

North-East Asian Territorial Issues in the Age of Rising Nationalism

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Foreword

This paper was presented to the Shanghai Forum 2011 held at Fudan University in Shanghai from May 27 until May 30, 2011. The paper was presented and discussed on May 29 at the sub-forum *Asia's Cooperation and Governance: New Challenges of International Relations in Asia*. As expected, among the three territorial issues analysed in this paper, Northern Territories (with Russia), Takeshima/Dokto (with Korea) and Senkaku/Dyaoyutai (with China/Taiwan), Senkaku/Dyaoyutai became the focal point of discussion.

The main point raised by Chinese commentators from the panel and the audience was that they found it difficult to agree to the proposal made by the author that “those countries which seek for a change of the status quo should refrain from using any kind of physical force”. In the case of the Senkaku/Dyaoyutai controversy, this remark hinted at the role of China.

This expected response was nonetheless interesting. The motive for not willing to abide to this principle raised by the Chinese commentators was that Japan was not prepared to acknowledge the existence of this issue, let alone be engaged in any serious talk. But, in turn, logic then demands that China is prepared to refrain from any physical encroachment on the disputed islands and their territorial waters, if Japan agrees to talk about the issue.

When the issue was discussed—immediately after the September 7 collision between Chinese fishing boats and Japanese coast-guard vessels—on September 25–26 at the Shanghai Jiao Tong University and on October 16 at

the Institute of Asian-Pacific Studies of the Shanghai Academy of Social Sciences in 2010, the atmosphere was much tenser. The author stressed that any physical entry into the territorial waters, not to mention the islands themselves, would be extremely dangerous. However, in the debate that ensued the respective views did not converge.

The author hopes that even the tiny rapprochement between Chinese and Japanese intellectuals that occurred in May 2011 may be the first sign of a better understanding between the two countries.

Introduction

The world we live in is in turmoil. Retrospectively, one may argue that the current situation in North-East Asia is just one of these periods during which the structure of international relations is changing, and that these are the inevitable tensions that also occurred during similar structural changes already seen at many turning points in history. But the people who actually live in it often cannot see the situation from such a cool-headed perspective and are seized by the emotions that are characteristic of the era. Seen from the perspective of turning points in history, the situation in North-East Asia today may be viewed against the background of four major events.

First, the fundamental structural change dates back to at least 1989, the end of the Cold War. The US-SU rivalry, which determined the structure of the world, came to a close. Any international conflict during the Cold War had to be dealt with under the iron umbrella of the US-SU rivalry. There was a strong preponderance for de-escalation, because neither of the two superpowers wanted conflicts to escalate and risk WWII. After the Cold War the United States became the sole superpower in a political, economic and military sense. This paved the way for conflicts that had always been there under the surface, and each country had to search for its future direction in an uncharted ocean,

national identity becoming an important factor. Although the world witnessed the eruption of transborder and ethnic conflicts, these were somehow contained in the 1990's by US superiority and cooperation with other powers, including the former Soviet Union. The first Gulf War in 1990–91 and the Yugoslav conflicts (Croatia in 1991–95, Bosnia in 1992–95 and Kosovo in 1999–2000) were typical examples.

Second, 9/11 changed this situation. The imperial power enjoyed by the United States for about a decade after the end of the Cold War was seriously challenged in a way nobody could have foreseen. The 9/11 attack did not come from another nation, but from a group of terrorists devoted to their interpretation of Islam, who were convinced the United States represented the cause of evil. War was immediately waged against Afghanistan which gave refuge to the Taliban, but the destruction of the Taliban forces in Afghanistan was not the ultimate answer in the war against Islamic terrorists.

Third, the rise of China creates an entirely new situation. Two decades of near double digit economic growth and an equally high increase in military spending combined with years of successful political posturing, while being backed by an enormous population, put China into a position to challenge US superiority, maybe not for the moment, but this will surely happen in the decades to come. 2010 could have been a turning point in China's positioning to the outside world. A number of incidents showed that China was intent on the strategic deployment of its economic, political and military powers as a single whole. In other words, military power would be used as the necessary back-up for China's national economic and political objectives. Analysts maintain that serious debates are taking place in Chinese political and academic circles about the establishment of a new grand design of global Sino-centrism.

