

The Senkaku Islands and Japan's Territorial Rights (Part 2)

Ozaki Shigeyoshi

This paper will be presented in multiple installments.

Part 1

1. Introduction: Legal Theory of Occupation in International Law
2. Japan's Possession of the Senkakus by Title of Occupation: Actions in and After 1895

Part 2

3. China's and Taiwan's Claim of a Historical Right to the Senkakus: Developments Since 1971

A. Were the Senkakus Part of China During the Ming Dynasty?

Part 3

B. Did the Senkakus Become Chinese Territory During the Qing Dynasty?

(Continued from Part 1.)

3. China's and Taiwan's Claim of a Historical Right to the Senkakus: Developments Since 1971

Over the 76 years from that time until 1971, China and Taiwan accepted the fact that the Senkaku Islands were Japanese. But after the United Nations published a report indicating the possibility of large offshore energy reserves near the Senkakus, they switched to a stance of asserting that the Diaoyu Islands or Diaoyutai, as China and Taiwan, respectively, call the Senkakus, are "China's inherent territory." Needless to say, neither common sense nor international law endorses behavior aimed at capitalizing on a turn of events, but I will say no more on this point until the end of the article. Here let us first look into the question of whether China's and Taiwan's claim of a historical right is backed up by historical records.

For the sake of convenience in developing my arguments, I will break the discussion into two parts. I ask first whether the Senkakus were already Chinese territory as of the Ming Dynasty (1368–1644). And if the answer is no, I consider next whether they became Chinese territory in the course of the Qing Dynasty (1644–1912).

A. Were the Senkakus Part of China During the Ming Dynasty?

(1) The Senkakus in the Mission Logs of Ming Envoys

(a) The Senkaku Islands make their entrance into historical Chinese materials in the *Shi Liuqiu lu* (Records of the Imperial Missions to Ryukyu). Chen Kan wrote one of the records when he visited the Ryukyu Kingdom as an imperial envoy in 1534.¹ The first imperial envoy of the Ming was dispatched in 1404, but the earliest surviving mission log is that of Chen Kan, the eleventh envoy. Chen reports that his party put to sea in the 5th month of 1534 from Fuzhou, Fujian Province, to sail to Naba (Naha in Japanese) in the Ryukyus. They went by Pingjia Shan (today Pengjia Yu, northeast of Taiwan) and by Diaoyu Yu (today Diaoyu Dao, or Uotsuri Island), Huangmao Yu (Huangwei Yu, or Kuba Island), and Chi Yu (Chiwei Yu, or Taisho Island, the easternmost of the Senkaku islets). “In the evening of the eleventh day,” Chen writes, “Gumi Shan [Gumi Mountain, or Kumejima Island] came into view. It is a Ryukyuan island. [十一日夕 見久米山乃属琉球者] The natives of the Ryukyus began beating drums and dancing on the deck, delighting at their return to their country.”

The Japanese historian Inoue Kiyoshi and Chinese scholars have argued that the reference to the arrival at Kumejima Island should be taken to mean

¹ Ozaki Shigeyoshi, “Senkaku Shoto no kokusaihojo no chii: Shu to shite sono rekishiteki sokumen ni tsuite” (The Status of the Senkaku Islands in International Law: Concerning Mainly Their Historical Profile), *Tsukuba Hosei* no. 18, pt. 1 (1995), pp. 183–91. Later references to envoys Chen Kan and Guo Rulin draw mainly from this article.

that Ryukyu territory extended to there and that all the places in the Senkakus mentioned by Chen, from Chi Yu west, were Chinese territory, but this is a strained interpretation. The explanation that Kume is part of the Ryukyus is in the record simply because Chen, on witnessing the joy of the Ryukyuans when they caught sight of the island, asked them why it made them happy. This can be understood from a reproduction of the mission log some 50 years later in the section on the Ryukyu Kingdom in volume 4 of the Ming Dynasty's *Shuyu zhouzi lu* (A Comprehensive Record of Foreign Countries), edited by Yan Congjian (1582). Here is how the passage in question is rendered: "We saw Gumi Shan for the first time in the evening of the eleventh day. On inquiry, we learned that it is within the territory of Ryukyu. [十一日至夕始見古米山 聞知琉球境内]"

What this source makes clear is that Chen Kan's party got to Kume without knowing much about where they were and that by asking the Ryukyuans about the island, they learned that it was Ryukyuan. Elsewhere in his log he explains, "Chinese people have thus far never gone to Ryukyu by themselves. For that reason, we decided to rely entirely on the Ryukyuans to take us along the route there and back." Probably here he was trying to get it into the record that during the voyage, they asked the Ryukyuan navigator and crew members about everything they passed, including what they called the islands they used to mark the route.

As of 1534 the territory of China did not extend even to Taiwan, much less to Huaping, Mianhua, and Pengjia, three islets northeast of Taiwan. Nobody could possibly have imagined that it stretched far beyond that to the Senkaku Islands. This means that when Chen writes "Gumi Shan came into view. It is a Ryukyuan island [見久米山乃屬琉球者]," he was simply stating that Kumejima Island belonged to the Ryukyu Kingdom. His words should be taken

literally; trying to draw more than that out of them is just not possible.

(b) Following Chen, the next imperial envoy to the Ryukyu Kingdom was Guo Rulin, who made the voyage not quite three decades later. According to the revised record of this mission (1561), his party departed from Dong Yong (today Dongyin Island, off the Fujian coast) and sailed past Xiao Liuqiu (the northern tip of Taiwan), Huangmao, and Diaoyu (meaning Diaoyu Yu). (The order of the islands passed is reversed from Chen's log, which puts Diaoyu Yu before Huangmao Yu.) Then, on the 3rd of the leap 5th month (by the lunar calendar), they reached Chi Yu. Guo Rulin adds the comment, "Chi Yu is the island that marks the boundary of the Ryukyu region [赤嶼者界琉球地方山也]." His log continues, "With another day of fair winds we should be able to see Gumi Shan," but in fact they were becalmed and drifted for the next three days. Then a good breeze finally came along, and without ever sighting Gumi, they found themselves at Tonakijima Island in the Kerama Islands (southwest of Okinawa Island). That is probably the reason why Guo provided the explanation that Chi Yu "marks the boundary of the Ryukyu region," while Chen focused instead on Gumi Shan, identifying it as a Ryukyuan island.

It is well known that Inoue Kiyoshi and officials and scholars of China and Taiwan have made much use of this passage from Guo's log, repeatedly citing it as compelling historical proof that Chinese territory reached to Chiwei Yu (thus encompassing all of the Senkaku Islands). But what the text literally says is only that Chi Yu marked the boundary of the Ryukyu region, that it is the island on the region's border. There is thus ample room for interpreting it to mean that Chi Yu was the outermost island *within* Ryukyuan territory. For all the places from Dong Yong to Diaoyu Yu, the text uses the character *guo* (過, to pass), indicating that they were points passed, but for Chi Yu the character used

is *zhi* (至, to reach, arrive at), suggesting it was the destination. That, too, seems to place Chi Yu within the Ryukyus. In any event, to repeat what I have already pointed out, at a time when Chinese territory did not extend even to Taiwan, one simply cannot claim that a group of islands lying well east of Taiwan belonged to China. (When one reads Inoue's works, one can appreciate that without any proof, he operated on the preconceived notion that the Penghu Islands to the west of Taiwan, Taiwan itself, and Huaping, Mianhua, and Pengjia to the northeast were all Chinese territory at that point in history.)

