

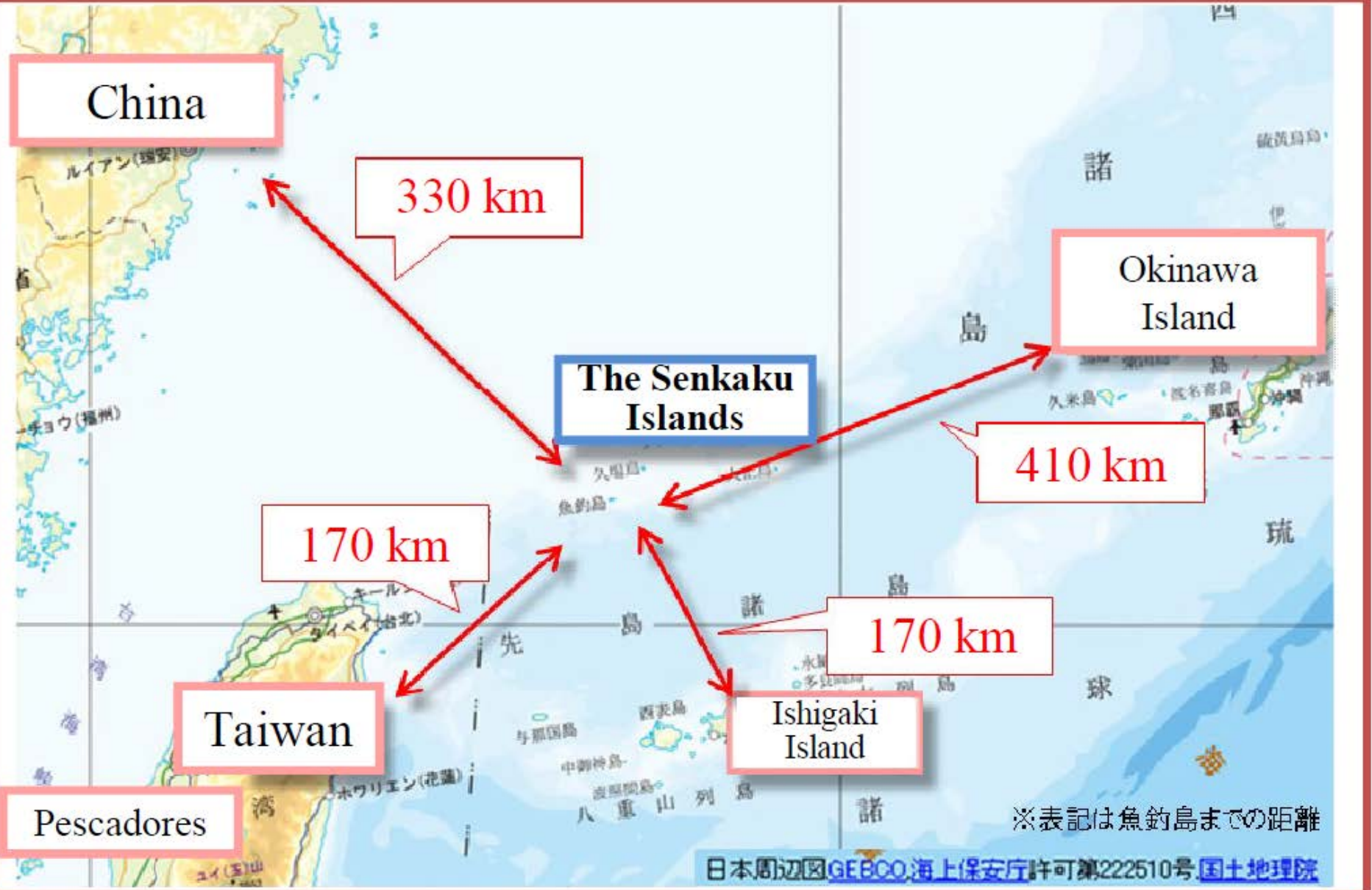
# *Law and Politics in Japan*

## Part II: Japan's Contemporary International Legal Problems



HAMAMOTO Shotaro  
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China

330 km

The Senkaku Islands

Okinawa Island

410 km

170 km

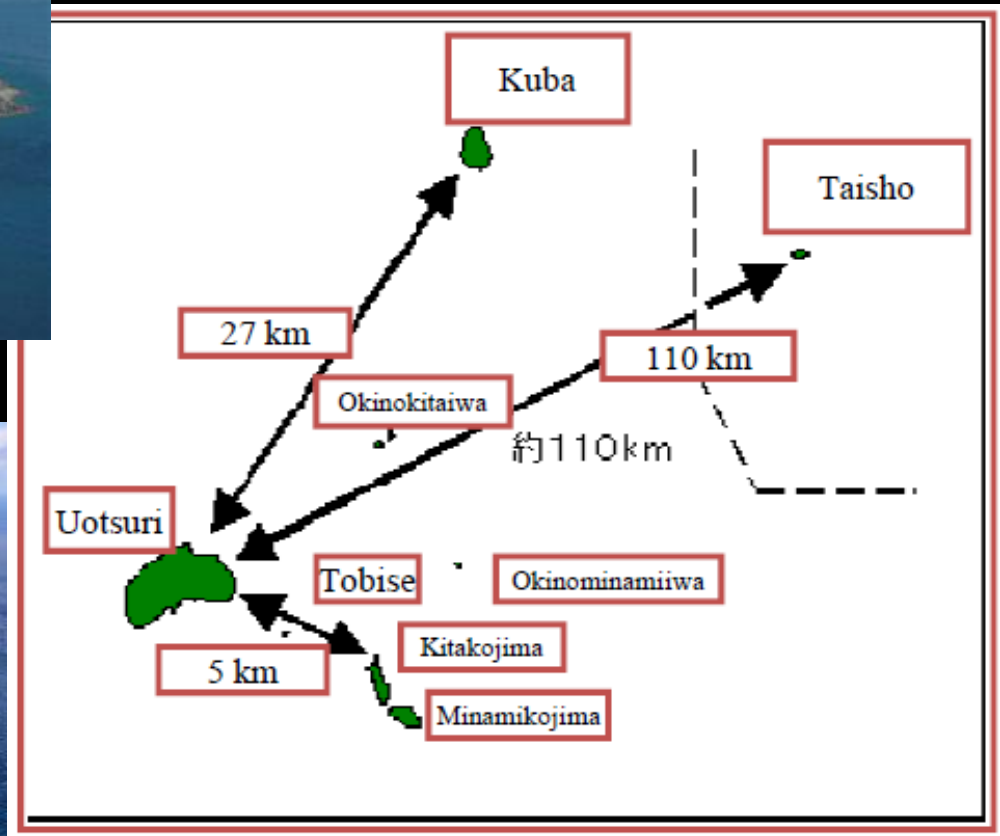
Taiwan

170 km

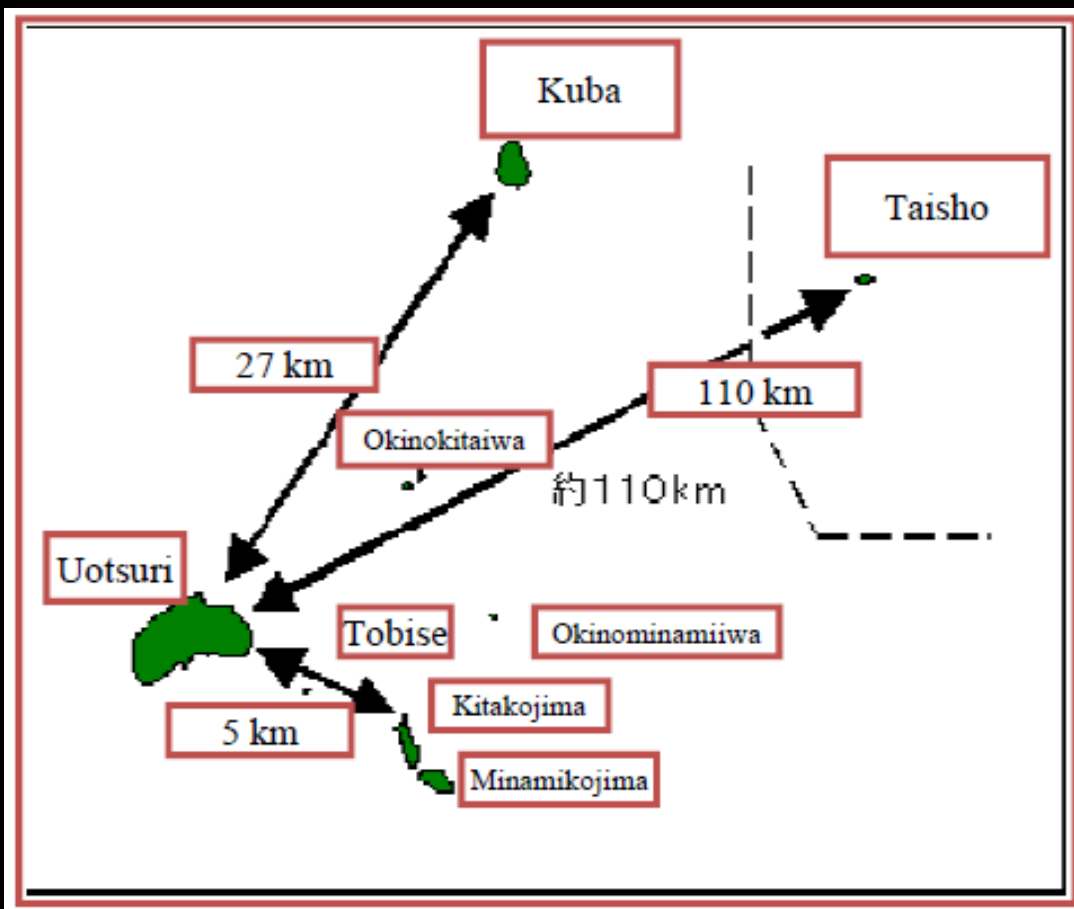
Ishigaki Island

Pescadores

※表記は魚釣島までの距離



	Owner ship	Area (km <sup>2</sup> )
Uotsuri	State	3.6
Kitakojima	State	0.26
Minamikojima	State	0.32
Kuba	Private	0.87
Taisho	State	0.04
Okinokitaiwa	State	0.05
Okinominamiwa	State	0.01
Tobise	State	0.02





Aktuell > Politik > Ausland

Li bei Merkel

