

Japan's Effective Control of the Senkaku Islands

The Senkaku Islands as Seen in Government White Papers and Other Documents Since the Reversion of Okinawa to Japanese Control

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1. Introduction

It was on September 7, 2010, that a Chinese fishing boat deliberately rammed two Japan Coast Guard patrol vessels off the Senkaku Islands. It is still fresh in our memory how this incident riveted the attention of the Japanese public, helped by video clips of the incident disseminated on YouTube. This paper reviews how the Senkaku Islands have been discussed and referred to in official Japanese government publications since the reversion of Okinawa to Japanese control in 1972. To this end, I have drawn on references to the islands in the pages of the Japan Coast Guard White Paper (published through 2000 under titles including *Kaijo hoan no genkyo* [The Present State of Maritime Safety]), the Japan Coast Guard Annual Report, the official histories published to mark the thirtieth and fiftieth anniversaries of the Japan Coast Guard, and other texts.

Up through 2000, when the JCG was still issuing an annual white paper, any language about the Senkaku Islands was likely subject to considerable constraints in the drafting process.¹ However, if the references quoted here may seem only superficial, they nonetheless reflect the position of the Japanese

¹ It was apparently common for the Japan Coast Guard to work collectively on the wording of sensitive content with other relevant ministries and agencies.

government at that time and can be read as an expression of what the government felt was acceptable to tell the Japanese public. The launch of the new Japan Coast Guard Annual Report in 2001 made it possible to write more freely, but brought new space limitations due to the heavy use of photographs and graphics. Even within this shorter format, however, readers can discern the true sentiment of the Japan Coast Guard. In this paper, I will trace these comments over time.

2. The Deliberate Ramming by a Chinese Fishing Boat Off the Senkaku Islands

This incident took place relatively recently, but it is still worth summarizing how it was reported in Japan's newspapers.

The incident occurred on September 7, 2010, and the following morning Japanese newspapers led with headlines to the effect: "Chinese Fishing Boat Collides with Japanese Patrol Vessels Off the Senkaku Islands: Coast Guard Conducts Onboard Investigation." The papers stated that, according to information received by the Japan Coast Guard, at approximately 10:15 a.m. on the morning of September 7 in Japanese territorial waters some 12 kilometers north-northwest of Kuba Island in the Senkakus, the JCG patrol vessel *Yonakuni* had collided with a Chinese trawler that took flight after being discovered fishing illegally.

According to these news reports, the *Yonakuni* was struck in the stern, damaging two deck supports, but sustained no injuries. The Chinese vessel continued to flee, ignoring orders to stop from the patrol vessel *Mizuki*, which was also in the area. At 10:56 a.m., approximately 15 kilometers northwest of Kuba Island, the Chinese trawler also collided with the pursuing *Mizuki*. The *Mizuki* sustained damage to three meters of her hull and to five or six structural supports. The trawler finally hove to shortly before 1:00 p.m., and approximately 20 JCG officers searched the vessel under the provisions of the Japan Coast Guard Act. They found 15 Chinese sailors aboard the ship, none of them injured.

The newspapers also reported that according to the JCG, there had been 10 arrests for illegal fishery operations and other violations by foreign fishing vessels within Japanese territorial waters and another 16 arrests within Japan's exclusive economic zone during the five years from 2005 to 2009.

It was reported further that on September 7, 2010, Japanese Ministry of

Foreign Affairs Asian and Oceanian Affairs Bureau Deputy Director General Kitano Mitsuru had lodged a protest with the Chinese government via the Chinese Embassy in Tokyo in response to the Chinese vessel's illegal fishing operations, flight, and collisions with the Japanese patrol vessels off of the Senkaku Islands. This protest called the illegal fishing operations regrettable and requested that the Chinese government provide strict guidance and supervision. The Chinese government response was also reported: the Senkaku Islands were not Japanese territory, and therefore the fishing had not been illegal.

This sums up how the incident was covered in the popular press. The official Japan Coast Guard newspaper reported the incident as summarized below, under the headline "Fishing Operations in Senkaku Territorial Waters: Chinese Fishing Boat Captain Arrested After Ignoring Orders to Stop, Colliding with Two Patrol Vessels":

At approximately 10:15 a.m. on September 7 in Japanese territorial waters approximately 12 kilometers north-northwest of Kuba Island in the Senkaku Islands, the 11th Regional Coast Guard Headquarters patrol vessel *Yonakuni* and the Chinese registry trawler *Minjinyu 5179* (166 tons), operating in the area, collided. The trawler ignored orders from the *Yonakuni* to stop and continued to flee. At approximately 10:50 a.m., the trawler also collided with the patrol vessel *Mizuki*, which had been running abreast issuing orders to stop. The *Mizuki* then closed with the fishing boat, and some 27 kilometers north-northwest of the island, JCG officers boarded the vessel to conduct a physical inspection under the Japan Coast Guard Act. The inspection found that the vessel was of Chinese registry from Quanzhou. Captain Zhan Qixiong (age 41) and the other 14 crewmen were all Chinese nationals. At 2 a.m. on September 8, within Japanese territorial waters approximately 7 kilometers north of Uotsuri Island, the 11th Regional Coast Guard Headquarters arrested Captain Zhan on suspicion of obstructing the performance of official duties by public officers. According to further investigations, the captain was suspected of suddenly changing course at approximately 10:55 a.m. on September 7 some 15 kilometers northwest of Kuba Island and ramming the *Mizuki*—which had been pursuing the fishing boat while continuously issuing orders for it to heave to—in the central starboard side, by this and other actions obstructing the performance of official duties by JCG officers aboard the *Mizuki*. Escorted by the *Yonakuni* and *Hateruma*, the Chinese fishing vessel entered Ishigaki Harbor at approximately 7:25 a.m. on September

8. The Ishigaki Coast Guard Office is also investigating regarding suspected illegal fisheries operations in Japanese territorial waters. The damage to the two JCG patrol vessels in collisions was as follows: *Yonakuni*—one helipad support column bent and other light damage; *Mizuki*—a dent amidships on her starboard side and a scrape on her hull approximately 3 meters long and 1 meter high.²

The 2011 Japan Coast Guard Annual Report featured this incident under the title: “Chinese Fishing Boat Captain Who Rammed Patrol Vessels Arrested.”

