

U.S. Senkakus Policy and its Contradictions

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Introduction

In early January this year, the defense and foreign ministers of Japan and the United States released the “Joint Statement of the 2023 U.S.-Japan Security Consultative Committee” in Washington, D.C. The so-called “2+2” statement discussed challenges facing the Indo-Pacific region and re-emphasized their commitment to address these challenges in the framework of the bilateral alliance.

One of the issues identified in the statement was the Senkaku Islands, a group of islands historically administered by Japan but claimed by both the People’s Republic of China and Taiwan in recent decades upon the discovery of the likelihood of a large amount of minerals and natural resources near the islands.¹ In particular, the ministers representing Japan and the United States were concerned about the increasingly aggressive actions of the PRC in the area, stating:

The Ministers reiterated their strong opposition to China’s intensified attempts to unilaterally change the status quo by force in the East China Sea, including through actions that seek to undermine Japan’s longstanding administration of the Senkaku Islands. The United States reaffirmed that Article V of the Japan-U.S. Security Treaty applies to the Senkaku Islands. The Ministers condemned China’s dangerous and provocative military activities around Japan, including China’s ballistic missile launches in August 2022, during which some missiles landed in waters near Japan’s Sakishima Islands.²

The ministers correctly called out the PRC’s non-stop, destabilizing efforts to “undermine” Japan’s administration over the five islands and three rock formations. These actions include near daily aerial intrusions by the PRC’s People’s Liberation Army Air Force, regular incursions at sea in the waters surrounding the Senkakus by the Chinese Coast Guard, and “Wolf Warrior” statements by the

¹ This is a reference to the United Nations Economic Commission for Asia and the Far East (ECAFE) Survey conducted in the area in 1968 and whose report was published in 1969, causing a great deal of international interest to focus on the Senkakus, especially by the People’s Republic of China and Taiwan. For details on background of the study and its implications, see Robert D. Eldridge, *The Origins of U.S. Policy in the East China Sea Islands Dispute: Okinawa’s Reversion and the Senkaku Islands* (Routledge, 2014), in particular Chapter 3.

² Secretary of State Blinken, Secretary of Defense Austin, Minister for Foreign Affairs Hayashi, and Minister of Defense Hamada, “Joint Statement of the Security Consultative Committee (“2+2”),” January 11, 2023 (<https://www.state.gov/joint-statement-of-the-security-consultative-committee-22/>).

PRC leadership to the domestic and foreign press, academic settings, and diplomatic venues to the effect that the islands are Chinese, to name a few.

While this renewed commitment to defending the Senkaku Islands by Japan and the United States is important and welcome, as a diplomatic historian specializing on the Senkakus, this writer would argue that the 2+2 statement not only misses the point but also missed an opportunity, once again, to set the record straight regarding *ownership* of the Senkaku Islands. Further, this writer believes that the U.S. government's failure to do so ironically and unnecessarily contributes to the instability of the East China Sea and thus renews his call for the United States to return to its original policy of recognizing Japanese sovereignty over the Senkakus.

Why the Confusion?

As explained in detail in the award-winning *The Origins of U.S. Policy in the East China Sea Islands Dispute: Okinawa's Reversion and the Senkaku Islands* (Routledge, 2014), the United States previously recognized Japan's sovereignty over the Senkaku Islands from 1895, when the islands were incorporated into Japan, until 1972 when the islands were returned to Japan after 27 years of U.S. occupation and administration following the Second World War. Unfortunately, however, at the time of the reversion of Okinawa (including the Senkakus) to Japan in 1972, the United States government adopted an ambiguous or neutral policy on the status of the Senkakus. In other words, it returned administration over the Senkakus but did not take a stance on the sovereignty of the islands. As a result, while the islands are covered under Article 5 of the U.S.-Japan Security Treaty³, a serious power vacuum has been created in the region over the ultimate status of the Senkakus and increasingly, as the PRC becomes economically and military stronger, it has asserted its claims without any historical or legal veracity.⁴

Not surprisingly, this ambiguous policy is difficult for even U.S. officials to grasp. A serious diplomatic issue flared in early 2021 after the start of the Joe Biden administration when U.S.

³ Article 5 reads: "Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." Of course, it should be remembered, the PRC is a permanent member of the UNSC.

⁴ Robert D. Eldridge, "Facts Stack Up Against China's Senkaku Claim," *The Japan Times*, January 28, 2013. For a recent article on this point, see Masao Shimojo, "The Senkaku Islands Were No Man's Land," *Japan Review*, Vol. 4, No. 2 (Winter 2021), pp. 3-9 (https://www.jia-jic.jp/en/japanreview/pdf/JapanReview_Vol4-No2_01_Shimojo.pdf).

Department of Defense press secretary, former Rear Admiral John F. Kirby, stated at a press conference on February 23 that “We hold with (sic) the international community about the Senkakus and the sovereignty of the Senkakus, and we support Japan obviously in that sovereignty.”⁵

Newspapers around the world described his remarks in terms of being a “subtle but potentially significant shift.”⁶ Within Japan, prominent scholars and former officials welcomed the comment, but he deflated their hopes when he realized he had misspoken and retracted his comments. Later that week on February 26, Kirby amended his statement supporting Japanese sovereignty over the Senkakus: “I need to correct something that I said the other day... There is no change to U.S. policy regarding the sovereignty of the Senkaku Islands.”⁷ Apologizing “for any confusion,” he called the remark “my error.”⁸

Another such “error” occurred in the mid-1990s during and after the Taiwan Strait Crisis, which set in motion more recent concerns of the Japanese government regarding the U.S. commitment to