## Viel Kontinuität und eine Neuerung

27.05.2013 · Bundeskanzlerin Merkel widmete dem chinesischen Ministerpräsident Li Keqiang bei seinem Antrittsbesuch in Berlin viel Zeit. Man will die guten Beziehungen fortsetzen. Doch Li ist anders als sein Vorgänger.

Von MAJID SATTAR, BERLIN

Artikel

Bei aller Kontinuität in den deutsch-chinesischen Beziehungen, die anlässlich des Antrittsbesuchs des Ministerpräsidenten Li Keqiang in Berlin beschworen wurde - nicht alles bleibt so, wie es war. Als Angela Merkel am Sonntagabend mit Li im Kanzleramt vor die Presse trat, konnte sie einen Gast beobachten, der den Umgang mit westlichen



© REUTERS

dass er die Interessen seines Landes notfalls robust vertreten werde: In Schloss Cecilienhof in Potsdam, eben dort, wo die Siegermächte des Zweiten Weltkrieges die Nachkriegsordnung aushandelten, bekräftigte er den Anspruch seines Landes auf eine unbewohnte Inselgruppe im Ostchinesischen Meer. Japan müsse die Territorien an China zurückgeben. „Das war die Frucht des Sieges, der hart erkämpft wurde“, sagte Li. Die Kulisse war sicher nicht zufällig gewählt.

**May** 27, 2013 Monday 3:42 AM GMT

## Japan raps China premier's remarks on disputed islands

**SECTION:** INTERNATIONAL NEWS

**LENGTH:** 132 words

**DATELINE:** TOKYO May 27

The Japanese government on Monday criticized Chinese [Premier Li Keqiang](#) ▼ for his comment that Japan had "stolen" islands in the East China Sea claimed by Beijing.

