

# Taiwan's Policy toward the Diaoyu/Senkaku Islands Dispute and the Implications for the US

By Vincent Wei-cheng Wang



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The long-standing but subdued territorial disputes over a group of uninhabited islands in the East China Sea, known as Diaoyu in China, Diaoyutai in Taiwan, and Senkaku in Japan, reignited in September 2012 when the Japanese government "nationalized" the islands in a purported "purchase" to preempt the controversial purchase proposed by the then-governor of Tokyo, Shintaro Ishihara. While most analysts focus their attention on the rising tensions between China and Japan and the implications for the United States, Taiwan (officially Republic of China, or ROC) is also a claimant and somehow managed to make its presence known through a delicate legal and diplomatic strategy.

The ROC claims that the islands form an inherent territory of Taiwan based on the islands' geographical location, geological structure, historical evidence, usage, and international law.<sup>1</sup> However, its position is complicated by the fact that the ROC retreated to Taiwan in 1949 and the People's Republic of China (PRC) was established on the mainland the same year and has maintained a strict "one China" policy claiming it is the real China and Taiwan is a part of China, and by the fact that neither the ROC nor the PRC were parties to the 1951 San Francisco Peace Treaty. Notwithstanding their fierce confrontation with each other, the ROC and the PRC have made basically similar claims owing to their shared history. Yet Taiwan has chosen to make its own claims, rather than siding with Beijing, and propose its own diplomatic initiative (to be discussed later) due to the sensitive geopolitics involved in these territorial disputes.

According to the ROC version, China discovered the Diaoyutai Islands in 1372 during the Ming dynasty (1368–1644), and since then, the Chinese people have been closely linked to

them. The areas surrounding the islands had been repeatedly referred to as part of Chinese history since 1534. Chinese envoys at the time used the islands as a navigation post en route to the Ryūkyū Kingdom (now Okinawa)—a tributary state of China's, and the Ming court, also incorporated the islands into its coastal defense system against Japanese pirates.<sup>2</sup>

According to ROC Foreign Minister David Lin, "The most authoritative historical records supporting the Chinese claim are envoy mission records and official Taiwan gazetteers published during the Qing dynasty (1644–1912)."<sup>3</sup> This contradicts the Japanese government's assertion that from 1885 on, it repeatedly conducted on-site surveys that confirmed that the islands were uninhabited and there were no signs of control by the Qing Empire. However, Taiwanese researcher Han-yi Shaw's study of "over 40 official Meiji period documents unearthed from the Japanese National Archives, Diplomatic Records Office, and National Institute of Defense Studies Library clearly demonstrate that the Meiji government acknowledged Chinese ownership of the islands in 1885."<sup>4</sup> Both the Japanese foreign minister and the Okinawa governor expressed their concerns. However, Japanese assessment changed after it won the 1894–1895 Sino-Japanese War. The Meiji government, following a cabinet decision on January 14, 1895 during the ongoing war, promptly incorporated the islands as war booty. The cabinet decision was never made public. Lin describes Japan's claim of sovereignty over the islands as "based on an illegal act of secretly annexing the islands as spoils of war under the false pretext of seizing *terra nullius* ("land belonging to no one")."<sup>5</sup>

In April 1895, Japan and China signed the Treaty of Shimonoseki, stipulating that China cede Japan, Taiwan, and related islands. For the

next fifty years, Taiwan and the Diaoyutai Islands were under Japanese rule.

When Japan annexed the Diaoyu/Senkaku Islands in 1895, it detached them from Taiwan and placed them under Okinawa Prefecture and later adopted the Japanese name "Senkaku Islands"—first introduced by academic Kuroiwa Hisashi in 1900. These moves apparently confused Chinese authorities in the ensuing years.

Toward the end of World War II, the Cairo Declaration (1945) stipulated that "all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa [Taiwan], and the Pescadores [Penghu], shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed." The Potsdam Declaration (1945) stated that "The terms of the Cairo Declaration shall be carried out," and Japan accepted the Potsdam Declaration by signing the Instrument of Surrender. Additionally, both the 1951 San Francisco Peace Treaty and the 1952 ROC-Japan Peace Treaty stipulate that "Japan has renounced all right, title, and claim to Taiwan (Formosa) and Penghu (the Pescadores)." Taipei further claims that the 1952 ROC-Japan Peace Treaty further nullified the 1895 Treaty of Shimonoseki. Therefore, according to ROC Foreign Minister Lin, the Diaoyutai Islands, as with Taiwan, should be restored as ROC territory.

