

**Магосаки Укэру. Нихон-но коккёмондай:
сэнкаку, такэсима, хоппорёдо
[Территориальные проблемы Японии:
Сэнкаку, Такэсима и северные территории].
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**Magosaki Ukeru. Territorial Problems of Japan:
Senkaku, Takeshima and Northern Territories.
Tokyo, Tikuma Publishing House,
2011, 231 pp.**

The author of the work under review is a former Japanese career diplomat, who was the Ambassador to Uzbekistan and Iran and a professor of the National Defense Academy. His work merits special attention among modern publications of Japanese historiography on territorial problems. In it the author gives an original picture of the emergence and development of territorial conflicts between Japan, on the one hand, and the PRC, Russia and the Republic of Korea, on the other. The arguments presented by him differ from those in most Japanese publications on the subject by its objective and realistic character. Apart from traditional facts, the work contains documents not only showing the vulnerable points of the Japanese position, but also characterizing it as unviable and illegitimate.

The book consists of six chapters: "Territorial Problems Steeped in Blood," "Japanese-Chinese Negotiations on Senkaku Islands," "Northern Territories and Plans of the U.S. and Russia," "Will the Japanese-American Alliance Be Useful?", "Solution of Territorial Problems by Peaceful Means," "What Is State Strategy Without Emotions."

In Chapter 1 the author makes a comparative analysis of the practice of solving territorial disputes in various regions of the world with a view to applying this experience subsequently to the problem of territorial delimitation between Japan and its neighbors. In particular, he has chosen territorial conflicts between the U.S.S.R. and China, Iran and Iraq, and Germany and France as examples.

The author maintains that territorial problems between neighboring states are often used for strengthening the political positions of individual groupings in their struggle for power. Magosaki Ukeru asserts, for example, that tension in Japanese-Chinese relations in September 2010 in connection with the Senkaku incident was used by the Chinese side for electing Xi Jinping to the post of the Vice Chairman of the CC CPC Central Military Commission.

In the author's view, in order to settle the Senkaku problem the Japanese government should use the experience of Soviet-Chinese territorial delimitation. He asserts that during the normalization of Japanese-Chinese relations in 1972, the PRC Premier Zhou Enlai, having recognized Japanese control over Senkaku Islands, suggested to postpone the solution of the territorial question. The Chinese Premier proceeded from the experience of resolving the Soviet-Chinese border question on Damansky Island in 1969. The author believes that having no such experience in settling territorial conflicts, the Japanese side, "while having real control over the islands," is gradually losing an advantageous solution of the problem. "The vivid confirmation of this is the arrest of the captain of the Chinese fishing vessel captured by the Japanese authorities in the vicinity of Senkaku Islands in September 2010" (pp. 34-35).

Citing Germany as an example, the author states that having suffered defeat in World War II, Germany lost many more territories than Japan (p. 50). In contrast to Japan, "Germany, having recognized the results of the war, has renounced the return of the lost territories by force. Instead of the traditional postulate about the "highest priority of a state being the preservation of territorial integrity," Germany has decided to base its state policy on the principle of "expansion of its own influence." As a result, Germany has ceded Alsace and Lorraine, which had been an "apple of discord" between the two states for quite a long time, to France, but it managed to consolidate its influence in these territories and became the most influential power of the European Union. Germany is now playing the leading role in the financial policy of the European Union, whose territory considerably exceeds the territory of Germany itself (pp. 54-55).

In Chapter 2 the author examines in detail the problem of territorial delimitation between Japan and China – that of Senkaku Islands (Diaoyudao in Chinese). The author criticizes the position of the new democratic government with regard to Senkaku Islands and asserts that to deny the existence of the problem of the islands' belonging contradicts the initial agreements between Japan and China and can lead to an armed clash (p. 60).

On the basis of an analysis of the bilateral relations the author makes the conclusion that in signing the Japanese-Chinese Treaty on Peace, Friendship and Cooperation in 1978 "a tacit agreement was reached to postpone" the question of the belonging of Senkaku Islands. In particular, during the negotiations with the then Minister of Foreign Affairs of Japan Sunao Sonoda, the then Vice Premier of the PRC State Council Deng Xiaoping suggested that "the problem be post-

poned for a time.” In reply the Japanese minister expressed the desire that “unexpected incidents should not emerge in the future,” with which the Chinese official definitely agreed. In conclusion Deng Xiaoping added that “our generation failed to find solution to the problem, but future generations would be sure to find it.” This tacit agreement was confirmed in October 1990 (pp. 79-80).