"That remark ignores history. (Japan) can never accept it," Chief Cabinet Secretary Yoshihide Suga told a news conference, in the latest flare-up of the bilateral dispute over the uninhabited, Japanese-administered islets called the **Senkaku** Islands in Japan and Diaoyu in China.

Li delivered a speech Sunday in Germany, reportedly saying Japan must return the islands that "they have stolen."

Suga countered the view. "The **Senkaku** Islands are part of Japan's inherent territory in terms of history and international laws," the top government spokesman said, adding any of such remarks by China will not affect the Japanese standpoint.



**May** 29, 2013 Wednesday

## Foreign minister chides Japan's 'lack of common sense'

**BYLINE:** Zhang Yunbi

**SECTION:** POLITICS

**LENGTH:** 535 words

Tokyo should not make remarks that show "a lack of common sense" regarding key postwar documents and Japan's history of stealing China's territory, Foreign Minister Wang Yi said on Monday.

Japanese Chief Cabinet Secretary Yoshihide Suga said at a news conference on Monday that Li's remark "ignores history", and that Japan "can never accept it", Kyodo News Agency reported.

Sino-Japanese relations have been strained since the Japanese government illegally "nationalized" part of the **Diaoyu** Islands in September.

"We urge such people to become sincere students once again, to have another look at the Declaration of Cairo and the Potsdam Proclamation, and never again say such words that defy common sense," Wang said.

The Diaoyu Islands have been an integral part of China's territory since ancient times. China has indisputable historical and legal evidence in that regard. Japan seized the islands in 1895 at the end of the Sino-Japanese War and forced the Chinese Government of the time to sign an unequal treaty to cede the islands and other Chinese territories to Japan. After the Second World War, the Diaoyu Islands and other Chinese territories occupied by Japan were returned to China in accordance with the Cairo Declaration, the Potsdam Agreement and other international documents.

Yang Jiechi, Ministry of Foreign Affairs, China, U.N. Doc. A/67/PV.14, p. 29.

The Cabinet of the Government of Japan made a decision in January 1895 to formally incorporate the Senkaku Islands into the territory of Japan, while the island of Formosa and the islands appertaining or belong to it were ceded to Japan in accordance with the Treaty of Shimonoseki, signed in April 1895. It is therefore clear at the outset that the assertion that Japan took the islands from China cannot logically stand. In any case, Japan had been conducting thorough surveys of the Senkaku Islands since 1885. Those surveys confirmed that the Senkaku Islands were not only uninhabited but showed no trace of having been under China's control. Based on that information, Japan formally incorporated the Senkaku Islands into its territory.

Japan renounced territorial sovereignty over the island of Formosa — Taiwan — and the Pescadores, ceded by China after the Sino-Japanese war, in accordance with article 2 (b) of the San Francisco Peace Treaty. It was made clear, however, that the Senkaku Islands were not included with Formosa and the Pescadores, by the fact that the United States of America actually exercised administrative rights over the Senkaku Islands, as part of the Nansei Shoto southwest islands, in accordance with article 3 of the Peace Treaty, and the islands were explicitly included in the areas whose administrative rights reverted to Japan in 1972.

KODAMA Kazuo, Ambassador to the United Nations, Japan, U.N. Doc. A/67/PV. 14, pp. 40-41.

## CHAPTER II

### TERRITORY

#### *Article 2*

(a) Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.

(b) Japan renounces all right, title and claim to Formosa and the Pescadores.

(c) Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of September 5, 1905.<sup>1</sup>

(d) Japan renounces all right, title and claim in connection with the League of Nations Mandate System, and accepts the action of the United Nations Security

Treaty of Peace with Japan, 1951.

# Proclamation Defining Terms For Japanese Surrender'

(1) We—the President of the United States, the President of the National Government of the Republic of China, and the Prime Minister of Great Britain, representing the hundreds of millions of our countrymen, have conferred and agree that Japan shall be given an opportunity to end this war.

(8) The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.