Recently Associate Professor Ishii Nozomu, an energetic scholar of classical Chinese literature at Nagasaki Junshin Catholic University, turned up the following significant finding. In volume 7 of *Shiquan shanfang wenji* (石泉山房文集), a report to the emperor by Guo Rulin on his 1561 mission, he came across this definitive passage: "On the 3rd of the 5th month [lunar calendar] of the voyage, we crossed the Ryukyu border. The island at the border was named Chi Yu. [行至閏五月初三日 涉琉球境界地名赤嶼]" Guo is reporting here, Ishii argues, that his party had arrived within Ryukyuan territory and that it was the Ryukyuan who gave Chi Yu its name. There can be no doubt, he says, that Guo himself regarded Chi Yu as Ryukyuan territory.² We may say that this has decisively refuted the Chinese interpretation of Guo's mission report.

Based on the foregoing, we can conclude that contrary to the Chinese claim, the Ming Dynasty's *Shi Liuqiu lu* contains no proof that the Senkakus were Chinese territory at that time.

(2) The Senkakus in Ming Coastal Maps and Defense Strategy

The pirates known as *wako* (*wokou* in Chinese) plagued the Ming Dynasty

² Ishii reported his finding in the August 1 and 4 entries of a running story carried by the *Yaeyama Nippo* on August 1 and August 3–7, 2012.

virtually throughout its period of rule. Because of the problem they presented, many documents discussing countermeasures were written, and much material on coastal defense was published, including research on Japan, where bases from which the *wako* sailed were often located. Two works deserve special mention here: *Chouhai tubian* (An Illustrated Compendium on Coastal Defense), a 13-volume document compiled by Zheng Ruozeng in 1562, and *Riben yijian* (A Mirror of Japan), an account of Japan compiled by Zheng Shungong in 1565. In addition to being excellent works on coastal defense, these two documents include references related to ownership of the Senkaku Islands that cannot be disregarded. In particular, volume 1 of *Chouhai tubian* presents coastal maps showing the Senkakus among the islands off the Fujian coast, and a long poem in *Riben yijian* contains a line that the Chinese side has interpreted to mean, “Diaoyu Yu is a small island belonging to Taiwan.” Chinese and Taiwanese scholars regard these two pieces of evidence as convincing historical proof of their assertion that the Senkakus were Chinese during the Ming period.³

(a) Material in *Chouhai tubian*

Volume 1 of *Chouhai tubian* contains an overall map of China (1 spread) and numerous coastal detail maps (72 spreads). The overall map shows what was Chinese territory at the time, and at the top it illustrates regions that were separated from China by seas and did not belong to it. From the south, the regions were Zhan Cheng (the Champa kingdom of central Vietnam), Xianluo (Thailand), Xiao Liuqiu (Taiwan), Ryukyu, Japan, Silla (on the Korean Peninsula), and Korea. (Judging from this map, we can see that Taiwan was not included in Chinese territory. And we can naturally infer further that the Senkakus, which lie between Taiwan and the Ryukyu Islands, were also not regarded as part of China.)

³ Ozaki, “Senkaku Shoto no kizoku,” pt. 1, no. 259 (1972), pp. 37–40.

The detail maps are in a section titled “Yanhai shansha tu” (沿海山沙图), which might be translated as “coastal island and seashore maps.” The 72 spreads illustrate all the Chinese coastal waters used by the pirates on their raids. In other words, their main objective was to depict the defense setup from the coastal region to offshore islands, not to provide a precise description of Chinese territory. The coastal islands lay along the routes used by invading *wako* and were selected for inclusion because they were places the pirates always passed when moving from island to island, uninhabited islands offering shelter from storms or fresh water and firewood, or potential strategic points for offense and defense. This explains why the maps covered even islands that in those days were plainly not part of China, such as Taiwan and the Senkakus.

In one of his works, Inoue takes note of the Fujian 7 and 8 maps in this section, observing that they include the Senkakus among the islands off the coast. This, he argues, provides solid evidence that they were part of Chinese territory at the time.⁴ This position cannot be accepted, however, for the reasons I have already discussed. Furthermore, it is clear that this group of islets situated a long way from Taiwan was not included in the official area of the continental province of Fujian.

The Chinese government itself has adopted a somewhat more restrained position. It asserts only that from an early point in history back in the Ming Dynasty, the Diaoyu Islands were included in China’s coastal defense area.⁵ While it has not provided a specific explanation of this coastal defense sphere, we might, for argument’s sake, understand it to be a region of the open sea designated by the Ming as waters for the exercise of military power to provide defense against pirates. In that case, though, we would then need confirmation that control by the naval power of the Ming in fact extended into

⁴ Inoue Kiyoshi, *Senkaku Retto: Chogyo Shoto no shiteki kaimei* (The Senkaku Islands: A Historical Elucidation of the Diaoyu Islands) (Tokyo: Gendai Hyoron Sha, 1972), pp. 31–32.

⁵ Ozaki, “Senkaku Shoto no kizoku,” pt. 1, no. 259 (1972), p. 41.

the waters around the Senkakus. Proof of that probably cannot be established just by the inclusion of the Senkakus among the islands shown in coastal defense maps. In this regard, the text of *Chouhai tubian* makes no mention of any naval deployment to the Senkakus around that time.

As for Taiwan, *Ming shi* (History of Ming)—the official history of the Ming Dynasty—covers Jilong Shan (Keelung Port) on the northern end of the island in “*Waiguo lieyun*” (Biographies of Foreign Counties). There it is written that in 1566, at the end of the Jiajing era, Ming control had not yet reached northern Taiwan (“*Waiguo lieyun* 211,” *Ming shi* 323, page on Jilong Shan). Immigration from mainland China to Penghu Island, the largest island in the Penghu chain, got underway at a relatively early date, but even there, as can be confirmed from historical materials, Ming military control had not been established by the end of the Wanli era (1573–1619), much less during the Jiajing era (1522–1566). Jilong Shan in northern Taiwan was then a stronghold of *wako* from Japan, who sailed in and out of it freely while conducting raids along the Chinese coast.

