

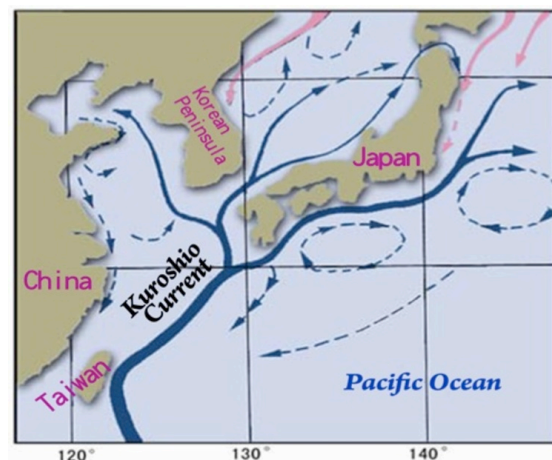
# Taiwan and the Ryukyus (Okinawa) in Asia-Pacific Multilateral Relations - a Long-term Historical Perspective on Territorial Claims and Conflicts

## アジア太平洋地域の多国間関係における台湾と琉球諸島（沖縄）領土権主張や紛争を長期的視野でとらえる

Lin Man-houng

This article summarizes relevant historical developments involving Taiwan and Okinawa in Asia-Pacific multilateral relations over the *longue durée*, and suggests future prospects.

1. Both Taiwan and the Ryukyus are within the Kuroshio (Black Tide) Current Civilization Zone (from approximately the beginning of the 3rd Century): At that time, crops such as cassava and yams traveled northbound with the Kuroshio Currents, which ran from the Philippines to Taiwan and the Ryukyus to Kyushu, while crops such as millet in northern parts of South East Asia traveled to Taiwan via the South Sea and further traveled to the Ryukyus and Kyushu. Together with the path of rice from south of China's Yangtze River via Korea to Kyushu, Japan these were two important sea-borne cultural exchange paths in the Asia-Pacific. However, by the 3rd Century, the direct route from south of the Yangzi to central Japan, as well as the Silk Road from Chang'an in Northwest China to Central Asia, and the shipping route from Guangzhou to India superseded the aforesaid routes. As a result, Taiwan and the Ryukyu Islands became isolated on the international stage for about one thousand years (Ts'ao, 1988).



**This map was made by Weng Weilong and translated by Li Yuting of the GIS center of the Academia Sinica. Maps have been made at the author's request with a research grant of Academia Sinica.**

2. Both areas were at one time central to the trading hub in East Asian waters (14th~17th Century): As the Ryukyus became the "Bridge to various countries" including China, Japan, Korea and South East Asia, it entered its "Golden Age" during the 14th~17th Century (Lin 2006b). In contrast, despite frequent trade between China and the South Seas during the 13th and 14th centuries, there were few contacts between China and Taiwan at this time. But between 1540 and 1700, the East Asian sea route became vibrant with trade pivoting on Japanese silver, Chinese silk and other commodities. At this time, three quarters

of the silver China needed for its silver-based currency came from western Japan. Yet this vibrant trade was not conducted directly. Just as Hong Kong was a third party terminal for Taiwan and mainland China between 1988 and 2008, Korea, Hanoi, Macau, the Ryukyus and Taiwan were all important sites for this Japan-China silver-silk trade. (Lin 2006a: Chapter 1)

At the time, Taiwan had no substantial political organization or formal ties with the Chinese government, so Zheng Zhilong, the Fujian sea-trade businessman, followed by the Dutch, the Spanish and then the family of Zheng Chenggong, successively established trading entrepôts on this island. The Zheng family's wealth, rooted in Japanese silver, was an important means for establishing political power in Taiwan. With the Chinese silk–Japanese silver trade as the core, other goods from Europe, South East Asia, Japan, mainland China, and elsewhere were also traded in Taiwan, making it an Asia-Pacific commercial centre. This was also why in the 17th Century, Chinese people flocked to Taiwan, and from a minority group eventually became the majority population on Taiwan. However, by the second half of the 17th Century, Japan restricted silver to its domestic use. The result was that the Sino-Japanese silk and silver trade declined, and the Ryukyu kingdom also entered a period of decline. From 1609, while paying tribute to the Qing Dynasty, the Ryukyus also paid tribute to Japan, and the Qing replaced the Zheng family in ruling Taiwan between 1683 and 1895 (Lin 2006c).

