it raised no objections whatsoever to the handling of the Senkaku Islands, nor did China.
 - * Back then, Japan recognized the Republic of China (ROC; Taiwan) as the sole legal representation of China.
- In 1972, the US returned the Nansei Shoto Islands, including the Senkaku Islands, to Japan. The enabling agreement explicitly includes the Senkaku Islands in the territory to be returned.

- **The Atlantic Charter** (Declaration of Principles) (August 1941)

First, their countries seek no aggrandizement, territorial or other;

- **The Cairo Declaration** (November 1943)

They [the Three Great Allies] covet no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and 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.

- **The Potsdam Declaration(Proclamation defining terms for Japanese surrender)** (July 1945)

(8) The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the island of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.

- **The Treaty of Peace with Japan (San Francisco Peace Treaty)** (signed in September 1951, put into effect in April 1952)

Article 2(b): Japan renounces all rights, titles and claims to Formosa and the Pescadores.

Article 3: 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)... 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.

- **The Treaty of Peace between Japan and the Republic of China** (signed in April 1952, put into effect in August 1952)

Article 2: It is recognized that under Article 2 of the Treaty of Peace with Japan signed at the city of San Francisco in the United States of America on 8 September, 1951 (hereinafter referred to as the San Francisco Treaty), Japan has renounced all right, title and claim to Taiwan (Formosa) and Penghu (the Pescadores) as well as the Spratly Islands and the Paracel Islands.

● Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands (signed in June 1971, put into effect in May 1972)

Agreed Minutes

The representatives of the Government of Japan and of the Government of the United States of America wish to record the following understanding reached during the negotiations for the Agreement between Japan and the United States of America concerning the Ryukyu Islands and the Daito Islands, signed today:

Regarding Article I:

The territories defined in paragraph 2 of Article I 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:

| <u>North latitude</u> | <u>East Longitude</u> |
|-----------------------|------------------------|
| 28 degrees | 124 degrees 40 minutes |
| 24 degrees | 122 degrees |
| 24 degrees | 133 degrees |
| 27 degrees | 131 degrees 50 minutes |
| 27 degrees | 128 degrees 18 minutes |
| 28 degrees | 128 degrees 18 minutes |
| 28 degrees | 124 degrees 40minutes |



It was not until 1971, after potential oil reserves were identified in the region, that China and Taiwan began to argue “sovereignty” over the Islands.

● **Academic research by the Far East the Economic Commission for Asia and Pacific (ECAFE) in the autumn of 1968 indicated the possibility of oil reserves in the East China Sea, attracting attention to the Senkaku Islands.**

The 1969 ECAFE report (excerpts): The most favorable part of the region for oil and gas is the 200,000 sq. km area mostly northeast of Taiwan...A high probability exists that the continental shelf between Taiwan and Japan may be one of the most prolific oil reservoirs in the world. It also is one of the few large continental shelves of the world that has remained untested by the drill, owing to military and political factors, as well as to a lack of consistent reconnaissance geological information such as that provided by this short survey.

● **Neither China nor Taiwan had made any arguments but began to argue “sovereignty” over the Senkaku Islands in the 1970s.**

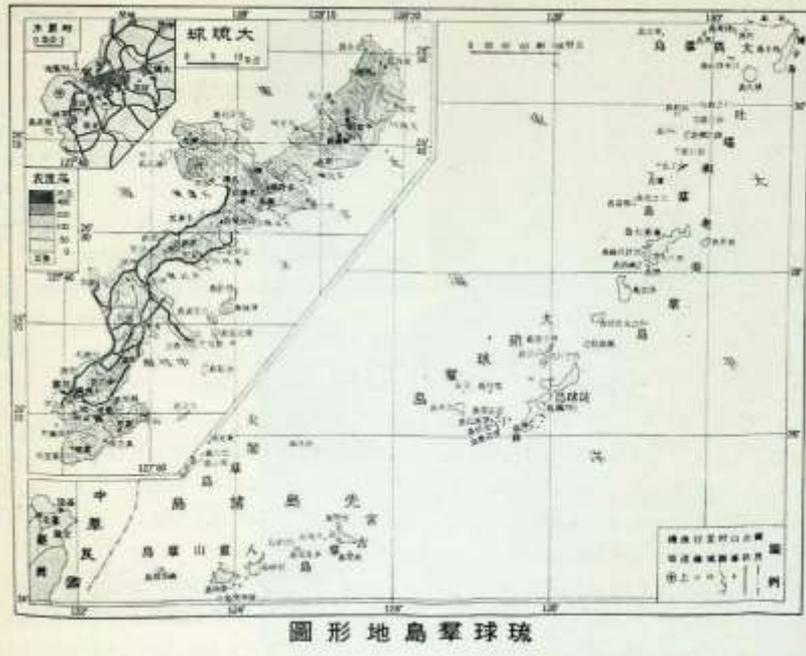
In December 1970, China’s Xinhua News Agency carried an article refuting Japan’s “occupation” of the Senkaku Islands, followed by a statement to that effect by a spokesman of Taiwan’s “Foreign Ministry” in April 1971.