⁵ “Transcript: Pentagon Press Secretary Holds an Off-Camera Press Briefing, February 23, 2021,” <https://www.defense.gov/News/Transcripts/Transcript/Article/2512984/pentagon-press-secretary-holds-an-off-camera-press-briefing/>. It is unclear what he was trying to say initially and sentences before and after this remark suggest he was nervous or uncertain. The full quote is: “I feel like I didn’t do a great job with your previous question so let me just reassert that—I mean, obviously we hold with (sic) the international community about the Senkakus and the sovereignty of the Senkakus and we support Japan obviously in that sovereignty and we would urge the Chinese to avoid actions, using their Coast Guard vessels, that could lead to miscalculation and potential physical, if not – and material harm.* I don’t think I did a good job with the first time around on that.” As can be seen in the transcript, this remark was preceded by another generic response about Chinese provocations in the East China Sea, necessitating the follow up. The asterisk (*) includes a comment from the editors stating that in fact there was no change to U.S. policy for the Senkakus and referencing Secretary of Defense Lloyd J. Austin III’s first meeting (by telephone) with Japanese Defense Minister Kishi Nobuo on January 23, 2021, where he “reaffirmed that the Senkaku islands are covered by Article V of the U.S.-Japan Security Treaty, and that the United States remains opposed to any unilateral attempts to change the status quo in the East China Sea.”

⁶ Tsuyoshi Nagasawa and Masaya Kato, “U.S. Supports Japan’s Sovereignty Over Senkakus: Pentagon,” *Nikkei Asia*, February 25, 2021 (<https://asia.nikkei.com/Politics/International-relations/Biden-s-Asia-policy/US-supports-Japan-s-sovereignty-over-Senkakus-Pentagon>).

⁷ “U.S. Spokesman Corrects Comment on Senkakus,” *Nippon.com*, February 26, 2021 (<https://www.nippon.com/en/news/yjj2021022700296/>).

⁸ *Ibid.* The full correction and explanation reads: “And finally, I need to correct something that I said during the Tuesday press gaggle. There is no change to U.S. policy regarding the sovereignty of the Senkaku Islands. As President Biden underscored in his call with Prime Minister [Yoshihide] Suga, Secretary [Antony J.] Blinken reaffirmed in his call with Foreign Minister [Toshimitsu] Motegi, and Secretary Austin further reaffirmed in his call with Defense Minister Kishi, the United States is unwavering in its commitment to the defense of Japan under Article 5 of our security treaty, which includes the Senkaku Islands. The United States opposes any unilateral action that seeks to change the status quo. For further discussion on U.S. policy, I would of course refer you to our colleagues at the State Department but I do regret my error the other day. That was on me and I apologize for any confusion that that caused.” See “Transcript: Pentagon Press Secretary Conducts an Update for Reporters, February 26, 2021,” <https://www.defense.gov/News/Transcripts/Transcript/Article/2518335/pentagon-press-secretary-conducts-an-update-for-reporters/>.

defend the Senkakus. On September 11, 1996, R. Nicholas Burns, the State Department spokesman and acting assistant secretary for public affairs, responded to reporters by stating that “the United States neither recognizes, nor supports, nor the claim of any country to sovereignty over the *Diaoyu* Islands,” and urged that the various claimants settle their dispute “in an orderly and peaceful and stable manner.”⁹ It is unclear why the State Department spokesman (and now U.S. Ambassador to China) used the Chinese name for the islands, but when asked if the United States would be obligated to assist Japan in a military conflict said, “That would be a hypothetical situation, of course, and my policy is not to comment upon hypotheses...I don’t have the defense treaty in front of me...I can’t quote it.”¹⁰ said that the U.S. government had no intention of serving as a mediator then and called for direct negotiations among the claimants.

Foreign Ministry officials, especially Yukio Takeuchi, minister plenipotentiary at the Japanese Embassy in Washington, D.C., were concerned that Burns’ comments represented a step backward in America’s commitment to Japan, and “felt as if he had been slapped in the face” when he learned of what had been said: “This is so different from their former statements. It’s terrible. We need to wake them up and fast!”¹¹

The Japan desk of the State Department seemed to agree with the Japanese side. One official stated his belief that Burns “had blown it” adding “I can only have a degree of sympathy for the frustration and irritation that Gaimushō [MOFA] had with regard to this.”¹² This official explained that the State Department handled the press conference and reactions poorly. According to the official, the Secretary of State (the late Warren M. Christopher) at the time “liked” Burns and so it was difficult to ask Burns to correct his comments: “the initial reaction by the State Department was the wrong reaction, and it was done without considered thought. It was done in isolation, without thinking about the strategic alliance; it was done somewhat in isolation, from a legalistic point of view, without the right people intervening early on. And once that mistake had been made, it was defended for a few days too long before the more correct interpretation and decision was made.”¹³

In the meantime, Burns’ deputy, Glyn Davies, made the following remarks on September 23 (1996) that only added to the confusion and increased worry among Japanese officials.

We expect that the claimants to the islands will resolve their differences and do so peacefully.

⁹ Unryu Suganuma, *Sovereign Rights and Territorial Space in Sino-Japanese Relations: Irredentism and the Diaoyu/Senkaku Islands* (Honolulu: University of Hawaii Press, 2000), p. 135, and “U.S. backs no nation over Senkaku: Burns,” Jiji Press Ticker Service, September 11, 1996.

¹⁰ Yoichi Funabashi, *Alliance Adrift* (New York: Council on Foreign Relations Press, 1999), p. 401.

¹¹ Funabashi, *Alliance Adrift*, pp. 401-403. Takeuchi had been in the Legal Affairs Division (*Hōkika*) of MOFA in the late 1970s when the Senkakus issue flared up and had written a report on the Senkakus about the respective views of the countries involved in the dispute and was thus familiar with the U.S. government’s position.

