

Speaker: Eddie Wang
Topic: Who owns the sovereignty of Senkaku Islands?
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HISTORIC PERSPECTIVE

- Uotsuri Jima or Diaoyutai island of the Senkaku islands was considered to be a part of Taiwanese islands according to two books written by authors from Ming dynasty "Report of Ryukyu" by Kai Chen and "One Look into Japan" by Zheng Shun Gong of Ming Dynasty.

- From the Official History of Qing Dynasty, the following have provided credible evidence that Senkaku islands or Diaoyutai Islands were considered to be a part of Taiwanese islands within Chinese territorial sovereignty base on how Shu-Jing Huang recorded in the Military Arms section of Chikan Notes Chapter in his book "Taiwanese Strait Report", "Taiwan Prefecture Reconstruction" by Xian Fan(1747), and "Fujian Annals- Taiwan Prefecture of 1868".

According to those historic documents, Uotsuri Jima or Diaoyutai had been administered under Zhuluo county, Danshui subprefecture, and Kemalan subprefecture. It is clear that Senkaku Islands had been considered to be integral part of Taiwanese islands.

GEOGRAPHIC PERSPECTIVE

- The Japanese recognizes that Senkaku islands should be considered as a group of islands that is a part of an undersea extension of Datun mountains of Taiwan.

- Base on a legal precedent in international laws, the ruling of International Court in February 1969 on West Germany, Denmark and Netherlands on NORTH SEA CONTINENTAL SHELF border delimitation effectively demonstrates how territorial delimitation principles should base on the origin of the natural undersea territorial prolongation. The court states that "that the coastal State's rights existed ipso facto and ab initio." See <http://www.icj-cij.org/docket/index.php?sum=295&code=cs2&p1=3&p2=3&case=52&k=cc&p3=5>

By that logic, Uotsuri Jima o the Senkaku Islands would be indisputedly within Taiwanese territorial sovereignty.

SOVEREIGNTY CHANGES -- JAPANESE INTERVENTION

- Japanese falsified a report in 1885 claiming the Qin Empire had never ruled Senkaku Islands and arbitrarily included Senkaku Islands into Japanese territorial sovereignty in 1895 after a prime minister's conference. Japanese formally acquired sovereignty of Senkaku Islands via the Treaty of Shimonoseki signed on April 17, 1895 by the provisions stated in Article 2 and 3. In April of 1896, Japanese proceeded in including Senkaku Islands into the jurisdiction of Yaeyama district of Okinawa Prefecture, and later reassign it to be under the city of Ishigaki.

- **After Japanese lost the world war 2, territorial sovereignty of Senkaku islands was renounced by Japan along with Taiwan and penghu islands per the provisions of San Francisco Peace Treaty(Article 2 Section 2).**

SOVEREIGNTY CHANGES -- KUOMINTANG INTERVENTION

- According to Article 76(b) and Article 77(b) of the UN Charter, established on June 26th 1945 which Japan is also a signatory of, a territorial cession such as Taiwan and penghu islands should have the right and qualification to be in UN trusteeship program and enjoy progressive

development to their eventual rights to become independent state. However, the Republic of China government serving as an occupying power that incorporated Taiwan and Penghu Islands into its administrative jurisdiction did not grant Taiwanese their independent statehood and they also did not consider Senkaku islands to be within their jurisdiction. It is not until recent years that they started to advocate that position.

- Article 23 of San Francisco Peace Treaty affirms the fact that the US is the principle victor and the principle occupying power, and that is why the US military government had the right of effective control of Japan and its 22 overseas territories. The Kuomintang (KMT) or Chinese Nationalists were merely agents acting on behalf of the US-led allies and should not have any right to make the decisions on its own regarding the occupied territories.

- San Francisco Peace Treaty came into effect on April 28th 1952, and the Supreme Court of Japan officially revoked the Japanese citizenship of Taiwanese people per the instruction of the treaty. Republic of China government began implementation of "Nationality and Citizenship Act" on February 5th of 1952, but the law did not include the residents of Taiwan and Penghu islands. The law still has not included residents of Taiwan and Penghu in the 2005 revision of the act. (see explanation in next section)

ADDITIONAL INFORMATION

- The US sent John Foster Dulles to Japan on January 12th 1951 for a meeting with prime minister Shigeru Yoshida on the 18th of same month. As the result, the Japanese gave "Yoshida memorandum" to Dulles as to indicate their intention to establish normalized relations with Republic of China government with a peace treaty per the principles of San Francisco Peace Treaty and not signing any treaties with the communist government of China. Due to the fear Japanese had for the possibility of the pro-ROC US senate not ratifying the SF Peace Treaty, the Japanese was firm to against the opposition party in the diet that has advocated treaty signing with communist China instead.

