

The Diaoyu 釣魚 Islands in Traditional Chinese Sources: An Introduction

Angela SCHOTTENHAMMER

In 2010, a small group of uninhabited rocky island territory located in the East China Sea northeast of Taiwan, 102 nautical miles away from Jilong 雞籠 and 230 nautical miles away from Naha 那霸, the capital of Okinawa, formerly the Ryūkyū 琉球 Islands, has become the focus of a heated debate in East Asia. The resentments about these Diaoyu 釣魚 Islands, referred to as Senkaku 尖閣 Island Group in Japan, continue up to date. The island group is claimed by Japan, China, and Taiwan to be part of their national territory. Especially the proclamation of the Japanese government to purchase the islands from its private owner enormously heated up the international debate. The following quotations may provide an insight into the seriousness of the problem. Simultaneously, they also reveal different national standpoints:

Japan will never compromise with China in the dispute over a chain of islands in the East China Sea but will make a strong effort to avoid further deterioration of relations with its powerful neighbour, Prime Minister Yoshihiko Noda [Noda Yoshihiko 野田佳彦] said.

“As for the Senkakus, they are an inherent part of our territory in light of their history and also under international law,” Noda told reporters in New York on Wednesday after attending a meeting of the UN General Assembly.

“Therefore, there can’t be any compromise that would be a step back from this position,” Noda said.¹

US Secretary of State Hillary Clinton on Friday [that is 18.01.2013] claimed that the Diaoyu Islands were under the administrative authority of Japan, and therefore the US-Japan Security Treaty applies to it.

Clinton also said the United States opposed “any unilateral actions that would seek to undermine Japanese administration”. Her words showed explicit US endorsement of Japan over the Diaoyu Islands issue, sending a mixed and wrong signal and adding fuel to the matter.

1 “Japan Says ‘No Compromise’ on Disputed Senkaku Islands”, *Ria Novosti* (27.09.2012).

It was exceedingly wrong for Clinton, a senior US governmental official in charge of American foreign affairs, to make such comments when meeting in Washington with Japanese Foreign Minister Fumio Kishida [Kishida Fumio 岸田文雄].

Firstly, Clinton's comments were ignorant of essential historical facts and international law, and indiscriminate of rights and wrongs. Diaoyu Island and its affiliated islets have been part of China's inherent territories since ancient times. [...]. Secondly, Clinton's words indicated the chaotic US foreign policies. It would embolden right-wing forces in Japan and intensify tensions between China and Japan [...]. Thirdly, Clinton's remarks actually jeopardized the national interests of the US. Since America unveiled its "pivot to Asia" strategy, what it would do reflects its Asian-Pacific strategy.²

A special envoy of Japanese Prime Minister Shinzo Abe [Abe Shinzo 安倍晋三] arrived in Beijing yesterday [that is 22 January 2013], holding out an olive branch in an effort to ease tensions triggered by a territorial dispute in the East China Sea.

Natsuo Yamaguchi [Yamaguchi Natsuo 山口那津男], head of the Japanese coalition partner New Komeito, proposed shelving the dispute over the Diaoyu Islands, known as the Senkakus in Japan. He plans to hand a letter from Abe to president-in-waiting Xi Jinping [习近平].

"I will make my trip the first step for opening the doors to normalize our bilateral ties," Yamaguchi said [...]³

"The Japanese move is a gross violation of China's territorial integrity and sovereignty, an outright denial of the outcome of victory of the world anti-fascist war and a grave challenge to the post-war international order", said [China's foreign minister] Yang [Jiechi 杨洁篪], according to the Xinhua summary of his comments.

Xinhua's brief report said Mr Yang reiterated China's "solemn position on the issue of the Diaoyu Islands, which have been China's sacred territory since ancient times".⁴

What has happened? Why are these uninhabited, rocky islands suddenly of such great interest to China, Japan and Taiwan but evidently also to the United States? Is it simply a question of national pride? Further information on the islands, known for their good fishing grounds and lying in an area where the sea is believed to harbour valuable mineral reserves such as oil

2 "US sends wrong signal over islands issue", *China Daily* (21.01.2013).

3 Teddy Ng, "Japanese envoy Yamaguchi offers to shelve dispute over Diaoyus", *South China Morning Post* (23.01. 2013).

4 "China claims disputed islands are 'sacred territory'", *The Telegraph* (26.09.2012).

and gas add some important perspectives. Mineral resources, such as crude oil and natural gas, are in fact of essential importance for a modern market-economic power. This is attested to also by the recent worldwide discussions about rare earths. In this context, both the upcoming economic superpower China and one of the world's largest capitalist economies, Japan, are dependent on and have speculated on such natural mineral resources.

The Japanese Ministry of Foreign Affairs provides the following "facts" on the island group: it was originally not included in the territory that Japan renounced under Article II of the San Francisco Peace Treaty, which legally defined Japan's territory after World War II. Under the treaty, the Senkaku Islands were placed under the administration of the United States of America as part of the Nansei Shotō 南西諸島 Islands (in accordance with Article III).