Fourth, the development of technology during the last two decades, particularly in the area of information technology (IT), led the world into a new era of globalisation. The power of IT—albeit requiring specific global standards in

order to spread around the globe—transformed the world. People from around the globe were now able to instantaneously share information or messages with other people anywhere in the world. The IT-based globalisation has had an immeasurable impact on all aspects of the conduct of economic, political, military and social policy.

The simple conclusion drawn from these four characteristics is that we are moving toward an era where nationalism plays a powerful and compelling role. The search for identity leads to instability and an increased focus on the nation to which each individual belongs. 9/11 and subsequent terrorist activities caused multiple reactions, one psychological response being to rely on something stable and reliable, namely the own nation. In itself, the rise of China is also a Chinese quest to establish a new global Chinese identity. Nationhood is an unalienable factor in China's rise. Also, the IT-induced globalisation could inflate nationalist feelings in each nation in a manner that is unprecedented. There are several factors that may become a symbol of nationalism. Territorial issues are among the most vivid factors. Here nationalist feeling finds its strongest emotional expression.

Japan is currently engaged in three territorial issues: the Northern Territories, Takeshima/Dokto and Senkaku/Dyaoyutai. The position of the respective governments regarding the fundamental issue of sovereignty in each issue differs from each other entirely. For the respective governments their own position is the right one—without any single defect—whereas the position of the other is seen as entirely wrong. Opinions held by the other party are sometimes met with downright anger. Once a fixed position is taken it becomes extremely difficult for any government to change it. In the extreme case, a territorial issue may lead to a direct collision of physical forces, by the military or the maritime safety agency. Naturally, in a world of nations based on sovereignty, each government is ultimately free to decide on any measures it considers appropriate to achieve national interests. Any government can

choose to incite nationalist emotions—for whatever purpose—if it deems that this will best serve its national interests.

This paper argues that a full escalation of nationalist emotions when it comes to the territorial issue would probably not serve the best of national interests of the respective nations. A country's national interests are probably best served by a solution based on negotiations, international law, mutual interests and long-term stability. This position is neither a proven criterion nor an axiomatic proposition, but a hypothesis on which this paper is basing itself. Starting from this hypothesis, this paper analyses the three territorial issues facing Japan, with the aim to bring in some sense of scholarly objectivity. This is not an easy task for someone who worked in the government for 34 years. However, this paper is written in the belief that such an effort may be useful in order to quench the extreme nationalist emotion and to promote the national interests in the best possible manner.⁽¹⁾

Northern Territories (with Russia)

The four islands which are located to the north-east of Hokkaido—Habomai, Shikotan, Kunashiri and Etorofu—were occupied by Soviet troops in the concluding period of World War II, between August 28 and September 4. Typically, this issue became the symbol of Japan's sense of being a victim of World War II. Japan was facing total defeat and the top leadership was doing its utmost to achieve capitulation. On August 9, three days after the atomic bomb exploded in Hiroshima and almost at the same moment the second bomb exploded in Nagasaki, the Soviet Union declared war against Japan. The Soviet advance through Manchukwo caused extensive human suffering. 176,000 civilians apparently perished.⁽²⁾ Human suffering continued when 600,000 sol-

(1) The author worked in the Japanese Foreign Ministry from 1968 until 2002.

(2) Hisahiko Okazaki, *Yoshida Shigeruto Sonojidai*, (Tokyo, PHP, 2002), p.26.

diers were imprisoned, and approximately 10% of them died. Many Japanese who lived during this period saw the occupation of the four islands—becoming Japanese territory after the first Japan-Russia Treaty (1855), which demarcated its border—as an act of territorial greed.