¹² Funabashi, *Alliance Adrift*, p. 406.

¹³ *Ibid.*

We urge all the claimants to exercise restraint as they move forward on this process... We're not going to predict what's likely to happen. We're simply going to confine ourselves to calling on both sides to resist the temptation to provoke each other or raise tensions over those two islands. From a U.S. standpoint, though we understand it has a great emotional content, it's not the kind of issue that's worth elevating beyond a war of words, where we are not. So that is our position on it.¹⁴

Unfortunately, another incident occurred shortly after this when a U.S. reporter published the comments of U.S. Ambassador to Japan and former U.S. Vice President Walter F. Mondale from an interview the previous year. In that interview, the reporter (whose subsequent writings demonstrate he is sympathetic to the Chinese position on the islands) wrote that the ambassador said the U.S. government "takes no position on who owns the islands" and that "American forces would not be compelled by the treaty to intervene in a dispute over them."¹⁵ Mondale later expressed regret about the remarks and said he had been "misquoted" but that it was "partly my fault. I should have realized earlier just how delicate an issue this was for Japan."¹⁶

It took a while but eventually, the U.S. government came up with a clearer stance on the Senkakus, "affectionately known in Japan as the 'Armitage Doctrine'," after then-Deputy Secretary of State Richard L. Armitage.¹⁷ It was announced in March 2004 amid tensions over illegal landings on the Senkaku Islands by Chinese activists.

The Senkaku Islands have been under the administrative control of Japan since having been returned as part of the reversion of Okinawa in 1972. Article 5 of the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security states the treaty applies to the territories under the administration of Japan; thus, Article 5 of the Mutual Security Treaty applies to the Senkaku Islands. Sovereignty of the Senkakus is disputed. The U.S. does not take a position on the question of the ultimate sovereignty of the Senkaku Diaoyu Islands. This has been our longstanding view. We expect the claimants will resolve this issue through peaceful means and urge all claimants to exercise restraint.¹⁸ i

Despite this statement, which reaffirmed the longstanding U.S. position on the applicability of Article 5 of the bilateral security treaty toward the Senkaku Islands, confusion continued long afterwards. In 2010, for example, a Japanese reporter sat down with the seniormost U.S. Marine Corps general in the Pacific, his State Department-assigned Political Advisor (POLAD), and a U.S. Embassy

¹⁴ Larry A. Niksch, "Senkaku (Diaoyu) Islands Dispute: The U.S. Legal Relationship and Obligations," *CRS Report for Congress*, 96-798F, September 30, 1996.

¹⁵ Nicholas D. Kristof, "Would You Fight for These Islands?" *New York Times*, October 20, 1996.

¹⁶ Funabashi, *Alliance Adrift*, p. 405.

¹⁷ John Tkacik, Jr., "China's New Challenge to the U.S.-Japan Alliance," *Web Memo*, No. 533 (July 13, 2004), at <http://www.heritage.org/research/reports/2004/07/chinas-new-challenge-to-the-us-japan-alliance>.

¹⁸ Department of State Daily Press Briefing, Adam Ereli, Deputy Spokesman, March 24, 2004, cited in John Tkacik, Jr., "Japan's Islands and China's Illicit Claims," *Web Memo*, No. 723 (April 14, 2005), at <http://www.heritage.org/research/reports/2005/04/japans-islands-and-chinas-illicit-claims>.

official for an interview and had the following exchange:

Interviewer: ...The final skepticism that I found out today is a lack of roles and missions to defend Japan. In case China invades the Senkakus, what would Third Marine Expeditionary Forces (III MEF) do?

U.S. General: I don't know. That is--

Interviewer: That doesn't sound good, sir. You just said you don't know. It's going to be a headline. Seriously.

U.S. General: That, the issue of the Senkakus, is a government policy issue that's--

Interviewer: It's the territory of Japan.

U.S. General: What's that?

Interviewer: It's the territory of Japan.

U.S. General: Well, it's contentious or at least ambiguous in terms of the U.S. government.

Interviewer: You say you don't defend the Senkakus?

U.S. General: I don't know. I don't know.

Interviewer: Sir, that's really serious. If you say you don't know, it's going to be a headline. I'll give you a chance to rethink your answer. That's really bad.

U.S. General: The Senkaku issue is something that's unresolved at the government-to-government level, as far as I know.

Interviewer: Okay, if you stay with that, I'll just go for that.

U.S. Embassy Official: He's speaking of sovereignty.

Interviewer: But he said he doesn't know.

U.S. Embassy Official: No, what he said was that the Senkakus don't belong to Japan. From our point of view, they're under the administrative control, and I'm not being interviewed.

Interviewer: Well, I'll just go with what he said, because you're not being interviewed.

U.S. State Department Official: Can we go back? When he says he doesn't know...

Interviewer: I only have 20 minutes. You can tell me later.

U.S. Embassy Official: We'll give you an extra three minutes. What he is saying is—and, sir, I don't mean to speak for you—

U.S. General: No, what I mean by "I don't know" is there is an ambiguity there at the government-to-government level that's above—it's above my role as an operational commander. I would need guidance for that from the national level. Based on that guidance, I would do what I was told.

Interviewer: So, there is no plan to defend the Senkakus? Because, it's been so much talked about, that there is a possibility the Senkakus would be invaded by China. So, as you know, the Self-Defense Forces have a special unit established to defend the Senkakus, and you are saying the Marines in Okinawa don't know how to respond, for Japan?

U.S. General: No, I did not say that. I didn't say that. I said that if my government tells me to defend the Senkakus, I will be there with everything I got. And I—

Interviewer: But there's no plan, not that you know of?