The San Francisco Peace Treaty was recognized in the Sino-Japanese Peace Treaty Japan concluded in 1952 with the Republic of China (Taiwan). There was no discussion on the territorial sovereignty of the Senkaku Islands throughout the course of the negotiations. The People's Republic of China also expressed no objection about it at that time.

The administrative rights over the Nansei Shotō Islands including the Senkaku Islands reverted to Japan in accordance with the Agreement between Japan and the United States of America concerning the Ryūkyū Islands and the Daito Islands 大東諸島 signed on 17 June, 1971.

It was not until 1971, after 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 in the East China Sea in 1968, that the governments of China and Taiwan authorities officially began to make their own assertions about "territorial sovereignty" of the Senkaku Islands. Prior to this, no objections had been expressed by any country or region to Japan's sovereignty over the Senkaku Islands.⁵

Japan actually is a party to ongoing conflicts that, as Seokwoo Lee noted,

[...] arguably, could have been prevented by more diligent diplomacy fifty years ago.⁶

5 "Fact Sheet on the Senkaku Islands" (information provided by the Ministry of Foreign Affairs of Japan).

6 Lee 2002, 67.

If considered to be ‘islands’ as defined by the 1982 United Nations Convention on the Law of the Sea (“Law of the Sea Convention”), sovereignty over the Senkaku Islands could affect 20,750 square nautical miles of marine space, and the vast mineral resources in that area.⁷

Recent developments in the conflict, including causes and historical justifications of both Japan and China, are discussed in more detail in the contribution by Franziska Schultz.⁸ I will subsequently analyze historical entries and records of the Diaoyu Islands in traditional Chinese sources – including maps.

Travel Accounts

Extending the debate to a historical dimension, things get even more complicated. The earliest entries on the Diaoyu Islands, as far as we know, stem from the Ming period (1368–1644).

During the time of the Zheng He’s 鄭和 (1371–1433) expeditions, an enormous amount of information on sea routes and coastlines was collected, which was later compiled into route maps, star charts, and compass-needle manuals (*zhenjing* 針經) or rutters.⁹ One of these rutters, the *Shunfeng xiangsong* 順風相送 (*Fair Winds for Escort*; c. 1430), for example, which describes the sailing route from Fujian to the Ryūkyūs, includes a clear reference to the Diaoyu islands, here designated as Diaoyu yu 釣魚嶼.¹⁰ This is probably the first explicit reference that we possess.

More detailed information can be found in travel accounts of Chinese envoys sent to the Ryūkyū Islands to hold investiture ceremonies for the kings of the Ryūkyūs and in related sailing routes and maps. Historically speaking, mostly three of these islands, Diaoyu tai 釣魚台 (or Diaoyu yu 釣魚嶼), Huangwei yu 黃尾嶼, and Chiwei yu 赤尾嶼 – named Uotsuri-shima 魚釣島, Kuba-shima 久場島, and Taisho-jima 大正島 in Japanese – were mentioned together.

The Ming envoy Chen Kan’s 陳侃 (1489–1538) report, *Shi Lingqiu lu* 使琉球錄, can certainly be considered one of the first of these travel accounts

7 Lee 2002, 69–70, also 87–88.

8 The modern relationship between China’s nationalism and the question of legitimacy is for example discussed in Strecker Downs and Saunders 1998–1999.

9 The first printed rutter was apparently the *Dubai fangcheng* 渡海方程 by Wu Pu 吳朴, which was published in 1537. Cf. Tian Rukang 1982. It is also briefly discussed in Brook 1998.

10 Xiang Da 1961, 95f.

that mention the Diaoyu yu (fig. 1). Chen Kan was sent as an imperial envoy of China during the Jiajing period (1522–1566). He sailed from Fuzhou to Naha and left us a detailed description of his voyage. But also the Ming envoys Xiao Chongye 蕭崇業 (*jinsbi* 1571), Xia Ziyang 夏子陽 (*jinsbi* 1589), or Zhang Xueli 張學禮 (fl. 1664) provided us with route descriptions.

Generally speaking, Chinese missions to the Ryūkyūs passed the following islands and places: Taiwan – Pingjiashan 平嘉山 – Diaoyu Islands 釣魚嶼 – Huangmao Archipelago 黃毛嶼 – Chi Islands 赤嶼 – Gumishan 古米山 (Kome) – Sh(o)ubishan 熟壁山 (Shuri) – Yishan 移山 – the port of Naha (Naba Gang 那霸港) (according to Chen Kan):

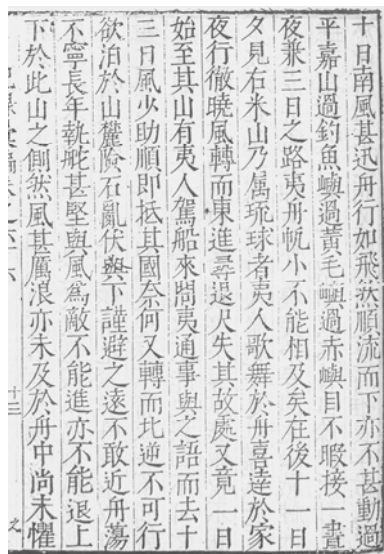


Fig. 1. Chen Kan's *Shi Lingyu lu* (1534), 13a (27)