However, Japan had to accept post-war reality. The conclusion of the San Francisco Peace Treaty in 1951 obliged Japan to relinquish the Kurile Islands, the four islands under dispute being located to their south-west (Article II (c)). This did not resolve this territorial issue, because the Soviet Union did not sign the treaty and the definition of the Kurile Islands, i.e. whether the Kurile Islands included the four islands or not was left deliberately vague by the Americans who drew up the treaty. The issue to whom Japan actually relinquished the Kuriles was also left unanswered, meaning that there was a need to settle the issue through bilateral Japan-SU negotiations. These took place in 1955–56. The Soviet Union agreed to transfer Habomai and Shikotan on the condition that this transfer would be final and ultimate. Japan insisted, however, that Kunashiri and Etorofu would have to be returned as well. No agreement was reached and the two sides issued a joint declaration prescribing only that Habomai and Shikotan were to be transferred after the conclusion of a peace treaty.

Earnest negotiations between the two sides started after Gorbachev came to power in 1985. These negotiations basically continued—albeit with ups and downs—for 25 years until 2009, when the Russians took the position that Russian sovereignty over the four islands could not be questioned. Still, during these 25 years both sides negotiated with a genuine intent to resolve the issue, seriously addressing both the historical legacy, i.e. how each country came to claim ownership, and the legal issue, i.e. how each side could claim ownership in accordance with the existing international law.

As for the historical legacy, most serious negotiations took place during the seven rounds held by the peace treaty working group from 1988 till 1991, cul-

minating in President Gorbachev's visit to Japan in April 1991. The result of these negotiations was laid down in a joint compendium that was published in 1992. The key sentence of this compendium reads as follows: "The Japanese advanced from the South and the Russians from the North to the Kurile Islands, and consequently, the border line between Japan and Russia came to be demarcated between Etorofu and Uruppu."

As for the legal aspect, the two sides conducted tense negotiations within the confines of the peace treaty working group, but no convergence of views was achieved in any respect. The Soviet government argued that Japan's abandonment of the Kuriles was the direct result of the Yalta Agreement and also that in accordance with that agreement, "the Kurile Islands" abandoned by Japan included all four islands. The Japanese government argued that since Japan did not even know of the existence of the Yalta Agreement Japan was in no way bound by it, and since the SU had not signed the San Francisco Peace Treaty, it was not in a position to determine the fate of the four islands on the basis of this treaty. Also, according to the interpretation of this treaty which the Japanese government clarified in the 1955–56 negotiations with the SU, "the Kurile Islands" did not include the four islands, an interpretation that was supported by the US.

Since the two sides could not reach any agreement on the legal aspect of the dispute, there was no alternative but to find a political compromise that was acceptable to both sides. Three written agreements were produced during the 25 years of negotiations. The thematic outline of these agreements was very simple, it being based on two basic agendas. Regarding Habomai and Shikotan the Japanese side requested the confirmation of the 1956 Joint Declaration, in view of the Soviet denial of this declaration in 1960 when Japan revised the security treaty with the US. As to Kunashiri and Etorofu the Japanese side requested the Russian recognition of the existence of the issue, which required a resolution. In 1991, when Gorbachev arrived as the first Russian

president to Japan, he acknowledged in writing that Kunashiri and Etorofu were the subject of a dispute, but he refused to confirm the 1956 Joint Declaration. In 1993, when president Yeltsin made his visit to Tokyo, he also acknowledged that Kunashiri and Etorofu were the subject of the peace treaty negotiations, but he only indirectly acknowledged the validity of the 1956 Joint Declaration. It was only in 2001 under the Irkutsk Declaration between president Putin and prime minister Mori that the two sides unequivocally agreed on both objectives in writing. At that moment a real window of opportunity opened to engage in substantial negotiations about the future of Kunashiri and Etorofu. As a result of political confusion occurring at the Japanese side, the two sides failed to grasp the opportunity. From 2006 till 2009, three and a half years of mutual effort to find a solution acceptable to both sides under Abe, Fukuda, Aso and Hatoyama once again failed to produce anything tangible. At present, the negotiations are back at square one, which was the position taken by the two sides before Gorbachev assumed power in 1985.

It should also be noted that during these 25 years of serious negotiations on sovereignty a series of measures was taken by both sides to “strengthen mutual confidence”. These included a graveyards visit (1986), a non-visa visit (1991), a fishery agreement (1998), an emergency humanitarian assistance visit (1998), and a free visit (1999). The exacerbation of territorial negotiations may render the fate of these supplementary agreements uncertain.