- June 1971 Statement by the Taiwanese “Ministry of Foreign Affairs” (excerpts)
The islets belong to Taiwan Province and constitute part of the territory of the Republic of China (ROC); they are closely linked to ROK in terms of geographical location, geological structure and historical context as well as on account of the long-term, continued use by the residents of Taiwan Province...We have long insisted that the islets be returned to ROC when the US administration over it ends.
- December 1971 Statement by the Chinese Ministry of Foreign Affairs (excerpts)
Recently, the government of the United States and Japan concluded the Okinawa Reversion Agreement, arbitrarily including the Diaoyu Islands among territories to be reversed to Japan. This is a blatant violation of China’s territorial sovereignty...The Diaoyu Islands have been China’s territory since ancient times. As early as in the Ming Dynasty (1368-1644), they were placed under the jurisdiction of China’s naval defenses as affiliated islands of Taiwan. They were never under the jurisdiction of Ryukyu, today’s Okinawa...However, during the First Sino-Japanese War of 1894, Japan illegally occupied the Diaoyu Islands and in April 1895 forced the Qing court to sign the unfair Treaty of Shimonoseki that ceded to Japan “the island of Formosa (Taiwan), together with all islands appertaining or belonging to the said island of Formosa”, as well as the Penghu Islands.
- March 1972 The Ministry of Foreign Affairs of Japan refuted the above arguments by Taiwan and China in an official statement.

The terminology in a map of a school textbook was changed to suit their argument.

Republic of China middle school geography text book

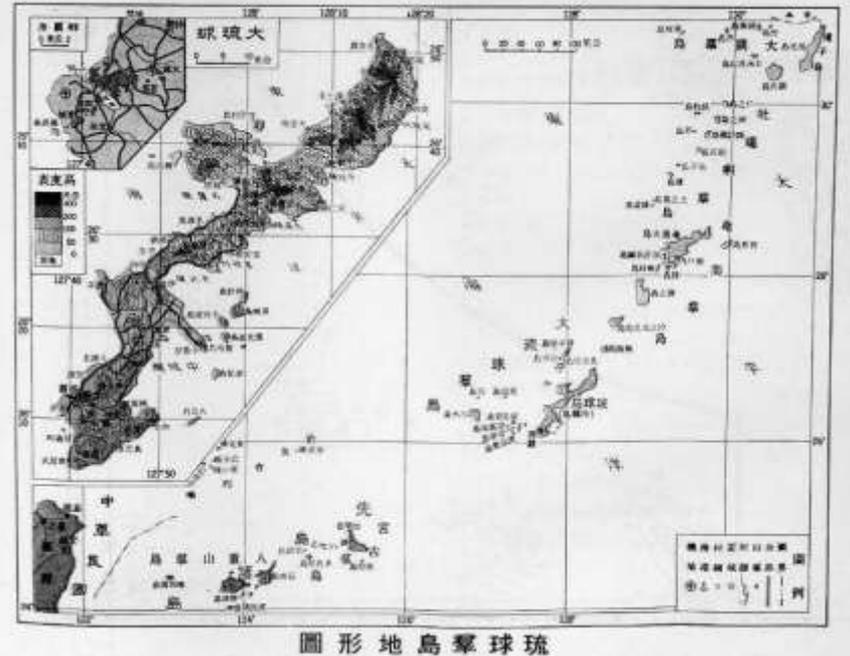
中華民國59年1月初版國民中學地理教科書（1970年）



1970

Identified as "the Senkaku Group of Islands"

中華民國60年1月再版國民中學地理教科書（1971年）



1971

Identified as "Diaoyutai Islets"

(3) There was no agreement to “shelve” the Senkaku issue in the process of normalizing diplomatic relations between Japan and China in 1972 or in the negotiations for a Treaty of Peace and Friendship between the two countries in 1978.