Or, Dongshashan 東沙山 – Jilong Islands 雞籠嶼 – Huaping Islands 花瓶嶼 – Pingjiashan 平嘉山 – Diaoyu Islands 釣魚嶼 – Huangwei Islands 黃尾嶼 – Gumishan 古米山 (Kome) – Tunaqi 土那奇 – the port of Naha (Naba Gang 那霸港) (according to Xia Ziyang). Probably more or less the same route was taken by Ryūkyūan ships sailing to China. According to Chen Kan, his mission passed the Diaoyu Islands on the 10th day of the 5th month, according to Xia Ziyang their ships passed it on the 27th day of the 5th month.¹¹

11 Schreibweis 2005, esp. 51.

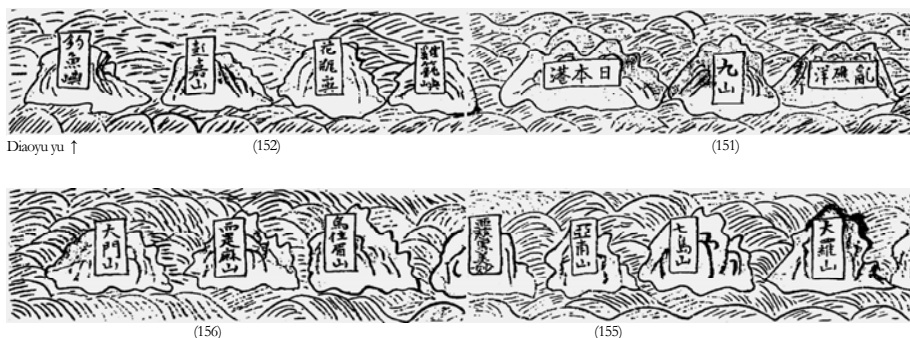


Fig. 2. Map illustrating the “Taicang wang Riben zhenlu” 太倉往日本針路, in *Riben tuzuan* (1561)

Zheng Ruozeng's 鄭若曾 (1505–1580) *Zheng Kaiyang zazhu* 鄭開陽雜著 (*Collective Geographical Writings of Zheng Kaiyang*) also provides the sailing route from Pengjia shan 彭佳山 to Diaoyu yu.¹² His *Riben tuzuan* 日本圖纂 introduces not only the geography of Japanese islands and coastal waters as well as preferences of Japanese merchants, envoys and pirates, but also the sailing route from Taicang 太倉 in Zhejiang to Japan, including a map, on which the compass directions for the Diaoyu yu are also provided (fig. 2).¹³

Similar information can also be obtained from Qing envoys. Zhou Huang 周煌 (1714–1785, *jinsbi* 進士 1737), for example, who together with Quan Kui 全魁 (*jinsbi* 1751, d. 1791) was the leading emissary of a mission to the Ryūkyūs in 1755, left us a topographical study of the islands called *Linqiu guozhi lie* 琉球國志略 (*Outline of Records on the Country of Linqiu*) that he presented to the throne in 1757.¹⁴ This study certainly constituted one of the most comprehensive reports on the island country. In his account Zhou Huang also describes the sea route to the Ryūkyūs and introduces the routes described by earlier envoys, such as Chen Kan¹⁵, Xiao Chongye¹⁶, Xia Ziyang¹⁷, or Zhang Xueli¹⁸.

12 *Zheng Kaiyang zazhu* 4.49b and 7.11a.

13 *Riben tuzuan*, 152.

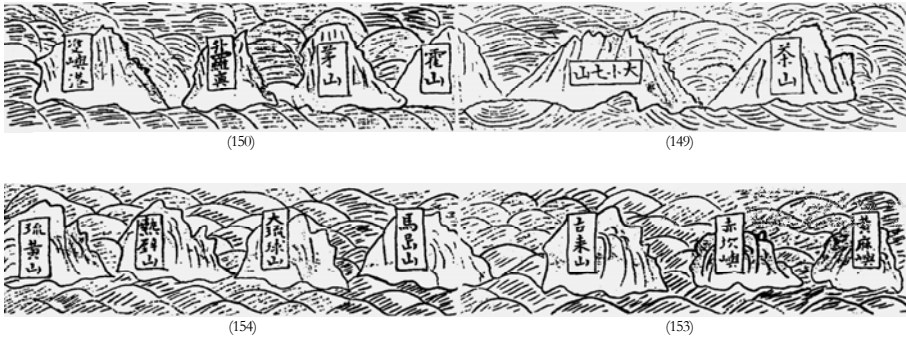
14 See Hummel 1943–1944, vol. 2, 841.

15 *Linqiu guozhi lie* 5.914 (Diaoyu tai).