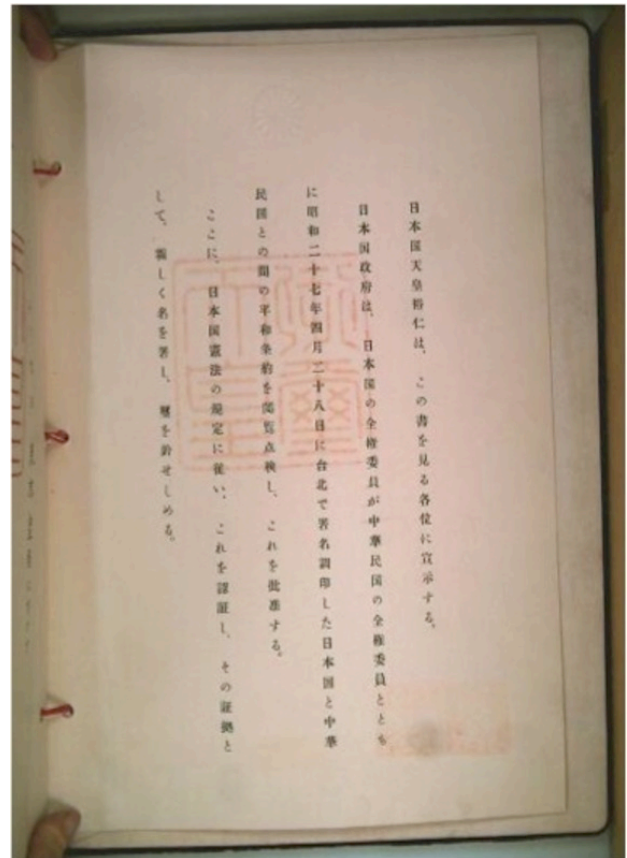
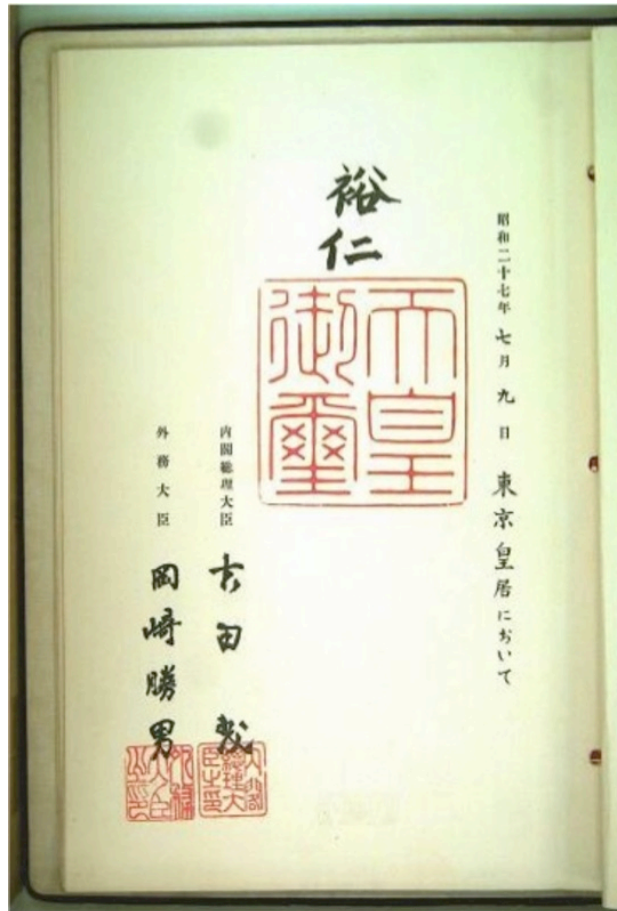
### 3. The Ryukyus and Taiwan form a Japan-Western Pacific Ocean Island arc breakwater (1879 to 1945):

