

## **From Resumption of Diplomatic Ties to Conclusion of Peace Treaty: Legal Norms in Contemporary China-Japan Relations and the Taiwan Question**

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**Abstract:** It took six years of arduous negotiations for China and Japan to progress from the resumption of diplomatic relations to the signing of a peace treaty, marking a historic transformation in their relationship through a two-step approach. The Treaty of Peace and Friendship Between the People's Republic of China and Japan formally codified the principles and content of the 1972 Joint Statement of the Government of the People's Republic of China and the Government of Japan, creating the political foundation, overarching framework, and future trajectory of contemporary relations between the two sides. The treaty also carried profound regional significance, reaffirming the legal underpinnings of the post-war Asia-Pacific regional order. Throughout the negotiations, the Taiwan question remained a persistent focal point, both explicitly and implicitly. Japan deliberately avoided explicit recognition of the one-China principle and the fact that Taiwan is part of China, seeking to leverage strategic ambiguity to preserve its strategic flexibility. Its "dual-track, two-faced" policy on the Taiwan question was not merely a product of short-term pragmatism but

also reflected long-term strategic imperatives – particularly its prioritization of the Treaty of Mutual Cooperation and Security Between Japan and the United States (Japan-U.S. Security Treaty) and the preservation of the contested legitimacy of the San Francisco System – a U.S.-imposed post-war framework that entrenched Japan’s semi-sovereign, semi-occupied status in the 1950s. And the inherent contradictions and incoherence in Japan’s policy toward Taiwan are rooted in this dual-track and two-faced approach. Given Japan’s strategic reliance on the U.S.-Japan alliance and its vested interests under the San Francisco System – coupled with its intention to constrain China’s national reunification and maintain a counterbalance – Tokyo is unlikely to revise its stance. Nevertheless, the logical and legal inconsistencies in its policy warrant deeper, systematic analysis.

**Keywords:**China-Japan relations, Treaty of Peace and Friendship, Taiwan, San Francisco System, Japan-U.S. Security Treaty

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The year 2022 marked the 50th anniversary of the normalization of China-Japan diplomatic relations, followed by the 45th anniversary of the Treaty of Peace and Friendship Between China and Japan in 2023. The two-phased process – from diplomatic normalization to treaty ratification – reshaped the historical course of bilateral relations, representing a decisive turning point in the post-war evolution. Among the four key political documents governing China-Japan relations, the Treaty of Peace and Friendship occupies a uniquely pivotal position – serving as both a historical bridge and a forward-looking framework. It has guided China and Japan to adapt its principles to the evolving realities of different periods, ensuring its continued relevance. Throughout the negotiation process, the Taiwan question remained a persistent focal point, both explicitly and implicitly.

Given the post-war evolution of China-Japan relations and the shifting

dynamics of the Taiwan question – both deeply embedded in the broader picture of Asia-Pacific international relations – it is imperative to analyze this legal-political process through macro-historical lens, a comprehensive analytical framework, and legal logic. In an era of escalating bloc-based geopolitical rivalry, a systematic examination of how legal norms have shaped China-Japan relations – and how the Taiwan question has been navigated within this framework – is indispensable. Such study can not only enhance understanding but also provide critical insights for managing contemporary bilateral relations.

## **I. The Two Strategic Steps Leading to a Historic Turning Point**

The history of China-Japan interactions runs a long course, with modern diplomatic relations beginning in 1871. In September of that year, Japan signed the Sino-Japanese Friendship and Trade Treaty with China's Qing Dynasty (1616-1911), establishing equal diplomatic relations under the framework of modern international law. However, just three years later, Japan launched a military invasion of Taiwan in 1874. From that moment until 1972, China-Japan relations went through a century of expansion and resistance, aggression and counter-aggression, as well as post-World War II isolation and confrontation under the Cold War between the East and the West.<sup>1</sup> Most of this century-long history was shaped by a series of unequal treaties imposed on China by Japan. Following the Sino-Japanese War of 1894–1895, Japan forced the Qing government to sign the Treaty of Shimonoseki in April 1895. After participating in the Eight-Power Allied Forces' invasion of China, Japan, along with the United Kingdom, the United States, and other countries, coerced China into signing the Treaty of 1901 in September 1901. During World War I, Japan pressured China in May 1915 to sign the “twenty-one demands,” a set of

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<sup>1</sup> Yang Bojiang (2018). Carrying Forward the Spirit of Treaty and Promoting the Return of Sino-Japanese Relations to Normal Development Track (弘扬条约精神, 推动中日关系重返正常发展轨道). *Northeast Asia Forum* (东北亚论坛). no. 5. pp. 3–13.

demands sought to expand Japanese control over Chinese territory and resources during a period of political instability. During the War of Resistance Against Japanese Aggression, Japan coerced the Wang Jingwei clique in December 1939 into signing a secret agreement, which went further beyond the “twenty-one demands.” After the establishment of the Wang puppet government, Japan signed the “Treaty between Japan and the Republic of China on Basic Relations” with it on November 30, 1940. After the outbreak of the Pacific War, China formally declared war on Japan on December 9, 1941, and stated in its Declaration of War Against Japan that “all treaties and agreements concerning Sino-Japanese relations must be terminated.” From that point on, all unequal treaties between China and Japan since the start of the modern era were officially and completely annulled.