16 *Linqiu guozhi lie* 5.916 (Diaoyu yu).

17 *Linqiu guozhi lie* 5.917 (Diaoyu tai).

18 *Linqiu guozhi lie* 5.917 (Diaoyu tai).



He then continues that on the fourth watch “one sees the Diaoyu tai, where one can observe big fish for several days, and there are also sea gulls (*yangwu* 洋鳥) flying around.”¹⁹ And Zhao Xin 趙新 (1806–1876, *jinsbi* 1852) in his *Xu Linqin guozhi lie* 續琉球國志略 (*Continuation of the Outline of Records on the Country of Linqin*) also notes that ships “passed the Diaoyu shan”.²⁰ Tong Yi 童怡 remarks that with reference to Zhou Huang’s work, ships from Pengjia shan 彭佳山 following “the *danmao* 單卯 compass direction, at the tenth night-watch reach the Diaoyu Islands (Diaoyu dao 釣魚島).”²¹ But actually Zhou Huang, too, speaks of either Diaoyu tai or shan, not of an “island”.

In 1800 Li Dingyuan 李鼎元 (*jinsbi* 1778) provided what is perhaps the most detailed observation, recorded in his *Shi Linqin ji* 使琉球記:

初九日（庚寅），晴。卯刻，見彭家山，山列三峰，東高而西下。計自開洋，行船十六更矣；由山北過船。辰刻，轉丁未風，用單乙鍼，行十更船。申正，見釣魚臺，三峰離立如筆架，皆石骨。惟時水天一色，舟平而駛；有白鳥無數繞船而送，不知所自來。入夜，星影橫斜，月色破碎，海面盡作火燄，浮沈出沒；木華「海賦」所謂「陰火潛然」者也。舟人廩祭黑水溝——按汪舟次「雜錄」：『過黑水溝，投生羊、豕以祭，且威以兵』。今開洋已三日，莫知溝所。琉球夥長云：伊等往來不知有黑溝，但望見釣魚臺，即酬神以祭海。隨令投生羊、豕，焚帛、奠酒以祭，無所用兵。連日見二號船在前，約去數十里。

At the beginning of the 9th day of the 5th month (1800, Jiaqing 5) [...] on a clear day in the morning between 5 and 7 o’clock, we saw Pengjia shan, a row of three mountain peaks, high in the East and flattening in the West. I calculated that since our ship had departed it was the sixteenth night-watch (*geng*). We passed north of the mountains and between 7 and 9 in the morning our ship turned towards the *dingwei* 丁未 winds; sailing for 10 night-watches fol-

19 *Linqin guozhi lie* 5.930.

20 *Xu Linqin guozhi lie* 2.253.

21 Tong Yi 2011, 114.

lowing the *danyi* 單乙 direction of the compass-needle, at 4 p.m., our ship saw the Diaoyu tai, three mountain peaks at a certain distance from each other, like a rack for pens (*bijia* 筆架) consisting completely of rocks; water and sky had the same unique colour and our boat proceeded smoothly. There were uncountable white birds surrounding and accompanying our ship; I have no idea where they came from. In the night, the shadow of the stars fell slanting and the moonlight broke into shivers, producing flames on the water surface, floating on or sinking into the water, like in Mu Hua's 木華 (fl. 290) *Haifu* 海賦,²² which says that the phosphorescence on the sea is burning hidden under the water (*yinhuo qianran* 陰火潛然). The people on the boat pray to the "Black Water Strait" (*heishui gou* 黑水溝). Following the boat of Wang [Ji] 汪楫 (1636–1699; 1683) [as recorded in his *Shi Linqiu* 瓚珠 使琉球雜錄 (*Miscellaneous Records on a Mission to the Ryūkyūs*), when they pass the "Black Water Strait", they throw living sheep and pigs [into the water] for sacrifice or, [should this not turn out to be successful], they threaten [the evil] with soldiers. Today it is already three days since we set sail, and we have not become aware of the Strait yet; as a Ryūkyūan chief officer of a ship once said: When we go or come, we do not become aware of the Black [Water] Straits, but [once] we see the Diaoyu tai, we thank the gods and pray to the sea. Subsequently, we order to throw living sheep and pigs [into the water], to burn silk and offer wine libations for sacrifice. But we do not use soldiers [as deterrent force]. When, after several days, we see the ship no. 2 [of the mission] ahead, we have passed several tens of *li*.²³

Wang Ji 汪楫 (1636–1699) was the second envoy of the Qing period sent to the Ryūkyūs in 1683, where he stayed for five months. He was requested to write inscriptions for the Palace and for many temples, including the temple of Confucius. Upon his return to China he wrote two monographs in which he recorded his experiences – the *Zhongshan yange* 瓚山沿革志 (*Record on the Successive Changes of Chūzan*), a work in two *juan* on the history and government of the islands, and the *Shi Linqiu* 瓚珠 使琉球雜錄 (*Miscellaneous Records on the Mission to the Ryūkyūs*), a work in four *juan* on customs he had observed. He, too, describes the sea route passing from Pengjia shan to Diaoyu yu.²⁴ Certainly more interesting, however, is his statement about the region around the Black Water Strait and the Diaoyu Islands:

問：郊之義何取？曰：中外之界也。

Question: What is the meaning of these outskirts (*jiao*)? Answer: It is the border between China and the outer world.²⁵

²² This verse describes the vastness, richness and beauty of the sea.