In short, the military power of Ming China did not reach as far as northern Taiwan, and no historical confirmation can be found for the claim that the perimeter of the Ming defense sphere extended far beyond that to encompass the Senkakus (although I will refrain from going into detail on this point). If indeed the sphere had stretched out over the islands, surely some mention of that would have survived in the Okinawan historical materials on *wako* activities spanning two centuries, but no such account has turned up.⁶

The conclusion to be drawn from *Chouhai tubian* can be stated as follows: One cannot say that the Senkaku Islands were Chinese territory during the Ming Dynasty, and no historical fact can be found verifying that they had

⁶ Inamura Kenpu, *Ryukyu Shoto ni okeru wako shiseki no kenkyu* (Research on Wako Remains in the Ryukyu Islands) (Tokyo: Yoshikawa Kobunkan, 1957), pp. 42–45.

been incorporated into China's coastal defense area.

Addendum: There is another serious problem in the Fujian 7 and 8 maps. The question they raise is whether the island named Diaoyu Yu on them is the same as today's Diaoyu Dao (Uotsuri Island) in the Senkakus. That is, on the top of the Fujian 7 map the islands listed from right to left after Jilong Shan (Keelung on Taiwan) are Pengjia Shan, *then Diaoyu Yu*, and next Huaping Shan, in that order. On the Fujian 8 map, they continue on to Huangmao Shan, *then Ganlan Shan*, and finally Chi Yu. Naturally, the order to be expected here (from west to east) is Jilong Shan, Huaping Shan, Mianhua Yu, Pengjia Shan, Diaoyu Yu, Huangmao Shan, and Chi Yu. That is how they appear from the perspective of the Ming mission logs, and it is also how they are seen from the perspective of an Okinawan. In fact, however, the Fujian 7 map puts Diaoyu Yu about where Mianhua Yu lies, and while the Fujian 8 map ought to show that the islands continue on Diaoyu Yu, Huangmao Shan (Huangwei Yu), and Chi Yu, it instead shows Huangmao Shan, Ganlan Shan, and Chi Yu. How is this discrepancy between the maps and the mission logs to be explained?

One possible explanation is that Zheng Ruozeng, the compiler of the *Chouhai tubian* maps, simply got the names wrong. That is, he got the order of Huaping Shan (Huaping Yu) and Diaoyu Yu backwards. But in that case, there would still be an extra island, Ganlan Shan, left over. Indeed, what island was Zheng thinking of when he wrote down the name Ganlan Shan? It is evident that he used the mission record of Chen Kan as a reference. In volume 2 of *Chouhai tubian*, in the section illustrating the routes used by envoys, he shows that envoys going from Fujian to Japan used basically the same route as that described by Chen for the portion of the voyage from Fujian to the Ryukyus. It cannot be imagined that the same compiler would get this route right in volume

2 but wrong when putting together volume 1. In short, there is ample reason for thinking that Zheng did not make a careless mistake, that he intentionally gave the name Diaoyu Yu for the islet we know as Mianhua Yu.

This assumption finds corroboration in the text of *Chouhai tubian*, which states that the distance from Diaoyu Yu to Huangmao Shan is 4 *geng* (93.6 kilometers, since 1 *geng* was 23.4 kilometers). That is not too far off from the actual distance from Mianhua Yu off Taiwan to Diaoyu Yu in the Senkakus. (And it is too long for the distance between the islands in the Senkakus, where Diaoyu Dao [Uotsuri Island] lies 27 kilometers from Huangwei Yu [Kuba Island].) This reading also reconciles the number of islands illustrated. That is, if we see Diaoyu Yu on Fujian 7 as actually being Mianhua Yu and Huangmao Shan on Fujian 8 as being Diaoyu Dao, with Ganlan Shan being Huangwei Yu, the Fujian maps correspond with contemporary reality. The order of the island names in the *Chouhai tubian's* Fujian 7 and 8 maps continued to turn up after that. For example, it was employed in the 1621 *Wubei zhi*, a treatise on coastal defense edited by Mao Yuanyi. Again, in *Wubei mishu*, a military classic by Shi Yongtu, the Fujian maps in volume 2 (1643) present the islands in the same order.

In short, the key point here is that a discrepancy in the historical materials must be acknowledged. The Diaoyu Yu in the mission logs (which, as I explained, is probably a name the Chinese picked up from what the Ryukuan called the island) is not the same Diaoyu Yu (or Diaoyu Tai as it is more commonly rendered) that is shown in Chinese coastal defense documents and regional publications. (The confusion, we may conjecture, had repercussions lasting to the end of the Qing period, causing people to wonder whether this Diaoyu Yu [or Diaoyu Tai] was an island in the Senkakus or whether it was Mianhua Yu or Huaping Yu, situated off Keelung Port. The same thread of

confusion extended into Japan, where during the Meiji years Uotsuri Island was also called Waheito, or Hoapinsu [和平島].)

(b) Material in *Riben yijian*

In *Riben yijian*, compiler Zheng Shungong wrote “Wanli changge,” a long poem explaining how it came about that he went to Japan, what route he used to get there, and what treatment he was accorded on his return to China after staying for half a year in Japan. (The poem appears in volume 1 of *Fuhai tujing*, the third part of the work where illustrated coastal maps are carried, and consists of 120 lines, each line containing seven characters, to which Zheng has added notes after every two lines.)⁷ A section of the verse describes the route Zheng followed from Guangdong, China, to Kyushu, Japan, and it is there that we find the words *diaoyu yu xiaodong xiaoyu ye* (釣魚嶼 小東小嶼也), which have been interpreted to mean “Diaoyu Yu is a small island belonging to Taiwan.”

This is another piece of the evidence that those taking China’s side of the territorial dispute bring forth as compelling proof that the Senkakus belonged to China historically. Consider, for instance, the argument set forth by historian Inoue Kiyoshi, whom as I have noted, supported the Chinese position. First, he stated that *xiaodong* (小東) in this line of “Wanli changge” must mean “Taiwan,” because in another passage Zheng wrote, “Xiaodong Dao [小東島] is the same as Xiao Liuqiu [Taiwan]. They [the Japanese] call it Dahui Guo [Daie Koku]. [小東島 島即小琉球彼云大惠国]” Next, Inoue argued that in the Ming Dynasty’s system of administrative jurisdiction, Taiwan was under the jurisdiction of the Penghu constabulary, which in turn was under the control of Fujian Province. Then, he said that Diaoyu Yu was an island attached to Taiwan, as Zheng Shungong plainly stated. It follows, he concluded, that Diaoyu Yu was

⁷ Watanabe Mitsuo, “Minmatsu no Nihon shokaisho *Nihon ikkan ni tsuite*” (On the *Riben yijian*, a Late Ming Text Introducing Japan), *Komazawa Daigaku Kenkyu Kiyō* no. 13 (1955), p. 145.