In 1854, Yoshida Shōin, who founded the Matsushita village academy one year after Japan was opened up by the US, proposed to occupy the arc-shaped islands in the western Pacific including Okinawa and Taiwan to be utilized as a military breakwater against the

United States and Europe. Following the Mudan tribal Incident of 1871 in which 54 Ryukyuan sailors were murdered by Paiwan aborigines on Taiwan, in 1874 Japan dispatched an expedition to Taiwan and in 1879 the Ryukyus were officially incorporated in Japanese territory and established as Okinawa Prefecture.

In 1894, Japan initiated the First Sino-Japanese War to support Korea's independence. But after winning consecutive battles at P'yongyang in Korea and the Yellow Sea between China and Korea, Itō Hirobumi, Japan's Prime Minister who once studied at the Matsushita village academy, ordered Japanese troops to attack the Pescadores during the signing of *Treaty of Shimonoseki* preparatory to the occupation of Taiwan in 1895. (Liang 1974)

At the end of World War II, from May 31, 1945 the US bombed Taipei, Taiwan before its turning attack on Japanese forces on Luzon in the Philippines, Iwo Jima and Okinawa. Okinawa was taken by the US army in June 1945 in the fiercest battle of the Pacific War in which approximately a quarter of the population died (George Kerr 1992, p.29).<sup>1</sup>



**Ratification by the Showa Emperor of Japan of the Taipei Treaty. Source: Shen Huaiyu at the archive office of the Ministry of Foreign Affairs, the Republic of China.**



**Signature of the 1952 Taipei Treaty between the Republic of China and**

**Japan. Source: Ministry of Foreign Affairs, the Republic of China.**

4. The position of both the Ryukyus and Taiwan was set in terms of the US Asia-Pacific defense line under the framework of the *San Francisco Peace Treaty* from 1952 to the present:

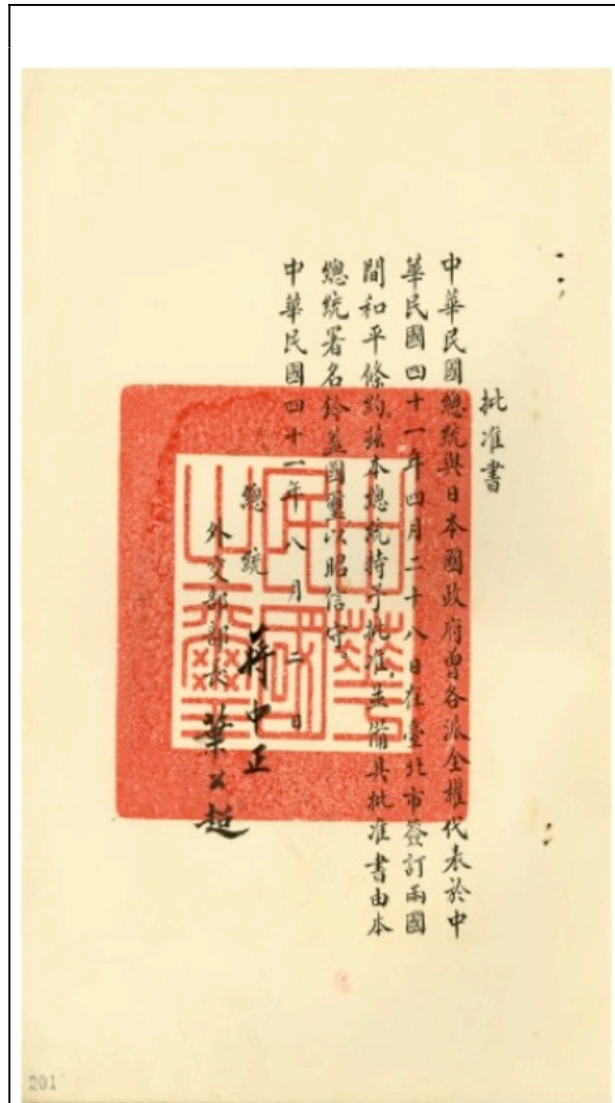
Article 3 of the San Francisco Peace Treaty stipulates that Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, numerous islands formerly incorporated within the Japanese empire including Okinawa. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters. The treaty did not require Japan to renounce its claims to Okinawa as it did for Taiwan and Korea in Article 2, implying that Japan retained residual sovereignty. (Hara 2006, pp. 178-182)