Takeshima/Dokto (with Korea)

Takeshima became a part of the Shimane Prefecture in 1905 during the Russo-Japanese War and Korea was annexed by Japan in 1910. From the Korean perspective this unequivocal sequence of events meant that Takeshima was an irrefutable precursor of Japan’s annexation of Korea. For most Koreans Takeshima became something more than a territorial dispute. It became the

symbol of 35 years of Japanese annexation, i.e. more a history problem than a territorial problem. In that sense the nature of the problem resembles Japan's historical approach to the Northern Territories.

In the wake of WWII Japan was thrown into devastation. There was a need for urgent recovery. Korea underwent the unexpected tragedy of division and the subsequent occupation by the Soviet Union and the United States. The magnitude of these events that were taking place meant that Takeshima did not become a priority issue between the two countries. It only emerged to the forefront during the negotiations in the period leading to the conclusion of San Francisco Peace Treaty. Both sides claimed ownership in their talks with the United States. But in the final formulation of Article II (a) where Japan relinquished all claim to Korea, the United States deliberately remained vague about the question whether Takeshima was included in the territory relinquished by Japan or not.

Takeshima became part of the Korean fishery jurisdiction as determined by the Rhee Syng-Man Line (peace line) in January 1952. In the tense situation that evolved until 1954 Korea occupied these islands, and has been enforcing actual control ever since. The Japanese government protested against the Korean occupation and in 1954 officially proposed to refer to the International Court of Justice, with no positive response by the Korean side.

This issue became one of the difficult dossiers for both sides when they were negotiating about the normalisation of the relationship in 1965. Starting from the point of view of historical legacy, both sides claimed that Takeshima had been recognised by their respective country since long ago. The Korean side quoted many documents and maps dating to the 12th century. However, the Japanese side took the position that none of these correctly proved Korean knowledge of Takeshima. Japan introduced 18th century maps published in Japan as proof of the recognition of Takeshima by Japan. Both sides used the negotiated settlement of Ullungdo in the late 17th century as the basis for

their claim to the ownership of Takeshima.

Seen from the legal perspective, the Japanese government claimed that when formulating the final wording of the San Francisco Peace Treaty, although the status of Takeshima remained ambiguous in terms of the language of Article II (a), the United States interpreted it to be a part of Japan, as was demonstrated by a letter issued by Dean Rusk in August 1951 to the Korean ambassador to the United States. The Japanese side argued that the US position was further demonstrated by the fact that the US designated Takeshima as a military training spot as part of the occupied areas in July 1951, redesignating it from July 1952 till July 1953. The Korean side refuted this, stating that none of this was conclusive evidence of legal ownership by Japan.

Fundamentally, these talks were a non-starter for the Koreans, who had actual control over the islands, and were arguing in favour of unequivocal ownership. The Japanese side proposed a resolution through negotiations and in case this would not work out, based on the position already taken in 1954, to take it to the International Court of Justice. The two sides agreed on an Exchange of Notes for conflict resolution. This prescribed that conflicts should be resolved through the diplomatic channel and if they could not be resolved, they should be referred to mediation through an agreed procedure. The Japanese side interpreted this Exchange of Notes to apply to Takeshima, but the Korean side maintained that no territorial issue existed and that this Exchange of Notes was entirely unrelated to the Takeshima issue.

Since then, Takeshima has occupied a relatively minor position in the bilateral relations between Japan and Korea. The Japanese side made a formal protest against the Korean occupation through the diplomatic channel, but this step was of course far from engaging in real negotiations to have the islands returned to Japan. In 1998 a new fishery treaty was concluded between the two countries, adopting an entirely new approach to this problem. It created a

special zone comprising Takeshima, in which each country maintained jurisdiction over its own citizens. This was a genuine effort to create a practical system designed to avoid a collision and to alleviate tensions.