In 1997 a Japanese-Chinese fishing convention was signed which went into force in June 2000. In the conditions of the existence of the unresolved Senkaku problem, Magesaki Ukeru noted, “this modest convention was of political importance. It envisaged prevention of armed conflicts during fishing activity in the vicinity of Senkaku Islands.” The convention established the rules for settling conflicts in the sea. According to the rules, the two sides, in an event of an incident, agreed not to use force and “immediately inform each other of all cases of transgression.” The use of force was allowed only with regard to their own fishing vessels. Consequently, the author concludes, the arrest of the captain of the Chinese fishing vessel in September 2010 was a violation of the rules regulating such incidents established by the said convention (pp. 81-84).

Having expounded in detail the positions of Japan and China, the author dwells on the position of the United States, which, in his view, adheres to neutrality with regard to the Senkaku problem. However, he emphasizes, this does not mean that there is no such international problem (pp. 87-88). Besides, he goes on, “in denying the existence of the Senkaku problem,” the Japanese government provokes “the Chinese military and nationalist-minded politicians” to return certain lost territories by the use of force. The Chinese “greatly respect such well-known political figures as Zhou Enlai and Deng Xiaoping who proposed to postpone solution of the Senkaku problem.” However, if the Japanese side does not observe these agreements, the Chinese military may use it as a pretext for the return of the islands by force (pp. 90-91).

Chapter 3 deals with the so-called problem of the Northern Territories between Russia and Japan. The author begins with an analysis of the premises of the Potsdam Declaration, drawing parallels with Germany, which, just as Japan, suffered defeat in World War II. Magesaki notes that “Prussian lands were an important part of the German Reich. And where are they now? Germany has practically nothing left of them. Their greater part went to Poland and the Soviet Union. Such was the price paid by the conquered Germany” (p. 96).

Similar measures on violating the country’s sovereignty, the author continues, were carried out by the Allied Powers with regard to Japan, as a result of which “Japan’s sovereignty was limited to the islands of Honshu, Hokkaido, Kyushu, Sikoku, and some other smaller islands” (p. 98). For one, the Kuril Islands were taken out from under Japanese sovereignty and, according to the Yalta Agreement of 1945 between the Allies, transferred to the Soviet Union in exchange for its participation in the war against Japan. In Magesaki’s view, this agreement is still valid, inasmuch as the United States has never renounced it

officially or made protests to the Soviet Union or Russia against the inclusion of Iturup and Kunashir islands in the U.S.S.R. territory (p. 103).

The author considers the position of Japan concerning Iturup and Kunashir islands, which are allegedly not part of Kuril Islands, weak and unsubstantiated.

- First, he notes, speaking at the San Francisco Peace Conference back in 1951 the then Premier of Japan Shigeru Yoshida called Iturup and Kunashir islands South Kuril Islands, thus recognizing them as part of the Kurils. This fact has time and again been confirmed in statements by other Japanese officials. This is why Japan can hardly find international support with regard to exclusion of Iturup and Kunashir from Kuril Islands (pp. 104-105).
- Secondly, the weakness of Japan's position lies in its inconsistency. For example, during the Soviet-Japanese negotiations to resume diplomatic relations in 1955-1956 Japan was twice ready to accept the Soviet variant of solving the territorial problem by transferring the group of Habomai Islands and Shikotan to Japan. However, under the influence of the United States, which was against Soviet-Japanese rapprochement, Japan began to insist on the return of all four islands. As a result, the government of Japan could not reach agreement on Iturup and Kunashir and confirm it in the final text of the Joint Declaration of 1956 (pp. 110-115).

Later, the foreign ministry of Japan began to insist that Kunashir and Iturup islands were not part of the Kurils, which Japan renounced under the San Francisco Peace Treaty, and also that these territories were its own from time immemorial. In reply the Soviet Union asserted that the territorial problem has already been settled. As a result, a situation has emerged in which it was simply impossible to reach any compromise (p. 121).