The Okinawa Reversion Treaty signed by the US and Japan in 1971 specified that reversion of administrative power over Okinawa be returned to Japan in 1972 while leaving intact US military bases in Okinawa. An agreed minute between US and Japan to the Okinawa Reversion Treaty defines the boundaries of the Ryukyu Islands to include the Diaoyutai Islets (Senkaku islands for Japan and Diaoyu islands for the People's Republic of China and Diaoyutai islands for the Republic of China).<sup>2</sup> Okinawa, including the Diaoyutai Islets is also within the scope of the Treaty of Mutual Cooperation and Security between the United States and Japan as its Article 5 defines the application scope of this treaty to cover all areas under Japan's administration (Niksich 1996, pp. 3-4).

The sovereignty Japan gained over Taiwan from the *Treaty of Shimonoseki* was renounced in Article 2 of the *San Francisco Peace Treaty*. Article 4 (b) of the *San Francisco Peace Treaty* stipulates that: "Japan recognizes the validity of dispositions of property of Japan and Japanese nationals made by or pursuant to directives of the United States Military Government in any of the areas referred to in Articles 2 and 3." The US Military order relevant to Taiwan was General Order No.1 of 1945, specifying that, "the senior Japanese commanders ... within ... Formosa... shall surrender to Generalissimo Chiang Kai-shek." Article 26 of the *San Francisco Peace Treaty* provided that Japan shall conclude with any State which signed or adhered to the United Nations Declaration, and which is at war with Japan, which is not a signatory of the *San Francisco Peace Treaty*, a bilateral Treaty of Peace on the same or substantially the same terms as are provided for in the Peace Treaty. In terms of the conclusion of war between the Republic of China ("ROC") and Japan, the *Treaty of Peace between the Republic of China and Japan* that was signed in Taipei on April 28, 1952 (Illustration 1), ratified by both the Showa Emperor of Japan and Chiang Kai-shek, the President of the Republic of China (Illustrations 2&3), and exchanged and became effective on August 5<sup>th</sup> of the same year, (hereafter "*Taipei Treaty*"), is one such international treaty specifying the transfer of sovereignty of Taiwan. The *Taipei Treaty* was registered in the United Nations in 1952 as Treaty Series, No. 1858 (United Nations, 1952). The Japanese Embassy in the ROC, which became the Interchange Association in 1972, has been based in Taipei since the *Taipei Treaty* became effective (Guoshiguan 1999, p.162). The articles in relation to the conclusion of war and transfer of Taiwan sovereignty in the *Taipei Treaty* were in the nature of having been executed, which is not comparable to articles providing for diplomatic relations that are executive in nature and were terminated in 1972 when Japan established diplomatic



relations with the People's Republic of China ("PRC").<sup>3</sup> This is akin to the termination of consular jurisdiction of the United Kingdom in China in 1943 without terminating the 99 year-lease of Hong Kong.