After more than 20 years of mutual isolation and confrontation following World War II, the two neighbors signed the 1972 Joint Statement Between the Government of the People’s Republic of China and the Government of Japan, officially declaring an end to the state of war and establishing diplomatic relations. In 1978, they further signed the Treaty of Peace and Friendship, marking a significant shift in the trajectory of bilateral relations. This was achieved through two strategic steps: issuing the joint statement and signing the treaty – a unified and coherent process. From a legislative perspective, as neighboring countries with a history of prolonged hostilities, the two sides should have ideally first concluded a peace treaty before normalizing diplomatic relations. However, the joint statement was a diplomatic document signed by both governments rather than a treaty ratified by national legislatures. At the time, Japan faced domestic constraints that prevented it from swiftly completing the signing and ratification of a formal peace treaty. According to Japanese officials, under Japan’s parliamentary cabinet system, a joint statement could be approved through a cabinet meeting convened by the prime minister, whereas a treaty required deliberation and approval by its national legislature National Diet, which could have prolonged the process and increased its complexity. This finally led to the adoption of the “two-step” approach to normalize diplomatic relations.

On the crucial issue of Taiwan's status, the Treaties Bureau of Japan's Ministry of Foreign Affairs drafted two proposals regarding Japan's position on Taiwan for the joint statement before then Prime Minister Kakuei Tanaka's visit to China, to prevent disruptions that might derail the overall negotiation process. The first proposal stated only that Japan "understands and respects" the Chinese Government's position on Taiwan. The second one added a further commitment to "adhering to the stance outlined in Article 8 of the Potsdam Proclamation." During negotiations, China rejected the first proposal, and the final consensus was based on the other one. Recollections of then Chinese Foreign Minister Ji Pengfei confirms this account. "The two prime ministers entrusted the drafting of the joint statement to Masayoshi Ohira and me. During this process, we carefully deliberated on the wording regarding the end of the state of war, the Taiwan question, and the handling of the 'Treaty of Peace Between the Republic of China (ROC) and Japan' to reflect the principles of normalization of diplomatic relations while accommodating the different stances of both sides."<sup>1</sup> In the end, the joint statement adopted the following wording on the Taiwan question: "The Government of Japan recognizes the Government of the People's Republic of China as the sole legal government of China." "The Government of the People's Republic of China reiterates that Taiwan is an inalienable part of the territory of the People's Republic of China. The Government of Japan fully understands and respects this stand of the Government of the People's Republic of China, and it firmly maintains its stand under Article 8 of the Potsdam Proclamation." China insisted on Japan's explicit commitment to adhering to Article 8 of the Potsdam Proclamation to counter the argument that Taiwan's status was undetermined.<sup>2</sup> These key provisions were reaffirmed later in the Treaty of Peace and Friendship signed by the two countries in 1978.

In conclusion, the signing of the joint statement and the conclusion of the

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<sup>1</sup> Ji Pengfei (1995). *Commemorating My Friend Masayoshi Ohira (纪念我的朋友大平正芳先生)*. *Contemporary Sino-Japanese Relations (1945-1994)*. Beijing: Current Affairs Press. pp. 190-191.

<sup>2</sup> Song Zhiyong and Tian Qingli (2010). *A History of Modern and Contemporary Japan-China Relations (《日本近现代对华关系史》)*. Beijing: World Affairs Press. p. 248.

treaty were part of a unified and carefully coordinated diplomatic arrangement. Article 8 of the joint statement explicitly stated, “With a view to solidifying and developing the relations of peace and friendship between the two countries, the two governments will enter into negotiations for the purpose of concluding a treaty of peace and friendship.” This demonstrated that from the very outset, both nations’ leaders had a well-planned design for the treaty that was realized six years later, including its fundamental principles, main content, and legal relations with the joint statement.

## **II. Establishing the Political and Legal Foundation of Contemporary China-Japan Relations**

In September 1972, the governments of China and Japan signed the joint statement, marking a new chapter in history. It established the fundamental principles for developing China-Japan relations, affirmed mutual consensus on several major issues, and laid the political foundation for contemporary bilateral relationship. The key provisions include: (1) The overarching theme is to develop “good-neighborly and friendly relations between the two countries” and to “establish relations of perpetual peace and friendship.” (2) Regarding historical issues, “the Japanese side is keenly conscious of the responsibility for the serious damage that Japan caused in the past to the Chinese people through war, and deeply reproaches itself.” (3) On the Taiwan question, “the Japanese side reaffirms its position that it intends to realize the normalization of relations between the two countries from the stand of fully understanding ‘the three principles for the restoration of relations’<sup>1</sup> put forward by the Government of the

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<sup>1</sup> Note: “The three principles for the restoration of relations”: (1) The People’s Republic of China is the sole legal government of China; (2) Taiwan is an inalienable part of the territory of the People’s Republic of China; (3) The “peace treaty” between Japan and Chiang Kai-shek authorities is illegal and it must be abrogated. See Joint Statement of Delegation of China-Japan Friendship Association of China and Visiting Delegation of Democratic Socialist Party of Japan. In Tian Huan (ed., 1997) *Collected Documents on Post-war China-Japan Relations (1971-1995)* (《战后中日关系文献集(1971—1995)》). Beijing: China Social Sciences Press. p. 81.