U.S. General: No, no, no, I didn't say that. I said if I'm told to do that, then everything I have will be focused on that.

Interviewer: Okay, but you can't tell me exactly what kind of plan you have?

U.S. General: I cannot.

Interviewer: You don't know whether III MEF will help the Self-Defense Forces to defend the Senkakus or not.

U.S. General: If I'm told to do that, absolutely they will.

The Senkakus' part of the interview was never published through the intervention and pleading of U.S. officials and others who knew the reporter. Had it been, the public reputation of the general, State Department, and bilateral assurances of the U.S. commitment to help defend the Senkakus would

not have remained intact.

The error is less his fault (and that of others described earlier), however, then it is that of the U.S. government for devising this nonsensical, shortsighted, incoherent, and flawed policy in the first place.¹⁹ The U.S. government not only rejected its 75-year policy of recognizing Japanese sovereignty over the Senkakus on short notice at the time of the Okinawa reversion agreement (in June 1971) despite protests—all documented in chapters 4 and 5 of the aforementioned book—from its ally, Japan, but it created a power vacuum that the PRC would eventually fill and cause great, counterproductive, and unnecessary instability over the past 50 years.²⁰ Further, it has caused much distrust within Japan over the U.S. commitment to helping defend the Senkakus, thus requiring leaders of both countries to confirm each time they meet over the past decade the continuation of that commitment (as seen in the recent bilateral summit between Biden and Prime Minister Fumio Kishida in Washington, D.C., following the 2+2).

This latter requirement is particularly odd from an international perspective. The fact that leaders of both countries, as well as senior officials, must confirm the U.S. commitment every time they gather suggests to foreign observers that the government of Japan has little faith in the United States and/or that trust in U.S.-Japan alliance is weak domestically in Japan. Bilateral leaders may think they are sending a strategic message to the PRC by reaffirming the commitment, but it is sending the opposite message elsewhere.²¹

This writer is not the only one concerned about the situation. The *Wall Street Journal* some ten years ago called on the Barack Obama administration to actually support Japan's claims. "The more explicit the...administration is that the Senkakus are Japanese, the likelier Beijing is to back down."²² The former special assistant to the Under Secretary of Defense for Policy and Principal Deputy Staff Judge Advocate of the U.S. Indo-Pacific Command has also come out in favor of recognizing Japanese sovereignty over the Senkakus.²³

¹⁹ Robert D. Eldridge, "The Dangerously Flawed U.S. Senkakus Policy," *The Japan Times*, April 12, 2021.

²⁰ Charles A. Schmitz, who was the key negotiator on the Senkakus and other issues in the treaty, explained in an article published on the twentieth anniversary of the reversion that, U.S. negotiators "felt stuck and vulnerable to attack from all sides. After much research, internal discussion, and diplomatic argument, [we] developed a legal theory that, we felt, neatly extracted us from the middle of a Japanese-Chinese set-to and was, moreover, nicely defensible. It was a 'quit claim.' We said, in effect, 'We have been the temporary administrators, and now we are going to stop. Whatever it was that we got, we now give up.' We took a middle road and hoped that a future International Court of Justice case would back us up." Charles A. Schmitz, "Working Out the Details," *Foreign Service Journal*, Vol. 69, No. 2 (May 1992), p. 24, and author's interview with Charles A. Schmitz, March 24, 2009, Washington, D.C.

²¹ Interviews conducted with foreign policy experts and observers from multiple countries including the Philippines, Vietnam, India, Switzerland, and the United States, among other countries.

²² "Editorial The Senkaku Boomerang: Japan Needs U.S. Support against Chinese Bullying," *Wall Street Journal*, November 1, 2013.

²³ Raul (Pete) Pedrozo, "U.S. Recognition of Japanese Sovereignty Over the Senkaku Islands," *The*

The purpose of this article is to examine the history of and inherent contradictions with the Senkakus policy of United States. I explain how U.S. neutrality on the Senkakus is historically inaccurate, diplomatically problematic, and strategically harmful.

This article, divided into five sections including this Introduction, briefly explains the history of U.S. policy toward the Senkakus and then argues for a return to that policy, pointing out the problems that will develop for Japan, the region, and itself if the U.S. government does not.

A Brief History of U.S. Policy and Involvement with the Senkaku Islands and Policy

The United States came to be directly involved with the Senkakus as a result of the Battle of Okinawa in the spring of 1945 when the U.S. government began its military occupation of the area, which was formalized in the surrender of local forces in the Ryukyu Islands on September 7 that year. Subsequently, the Nansei Shoto Island group, including the Senkakus, was administratively separated from Japan in late January 1946 as per SCAPIN (Supreme Commander for the Allied Powers Instruction) 677, “Memorandum for Imperial Japanese Government on Governmental and Administrative Separation of Certain Outlying Areas from Japan.”

As the islands were at this time uninhabited (in the prewar, as many as 240 people were living and working there), the U.S. military government did not establish a presence on any of the Senkaku Islands, but beginning in the spring of 1948, it began to use the first (Kuba Jima) of two islands for target practice, informing local fishermen from the Yaeyama group through the local authorities to avoid going to the area.²⁴ (It started using the second island in 1956.)

The Allied Treaty of Peace with Japan of September 1951 continued the separation of the Nansei Islands from mainland Japan. Article 3 of the treaty read:

Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29 degrees north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

Importantly, at the San Francisco Peace Treaty conference beginning on September 4, John Foster Dulles, the architect of the treaty, explained each of the clauses, including Article 3. There he

SPF Review of Island Studies, 2021, pp. 67-77.

