



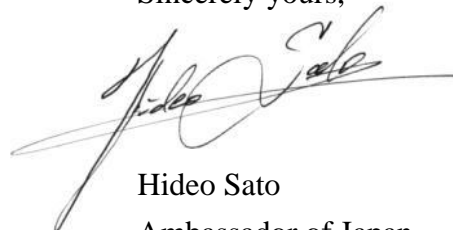
*Embassy of Japan in Israel*  
*Ambassador's Newsletter #5, October 2012*

October 2, 2012

Dear Friends and Colleagues,

I am pleased to send you my fifth Ambassador's Newsletter. In this edition, you will find information regarding Japan's position on Senkaku Islands.

Sincerely yours,



Hideo Sato  
Ambassador of Japan

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**Public Information & Cultural Section**

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# Japan's Position on Senkaku Islands

## Executive Summary

- The Senkaku Islands are an inherent part of the territory of Japan in light of historical facts and based on international law.
- The Government of Japan's acquisition of the Senkaku Islands aims at the peaceful and stable maintenance and management.
- For whatever reasons, acts of violence shall not be condoned.

## 1. Historical Facts

- (1) From 1885, surveys of the Senkaku Islands had been thoroughly conducted by the Government of Japan through the agencies of Okinawa Prefecture and by way of other methods. Through these surveys, it was confirmed that the Senkaku Islands had been not only uninhabited but showed no trace of having been under the control of China. Based on this confirmation, the Government of Japan made a Cabinet Decision on 14 January 1895 to erect a marker on the Islands to formally incorporate the Senkaku Islands into the territory of Japan (see Attachment 1). These measures were carried out in accordance with the ways of duly acquiring territorial sovereignty under international law (occupation of *terra nullius*).
- (2) Since then, the Senkaku Islands have continuously remained as an integral part of the Nansei Shoto Islands which are the territory of Japan. These 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 II of the Treaty of Shimonoseki which came into effect in May of 1895. Moreover, the Cabinet Decision, made in January, 1895, to incorporate the Senkaku Islands into the territory of Japan preceded the Treaty of Shimonoseki, which was signed in April, 1895 and came into effect in May, 1895. Therefore, the criticism that Japan seized the Senkaku Islands as a result of the Sino-Japanese War is not legitimate at all.
- (3) The Senkaku Islands are not included in the territory which Japan renounced under Article II of the San Francisco Peace Treaty. The Senkaku Islands have been placed under the administration of the United States of America as part of the Nansei Shoto Islands, in accordance with Article III of the said treaty, and are included in the area, the

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administrative rights over which 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 signed on 17 June 1971.

- (4) It was not until 1970, when the United Nations Economic Commission for Asia and the Far East (ECAFE) conducted an academic survey which indicated the possibility of the existence of petroleum resources on the East China Sea, that the Government of China and Taiwan authorities began to make their own assertions about territorial sovereignty of the Senkaku Islands. Prior to this, there had been no objection expressed by any country or region to Japan's sovereignty over the Senkaku Islands.
- (5) There is a description of "the Senkaku Islands, Yaeyama District, Okinawa Prefecture, Empire of Japan" in a letter of appreciation dated May 1920, sent from the then consul of the Republic of China in Nagasaki concerning the distress around the Senkaku Islands which had involved Chinese fishermen from Fujian Province (see Attachment 2). In addition, an article in the People's Daily dated 8 January 1953, under the title of "Battle of people in the Ryukyu Islands against the U.S. occupation", made clear that the Ryukyu Islands "consist of 7 groups of islands [including] the Senkaku Islands" (see Attachment 3). Moreover, for example, "The Republic of China New Atlas" published in China in 1933 (see Attachment 4) and "World Atlas" published in China in 1960 (see Attachment 5) treated the Senkaku Islands as part of Japan.
- (6) Thus, Japan's position that there exists no issue of territorial sovereignty to be resolved concerning the Senkaku Islands has not changed at all.