**Ratification by Chiang Kai-shek, president of the Republic of China, of the Taipei Treaty. Source: Presidential Office, the Republic of China.**

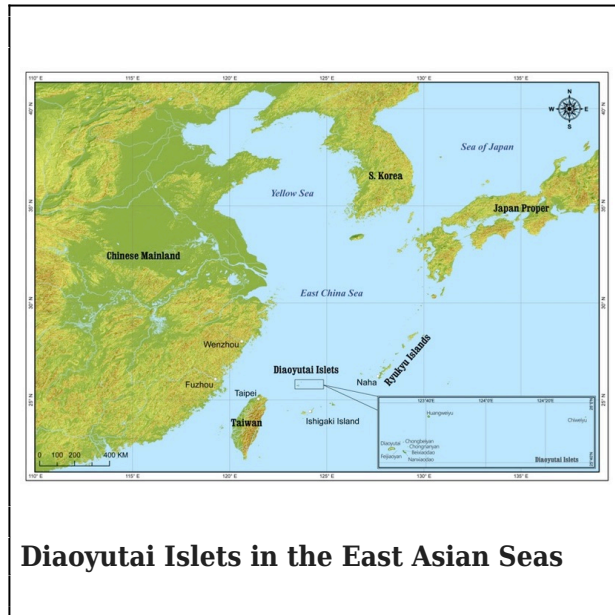
Between 1954 and 1979, during the execution period of the *Sino-American Mutual Defense Treaty*, much of US military assistance to Taiwan was provided from Okinawa. The

*Mutual Defense Treaty* was replaced by the *Taiwan Relations Act* in 1979. The US aircraft carrier sent to resolve the Taiwan Strait crisis in 1996 also obtained its supplies from Okinawa. To this day, the ROC continues to purchase weapons from the US for the purpose of defending against the 1300 missiles and other threats the PRC has deployed against Taiwan.<sup>4</sup>

## 5. Recent disputes over the Diaoyutai Islets and a proposal for resolution

The distance between the Diaoyutai Islets and the Pengjia islets in northern Taiwan is 73 nautical miles, while that from the Yonaguni islets in the southwestern Ryukyus is 76 nautical miles. (Map 2) Should war occur over Diaoyutai, the surrounding lands would be threatened.

Some query the validity of the framework of *San Francisco Peace Treaty* based on the fact that neither the PRC nor the Soviet Union (now Russia) signed, both being permanent members of the UN Security Council. Article 1 of the *United Nations Charter* states that the purpose of the UN is "to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace." The 1978 *Treaty of Peace and Friendship between Japan and the People's Republic of China* also "confirmed that the principles of the Charter of the United Nations should be fully respected; and Hoping to contribute to peace and stability in Asia and in the world." Both the PRC and Russia have diplomatic relations with Japan. The prerequisite for diplomatic recognition is that the other party must be a state and the member units of the UN are states. The *San Francisco Peace Treaty* confers Japan sovereignty. To deny the Treaty would be to subvert the international order of the entire Asia Pacific region.



At the same time, the international community was not aware that in 1971, when the US was preparing to revert administrative power over Okinawa to Japan, it had officially notified the ROC on May 26 of the same year that the reversion would not in any way undermine the ROC's underlying claim to the Diaoyutai Islets (Illustration 4).

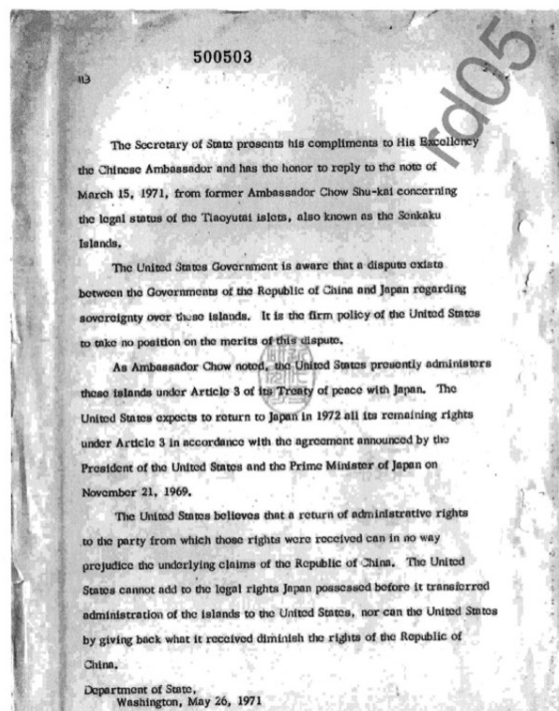
According to general principles of international law, changes in international territory arising from wars must be confirmed through peace treaties at the end of the war (Lauterpacht & Oppenheimer 1967, vol.1, p. 303). Before Japan's victory in the First Sino-Japanese War, Japan had never responded to requests in 1885, 1890 and 1893 by Okinawa prefecture to include the Diaoyutai Islets under its jurisdiction out of concerns about Qing China's reaction.<sup>5</sup> On January 14, 1895, the Japanese Cabinet indicated that since there was good prospect of victory in the Sino-Japanese War, it secretly approved Okinawa prefecture's request to post signs on the Diaoyutai Islets indicating Japanese possession.<sup>6</sup>