- On February 17th 1952, Japanese delegate Isao Kawada and ROC representative Kung-Chao Yeh started the negotiation on peace treaty that led to the signing of the Treaty of Taipei on April 28th 1952 and the treaty came into force on August 5th of the same year.

- Article 10 of the treaty states that "Article 10

For the purposes of the present Treaty, nationals of the Republic of China shall be deemed to include all the inhabitants and former inhabitants of Taiwan (Formosa) and Penghu (the Pescadores) and their descendants who are of the Chinese nationality in accordance with the laws and regulations which have been or may hereafter be enforced by the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores); and juridical persons of the Republic of China shall be deemed to include all those registered under the laws and regulations which have been or may hereafter be enforced by the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores)." This is the main reason why it is not necessary for the ROC government to conduct mass naturalization of Taiwan and Penghu residents.

- Article 2 of the Treaty of Taipei states, "Article 2

It is recognised that under Article 2 of the Treaty of Peace which Japan signed at the city of San Francisco on 8 September 1951 (hereinafter referred to as the San Francisco Treaty), Japan has renounced all right, title, and claim to Taiwan (Formosa) and Penghu (the Pescadores) as well as the Spratley Islands and the Paracel Islands." The above section simply reaffirms the Japanese have already renounced the sovereignty of Taiwan and mentioned nothing about transferring of Taiwanese sovereignty. According to the Convention on Treaties of 1928, such arrangement must be expressed in clearly in treaties, and it would be difficult to use article 2 to indicate or imply Taiwanese sovereignty has been transferred to the ROC. One can see similar case from the Treaty

of Versailles in 1919 regarding German overseas colonies, "Article 119

Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her overseas possessions. ". It may seem the Germans have renounced all rights of its overseas possessions, but the treaty specifically demands the manner of renunciation to be done in favor of the allies. Treaty of Taipei does not have such wording. By this logic, Republic of China and People's Republic of China both are not recipients of Taiwanese territorial sovereignty.

- The fact Taiwan and Penghu residents are ROC citizens do not make the territorial sovereignty of Taiwan and Penghu belonging to the Republic of China government. As of today, the ROC government only in reality owns Kinmen, Matsu, and other islands outside of Taiwan and Penghu.

In the first edition of 1962 ROC standard textbook for junior high geography states that, "the United States further given the Japanese sovereignty of Amami Oshima and islands, our government[ROC] strongly protests such an action for that will force our the territorial border with Japan to retreat to 27 degrees north latitude. And our government proposed that if the islands are not to be returned to the ROC then they should be given independence."

<http://img503.imageshack.us/img503/6640/76719328na4.jpg>

It was apparent that the Chiang Kai Shek administration did not recognize Ryukyu Islands as a part of Japan and did not specify to whom these islands belong to.

In 1968, there has been an intriguing development of ROC government's stance on Senkaku Islands as it made its first appearance on the 1st edition of standard junior high school curriculum. The interesting part is how it was mapped as a part of Ryukyu islands and it is being called "Jian Ge Islands"[translated from Japanese "Senkaku Islands"]! The textbooks no longer making protests refuting the political reality mentioned above, it simply separates Japan and Ryukyu islands. In the second edition of 1968 textbook, "Senkaku Islands" is renamed to "Diaoyutai Islands", the Chinese name for the same islands, and the territorial borderline is eliminated. Unfortunately, Senkaku Islands did not appear on the map of Taiwan in ROC textbooks even until the 5th edition.

<http://img55.imageshack.us/img55/9043/77803930bx5.jpg>

<http://img503.imageshack.us/img503/8534/45037508pc3.jpg>

It is not until 1972 the "Diaoyutai Islands" made their way back to the map of Taiwan.