However, the actual implementation of this treaty has not led to harmonious relations between Japanese and Korean fishermen. In March 2005 the frustration of Shimane Prefecture fishermen who were to engage in fishing in the zone defined by the treaty, resulted in their pressuring the prefectural government to set the date of February 22 as the Shimane Takeshima Day. This in turn led to strong indignation by the Roh Moo-hyun government that virtually ended an effective dialogue with prime minister Koizumi. In April 2006 the issue of renaming the seafloor topography around the Takeshima Islets brought about a near collision between the maritime guards of both countries. In 2008, after president Lee Myung-bak came to power the initial months of honeymoon were shattered by a modification of the commentary to the Monkasho Guidance of Teaching of a junior high school text book on Takeshima. The publication in 2011 of junior high school text books in line with the Monkasho commentary invited strong comments by the Korean government amidst the turmoil of post-3/11. In spite of the warm support to Japan on the 3/11, adoption of junior high text books at the end of March—amounting to a more vehement assertion of Japan’s rights to Takeshima—resulted in a sharp response by Korea, now claiming to build scientific research facilities close to Takeshima.⁽³⁾

Senkaku/Dyaoyutai (with China)

Senkaku’s modern history started on 14 January 1895, when Japan formally annexed it, it being governed by the Ryukyu Prefecture. The impact of its

(3) Asahi Shinbun, April 4, 2011.

annexation was probably obscured by the cessation of Taiwan to Japan under the Shimonoseki Treaty signed on 17 April 1895. After the end of WWII, Senkaku's fate was determined under the San Francisco Peace Treaty. It did not become part of Taiwan, which Japan relinquished under Article II (b), but part of Nanseishoto under Article III of the treaty, and it was placed under the authority of the US administration. This uncontested situation changed in 1968 when an ECAFE report announced that there might be a sizable reservoir of oil under the Senkaku seabed. The Republic of China (Taiwan) publicly claimed the ownership of the islands on June 11, 1971. The People's Republic of China followed suit on December 30, 1971. Despite the claim made in December 1971, the Chinese leaders explicitly stated that they had no intention to raise this issue at the time of the establishment of diplomatic relations between Japan and China in September 1972.⁽⁴⁾ Both during the last stage negotiations on the Peace and Friendship Treaty in August 1978⁽⁵⁾ and at the occasion of the exchange of the instruments of ratification in October 1978,⁽⁶⁾ Deng

(4) Zhou Enlai stated on July 28, 1972 to the President of the Komei Party, Yoshikatsu Takeiri, the following in a preparatory meeting to pave the way for prime minister Kakuei Tanaka's visit to China in September to establish diplomatic relations: "There is no need to touch the Dyaoyutai Islands issue. Chairman Takeiri presumably was not interested either. I was not interested either, but historians became interested in it, particularly with regard to the oil issue, and in Japan professor Kiyoshi Inoue is very enthusiastic on this issue. But there is no need to look at this issue with emphasis." Akira Ishii et als, *Nichukokko Seijyoka/Nichuheiwa Yukojoyuyaku Teiketsukosho*, (Tokyo, Iwanami, 2003), p. 20.

(5) Chinese sources later indicated that Deng stated to Sonoda, the Japanese minister of Foreign Affairs who visited China to sign the Treaty of Peace and Friendship that: "We must not scrutinise this issue now. We have to leave it aside, later find time to discuss, and find a way for a mutually acceptable solution with time. If the current generation cannot find a solution then the next generation, or the generation thereafter may find a way of solution." Ishii et als, *Nichukokko Seijyoka*, p. 179–80.

(6) At the press conference in Tokyo on October 25, 1978, when Deng came to Tokyo on the occasion of the exchange of instruments of ratification, he made the following statement to the Japanese press: "...We promised each other on the occasion of the ↗

Xiaoping stated that the issue should be left for the next generation. Since the official position of the GOJ is that Senkaku belongs unequivocally to Japan, the fact that China raised the issue but at the same time stated that it did not require an immediate solution was an acceptable state of affairs for the Japanese government. During the Cold War the two governments both adopted the cautious policy of not bringing up this issue and test their relationship.