²³ *Shi Linqiu jü*, 14a (751).

²⁴ *Shi Linqiu* 瓚珠, 801.

²⁵ *Shi Linqiu* 瓚珠, 801.

This would suggest that in seventeenth century descriptions of these waters, the Diaoyu Islands were considered as being situated in the border region between Chinese and foreign civilization. But even if we interpret Wang Ji's statement in the sense that Diaoyu tai was still lying within what is designated as "Chinese" (*zhong*), this does not mean that it was, geographically speaking, perceived as a part of Chinese territory. Rather this entry also underlines the tricky question of Diaoyu's location.

In addition, there is little doubt that this maritime space was a dangerous one. In this context also the famous *Sea Travelogue Pihai jiyou* 裨海紀遊 (*Small Sea Travelogue*) by Yu Yonghe 郁永河 (fl. 1697) speaks about "Black Water Straits" as a space, which lured ships into trouble.²⁶

Historical Maps

Not only these travel accounts but also historical maps attest to the fact that the Chinese were aware of the Diaoyu island group. Various maps that show the sailing routes (*zhenlu* 針路) from Fuzhou to the Ryūkyūs also more or less clearly portray the Diaoyu tai/yu roughly in the middle of the sea route between Fuzhou and Naha, north-east of Fuzhou on the upper left edge of the map (fig. 3).



Fig. 3. "Zhenlu tu" (sea route map), in Pan Xiang's *Linqiu maoxue jianmen lu* (1764)

26 Keliher 2004, 23, 29-30.

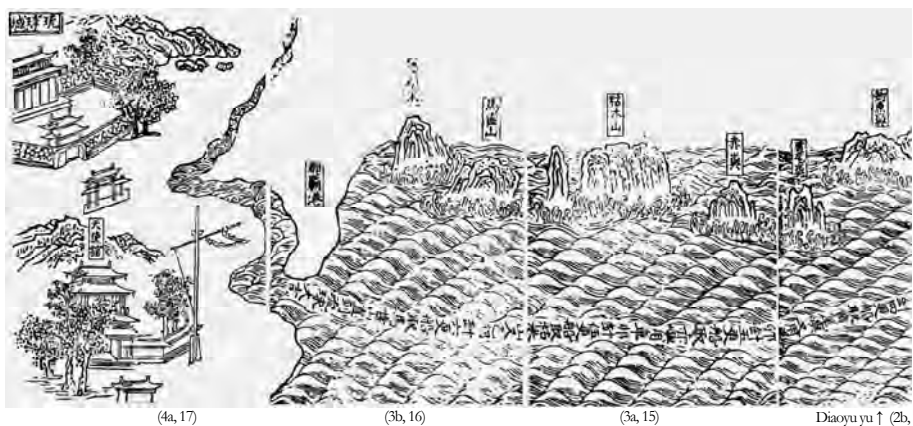


Fig. 4. “Liuqiu guohai tu”, in Xiao Chongye’s *Shi Lingqiu lu* (1579)

Perhaps the best illustration – best because they portray the islands very clearly –, the “Liuqiu guohai tu” 琉球國海圖 (fig. 4), stems from the *Shi Lingqiu lu* 使琉球錄 by Xiao Chongye 蕭崇業 (*jinsbi* 1571) and Xie Jie 謝杰 (*jinsbi* 1574) published 1579.²⁷

Works on coastal defence, too, included maps. A late Ming coastal map (or nautical chart) entitled “Haitu” 海圖, introduced by the four characters *hai bu yang bo* 海不揚波 (the sea does not throw up waves), and preserved in the National Palace Museum in Taipei, portrays the more than 8,500 *li* of the coastal strip from Qiongzhou 瓊州 off the Guangdong coast up to the



Fig. 5a. “Haitu”, fol. 8



Yalu 鴨綠江 River estuary in Liaoyang 遼陽. This map, drawn by a certain Feng Shi 馮時, places the Diaoyu shan in the outer section of China's coastal waters (fig. 5a, 5b).²⁸

27 *Shi Liuqin lu* (1579), 11-17. The illustration is accompanied by a text describing the sea route: [1a:] 梅花頭, [1b:] 正南風, 東沙山, 用單辰針, 六更船。又用辰巽針, 二更船, [2a:] 小琉球頭。乙卯針, 四更船, 彭佳山。單卯針, 十更 [2b:] 船, 取釣魚嶼。又用乙卯針, 四更船, 取黃尾嶼。又用單, [3a:] 卯針, 五更船, 取赤嶼。用單卯針, 五更船, 取古米 [3b:] 山。又乙卯針, 六更船, 取馬齒山, 直到琉球, 大吉。