obviously Chinese territory at the time.⁸

As I see it, however, Inoue's interpretation of "Wanli changge" is not correct (as I explain in more detail shortly). In fact, it should be labeled an outrageous argument that, above all, dispenses with historical facts. The reason can be explained as follows: The Chinese became aware of the existence of Penghu Island long before they learned of Taiwan, and during the Yuan Dynasty (1271–1368), they indeed established a constabulary there, placing it under the jurisdiction of Tong'an County, Fujian Province. Stated simply, Fujian in those days was engaged in colonizing Penghu. Early in the Ming period, however, the situation completely changed, and the Chinese pulled out. Not long after the Ming Dynasty was founded, it came under pressure from raids by *wako* pirates. In response, the Ming slapped a ban on foreign trade, prohibited people from going to sea, and ordered the abandonment of isolated islands. In 1372, during the Hongwu era (1368–98), the authorities used military force to return each and every Penghu immigrant to the mainland. The constabulary was vacated, and the island was stripped of its population. And from 1372 to 1624—nearly two and half centuries spanning almost all of the Ming period—this situation remained unchanged. Accordingly, there was no constabulary on Penghu when the *Riben yijian* was written in the 1560s, and it is stretching the truth even further to argue that the Penghu constabulary had placed Taiwan under its jurisdiction.⁹

But what was going on in Taiwan at the time? Immigration from the mainland to Taiwan got off to a much later start than that to Penghu. Until the mid-sixteenth century, about the only people living on the island apart from the Taiwanese aborigines were a number of Japanese and Chinese pirates, who held sway over the Keelung area in the north and part of the Tainan area in the south.

⁸ Inoue, *Senkaku Retto*, p. 32.

⁹ O Ikutoku, *Taiwan: Kumon suru sono rekishi* (Formosa: A History of Agony) (Tokyo: Koubundou, 1970), pp. 14–19.

The island had not been brought under the control of any state.¹⁰

During the first half of the seventeenth century, the Dutch and the Spanish occupied some parts of the island for a while. Then, from 1661 to 1684, Ming loyalist Zheng Chenggong (Koxinga) and his heirs ruled Taiwan. In substance, however, this was a new state not subordinate to any other state, one that was created by Han Chinese driven from the mainland when the Ming Dynasty collapsed. But military forces of the Qing, the Chinese state founded by the Manchu people, eventually mounted an attack and forced the Zheng regime to surrender. The Qing Dynasty formally annexed Taiwan in 1684, making that the year when for the first time in history Taiwan became part of Chinese territory. This is an incontrovertible historical fact. The Qing Dynasty's official history of Taiwan Prefecture, regional public documents, and other historical records are in agreement on this, and it was also acknowledged in official Chinese documents published after World War II.¹¹

The discussion thus far makes it clear that as a matter of historical fact, neither Taiwan nor Penghu Island had been drawn into Chinese territory in the 1560s, when *Riben yijian* was written. This being so, it stands to reason that the account in this historical source cannot be used to prove that Diaoyu Yu (and the Senkaku Islands as a whole) were Chinese at the time. This is true even if the critical passage in question, *diaoyu yu xiaodong xiaoyu ye* (釣魚嶼 小東小嶼也), can be read to mean that Diaoyu Yu is a small island belonging to Taiwan. And as I will discuss next, that interpretation of this passage appears to be incorrect.

Next, let us turn to a textual analysis of the phrase *diaoyu yu xiaodong xiaoyu ye* in context. Can the sentence really be taken to mean “Diaoyu Yu is a

¹⁰ Okuhara Toshio, “Mindai oyobi Shindai ni okeru Senkaku Retto no hoteki chii” (Legal Status of the Senkaku Islands During the Ming and Qing Periods), in “Senkaku Retto” (Senkaku Islands), special issue 2, *Kikan Okinawa* no. 63 (1972), p. 49.

¹¹ Ozaki, “Senkaku Shoto no kokusaihojo no chii,” pp. 226–28.

small islet belonging to Taiwan” in this context? I will begin with a somewhat detailed introduction to the context of the passage. (In the quotations from the “Wanli Changge” that follow, I have underlined and numbered all occurrences of the place name Xiaodong [小東].¹²)

(i) “One sea route involves traveling as far as Huitou [回頭] and then heading to Xiaodong (1). Looking forward from here, Qi Dao [七島] and Baiyun Feng [白雲峰] can be seen.” A note provides this explanation: “From Huitou one goes directly to Xiaodong Dao (2). This island is Xiao Liuqiu [Taiwan]. They [the Japanese] call this island Daie. [自回頭 徑取小東島 島即小琉球彼云大惠国]”

(Comment 1. The important thing to note here is that Zheng Shungong refers to Taiwan as Xiaodong Dao [Xiaodong Island, 小東島]. Furthermore, he deliberately emphasizes that he is referring to an island. For Zheng, Taiwan is Xiaodong Dao, rather than simply “Xiaodong.” If Taiwan had been widely known to the Chinese of the time as “Xiaodong,” there would have been no need for Zheng to add the word “island” to the name here. It would surely have been sufficient to write “Xiaodong is Xiao Liuqiu” to designate Taiwan. I believe that Zheng was deliberately distinguishing between Xiaodong Dao and Xiaodong, tout court.)

The note continues. “It is my understanding that this oceanic island [Xiaodong Dao] is situated in the area of sea that stretches out in front [i.e. to the east] of the China coast from Quanzhou to Yongning Wei (south of Quanzhou). Penghu Island is en route; stretching out northeasterly from Xiaodong zhi dao [an island in Xiaodong, 小東之島] (3) are Da Liuqiu (the islands of the Greater Ryukyus) and Japan. In Xiaodong zhi yu [the region of

¹² All Japanese translations of articles relating to the *Nihon Ikkkan* and the “Banri Choka” are mine, based on the translations in Otomo Shin’ichi and Liu Zhenyu, “*Nihon ikkan no ‘Banri choka’: Hon’yaku to oboegaki*” (The “Banri Choka” in the *Nihon Ikkkan*: A Translation and Memorandum), in *Okayama Daigaku Bungakubu Kijyo*, no. 4 (cumulative issue no. 44)(1983), pp. 83–97 and Ishii Nozomu, “*Wakun senkai: Senkaku Chogyo retto kanbun shiryō*” (Chinese Language Materials on the Senkaku Islands) (Nagasaki Junshin Catholic University Institute of Comparative Cultures, 2012), pp. 38–52.

Xiaodong, 小東之域] (4) is Jilong Shan [the small islet of Jilong, now written as Keelung Yu]. This is a rocky peak higher than the surrounding hills, and there is a spring of fresh water within the mountain.”

(Comment 2. It is hard to interpret what the author intended the first sentence of this passage (rendered here as “It is my understanding that . . .”) and the sentence that follows. I have done my best to render the general sense. Although there is no space for detailed commentary here, I would be grateful for the advice of specialists on this point.)