## 2. Japan's Position

- (1) The Senkaku Islands are an inherent part of the territory of Japan, in light of historical facts and based upon international law. The Senkaku Islands are under the valid control of the Government of Japan.
- (2) Although China and Taiwan make their own assertions about the Senkaku Islands, they are completely without merit. The Government of Japan rejects these assertions and has lodged protests against them.
- (3) The Government of Japan's decision to acquire the property rights to the Senkaku Islands is not a major change of the current situation. The Government of Japan has consistently

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responded in a calm way. The lands of the three islands that are now owned by the Government of Japan were previously owned by the Government of Japan until 1932. A private citizen acquired the lands later, and the Government of Japan has decided to reacquire the lands this time. This decision has resulted in a nominal transfer of real property under domestic law. Moreover, the Government of Japan has consistently retained ownership of Taisho Island, which is also the part of the Senkaku Islands.

- (4) In the aim of ensuring a peaceful and stable maintenance and management of the Senkaku Islands, since 2002, the Government of Japan has been leasing the three privately-owned islands (Uotsuri Island, Kitakojima Island, and Minamikojima Island) to show consistency and prevent unnecessary confusion.
- (5) After the owner of the three privately-owned islands indicated an intention to sell these islands, the Government of Japan confirmed on September 11, 2012, that it would transfer the ownership of the lands of the three islands to the Government as soon as possible. The goal of the decision by the Government of Japan is to continue to ensure the peaceful and stable maintenance and management of the islands in the long term, while implementing appropriate maritime navigation safety operations in and around the Senkaku Islands. This is simply a transfer of the ownership of the lands within Japan's territory from the former private owner to the Government of Japan and thus should not raise any issues with other countries or region.
- (6) The transfer of the ownership is a legitimate procedure within Japan's domestic legal framework and there is no change in the policy to ensure a continued peaceful and stable maintenance and management of the islands over the long term. For this purpose, the transfer of the ownership this time is the practical and best measure. The Government of Japan will continue to maintain the policy of refusing entry to the islands, in principle, to all except certain Japanese government officials. This policy is aimed to ensure the peaceful and stable maintenance and management of the Senkaku Islands which are now a government property, as landing by Japanese nationals could prompt people from neighboring countries and region to enter the territorial waters and land on the islands.
- (7) The Government of Japan has clearly communicated the above-mentioned position to the Chinese government through diplomatic channels, and will continue to engage in a close dialogue in order to avoid any misunderstanding and unforeseen situation.

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- (8) The Japan-China relationship is one of the most important bilateral relationships for Japan. China's constructive role is essential for the stability and prosperity of the Asia Pacific region. Japan does not wish to see this issue adversely affect overall Japan-China relations. Japan aims to further deepen the mutually beneficial relationship based on common strategic interests with China, and to advance cooperation on regional stability. Japan will strengthen cooperation towards making the East China Sea a "sea of peace, cooperation and friendship" by promoting mutual understanding and trust between the maritime authorities of the two countries through the "Japan-China High-Level Consultation on Maritime Affairs" under the "Six Initiatives" that were agreed between the two countries.

### **3. Acts of violence shall not be condoned**

- (1) Despite the positive stance of the Government of Japan to manage Japan-China relationship, We find it highly regrettable that the Government of China has overreacted, tolerated anti-Japanese protests and thereby exacerbated the situation since September 10.
- (2) We are deeply concerned about the wide range of violent acts that have taken place in China. In contrast to peaceful demonstrations, those acts resulted in arson, lootings and other damage to Japanese diplomatic establishments, Japanese restaurants, buildings with Japanese tenants, and Japanese-owned factories, department stores and supermarkets. Some Japanese residents have been suffering assault as well as harassment. No similar acts have occurred in Japan against Chinese residents or Chinese-owned companies.
- (3) It seems that those acts are not properly managed in China under the idea of "patriotism is not guilty." Acts of violence shall not be condoned for whatever reasons. The Government of Japan expects that the international community calls for a calm response of the Chinese side.

(For further details of Japan's position on the Senkaku Islands, please refer to the following web site: <http://www.mofa.go.jp/region/asia-paci/senkaku/senkaku.html>)

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