- **In its negotiations with China for the Joint Communiqué in 1972 and the Treaty of Peace and Friendship in 1978, Japan never recognized the existence of an issue to be solved on the territorial sovereignty over the Senkaku Islands. This position held by Japan has been clearly indicated to China on various occasions, including during the negotiations on the Treaty of Peace and Friendship in 1978. Therefore, it is not true that there has been an agreement with the Chinese side about “shelving” or “maintaining the status quo” regarding the Senkaku Islands.**

[Japan-China Summit Meeting (Prime Minister Kakuei Tanaka and Premier Chou En-Lai)] (September 27th, 1972) (Made Public by Diplomatic Records Archive) (Provisional translation)

Prime Minister Tanaka: “What do you think about the Senkaku Islands? Some people say things about them to me.”

Premier Chou: “I don’t want to talk about the Senkaku Islands at this time. It’s not good to discuss this now. It became an issue because of the oil out there. If there wasn’t oil, neither Taiwan nor the United States would make this an issue.”

[Japan-China Summit Meeting (Prime Minister Takeo Fukuda and Vice Premier Deng Xiaoping)] (October 25th, 1978) (during the negotiation on the Treaty of Peace and Friendship Between Japan and the People’s Republic of China) (Made Public by Diplomatic Records Archive) (Provisional translation)

Vice Premier Deng: “There was one more thing I wanted to say. There exist a variety of issues between our two countries; for example there is the issue of what is called the Diaoyu in China, and the Senkaku Islands in Japan. At this time, there’s no need to raise subjects like this at a meeting like this. As I expressed to Foreign Minister Sonoda in Beijing, there’s probably insufficient wisdom to resolve the issue in our generation, but with the next generation likely to be savvier than us, they will probably be able to find some resolution to the issue. It’s essential to look at this issue with a broad perspective.

(No response from Prime Minister Fukuda)

[Press Conference from the above Summit, Delivered by Deng Xiaoping] (October 25th, 1978) (Provisional translation)

Reporter: “The Senkaku Islands are an inherent territory of Japan and the recent trouble is regrettable, what is your opinion?”

Vice Premier Deng: “We refer to the Senkaku Islands as the Diaoyu. Even our nomenclature is different. Certainly there are differences of opinion between us on this issue, but when we normalized diplomatic relations between our two countries, both parties promised to leave the issue aside. At this time of negotiations on the Treaty of Peace and Friendship, we agreed to leave the issue aside in much the same way. Based on Chinese wisdom, this is the only idea we have. If we delve into the subject, it becomes difficult to say something clearly. Certainly there are some people that want to use this issue to throw cold water onto China-Japan relations. Therefore, I think it is better to avoid the issue when our countries have negotiations. Even if this means the issue is temporarily shelved, I don’t think I mind. I don’t mind if it’s shelved for ten years. The people of our generation don’t have sufficient wisdom to settle this discussion, but the people of the next generation will probably be wiser than us. At that time, a solution that everyone can agree on will probably be found.”

(Regarding the assertion of the existence of an agreement about “shelving the issue”)

- Referring to the records of the Japan-China summit meeting in September, 1972, some insist that, after Premier Zhou En-Lai stated that he did not want to talk about the Senkaku Islands, Japanese Prime Minister Kakuei Tanaka replied that he agreed with Premier Zhou’s proposal to forget about small differences for the sake of greater common interests regarding concrete issues. They also argue that this is an indication that Prime Minister Tanaka accepted the idea and that there existed an agreement about “shelving the issue” over the Senkaku Islands.
- However, Premier Zhou touched upon the Senkaku Islands at the third meeting (September 27), while Prime Minister Tanaka stated that he agreed with Premier Zhou’s proposal to forget about small differences for the sake of greater common interests at the second meeting (September 26). Thus, the two remarks were made at totally different meetings. In addition, the remark by Prime Minister Tanaka was made in response to remarks by Premier Zhou about normalization of diplomatic relations and reparations, in a totally different context from the Senkaku Islands. Therefore, it needs to be said that the existence of an agreement about “shelving the issue” based on the two remarks is an arbitrary interpretation of the record.