28 Fol. 020865. The map is also reproduced in Feng and Lin 2008, 30-35.



↑ Diaoyu shan

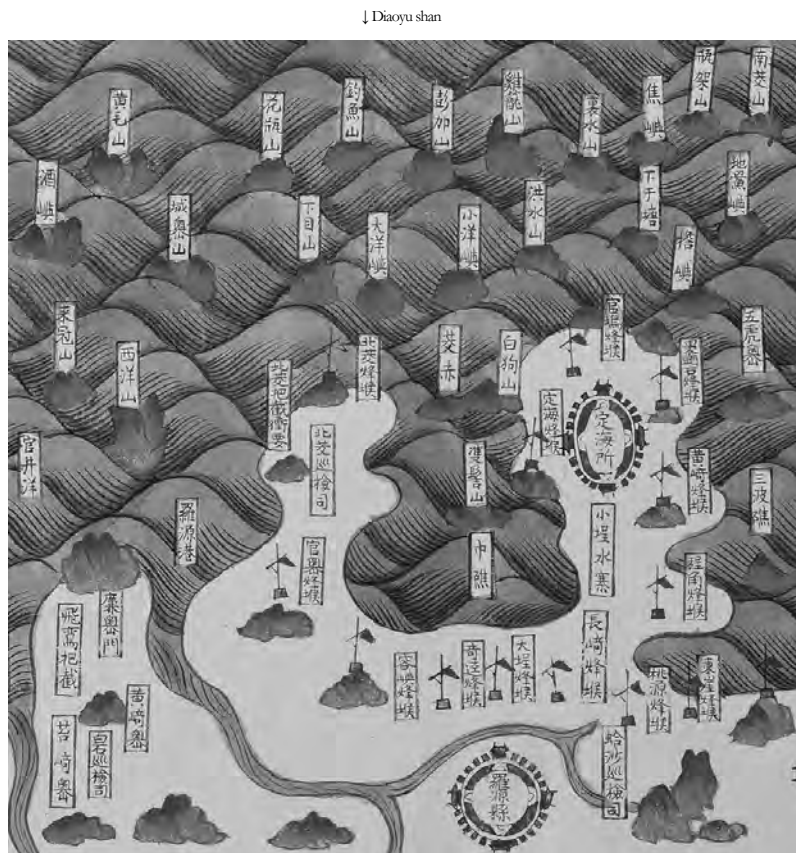


Fig. 5b. “Haitu”, detail depicting Diaoyu shan

Nautical charts primarily used for navigation used to apply a perspective where the land was drawn on the upper section of a page, with an orientation from the ocean looking towards the land. The famous *Zhenghe hanghai tu* 鄭和航海圖 would be an example of that. Coastal maps that were mostly drawn for defence purposes, on the other hand, depicting the Chinese coastline either in full or in sections, always used to represent the ocean on the upper section of the page, reflecting the orientation of the map-reader from the land looking towards the water.²⁹ Actual compass bearings are rarely applied. The *Haitu*, thus, probably belongs to this second category. Also ship routes depicted as lines (*chuanlu* 船路) are missing.

²⁹ Feng and Lin 2008, 18.

waters clearly shows the Diaoyu yu, located in the waters northeast of Dinghaisuo 定海所 (fig. 6).³⁰

In the *Chouhai tubian* the Diaoyu Islands were thus considered as outskirts of the Fujian coastal strip and constituted a part of China's coastal defence system during the later Ming dynasty.

During an inspection tour to Taiwan in 1722, the Imperial Censor Huang Shujing 黃叔璥 (1682–1758) wrote the *Taihai shicha lu* 臺海使槎錄 (*Record of Missions to Taiwan and Adjacent Waters*). In the chapter on “Military Defence” (*wubei* 武備) he states that

山後大洋，北有山名釣魚臺，可泊大船十餘。

Beyond the mountains [of Taiwan] lies the great ocean; in the north there are mountains called Diaoyu tai, more than ten big ships can anchor there.³¹

This statement was later integrated into new editions of the Local Gazetteer of Taiwan, such as Fan Cheng's 范成 *Chongxiu Taiwan fuzhi* 重修臺灣府志 from 1747 or Yu Wenyi's 余文儀 (1687–c. 1782) *Xuxiu Taiwan fuzhi* 續修臺灣府志 from 1764. Chen Shouqi 陳壽祺 (1771–1834) later included the Diaoyu Islands into his *Chongxiu Fujian tongzhi* 重纂福建通志 from 1871 under the entry “important strategic locations of coastal defence” (*haifang gexian chongyao* 海防各縣衝要).³²

Based on these entries, the Taiwanese government is rather convinced that by the time of the Qing dynasty at the latest, the island group became part of China's territory, namely under the administration of Taiwan district.³³

But what about the perceived vicinity of Diaoyu shan to the Ryūkyū Islands? As fate willed, the Japanese fiefdom of Satsuma 薩摩 subjugated the Ryūkyū Islands. It is beyond doubt that Ryūkyū's tribute relations with China were, economically speaking, profitable for the island country, and its special relationship with China definitely constituted a good reason for Satsuma to profit from this relationship by invading the country but leaving it *de jure* independent, leaving the special Sino-Ryūkyūan relations untouched. Missions, thus, continued to sail along the long known routes. After this invasion Ryūkyūan tribute ships to China were, as a rule, prepared by

30 *Chouhai tubian* 1.39.