U. Magosaki put forward a logical model, which was used by the Japanese side, not without participation of the United States, after the end of the Cold War in order to revitalize the problem of the Northern Territories and gain positive results. In particular, financial assistance to the Russian reforms was used, which contributed to the formation of Tokyo's offensive position (pp. 122-123). As a result of the Soviet-Japanese negotiations the Soviet Union recognized the existence of the territorial problem with Japan, and after the disintegration of the U.S.S.R. Russia and Japan reached an agreement to continue negotiations with a view to speedily concluding a peace treaty by solving the problem on the basis of historical and legal facts and the documents compiled by the two sides, as well as the principles of legality and justice. However, as Magosaki emphasizes, the two sides continued to adhere to their previous positions (p. 125).

In conclusion the author states that the problem of the Northern Territories has mainly been solved by such international legal documents as the Potsdam Declaration and the San Francisco Peace Treaty. However, during the Cold War

the United States used the territorial problem in order to preclude the consolidation of Japan's independence and the weakening of its military and political ties with the U.S.A. Being aware of the fact that the Soviet Union would never agree to transfer Iturup and Kunashir islands to Japan, it demanded that the Japanese leadership insist on their return (p. 130). Besides, the author notes that the view has become intentionally widespread in Japan that the Northern Territories are original Japanese lands, and the Soviet Union occupied them illegally, with a view to harming the national feelings of the Japanese. At the end of his analysis the author admits that the United States has succeeded in imposing definite restrictions on improvement of Japanese-Soviet relations. In this connection he calls for not jumping at the bait again in the territorial problem with China, inasmuch as China today is the most important side for the United States, and this is why it uses the Senkaku Islands problem for strengthening the American-Japanese military alliance (p. 131).

In Chapter 4 the author puts to doubt the assertion to the effect that in case of an armed conflict the United States will defend the disputed territories of Japan, such as the Northern Territories and Takeshima and Senkaku islands. Analyzing the American-Japanese Security Treaty, Magosaki recalls that Article 5 of it guarantees that in case of "an armed attack on any side on the territories under Japan's jurisdiction," each side "should undertake actions to rebuff the common threat in accordance with its constitutional premises and procedures" (p. 143). Taking this into account, the author comes to a conclusion that the treaty can be applied only to "the territories under Japan's jurisdiction." Consequently, the security treaty does not cover the Northern Territories, which are under Russia's jurisdiction, and likewise Takeshima Island, which is under South Korean jurisdiction (p. 153).

As to the Senkaku group, the treaty is valid inasmuch as these islands are under Japan's jurisdiction at present. However, this does not mean, as Magosaki believes, that in case of an armed conflict around Senkaku Islands the United States will definitely take part in it on the side of Japan (p. 155). First, the sovereignty of Senkaku Islands is disputed by China, and the United States will hardly take a final decision in favor of one of the sides. Secondly, under the security treaty the United States is bound to undertake action to rebuff common threat only "in accordance with its constitutional premises and procedures." Inasmuch as according to the U.S. Constitution, the President as the Supreme Commander-in-Chief should receive consent of the Senate, then, in the author's view, it means that under the security treaty the United States pledges only "to exert efforts for gaining approval of the Senate" (p. 156). Due to this, as the author notes, "in an event of an armed conflict with China around Senkaku Islands the Japan Self-Defense Forces will have to defend them alone; the U.S. armed forces will not take part in their defense. If the Japan Self-Defense Forces are able to protect these territories, there will be no problem, if not, the right to them will go over

to China and then the security treaty will not be applied to their protection” (p. 158).

Chapter 5 examines the means of peaceful solution of territorial conflicts. Proceeding from the fact that Japan lies close to such strong military powers as China and Russia, Magosaki maintains that peaceful solution of territorial disputes is the only possibility (p. 168). In this connection the author emphasizes that in contrast to previous epochs when every state had “the right to war,” the modern international community is guided by the UN Charter under which all states should refrain in international relations from the threat of force or its use for resolving territorial problems in one’s favor. In the author’s view, this is one of the restraining factors for China in the dispute around Senkaku Islands. Another restraining factor could be broader cooperation between Japan, China and ASEAN up to a level at which it would not be possible to settle territorial problems in the region through the use of force (pp. 177-178).

