

Research on the Senkaku Islands: Background and Beginnings

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1. Introduction

TAKAI SUSUMU Today I'd like to ask your views on the research being done on the Senkaku Islands. I look forward to hearing what you have to say. Firstly, let me note that you were one of the first academics to take a scholarly interest in the question of ownership of these islands, making them a topic of your research well before their very existence became popular knowledge. What sort of background was there to your decision to focus on the Senkakus?

OKUHARA TOSHIO It was the issue of Okinawa's reversion to Japanese control that first got me involved in research on the Senkaku Islands. At the time, I was like most academics of the day in that I had almost no knowledge of these islands—and indeed, I wasn't particularly interested in them personally. But my deep ties with the field of Senkaku studies were sparked by a chance encounter I had in the course of dealing with the problem of Okinawa's reversion.

2. The Method for Okinawa's Reversion

TAKAI The reversion of Okinawa took place on May 15, 1972, when America returned control over the islands to Japan on the basis of what was termed *kaku-nuki hondo-nami*, or “free from nuclear weapons and administered in the same way as mainland Japan.”

OKUHARA As you know, Okinawa at that time was officially under American control, and the United States Civil Administration of the Ryukyu Islands handled the government of the islands. By around 1967 to 1968, when the average Japanese income level had risen considerably, the US view was that residents of Okinawa would show growing discontent if their standard of living did not improve to the same level as that on the main Japanese islands. The United States was at that time spending massive amounts of money on the Vietnam War, though, and was fiscally unable to implement a policy to improve Okinawan incomes. This produced a growing mood on the American side that the islands should be returned to Japan so that the Japanese could take over the task of improving the standard of living there.

TAKAI My recollection is that the question of the islands’ reversion revolved around the issue of the US military bases there.

OKUHARA From a military perspective, the US Army and Air Force did not actually want to return the territory to Japanese administration. If the reversion did take place, they would have preferred to make it a partial reversion, with only control over the education system, for instance, given to the Japanese authorities, and the Americans retaining the use of their bases there. This desire for a reversion friendly to US interests was commonly held on the American side at that time. In that era Japan was home to strongly antinuclear sentiment, and some US policymakers were even considering placing Okinawa under United Nations trusteeship in line with Article 3 of the 1952 Treaty of Peace

with Japan as a means of maintaining nuclear-armed bases there.¹

TAKAI If the United States had proposed this, Okinawa would have become a UN trust territory—and, like the other territories under UN trusteeship, which eventually gained their independence, it could have ended up taking the path of independence itself.

OKUHARA One of the key players in the area of crafting US strategy in the Far East at that time was Michael Mansfield, the Democratic senator. He thought that while the bases on Okinawa were important, so was the task of elevating the Okinawan residents' standard of living to a par with that on the main Japanese islands—but he believed that this task was beyond the financial capabilities of the United States. Views like this were indicative of the no-holds-barred debate taking place in the United States at the time over the way to revert Okinawa to Japanese rule.

TAKAI Of course, the Americans couldn't come out and say that they had no money, so they wanted Japan to pay instead.

OKUHARA No, America couldn't say this. Claiming inability to pay and having Japan's national government bring needed funds to Okinawa in the form of local allocation tax monies would bring about a change in administrative status. I believe the US side was looking for a way to prompt the Japanese to bring up the possibility of reversion themselves. Within Japan, too, in those years there was wide-ranging debate on the ideal form of Okinawan reversion among both people who considered America's security needs and those who

¹ Article 3 of the treaty reads: "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 degrees north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters."

did not. I was by no means anti-American in my outlook, but I was penning articles for the major monthly magazines that were quite critical of the US approach to Okinawa's reversion. I understand that the Americans made a point of translating and reading all commentary critical of their position.

TAKAI So the American position was one of not wanting to spend the money but also not wanting to return Okinawa to Japan.

OKUHARA Even the left-leaning residents of Okinawa at that time were stressing the need to return to the motherland, which is something the United States was taking into consideration. I believe that the US government was indeed giving thought to the need to raise Okinawan standards of living, whether or not it was going to return the islands to Japanese control at some point. The leftist newspapers and magazines of the day were overflowing with articles on the debate over Okinawan reversion. I, too, was contributing articles on this theme to the monthlies, but I wasn't entertaining the thought that the reversion would take place right away.

3. On-Site Surveys of the Islands

TAKAI What were the views of the Okinawans themselves on the reversion of their islands?