<http://img503.imageshack.us/img503/1072/75483945yg4.jpg>

DEVELOPMENT OF KMT STANCE ON SENKAKU ISLANDS TIMELINE

-1920

On September 23rd of 1996, Japanese news paper "Sankei News" reported and published a Notice of Appreciation from Republic of China consulate office at Nagasaki believed to be of great historic importance. The notice specifically mentioned that "Fujian Province fisherman Guo He Shun and 31 men were drifted to Senkaku Islands of Okinawa Prefecture of the Japanese Empire in ROC 8th year[1919]", this becomes the most effective evidence to prove that the Republic of China government has affirmed the Japanese sovereignty over Senkaku Islands in the past.

- 1942

In 1942, ROC Minister of Foreign Affairs Zi Wen Song at Chongqing press conference was asked by a reporter whether the sovereignty of post-war Republic of China is reverted to pre 1918 or pre first Sino-Japanese War in 1895?, Yeh answered, "China should take the 4 northeastern provinces and independence shall be given to Ryukyu Islands and Taiwan."

-1949-1967

Chiang Kai Shek made no mention about Senkaku islands and the regime has only

complained about the US disposition of Ryukyu Islands sovereignty to Japan.

After the US occupied the Ryukyu Islands, they declared “United Nations Executive Order 667” on January 29th of 1946 and the 3rd article specifically stated that the sovereignty of Japan is consisted of the 4 islands(Hokkaido, Honshu, Shikoku, and Kyushu), Tsushima Islands, and 1000 islands south of 30 degrees north latitude and Ryukyu Islands. The Senkaku islands were not included.

As the cold war emerged, the US declared Government Executive Order 27 on December 25th of 1953, to clarify the border issues of Ryukyu Islands. The order declared that according to the peace trategy signed with Japan in 1951, there was need to redraw the boundaries of Ryukyu Islands, and the jurisdiction of US government and Ryuky government would be all island within 24 degrees north latitude and 122 degrees east longitude. This is a revised description of Ryukyu Islands by the United States.

-1968

In 1968, accordign to ROC government geography textbook for junior high schools, Uotsuri Jima of the Senkaku Islands belong to Ryukyu Islands.

-1969

In 1969, Emery Report stated that it is highly possible that there is oil reserve near Uotsuri Jima of Senkaku islands. In the same year, the ROC government modified the textbook and renamed the islands to “Diaoyutai” instead of “Jian Ge”(Senkaku).

- 1971 (the year sovereignty of Uotsuri Jima is dtermined)

June 17th of 1971, the US and Japan signed “Agreement Between the United States of America and Japan Concerning the Ryukyu Islands and the Daito Islands” or the Okinawa Reversion Agreement, and it specified the Japanese territorial ssoverignty should be the same as Order 27 in 1953. That led to the territorial sovereignty transfer of Uotsuri island to Okinawa Prefecture of Japan. Japanese claims Uotsuri Island is a part of Okinawa prefecture and by that basis it should be the legal owner of Uotsuri Island according to the reversion agreement. The Japanes includes Uotsuri Island and its territorial waters inside the “Air Defense Identification Zone”(ADIZ) of Japanese Self-Defense Force.

-1972

“Diaoyutai Islands” made their way back to the map of Taiwan.

Conclusion:

Republic of China government has not included Uotsuri island of Senkaku islands since 1940 and it was not included for next 22 years, so that shows the ROC government did not regard Uotsuri Island as a part of Taiwan in te beginning of its occupation on Taiwan. De spite the fact the ROC government now includes Uotsuji Island inside the jurisdiction of Yilan County of Taiwan, but the sovereignty of the island does not belong to the Republic of China or the People’s Republic of China.

IMPORTANCE OF UOTSURI ISLAND

In 1968, the UN expedition and survey team discovered the possibility that the area around Uotsuri Island may contain rich oil reserve, and some experts even speculate that the volume of this reserve may rival the reserve in middle east. Japan lacks abundant natural resource and such discovery, if true, may allow the Japanese to take advantage of its own natural resource and not rely on foreign imported oil.

The United Nations Economic Commission for Asia and the Far East (ECAFE) called the waters near Senkaku Islands “The Seond Middle East”. Experts estimate the oil reserve to be near 100 billion barrels. \$1 trillion worth of natural gas reserve, and the Japanese estimate the natural gas to be 200 billion cubic meters.