However, when Japan returned Taiwan to the ROC both sides adopted the 1945 administrative arrangement of Taiwan, with the Chinese unaware that the uninhabited Senkaku Islands were, in fact, the former Diaoyu Islands. Han-yi Shaw opines this explains the belated protest from Taipei and Beijing over US administration of the islands after the war. He points out that "per post-WWII arrangements, Japan was required to surrender territories obtained from aggression and revert them to their pre-1895 status." Since the Qing period (1644–1911) records substantiate Chinese ownership of the Diaoyu/Senkaku Islands before 1895, Diaoyu Islands should be reverted to China.<sup>6</sup>

Taipei further explains that it did not press its territorial claim until the 1970s because "from 1945 to 1971, the Diaoyutai Islands were under the administration of the US, not Japan."<sup>7</sup> The turn of events during the Cold War—Japan's and Taiwan's alliances with the US and the PRC's opposition to the US—probably also impacted Taiwan's calculation. When the US reverted the Ryūkyū Islands to Japan in 1972, it also

transferred to Japan the administration of the Diaoyu/Senkaku Islands, but declared the US took no final position on the sovereignty issue and transference of the right of administration to Japan did not constitute a transfer of underlying sovereignty, nor could it affect the claims of the disputants. However, according to the US-Japan Security Treaty, the Senkakus would fall within the scope of Article 5—“territories under the administration of Japan.” To help deter the use of force, various US officials, including President Obama, in April 2014 affirmed the inclusion of the Senkakus in the US-Japan Mutual Security Treaty.

Due to its diplomatic isolation, the ROC's voice is often ignored, even though it is a claimant state in both the East and South China Seas. However, Taipei was able to score some gains by using what professor and China specialist Dennis Hickey calls a “two-pronged strategy.” On the “soft” side, President Ma Ying-jeou in August

2012 proposed an East China Sea Peace Initiative (ECSPI) calling on all parties to (1) restrain from taking any antagonistic actions, (2) shelve controversies and not abandon dialogue, (3) observe international law and resolve disputes through peaceful means, (4) seek consensus on a code of conduct in the East China Sea, and (5) establish a mechanism for cooperation on exploring and developing resources in the East China Sea. “Implementation guidelines” soon followed, calling for a two-stage implementation: (1) peaceful dialogue and mutually reciprocal negotiation and (2) sharing resources and cooperative development. In response to the PRC's unilateral establishment in November 2013 of an Air Defense Identification Zone (ADIZ) in the East China Sea that covers the disputed Diaoyu/Senkaku Islands, Ma in February 2014 issued a statement on East China Sea Airspace Security that extends the basic principles of the ECSPI. The peace proposal is consistent with US broad

policy in the region and has begun to win some support. Former Deputy Secretary of State Randy Shriver calls the ECSPI “the only proposal on the table” and is worth a look.<sup>8</sup>

On the “hard” side, soon after Japan's nationalization announcement, Taipei blessed some activists seeking to land on those disputed islands and at one point even dispatched its Coast Guard ships to shoot water cannons at Japanese patrol ships. Taiwan's assertive behavior caught many observers by surprise and raised the specter of a tacit collaboration between Taiwan and China, despite the ROC's repeated denial.

Perhaps to head off a possible China-Taiwan collusion and with US nudging, Japan signed a fishery agreement with Taiwan in April 2013—the first concession over the island quarrel after seventeen futile previous rounds of negotiation. Taiwanese boats can now operate freely in a 7,400-square-kilometer area around these islands.

Buoyed by the alleged concrete success of ECSPI, the Ma administration hopes to sign a similar fisheries agreements with the Philippines, with which Taiwan also has overlapping maritime claims.

It should be pointed out that this essay may fairly reflect the views of the KMT ruling party, but may not reflect the views of the opposition (pro-independence) Democratic Progressive Party (DPP), whose politicians are more likely to view the Senkakus as Japanese territories and oppose any collaboration with the PRC. In summary, despite its peculiar diplomatic status, Taiwan is a claimant of the Diaoyu/Senkaku Islands and East China Sea whose viewpoints should be taken seriously. Its ECSPI parallels many US objectives in the region and can potentially contribute to regional peace by calling all parties to shelve disputes, engage in dialogue, observe international law, and jointly share the resources. ■

## NOTES

1. See ROC Foreign Minister Yung-lo Lin's, “Those Islands Belong to Taiwan,” *Foreign Policy*, last modified October 18, 2012, <http://tinyurl.com/9zj7jve>.
2. Ibid.
3. Ibid.
4. Nicholas Kristof, “The Inconvenient Truth behind the Diaoyu/Senkaku Islands,” *The New York Times*, last modified September 19, 2012, <http://tinyurl.com/cxrb4m>.
5. See Lin.
6. Kristof, 3–4.
7. See The Taiwan Ministry of Foreign Affairs, “The Republic of China (Taiwan) Proposes: The East China Sea Peace Initiative,” accessed July 28, 2014, <http://tinyurl.com/m8ursuy>.
8. Randy Shriver, in discussion with the author, June 27, 2014; Vincent Wei-cheng Wang, “East Sea Peace Initiative Deserves a Closer Look,” *The Financial Times*, August 28, 2012. Print.



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