No. 465. INSTRUMENT OF SURRENDER BY JAPAN<sup>1</sup>.  
SIGNED AT TOKYO BAY, ON 2 SEPTEMBER 1945

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We, acting by command of and in behalf of the Emperor of Japan, the Japanese Government and the Japanese Imperial General Headquarters, hereby accept the provisions set forth in the declaration issued by the heads of the Governments of the United States, China and Great Britain on 26 July 1945, at Potsdam, and subsequently adhered to by the Union of Soviet Socialist Republics, which four powers are hereafter referred to as the Allied Powers.

"The Three Great Allies are fighting this war to restrain and punish the aggression of Japan. They covet no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the First World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and The Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed. The aforesaid Three Great Powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

Cairo Declaration, December 1943

第二條

清國ハ左記ノ土地ノ主權竝ニ該地方ニ在ル城壘兵器製造所及官有物ヲ永遠日本國ニ割與ス

二 臺灣全島及其ノ附屬諸島嶼

三 澎湖列島即英國「グリーンウイチ」東經百十九度乃至百二十度及北緯二十三度乃至二十四度ノ間ニ在ル諸島嶼

ARTICLE II.

China cedes to Japan in perpetuity and full sovereignty, the following territories together with all fortifications,

b) — The Island of Formosa together with all Islands appertaining or belonging to the said Island of Formosa.

c) — The Pescadores Group, that is to say, all Islands lying between the 119th and 120th degrees of longitude east of Greenwich and the 23rd and 24th degrees of north latitude.

Treaty of Shimonoseki, 1858

第二款

中國將管理下開地方之權併將該地方所有堡壘軍器工廠及一切屬公物件永遠讓與日本

二 臺灣全島及所有附屬各島嶼

三 澎湖列島即英國格林尼次東經百十九度起至百二十度止及北緯二十三度起至二十四度之間諸島嶼



# AGREEMENT<sup>1</sup> BETWEEN JAPAN AND THE UNITED STATES OF AMERICA CONCERNING THE RYUKYU ISLANDS AND THE DAITO ISLANDS

## *Article I*

1. With respect to the Ryukyu Islands and the Daito Islands, as defined in paragraph 2 below, the United States of America relinquishes in favor of Japan all rights and interests under article 3 of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, effective as of the date of entry into force of this Agreement. Japan, as of such date, assumes full responsibility and authority for the exercise of all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of the said islands.

2. For the purpose of this Agreement, the term "the Ryukyu Islands and the Daito Islands" means all the territories and their territorial waters with respect to which the right to exercise all and any powers of administration, legislation and jurisdiction was accorded to the United States of America under article 3 of the Treaty of Peace with Japan other than those with respect to which such right has already been returned to Japan in accordance with the Agreement concerning the Amami Islands and the Agreement concerning Nanpo Shoto and other islands signed between Japan and the United States of America, respectively on December 24, 1953<sup>1</sup> and April 5, 1968.<sup>2</sup>

## AGREED MINUTES

The representatives of the Government of Japan and of the Government of the United States of America wish to record the following understanding reached during the negotiations for the Agreement between Japan and the United States of America concerning the Ryukyu Islands and the Daito Islands, signed today :