People's Republic of China. The Chinese side expresses its welcome for this.” (4) On handling their differences, “in spite of the differences in their social systems existing between the two countries, the two countries should, and can, establish relations of peace and friendship.” (5) The normalization of diplomatic relations and the development of good-neighborly and friendly ties were recognized as “in the interests of the two peoples and will contribute to the relaxation of tension in Asia and peace in the world.” (6) On the fundamental principles guiding bilateral relations, this relationship is built “on the basis of the principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit and peaceful co-existence;” and “in conformity with the foregoing principles and the principles of the Charter of the United Nations, China and Japan shall in their mutual relations settle all disputes by peaceful means and shall refrain from the use or threat of force.”

The Treaty of Peace and Friendship, as the highest legal document between China and Japan, holds historic significance in its legalization of the joint statement. By formally codifying the principles and contents of the statement, the treaty established the overall framework, political foundation, and direction for their relations. The preamble of the treaty explicitly states that the joint statement “constitutes the basis of the relations of peace and friendship between the two countries and that the principles enunciated in it should be strictly observed.” This provision clearly defines the relationship between the treaty and the joint statement, ensuring that the two form a cohesive and unified legal framework. The Treaty of Peace and Friendship was signed by Chinese and Japanese governments and formally ratified by the two countries' respective legislative bodies. This process effectively incorporated the rapidly evolving bilateral relations into their respective legal frameworks.<sup>1</sup> Among the four key political documents signed between China and Japan to date, the Treaty of Peace

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<sup>1</sup> Gao Hong (2018). *The Historical Leap and Principles in the Future of Sino-Japanese Relations* (中日两国的历史跨越与未来关系准则——从缔约历程思考其现实意义). *Japanese Studies* (东北亚论坛). no. 4. pp. 17-29.

and Friendship is undoubtedly the most significant one in establishing the legal norms governing contemporary bilateral relations.

It occupies a special and significant position among the four key political documents, serving as a bridge that connects past and future developments. It has guided bilateral relations through different historical periods, during which the two countries have adapted to changing circumstances by refining the treaty's provisions to ensure its spirit remains relevant. Following the treaty, two additional important political documents were signed: the China-Japan Joint Declaration on Building a Partnership of Friendship and Cooperation for Peace and Development, issued in Tokyo in November 1998, and the China-Japan Joint Statement on All-round Promotion of Strategic Relationship of Mutual Benefit, signed and issued in Tokyo in May 2008. In both documents, the principles, spirit, and regulations established in the treaty were further refined and developed. Together, these documents have laid the political foundation and legal norms for the development of China-Japan relations in the new era.

Take the 1998 joint declaration as an example. This document, while reaffirming the commitment to the Five Principles of Peaceful Coexistence, made major additions in line with the evolving global political and economic landscapes, particularly concerning the trajectory of China-Japan relations. Key elements of the declaration include: (1) Peace and security, as well as development, are identified as the themes of the era. (2) The declaration defines bilateral ties as “friendly and cooperative relations” for peace and development. (3) It emphasizes the inclusion of bilateral cooperation in multilateral networks, incorporating a broader Asian and global perspective, and calls for cooperation in “international politics, economics and security.” (4) Japan is committed to “continuing cooperation and assistance for the economic development of China”, and “reiterated that it will continue to support China’s efforts for the early accession to the WTO.” (5) Regarding historical issues related to the political foundation of bilateral relations, the joint declaration clarifies its stance based on the two previous political documents. It stated: “Both sides believe that

squarely facing the past and correctly understanding history are the important foundation for further developing relations between China and Japan. The Japanese side observes the 1972 Joint Statement between the Government of the People's Republic of China and the Government of Japan and the August 15, 1995 Statement by former Prime Minister Tomiichi Murayama. The Japanese side is keenly conscious of the responsibility for the serious distress and damage that Japan caused to the Chinese people through its aggression against China during a certain period in the past and expressed deep remorse for this.”

(6) The declaration provides further clarification on the Taiwan question in China-Japan relations. Japan explicitly reaffirmed the one-China principle, setting clearer limits on its stance regarding Taiwan.<sup>1</sup> It confirmed, “The Japanese side continues to maintain its stand on the Taiwan question which was set forth in the Joint Statement of the Government of Japan and the Government of the People's Republic of China and reiterates its understanding that there is one China. Japan will continue to maintain its exchanges of private and regional nature with Taiwan.” The significance of these statements is substantial: Japan clearly expressed its recognition of the one-China principle, reaffirming the term's meaning in the 1972 joint statement and clarifying Japan's position on Taiwan. It also limits the legal grounds for official Japan-Taiwan relations, restricting Japan's legal options for engaging with Taiwan beyond “exchanges of private and regional nature.” As a result, it precluded any official relations between Japan and Taiwan and constrained the potential for Japan to enhance cooperation with the region or intervene into cross-Straits relations under its domestic law.<sup>2</sup>

Building on the previous three political documents, the 2008 joint statement (1) clearly positions China-Japan relations as “strategic relationship of mutual

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<sup>1</sup> Yang Bojiang (1999). Seeking the Trans-Century Development of China-Japan Relations with Rational Thinking (以理性思维谋求中日关系的跨世纪发展). *Contemporary International Relations* (现代国际关系). no. 9.