²⁴ For details, see Eldridge, *The Origins of U.S. Policy in the East China Sea Islands Dispute*, Chapter 2.

stated that the peace treaty was meant to be “a step toward breaking the vicious cycle of war—victory—peace—war. The nations will here make a peace of justice, not a peace of vengeance.”²⁵ He then explained that “Several of the Allied Powers urged that the treaty should require Japan to renounce its sovereignty of these islands in favor of United States sovereignty,” while others suggested the islands should be returned to Japan, and thus, “In the face of this division of Allied opinion, the United States felt that the best formula would be to permit Japan to retain residual sovereignty.”²⁶

In this way, not only did the United States reaffirm its existing position that the Nansei Shotō, of which the Senkakus were a part, were Japan’s (through residual sovereignty), but it also established the precedent where the U.S. government could and would side with a country (in this case, Japan) on a territorial issue.²⁷

Prior to the San Francisco Peace Treaty’s going into effect, the U.S. government enhanced its occupation of Okinawa, establishing a civil administration that worked closely with the local Government of the Ryukyu Islands (GRI). The peace treaty permitted the continuing of the U.S. administration, which acted on behalf of or in place of Japan on various matters.

This writer’s *The Origins of U.S. Policy in the East China Sea Islands Dispute* is the first book to examine in detail the U.S. administration of Okinawa in the context of the Senkaku Islands and demonstrates the interactions the U.S. government had with the Government of Japan on Senkaku-related affairs. It shows how as time went on, the U.S. government increasingly coordinated with the Japanese government, including the attack and murder of Okinawan fishermen by unidentified armed groups (believed to be from the Republic of China [Taiwan]) in the mid-1950s (*Daisan Seitoku Maru* incident), removal of Taiwanese fishermen who illegally landed on the islands in 1968, the posting of signs in English, Japanese, and Chinese on the islands in 1969, the training of Okinawan maritime police, and the provision of Japanese government funds for a police vessel as well as numerous visits by Japanese lawmakers, scholars, scientists, and researchers.²⁸ In contrast, clearly demonstrating that the position of the U.S. government was that the Senkakus were Japan’s, the U.S. government did not permit similar visits or activities by those from Taiwan or mainland China, and forced the Taiwanese fishermen to leave.

One issue, explored in great detail in Chapter 2 (“Okinawa and the Senkaku Islands under U.S. Occupation and Administration: Managing Expectations and Tensions”) of this writer’s book on the

²⁵ Robert D. Eldridge, *The Origins of the Bilateral Okinawa Problem: Okinawa in Postwar U.S.-Japan Relations, 1945-1952* (New York: Routledge, 2001), p. 325.

²⁶ *Ibid.*

²⁷ Even today, surprisingly, many people associated with the U.S. government are unaware that it had recognized Japan’s residual sovereignty over the Nansei Shoto and *ipso facto*, the Senkakus. I invite them to read this writer’s *The Origins of U.S. Policy in the East China Sea Islands Dispute* for historical background especially if they are to be involved with matters concerning the Senkakus and the U.S.-Japan alliance.

²⁸ Eldridge, *The Origins of U.S. Policy in the East China Sea Islands Dispute*, particularly Chapter 2.

Senkakus, concerns the internal debate within the U.S. government about paying for the signs installed on each of the Senkaku Islands by the Government of the Ryukyu Islands, the local civilian government established in 1952 by the U.S. Civil Administration for the Ryukyu Islands, which replaced the military government in Okinawa.

The installation of the signs was in fact a USCAR request. U.S. Civil Administrator Stanley S. Carpenter proposed to the Governor of the Ryukyu Islands Seiho Matsuoka that the multilanguage signs be set up on the islands to discourage future attempts to illegally land there by Taiwanese, Chinese, or others. Carpenter, on assignment from the Department of State, also requested that the U.S. military conduct regular aerial patrols over the islands to ensure that the fishermen had left and that future attempts were prevented.

Matsuoka, who found the proposals “most useful and appropriate,” gave his concurrence “in principle” but explained that the installment of no trespassing signs on the islands would require financial assistance from USCAR. GRI officials prepared a budget request and submitted the following year, in March 1969.

Even though the signs were suggested by USCAR, no action was immediately taken on allocating the money. One reason may have simply been the result of the slow wheels of the bureaucracy and budgeting, but another matter had also arisen—internal concern that the U.S. government might have gone too far in proposing the signs, taking sides in what might develop into a trilateral dispute over the Senkaku Islands in the wake of the aforementioned ECAFE report (released in 1969) on possible minerals in the area.

Inquiries were sent from USCAR to Washington in the fall of 1969 about supporting the installment of the signs from a political and diplomatic perspective. The State Department answered in late September that: “The U.S. policy toward the Senkaku Retto is clear: The United States has consistently asserted that the Senkaku Retto is a part of the Ryukyu Islands under the control of the United States and under the jurisdiction of the GRI.”²⁹ After explaining some of the examples of the “consistent exercise of this claim” and “other practices and usage over the years,” the response continued, “USCAR’s contemplated action in defraying the costs of erecting permanent territory marker signs on the Senkaku Islands is entirely consistent with the above policy position,” and added for good measure that “the recent heightened interest in the Senkaku Islands in connection with the oil explorations on the North East Asia continental shelf does not alter this finding. It does increase the need for the posting of these markers without delay.”³⁰ The memo recommended the Legal

²⁹ “Memorandum from Richard E. Snyder, Liaison Department, to Public Safety Department, USCAR, on Erection of No Trespassing Warning Signs at Vantage Points in Senkaku Retto, September 27, 1969,” Folder 6 (Civic Action Project Files, 1971: Senkaku Retto), Box 37, Records of the Operation Division, Public Safety Department, RG 260, U.S. National Archives II, College Park, Maryland.