(ii) Another sea route began not from Huitou Island but from somewhat farther up the Chinese coast, setting out into the open seas from Meihuasuo (梅花所) in Fuzhou close to the mouth of the Min River before crossing the Taiwan Strait to the islets of Jilong Yu and Diaoyu Yu. An explanatory note has this to say about the route: “Meihuasuo is some 80 *li* [31.2 km] from Yongning. After sailing for approximately ten *geng* [234 km] from the outermost island in the coastal seas east of Meihuasuo, one reaches Jilong Shan in Xiaodong Dao (5). From there, it is ten *geng* to Diaoyu Yu. There are many sharks in the waters around Diaoyu Yu. Examined closely, the large sharks around Xiaodong (6) resemble the *bai pu yu* fish, but I do not know their name. In former times people crossed from Meihuasuo to Penghu [Penghu Island] and from there via Xiaodong (7) reached the Ryukyus and thence Japan. Long ago, when a court official named Chen [Chen Kan, Chinese envoy to the Ryukyu Kingdom] went to the Ryukyus as an envoy, he apparently obtained from one of the people in his entourage a map of the sea route used at that time. Penghu Island is in Quan Hai [the sea off the coast of Quanzhou], some 160 *li* from Huitou Island. Diaoyu Yu is a small islet in Xiaodong (8) [釣魚嶼 小東小嶼也]. Around four *geng* past this islet one comes to the islet of Huangma Yu [Huangwei Yu].”

(iii) “Huangma, Chikan [Chiwei Yu], and Gumi [Kumejima Island] are

all islands in the middle of the sea. In front of them are Machi [Kerama Islands], Ryukyu Islands, and Liyi [Ieshima Island?].” An explanatory note continues as follows: “From there, the route proceeds via Rebi [Iheyajima Island?], Mengjia Ci [Kakeromajima Island?], and Daluo [Oshima Island?] to Qi Dao. Rebi, Mengjia, and Daluo are the names of islands in the Ryukyu Sea. Approximately four *geng* from Rebi Island, one reaches ‘Sulfur Island’ [Iojima Island]. This is probably not the only island that produces sulfur; I believe that there are also places in *Xiaodong* (9) and Japan that produce this substance.”

What can be gleaned from these excerpts from the “Wanli changge”? For the purposes of this paper, the fact that the author clearly refers to Taiwan as Xiaodong Dao (Xiaodong Island, 小東島) or Xiaodong zhi dao (an island in Xiaodong, 小東之島) is of decisive importance. In usage (2), the author defines the term as follows: “Xiaodong Dao, which is to say Xiao Liuqiu [Taiwan].” When he wishes to refer to an islet appertaining to Taiwan, he does so quite clearly, as in usage (5), where he writes “Jilong Shan [Keelung Yu] in Xiaodong Dao” [小東島之鷄籠山].” These uses prove beyond doubt that Zheng Shungong deliberately referred to the island of Taiwan as “Xiaodong Dao” rather than simply “Xiaodong.” Further confirmation of this point can be found in usage (3), which refers to “Xiaodong zhi dao.” Here, this can surely only mean “an island in Xiaodong.” (If the term “Xiaodong” had meant the island of Taiwan itself, he would surely not have used this expression.) In usage (3), the author clearly uses the word Xiaodong to refer to the sea (in the region of Xiaodong). In this case, the phrase “Xiaodong zhi dao” refers to “an island in those waters” — that is to say, Taiwan. Further proof of this can be seen in usage (6), where the phrase “seen close up, the large shark around Xiaodong resemble the *bai pu yu* fish” clearly makes little sense if “Xiaodong” is taken to refer to an island. Here the word must clearly refer to the surrounding seas for the line to make sense.

Additionally, the members of the delegation must have known that it was not in the waters around the island of Taiwan that shark and other large fish were to be found in large numbers, but further afield in the open seas around Diaoyu Yu.

The next question we must answer concerns what area of the sea the author was thinking of when he referred to “Xiaodong.” Usages (2) and (3) appear to provide a clear answer to this question. Having first defined his terms in (2) by saying that “Xiaodong Dao is Xiao Liuqiu [Taiwan],” the author explains the location of the island in the following terms. “From what I understand, this oceanic island [Xiaodong Dao] lies in the area of sea that stretches out in front [i.e. to the east] of the coast of China from Quanzhou to Yongning wei.” Having explained the location in this way, in (3) he refers to the island found in this area of the sea as “Xiaodong zhi dao.” In this case, “Xiaodong” clearly refers to the area of sea that stretches out in front of the China coast (in an easterly direction). He seems to have in mind the open seas located at some distance east of the Chinese coast, stretching from northern Guangdong to Fujian. This would correspond roughly to the marine region to the east around Taiwan. (It seems likely that the name Xiaodong, written with the characters meaning “small” and “east,” originally referred to an area that was “slightly to the east.” In other words, Xiaodong meant “a relatively nearby area to the east.”

Toward the end of the quoted passage, the author explains that “Penghu Island is located in the Quan Hai [in the sea off Quanzhou, just east of the Chinese coast].” The text goes on to say that “Diaoyu Yu is a small islet in Xiaodong [presumably referring to the area of sea],” and finally, “Ribi, Mengjia, and Daluo . . . are all in the Ryukyu Sea.” This suggests that for Zheng Shungong, “Xiaodong” referred to an area of sea between the “Quanzhou Sea”

and the “Ryukyu Sea.” For Zheng, the primary sense of the term “Xiaodong” was probably something close to “Xiaodong Yang” (Lesser Eastern Ocean, 小東洋.) In a slightly later period, the term “Xiaodong Yang” is used to mark an area of ocean on the map prepared by the missionary Matteo Ricci and known as the *Kunyu Wanguo Quantu*, or “Complete Map of the Myriad Countries of the World.” The map dates to 1602. The “Lesser Eastern Ocean” (小東洋, to the east of Japan) is shown along with the “Greater Eastern Ocean” (大東洋, just above the equator, close to Hawaii), the “Ninghai Sea” (寧海, in Oceania, south of the equator), the “Great Western Ocean” (大西洋, west of Portugal), and the “Lesser Western Ocean” (小西洋, to the west of India). This suggests that the term “Lesser Eastern Ocean” was already quite familiar to the Japanese of the time¹³.

Presumably Zheng Shungong learned that the seas around Taiwan were called “Xiaodong Yang” from the Japanese sailors who were frequent travelers along the maritime routes from Japan to Taiwan and the Penghu Island and incorporated this fact into his text as new information.¹⁴ (There is no evidence that the term was used in Chinese at that time. In this period, Japanese sailors had far more knowledge of Taiwan than their Chinese counterparts, and Zheng must have received most of his information from Japanese sources.) The fact Zheng here writes “as I understand,” hints at the secondhand nature of his information.

In concrete terms, it thus seems likely that the term Xiaodong referred to the region of sea from Taiwan northeast through the three islets of Huaping, Mianhua, and Pengjia to the area around the Senkaku Islands of Diaoyu Yu, Huangwei Yu and Chiwei Yu. Throughout the Ming dynasty, all the islands within this region of the seas were *terra nullius* and did not belong to any state

¹³ For more on this, see online essay, “Senkaku-note, Senkaku shoto mondai II” (Senkaku Notes: On the Senkaku Islands Issue II), at <http://senkaku-japan.nobody.jp/page099.html> (accessed on February 3, 2014; in Japanese).