OKUHARA As the United States couldn't offer the residents any substantial benefits, it appeared to be waiting for the Japanese government to bring up the topic of subsidies. By around 1967 or 1968, though, the American view was that letting Okinawa go was the only remaining option. With respect to nuclear weapons, there was a range of discussion. For instance, since there seemed to be little chance of a reversion that allowed the Americans to keep nuclear arms on the islands, the idea was floated of removing them from Okinawan bases officially but retaining the ability to bring them back in times of crisis. Although

neither country brought it to the fore, both Japan and the United States were worried that their talks over Okinawa's reversion would touch off an intense confrontation between them. A group led by the educator [later the first governor of Okinawa] Yara Chobyō was even considering a fierce battle to take Okinawa back and rid it of American bases.

TAKAI There were plenty of Japanese scholars with a strong interest in the reversion of Okinawa, too.

OKUHARA Yes, there were some Japanese academics who were passionate about it. In around February 1968, when the United States was beginning to consider returning Okinawa to Japanese administration, a group of academics including Ichimata Masao—a professor of mine when I was a graduate student at Waseda University—launched an interdisciplinary study group to organize their thinking on the issues ahead of the territory's reversion. There was a need for such a group to consider the specific problems that could arise once Okinawa was made a full-fledged part of Japan once again—for instance, whether the teachers and lawyers there would lose their jobs if they were required to take the same certification exams as candidates in the rest of the country. This group was more than just international law experts. Its main members also included specialists in constitutional issues, private international law, administrative law, and diplomatic history. I was still young, so I took part in the proceedings as an assistant to Professor Ichimata, rather than as a full member of the group.

TAKAI What sort of activities did this group pursue?

OKUHARA When the study group started up, there was a need to get its members up to speed on the actual conditions in Okinawa, so first of all we arranged an observation tour. The government provided some support for the cost of the journey there—which was far from cheap at that time—but I was still

unable to go along, being just an assistant to one of the group's actual members. Professor Ichimata took pity on me, though, and he arranged to get me there as well. I traveled to Okinawa by sea and took an airplane back. The ship I took to Okinawa had smooth sailing from Tokyo Bay down through the Pacific to the seas south of Shikoku. But once we rounded Yakushima Island, south of Kyushu, and headed into the East China Sea, we ran into fierce wind and rain, and it felt like we were in danger of capsizing. At last, we made port in Okinawa at around five in the morning one day.

TAKAI It sounds like a terrifying voyage.

OKUHARA Professor Ichimata was worried about me, and he met me at Tomari Port in Naha. After we stopped by the hotel where I would be staying, he had an appointment to meet with Matsuoka Seiho, the chief executive of the Ryukyu government, and I accompanied him. As the appointment with Matsuoka had been made for the professor alone, I spent my time in a waiting room. Left to my own devices, I thumbed through the photo spreads in the magazines lying around there. It was then that I found myself idly looking at photos of masses of bright yellow tents.

4. A Shipwreck and a Visit to Ishigakijima Island

TAKAI And these photos were what triggered your research interest in the Senkaku Islands.

OKUHARA The photo essay depicted Taiwanese workers dismantling a Panamanian vessel that had run onto the rocks about a hundred meters off the shore of Minamikojima Island, in the Senkakus. As I flipped through the magazine's pages I saw these photos of forty or fifty workers salvaging materials from the wreck. The photographer seems to have originally been attracted to the subject matter for its pictorial quality, but in the course of his

follow-up research, he asked a representative of the Ryukyu government whether there had been any Okinawan workers at the site in addition to the Taiwanese. The answer was that there had been none there. My thought when I saw this was that the Taiwanese laborers needed to get a permit from the Okinawan civil administration to dismantle that vessel on Minamikojima Island, and if they had not done so, the administration should have issued a warning.

TAKAI What else did you experience on Okinawa then?

OKUHARA Around then, the US government indicated that it wanted to move the B-52 bombers that were stationed on Guam to Okinawa. The study group's members were in Okinawa on their observation tour just then, and they saw the B-52s that had been evacuated to Kadena Air Base to avoid a strong storm that was lashing Guam. I remember the vigorous demonstrations that residents near the base were holding in opposition to those planes' presence.

TAKAI I understand you also traveled to Ishigakijima Island.