<sup>2</sup> Yang Bojiang (2018). Carrying Forward the Spirit of Treaty and Promoting the Return of Sino-Japanese Relations to Normal Development Track (弘扬条约精神, 推动中日关系重返正常发展轨道). *Northeast Asia Forum* (东北亚论坛). no. 5. pp. 3–13.

benefit.” (2) It regards “pursuing long-term peace, friendship and cooperation” as “the only choice for the two sides.” (3) It establishes that “the two countries are cooperation partners and not threats to each other.” (4) Both sides reaffirm that, in their relationship, disputes will be resolved through peaceful means, without resorting to the use or threat of force. (5) It provides a clear direction for cooperation, outlining five key areas for dialogue and collaboration, including enhancing political mutual trust, promoting cultural and people-to-people exchanges, enhancing mutually beneficial cooperation, working together for the development of the Asia-Pacific region, and working jointly to address global issues. Particularly, it explicitly calls for working together to make the East China Sea a sea of peace, cooperation, and friendship.<sup>1</sup>

From an international perspective, the Treaty of Peace and Friendship carries profound significance, extending far beyond bilateral relations. While establishing the political foundation and legal norms for contemporary China-Japan relations, the treaty also serves as a mutual acknowledgment of the legal basis of the post-war order in the Asia-Pacific region. In December 1943, the Cairo Declaration announced, “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 [Northeastern China], Formosa [Taiwan], and the Pescadores [Penghu Islands], shall be restored to the Republic of China.” The Cairo Declaration legally confirmed the illegitimacy of Japan’s occupation of Taiwan, reaffirmed Taiwan as Chinese territory, and provided an international legal basis for China to address the Taiwan question after the war.

In July 1945, Article 8 of the Potsdam Proclamation stipulated: “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

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<sup>1</sup> Yang Bojiang (2008). China-Japan Relations: Situation and Tasks at the “Warm Spring” Period (中日关系：“暖春”时节的形势与任务). *Contemporary International Relations* (现代国际关系). no. 6. pp. 1-5.

islands as we determine.” On August 15 of the same year, Emperor Hirohito of Japan issued a surrender proclamation, stating “accepting the terms set forth in the declaration issued by the Heads of the Governments of the United States, Great Britain, and China...” On September 2, Japanese representatives signed the Instrument of Surrender, the first clause of which was, “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 July 26, 1945 at Potsdam, and subsequently adhered to by the Union of Soviet Socialist Republics...”

At the time of the normalization of China-Japan relations, the Japanese Government pledged again to accept and adhere to the Potsdam Proclamation, and the 1972 China-Japan joint statement specified that Japan “firmly maintains its stand under Article 8 of the Potsdam Proclamation.” International legal documents, such as the Cairo Declaration, clearly and unambiguously confirmed Taiwan’s legal status as part of Chinese territory. At the same time, they established the principles and framework for the post-war handling of Japan, forming the legal foundation for the post-war order in the Asia-Pacific region. While Japan declared its intent to adhere to these international legal documents, it simultaneously regarded the illegal and invalid Treaty of San Francisco – a treaty signed by U.S. and a number of countries in San Francisco between September 4 and 8, 1951, without the participation of the PRC or the Soviet Union, during what they described as the San Francisco Peace Conference – as the legal basis for the post-war regional order. Based on this, Japan avoided directly acknowledging the one-China principle and the fact that Taiwan is part of China, revealing the inherent contradictions in its policy stance.

### **III. The Taiwan Question: A Persistent Focal Point**

The Taiwan question has been a central topic during the negotiations

between China and Japan to normalize their diplomatic relations. However, it is deeply intertwined with a range of complex factors, such as the Asia-Pacific regional order and the U.S.-Japan security arrangements. As a result, during the negotiations, it was impossible for China and Japan to resolve all of these issues at once, especially given the international context and domestic situation in Japan at the time.<sup>1</sup> By the time of the negotiations for the Peace and Friendship Treaty, the basic principle was to “base the treaty on the joint statement and not deviate from it.”<sup>2</sup> In November 1974, just before the preparatory talks for the treaty negotiations began, the two parties confirmed the nature and basic content of the treaty, including the major issues to address. They also confirmed that the treaty would be based on the spirit of their joint statement. From November 14, 1974, to May 7, 1975, the two sides held 12 rounds of preparatory talks in Tokyo. Both confirmed that the preamble of the treaty would mention adherence to their joint statement, thereby confirming their basic stance on the Taiwan question in this form, without addressing it separately elsewhere. As a result, the focus of the negotiations shifted to ensuring that the principles and main content of the joint statement, including the Taiwan question, would be incorporated into the treaty. Coupled with new elements such as economic cooperation between the two countries, the Taiwan question was no longer as prominent as during the normalization talks, being “overshadowed” by the “anti-hegemony article.”

On August 15, 1974, then Vice Premier Deng Xiaoping, entrusted by Premier Zhou Enlai, communicated with Yoshikatsu Takeiri, the leader of Japan’s Komeito Party, who was visiting China for treaty negotiations. Deng asked Takeiri to relay three points to Prime Minister Kakuei Tanaka: First, negotiations should proceed as fast as possible; second, the treaty should reflect

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<sup>1</sup> Yang Bojiang (2022). Reviewing the Normalization of Sino-Japanese Relations and Settlement of the Taiwan Question (中日邦交正常化与台湾问题处理再考). *Journal of Northeast Asia Studies* (东北亚学刊). no.1. pp. 3-14.