In this situation hardly any serious talks on the question of ownership took place between the two governments. The Japanese government's position was that at the time Senkaku was acquired by the Ryukyuu Prefecture in January 1895 there was no trace of ownership by any other third party. For the sake of the historical legacy argument it was therefore not even necessary to go back further than this period. Also, the legal argument based on the handling of Senkaku at the time of the San Francisco Peace Treaty negotiations and the reversion of Okinawa looked convincing. There seemed to be no defects.

China maintained total silence on the ownership of Senkaku from the end of WWII until 1971, when China's position concentrated on the historical legacy predating 1895. China's position—relying on historical legacy while claiming ownership—might have a severe repercussion on China's national assertion. Emotions might accumulate further if it came to be recognised that China's historical right had been infringed upon by the rising Japanese imperialism that led to the invasion of China. Recent events, particularly in 2010, may be a sign that the Senkaku issue could become subjected to strong nationalist emotions.

With the end of the Cold War and the rise of Chinese economic, political and military power, the situation began to change. In February 1992 the Chinese

↘ establishment of diplomatic relations that we are not going to discuss this issue.... On the occasion of the negotiations of the Treaty of Peace and Friendship, we both came to share the view that we are not going to discuss this issue.... This matter can be left aside for some time to come.... People in the next generation are wise, so they may find the wisdom to solve it." Tatsuo Urano, *Senkakushoto, Ryukyu, Chugoku*, (Tokyo, Sanwa Shoseki, 2005), p.248.

government established a new territorial water law, formally prescribing that Dyaoyutai was part of Chinese territory, causing some Japanese observers to assert that Deng's policy to leave the solution to a later generation could very well have ended at this point.⁽⁷⁾ In the changing atmosphere of the post-Cold War period, some Japanese nationalist youths constructed a lighthouse there in July 1996. This action met with a sharp protest by the Chinese government. Demonstrations took place in China, Taiwan and Hong Kong, and Chinese protesters from Hong Kong and Taiwan surrounded the islands. Meanwhile, the Japanese Maritime Security Agency made efforts to maintain order without causing physical collision.⁽⁸⁾ And then, against the background of rising political tension caused by Koizumi's repeated visits to Yasukuni, seven Chinese nationalist protesters went ashore of the islands in March 2004, resulting into a swift compulsory deportation.⁽⁹⁾

On 8 December 2008, two maritime research vessels navigated for nine hours through the territorial waters of Senkaku, despite a repeated warning to stay away by the Japanese maritime agency. On the same day, the Deputy Chief of the Maritime Control Department of the State Maritime Agency stated that: "In a sea area where there is a conflict on international law, it is important to show presence in the jurisdictional area and to accumulate effective control." A spokesman from the Chinese Foreign Ministry said at a press conference on that day: "Dyaoyutai is an inherent territory of China, and there is no reason for China to be intervened by another state. Whether to implement research activities or not, and when to do it, is China's domestic matter."

(7) Shigeo Hiramatsu, "Minamishinakaino Gasudenmondai", *Yomiuri Shinbun*, August 20, 2008.

(8) Yusuke Edo, *Senkakushoto*, (Tokyo, Koyu Shuppan, 1996), p.14–16; Kazuhiko Togo, *Japan's Foreign Policy 1945-2009*, (Leiden, Brill, 2010), pp. 151–152.

(9) Tadayoshi Murata, *Senkakuretto Utsurijimamondaiwo domiruka*, (Tokyo, Nihon Kyohosha, 2004), p. 4.

(10) Sankei Shinbun, December 10, 2008.