### *Regarding article I :*

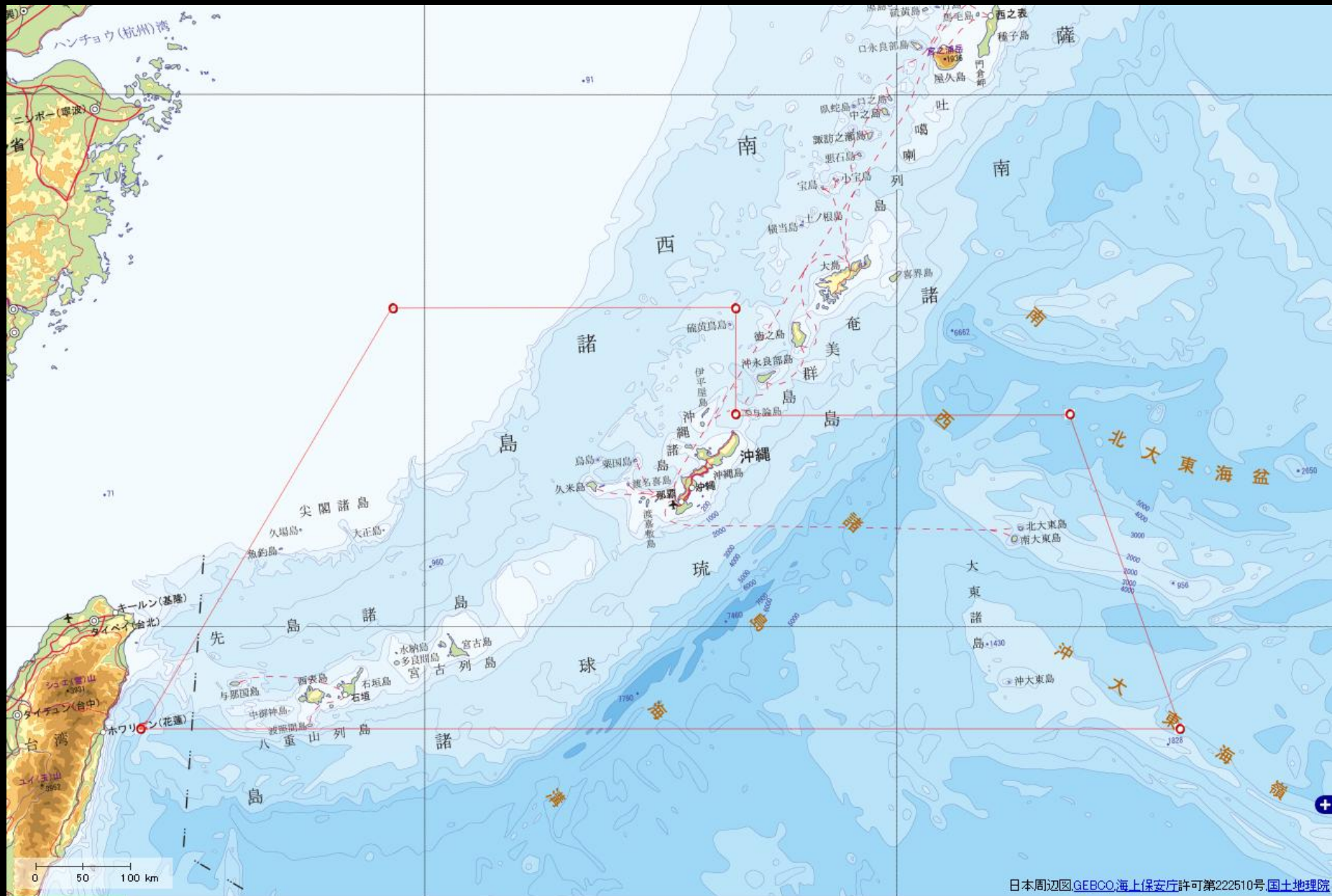
The territories defined in paragraph 2 of article I are the territories under the administration of the United States of America under article 3 of the Treaty of Peace with Japan, and are, as designated under Civil Administration Proclamation Number 27 of December 25, 1953, all of those islands, islets, atolls and rocks situated in an area bounded by the straight lines connecting the following coordinates in the listed order :

#### *North Latitude*

28 degrees  
24 degrees  
24 degrees  
27 degrees  
27 degrees  
28 degrees  
28 degrees

#### *East Longitude*

124 degrees 40 minutes  
122 degrees  
133 degrees  
131 degrees 50 minutes  
128 degrees 18 minutes  
128 degrees 18 minutes  
124 degrees 40 minutes



明治廿八年一月十四日

内閣書記官

内閣總理大臣 **ガタ**

内閣書記官長

**カネ**

外務大臣 **カ**

大藏大臣 **カ**

海軍大臣 **カ**

文部大臣 **カ**

逓信大臣 **カ**

内務大臣

**カ**

陸軍大臣

**カ**

司法大臣

**カ**

農商務大臣

**カ**

別紙内務大臣請議沖繩縣下八重山群島、  
北西ニ位スル久場島魚釣島ト稱スル無人島ニ向  
ケ近來漁業等ヲ試ムルモノ有之為ノ取極メテ要

内

閣

スルニ付テハ同島ノ屬ハ沖繩縣ノ所轄ト認ムルヲ  
以テ標杭建設ノ儀令縣知事ト申シ通許可ス  
ヘレトノ件ハ別ニ差支モ無之ニ付請議ノ通シテ  
然ルニシ

指 合 案

標杭建設ニ関スル件 請議ノ通

明治廿八年一月廿七日





Imperial Decree, 1872

The King of the Ryukyus invested with the title of the King of the Ryukyu Han by the Emperor of Japan