On September 7, 2010, in our nation’s territorial waters off the Senkaku Islands, the Chinese captain of the Chinese trawler *Minjinyu 5179* rammed his ship into the JCG patrol vessel *Yonakuni* while *Yonakuni* was warning it to leave Japanese waters where it had been fishing. Subsequently, the fishing boat also rammed the patrol vessel *Mizuki*, which was continuing the pursuit while also issuing orders to heave to. Since the fishing vessel continued to flee without obeying orders to stop, Japanese Coast Guard officers forcibly boarded the vessel after coming alongside in international waters, arresting the Chinese captain on suspicion of obstructing officers in the performance of their duties.³

This same report gives a more detailed account of the incident under the title “Collision with the *Yonakuni*.”

Collision with the *Yonakuni*

On September 7, 2010, the patrol vessel *Yonakuni* on duty in waters around the Senkaku Islands discovered the Chinese trawler *Minjinyu 5179* conducting fishery operations and ordered it to leave Japanese territorial waters. After recovering its nets, the trawler set sail, and at 10:15 a.m., while still in Japanese waters approximately 12 kilometers north-northwest of Kuba Island, rammed the *Yonakuni*.

Orders to Stop, and Pursuit

As the fishing boat continued on its course even after the collision, the patrol vessels *Mizuki* and *Hateruma* took up the pursuit, ordering the vessel to heave to.

Collision with the *Mizuki*

At 10:56 a.m., now approximately 15 kilometers north-northwest of Kuba Island in Japanese waters, the fishing boat suddenly turned to port and rammed the pursuing *Mizuki*.

² *Kaijo hoan shimbun* (Japan Coast Guard Newspaper) no. 2961, September 9, 2010.

³ Japan Coast Guard Annual Report 2011, p. 4.

Forced Boarding and Stopping the Ship

The patrol vessels *Mizuki* and *Hateruma* progressively escalated their efforts to stop the ship by blocking its course and using water cannons. As the trawler still would not heave to, the *Mizuki* came alongside and six JCG officers forcibly boarded the fishing vessel in international waters approximately 27 kilometers north-northwest of Kuba Island.

Captain Arrested

At 2:03 a.m. on September 8, in Japanese territorial waters some 8.7 kilometers from the western tip of Uotsuri Island, the captain was arrested on charges of obstructing the performance of official duties by the crew of the *Mizuki*. At 10:41 a.m. on September 9, the captain was handed over to the Ishigaki Office of the Naha District Public Prosecutors Office. On January 20, 2011, he was further charged with illegal fishing in Japanese territorial waters under the Act on Regulation of Fishing Operation by Foreign Nationals and obstructing crewmembers of the *Yonakuni* in the performance of their official duties. On September 25, 2010, the captain was released with charges still pending, and on January 21, 2011, all charges were dropped.⁴

Regarding this incident, Japan Coast Guard Commandant Suzuki Hisayasu made the following remarks in New Year greetings published in the January 1, 2011, edition of the Japan Coast Guard newspaper.

The collision with a Chinese fishing boat in waters off the Senkaku Islands took place on September 7. In the middle of a meeting I was attending with then Minister of Land, Infrastructure, Transport, and Tourism Maehara Seiji, the senior vice ministers, and parliamentary secretaries [a recess deliberation meeting of the House of Councillors Committee on Land, Infrastructure, Transport, and Tourism], word came in of the ramming of our patrol vessels *Yonakuni* and *Mizuki*. The meeting ended after noon. Shortly after I returned to JCG headquarters the *Mizuki* executed a forced boarding and brought the fishing boat to a halt. Viewing video images relayed via satellite, it was clear that the Chinese fishing boat had deliberately rammed our patrol vessels. I resolved that we arrest the captain on charges of obstructing the performance of official duties. After notifying the minister, senior vice ministers, and parliamentary secretaries, as well as the prime minister's office, we secured an arrest warrant in the middle of the night and before dawn the next day arrested the Chinese captain.

⁴ Ibid., p. 21.

The captain was transferred from the Ishigaki Coast Guard Office to the Ishigaki Office of the Naha District Public Prosecutors Office on September 9, and held for 10 days. Another 10-day extension was secured, but in the middle of the second extension on September 24, the Naha District Public Prosecutors Office suddenly held a press conference announcing the captain's release. This was a decision of the prosecutors office arrived at after consultations with the High Public Prosecutors Office and the Supreme Public Prosecutors Office. For our part, the JCG kept its silence and continued to patrol the scene of the incident. In fact, Chinese fisheries surveillance ships were already appearing near the Senkaku Islands, and securing our territorial waters had become a matter of the greatest urgency.

However, a fierce debate was already raging in the Japanese Diet—both in recess hearings and then in the extraordinary session of the Diet convened on October 1, 2010—as to why the captain had been released and whether video footage of the incident should be made public. We received a request to release the footage to the House of Representatives and submitted a video covering 7 minutes including the collisions. On November 1, there was a special screening limited to the members of the upper and lower house budget committees, in which I participated to explain the events.

This ramming by the Chinese fishing boat and the many problems arising from it provided an opportunity to appeal to the Japanese public regarding Japanese sovereignty over the Senkaku Islands. At the same time, it made it impossible to deny any longer that there was in fact a dispute regarding ownership of the islands, albeit in the form of unilateral Chinese assertions. Yet while I say dispute, the fact that this incident did not take on any military overtones also speaks to the singularly delicate nuances of the issue.⁵

3. Statements Regarding the Senkaku Islands in the Japan Coast Guard White Papers and Other Documents, 1972–96

The primary public affairs tool the Japan Coast Guard uses today to present itself to the Japanese public is the reader-friendly, photo-heavy Japan Coast Guard Annual Report. Previously, however, the JCG issued an annual white

⁵ There have been various confrontations between JCG patrol vessels and ships from China's State Oceanic Administration and its Ministry of Agriculture's Bureau of Fisheries, but neither Chinese naval vessels nor ships of the Japan Maritime Self Defense Force have been deployed.

paper. We can assume that there are many constraints on what can be said in external publications like these out of consideration for the concerns of other government ministries and agencies. Nonetheless, they retain considerable documentary value. Below I track how these publications have referred to the Senkaku Islands over time.⁶

Administrative control of Okinawa reverted from the United States to Japan on May 15, 1972. The Thirty Year History of the Japan Coast Guard remarks on this development as follows:

Following the reversion of Okinawa on May 15, 1972, the Japan Coast Guard began patrols of the waters around the Senkaku Islands. One patrol vessel has been kept on station continuously by the 11th Regional Coast Guard Headquarters, or as necessary dispatched from other Regional Coast Guard Headquarters. During May, when patrols began, a total of 26 foreign fishing vessels were found to have illegally entered Japanese waters around the Senkaku Islands, all of them of Taiwanese registry. Among these vessels, some entered Japanese waters to fish in the excellent fishing grounds around the islands. Others entered Japanese waters to land on the islands to harvest seabird eggs or replenish their drinking water. In response, the JCG advised these intruders that they were on Japanese territory and in Japanese waters and expelled them. In the case of more malicious intruders, appropriate actions have been taken as stipulated by the relevant laws.⁷

As you can see, the wording does not convey a sense of crisis. We can take this as an indication that at that time China itself was still a developing country, and could not yet be called a true “sea power,” be it in terms of commercial ships, fishing vessels, official vessels, or warships.