³⁰ *Ibid.*

Department's advice be sought on the exact wording but felt that in any case, "defray[ing] part or all of the expense of posting these signs...is entirely consistent with our interest and with the initiating role which USCAR has played, including assurances given the GOJ, in the matter of territory posting of Senkaku."³¹ Upon receiving this memorandum, the Public Safety Department recommended to the High Commissioner, Lieutenant General James B. Lampert, that USCAR pay the GRI to erect the signs.

Lampert's political advisor, John Knowles, who was also a Foreign Service Officer sent by the State Department, was simultaneously studying the "fat file" on the Senkakus issue.³² He was worried that "others might attempt to construe U.S. putting up (sic) signs on Senkaku (which we have nowhere else) as evidence of U.S. support for Japanese claims vs. GRC over offshore waters and oil resources," but discovered among the files memoranda indicating "State and [U.S. embassies at] Taipei as well as Tokyo consider it in U.S. interest to do everything possible to show U.S. support for Japanese sovereignty over Senkakus and to avoid any GRC or CHICOM [Communist China] claim."³³ Knowles asked that the High Commissioner inform the Department of Army, Department of State, and the Tokyo and Taipei embassies once action on the signs was taken.

It was not until the following summer before the erection of the no trespassing signs on all the islands was completed. The signs, written in Chinese, English, and Japanese, read: "Entry into any of the Ryukyu Islands, including this Island, or their territorial waters other than innocent passage, by persons other than the residents of the Ryukyu Islands, is subject to criminal prosecution except as authorized by the U.S. High Commissioner. By Order of the High Commissioner of the Ryukyu Islands." According to one of the workers who placed the signs on the islands, the fact that USCAR paid for the signs implied that the USG was not only administering the islands but that it also recognized Japanese sovereignty.³⁴ This writer would strongly agree with this assessment, as clearly would the State Department officials at the time.

Throughout the occupation and administration of the Ryukyu Islands, the name "Senkaku" appears in numerous maps and documents. Importantly, in no official U.S. documents during this period do U.S. officials call the islands by the Chinese reading.

Despite these clear indications of official U.S. policy toward the Senkakus during the postwar and by extension the prewar, at the time of the Okinawa reversion agreement in June 1971, the Richard M. Nixon administration decided to adopt a neutral position on the status of the Senkakus. There are

³¹ *Ibid.*

³² "Confidential Memorandum from Political Adviser to SA/HICOM, November 28, 1969," Folder 6 (Civic Action Project Files, 1971: Senkaku Retto), Box 37, Records of the Operation Division, Public Safety Department, RG 260.

³³ *Ibid.*

³⁴ Kenji Higa, "'Keikoku Ita' Secchi no Omoide (Recollections on Placing the 'Warning Sign')," *Yaeyama Mainichi Shimbun*, August 25, 2009.

two likely reasons for this. First was the fact that Taiwan (then, a formal U.S. ally) began to claim the islands and the Nixon administration wanted to avoid having the United States entangled in a dispute between two allies. Second—and the more likely explanation—is that Nixon wanted to curry favor with the PRC, which was also claiming the islands, because he was planning to visit Peking and wanted the negotiations that were secretly going on at the time (led by his national security advisor, Henry A. Kissinger) to succeed. (Less than a month after the Okinawa reversion agreement, Nixon announced he would visit China in February the following year in what became the first of several “Nixon Shocks.”) By leaving some ambiguity and calling on the three parties to work it out among themselves, the Nixon administration was able to extract itself temporarily from the Senkakus issue but left a lot of underwater mines in its wake.

The Japanese government, led by the Ministry of Foreign Affairs, had worked until the end to try to get the United States to include the name “Senkaku Islands” in the reversion agreement to make it perfectly clear that the islands were being returned. The U.S. government, in response, argued that it did not have the right to declare who owned the islands, but as explained earlier, it did in fact do just that at the time of the San Francisco Peace Treaty. In the end, an agreed minute delineating the areas to be returned was approved but the Japanese government was extremely disheartened by it, calling the failure to specify the Senkaku Islands in the agreement a “complete surrender.”³⁵

Problems and Contradictions with U.S. Policy

The policy of neutrality on the question of sovereignty over the Senkakus that the U.S. government adopted in 1971 is badly flawed and problematic for the following reasons. First, the policy was inaccurate and went against its previous position on the Senkakus. Secondly, it sent a bad message to its most important ally in the region, Japan, and created deep distrust of the U.S. that lingers today (and necessitates the reiteration of the position that the bilateral security treaty applies to the Senkakus). Third, the arguments of Taiwan and the PRC were easily refutable. Fourth, the neutrality stance would eventually weaken America’s strategic position in the region and the alliance. Fifth concerns the ability to respond to a Senkakus contingency, and sixth is the limits it places on Japan’s administration of the islands. Sixth, the U.S. government’s calls for no changes to the status quo in the East China Sea prevents Japan from properly and confidently carrying out the administration of the islands. This section explores these problems.

First was the historical inaccuracy of it. U.S. policy for the previous twenty-six years (1945-1971), and 50 years before that, had been that the Senkaku Islands were a part of the Ryukyu Islands,

³⁵ *Ibid.*, p. 192.

and the Ryukyu Islands were a part of Japan. Legally and administratively, Japan had “residual sovereignty” over the Ryukyus, as per the interpretation of Article 3 of the Treaty of Peace with Japan announced at the San Francisco Peace Conference. Thus, if Japan had sovereignty over the Ryukyu Islands, and the Senkakus were a part of the Ryukyu Islands, Japan, *ipso facto*, had sovereignty over the Senkakus.

