

TEN FACTS ABOUT THE DIAOYUTAI ISLANDS

Fact 1: The Diaoyutai Islands are situated on the Republic of China's (ROC) continental shelf in the East China Sea. Geologically, they are a part of the island chain northeast of Taiwan and therefore appertain to Taiwan, making them an inherent part of ROC territory.

- The Diaoyutai Islands (釣魚臺列嶼) are rocky outcroppings of undersea extensions of the Datun (大屯山) and Guanyin (觀音山) mountain ranges of northern Taiwan. They are geologically a part of the same island chain as the Huaping (花瓶嶼), Mianhua (棉花嶼), and Pengjia (彭佳嶼) Islets, all of which are also situated northeast of Taiwan, and therefore appertain to Taiwan.
- The water surrounding the Diaoyutai Islands is less than 200 meters deep. In contrast, the Okinawa Trough, which lies east of the group's easternmost islet, Chiwei (赤尾嶼) and south of Nan Islet (南小島), and separates the Diaoyutai Islands from the Ryukyus, is 2,717 meters deep at its deepest point. Historical records refer to this natural boundary between China and the Ryukyu Islands as the *Heishuigou* (黑水溝; literally “black water trough,” also known as the Okinawa Trough) due to its dark waters. Many historical documents, including the *Records of the Imperial Mission to Ryukyu* (使琉球錄) written by dozens of Ming and Qing dynasty imperial envoys, refer to it as the boundary between China and foreign territories. Thus, the

Diaoyutai Islands have always been located within China's boundaries and have never belonged to the Ryukyu Islands.

Fact 2: The Diaoyutai Islands were first discovered, named, and used by the ancient Chinese. They were incorporated into China's coastal defense zone during the Ming Dynasty (1368-1644), and made part of its territory during the Qing Dynasty (1644-1911). Therefore, the Diaoyutai Islands were clearly not *terra nullius* (ownerless land), and could not be claimed by other countries by virtue of "discovery-occupation" under international law.

- The earliest record of the Diaoyutai Islands was the 1403 monograph *Seeing off with a Favorable Tailwind* (順風相送). *A Glimpse into Japan* (日本一鑿), written in 1556 by a Ming envoy to Japan, Zheng Shungong (鄭舜功), also acknowledged that "Diaoyutai Island is a small islet belonging to Xiaodong (小東; ancient name for Taiwan)"; it included a map indicating that geographically, the Diaoyutai Islands appertained to Taiwan. The *Records of the Imperial Mission to Ryukyu* (使琉球錄), written by imperial envoys from the mid-16th century onward, also clearly noted the geographic location of the Diaoyutai Islands.
- In 1561, the Diaoyutai Islands appear in the *Coastal Defense Map* (萬里海防圖) compiled by Zheng Ruozeng (鄭若曾). The next year Hu Zongxian (胡宗憲), then Minister of Defense and commander-in-chief of forces combatting Japanese pirates, included the islands in

the *Coastal Territories Map* (沿海山沙圖) as part of the *Compilation of Maps on Managing the Sea* (籌海圖編), thereby incorporating the islands into the southeast coastal defense system set up by China to keep Japanese pirates at bay.

- The *Records of the Imperial Mission to Ryukyu* (使琉球錄) by Qing imperial envoys described the *Heishuigou* as the boundary between China and foreign territories, thus placing the Diaoyutai Islands within China's borders.
- *An Illustrated Description of the Three Countries: The Map of the Three Provinces and 36 Islands of Ryukyu* (三國通覽圖說·琉球三省并三十六島之圖), published in 1785 by renowned Japanese scholar Shihei Hayashi(林子平), used the color red to designate the Diaoyutai Islands and China.
- In Volume 2 of *Military Defense* (武備) in the *Record of Missions to Taiwan and Adjacent Waters* (臺海使槎錄), the imperial envoy Huang Shujing (黃叔璥) in 1722 listed the patrol routes of Taiwan Prefecture's naval forces, stating that "in the seas to the north beyond the mountains is a mountain named Diaoyutai where a dozen large ships may be anchored."
- The official *Map of Imperial China and Foreign Lands* (皇朝中外一統輿圖), published in 1863, also designated the

Diaoyutai Islands as part of China.

- Chen Shouqi's (陳壽祺) *Recompiled General Gazetteer of Fujian* (重纂福建通志) of 1871 listed Diaoyutai Island under the territorial jurisdiction of Taiwan's Kavalan Office (now Yilan County, Taiwan) in Volume 86, *Coastal Defense and Strategically Important Places in All Districts* (海防·各縣衝要).

All of these documents prove that the Diaoyutai Islands were not *terra nullius* (ownerless land), and therefore could not be claimed by other countries by virtue of discovery-occupation under international law.

Fact 3: The Diaoyutai Islands did not originally belong to the Ryukyu Kingdom. They were secretly annexed by Japan after its unilateral annexation of the Ryukyu Kingdom by force.