OKUHARA For a young man like me, this Okinawan tour was more like sightseeing than work, actually. [*Laughs*] Since I'd made it as far as the main island of Okinawa, I decided that I would go on to Ishigakijima Island to see the coral reefs of the Yaeyama Islands. Before leaving Tokyo I had spoken of my upcoming Okinawa trip with a friend who worked in a Diet member's office. Thanks to a letter from the Diet member to the local authorities, when I arrived at Ishigaki Airport, I was greeted by all the key people on the island—the mayor of the city of Ishigaki, the chief of police, the fire chief—and I had a car waiting to take me to my destination. I suppose the locals had expected one of the more eminent scholars from the study group. When I stepped out of the plane, there was considerable astonishment. But I do recall thinking that the welcoming committee seemed a bit more at ease once they found out it was just me.

TAKAI What did you do on Ishigakijima Island?

OKUHARA Well, I had a letter of introduction from the Diet member that stated I would listen to any appeals the locals might have, so I heard all sorts of them. The police officers told me they were running low on ammunition. The firefighters were unhappy that their fire trucks could only battle flames up to the fifth floor of tall buildings. This was a big misunderstanding, really: the Ishigaki city personnel believed that I was there to take their petitions on budgetary matters. At any rate, after I had heard a number of these petitions, I went on my scheduled tour of the sugar refinery on the island. My strongest memory of this visit was the terrible stench that accompanied the process of refining sugar.

TAKAI Japan's official address system places the Senkaku Islands in the Tonosiro district of the city of Ishigaki. When you were there, did the islands come up at all?

OKUHARA I believed the Okinawan civil administration to be in charge of Senkaku issues, so I didn't bring the islands up while I was there. But when I spoke with officials at the Japanese government's office in Naha, I was surprised to learn that they had only a dim grasp of the names of Uotsuri Island and the other islands in the Senkakus. Koga Tatsushiro, who developed Uotsuri Island during the Meiji era [1868–1912], had been a sort of wheeler-and-dealer with money to his name. But while he had been building his bonito-processing plant and setting up his guano-export operations, most of the islanders on Ishigakijima Island were content to live off of the bountiful fishing they enjoyed in nearby waters. They had absolutely no desire to go off to the Senkakus and start new businesses. So it's not surprising that these islands fell outside their sphere of interest in general.

5. Starting Research on the Senkakus

TAKAI Tell me a little more about this shipwreck dismantling operation.

OKUHARA As I said, I happened to see this photo feature in a magazine while I sat in the waiting room at the Ryukyu government chief executive's office. From this I learned that Taiwanese workers had gone ashore on Minamikojima Island in the Senkaku Islands to take apart a wrecked vessel. But something bothered me about the situation. When I looked into it later, I learned that Japan had incorporated these islands into its territory based upon the principle of occupation. When I looked for immigration records for the Taiwanese laborers, I found that the Ryukyu government authorities in charge of entries and exits to the territory had a record of the incident.² This document detailed the questioning of the Taiwanese workers who had landed on Minamikojima Island in 1968. They had been on the island illegally, but they had absolutely no recognition that they were breaking the law, as was clear from the group photos they took to commemorate their stay. There were, however, three employees of Xingnan Engineering, a Taiwanese salvage firm, who knew of the need to obtain an entry permit.

TAKAI These statements are valuable documentation proving that the Taiwanese knew the Senkakus were Japanese territory, then.

OKUHARA The people in the Ryukyu immigration office were quite generous, letting me make complete copies of the questioning forms they had on file. These really were precious resources—they marked the beginning of my

² "Senkaku Retto ni okeru fuho nyuiki Taiwanjin no chosa (hohoku)" (Report of the Investigation of the Taiwanese Illegal Entrants in the Senkaku Islands), report no. 289 of the Ryukyu Government Immigration Bureau's Yaeyama office, August 15, 1968. A total of 45 workers took part in the dismantling of the *Silver Peak*, a 10,000-ton vessel that wrecked off of the islands. See also Okuhara Toshio, "Senkaku Retto no ryoyuken mondai" (Sovereignty issues in the Senkaku Islands), *Okinawa* no. 56 (March 1971), pp. 85–89.

research on the Senkaku Islands. To this day I'm amazed and grateful that they let me use these files for my work. At the office, I asked when the Senkaku Islands had been made a part of the Yaeyama Islands, I was told that imperial decree 13 of 1896 had been the legislation in question. When I looked into the matter later, though, I found this to be mistaken. This decree merely set forth the composition of the counties included in Okinawa Prefecture and was not directly connected with the Senkakus specifically.³ Cabinet decisions at the time were treated as secret affairs and did not get announced publicly, so it's unsurprising that Koga Tatsushiro misunderstood decree 13 as placing the Senkakus within Yaeyama County.