During the signing of the Treaty of Shimonoseki, Japan insisted that the Qing authorities change the wording in relation to the cession of territory of Taiwan in Article 2

from "The island of Formosa together with the islands belonging to the said island of Formosa 臺灣所屬島嶼" to "The island of Formosa together with the islands appertaining or belonging to the said island of Formosa 臺灣所有附屬各島嶼," the purpose of which was to include the Diaoyutai Islets (Ju 2001, vol. 1, pp. 151-152).

The Diaoyutai Islets, though patrolled by Taiwan's navy during the Qing period (Shao 2012, p.62), were unoccupied and were differentiated from inhabited land that pays tax to the government. Inhabited land is described as "belonging to", but "appertaining to" has a much stronger emphasis on the geographical connection from the international law perspective (Du 2012, p.71). The Diaoyutai Islets are bulges that are extensions of the Datun Mountain and Guanyin Mountain in Taiwan's north and which extend under the water; the islets are separated from the Okinawa islands by the Okinawa Trough. The Trough, which is more than 500 meters below sea level, reaches as deep as 2,717 meters.

11-LAW-00495



**US Note to ROC Issued on May 26, 1971.**  
**Source: Archives of the Ministry of Foreign Affairs, Republic of China, held by the Institute of Modern History, Academia Sinica [abbreviated as AMOA hereafter], Department of Treaty and Legal Affairs no. 11- LAW-00495.**

The *Treaty of Shimonoseki* was signed on April 17 1895 and became effective on May 8. According to the study of Japanese Scholar Ozaki Shigeyon, in the 1896 land registration, Diaoyudao (Uotsurishima), Chiweiyu (Kubajima) were registered at Yaeyama and Ishigaki, Nanxiaodao (Minamikojima) and Beixiaodao (Kitakojima) were rented to Koga Tatsushirou (1856-1918) without payment for thirty years, after which rental was collected (Hamakawa 2007, pp. 8, 10). Koga Tatsushirou went to the Diaoyu islands after 1880 and urged the inclusion of these islets into Okinawa. His 1895 application for using these islets was made on June 1,<sup>7</sup> right after the Shimonoseki Treaty's taking effect on May 8,

1895, could also shed light on the Japanese vigorous intention for including Diaoyutai islets into Taiwan ceded by Qing China in the *Treaty of Shimonoseki*. The Japanese government's stance reiterated since 1972 that Diaoyutai was not within the scope of the *Treaty of Shimonoseki*,<sup>8</sup> ignores the effort by the Japanese government in 1895 to include the Diaoyutai Islets in Taiwan to be ceded from China to Japan in the *Treaty of Shimonoseki*.