The July 1973 white paper covering the events of 1972 includes the following passage under the section titled “Policing of the Territorial Sea.”

(3) Senkaku Islands and Surrounding Waters

The Japan Coast Guard has patrol vessels constantly stationed in the waters around the Senkaku Islands, and is guarding against violations of Japan’s territorial waters by foreign vessels and illegal landings on the islands. Violations of territorial waters since the reversion of Okinawa through December 31, 1972, are as shown in Figure 41

⁶ This section is based primarily on JCG public affairs publications from 1972, when Okinawa (and the Senkakus) reverted to Japanese control, through 1996.

⁷ *Kaijo Hoancho 30-nen shi* (Thirty Year History of the Japan Coast Guard), 1979, p. 112.

[omitted] and were almost all ships of Taiwanese registry. These violations have occurred because the Senkaku Islands provide excellent fishing grounds and have all involved illegal fishery operations inside Japanese waters or landings on the islands themselves to replenish water. Every time this has occurred, the violators have been ordered to withdraw. All have followed these orders and there have been no international disputes as had been originally feared.⁸

In addition, the 1974 white paper uses almost identical wording.⁹ Indeed, up until the 1977 white paper there were no incidents around the Senkaku Islands worthy of special note at all.

The Act on Territorial Waters and Contiguous Water Areas was enacted by the Japanese Diet on May 2, 1977, and took effect on July 1.¹⁰

As is well known, together with setting Japan's territorial waters at 12 nautical miles in principal, this legislation did no more than to specify territorial waters in certain special cases, as in the 3 nautical mile territorial waters in such areas as the Soya and Tsushima Straits. Unlike territorial waters legislation in China or Taiwan, the law contained no clear statement that the Senkaku Islands were Japanese territory. It is not clear if this omission had any direct connection to the Senkaku Island incident in the following year, which I discuss below. Yet it is incontrovertible that the establishment of this new legislation was an important inflection point in the coming of a new oceanic era.

In light of the progress on UNCLOS, the United Nations Convention on the Law of the Sea, that was taking place at the time, the Japanese government concluded that the international community was beginning to move rapidly toward establishing a new oceanic order. Based on this understanding, Japan decided to drop its previous insistence on 3 nautical mile territorial waters and began charting a major shift in its ocean policies. This led in turn to Japan's sudden need to protect a vast, 200 nautical mile fishing area.

In the beginning, there was no choice but to protect this immense area of ocean through the dynamic management of pre-existing forces. However, in addition to the evident need to respond to the new international order at sea, the sudden intrusion into waters around the Senkaku Islands by Chinese fishing boats in April 1978, orders from South Korean patrol vessels to Japanese fishing boats to leave waters around Takeshima, and other incidents further

⁸ Japan Coast Guard White Paper 1973, p. 102.

⁹ Japan Coast Guard White Paper 1974, p. 118.

¹⁰ The Act on Temporary Measures Concerning Fishery Waters was enacted on the same day and similarly took effect on July 1.

drove home the need to establish a posture for responding to such threats as quickly as possible through the rapid deployment of patrol vessels and aircraft, and preparations were soon underway to acquire the necessary forces. In other words, in response to these new challenges, the government began studying the procurement of highly mobile patrol vessels equipped with helicopters, long-range aircraft, and high-speed patrol boats. In the end this would lead to the implementation of a massive expansion of the Japan Coast Guard exceeding even the huge buildup following General Douglas MacArthur's 1951 letter to then Prime Minister Yoshida Shigeru demanding a build-up of the JCG and the nascent Japan Self Defense Forces. It should be acknowledged that this rapid build-up of patrol vessels and patrol craft was also strongly desired by Japan's shipbuilding industry as it struggled with structural recession.¹¹ Nonetheless, it was the beginning of what has been called the "new oceanic order."

The 1978 white paper reports on an extremely important development in an almost casual way. Under the headline "Waters Around Okinawa" the white paper states that all of the foreign fishing vessels found operating illegally in Japanese territorial waters around Okinawa in 1977 were Taiwanese, but then goes on to report the following incident, which took place in April 1978.

At approximately 7:30 a.m. on April 12, the patrol vessel *Yaeyama* detected numerous vessels off the Senkaku Islands on its radar, and immediately raced to the area. At approximately 8:30 a.m. it found some 100 Chinese fishing boats (all in the 100-ton range) in Japanese national waters between 8.5 and 16 nautical miles north-northwest of Uotsuri Island. A portion of the fishing armada continued to enter and leave Japanese waters, either fishing, drifting, or navigating for several days, but at approximately 2:15 p.m. on April 18 all of them withdrew. As soon as the incursion was detected, the Japan Coast Guard rushed the patrol vessel *Okinawa* and other vessels to the scene and deployed additional ships and aircraft from other Regional Coast Guard Headquarters. At its peak, the Japan Coast Guard had a deployed patrol force of 10 vessels and 4 aircraft, continuously ordering the armada by loudspeaker and banners to leave Japanese territorial waters.¹²

Of course, everything can seem clearer in hindsight. However, I believe one can be forgiven for speculating whether the deliberate ramming by a Chinese fishing boat 33 years later in 2010 had its origins here.

The JCG's 30-year history refers to this incident in detail as follows:

¹¹ *Kaijo Hoancho 30-nen shi*, pp. 141–42.

¹² Japan Coast Guard White Paper 1978, p. 118.