TAKAI What was the next impetus driving you to plunge still deeper into your Senkaku research?

OKUHARA I got serious about the issue of Senkaku ownership after ECAFE, [the United Nations Economic Commission for Asia and the Far East] released a report in Bangkok in 1969. Based on a survey in the previous year, this report indicated the discovery of a potentially resource-rich anticline in the East China Sea. The report did not go beyond stating the possibility that oil deposits beneath the sea floor could rival those in the Persian Gulf, but it was enough to prompt the Taiwanese government to approve an application from Gulf Oil to explore the area. Japan went to the Americans with a strong protest against this approval, and the US authorities pressed Gulf to withdraw its application as one that could lead to international strife.

TAKAI The question of oil development is inseparable from territorial issues here.

³ Imperial decree 13, promulgated on March 5, 1896, was titled "The Imperial Decrees on the Composition of the Counties of Okinawa Prefecture"; it defined five counties (Shimajiri, Nakagami, Kunigami, Miyako, and Yaeyama) in addition to the areas covered by the district of Shuri (later part of the urban center of Naha on the main island of Okinawa).

OKUHARA At that time, specialists believed the area near Uotsuri Island was particularly promising. Any company exploring and developing the petroleum resources there would likely want to store equipment on the island and to evacuate personnel there when a typhoon approached. Given this, it's easy to see how the question of sovereignty over the island would grow in importance. And of course, the fact that these potentially massive oil deposits lie under the seas near the Senkaku Islands makes it natural for countries seeking control over the islands to claim those seas as their territory, too.

At first, Taiwan did not state that the islands belonged to it. After the Sino-Japanese War of 1894–95, there was no list of islands included as part of Taiwan when Qing China ceded that territory to Japan. So when the potential marine resources came to the fore, there was a swell of layman's thinking that the Senkakus should be added to the list of Taiwanese islands.

6. The Senkaku Argument and the Challenge of Collecting Research Materials

TAKAI How did the Japanese government respond to these developments?

OKUHARA I was never asked by the government to write that the Senkakus belonged to Japan, but I get the sense that the government was thankful to me for taking up this issue in my research. Other academics specializing in international law believed that there was no problem from the international legal perspective concerning ownership of the islands. Indeed, they claimed only that since Japan had effective control over them, there was nothing to worry about. I was born in China, though, and I understand the Chinese way of thinking. You've got to press your case relentlessly until the other side can't say a single word in response if you want a Chinese debate opponent to back down. For this reason, you need to know your opponent well. If you remain silent, then you're going to be caught flat-footed. You need to keep presenting your

side of the argument.

TAKAI This is indeed a Chinese trait. Did the Japanese government support your work in any way?

OKUHARA The quasigovernmental Nanpo Doho Engokai [Assistance Association for Okinawa and Ogasawara Islands] and the Ministry of Foreign Affairs had been unaware that any researchers were working in the area of Senkaku sovereignty, so they were surprised to learn of me. The NDE established a study group and arranged for me to publish research papers under my own name.⁴ This was because of the need to build up an unassailable body of evidence on Japanese ownership of the Senkakus from the perspective of international law.

I had not found any helpful materials in Okinawa at that time, but both the NDE and the Foreign Ministry were most cooperative in gathering the references I needed. For instance, they told me that there were likely to be considerable resources amassed by the Government-General of Taiwan, which had run the island during Japanese rule; foreign exchange students were sent to gather these resources and translate them for me ahead of time. The process became considerably easier once we learned that there were useful resources in the National Archives of Japan. I was very fortunate to have people who could translate materials from the Chinese side for me right away. Being able to read essays in Chinese-language magazines as soon as they were published was very important when it came to rebutting those Chinese arguments.

I must say I found this sovereignty debate enjoyable in a way. I

⁴ These numerous papers included “Senkaku Retto: Rekishi to seiji no aida” (The Senkaku Islands: Between History and Politics), in *Nihon oyobi Nihonjin* (Japan and the Japanese), January 1970; “Mindai oyobi Shindai ni okeru Senkaku Retto no hoteki chii” (The Legal Status of the Senkaku Islands in the Ming and Qing Dynasties), in *Kikan Okinawa* (Okinawa Quarterly) 63 (December 1972), Nanpo Doho Engokai; and “Senkaku Retto ryoyuken no konkyo” (The Basis for Ownership of the Senkaku Islands), in *Chuo Koron*, July 1978.

contributed my series of articles on ownership of the Senkakus to *Sunday Okinawa* out of a desire to let as many people as possible know about the issues.