According to several reports this issue has been the subject of serious debate at the Japan-China-Korea top leaders meeting on December 13 in Fukuoka.⁽¹¹⁾

The collision of a Chinese fishing vessel and a Japanese Coast Guard vessel on 7 September 2010 strengthened the impression of the seriousness of China's territorial claim. The initial response by the Japanese maritime authority to arrest and indict the captain in accordance with Japanese domestic law, supported by the top leadership of the JDP, might have created the impression to the Chinese leadership that the new JDP government had taken a new position, namely breaking away from Deng's legacy to let the issue be decided by the next generations. If that is the case, this is unfortunate, because the blunt application of domestic law was the result of a poor insight into the past legacy rather than a case of sabre-rattling for Japan's territorial claim. China's response was an unprecedented escalation, Chinese measures ranging from the suspension of high level visits and the rare earth metal embargo to the arrest of four Japanese workers in China on charges of espionage, at least until the captain was released on 24 September. The tension began to relax very slowly after the release of the captain, but many observers noted that China's escalation policy might have reached a point where physical power would be brought into play, if their objective—the release of the captain—had not been achieved. Some of the Japanese opinion leaders and probably also policy-makers started to perceive the Senkaku issue as a genuine cause for possible physical collision, if mishandled.

Three Principles

The above analyses on the Northern Territories, Takeshima, and Senkaku show that, albeit to a varying degree, all three issues are prone to become the

(11) Asahi Shinbun, December 14, 2008.

victim of national emotions that may then become a serious cause of destabilisation of the region, and in some cases even a cause of physical collision. In concluding I would like to propose three policy guidelines for the four countries to adopt in order to resolve the territorial issues in North-East Asia.

First, the claiming party should refrain from the use of physical or military force for the resolution of the disputes. At this point, the position taken by Japan, which is at the side of changing the status quo on the Northern Territories and Takeshima, to resolve the issue through negotiations has to be commended. This is the result of Japan's total defeat in 1945 and the overwhelming pacifism that has engulfed the nation ever since. All negotiations with the Soviet Union/Russia were conducted in this spirit, including the 25 years of negotiations between 1985–2009. This is also the approach taken by Japan, constantly and continuously, in the negotiations about Takeshima with South Korea. However, the issue is a serious cause of national emotion, If Korea were to respond with military force to any measures taken by the Japanese side, this would create an impression of overexaggeration. However, the most serious issue at stake here is how China, which is seeking to change the status quo, is going to behave. If China is genuinely contemplating the use of physical power to justify its territorial assertion, a serious situation might occur. Here is some room for reflection by the Chinese leadership.

Second, countries enforcing a de facto occupation have to be ready to talk. Seen from the perspective of 25 years of negotiations conducted between Japan and the Soviet Union/Russia, this approach is commendable. Whatever the national emotion, turning the Takeshima issue into a historical issue instead of a territorial issue, it is advised that the Korean government shows some readiness to discuss the issue if the Japanese government so desires. The substantial talks ended in 1965 after the normalisation was achieved and a new discovery was made bearing on the historical legacy of Takeshima. Perhaps a straightforward dialogue between both parties is more useful than both

sides engaging in propagating their respective positions to third parties. The position of the Japanese government also needs reconsideration. In a situation where the Senkaku issue might lead to physical collision, there is every reason for politicians and diplomats to become engaged in serious talk. A denial of the problem does not reduce the risk of physical collision.

Third, with a view to avoiding any intentional or unintentional mishap of any sort, the two sides should engage in establishing confidence-building measures, and strengthen mutual trust. Once again the 25 year effort by the Russian and Japanese governments to establish a series of agreements toward this end may be quoted as a commendable approach. Whatever the fate of the sovereignty negotiations, or rather, even if the sovereignty negotiations are in a slump, both Japan and Russia are encouraged to not only maintain the present structure, but to also come up with new ideas. The 1998 fishery treaty between Japan and Korea is also a laudable initiative. One would like to see more serious efforts by the government and fishermen to implement the agreement, and it is believed that Japan and Korea can learn from the rich experience of confidence-building measures between Japan and Russia. It is almost axiomatic to say that such measures to avert a direct collision in all aspects of maritime activities are most needed when it comes to China and Japan. Government experts with a sense of urgency can and should work out these measures.