Response to the April 12, 1978, Mass Incursion into Territorial Waters by Chinese Fishing Vessels

On April 12, 1978, at approximately 7:30 a.m. the patrol vessel *Yaeyama*, cruising in Japanese waters off the Senkaku Islands, detected a large number of vessels on its radar north-northwest of Uotsuri Island and immediately proceeded to the area at high speed. When she arrived on scene at approximately 8:30 a.m., she confirmed approximately a hundred Chinese-flagged 100-ton fishing vessels massed around the boundary of Japan's territorial waters, of which some 40 were fishing and cruising inside those waters. The *Yaeyama* approached the Chinese fishing boats and ordered them out of Japanese waters by megaphone and banners. However, the Chinese ships gave no sign of responding to these orders, instead aggressively pressing the patrol vessel itself to leave.

Upon receiving *Yaeyama's* report, the 11th Regional Coast Guard Headquarters immediately dispatched the patrol vessels *Okinawa* and *Nobaru* and the patrol plane *MA172* to the scene. However, the number of Chinese fishing vessels continued to increase, and the incident showed every sign of escalating. Consequently, the 11th Coast Guard Headquarters established a special incident headquarters team to handle the incident smoothly and definitively and implemented a blanket defense drawing on additional patrol vessels and aircraft dispatched from other Regional Coast Guard Headquarters.

As the number of Japanese patrol vessels and aircraft grew, the belligerent attitude of the Chinese who had originally demanded that the Japanese patrol vessels themselves withdraw began to change, and within 2 to 3 hours they had followed the orders to withdraw and left Japanese territorial waters, although scattered violations continued to occur. Some Chinese vessels continued to slip in and out of Japanese waters, but at approximately 2:15 p.m. on April 18, the entire flotilla withdrew beyond the territorial demarcation.

Even after leaving Japanese waters, the Chinese fishing boats continued to fish and cruise just outside the demarcation line. From May 14 on they all vanished from nearby waters, though, and the scene of the incident returned to normal.

During the period from April 12 to April 18, a total of 357 Chinese fishing boats trespassed into Japanese territorial waters. Of those, 123

actively fished, 73 cruised without fishing, and 161 simply dropped anchor or drifted.

After weighing the number of Chinese vessels, the attitude of the Chinese toward the *Yaeyama* and other conditions on the scene against the forces available to the 11th Regional Coast Guard Headquarters, the Japan Coast Guard ordered the dispatch of patrol vessels and aircraft from other RCGs. At maximum deployment, the Japan Coast Guard had 10 patrol vessels and 4 aircraft committed to protecting the disputed waters, with 7 patrol vessels constantly on station and aircraft making three to four flights a day over the area.

Total deployments by all RCGs between April 12 and June 24 (the day the special incident headquarters team was disbanded) were as follows:

Patrol vessels: 3rd RCG Headquarters, 1 ship, 18 total days deployment; 4th RCG Headquarters, 1 ship, 32 days; 5th RCG Headquarters, 3 vessels, 76 days; 7th RCG Headquarters, 5 vessels, 134 days; 8th RCG Headquarters, 1 vessel, 34 days; 10th RCG Headquarters, 4 vessels, 113 days. Total patrol vessel deployment was 15 vessels, with a total of 407 days spent on deployment.

Aircraft: 3rd RCG Headquarters, 2 aircraft, 27 total days deployment; 6th RCG Headquarters, 1 aircraft, 4 days; 7th RCG Headquarters, 1 aircraft, 6 days; 10th RCG Headquarters, 1 aircraft, 4 days. Total aircraft deployment was 5 aircraft, deployed for a total of 41 days.

[On May 30, directly after this large-scale illegal fisheries incursion by Chinese vessels around the Senkaku Islands and largely driven by it, the following took place.]

The Liberal Democratic Party established a special research committee on Japanese territory and territorial waters within the party's Policy Research Council in order to survey the extent of Japan's national territory (focused primarily on islands and reefs where Japanese citizens were not presently residing). In response to these movements, within the government itself an interministerial committee of concerned ministries and agencies has been meeting as necessary to study measures regarding the effective control, defense, confirmation, naming, and proper handling of uninhabited islands as national assets. For the time being, the Japan Coast Guard has been assigned to survey remote uninhabited islands, place survey markers, monitor and measure undersea volcanoes, and monitor and control foreign fishing vessels in

waters around uninhabited islands.

Regarding the question of whether lighthouses, heliports, emergency harbors for fishing vessels, or other facilities should be built on the Senkaku Islands, the interministerial committee has decided for the time being to have the Okinawa Development Agency provide funding in its fiscal 1979 budget for a fact-finding study on the use and development of the islands, including the construction of facilities. The government will determine its response based on the results of this study.¹³

This is the relevant text from May 1979. I have no material from which to quote regarding any subsequent actions taken in following years.¹⁴

Despite the magnitude of the Chinese fishing boat incident, the 1979 white paper noted it in a surprisingly offhand manner:

In 1978, the Japan Coast Guard confirmed a total of 1,010 foreign fishing vessels engaged in suspicious or illegal conduct in Japanese territorial waters, a dramatic increase from the 181 ships reported the previous year. The increase was due primarily to numerous cases of illegal coral fishing by Taiwanese fishing boats in waters around the Miyako and Yaeyama Islands and the seas around the Amami Islands, and a mass incursion of Chinese fishing boats into Japanese territorial waters around the Senkaku Islands in April 1978.¹⁵

That was all. One can derive no sense of national concern, or even of the urgent nature of the incident, from these words. The impression is that the primary concern of the white paper's authors was Japan's moves with respect to the UNCLOS talks underway at the time.

October 21, 1990 brought the intrusion of two Taiwanese ships into Senkaku waters. The purpose of the incursion was to assert Taiwanese sovereignty over the Senkaku Islands. The two Taiwanese vessels, part of a Taiwanese athletic torch relay event, entered Japanese waters west of Uotsuri Island despite

¹³ *Kaijo Hoancho 30-nen shi*, pp. 153–54.

¹⁴ The launch of serious efforts to assign names to Japan's isolated uninhabited islands can be seen as a side effect of the September 2010 Senkaku Islands incident (possibly also influenced by the enactment of China's new Law on Island Protection in December 2009). Even so, it still took some time after that incident to launch action on this issue—one that should have been addressed far sooner. Likewise, the defense efforts against the large-scale incursion of 1979 should have taught Japan the critical lesson that concentrated deployment of the maximum possible number of patrol vessels and aircraft is the clearest expression of national will, and that superior sea power on the scene will determine the outcome of events, even in peacetime.