詔書

大日本  
國

朕上天ノ景命ニ膺リ万世一系ノ帝祚ヲ紹キ奄ニ四海ヲ有  
チ八荒ニ君臨ス今琉球近ク南服ニ在リ氣類相同ク言文殊  
ナル無ク世々薩摩ノ附庸タリ而シテ爾尙泰能ク勤誠ヲ致  
ス宜ク顯爵ヲ予フヘシ陞シテ琉球藩王ト爲シ敍ノ華族ニ  
列ス咨爾尙泰其レ藩屏ノ任ヲ重シ衆庶ノ上ニ立チ切ニ朕  
カ意ヲ體シテ永ク皇室ニ輔タレ欽ヨ哉

明治五年壬申九月十四日

天皇  
御覽

(太政官日誌)

『大日本外交文書』第5卷 (Diplomatic Documents of Great Japan, vol. 5, p. 383.

May 1875

Japan requires the Ryukyus to cease to pay tribute to the Qing dynasty.

三十

五月廿九日（癸卯）

琉球藩へ達

其藩ノ儀從來隔年朝貢ト唱へ清國へ使節ヲ派遣シ或ハ清帝即位ノ節慶賀使差遣儀例規有之趣ニ候へ共自今被差止候事

藩王代替ノ節從前清國ヨリ冊封受ケ来リ候趣ニ候へ共自今被差止候事

右ノ通可心得此旨相達候事  
何課

内史議按

頃日内務省へ御指令ノ旨ヲ以琉球藩へ左ノ通御達可相成哉相伺候也  
五月十九日  
○未久傳内務卿一及  
平義一  
局課



事項六 琉球所屬ニ關シ日清兩國紛議一件(第十二卷事項六參照)

一四四 九月三日 寺島外務卿 應接筆記  
清國公使

琉球ニ關スル件

第三十八號

明治十一年九月三日寺島外務卿ト清國公使何如璋對話

一 鴉片ノ事

一 琉球ノ事

(前略)

今日罷出候ハ他事ニ非ス琉球ノ事ニ付相伺度モノ有之  
同國ハ近來貴國ノ附屬ト相成タル趣ナレトモ從來弊國  
ヘモ致納貢候義ハ因ヨリ貴政府ニテモ御承知之事ナル  
ヘシ然ルニ頃弊國ヘ進貢スル事ニ付殿敷御下命有之由

琉球人モ亦自ラ貴國人ナリト云歟

譬ヘハ拙者モ若日本ヲ好マサレハ他國ニ至リ我ハ日本人ニ  
非スト云カ如シ琉球人ノ内其本國ヲ嫌フ者アレハ或ハ日本  
人ニ非スト云者アラシ

琉球ハ地理上ヨリ云ヘハ弊國ノ附屬ト云ヘシ

其御説ナレハ又別論ナリ

此義ニ付テハ一朝一夕ニ論シ得ルモノニ非ラス唯今日  
參上之主意ハ從前仕來リノ通りニ御指置相成候事出來  
間敷哉之御内意ヲ伺度迄ニ候間貴政府ヘ御伺被下度候  
今貴説ノ如キ地ノ遠近ヲ以テ其屬否ヲ定ムルハ理ニ當ラ  
ス

地之遠近ニ據ル説ハ一寸申上候迄ニ候尤モ琉球ノ義ハ  
我國ニモ其書類不少同國ニモ其國誌アリ貴國ニモ亦カ  
ナラス其證據書多カラシ彌其屬否ヲ論スルニ至レハ右  
等之書ニ據リ可取極譯ナレトモ今日申出候意ハ其義ニ  
非ラス唯程好致度迄ニ候間一應貴政府ヘ御伺被下御答  
相願度候