<sup>2</sup> Party Literature Research Office of the CPC Central Committee (ed., 2004) *The Chronology of Deng Xiaoping (1975-1997) (Volume I)* (《邓小平年谱 一九七五—一九九七(上)》). Beijing: Central Party Literature Press. p. 323.

the development of bilateral relations and the situation since the signing of the joint statement while fostering friendly relations; and third, issues that could not be resolved or were difficult to resolve could be temporarily set aside. The “difficult-to-solve issues” referred to here were the Taiwan question and the Diaoyu Islands, and at the time, no one anticipated that the “anti-hegemony article” would become an issue. Deng clearly stated that the focal point between China and Japan was still the Taiwan question.<sup>1</sup> Similarly, in Japan, the proponents, opponents, and “cautious” faction to the treaty with China were all highly concerned with how the Taiwan question would be addressed. When negotiations for the treaty were restarted nearly three years later, Japan’s anti-China forces mainly focused on the Taiwan question as a point of leverage in obstructing the efforts. Seirankai, a group representing the right-wing faction within the Liberal Democratic Party, held a general meeting and proposed four conditions for resuming negotiations. The first was to “seek to preserve Taiwan’s status,” followed by demands to “confirm that the Senkaku Islands (China’s Diaoyu Islands and its affiliated islands – ed.) are Japanese territory” and to “confirm that the Sino-Soviet Treaty of Friendship and Alliance has disappeared in both form and substance.”<sup>2</sup> Since China insisted on the position that “as long as ‘adhering to the joint statement’ is included in the preamble of the treaty, there is no need for further discussion,” the Taiwan question was not extensively discussed during their negotiations.

After a systematic review of China-Japan interactions during their negotiations to normalize diplomatic relations and then to conclude the treaty, as well as in the diplomatic process involving third parties such as the United States, a clear picture emerges. Both the cabinets of Kakuei Tanaka (1972) and Takeo Fukuda (1978) sought to avoid taking a clear stance on the sovereignty over Taiwan. For this purpose, they used expressions

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<sup>1</sup> Tian Huan (ed.). *Collected Documents on Post-war China-Japan Relations (1971-1995)* (《战后中日关系文献集(1971—1995)》). Beijing: China Social Sciences Press. p. 166.

<sup>2</sup> Wu Xuwen (ed., 1990). *The Trajectory of Japanese Diplomacy* (《日本外交轨迹》). Current Affairs Press. pp. 121-122.

like “understanding” and “respecting” China’s position to avoid explicitly recognizing the one-China principle or that Taiwan is part of China. They also refrained from clearly defining the nature of Taiwan’s local government and the status and level of Japan’s relations with Taiwan. According to the official Japanese explanation, this approach was primarily constrained by international law. In other words, the sovereignty over Taiwan should be determined through negotiations between the Allied countries, including the United States, after World War II. However, these countries never reached a consensus. Moreover, Japan had already renounced any territorial claims over Taiwan under the “Treaty of San Francisco” (1951). Thus, in legal terms, Japan has no basis to assert its stance on the sovereignty over Taiwan.<sup>1</sup> Secondly, this approach was influenced by the U.S., particularly the constraints imposed by the Japan-U.S. security arrangements. As Japanese scholars analyzed the reasons behind Prime Minister Eisaku Satō’s pro-America and anti-China policies, they noted that “within the post-war international political structure of the Far East, it was a fantasy for Satō’s cabinet to act as a ‘great power’ in China-Japan relations. Instead, Satō could only consider Japan’s policy toward China within the framework of post-war Japan-U.S. relations.”<sup>2</sup>

From the issuance of the 1972 joint statement to the conclusion of the 1978 treaty between China and Japan, the U.S. played an important and complex behind-the-scenes role during the whole process. On the one hand, the U.S. supported the normalization of China-Japan relations and encouraged cooperation between the two, driven by its interest in countering the Soviet Union. On the other hand, from the moment the Tanaka cabinet began exploring the possibility of improving relations with China, the U.S. was most concerned

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<sup>1</sup> Kuriyama Shōichi (2007). Japan’s Position on the Taiwan Question: The Meaning of Article 3 of the Japan-China Joint Statement. *Kasumigaseki Kaiho*. no. 10. (栗山尚一「台湾問題についての日本の立場 — 日中共同声明第三項の意味 —」、「霞関会会報」2007年第10号。)

<sup>2</sup> Tsune Senda (1987). *Reminiscences of Eisaku Satō’s Cabinet*. Chuokoron-sha. p. 141. (千田恒「佐藤内閣回想」、中央公論社、1987年、141頁。)

about how the Taiwan question would be addressed. It feared that Japan might sign an agreement that could be advantageous to China in changing the status quo across the Taiwan Straits. As a result, the U.S. closely scrutinized Japan's specific negotiation strategies.<sup>1</sup>

During the talks, Japan maintained close communication with the U.S. and emphasized its full understanding of the importance of the Japan-U.S. relationship and the Japan-U.S. Security Treaty. In negotiations with the Chinese Government, Japan assured the U.S. that it would not touch upon its security treaty with the U.S. and would oppose any topics that might be detrimental to the security relationship between Japan and the U.S. Additionally, the Japanese Government confirmed it would not hinder the use of U.S. military bases in defending Taiwan.<sup>2</sup> On August 23, 1972, the Tanaka cabinet officially stated its position on the most difficult issue in the China-Japan normalization negotiations, namely the Taiwan question, expressing that it "had no intention of excluding Taiwan from the 'Far East clause' of its security treaty with the U.S."<sup>3</sup>