¹⁵ Japan Coast Guard White Paper 1979, p. 17.

warnings and guidance from JCG patrol vessels. Japan's vessels finally stopped the Taiwanese ships west of Uotsuri Island and forced them to leave.

In addition, the 1991 white paper, when writing about the problem of foreign ocean survey ships, mentions Japan's response to incursions by Soviet survey vessels, but contains no noteworthy comments about activities around the Senkaku Islands.¹⁶

When we come to the 1995 white paper, however, we find the following under the heading: "Guarding Against Foreign Marine Research Vessels."

Reflecting the growing interest in ocean resource development accompanying the expansion of the jurisdictions of littoral countries and improvements in technology for exploiting resources on the ocean floor, we have detected increased activity by foreign ocean survey ships in waters around Japan. For the last full year, we have seen seabed resource surveys by Russia in the Pacific Ocean and Japan Sea and China and Taiwan in the East China Sea, using ocean survey vessels and other means.

Our nation has taken the position that we do not recognize the right of other countries to search for seabed resources on our continental shelf without our permission. For this reason, the JCG is carrying out surveillance by patrol vessels and aircraft of broad ocean areas associated with the continental shelf that belong to Japan.

In particular, the number of Chinese marine research vessels detected in these areas went from 2 ships in 1993 to 15 ships in 1994. Furthermore, from May to June 1995, Chinese marine research vessels crossed the median line dividing Japanese and Chinese waters and carried out activities clearly related to surveying ocean floor resources in the Okinawa Trough in waters north of Miyakojima Island. The vessels crisscrossed the area, trailing cables and clearly engaging in survey activities, while ignoring all orders from JCG patrol vessels to stop.¹⁷

The marine research vessel problem is not directly tied to the Senkaku Islands per se. However, it is undeniable that there is a close connection between the two, and I have taken the liberty of including this issue here.¹⁸

¹⁶ Japan Coast Guard White Paper 1991, pp. 79–80.

¹⁷ Japan Coast Guard White Paper 1995, pp. 98–99.

¹⁸ We should note that from 2011 to 2012, there has been a reverse situation in which JCG survey vessels have been repeatedly ordered to halt their own ocean surveys by vessels of China's State Oceanic

4. Statements Regarding the Senkaku Islands in the Japan Coast Guard White Papers and Other Documents, 1997–2000

In 1996, there was an increase in the activities of marine research vessels and other shipping from China. In the seas west of Okinawa, close to the Japanese side of the median line dividing Japanese from Chinese waters, a total of six marine research vessels—five Chinese and one French—carried out concentrated marine research within this period. As well as informing the relevant government ministries and agencies of the facts, the Japan Coast Guard implemented on-site security measures, including issuing demands for the ships to cease their activities.¹⁹

The situation as of November 1997 was recorded in the JCG's white paper as follows.

Security Measures in Japanese Waters Around the Senkaku Islands (July 1996)

The United Nations Convention on the Law of the Sea came into effect with regard to Japan in July 1996. Initially, complaints from Taiwan and Hong Kong focused on the impact that establishing an exclusive economic zone might have on fishing. When a Japanese group built a structure intended to serve as a lighthouse on Kitakojima Island in the Senkaku Islands, the Baodiao Movement [Movement to Defend the Diaoyu Islands] became active in Taiwan, Hong Kong, and other places.

From late August the same year, small boats from Taiwan began to enter Japanese waters around the islands for protest and publicity. An incident occurred in which a number of activists jumped into the water, one of whom drowned. In October, 49 small boats from Taiwan carrying activists from Taiwan and Hong Kong approached the islands. Of these, 41 entered Japan's territorial waters, and four activists forced their way onto Uotsuri Island. In May 1997, activists from Taiwan and Hong Kong arrived in the Senkaku Islands on 30 small boats. Three of the protest boats ignored warnings and entered Japanese territorial

Administration and other Chinese governmental entities. For example, on February 29, 2012, it was reported that: "The Japan Coast Guard survey vessels *Shoyo* and *Takuyo*, while performing marine surveys within Japan's exclusive economic zone, received wireless orders to stop their survey work from the Chinese State Oceanic Administration vessel *Haijian 66*" (9:30 p.m., February 28, 2012: Japan Coast Guard Hydrographic and Oceanographic Department press release, "Regarding the Approach of a Chinese Government Ship to Japan Coast Guard Survey Vessels"). On February 19, the *Shoyo* had also been ordered to halt operations. Of course, a protest was lodged by Japan's Ministry of Foreign Affairs.

¹⁹ *Kaijo Hoancho 50-nen shi* (Fifty Year History of the Japan Coast Guard), 1998, p. 98.

waters. On this occasion, an incident occurred when two of the activists jumped across and boarded a patrol vessel. The JCG drove all ships from our territorial waters and prevented any illegal landing. In accordance with the decision taken by the relevant government authorities, the two individuals who had boarded one of our ships were turned over to the Taiwanese protest boats and forcibly removed from Japanese territory. There was a further incursion by one Taiwanese protest vessel into Japanese territorial waters around the Senkaku Islands in July, but we drove it out of our territorial waters.

In response to these incidents, the aim of the Japan Coast Guard has been to liaise at all times with the relevant government ministries and agencies. We carried out security and rescue activities and continue to exercise all due caution to prevent unforeseen contingencies.²⁰

In the same passage, the report further notes that, “The number of Chinese research vessels has increased since 1994. In 1994, 24 boats were confirmed; in 1995, 12 boats; and in 1996, 22 boats . . . In April 1997, a Chinese marine research vessel ignored the demands of a Japanese patrol vessel to cease its activities on the Japanese side of the median line in the East China Sea, carrying out research and encroaching into Japanese waters twice during this period. As well as keeping the relevant ministries and agencies informed of developments, the JCG carried out security measures at the scene of the incident until the boat left Japan’s EEZ.”

The 1999 white paper provides a more detailed account of the incident:

Frequent Protests in Recent Years Regarding Territorial Claims on the Senkaku Islands

The Senkaku Islands, located in the East China Sea west-southwest of Okinawa, are an integral part of Japanese territory. The Japan Coast Guard deploys patrol boats in the waters adjacent to the islands at all times and carries out regular patrols by aircraft. Maintaining close contact with the relevant government ministries and agencies, the JCG is responsible for security and preventing incursion and illegal landings on our territory.