我政府之意ハ拙者ノ能ク知ル所ニ有之此義ニ付テハ何時ニ  
テモ貴下ノ御尋ニ從ヒ御答可申候

ニテ同國人甚迷惑之趣ニ候間右ハ從前仕來之通り御指  
置相成候接致度事ニ候

右ハ小國ノ大國ニ仕ヘル因ヨリ其例有之候ヘトモ近來ニテ  
ハ獨立之涉力ヲ保クサル者ハ他國ニ併有セラル、ノ患有之  
琉球ノ如キ以前ハ其國ニ任セ他國ト交際ヲナサシメ候ヘト  
モ右邊之差支不少ヲ以テ之ヲ差留メ外國トノ交際ハ都テ我  
政府ニテ引受候間最早同國ニテハ外交ヲナスニ不及尤モ買  
易ハ素ヨリ之ニ拘ラス候但現今獨逸國ニ於テ右様之例甚多  
シ

然レハ琉球ハ貴國ノ屬地ナリヤ

然リ

然レハ近ク書面ヲ以テ御照會可致候

諾

明代ノ書ヲ見レハ我國モ未ク貴國ト交ラス琉球迄物品  
ヲ持出シ貴國人ト通商致候ヨシニ御座候

或ハ然ラン

琉球之義ハ今日拙者ヨリ發應致候譯ニヘ右之答ヘ御書  
面ニテ御申越被下候敷又ハ更ニ拙者ヨリ照會文差出可  
申敷

更ニ御照會有之度尤モ貴説ノ大概ハ琉球人ノ望ニ依リ貴國  
ヘ入貢ノ事ヲ是迄之通りニ致シ置トノ義ニ候哉

然リ

然レハ右ハ閣下琉人ノ願ニ依テ御申立被成候事歟又ハ貴政  
府ニ代テ御引合被成候事歟或ハ又御自分之御見込ニ出ル義  
歟如何

右ハ琉人ヨリ我政府ヘ申立其證據ヲ以テ指者迄願出候  
事ニ有之尤モ此義ハ今日始リタル事ニ無之先般森公使  
天津御逗留之時モ李鴻章ヨリ御談致候事モ有之候

其義ナレハ驗森ヨリモ承リ置可申候

最新御照會可申上ト申途候ヘトモ加接之義ハ尤モ不康

Negotiation b/w Japan and China regarding the status of the Ryukyus, 1878. 『大日本外交文書』第11卷

Edict on the Abolishment of the Ryukyu Han and the Establishment of the Prefecture of Okinawa (1879) 『大日本外交文書』第12卷

九五 四月四日 外務省記事

琉球廢藩置縣ノ件

琉球藩ヲ廢シ沖繩縣ヲ被置候條此旨布告候事

但縣廳ハ首里ニ被置候事

明治十二年四月四日

太政大臣 三條實美

明治十二年五月十日總理衙門ヨリ六戸公使宛照會

大清欽命總理各國事務王大臣「恭親王以下拾名」 爲

照會事照得琉球一國世受中國

冊封奉中國正朔入貢中國於今已數百年天下之國所共知也中國除受其職貢外其國之政教禁令悉聽自爲中國蓋認其自爲一國也卽與中國竝

貴大臣既奉

貴國之命前來修好廢球爲縣一事實爲兩國和好一大關係之事本王大臣以上所言卽爲兩國永遠顧全和好大局之言

貴大臣宜卽知照

貴國將廢球爲縣一事速行停止則兩國和好之誼由此益敦而

China's Protest against the establishment of Okinawa Prefecture, 1879『大日本外交文書』第12卷

## draft Treaty on the Partition of the Ryukyus (agreement in substance in 1880)

- Island of Okinawa belongs to Japan
- Islands of Miyako & Yaeyama do not belong to Japan

大日本外交文書 (Diplomatic Documents of Japan), vol. 13  
[1880]

### 琉球專條

大清國大日本國以尊重和好、故將琉球一案、所有從前議論、置而  
不提

大清國大日本國共同商議、除沖繩島以北屬

大日本國管理外、其宮古八重山二島屬

大清國管轄、以清兩國疆界、各聽自治、彼此永遠不相干預

125°

130°