31 *Taihai shicha lu* 2.34.

32 See “Diaoyu tai jianjie”, a webpage with information provided by the Taiwanese government.

33 Ibid.

Satsuma, and tribute items were almost all bought with money loaned from Satsuma. This money was later to be compensated with goods from China.

清光緒 5 年（公元 1879 年）日本廢琉球藩為沖繩縣前夕，琉球紫金大夫向德宏在覆日本外務卿寺島函中，確認琉球為 36 島，而久米島與福州之間「相綿互」的島嶼為中國所有；光緒 6 年（公元 1880 年）日本駐華公使向清朝總理衙門提出之「兩分琉球」擬案中，證明中、琉之間並無「無主地」存在。

After Japan annexed the former Ryūkyū Kingdom and renamed it Okinawa Prefecture in 1879, the Ryūkyūan official and diplomat (*Liuqiu zijin dafu* 琉球紫金大夫) Shō Tōkō (Ch. Xiang Dehong) 向德宏 (1843–1891) is said to have confirmed in a letter to the Japanese Foreign Ministry that the Ryūkyūan archipelago consists of 36 islands and “all the islets between Kome Island and Fuzhou belong to Chinese territory”. In 1880, in an effort to reach a diplomatic settlement over Ryūkyū sovereignty, Japan presented to China a proposal to divide the Ryūkyū Islands between the two nations in order to formalize national boundaries. While China rejected the proposal, the draft treaty confirms that no *terra nullius* (*wu zhudi* 無主地) existed between China and Ryūkyū.³⁴

This would suggest that at least from the Ryūkyūan point of view the complete maritime realm between Ryūkyū and the Fujianese coast, which had been sailed by tribute missions and envoys for centuries, was considered Chinese territory. But even such statements cannot prove, not to speak of legally attest to, the fact that the islands are or ever were an integral part of either China or Taiwan or Japan.

After the Sino-Japanese War

In face of the later developments after the Sino-Japanese War in 1894/95, it should perhaps be mentioned that when in the 1870s Li Hongzhang 李鴻章 (1823–1901) negotiated with the Japanese over the special Chinese rights on the Ryūkyūs and the subsequent international status of the island country, the Qing were not able to present a convincing argument for their claims, for the Ryūkyū's status as a “tribute country” of China.³⁵ But still in 1871, China declined to assume responsibility in face of Japan for the murder of some Ryūkyūan shipwrecked people by Taiwanese aborigines, with the argument that the issue was a “purely Chinese” one, consequently had

34 Ibid.

35 Spence 1990, 219.

nothing to do with Japan but was an internal Sino-Ryūkyūan affair. The renowned official Shen Baozhen 沈葆楨 (1820–1879) went to the island and punished the aborigines. Later, more Chinese soldiers were shipped to the Ryūkyūs and secret preparations for war were made. After long negotiations an agreement was reached in 1874 as a consequence of which China paid Japan an indemnity of half a million taels.³⁶

In 1893, the Chinese Empress Dowager Cixi 慈禧 (1835–1908) is said to have issued a decree awarding the Diaoyu, Huangwei and Chiyu Islands (釣魚台、黃尾嶼、赤嶼三島) to one of Li Hongzhang's subordinates, the great industrialist and director of China's Telecommunication Office (*you shangshu* 郵尚書), Sheng Xuanhuai 盛宣懷 (1844–1916), for the purpose of collecting materials for Chinese herbal medicine.³⁷ Most scholars, however, agree that this is a faked document.³⁸

With China's defeat against Japan as a result of the Sino-Japanese War 1894/95, the subsequent Treaty of Shimonoseki decided that

China cedes to Japan in perpetuity and full sovereignty the following territories: [...]. (b) The island of Formosa, together with all islands pertaining or belonging to the said island of Formosa [...].

In the meantime, following a January 14 1895 Japanese Cabinet Decision to erect a marker on the Senkaku Islands, the islands were formally incorporated into Yaeyama 八重山 County, Okinawa Prefecture. Since 1896, they have been a part of Ishigaki 石垣 City.

But based upon the 1943 Cairo Declaration and the 1945 Potsdam Proclamation, Taiwan was returned to China after World War II. In the San Francisco Peace Treaty, which regulated territorial claims and rights after the defeat of Japan, the Senkaku Islands were placed under US administration. Article 2(b) of the treaty, which was signed by neither China nor Taiwan, states that

Japan renounces all rights, title and claim to Formosa and the Pescadores.³⁹

36 Hummel 1943–1944, vol. 1, 466, and vol. 2, 644.

37 See Urano Tatsuo 2005, 83–86, 253, 269, and the web-texts “Zhongguo lingtu Diaoyu tai”; “The Sino-Japanese Diaoyu Islands Dispute”. See also the information provided in the contribution by Franziska Schultz.