Second, the U.S. adoption of a policy of neutrality was a dreadful surprise to the Japanese government and caused much distrust within Japan toward the United States as editorials and statements by Japanese officials suggest. In response to questions in the Upper House, Foreign Minister Takeo Fukuda said he was very “dissatisfied” with the U.S. side’s “evasive attitude” and that he would register a “stern protest” if the U.S. government continued its neutral stance.³⁶ MOFA’s spokesman Wada Tsutomu was also “harshly critical” of the U.S. position in off-the-record comments.³⁷ Prime Minister Eisaku Satō even raised it with U.S. Ambassador Armin H. Meyer during the latter’s farewell call in an effort to get the United States to recognize Japanese sovereignty over the Senkakus.³⁸ Political, diplomatic, and military tensions between Japan, Taiwan, and China over the Senkakus began to increase at this juncture.

Third, the United States could have argued, if not outright dismissed, the claims of Taiwan and the PRC had it chosen to do so, particularly if it coordinated with Japan. The claims of both the Taiwan and the PRC were then (and now) violations of the principle of estoppel in international law, by which a government is not allowed to deny or assert anything to the contrary of that which has been established as the truth by its own deeds, actions, or misrepresentations. Namely, previous Chinese and postwar Taiwan and PRC-produced maps, stamps, and other official documents clearly showed the Senkakus as part of the Ryukyus and of Japan.³⁹ As such, the U.S. government could have easily torpedoed these unfounded claims had it chosen to do so.

Fourth, the policy was harmful because it created instability in the region and confusion of multiple claims, which have over the years gotten only more intense and competitive. While such a position might have been fine if one (the one that wished to change the *status quo*) of the disputant countries was weak militarily, it becomes less tenable and actually quite dangerous when that country—namely, the PRC—becomes stronger and has a “chip on its shoulder” or other intentions (such as unfettered economic development, militarization, and/or area access denial to Japan and its alliance partner, the United States.) It may eventually lead to conflict, involving the shedding of American blood in defense of an ally.

Fifth, it creates uncertainty in bilateral planning. This was clearly shown in the aforementioned

³⁶ *Ibid.*, p. 278.

³⁷ *Ibid.*, p. 279.

³⁸ *Ibid.*, p. 277.

³⁹ Robert D. Eldridge, “Facts Stack Up Against China’s Senkaku Claim,” *The Japan Times*, January 28, 2013.

2010 interview with the U.S. Marine Corps general from Hawaii. But it is more worrisome than that. A great irony exists. Article 5 of the Security Treaty obligates the United States (and Japan) to “act to meet the common danger in accordance with its constitutional provisions and processes” even though the United States does not publicly recognize Japan as having sovereignty over the Senkaku Islands. Writing in September 2010, Pulitzer Prize-winning reporter Nicholas D. Kristof identified this irony, writing, “We’re in the absurd position of being committed to help Japan fight a war over islands, even though we don’t agree that they are necessarily Japanese.”⁴⁰ Kristof, who tends to believe the historical evidence supports China’s arguments that it has sovereignty over the islands and admits to being “sympathetic to China’s position,” has followed the issue since the 1980s and seems to have first written about it in an October 1996 *New York Times* think piece referenced earlier entitled “Would You Fight for These Islands?”⁴¹ Kristof, who in his blog entitled “On the Ground,” reintroduced his analysis from his 2000 co-authored book, *Thunder from the East*, that further argues, “In reality, of course, there is zero chance that the United States will honor its treaty obligation over a few barren rocks. We’re not going to risk a nuclear confrontation with China over some islands that may well be China’s.”⁴² Although this writer disagrees with almost all of Kristof’s description or understanding of the Senkakus dispute, especially his assertions that Japan’s claim to the islands is “dubious” and that the Chinese claim is “probably stronger,” he does provide a valuable service by pointing out the above inconsistencies about the relationship to the 1960 U.S.-Japan security treaty for the informed American reader.⁴³

⁴⁰ Nicholas D. Kristof, “Look Out for the Diaoyu Islands,” *Wall Street Journal* “On the Ground” blog entry, September 10, 2010 (<http://kristof.blogs.nytimes.com/tag/senkaku-islands/>, accessed July 1, 2011). He followed up this commentary with a second, “More on the Senkaku/Diaoyu Islands,” on September 20, 2010 (<http://kristof.blogs.nytimes.com/2010/09/20/more-on-the-senkakudiaoyu-islands/>, accessed July 11, 2011).

⁴¹ An earlier article by him about the Sino-Japanese tensions over the Senkakus was factual and not simply commentary in nature. See Nicholas D. Kristof, “An Asian Mini-Tempest Over Mini-Island Group,” *New York Times*, September 16, 1996.

⁴² Kristof, “Look Out.” Much of the blog is taken verbatim from his *Thunder from the East: Portrait of a Rising Asia*, coauthored with his wife, Sheryl Wu Dunn, and published by Alfred A. Knopf in 2000, particularly pages 256-257 and 262-263.