Japan's policy on the Taiwan question is heavily constrained by the U.S. because it is deeply tied to America's broader regional strategy. Based on the "Treaty of San Francisco" signed in September 1951, which was nominally for post-war settlement but actually preparing for the Cold War, the U.S. shaped the so-called San Francisco System.<sup>4</sup> Following this, under U.S. guidance, the "Treaty of Peace between the ROC and Japan" (signed in April 1952) and the

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<sup>1</sup> Sadako Ogata (1992). *Post-war Japan-U.S. and Japan-China Relations*. University of Tokyo Press. p. 185. (緒方貞子「戦後日米・日中関係」、東京大学出版会、1992年、185頁。)

<sup>2</sup> Naotaka Ikeda (2004). *Japan-U.S. Relations and the "Two Chinas"*. Mokutakusha. pp. 413-415. (池田直隆「日米関係と「二つの中国」」、木鐸社、2004年、413—415頁。)

<sup>3</sup> Basic View on the Taiwan Question. *Asahi Shimbun*. August 24, 1972. (「「台湾処理」で基本見解」、*朝日新聞* 1972年8月24日。)

<sup>4</sup> Note: This system refers to a collection of bilateral and multilateral treaties led by the U.S., which fundamentally serve America's unilateral security interests during the Cold War. See Yang Bojiang (2022). The "San Francisco System" and Its Impact on Regional Security Order. Website of the Institute of Japanese Studies, Chinese Academy of Social Sciences. October 19, 2022. [Accessed online at [http://ijs.cssn.cn/xsyj/bkwz/202210/t20221019\\_5550305.shtml](http://ijs.cssn.cn/xsyj/bkwz/202210/t20221019_5550305.shtml)].

Mutual Defense Treaty between the USA and ROC (signed in December 1954)<sup>1</sup> pulled Taiwan into this system. The Treaty of San Francisco in procedural terms violated the international legal framework previously established by wartime allies and the principle that post-war arrangements concerning Japan should be decided collectively by countries, especially the major ones. Notably, it contravened the provisions of the Declaration by United Nations signed by 26 countries, including the United States, the United Kingdom, the Soviet Union and China, in 1942, the fundamental principles of the UN Charter, and the basic norms of international law.<sup>2</sup> Furthermore, the “Treaty of San Francisco” altered the framework and principles for resolving major issues in the Asia-Pacific region established by the Cairo Declaration and the Potsdam Proclamation, directly or indirectly affecting Taiwan, the Diaoyu Islands, Okinawa, and other issues. In the Cairo Declaration and Potsdam Proclamation, the wartime allies outlined a general framework for post-war settlements and clearly stipulated the principles for post-war arrangements, which Japan had accepted. However, the “Treaty of San Francisco” changed these established frameworks and principles. Regarding Taiwan, Japan was initially required to return Taiwan and the Penghu Islands to the ROC. However, the 1951 treaty instead required Japan to renounce all right, title and claim to Formosa [Taiwan] and the Pescadores [the Penghu Islands]. Therefore, from the Japanese and American perspectives, admitting that “Taiwan is an inalienable part of the territory of the People’s Republic of China” would mean a significant crack in their “San Francisco System.”

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<sup>1</sup> Note: The treaty was a multi-objective agreement signed between the United States and the Taiwan authorities, primarily military-based but also encompassing cooperation in political, economic, and social spheres. It automatically became invalid in January 1979 when the U.S. established diplomatic relations with the PRC. Subsequently, the U.S. Congress passed the Taiwan Relations Act, which incorporated some elements of the treaty, effectively replacing its role with the provisions of the Taiwan Relations Act.

<sup>2</sup> The Taiwan Question and China’s Reunification in the New Era. Website of the Chinese Government. August 2022. [Accessed online at [https://www.gov.cn/gongbao/content/2022/content\\_5705838.htm?eqid=cdca4d73001c64a70000000664561bde](https://www.gov.cn/gongbao/content/2022/content_5705838.htm?eqid=cdca4d73001c64a70000000664561bde)].

## IV. Japan's "Dual-Track and Two-Faced" Policy and Its Internal Contradictions

Japan has attempted to create strategic ambiguity on the Taiwan question in order to maintain strategic flexibility. This is reflected in its foreign policies toward China and the United States, manifesting as a "dual-track, two-faced" approach. In its diplomacy with the United States, Japan embedded Taiwan-related intervention functions within the bilateral security cooperation framework. In July 1951, the U.S. submitted to Japan the draft Japan-U.S. Security Treaty, which included a "Far East clause", aiming to clarify how U.S. military forces could be mobilized in the event of conflicts outside Japan, such as the Korean War. In September 1951, five hours after the "Treaty of San Francisco" was signed, Japan and the U.S. signed their security treaty, which included that clause. In January 1960, the two countries signed a revised version of the treaty with this clause, solidifying "defense of Taiwan" as a core component of the U.S.-Japan security arrangements.<sup>1</sup> Before Satō's visit to the U.S. in November 1969, the U.S. made the return of Okinawa a condition for securing Japan's agreement to allow American forces to move from its mainland and Okinawa to intervene in possible conflicts in Korea and Taiwan.<sup>2</sup> After Satō's talks with President Richard Nixon, a joint communiqué was issued, announcing the return of Okinawa in 1972, while emphasizing that "the maintenance of peace and security in the Taiwan area was also a most important factor for the security of Japan."<sup>3</sup> After the Cold War, as the security landscape in the Asia-Pacific region became even more complex, the U.S.-Japan security framework reinforced its functions to intervene in Taiwan-related affairs. Key

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<sup>1</sup> Yang Bojiang (2022). Reviewing the Normalization of Sino-Japanese Relations and Settlement of the Taiwan Question (中日邦交正常化与台湾问题处理再考). *Journal of Northeast Asia Studies* (东北亚学刊). no.1. pp. 3-14.

