



Prospects & Perspectives

Peaceful Management of the Diaoyutai Dispute

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Among the recent tense regional territorial disputes of the Asia Pacific, the Diaoyutai Islands (also known to the Japanese as the Senkaku Islands) have attracted a great deal of attention. This territorial dispute revolves around three mutually non-consistent claims. The Republic of China (the ROC on Taiwan), established in 1912, and its fishermen have seen the Diaoyutai Islands and their surrounding waters as their conventional fishing ground, and the *Taiwan Shuichan Yaolan* (*Overview of Taiwan's Aquaculture*) published by Imperial Japan's Taiwan Governor-General Office in 1925, which stated that the Islands and their surrounding waters were "important fishing grounds" for Taiwan, also confirms the ROC's position and assertion. The ROC government that recovered all the territories Japan seized from China (the Ching/Qing Dynasty) in the aftermath of the Second World War does not accept any illegal argument by other governments or authorities that affects the ROC's sovereignty over the Islands.

Mainland China, whose official title is the People's Republic of China (PRC) and has an overlapping claim, was established in 1949 as a result of the civil war in China and began to see

itself more seriously in the 1970s as the heir to the Chinese sovereignty over the Islands. There has been a mutual denial of each other's sovereignty and jurisdiction between the ROC and the PRC since then. (Imperial) Japan contended that it had occupied the Islands as terra nullius, despite the fact that Japan did not occupy the Islands until a few months prior to its foreseeable victory in the 1894-1895 Sino-Japanese War due to its awareness of the fact that the Ching Dynasty actually possessed them. Hence the Japanese government later rented the Islands to Japanese civilians for "the naturalization of Taiwan, along with the Senkaku Islands, as part of Imperial Japan's territory that resulted from [its] significant victory."

Tensions regarding the Diaoyutai Islands have been escalating since Shintaro Ishihara, Mayor of Tokyo, announced his plan to purchase the major islands of the Diaoyutai, followed by the decision by Yoshihiko Noda, Japan's Prime Minister, to nationalize those islands. Since then, the making of diplomatic and political statements by the three parties regarding this ongoing sovereignty dispute has not yet ended. In the meantime, not only have the PRC's maritime surveillance vessels been





spotted a few times in the disputed waters near the Islands, but PRC aircraft have also approached the Islands, which has rarely happened before. In late September, some 70 of the ROC's civilian fishing vessels, escorted by the ROC Coast Guard, also went to the Islands to protest against the arbitrary behavior of Japan, while the Japanese Coast Guard attempted, as usual, to prevent these vessels from getting close to the Islands.

The government of the ROC has reiterated that it vows to solve this dispute in a peaceful way. In spite of sufficient international laws that support the ROC's sovereignty over the Islands, it insists on shelving the dispute first, because no healthy progress would be made if the shadow of sovereignty were to still hover above the issue. Therefore, ROC President Ma Ying-jeou proposed a timely "East China Sea Peace Initiative" in August and the "East China Sea Peace Initiative Implementation Guidelines" in September. He has called for adherence to the principles of peaceful dialogue and mutually reciprocal negotiation, as well as sharing resources and cooperative development. He also argues that bilateral or trilateral cooperation in such fields as the fishing and mining industries, marine science research and maritime environmental protection, and maritime security and unconventional security can be carried out on the basis of the said principles. In the initial stage, three sets of bilateral consultation and cooperation in these fields can be considered and promoted. It is the ROC's hope that this will eventually lead to a code of conduct in the disputed areas of the East China Sea.

It is the ROC's hope as well that a change in the other parties' perceptions toward this issue will

come into being in the near future. Such a change in perceptions may suggest that Japan should face the reality and recognize the existence of such a long-standing territorial dispute with Taiwan, and with mainland China. If Japan cannot do this owing to its domestic politics, it should at least show its willingness to speak with Taiwan and with mainland China – not necessarily in a trilateral form at first – to determine whether there is such a dispute and what their stakes and practical needs in this issue are. In other words, Japan should not unilaterally eliminate the possibilities of negotiation by rejecting that there is a territorial dispute like this, which will not help the other parties concerned shelve or resolve the conflict at all.

Such a change in perceptions toward this issue also means that mainland China should take into account the fact that the Islands and their waters have been associated closely with Taiwan historically, politically, economically, and geographically – and not with the regime in Beijing. In addition, mainland China will find it fruitless to ask the ROC to collaborate with the PRC under the "One China" principle for the purpose of defending or solving the sovereignty issue of the Islands, because President Ma has reiterated that it is not possible that the ROC will work with the PRC to solve the territorial disputes around Taiwan. The reason is twofold. First, such collaboration neglects the political reality that in the international community mainland China still denies the jurisdiction and sovereignty of the 101-year-old ROC that has reached the "1992 Consensus" (i.e., "one China, respective interpretations") with it. Second, the ROC's collaboration with mainland China on this



politically and militarily sensitive issue will further complicate the other territorial disputes in which the ROC is involved in the South China Sea, thus reducing the mutual trust and confidence building between the ROC and the countries concerned.

To conclude, a key to managing this territorial dispute is that all parties involved in this dispute can shelve the controversies and face the reality that there is indeed a dispute disturbing regional peace and affecting the welfare of the people in Taiwan whose living traditionally relies on the maritime resources of the Diaoyutai Islands and their surrounding waters. Probably based on the three sets of bilateral non-political and non-military consultations and negotiations among the ROC, Japan, and mainland China, which could evolve into some sort of trilateral mechanism in the future, all parties to the Diaoyutai Islands dispute can begin to consider a

variety of approaches to peaceful management, for instance, speaking with one another sensibly and finding feasible and practical measures that are able to avoid mistrust and conflict and bring peace and prosperity to the region. Since there has been such a dispute for decades, and as there has not been an obvious way to solve this dispute once and for all, an immediate and reciprocal approach to the management of the issue may be to let this territorial dispute be presented peacefully by each party and then discussed and negotiated prudently by all three parties after a series of rounds of trust building and functional cooperation.

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