In 1968, maritime specialists from Japan, Taiwan, and South Korea, carried out a scientific survey on the ocean floor of the East China Sea with the cooperation of the United Nations Economic Commission for Asia and the Far East. One of the results of this study

²⁰ Japan Coast Guard White Paper 1997, opening essay, “Chief Events Relating to Maritime Safety,” pp. 40–41.

was a suggestion that oil reserves might lie buried in the continental shelf below the East China Sea. Since 1971, China and Taiwan have taken to claiming territorial rights over the islands, and in February 1992 China passed legislation claiming the islands as part of Chinese territory; in February 1999 Taiwan published a territorial baseline that included the islands within its territorial waters.

In July 1996, complaints were raised regarding the impact on fishing activities that would be caused by Japan's establishment of an EEZ. There were also protests against the construction by a group from Japan of a building designed to serve as a lighthouse on Kitakojima Island, one of the Senkaku Islands. Protest activities claiming territorial rights to the islands became common in Taiwan, Hong Kong, and other places, under the name "Baodiao Movement."

Starting in August that year, there were numerous incidents in which small boats from Taiwan encroached on Japanese territorial waters within the islands either for protests or for media purposes. In September a protest vessel from Hong Kong entered Japanese territorial waters. A number of activists leaped into the waters, one of whom drowned. Since then, five protest activities have taken place. The protests are showing signs of becoming increasingly extreme and complex. Activists have warned that they are armed. These activities are expected to continue into the future.

In response to these incidents, the JCG will mobilize patrol boats and aircraft from around the country, maintaining close liaisons with the relevant ministries and agencies and continuing to make every effort to ensure that unforeseen contingencies do not arise. We will take thorough measures to ensure that a system is in place to expel any incursions into our territorial waters, and will carry out lifesaving operations where necessary.

Fishing boats also make regular incursions into the waters. Boats from Taiwan come throughout the year in search of shark, tuna, and flying fish, which they catch by long-line or single-hook fishing. From China, fishermen normally come from February to May to catch threadsail filefish and other species by dragnet trawling.

In 1998, a confirmed total of 1,547 fishing boats from China and 326 from Taiwan carried out either illegal navigation within Japanese territorial waters adjacent to the islands or were observed drifting, loitering, or engaged in other suspicious behavior. Following stern warnings from Japanese patrol vessels, the boats were removed from

Japanese territorial waters.²¹

Beginning in 1999, the white paper noted unusual activities by Chinese maritime research vessels and incursions by them into Japanese territorial waters. In 2011, Chinese research vessels seem to have been almost outrageously active in the seas in this area. Incursions by Chinese boats can fairly be described as “frequent” in this period. The 1999 white paper, for example, contains the following account of conduct carried out by the Chinese marine research vessel *Fendou 7*.

On April 28, 1998, there was a confirmed sighting from a Japan Coast Guard aircraft of the Chinese marine research vessel *Fendou 7*, dragging a cable from its stern as it navigated within Japan’s EEZ to the northwest of Uotsuri Island in the Senkaku Islands.

When a patrol vessel hurried to the site and demanded that the vessel cease its research activities, a reply was received to the effect that: “These are high seas. We are working with sound waves, so do not come within three nautical miles of the ship. Any negotiations should take place through the government.” The ship conducted research within Japanese waters adjacent to the Senkaku Islands three times before finally leaving Japanese waters on May 1, ignoring demands from the patrol vessel to stop its work and quit Japanese waters.

The lack of any domestic law regulating response to these activities by Chinese maritime research boats meant it was impossible to take measures to force them out of Japanese waters. Accordingly, in addition to issuing prompt reports to the Ministry of Foreign Affairs and other relevant agencies on the facts of the matter, we carried out stringent tracking and pursuit by patrol ships and aircraft and continued to demand that they cease their research activities until the vessels left the Japanese EEZ.²²

The white paper for 2000 records the same series of events, again describing the Senkaku Islands as “an integral part of Japanese territory” and describing the response of the Japan Coast Guard: deploying patrol vessels to be constantly stationed in the seas adjacent to the islands, carrying out regular patrols by aircraft, maintaining close contact with the relevant agencies and ministries, and carrying out vigilance against territorial encroachments by foreign

²¹ Japan Coast Guard White Paper 1999, pp. 9–10.

²² *Ibid.*, p. 13.

shipping and illegal landings.²³ The explicit claim that the Senkaku Islands are “an inalienable part of integral Japanese territory” is perhaps indicative of a deliberate decision to state the Japanese position clearly.

5. Statements Regarding the Senkaku Islands in the Japan Coast Guard Annual Report, 2003–

In 2001, the Japan Coast Guard White Paper switched to a new format, and has since been known as the Japan Coast Guard Annual Report. The report for 2003 provided an overview of the location of the Senkaku Islands and examined the possibility that untapped resources may be located in the vicinity. After an account of the “Baodiao Movement” campaigns of recent years, the report recorded the following observations: “In April 2002, in order to maintain stability in the Senkaku Islands, the government leased the three islands of Uotsuri Island, Minamikojima Island and Kitakojima Island from their private owner. This prompted strong protests from China and Taiwan, giving rise to a difficult situation that is likely to continue for some time.”²⁴ The report goes on to give the following example of a recent incident: “On June 24, 1998 six vessels including protest ships from Hong Kong and Taiwan approached close to the Senkaku Islands. One of these, a protest vessel from Hong Kong named the *Diaoyutai*, entered Japanese territorial waters as part of its protest activities, and an inflatable rubber craft was lowered from the ship. Both the ship and the rubber craft were expelled from Japanese waters by Japanese patrol vessels.”²⁵

Until 2003, activists approaching the islands had all been from Hong Kong and Taiwan. The arrival of activists from the Chinese mainland for the first time must have come as a shock. An entry in the report for 2004 records this alarming development as follows.

On June 23, 2003, boats carrying activists from mainland China entered into Japanese territorial waters around the islands for the first time, claiming Chinese ownership over the Senkaku Islands. This illegal entry into Japanese waters was followed by similar incidents on October 9, 2003 and January 15, 2004. The incident of March 24, 2004, in which seven Chinese activists landed illegally on Uotsuri Island, leading to a

²³ Japan Coast Guard White Paper 2000, p. 46.