The then Minister for Foreign Affairs Maehara’s statement (October 27, 2010, Foreign Affairs Committee, House of Representatives)

- (After introducing the exchanges at the Japan-China summit meeting on September 27, 1972) “They did not mention the words ‘shelving the issue,’ and there was no exchange regarding this matter. Furthermore, no language was used to indicate any agreement to it. Therefore, it cannot be judged that there existed an agreement of ‘shelving the issue’ from the meeting.”

The then Minister for Foreign Affairs Maehara’s statement (October 21, 2010, National Security Committee, House of Representatives)

- (After introducing the exchanges at the Japan-China summit meeting on October 25, 1978) “This was the remark made by Mr. Deng Xiaoping unilaterally, and it is not the case that the Japanese side agreed to it. Therefore, as a conclusion, it is not a fact that we have agreed with China on ‘shelving the issue’.”

(4) Historically, there has been no evidence to support the arguments of China/Taiwan that they effectively controlled the Senkaku Islands.

● China's argument that the Senkaku Islands were ceded to Japan as a part of Taiwan under the Treaty of Peace signed at Shimonoseki, in April 1895, is unfounded.

- There were no traces that China intended to cede the Islands to Japan as a part of Taiwan when the Treaty was signed. There was no mutual recognition between the two countries that "the island of Formosa, together with all islands appertaining or belonging to the said island of Formosa" included the Senkaku Islands.
- In January 1895, before the Treaty was signed, Japan officially incorporated the Islands into its territory after conducting thorough surveys from 1885-before the Sino-Japanese War-and thus ascertaining carefully that these islands had been uninhabited and showed no trace of having been under the control of China.

● Treaty of Peace signed at Shimonoseki after the Sino- Japanese War in 1895

Article 2: China cedes to Japan in perpetuity and full sovereignty, the following territories together with all fortifications, arsenals and public property thereon:

- a) The southern portion of the Province of Fêng-Tien within the following boundaries:
The line of demarcation begins at the mouth of the River Yalu and ascends that stream to the mouth of the River An-ping; from thence the line runs to Feng-Huang; from thence to Hai-Cheng, from thence to Ying-Kow, forming a line which describes the southern portion of the territory. The places above named are included in the ceded territory. When the line reaches the River Liao at Ying-Kow it follows that course of that stream to its mouth where it terminates. The mid-channel of the River Liao shall be taken as the line of demarcation.
This cession also includes all Islands appertaining or belonging to the Province of Fêng-Tien situated in the eastern portion of the Bay of Liao-Tung and in the northern Part of the Yellow Sea.
- b) The Island of Formosa together with all Islands appertaining or belonging to the said Island of Formosa.
- c) The Pescadores Group, that is to say, all Islands lying between the 119th and 120th degrees of longitude east of Greenwich and the 23rd and 24th degrees of north latitude.

● The argument that from as early as the Ming and Qing era, China had effective territorial control over the Senkaku Islands as islands appertaining or belonging to the island of Formosa is unfounded.

- China maintains that the Senkaku Islands have been an inherent part of China since ancient times. It asserts that the Islands were first discovered, named, and used by the Chinese. During the Ming Dynasty, it claims, they were discovered and recognized by a Chinese imperial envoy and became islands appertaining or belonging to Formosa. However, discovery or geographical proximity alone does not constitute valid grounds for territorial claims.
Note: Under international law, mere discovery is insufficient to acquire a territorial title; continuous and peaceful display of sovereignty with a clear intention of possessing sovereignty, that is, effective control, is deemed necessary.
- China claims that the Senkaku Islands have been part of its territory since the period of the Ming Dynasty. Back then, however, even Formosa may not have been part of Chinese territory. During the Ming Dynasty, Formosa was not exactly under the control of Fujian Province; Portugal, Spain, and the Netherlands used port cities in the island as their footholds. Later, Zheng Chenggong took control of Formosa and resisted the Qing Dynasty. In 1683, Formosa was included in the territory of the Qing Dynasty, whose rule was largely limited to the western part of the island.