Conclusion

Suppose that my recommendations are followed and that more talks and better understanding are the result, what would be a reasonable picture for each issue to be achieved in each bilateral relation? It certainly is not easy for anyone, particularly for a former MOFA member, to propose any future possibility for a solution that differs from the position maintained by the govern-

ment. However, this paper is an endeavour from a private sector intellectual drawing a broad perspective. (1) For Japan and Russia, the only possible solution may be to go back to the position the two sides took in Irkutsk in 2001. The Japanese side should realise that ten years of inability to achieve a mutually acceptable solution has made its position weaker. From a legal perspective, the position taken by the Japanese government in San Francisco based on the speech made by prime minister Yoshida, and the significance of Article 25 for Russia has to be scrutinised carefully. (2) For Japan and Korea, there may be a need to have a thorough go-through of all documents disclosed as the result of scholarly work by both sides. Japanese scholars have noted that there were at least two documents, one from 1695 at the settlement of Ullungdo, another from 1877 by the Meiji government that do not acknowledge Japan's jurisdiction over Takeshima. This contention needs to be discussed. The scholarly discovery by Japanese academics based on a renewed study that questions the Korean interpretation of the pre-modern Korean documents will also have to be discussed. It is, however, my impression that even if this dialogue will lead to a better understanding of each other's contention vis-à-vis the historical legacy, this would not bring about a resolution of the issue. The wisest approach for the two sides to take may be a series of measures transforming these islands into a symbol of cooperation rather than a symbol of confrontation, without forcing the finalisation of the issue of sovereignty. (3) For Japan and China, basically the same solution should apply. A better understanding of the contention made by Japanese scholars that the Meiji government refrained from making Senkakau a formal Japanese territory in 1895 needs to be discussed, but this discussion would not bring about the solution of the issue. Joint activities to transform these islands into a symbol of cooperation rather than a symbol of confrontation are needed. But on Senkaku there is a specific issue requiring consideration, namely the issue of the joint development of the energy resources in the Senkaku seabed. In fact, a possible joint

economic activity on Senkaku has already been proposed by the Chinese side for three decades and has not been accepted by the Japanese side. After the conclusion of the Peace and Friendship Treaty in 1978, Deng Xiaoping raised this idea to Zenko Suzuki on May 31, 1979. Suzuki was an LDP politician who was known to be close to the then prime minister Ohira, later replacing him in July 1980 upon Ohira's sudden death. When Suzuki visited Deng in May 1979, Deng, after explaining to Ohira the historical Chinese position of not bringing up this issue and test their relationship, proposed the following: "We need to leave the [sovereignty] issue aside, and we may consider a joint development of the resources in this area. First of all, both sides need to stay away from propaganda; both sides need to consult and implement joint development, and not to refer to the sovereignty. As for the technology, naturally the Japanese side would supply."⁽¹²⁾ There is no sign that the Japanese side showed any interest in Deng's idea. On the contrary, on March 6–7, 2006, when it was reported that the Chinese side proposed a joint development of the territorial waters around Senkaku Islands within the overall framework of joint development of East Sea energy sources, no positive response seems to have emerged through the Japanese press.⁽¹³⁾ It was later revealed that the area proposed by China was located just north to the territorial waters around Senkaku, but the negative response toward joint economic activities never waned.⁽¹⁴⁾ Thus, when the current framework agreement on the East Sea energy development was concluded between the two sides on June 19, 2008, one of the newspapers wrote that: "It was a positive result of Japanese diplomacy that it could reject China's proposal for a joint development around Senkaku Islands."⁽¹⁵⁾ At this point in time, diligently observing the Deng Xiaoping legacy of leaving the solution to the next

(12) Urano, *Senkakushoto*, p. 248.

(13) *Asahi Shimbun*, March 8–9, 2006.

(14) *Asahi Shimbun*, March 11, 2006.

(15) *Sankei Shinbun*, June 19, 2008.

generation, the Japanese government is taking strict measures to prevent Japanese citizens from entering the islands and to see to it that the islands remain deserted. The physical wealth in the seabed would be left completely unused for a foreseeable future. Is this the wisest policy? Logical thinking alone would allow more policy options, but at this point in time these do not seem to merit serious analysis.⁽¹⁶⁾

(16) Part of the material used in this paper comes from my conference paper presented to the SAIS conference held in Washington in June 2009: "How to alleviate security danger of Takeshima/Dokto in North East Asia: Borrowing the Experience from Japan's other territorial problems."