- Peace prevailed in the East China Sea for as long as five centuries, until the 1870s. Disputes arose only after the rise of the Japanese empire.
- In 1372 the Ryukyu Kingdom became a tributary state of Ming Dynasty China. During the next five centuries, the Diaoyutai Islands served as a major landmark along the China-Ryukyus navigation route. During the 14th century, the Diaoyutai Islands thus became a symbol of both the

cordial relations between China and the Ryukyus, and peace in the East China Sea. With *Heishuigou* to the east of the Diaoyutai Islands acting as a mutually acknowledged border, there were never any territorial disputes between the two sides.

- After the Opium War, European and American vessels often berthed at the Ryukyus. In the 1850s, the Ryukyus signed three separate treaties of friendship with the United States, France, and the Netherlands. As a result, there were no territorial disputes between the Ryukyus and those countries.
- Following the Meiji Restoration in 1868, Japan showed territorial ambitions toward the East China Sea. In 1874 it launched an expedition against Taiwan, ostensibly because the survivors of a Ryukyus shipwreck on Hengchun Peninsula (恆春半島) in southern Taiwan three years earlier had been killed. The Meiji government annexed the Ryukyus by force in 1879, renaming the islands Okinawa Prefecture.
- After annexing the Ryukyus in 1879, Japan continued to expand its territory, secretly annexing the Diaoyutai Islands during the First Sino-Japanese War in 1894-95.

Fact 4: Japan was clearly aware that the Diaoyutai Islands belonged to Qing China and were not *terra nullius*. However, right before Japan's victory in the First Sino-Japanese War (August 1894 to April 1895), it secretly annexed the Diaoyutai Islands. Such action did not constitute discovery-occupation under international law and was therefore invalid *ab initio* (from the beginning).

- The Japanese government claims that its occupation of the Diaoyutai Islands was unrelated to the First Sino-Japanese War. This could not be further from the truth, as Japan did not take action to annex the islands until right before winning that war.
- The Japanese government claims that “from 1885 on, the Government of Japan had repeatedly conducted surveys of the Senkaku Islands [Japanese name for the Diaoyutai Islands] through the agencies of Okinawa Prefecture, and through other methods. These surveys confirmed that the Senkaku Islands had been uninhabited, and showed no trace of having been under the control of the Qing Dynasty of China. Thereafter, on January 14, 1895, these islands were formally annexed by way of a Cabinet decision.” However, official documents from the Meiji period confirm that at that time, Japan was already well aware of the fact that the Diaoyutai Islands belonged to China.

- In October of 1885 Foreign Ministry Public Communications Director Tokunori Asada (淺田德則) stated in a memo that “Qing newspapers have recently reported speculation that our government is planning to seize Qing islands appertaining to Taiwan in hopes of drawing the Qing government’s attention. It would therefore be appropriate to temporarily put off dealing with these small islands. I request that we take the better strategy of avoiding unnecessary situations.” Minister of Foreign Affairs Kaoru Inoue (井上馨) later also noted that “at this time, if we were to publicly place national markers, it would definitely invite China’s suspicion.” These documents show that Japan was fully aware that the Diaoyutai Islands are an inherent part of China’s territory, and subsequently postponed its occupation of the islands.
- In a report to Japanese Home Minister Aritomo Yamagata (山縣有朋) in November of 1885 concerning the erection of a national marker on the Diaoyutai Islands, Okinawa Governor Sutezo Nishimura (西村捨三) stated that “this matter is not unrelated to China.” In response to Yamagata’s request for advice, Minister of Foreign Affairs Kaoru Inoue suggested that, as the Qing court has already been alerted, “the erection of the national marker must be dealt with at an appropriate time in the future.”
- Ten years later in May of 1895 Okinawa Governor Shigeru Narahara (奈良原繁) wrote to the Home Ministry,

confirming that “no field surveys had been conducted during that period of time.” This refutes Japan’s frequent claims that numerous surveys had been conducted showing the Diaoyutai Islands to be *terra nullius*.

- In August of 1894 the First Sino-Japanese War broke out and Japan defeated China’s Beiyang Naval Fleet (北洋艦隊) in September. In October, Japanese troops crossed the Yalu River (鴨綠江) and invaded China. By November, they had captured the Chinese city of Lüshun (旅順; Port Arthur).
- In December of 1894 the Japanese Home Ministry stated that the incorporation of the Diaoyutai Islands “involved negotiations with the Qing state ... but the situation today is greatly different from the past.” Japan’s secret annexation of the islands was obviously related to the First Sino-Japanese War, as well as the Treaty of Shimonoseki, which was signed on April 17, 1895.
- During the war, on January 14, 1895, the Japanese Cabinet passed confidential document No. 133, approving the annexation of the Diaoyutai Islands. However, that Cabinet decision was labeled highly confidential and thus not made public. If one compares that to the public announcements that Japan made upon its occupation of Iwo Jima (硫磺島) and Minami Torishima (南鳥島), one can see that Japan

was deliberately concealing its annexation of the Diaoyutai Islands. That annexation was not made public through imperial decree, which was the normal procedure, leaving the outside world in the dark about this so-called “discovery-occupation.” Therefore, the decision to annex the Diaoyutai Islands was merely an internal matter expressing the government’s intentions and, under international law, not legally binding on Qing China, let alone the Republic of China of today.