TAKAI I get the sense that you were fighting a lonely battle in this Sino-Japanese debate over ownership of the islands.

OKUHARA At the time, the Foreign Ministry was working on reestablishing formal ties with Beijing. Japan's diplomats wanted to avoid making statements—no matter how justified—that could throw up obstacles to this process. Both Japan and China showed great wisdom in this, which I think was only natural. Japan's international law specialists in that era all took a very gentlemanly approach, choosing not to respond to Chinese claims of ownership with arguments of their own. Indeed, the trend was away from doing anything that would negatively impact the field as a whole. There were even some who stated that people who stooped to studying the Senkaku issue were no scholars. There's no doubt in my mind that one reason I was suited to this field of research was my personality, which had been shaped by the formative years I spent in China.

7. Oil Development and the Senkakus

TAKAI What are your thoughts on the oil reserves said to exist near the Senkaku Islands?

OKUHARA Even if oil is found there, it lies deep in the sea bed under 200 meters of water. It will be a tall challenge to extract it and deliver it to the surface. A tanker ship can't carry a meaningful amount of oil, which means a undersea pipeline will need to be laid. Unlike China, Japan would need to build its pipeline in very deep waters, giving rise to all sorts of problems.

Norway, for example, due to the shape of the continental shelf in the North Sea, can't pump the bulk of the oil from its wells directly to its shores.

Instead it takes the oil via pipelines to Scotland. My understanding is that the Norwegians then purchase Libyan oil with the money made by selling its oil in Scotland. Pipeline transport always comes with difficult problems to sort out.

TAKAI Oil spills also have the potential for serious impacts.

OKUHARA The seas around the Senkaku Islands have swift currents and are frequently visited by typhoons. If an oil spill were to take place, it could result in serious contamination of the marine environment. The seas nearest to the islands feature particularly harsh conditions, so a pipeline rupture or tanker accident there would cause catastrophic damage. The cost of cleaning up such contamination could easily go higher than the amount we could earn by developing the resources in the first place.

TAKAI Is oil really certain to be found?

OKUHARA The only way to tell for sure is to drill the sea floor. The 1968 ECAFE survey of the East China Sea was a simple geophysical investigation using only sonar, though—it wasn't meant to be a direct confirmation of the presence of oil reserves through drilling. So there actually isn't much point to connecting the results of this survey with debates over the undersea oil reserves in the East China Sea.

8. The Future of the Islands

TAKAI To wrap things up, let me ask for your thoughts on how the Senkaku Islands sovereignty issue will play out.

OKUHARA I believe that a solution to the friction between Japan and China over the Senkakus depends entirely on the Chinese political situation. I'm sure there are some in China who feel the same way about the islands that the

Japanese do, but are unable to voice their opinions due to that nation's military outlook. The leaders in Beijing present themselves outwardly as civilian, not military, but the truth of the matter is that they lead the armed forces and are expected to protect the interests of those armed forces. So the future of the Senkakus is not an easy one to paint.

TAKAI Thank you very much for sharing your valuable insight with us.

(Edited by Takai Susumu.)

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OKUHARA Toshio

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and “Mindai oyobi Shindai ni okeru Senkaku Retto no hoteki chii” (The Legal Status of the Senkaku Islands in the Ming and Qing Dynasties), in *Kikan Okinawa* 63 (1972). In 1972 he won the first award presented by the Yoshida Shigeru Memorial Foundation for academic endeavor for his research on Senkaku Islands sovereignty issues.

TAKAI Susumu

Guest professor, Shobi University Graduate School. Born in Okayama Prefecture in 1943. Earned his doctorate in law from Aoyama Gakuin University in 1974 and joined the Defense Agency (now Ministry of Defense) as an instructor of international law at the National Institute for Defense Studies. Served as a research fellow, chief of the research section, and director of the library before arriving at his present positions, which also include president of the Japan Society of Defense Law, special research fellow at the Ocean Policy Research Foundation, and lecturer at the Nishogakusha University Graduate School. His research focuses on legal aspects of defense studies. Among his works are *Kokuren anzen hosho ho josetsu* (An Introduction to United Nations Security Law) (Naigai Shuppan, 2005) and *Kokuren to anzen hosho no kokusaiho* (International Law Relating to the United Nations and Security) (Naigai Shuppan, 2009). He has also published numerous papers on UN legal issues, international maritime law, and international aerospace law.