<sup>2</sup> U. Alexis Johnson (1984). *The Right Hand of Power*. New Jersey: Englewood Cliffs. p. 545.

<sup>3</sup> Hosoya Chihiro, et al. (eds., 1999). *The Documents on U.S.-Japan Relations 1945-97*. University of Tokyo Press. p. 790. (細谷千博など編「日米関係資料集 1945—97」、東京大学出版会、1999年、790頁。)

developments include: In 1996, the U.S.-Japan Joint Declaration on Security Alliances for the 21st Century was issued, enhancing the ability of the U.S. and Japan to intervene in regional disputes, even internal affairs of other countries.<sup>1</sup> In 1997 and 2015, the Guidelines for U.S.-Japan Defense Cooperation were revised to strengthen their role in regional interventions. In 1999, Japan's National Diet passed the Act on Measures to Ensure the Peace and Security of Japan in Perilous Situations in Areas Surrounding Japan. Then in 2015, new security legislation was enacted to provide legal backing for Japan's intervention in Taiwan-related affairs, complementing U.S. actions. In April 2021, Japanese Prime Minister Yoshihide Suga and U.S. President Joe Biden issued a joint statement after their meeting, expressing concerns over the peace and stability of the Taiwan Straits. This marked the first time in 52 years, since their joint communiqué of 1969, that a so-called Taiwan-related clause was included in a U.S.-Japan joint statement.

In addressing Chinese concerns, Japan adopted a strategy that distinguished between legal and political judgments, employing ambiguous phrasing such as “fully understand and respect” instead of “recognize” China's position. After the publication of the 1972 joint statement, Japan's official stance was articulated by Takakazu Kuriyama, head of the Treaties Bureau of Japan's Ministry of Foreign Affairs, during a parliamentary debate. He explained: “Our country, in accordance with the Treaty of San Francisco, renounced Taiwan, and according to international law, has no further authority over it. Fully accepting the position of the PRC that Taiwan is an inseparable part of its territory would mean unilaterally deciding on the issue of Taiwan's status, which would contradict the Treaty of San Francisco. As a signatory of the treaty, this is unacceptable. However, setting aside the legal judgment of whether Taiwan is part of the PRC, historically speaking, as stated in the Cairo Declaration and the Potsdam Proclamation, Taiwan must be returned to China. This is the political stance of the Japanese Government. This position should be upheld in the future.

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<sup>1</sup> Yang Bojiang (1996). What Does the U.S.-Japan Joint Declaration on Security Mean? (《日美安全保障联合宣言》意味着什么). *Contemporary International Relations* (现代国际关系). no. 6. p. 5.

Therefore, as far as our country is concerned, there is no disagreement with Taiwan being part of China, and there is absolutely no intention to support Taiwan's independence. The latter part of Article 3 of the joint statement of China and Japan, namely, 'The Government of Japan fully understands and respects this stand of the Government of the People's Republic of China, and it firmly maintains its stand under Article 8 of the Potsdam Proclamation,' reflects our official stance."<sup>1</sup> On October 28, 1972, during a speech at the 70th session of Japan's National Diet, Foreign Minister Masayoshi Ohira also emphasized that Japan, having renounced Taiwan under the "Treaty of San Francisco," was not in a position to unilaterally determine Taiwan's legal status. Nevertheless, he acknowledged that Taiwan should be returned to China according to the Cairo Declaration and Potsdam Proclamation. And Japan, which accepted the Potsdam Proclamation, remained consistent with this view. The joint statement between China and Japan has made clear Japan's continued adherence to the principles outlined in the Potsdam Proclamation.<sup>2</sup> Japan's official position treated the Cairo Declaration and Potsdam Proclamation as historical documents. However, the "Treaty of San Francisco" effectively replaced these historical declarations as Japan's legal framework for its post-war stance on Taiwan.

Japan's "dual-track, two-faced" policy on the Taiwan question, during the negotiations for normalization of China-Japan relations, had clear short-term, utilitarian objectives. On one hand, Japan emphasized the basic principle that Taiwan should belong to China in order to meet the needs for the resumption of diplomatic relations. On the other hand, it insisted that a solution will only come in the future, maintaining the strategic position of Taiwan within the Japan-U.

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<sup>1</sup> Song Zhiyong, Tian Qingli (2010). *A History of Modern and Contemporary Japan-China Relations* (《日本近现代对华关系史》). Beijing: World Affairs Press. p. 251.