¹⁴ Ibid.

under international law. The (large) island in this region, referred to as Xiaodong dao in Zheng's terminology, was Taiwan (usage 2). To distinguish them from the larger island, the smaller islets (小嶼) located in the region were referred to as Xiaodong Xiaoyu [小東小嶼, the small islets of Xiaodong], and correspond to Diaoyu Yu (usage 8). We can therefore conclude that within the "Wangli Changge," the two terms Xiaodong Dao and Xiaodong Xiaoyu are differentiated from one another and used to express a precise meaning.

I now come to my conclusion. Chinese commentators (including the governments of China and Taiwan) have a different interpretation of the problematic sentence *diaoyu yu xiaodong xiaoyu ye* (8), which I have rendered "Diaoyu Yu is a small islet in Xiaodong." They take it to mean "Diaoyu Yu is a small island that belongs to Taiwan." But this reading is highly suspect, for the reasons I have given above. As I have explained, Zheng Shungong deliberately refers to the island of Taiwan as Xiaodong Island (2). When he wants to refer to the islets adjoining Taiwan he does so quite clearly, as in the case of "Jilong Islet, in Xiaodong Island." (5) It is also clear that in (3), the author is using "Xiaodong" to refer to an area of sea: the "Xiaodong Sea" (Xiaodong Yang) around Taiwan. In this case, if the author had wanted to say "Diaoyu Yu is a small islet belonging to the island of Taiwan," he would surely have written *diaoyu yu xiaodong dao zhi xiaoyu ye* (釣魚嶼 小東島之小嶼也). It is hard to avoid the conclusion that the Chinese interpretation is based on a careless misreading of the text that totally disregards the way in which the author uses his terminology.

As I explained in some detail at the start of this chapter section, Taiwan was clearly not considered a part of Chinese territory at this time (the 1560s). Indeed, the Chinese of the time were hardly aware of the island's existence. It is hard to believe that Chinese navigators of the time would have been concerned

about whether an isolated island in the remote seas some 120 nautical miles (190 km) from Taiwan was geographically part of Taiwan or not. (The case might have been different if Taiwan had in fact been a part of Chinese territory.) It is therefore only natural to read this passage as an additional explanation of the location of the Diaoyu Yu, which was widely used as a landmark for navigators at the time: “This is a small island located in the Xiaodong Sea.”

Therefore, my conclusion is that to interpret the sentence of the “Wanli changge” that reads *diaoyu yu xiaodong xiaoyu ye* to mean “Diaoyu Yu is a small islet belonging to Taiwan Island” is a forced reading that departs from the author’s true intentions. A more natural and accurate reading of the phrase would be: “Diaoyu Yu is a small islet in the Sea of Xiaodong [that is to say, in the Lesser Eastern Ocean].”

Finally, I want to talk briefly about the author of the *Riben yijian*, Zheng Shungong. Originally a commoner without official rank, Zheng Shungong won the trust of Yang Yi, the governor general of Zhejiang Province, and was sent to Japan as a special envoy. His mission was to petition the emperor and the *daimyo* to outlaw the *wako* pirates operating out of Japanese waters, as well as to investigate conditions within Japan. When he returned to China, however, Yang Yi had been deposed and replaced as governor by his rival Hu Songxian. Zheng’s work in Japan won him few favors with the new governor, who instead threw him in jail. It was during his seven years of incarceration that Zheng Shungong wrote the *Riben yijian*, embittered at the state of the world and his own position. As a result, the book was not published during Zheng’s lifetime. The book was practically unknown, and certainly had no influence on the government. It was only much later that *Riben yijian* began to attract attention. It is ironic indeed that the Chinese government in recent years has set such store on a single passage of this book, which was all but ignored at the time it was

written.¹⁵

Addendum 1: I might point out that the same question that occurred with the *Chouhai tubian* occurs again with regard to the mention of the Diaoyu Yu in the “Wanli changge” section of *Riben yijian*. Is Diaoyu Yu mentioned in the “Wanli changge” the same place as the islet known as Diaoyu Yu (Uotsuri Island) in the Senkaku Islands today? The doubt stems from the two following points: (1) The text gives the distance from Diaoyu Yu to Huangwei Yu as “four *geng*,” or roughly 94 km. (This problem also occurred in our discussion of the *Chouhai tubian*.) In fact, the true distance between Uotsuri Island and Kuba Island is 27 km—or a little more than one *geng*. (2) The other problem is the fact that the passage in the “Wanli changge” seems to suggest that ships reached Diaoyu Yu directly from Jilong Yu.¹⁶ But anyone sailing toward Diaoyu Yu from the northern tip of Taiwan would have had to pass Pengjia Yu on the way. When we consider the fact that the text makes no mention of Pengjia Yu, together with the fact that the distance between Diaoyu Yu and Huangwei Yu is given as 4 *geng*, we are faced with the same doubt as with the *Chouhai tubian*—namely, that the writer is conflating “Diaoyu Yu” with Mianhua Yu or Pengjia Yu. These problems will be considered together in the next section of this paper.

Based on the above, the conclusion of this paper is that a careful reading of the historical sources confirms that the Senkaku Islands were not a part of Chinese territory during the Ming dynasty.

I will add a few comments by way of addendum. In considering the legal position of the Senkaku Islands during the Ming dynasty, it is essential to start from the undeniable historical fact that Taiwan was not a part of Chinese territory at the time. If we start from this perspective, the idea that the Senkaku

¹⁵ Kimura Akira et al., eds., *Nihon ikkan no sogoteki kenkyu, honbun hen* (A Comprehensive Study of the *Riben Yijian*: Main Text) (Ryogarin, 1996), pp. 11–18.

¹⁶ See the online article cited in footnote 14, pp. 3–5.

Islands, much farther out to sea than Taiwan, were part of Chinese territory becomes untenable. (The idea that the Senkaku Islands, an isolated series of distant islands by the standards of the time, might have been regarded as an outlying exclave of Fujian Province on the Chinese mainland with no connection to Taiwan, or that they might have been administered directly by the Ming court, is pure fantasy.)

Many of the arguments from the Chinese side are simplistic and perfunctory. On the flimsy grounds that the Senkaku Islands are mentioned in accounts by Chen Kan and others, they jump to the conclusion that the islands were already or thereby became Chinese territory during the Ming dynasty. The recent work of the influential Taiwanese scholar Han-yi Shaw¹⁷ stands almost alone among these arguments in meriting serious attention. Shaw agrees with me that Taiwan was not part of China during the Ming period. Furthermore, as a consequence of this fact, he freely admits that the Senkaku Islands were not a part of Chinese territory at the time. In spite of this (and this is the unique if unpersuasive aspect of Shaw's argument), he insists that China automatically acquired the islands when Taiwan was formally incorporated into Chinese territory under the Qing dynasty in 1684.