● **Excerpts from Miyazaki, Ichisada. Chugoku-shi [A history of China] Vol. 2. Iwanami Shoten, 1978.**

(provisional translation)

“Lu-wang, a grandson of the 10th emperor of the Ming Dynasty, heard about the fall of Nanking and tried to regain power in Zhejiang. He was defeated by the Qing forces and fled offshore. Lu-wang was then elevated to the throne with the backing of Zheng Chenggong, local clan leader. He expelled the Dutch and established his base in Formosa in 1661.” (pp. 505-506)

“The Qing Dynasty took control of Yunnan. Seizing the momentum, the dynasty defeated the naval forces of Zheng Chenggong with the backing of the Dutch counterpart. It then invaded Formosa and dethroned Zheng Keshuang in 1683. This was when Formosa was placed under China’s sovereignty for the first time.” (p. 510)

● **An excerpt from Serita, Kentaro. Nihon no Ryodo [The territory of Japan], pocketbook version. Chuokoron-sha, 2010. (provisional translation)**

“Then, were the Senkaku Islands ever part of the islands appertaining or belonging to Formosa during the Ming Dynasty? The History of Ming (Ming Shi), one of the official Chinese historical works, covers Formosa in the section on foreign countries of its Biographies. Kelang (present-day Keelung) in the north of the island is also covered in the foreign country section. As these facts indicate, Keelung and Pengjia Islet, Huaping Islet, and Mianhua Islet off the northeastern coast of Formosa, as well as the Senkaku Islands, are not under the rule of China, which had no intention of asserting claims to these islands. Formosa remained a backward region, though it experienced invasions by the Sui and Yuan dynasties. During the Ming Dynasty, Japanese pirates established footholds on the island. During the closing years of the dynasty in the early 17th century, the Dutch built Fort Zeelandia in what is now Tainan. The Spanish came from Manila and established trade footholds in Keelung and elsewhere. Before long, the Spanish were expelled by the Dutch, who ruled the island for about 40 years.

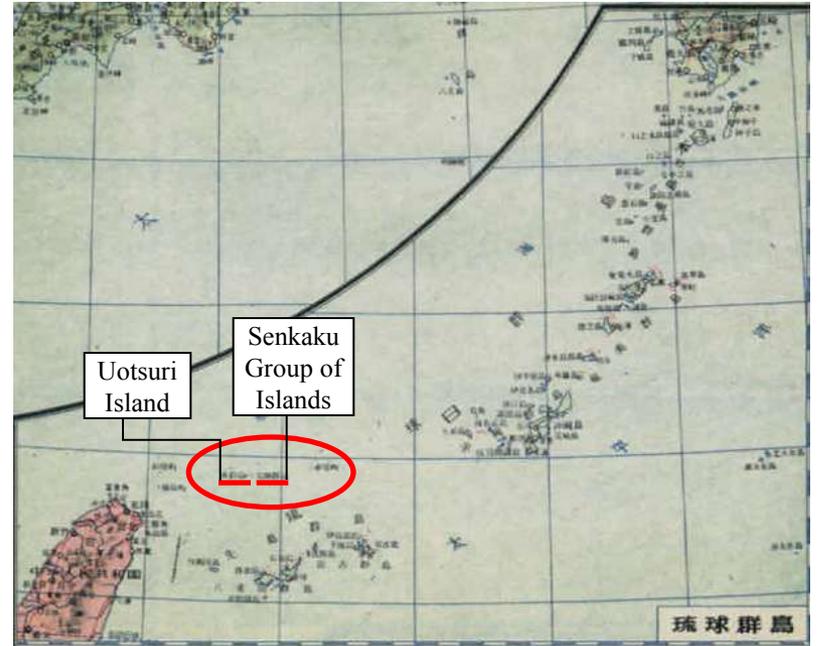
In 1644, the Qing Dynasty overthrew the Ming Dynasty and made a triumphal entry into Beijing. It conquered South China in 1681. Meanwhile, Zheng Chenggong, who had been resisting the Qing Dynasty, went over to Formosa and expelled the Dutch there in 1661. Based on the island, he continued his resistance. In 1683, however, Zheng Chenggong surrendered to Qing troops who had been dispatched to Formosa. That was when Formosa was included in Chinese territory for the first time. The Qing Dynasty ruled Formosa as Taiwan Prefecture of Fujian Province. Accordingly, it is safe to say that the Senkaku Islands were not part of the Chinese islands appertaining or belonging to Formosa during the Ming Dynasty.” (pp. 137-138)