⁴³ Kristof and WuDunn, *Thunder from the East*, 256-257. Unfortunately, he has lacked objectivity in the issue, posting an analysis by a Taiwanese research fellow, Han-yi Shaw, entitled “The Inconvenient Truth Behind the Diaoyu/Senkaku Islands” on his blog with commentary to the effect that while the facts were not “100 percent clear...I find the evidence for Chinese sovereignty quite compelling.” See Han-yi Shaw, “The Inconvenient Truth behind the Diaoyu/Senkaku Islands,” *Wall Street Journal* “On the Ground” blog entry, September 19, 2012 (<http://kristof.blogs.nytimes.com/2012/09/19/the-inconvenient-truth-behind-the-diaoyusenkakui-islands/>), and untitled introductory remarks to Shaw’s “The Inconvenient Truth.” Kristof’s comments appeared to have incurred the wrath of Japanese consulate in New York, and indirectly the Japanese Foreign Ministry. See “Consulate Rebuts N.Y. Times Senkakus Op-ed,” *The Japan Times*, October 5, 2012. While Kristof shared the rebuttal of a Japanese researcher, he wrote no such endorsement of the latter’s response and simply posted it a couple of weeks later. Takayuki Nishi, “The Diaoyu/Senkaku Islands: A Japanese Scholar Responds,” *Wall Street Journal* “On the Ground” blog entry, October 4, 2012

Finally, the U.S. stance on the Senkakus acts to limit what Japan can do with regard to the administration of the islands. Namely, the United States government refers to the “status quo...in the East China Sea” in the context of China’s actions, but logically, therefore, the same restriction applies to Japan and hence limits Japan freedom of action. In other words, Japan can do nothing to strengthen its administration over the islands because anything it does would inherently change the status quo as it exists.

This is extremely unfortunate as the PRC has constantly chipped away at Japan’s administration on a near daily basis. Little by little, it quietly, out of sight, creates a new status quo slightly worse for Japan and has done so over much the past five decades without any penalties. Japan has been at a serious loss. As such, by the aforementioned logic, for Japan to restore its administration over the islands to what it was like in 1972—when, for example, fishermen were able to fish there without being harassed, scientists and government officials were able to land on the islands to conduct surveys or place signs there, bereaved family members were able to conduct ceremonies there for past shipwrecks, Japanese government and media aircraft were able to fly over the islands unimpeded, etc.—this would necessitate a change in the status quo of 2022. The United States, however, has previously discouraged Japan from taking such actions, expressing concerns, for example, leading up to the so-called “nationalization” of several islands in September 2012.⁴⁴

Even U.S. military personnel and government officials, whether in an official or private capacity, hesitate to visit the islands today. As a result, they are unable to gather, along with their Self-Defense Force and Ministry of Defense counterparts, valuable data and information to help the preparation for the defense of the islands, which they admit Article 5 covers.

Indeed, as explained earlier, even though two of the islands are provided by Japan to the U.S. military under Article 6 of the Status of Forces Agreement for target practice, the U.S. State Department has forbidden the U.S. military in Japan from using them since 1979. This fact became known in recent years when declassified documents were discovered and reported on by Kyodo News Agency. The reason given was that the U.S. government feared “it would become embroiled in a Sino-Japanese territorial dispute.”⁴⁵ Although the fact that the U.S. military has not used the ranges since that time was commonly known, without the supporting documents, it was unclear why and who had

(<http://kristof.blogs.nytimes.com/2012/10/04/the-diaoyusenkaku-islands-a-japanese-scholar-responds/>). According to Nishi, he had several reasons for writing the article, including the concern that “Japanese experts were unlikely to have read Mr. Shaw’s article, be capable of replying quickly in English, and bother to reply. Thus, Han-yi Shaw was likely to get the last word on Mr. Kristof’s blog if I didn’t reply,” and the view that “American professors taught me that scholars have obligations toward society, so I felt I had a responsibility to point out facts to Mr. Kristof’s readers.” Author’s interview with Nishi Takayuki, November 1, 2012, Shizuoka City, Japan, (by e-mail).

⁴⁴ [Counter-Coercion Series: Senkaku Islands Nationalization Crisis | Asia Maritime Transparency Initiative \(csis.org\)](https://www.csis.org/counter-coercion-series-senkaku-islands-nationalization-crisis).

⁴⁵ “U.S. Ceased Using Senkaku Islets as Firing Range in 1978 to Avoid Riling China,” *The Japan Times*, April 5, 2021.

ordered it.⁴⁶ What remains unclear today is why the U.S. government continues to prevent the U.S. military from using the ranges unilaterally, or in conjunction with the Self-Defense Forces (which lacks ranges), or why it does not return the areas to Japan. The capabilities of the two militaries, and perhaps outside partners such as Australia and others, would benefit greatly from being allowed to practice there.

Recommended Changes to U.S. Policy

As this article has explained, the policy of the U.S. government regarding the Senkaku Islands is fatally flawed and will invite an eventual conflict in which Japanese and U.S. lives will be lost unnecessarily. The U.S. government should revert to its historic policy of recognizing Japanese sovereignty.⁴⁷ This will clarify to the world the status of the Senkaku Islands once and for all, and the U.S. stance in the matter. It will remove the doubt that exists not only within Japan, but also within the United States about the degree of U.S. commitment. It will further allow Japan to do what it needs to do to solidify its effective control and administration over the islands, and for the alliance to conduct itself as two militaries need to do—properly train and exercise in the region for all types of contingencies.

As it is, U.S. policy for the Senkakus today is unfortunately a bundle of contradictions weighing down the alliance and Japan's ability to confidently deal with the proper administration of its territory. If changes aren't made soon, America's flawed policy will weigh the alliance down and could seriously harm the bilateral relationship.

⁴⁶ Eldridge, "The Dangerously Flawed U.S. Senkakus Policy."

⁴⁷ The U.S. government will need to inform both Taiwan and the PRC about the change in policy, of course. The PRC no doubt will strongly oppose it, but as we have established so far, the PRC has no viable claim to sovereignty. Regarding discussions with Taiwan, this writer argues that a compromise is possible. See Robert D. Eldridge, "A U.S.-Japan-Taiwan Grand Bargain for Senkakus," *The Japan Times*, June 10, 2016.