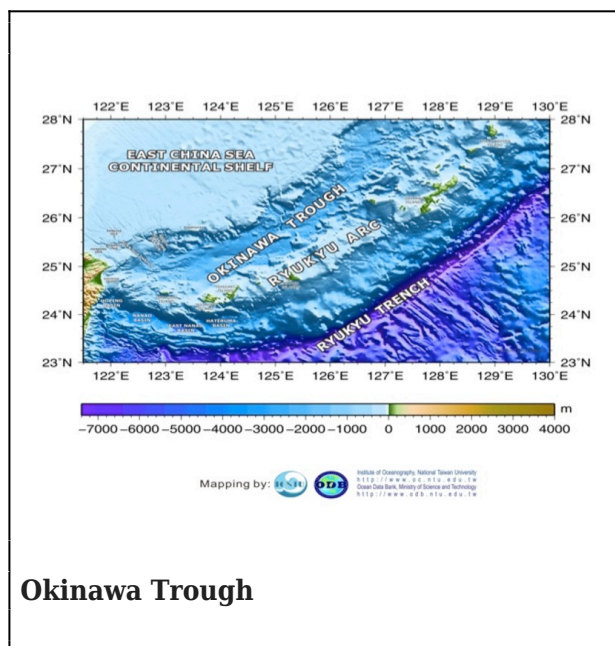
On the basis of the fact that Diaoyutai was islands appertaining to Taiwan in the *Treaty of Shimonoseki*, Japan's right to it is required to be renounced through Article 2 of the *San Francisco Peace Treaty*. As a subsidiary treaty of the *San Francisco Peace Treaty*, the *Taipei Treaty* states in Article 2: "It is recognized that under Article 2 of the Peace Treaty which Japan signed at the city of San Francisco on 8 September 1951, Japan has renounced all right, title, and claim to Taiwan (Formosa) and Penghu (the Pescadores) as well as the Spratly Islands and the Paracel Islands."<sup>9</sup> The Note Verbale from the US to the ROC on May 26, 1971, which states that the US transfer of administrative rights of these islets to Japan does not undermine the "underlying claim" of the ROC on these islets was based on these legal rationales.

The distinction between the "underlying claim" and "administrative rights" can refer to the pronouncement of the Minister of Foreign Affairs of Portugal in 1974 and 1979 that Macau was an administrative zone rather than part of its territory. The treaty basis for Portugal's claim to Macau was the Sino-Portuguese Treaty of Peking signed in 1887 and taking effect in 1888, which bestowed administrative rights over Macau to Portugal (Deng & Xie 1999, pp. 94, 163, & 178).

After Taiwan was ceded to Japan in 1895, there was no clear demarcation for the fishing area of Taiwan and Okinawa. After 1945, more Taiwanese fishermen fished in the Diaoyutai



area than Okinawa fishermen.<sup>10</sup> Between 1952 and 1972, the Diaoyutai islets were under US administration. Between 1952 and 1968, no official Japanese map included Diaoyutai within Japan's territory as it had prior to 1945 (Ju 2001, vol.1, pp. 330 & 465). Between 1952 and 1968, Taiwanese fishermen were able to fish, and the ROC Ministry of Economy was able to build fishermen's shelters around the Diaoyutai waters. The US regularly notified the ROC about its shooting practice held in the Diaoyutai Islets before 1968.<sup>11</sup>



1968 is the year disputes over Diaoyutai began following reports about potential oil and gas riches in the region. The resources beneath the seas have remained untapped. With regard to recent disputes over Diaoyutai, opinions divide between those who accept the Japanese government's 2013 nationalization of the islets and those who call for adhering to Deng Xiaoping's opinion concerning the territorial dispute that it would be wiser to "leave it to future generations to resolve the matter" (Okada Takashi 2012, p. 37). As far as legal rationale is concerned, since Japan holds administrative rights to the islets, whether such right is placed at the civil or governmental level is a Japanese domestic matter. Pursuant to the

1994 *United Nations Convention on the Law of the Sea*, the PRC applied to the UN for exploration rights in the exclusive economic zone that is 200 nautical miles from its territorial sea (Suganuma 2007, p.45), which could extend to the Diaoyutai area. If the dispute is to be resolved positively, the ROC proposal for joint development of the area by Japan, the PRC and the ROC (MOFA, ROC 2012, pp. 4-11) merits consideration. The Diaoyutai Islets could then become joint assets of the three parties to enhance the peace and prosperity of East Asia.