²⁴ Japan Coast Guard Annual Report 2003, p. 33.

²⁵ According to reports on December 12, 2011, Ishihara Nobuteru, secretary general of the Liberal Democratic Party, said in Washington that the Senkaku Islands should move from private to public ownership as a matter of priority, and also said consideration should be given to stationing members of the Self-Defense Forces there on a permanent basis.

major reaction in Japan and other countries, remains fresh in memory.²⁶

Although the patrolling officers followed the prescribed procedures as soon as they discovered the Chinese fishing boats approaching Uotsuri Island with Chinese activists on board, the activists used two small, maneuverable rowboats, and seven of the activists were able to land illegally on Uotsuri Island. As soon as a report on the incident was received from the patrol vessels on the scene, the 11th Regional Coast Guard Headquarters immediately dispatched all the patrol vessels and aircraft that could be mobilized. In addition to expelling the Chinese fishing boats that had illegally entered Japanese waters, police officers were rushed to Uotsuri Island. The activists arrested by the police were sent by aircraft and patrol vessel to Naha port, where seven activists were later handed over by Okinawa Prefectural Police Headquarters to the Immigration Bureau and deported to China.

The situation in the Senkaku Islands was addressed in the final section of the Basic Policy of the Minister of Land, Infrastructure, Transport, and Tourism on Considerations regarding Maritime Police Authority, published on January 7, 2011. In "Part IV: Other Considerations," the report concludes: "There is a need to for government-wide consideration of policies for ensuring that the rule of law operates reliably and securely even in remote uninhabited islands." Following on this, an interim report published on August 26, 2011, noted the following:

Coordination with Ministries and Agencies on Handling Maritime Policing

One policy that might be considered in order to ensure legal jurisdiction over remote uninhabited islands would be to have Japan Coast Guard officers stationed nearby land on the island and exercise judicial police authority on a temporary basis in cases where relocating land-based police would take too much time.

JCG officers are treated as judicial police officers in their duties regarding crimes at sea; they are not able to exercise compulsive force in the case of offenses committed on land. In order for coast guard officers to respond to this kind of situation, therefore, new legislation would be required to allow coast guard officers to assume temporary judicial

²⁶ Japan Coast Guard Annual Report 2004, p. 9.

police powers of investigation after landing on an island. We will consider revising the statues regulating the judicial investigative powers of JCG officers accordingly.

Whether this remark was directly prompted by cases such as that in which seven activists landed on one of the Senkaku Islands is unclear. But it is safe to conclude that it was precisely this kind of eventuality that the authors had in mind.²⁷

The report for 2005 sets aside a number of pages to the Senkaku Islands, and gives a more detailed explanation of the situation. I will omit those parts of the report that overlap with excerpts I have already quoted from elsewhere. The report details Japan's right to exert territorial control over the Senkaku Islands as follows.

The Senkaku Islands were formally incorporated as part of Japanese territory in the Meiji period [1868–1912]. Beginning in 1885, the government of the time repeatedly carried out surveys of the islands. Having taken prudent steps to ascertain that the islands were not only uninhabited but also that the jurisdiction of Qing China did not extend to the islands, on January 14, 1895, a cabinet decision was taken to establish markers to claim the islands formally as part of Japanese territory.

Manufacturing of bonito flakes and stuffed seabirds took place on the islands of Uotsuri Island and Minamikojima Island from around 1896; the remains of a dock and factory built during this time are on Uotsuri Island to this day. After the war, the Senkaku Islands were placed under American administration as part of the Nansei Islands under the San Francisco Peace Treaty. They were returned to Japanese sovereignty along with Okinawa in May 1972, and have remained under Japanese control ever since.

The above facts show absolutely clearly that the Senkaku Islands are Japanese territory. [After touching on the so-called Baodiao Movement, the report continues.]

For some time now, the government has issued instructions prohibiting Japanese political groups and others from landing on the islands. In the light of the incidents above [Chinese incursions into Japanese waters], we reiterated our intention to make any landing on

²⁷ A cabinet decision was taken to submit a draft proposal for amendments to the Japan Coast Guard Act and related laws just before the completion of this manuscript (February 28, 2012).

the Senkaku Islands illegal.

As these events were underway, in February this year the private owner of a lighthouse on Uotsuri Island (an individual involved in the fishing business) announced that he intended to give up ownership rights to the lighthouse. Accordingly, the structure became the property of the state, in accordance with civil law.

The lighthouse presently on Uotsuri Island was constructed by a Japanese political group in 1988 and handed over for the use of fishermen in the area. In consideration of the contribution, however limited, that the lighthouse has made to the navigational safety of fishing and shipping in the area, and the fact that the structure has stood for many years on land leased by the national government, in February 2005 the government took a decision that the Japan Coast Guard, being an organization with the necessary knowledge and competence, would be responsible for conserving and administering the Uotsuri Island lighthouse as a government-administered navigational aid, in accordance with the Navigational Aids Act.

The JCG has informed shipping navigators of the establishment of the Uotsuri Island lighthouse by means of a navigation warning and official gazettes and reports. The JCG has recorded the lighthouse on maps of the seas, and will continue to maintain and monitor the lighthouse as necessary.²⁸

In this way, the report for 2005 makes clear that Japan exerts de facto control over the Senkaku Islands.

Incidentally, in July 1996 a Japanese right-wing group built an unmanned lighthouse on Kitakojima Island, another of the Senkaku Islands, ostensibly for fishing purposes. On August 18, 1997, the facilities were destroyed when a typhoon passed close to the island. There were plans to rebuild, and materials ordered for the purpose of repairs arrived in Ishigakijima Island, Okinawa Prefecture, on November 1. On November 2 members of the group arrived in Ishigakijima Island by air and attempted to board a chartered fishing boat for Uotsuri Island. The 11th Regional Coast Guard Headquarters in Ishigakijima Island succeeded in preventing them from leaving Ishigaki fishing port. This event later became known as the *Mitsu-maru* incident.

Along with the usual account of recent events, the report for 2007 also included the Ministry of Foreign Affairs' "Basic View on the Sovereignty Over the Senkaku Islands." A further column provided an account of the trying

²⁸ Japan Coast Guard Annual Report 2005, pp. 19–20.

experiences undergone by the crew of the patrol boat *Banna* in the course of their duties. I believe that content of this kind is what we need to make the Japanese people better informed of the details of the situation. This should go beyond mere factual reporting, and be done in a way that appeals to the national consciousness. A summary of the column's main points follows.