Chinese publications include descriptions that add to the evidence that China recognized the Senkaku Islands as part of Japanese territory.



An article of People's Daily dated January 8, 1953

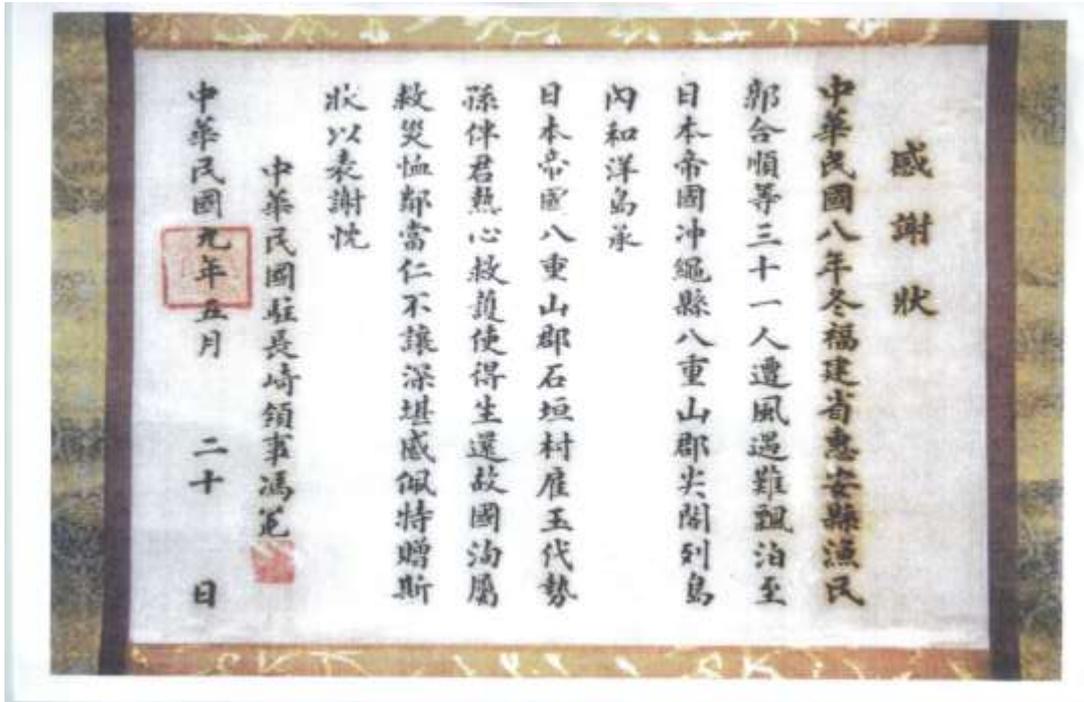
The article includes the description that says “They [The Ryukyu Islands] consist of seven groups of islands; the Senkaku Islands, the Sakishima Island, the Daito Islands, the Okinawa Islands, the Oshima Islands, the Tokara Islands and the Osumi Islands,” indicating that China recognized the Islands as part of Okinawa.



"World Atlas Collection" published by a Chinese map-publishing company in 1958 (second printing in 1960)

This publication uses the terms “Senkaku Group of Islands” and “Uotsuri Island,” the terminology that Japan insists on. It also treats the Senkaku Islands as part of Okinawa.

The letter of appreciation that China (ROC) issued to Japan in 1920 includes a description that adds to the evidence that China recognized the Senkaku Islands as part of Japanese territory.