Since the turn of the 21<sup>st</sup> Century, trading relations among the East Asian countries have undergone profound change. According to data of the Japan External Trade Organization (JETRO), since 2001, the value of Japan's imports from the top nine East Asian countries, headed by the PRC, Korea and the ROC, has exceeded the total value of imports from the US and Europe. The same applies for exports since 2002. Countries in East Asia also in general have other East Asian countries as well as the US as their main trade partners. In contrast to much of the over two thousand year history of Taiwan and the Ryukyus (Okinawa), the present situation bears a great deal in common with the 16<sup>th</sup> and 17<sup>th</sup> centuries in which inter-connections within East Asia pivoted on the Sino-Japan silk and silver trades which deeply involved both Taiwan and the Ryukyus. How to optimize the two islands' roles and responsibilities in an era of the resurgence of the Asia-Pacific, but also an epoch in which the threat of war again emerges, requires wise choices by all the concerned parties.

Note: A shorter version of this paper was presented in Chinese and Japanese on November 21, 2013 at the 16<sup>th</sup> Asia-Pacific Forum in Tokyo on the future of Taiwan and Japan within the Tokyo-Taipei-Okinawa-Beijing-Washington, D.C. framework.

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## Notes

<sup>1</sup> Informed by Zhang Hanzhong, "A Study of Taiwan's Currency Reform in the Early Postwar Period - From 'Taiwan Yen' to 'Taiwan Dollar' (in Chinese)," MA thesis, Department of History, National Chenggong University, January 2008, p.45.

<sup>2</sup> A map showing the inclusion of Diaoyutai Islets in Okinawa in the Okinawa Reversion Treaty can be seen in Unryu Suganuma (2007), attached map 16.

<sup>3</sup> For the difference between the executive treaty and executed treaty and their efficacy after termination of the treaty, see: H. Lauterpacht and L. Oppenheimer (1967), p. 303.

<sup>4</sup> Chi-tai Feng, "The share of mutual benefit among ROC, Japan, and PRC," *Japan's Economic Daily*, June 14, 2010. Feng was the former representative of the ROC in Japan,

2008-2012; Chi-tai Feng, "Taiwan is neither pro-China, nor anti-China, but keeping peace with China," *Mainichi Shinbun*, June 3, 2010. Both are published in Japanese; Mr. Feng provided this author the original Chinese version.

<sup>5</sup> For the Japanese original documents, see: [Japan Center for Asian Historical Records: National Archives of Japan](#), Confidential category no.38, JACAR B03041152300 13.jpg and JACAR B03041152300 14.jpg of October 21, 1885; The Ministry of Interior Affairs, Secret Category, No. 133, JACAR B03041152300 44.jpg of December 27, 1894. The Chinese translation made in 1971, see: "The Japanese foreign affairs documents of 1894," AMOA, Department of Treaty and Legal Affairs, no. 11-LAW-00494, pp. 550338-55357.

<sup>6</sup> According to Japan's *Mainichi Shinbun*, the Okinawa government first set up a territorial stele on the Diaoyutai Islets in May of 1969. See: "The Japanese foreign affairs documents of 1894," AMOA, Department of Treaty and Legal Affairs, no. 11-LAW-00494, pp. 550338-55357.

<sup>7</sup> "Diaoyutai", AMOA , Department of Treaty and Legal Affairs, no.602/0021, materials proposed by various governmental offices on Diaoyutai Islets, from November 1968 to June 1971, p.57.

<sup>8</sup> See: the website of [Japan's Ministry of Foreign Affairs](#) for official views concerning Japan's sovereignty over the Senkaku islands.

<sup>9</sup> For various versions of the Treaty of Shimonoseki, see: Gaimushō, *Nihon gaikō bunsho* (Japan's diplomatic documents) (Tokyo: Nihon kokusai rengōkai, 1960), vol.1., pp. 362-75 . The original version may be seen at Taipei's Palace Museum or Tokyo's archive center for diplomatic historical materials.

<sup>10</sup> AMOA, Department of Treaty and Legal Affairs, Ministry of Foreign Affairs , no. 11-

LAW-00494, meeting report, July 13, 1970, pp.58-59.

<sup>11</sup> AMOA, Department of Treaty and Legal Affairs, no. 11-LAW-00494, p.500176, June 20, 1970.