U. Magosaki regards negotiations and appeals to the International Court of Justice to be the most effective means of peaceful solution of conflicts (p. 180). For one, the procedure of the transfer of a territorial dispute to the International Court of Justice is envisaged by the San Francisco Peace Treaty (Chapter VI, Article 22). In the author’s view, there are several weighty reasons for Japan to appeal to the International Court of Justice with a view to solving territorial disputes. First, this is connected with the fact that Japan has territorial problems with such military powerful states as China and Russia, and solution of territorial problems with them is only possible on a legal basis. Secondly, the difficulty lies in the fact that this territorial problem touches on national feelings. This is why an appeal to the International Court of Justice will make it possible to solve the problem more objectively. Thirdly, transfer of the problem to the International Court of Justice is the best way to avoid armed conflicts (pp. 182-183).

Another way to avoid armed conflicts, in the author’s view, is to postpone solution of territorial problems (p. 189). Such method of solving territorial disputes is called in Japan the “Adenauer formula,” after the name of the first Chancellor of the Federal Republic of Germany. In 1955 the Soviet Union established diplomatic relations with the Federal Republic of Germany without signing a peace treaty with it. Adenauer did not present any territorial claims to the U.S.S.R. In this lies a difference between Germany and Japan, notes Magosaki. Germany, he emphasizes, did not strive to sign a peace treaty in order to have territories returned to it. Having postponed solution to the territorial problem, Germany laid an emphasis on the development of relations with the U.S.S.R. (Russia). Whereas Japan, striving to return territories, made the signing of a peace treaty the main foreign-policy task in its relations with Russia. This has narrowed down relations between Japan and the U.S.S.R./Russia (p. 191).

In Chapter 6, the final chapter of his work, the author made an attempt to generalize and sum up the possible peaceful means of solving territorial disputes

with a view to evolving a uniform state strategy. In his view, Japan and China could well learn from Germany and France which succeeded to overcome mutual hatred by creating “relations of comprehensive mutual interdependence.” For instance, in creating the East Asian Community it will be necessary to study the European experience most thoroughly. Magosaki notes that the concept of the European Union has not emerged all at once. It began with the idea of possible cooperation in the field of developing coal deposits. Along with understanding benefits from cooperation in this field, it spread to other spheres (p. 214).

The territorial problem is not simply the question of territories as such, in the view of U. Magosaki, it reflects the state of bilateral relations as a whole. To confirm this, the author cites two historical examples. The first deals with the negotiations on the restoration of Soviet-Japanese diplomatic relations in 1955-1956. The author notes that at the time nobody from the Japanese delegation believed that the Soviet Union would renounce the territories it gained as a result of World War II. However, the U.S.S.R., hoping to develop economic cooperation with Japan, decided to give over Shikotan Island and Habomai Islands to Japan. Another example concerns the visit of the Russian President D. Medvedev to Kunashir Island in 2010. The author believes that under the circumstances, when Japan holds only the 11th position in the volume of foreign trade with Russia, the latter may take a harsher stand on the territorial problem without harming Russian-Japanese relations too much (p. 215).

The author asserts that the Senkaku Islands problem is not so much the problem of the islands as such as that of relations between China and Japan.

In view of the absence of a universal method to settle territorial disputes, the author suggests a number of peaceful means, which, as he thinks, might be used for neutralizing and possibly solving such disputes.

1. To avoid superfluous tension and objectively examine the partner's view.
2. To adopt concrete measures to avoid conflict.
3. To draw a third party, for instance, the International Court of Justice, for solving the problem.
4. To build close multilateral and interdependent relations.
5. To use the general UN principles as much as possible.
6. To form general principles of the non-use of military force.
7. To create a mechanism of averting conflicts in the region of disputed territories.
8. To avoid confrontation, postponing a solution of the problem which the present generation is unable to reach.
9. To search for a solution of the problem by dividing it into separate elements (pp. 222-229).

The position outlined in the book under review is distinguished by a non-standard approach to territorial problems facing Japan, in contrast to the one inherent in Japanese historiography. This approach is largely based on a vast historical source material, including Chinese, Korean and Russian data. The work by Magosaki Ukeru is a concrete and original contribution to the study of territorial problems characterizing Japan's relations with Russia, China and the Republic of Korea. Magosaki's monograph is a very useful source of knowledge for all who are interested in the history and the present state of Japan's relations with its closest neighbors.

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