Although morale on board is high, the faces of the crew are all showing unmistakable signs of tiredness after being on duty without relief on successive days.

At a little past 5 a.m., we received notification that the activists' boat had been sighted. Orders were given to all patrol vessels on standby at that time. The *Banna* advanced to the line marking the contiguous zone, at a point some 24 nautical miles (approximately 44 kilometers) out to sea. Soon after 7 a.m., the activists' boat came close enough to be visible to the naked eye. The expressions on the faces of the crew instantly grew tense. The activists were in a steel-hulled fishing vessel around 30 meters in length weighing approximately 200 tons. The swell was still high, with waves of approximately 3 meters, and we knew that we were in for some rough sailing in the course of our day's work.

At 7:45 a.m., we encountered the activists' boat outside the contiguous zone. Several patrol vessels surrounded the activists and began to track their boat, moving in parallel to it. The swell of the waves tossed both the patrol ships and the activists' boat in all directions, producing large spumes of foam and sea spray. At 7:51 a.m., the activists entered the contiguous zone. The Japan Coast Guard patrol vessels warned them not to enter Japanese waters, but the activists' ship ignored the warnings and continued in the direction of the Senkaku Islands.

At 9:21 a.m., the activists entered Japanese territorial waters. Again the Japanese side issued a warning, but again the warning was ignored.

At 9:40 a.m., the activists approached within 10 nautical miles (approximately 18 kilometers) of Uotsuri Island. There was no time to hesitate. In accordance with instructions from security headquarters, several patrol vessels surrounded the activists' boat, forming a closely knit cordon. Making sure of the swell and the movement of the activists' boat, our crew maintained a distance of 5 meters. This was the closest distance that could be maintained on the rolling seas without danger of collision. The tension among the crew was now higher than

ever.

A little later, there was a sudden crunching sound as something crashed into the hull of the ship. The activists were in a state of agitation, shouting slogans and throwing raw eggs at the JCG boats. The *Banna* was prepared to consider arrests if the situation escalated. The crew took care to ensure that all the necessary preparations and precautions were in place with regard to equipment and the like and continued to issue calm warnings and state the relevant regulations. The situation required constant vigilance; in the past, several activists had jumped into the sea and one had drowned. We continued to monitor the activists' boat from close range, but there was no sign that the activists had any intention of halting their progress. A patrol vessel in the 1,000-ton class joined the containment circle and linked up with a high-speed patrol boat, approaching to block the forward progress of the activists' boat. Faced with this, the activists finally stopped. This was at 10:05 a.m., 7 nautical miles out from Uotsuri Island. Soon after, the activists turned around and began to withdraw in the direction of Taiwan. Despite the sense of relief among the crew, the possibility remained that the activists' boat would reverse its course again. We continued to tail and observe the activists until we were able to confirm at 11:35 a.m. that the boat had left Japanese territorial waters. We handed over to other patrol vessels and waited on standby.

Instructions from the security headquarters to dismiss assured us that there was no longer any risk. Our long and difficult security operation was over.²⁹

6. Conclusion

In preparing this paper I also examined *Nansei kaiiki no kaijo hoan 20-nen no ayumi* (Twenty Years of Maritime Security in the Nansei Region), published by the 11th Regional Coast Guard Headquarters in 1992. This does not include anything particularly noteworthy on the Senkaku issue, merely providing a chronological record of steps the government has taken to strengthen its observation capacities on the islands and prevent illegal landings and the steadfast measures it has taken to defend the security of Japan's waters. Since it was not until 1997 that the islands suddenly became an international issue, this is only to be expected.

I want to quote from a piece included in the report written by Kusanagi

²⁹ Japan Coast Guard Annual Report 2007, p. 17.

Hirofumi, former director of the 11th Regional Coast Guard Headquarters. The piece is a personal memoir and may be of limited documentary value, but I think it provides an interesting point of reference. The article concerns Kusanagi's service on the patrol vessel *Yonakuni* during an incident when a "torch relay" of boats from Taiwan made an incursion into the Senkaku Islands.

The first report that an incident was underway was sent by the patrol vessel *Yonakuni*. At around 6 pm on October 13, 1990, I was in an informal meeting with my second-in-command and others over drinks of Okinawa's *awamori* liquor. A member of the security team came running in with a telegram in his hand. The *Yonakuni*, which was on security standby close to the Senkaku Islands, happened to overhear a broadcast on Taiwanese radio around 5:15 pm, saying that fishermen from Yilan County were calling for participants in a campaign to raise the Taiwanese flag on Uotsuri Island to protest the decision of the Japanese government to establish a lighthouse there, marking the island as the property of the Japanese government. This marked the beginning of all the intelligence gathering and security countermeasures that have since been taken regarding the incident. The good sense and decisive action taken by the wireless operator who intercepted the message while studying Chinese and his captain, who took the decision to report the information immediately, deserve praise.

[Kusanagi goes on to praise the intelligence gathering carried out in Taipei and the results of this work, before continuing as follows.]

I was surprised by the lack of attention these developments received in the Japanese media. Almost nothing was written about protest ships from Taiwan sailing to the Senkakus until the incident actually took place. In Taiwan, the territorial issue had been in the news on a daily basis since late September. The decision to send a protest was taken on October 14, and on October 16 it was confirmed that some 200 fishing vessels would take part. On October 20, the Taiwanese media reported plans for a torch relay of boats to the Senkaku Islands. Information coming in from the Taiwan office included some disturbing reports, including one suggesting that the protesting fishermen planned to land on the island and destroy the lighthouse. Given the way the Japanese media reacted after the incident took place, it seems likely that there would have been a considerable fuss about the situation if the media had been monitoring this information during the buildup. The media

reported the protests in Taiwan and Hong Kong, but did not report on these other developments at all. It was very strange. From our point of view, it meant that the JCG was able to press ahead with its security measures without being troubled by the media.³⁰

It is the Japan Coast Guard, with its patrol boats and aircraft, which is responsible for the day-to-day security of the Senkaku Islands. In this paper, I have tried to give a matter-of-fact account of the responses the JCG has taken to incidents over the years. I hope this account will enable readers to reach an understanding of how the situation has developed with regard to the security of the islands.

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³⁰ *Nansei kaiiki no kaijo hoan 20-nen no ayumi*, pp. 305–6.