Of course, his argument stands or falls on the interpretation of the line from the *Riben yijian* cited above: *diaoyu yu xiaodong xiaoyu ye*. Shaw argues from this phrase that the Senkaku islands were regarded during the time in question (the 1560s) as part of Taiwan—not legally or politically, but geographically. (As I have demonstrated in some detail, a careful analysis of the “Wanli changge” shows that this reading cannot be made to accord with the intentions of the author, Zheng Shungong.) Shaw further claims that this argument is supported by Qing-dynasty documents from emissaries to the Ryukyus and entries

¹⁷ Han-yi Shaw, “Revisiting the Diaoyutai/Senkaku Islands Dispute: Examining Legal Claims and New Historical Evidence under International Law and the Traditional East Asian World Order,” *Chinese (Taiwan) Yearbook of International Law and Affairs* 26 (2008), 95ff.

recorded in the *Taihai shicha lu* (Records of the Mission to Taiwan and Its Strait) by Huang Shujing. I will consider this argument in a following chapter.

Addendum 2: In closing, I would like to consider briefly the arguments put forward by the Chinese side as they relate to international law. Essentially, the argument boils down to the question of whether China can be meaningfully said to have “discovered” the Senkaku Islands in the sense intended by international law. In other words, the question of whether Chen Kan could be said to have “discovered” the islands for China when he sighted the Senkaku Islands at distance during his voyage to the Ryukyus as an emissary of the Ming court in 1534 and recorded the Chinese name of the islands in an official document.

The first thing to note is that neither Chen Kan’s record nor any of the later mission accounts that refer to the Senkaku Islands ever make any clear reference to Chinese intention to occupy the islands. The islands were regarded as important navigational landmarks, and given names for reasons of convenience. It is quite likely that Chen Kan learned the names from members of the people from the Ryukyus (officials, attendants, and sailors) who accompanied him on his voyage, and recorded them in the official records in Chinese translation.

Concern at the time lay entirely in the islands’ position as objectives on navigation routes. They were observed at considerable distances from on board the emissary ship during its voyage. No effort whatsoever was made to claim them territorially, either by approaching the islands and carrying out an observational circuit of them or by landing on them and performing a symbolic act of annexation.

Indeed, if a distant sighting of the islands from a ship is to be our

criterion, there can be no doubt that sailors from the Ryukyus must have been made regular sightings of the islands long before Chinese ships ever sailed in these waters. The only difference is that no written documents have survived to give an account of contemporary conditions on the Ryukyu side, preventing us from confirming the facts directly by consulting written sources. Once we enter the Ming period, there are regular diplomatic exchanges between Ming China and the Kingdom of the Ryukyus, but even then the historical record confirms that ships from the Ryukyus (all of them official boats belonging to the royal court) were carrying out distant observations of the Senkaku Islands much earlier and with far greater frequency than the Chinese ships (likewise all official ships from the Ming court).

According to the statistics contained in the *Rekidai hoan* (Precious Documents of Successive Generations), the official historical records of the Ryukyu Kingdom, at least 441 ships from the Ryukyu Kingdom are known to have sailed through the area around the Senkaku Islands during the 162 years between 1372 (when traffic between the Ryukyus and China began) and 1534 (when Chen Kan arrived in the Ryukyus). This total includes 349 official tribute-bearing ships bound for Ming China and 92 trading vessels (these too official court ships) bound for various countries in Southeast Asia. In contrast, just 21 Chinese ships (official ships sent by the Ming court) made the trip the other way from China to the Ryukyus.¹⁸

When did these ships begin to navigate through the waters around the Senkaku Islands? The *Rekidai hoan* and other historical sources provide evidence that ships from the Ryukyu Kingdom first sailed through the region with the opening of diplomatic relations in 1372. But Chen Kan's report of his trip in

¹⁸ According to the statistics provided at the end of Akamine Seiki, *Dai kokai jidai no Ryukyu* (The Ryukyus in the Age of Navigation): Table of tributary ships (pp. 4–45 from the end); Table of trade voyages to Southeast Asia (pp. 48–51 from the end); Table of Chinese emissaries (pp. 90–91 from the end).

1534 is the first surviving account of a sailing the other way around. (There had been 11 previous missions to the Ryukyu Kingdom before this date, but no documents of these missions survive, making the 1534 Chen Kan mission the oldest Chinese “discovery” (in fact, merely a distant sighting) of the islands. By this date, at least 441 ships (all of them official court ships) from the Ryukyus had already sighted the Senkaku Islands. This makes it extremely difficult to support the thesis that China was the first to “discover” the islands in 1534.

These considerations make it clear that Chinese claims to have acquired territorial rights over the Senkaku Islands by “discovering” the islands in 1534 are quite groundless. What about the other argument put forward by the Chinese side, either in parallel with this one or as an alternative, to the effect that the islands became Chinese territory as a result of effective occupation by China following their discovery by Chen Kan? According to this argument, China acquired a territorial right to the Senkaku Islands not simply by dint of “discovery” but by subsequent de facto effective occupation. (In this case, China’s title to the islands would be based on both discovery and effective occupation).¹⁹

Addendum 3: By the eighteenth and nineteenth century, it was no longer enough to simply discover new territory to acquire it, as had been the case earlier. L. F. L. Oppenheim, for example, argued that full territorial rights could not be acquired unless there was effective occupation of the territory for a considerable period of time following the discovery. With regard to the Senkakus, Chinese assertions of effective occupation rest on the following four claims:

¹⁹ For a detailed discussion of the territorial claims of China based on “discovery and effective occupation,” see Tao Cheng, “The Sino-Japanese Dispute Over the Tiao-yu-tai (Senkaku) Islands and the Law of Territorial Acquisition,” *Virginia Journal of International Law* 14, no. 2 (Winter 1974), pp. 221–266, especially pp. 222–225, 253–259.

(i) There is mention in mission logs that official ships carrying Chinese envoys used the Senkaku Islands as landmarks to assist in navigation, just as buoys and lighthouses are used today.

(ii) The Senkaku Islands shown in *Chouhai tubian* (An Illustrated Compendium on Coastal Defense) are within the coastal defense area of the Ming Dynasty and were under Ming naval control.

(iii) Since long ago, the waters near the Senkakus have been visited by Chinese fishermen, who used the islands as a shelter in case of stormy weather.

(iv) There exists an imperial edict issued in 1893 by Empress Dowager Cixi of the Qing Dynasty announcing that three islands in the Senkakus are to be conferred to a minister (Sheng Xuanhuai) for the collection of medicinal herbs.²⁰

None of these four claims, though, can be said to demonstrate Chinese sovereignty of the islands. Regarding (i), nothing suggests that China exercised exclusive state control; in fact, a far greater number of Ryukyu vessels made use of the Senkakus, as described above. Given its nature, (ii) would appear to come closest to demonstrating sovereignty, but in terms of the historical record, as mentioned earlier, no confirmations have been made that the Senkaku Islands and surrounding waters beyond Taiwan were actually under the Ming's naval control. Meanwhile, (iii) details the activities of private individuals and says nothing about state control. As a matter of fact, there are no historical documents at all confirming that Chinese (including Taiwanese) fishermen ever fished the waters around the Senkaku Islands during the Ming or Qing years.