(Provisional translation)

Letter of appreciation

In the winter of the 8th year (1919) of the Republic of China, 31 fishermen, including Guo Heshun from Hui'an County, Fujian Province, were lost due to stormy winds and were washed ashore on the Wayo Island, of the Senkaku Islands, Yaeyama District, Okinawa Prefecture, Empire of Japan.

Thanks to the enthusiastic rescue work by Mr. Tamayose Sonban of Ishigaki village, Yaeyama District, Empire of Japan, they were able to safely return to their homeland. With a deep respect and admiration toward the people of the village who were willing and generous in the rescue operation, I express my gratitude by this letter.

Feng Mian, Consul of the Republic of China in Nagasaki
May 20, the 9th year (1920) of the Republic of China

Letter of appreciation from the consul of the Republic of China in Nagasaki, issued in May 1920

The letter was sent in May 1920 from the then consul of the Republic of China in Nagasaki to Japanese citizens who rescued Chinese fishermen from Fujian Province who were in distress near Uotsuri Island among the Senkaku Islands in December 1919.

The letter states that the fishermen were washed ashore to **the Senkaku Islands, Yaeyama District, Okinawa Prefecture, Empire of Japan.**

(5) Japan has been striving to make the East China Sea a "Sea of Peace, Cooperation, and Friendship."

- Japan and China have been engaging in dialogue and cooperation concerning the East China Sea, where the exclusive economic zones (EEZs) and the continental shelves are yet to be delimited between the two countries.

1996- Bilateral negotiations concerning the laws of the sea, etc.

1997 The New Japan-China Fishery Agreement concluded.

(1996-99 Frequent activities by Chinese marine research vessels in Japan's EEZs without prior approval.)

2001 A framework for mutual prior notification of marine scientific research established.

(2004 China started constructing drilling facilities at the Shirakaba oil and gas field.)

2004- Bilateral negotiations concerning the East China Sea

2008 Agreement on Cooperation between Japan and China in the East China Sea

(2008 Vessels of the State Oceanic Administration (SOA) of China entered and remained in waters off the Senkaku Islands for a long time.)

2010 Negotiations launched to conclude an international agreement regarding resources development in the East China Sea.

2011 Japan-China High-Level Consultation on Maritime Affairs launched; Basic agreement reached on the Japan-China Search and Rescue (SAR) Agreement.

- Meanwhile, China enacted the Law on the Territorial Sea and the Contiguous Zone, which stipulates that the Senkaku Islands are within its territory.
- With growing awareness of maritime interests, Chinese marine authorities expanded their capacity and area of activity. Their activity in waters around the Senkaku Islands has been on the rise in terms of both scale and frequency since December 2008, when SOA vessels intruded Japanese territorial sea.

Appendix: Counter-arguments against some of the claims made by China and Taiwan

➤ **Claim 1: The Cairo Declaration of 1943 and the Potsdam Declaration of 1945 stipulate that the Senkaku Islands be returned to China as part of the islands appertaining or belonging to Formosa.**

→ Both declarations are political documents that stipulated the fundamental postwar settlement policy of the allied powers at the time. However, the disposition of territories as a result of war is settled not by political documents, but ultimately by international agreements such as peace treaties. In the case of the Second World War, it was the SF Peace Treaty that legally determined Japan's postwar territory. In fact, Japan renounced all rights, titles and claims to Taiwan and the Pescadores, which were referred to in the Cairo Declaration. There are no stipulations in either the Cairo Declaration or the Potsdam Declaration that affect Japan's territorial sovereignty over the Senkaku Islands, and the SF Peace Treaty regarded them as part of Japan's territory.

➤ **Claim 2: The purchase of three of the Senkaku Islands by the Government of Japan constitutes a grave challenge against the objectives and principles of the postwar international order and the UN Charter.**

→ Since WWII, Japan has supported peace and stability in the international community. In the Joint Statement that was signed in 2008 by the leaders of the two countries, China expressed its positive evaluation of Japan's contribution to the peace and stability of the world through peaceful means since WWII. The posture of easily attributing the difference of opinion to the past war is merely acts to avoid the essence of the issue. It is not only unconvincing but also unproductive.