38 See for example the web-texts “Cixi ‘Diaoyu dao’ shengyu: yige huangmiu de pianju”; or Song Luxia, “Jiemi: Sheng Xuanhuai houren wei he cheng Diaoyu dao shi Sheng jia ren de?”.

39 “Treaty of Peace with Japan: Signed at San Francisco” (08.09.1951), *supra* note 12, art. 2(b), 3 U.S.T. 3172, 136 U.N.T.S. 49.

Article 3 of the Peace Treaty, which is referred to also by the Japanese Ministry of Foreign Affairs above, says that

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 deg. 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.⁴⁰

The so-called “Nanto Shoto Islands” [Nantō Shotō] were here obviously understood by both the United States and Japan to include the Senkaku Islands. The U.S. Civil Administration Proclamation No. 27 of December 25 1953, further defined the territorial jurisdiction of the U.S. Civil Administration of the Ryūkyū Islands and the Government of the Ryūkyū Islands as “those islands, islets, atolls and reefs as well as their territorial waters” within specific geographic coordinates that included the Senkaku Islands.⁴¹

The status of the islands subsequently received little attention from any of the surrounding states. This only changed when in the late 1960s speculations about possible large petroleum deposits in the region became public. With the end of the US American occupation of Okinawa, “The Agreement Concerning the Ryūkyū Islands and Daito Islands” was signed by the United States and Japan on June 17, 1971, and it included the Senkaku Islands as part of Okinawa.⁴² Both the PR China and Taiwan since then have challenged the legitimacy of this kind of transfer of the islands to Japan.

In 1997, China and Japan took a first step to try to solve the dispute by signing a provisional fisheries agreement. Against a protest note from Taiwan, China and Japan agreed that the formal delimitation of the exclusive economic zone would be deferred, joint management of the area between 300 40' North and 27' North and beyond 52 nautical miles from the coasts of Japan and China would be provided, and traditional fishing

40 “Treaty of Peace with Japan: Signed at San Francisco” (08.09.1951), *supra* note 12, art. 3, 3 U.S.T. 3172, 136 U.N.T.S. 51.

41 For details on these, Proclamation No. 27 (25.12.1953), and on the “Geographical Boundary of the Ryukyu Islands”, see Lee 2002, 90.

42 “Agreement with Japan Concerning the Ryukyu Islands and the Daito Islands” (17.06.1971), U.S.-Japan, 23 T.I.A.S. 475, see Lee 2002, 91.

activities would be continued in the vicinity of the disputed islands, with joint setting of fishing quotas for that area.⁴³ Since 2010, the disputes have resurged and have reached an unforeseen climax within the last months. What kind of incidents occurred and in which ways both China and Japan try to justify their claims by referring to history and historical documents, this is analyzed in the contribution by Franziska Schultz.

Conclusion

It is a fact that the Diaoyu Islands have been known to Chinese sailors and diplomats since the fifteenth century at the latest. Various Ming texts and maps attest to the awareness of the small rocky mountain peaks in the East Asian waters. They were certainly also known to fishermen and pirates – probably already much earlier. But it is also a fact that these islands were never officially integrated into Chinese territory. Undoubtedly, too, they were considered and constituted a part of Ming and Qing China's coastal water defence system – even though a remote one, located “on the border between China and the outer world”, as Wang Ji had put it. But all these historical views, descriptions and records are simultaneously no proof that the islands have ever constituted an integral part of China, nor of course of any other country. Historically speaking this had never been a problem to either China or other East Asian neighbouring countries.

The heated debate that has recently emerged has various reasons and only attests to the complex relationship between legitimacy, nationalism and economic interests. Governments like to cite history to substantiate political claims, but if the latter are justified or not is yet another question. Also in terms of international law, the situation remains difficult and sensitive. The fact that for both China, Japan and Taiwan the sovereignty over the island group has not only concrete economic or political advantages but a symbolic value does not simplify things.

The actuality and controversy of the topic can also be derived from Murata Tadayoshi's 村田忠禧 brand new book *Nitchū ryōdo mondai no kigen: kōbunsho ga kataru futsugō na shinjitsu* 日中領土問題の起源: 公文書が語る不都合な真実. Murata, a renowned professor from Yokohama kokuritsu daigaku 横浜国立大学, introduces for example also new historical diplo-

43 “Agreement on Fisheries”, (Nov. 11, 1997), 122; Pratt 1999, 102f, supra note 10.

matic documents from Japanese archives, especially from the late nineteenth century, and comes to an interesting conclusion: the documents prove that claims of the Japanese government that these islands historically already belonged to Japanese sovereignty are difficult to accept and hardly withstand a thorough examination.⁴⁴

A quick solution is, thus, not to be expected. What exactly is going to happen will finally be very much related to international power constellations and, this should not be underestimated, primarily the interests of the USA in the macro region.

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