²⁰ A detailed account of China's position is given in Tao Cheng, "The Sino-Japanese Dispute Over the Tiao-yu-tai (Senkaku) Islands and the Law of Territorial Acquisition," *Virginia Journal of International Law* 14, no. 2 (winter 1974), pp. 254–59.

The basis for this claim is an utter mystery. And as for (iv), Chinese scholar Wu Tianying has candidly admitted in his 1994 *Jia wu zhan qian Diaoyu lie yu gui shu kao* (Research on the Ownership of Diaoyu Islands before the Sino-Japanese War of 1894–95) that the alleged edict by Empress Dowager Cixi had been forged.²¹ I agree with his assessment, as such an edict would have been unthinkable given the circumstances around the Senkaku Islands at that time.

This is because around 1893, such islands as Uotsuri Island and Kuba Island in the Senkaku chain were being frequently visited by Japanese (Okinawans), who fished the waters and conducted development studies. Had there been any Chinese visiting the islands to collect herbs, they would surely have been noticed. No such sightings, however, have ever been confirmed. The reference to the three islands may very well have been a confusion with the Three Northern Isles—including Pengjia Yu, Taiwan’s northernmost island located 56 kilometers off the coast—much nearer than the Senkakus to the Port of Keelung. In fact Pengjia is also known as Chaolai Islet, meaning “grassland,” suggesting lush vegetation and conjuring images of an enchanted land of immortals. One unique plant of the island is *Crossostephium chinense*, which is known as a medical herb used to treat rheumatoid arthritis. Following World War II, it was reportedly collected by security officers on the island and sold, on their days off, on the main island of Okinawa.²² The Three Northern Isles of Pengjia, Huaping, and Mianhua off the coast of Keelung have, since the Ming Dynasty, been frequently confused with Diaoyu Yu (Uotsuri Island), as I will

²¹ Wu Tianying, *Kogo senzen Chogyo Ressho kizokuko: Okuhara Toshio shoshi e no hansho* (*Jia wu zhan qian Diaoyu lie yu gui shu kao*; Research on the Ownership of the Diaoyu Islands before the Jiawu War), trans. Mizuno Akira (supervision) and Aoyama Harutoshi (Beijing: Foreign Language Press, 1998).

²² Yoshida Togo, *Zoho Dai Nihon chimei jisho* (Enlarged Geographical Dictionary of Japan), vol. 8 (First Edition) (Tokyo: Fuzanbo, 1909), p. 671. See also Taira Kazuhiko, “Chugoku shiseki ni arawaretaru Senkaku (Chogyo) Shoto (ge)” (Descriptions of the Senkaku [Diaoyu] Islands in Chinese Historical Documents, vol. 2), *Ajia-Afurika Shiryo Tsuho* 10, no. 6 (National Diet Library, 1972), p. 22.

elaborate below. In any event, even if (iii) and (iv) were true, they refer to much later events, and in no way can they be interpreted as demonstrating China's effective occupation of the Senkakus since their "discovery" in 1534.

The claim that the Senkakus have been part of Chinese territory either since their 1534 "discovery" by Chen Kan or following their "discovery and effective occupation" can be shown from the above to be untenable. Among the Chinese claims is that the Senkakus were named by Chen Kan upon their discovery in 1534, but this, too, is inaccurate. While the Senkakus first appear in Chen's 1534 *Shi Liuqiu lu* with a Chinese name, this by no means indicates that he was the first to name the islands. The Ryukyu islanders had since antiquity presumably knew of and used the sea route via the Senkaku Islands to southern China (Fujian and Guangdong) and the South China Sea. During the Ming Dynasty, in particular, official Ryukyu ships traveled to and back along the route at least twice a year, so it would be natural to assume that the Ryukyuan had a name for the islands. While there are no surviving Ryukyu documents confirming this, Chen Kan's records do state that the imperial envoy asked the Ryukyuan aboard his ship (court officials and sailors) the names of everything he encountered on the outward voyage and noted them all down. It would be natural, then, to assume that Chen also inquired after the names of the Senkaku Islands and recorded them in Chinese. This would also explain the discrepancy between the names recorded by Chen and by Guo Rulin.

Pointing to *Shunfeng xiangsong* (Voyage with a Tail Wind), a record of a private voyage in the Ming period that predates Chen Kan's log, China has recently begun asserting that the "discovery" of the Senkakus was actually made much earlier. The document cites Diaoyu Yu as being one of the islands that voyagers passed on a trip, and its reference to the year 1403 has been claimed to indicate that the Senkakus had been discovered by the Chinese

before that date. Upon closer reading, though, one comes across references to events in Nagasaki and Manila that occurred in 1570. Most historians, such as Takase Kyoko, thus now regard *Shunfeng xiangsong* as having been compiled in its present form in the mid-1570s.²³ Any claims of an early fifteenth-century Chinese “discovery” based on this document, therefore, would be inconsistent with historical facts.

(Continued in Part 3.)

Recommended citation: Ozaki Shigeyoshi, “The Senkaku Islands and Japan’s Territorial Rights,” *Review of Island Studies*, June 10, 2013, <http://islandstudies.oprf-info.org/research/a00004/>. Translated from “Senkaku Shoto to Nihon no ryoyuken,” *Tosho Kenkyu Journal*, Vol. 2 No. 1 (October 2012), pp. 8–27; published by the OPRF Center for Island Studies.

OZAKI Shigeyoshi

Professor emeritus at the University of Tsukuba. Specializes in international law. Born in 1936. Graduated from the University of Tokyo, where he majored in law. Received his doctorate from the Division of Law and Politics, University of Tokyo Graduate School. Worked in the Research and Legislative Reference Bureau of the National Diet Library. Has served as a professor in the Faculty of Law, Niigata University; the Institute of Social Sciences, University of Tsukuba; and the Faculty of International Political Science and Economics, Nishogakusha University. The following are his main works on the Senkaku territorial issue:

²³ Uchida Akiko, Takase Kyoko, and Ikeya Machiko, *Ajia no umi no koryukyu: Tonan Ajia, Chosen, Chugoku* (Ancient Ryukyu in Maritime Asia: Southeast Asia, Korea, and China), (Ginowan, Okinawa: Yoju Shorin, 2009), p. 305.

1. "Senkaku Shoto no kizoku ni tsuite" (Territorial Sovereignty over the Senkaku Islands), pts. 1, 2, 3-1, and 3-2, *Reference* nos. 259 and 261–63 (1972).
2. "Senkaku Shoto no kokusaihojo no chii: Shu to shite sono rekishiteki sokumen ni tsuite" (The Status of the Senkaku Islands in International Law: Concerning Mainly Their Historical Aspect), *Tsukuba hosei* 18, no. 1 (1995).
3. "Territorial Issues on the East China Sea: A Japanese Position," *Journal of East Asia and International Law* 3, no. 1 (2010).