<sup>2</sup> Document 13: Foreign Minister Masayoshi Ohira's Diplomatic Speech at the Seventieth Session of the Diet (the part related to the normalization of diplomatic relations between Japan and China). *Basic Documents on Japan-China Relations (1972-2008)*. Kasumikai Foundation. October 2008. pp. 32-35. (「資料 13 第七十回国会における大平外務大臣の外交演説(日中国交正常化関連部分)」、「日中関係基本資料集(1972年—2008年)」、財団法人霞山会、2008年10月、頁32—35。)

S. security framework so as to allay American concerns.<sup>1</sup> However, from a long-term and deeper perspective, given that the Taiwan question deeply involves multiple dimensions of international relations in the Asia-Pacific region, Japan's goal was to use the strategic ambiguity created by its "dual-track, two-faced" policy to secure as much maneuvering space as possible in response to changes in the international landscape. For Japan, "peace across the Taiwan Straits is not only crucial for Japan's security but also closely tied to the maintenance of the Japan-U.S. security framework. If Japan were to clearly acknowledge Taiwan as part of the PRC, it would not only legitimize China's potential use of force to resolve the Taiwan question in the future but also strip Japan of the legal grounds to support the U.S. in defending Taiwan. This would result in the collapse of the Japan-U.S. security arrangements, which are expected to function as a regional security mechanism. Therefore, as long as China's stance on the use of force against Taiwan remains unchanged, maintaining a certain level of ambiguity on the Taiwan question would be a principle the Japanese Government must uphold."<sup>2</sup> This testimony from Takakazu Kuriyama, who was directly involved in the negotiations with China, candidly reveals Japan's meticulous considerations regarding the Taiwan question.

Yet, given that Japan's policy operates on a "dual-track" and "two-faced" basis, it is inherently contradictory and incoherent – ultimately making it untenable to assert that the Japanese Government's position on Taiwan is ambiguous. Japan claims to adhere to Article 8 of the Potsdam Proclamation. Based on this article, Japan must fulfill the terms of the Cairo Declaration and return territories it seized from China, including Taiwan and the Penghu Islands, to the ROC. On October 1, 1949, the PRC was founded, succeeding the ROC

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<sup>1</sup> Zhai Xin (2009). The Formation and Substance of Japan's Official Stance on the Taiwan Question – Based on an Examination of Kakuei Tanaka Cabinet's Policy Toward Resuming Diplomatic Relations with China (日本在台湾问题上的官方立场的形成及实质——基于田中角荣内阁对华复交政策过程的考察). *Japanese Studies*. no. 1. pp. 28-38.

<sup>2</sup> Takakazu Kuriyama (2007). Japan's Position on the Taiwan Question: The Meaning of Article 3 of the Japan-China Joint Statement. *Kasumigaseki Kaiho*. no.10. (栗山尚一「台湾問題についての日本の立場——日中共同声明第三項の意味——」、「霞関会会報」2007年第10号。)

(1912-1949), with the Central People's Government becoming the only legitimate government of the whole of China. The new government replaced the previous KMT regime, while China's status as a subject under international law and its sovereignty and inherent territory remained unchanged. By October 1971, with the passing of UN General Assembly Resolution 2758, which affirmed the one-China principle, the PRC gained recognition from the vast majority of countries. From the perspective of international law, the sovereignty and territorial integrity of China have not changed from the ROC to the PRC, and the government of the PRC enjoys and exercises China's full sovereignty<sup>1</sup> – including its sovereignty over Taiwan.

Since the normalization of diplomatic relations between China and Japan and the signing of the Treaty of Peace and Friendship, especially with the arrival of the post-Cold War era, Japan has increasingly sought to exploit the so-called “gray area” to play a nuanced game on the Taiwan question, particularly in the context of the intensifying U.S.-China strategic competition and the changing balance of power between China and Japan. However, historical facts show that China's stance on the Taiwan question has always been consistent and clear – the “Treaty of Peace between the ROC and Japan” in 1952 must be abolished so as to resume diplomatic relations. Both this treaty and the “Treaty of San Francisco” cannot serve as the legal basis for negotiations because they are inherently illegal, invalid, and have never been recognized by the Chinese Government, and therefore lack legal effect.<sup>2</sup>As for the U.S.-Japan bilateral security arrangements, when China and Japan were negotiating for their Peace and Friendship Treaty and confirming the joint statement as the basis for their friendly cooperative relationship, Japanese Foreign Minister Sunao Sonoda explained that although Article VI of the Japan-U.S. Security Treaty has been

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<sup>1</sup> The Taiwan Question and China's Reunification in the New Era. Website of the Chinese Government. August 2022.[Accessed online at [https://www.gov.cn/gongbao/content/2022/content\\_5705838.htm?eqid=cda4d73001c64a70000000664561bde](https://www.gov.cn/gongbao/content/2022/content_5705838.htm?eqid=cda4d73001c64a70000000664561bde)].

<sup>2</sup> Song Zhiyong and Tian Qingli (2010). *A History of Modern and Contemporary Japan-China Relations* (《日本近现代对华关系史》). Beijing: World Affairs Press. p. 251.

interpreted to include Taiwan within the scope of the 'Far East,' the necessity for this has already disappeared.<sup>1</sup>

It can be anticipated that, given its political and strategic reliance on the Japan-U.S. alliance system, Japan will not easily change its stance on the Taiwan question or its "dual-track, two-faced" policy. This is because Japan seeks to constrain China's options for national reunification while safeguarding the vested interests it has gained under the so-called San Francisco System. Similar to the U.S.-China relationship, the strategic competition between China and Japan over the Taiwan question will likely continue for the long term. And bilateral relations will continue to evolve in response to developments in the Asia-Pacific region, advancing amid ups and downs.

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<sup>1</sup> Song Zhiyong and Tian Qingli (2010). *A History of Modern and Contemporary Japan-China Relations* (《日本近现代对华关系史》). Beijing: World Affairs Press. p. 252.