- Japan’s sovereignty claims over the Diaoyutai Islands by virtue of discovery-occupation under international law are thus invalid, as the islands were not *terra nullius* at the time. Moreover, international law clearly mandates that a state may not acquire the legal rights or entitlement to a territory through illegal action, or inaction. Therefore, Japan’s sovereignty claims were invalid *ab initio* under international law.

Fact 5: Qing China ceded “the island of Formosa [Taiwan], together with all the islands appertaining or belonging to the said island of Formosa” to Japan on April 17, 1895, in accordance with Article 2 of the Treaty of Shimonoseki signed after the First Sino-Japanese War. These islands included the Diaoyutai Islands.

- As mentioned above, the Japanese government’s claim that the Diaoyutai Islands were unrelated to the Treaty of

Shimonoseki is false.

- Following defeat in the First Sino-Japanese War, China was forced to sign the Treaty of Shimonoseki with Japan on April 17, 1895, ceding “the island of Formosa [Taiwan], together with all the islands appertaining or belonging to the said island of Formosa” (Article 2) to Japan.
- The Diaoyutai Islands appertain to Taiwan, and Japan’s only legal basis for the acquisition of the Diaoyutai Islands is the Treaty of Shimonoseki, not the covert Cabinet decision.
- The basis on which Japan has attempted to acquire sovereignty over the Diaoyutai Islands violated the terms of discovery-occupation under international law and was invalid *ab initio*. Its takeover of the islands should therefore be considered cession.

Fact 6: The Diaoyutai Islands should have been restored to the Republic of China along with Taiwan and Penghu in accordance with the Cairo Declaration, Potsdam Proclamation, Japan’s Instrument of Surrender, and the Treaty of Peace between the Republic of China and Japan.

- The 1943 Cairo Declaration stipulated that “all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, 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.”

- Article 8 of the Potsdam Proclamation in July, 1945 stated that “the terms of the Cairo Declaration shall be carried out.”
- Paragraphs 1 and 6 of Japan’s Instrument of Surrender signed in September 1945 stated that Japan would carry out the provisions of the Potsdam Proclamation.
- The above three documents were included in *Jōyakushū* (Collection of Treaties) published by Japan’s Ministry of Foreign Affairs, as well as the *United Nations Treaties Series*. They remain valid for the countries concerned, including the United States, Japan, and the Republic of China.

Fact 7: After the Japanese Meiji government annexed the Diaoyutai Islands in 1895, the islands were placed under the jurisdiction of Okinawa Prefecture. The Diaoyutai Islands were later renamed the Senkaku Islands, thus misleading the Allied powers in the early years after the end of World War II.

- Japan annexed the Diaoyutai Islands in 1895 and placed them under the jurisdiction of Okinawa Prefecture. The islands were renamed the Senkaku Islands in 1900.

- These unilateral actions by Japan concealed the fact that the Diaoyutai Islands are an integral part of ROC territory, which led to the failure to implement certain post-war arrangements (such as those listed in Fact 6).
- It was not until the late 1960s, when sovereignty disputes over the Diaoyutai Islands emerged, that the secret process of Japan's occupation and annexation of the Diaoyutai Islands was exposed through official documents of the Meiji period that were discovered by Japanese and Taiwanese historians.

Fact 8: From 1945 to 1971 the Diaoyutai Islands were administered under US military trusteeship, not under Japanese administration. Furthermore, the ROC has never acknowledged Japanese sovereignty over the Diaoyutai Islands.

- Japan's claims that it has effectively administered the Diaoyutai Islands for over a century are false.
- After World War II and before 1971, the Diaoyutai Islands were under US military trusteeship and not Japanese administration, and as such the ROC had no basis on which to lodge a protest with the Japanese government at that time.

- After World War II, the international community was also kept in the dark because Japan had renamed the Diaoyutai Islands the Senkaku Islands in 1900. Therefore, in the 1951 San Francisco Peace Treaty, the Diaoyutai Islands were mistakenly incorporated into US trusteeship territory under Article 3. The ROC was not invited to take part in the San Francisco Peace Conference of 1951 and was therefore unable to raise objections.
- The 1952 Treaty of Peace between the ROC and Japan, signed in Taipei, did not include the stipulations in Article 3 of the 1951 San Francisco Peace Treaty because of certain reservations the ROC had concerning the matter. This indicated that although the ROC did not object to US trusteeship over the Ryukyu Islands, the ROC did not recognize Japanese sovereignty over the Ryukyu Islands, let alone over the Diaoyutai Islands.

Fact 9: The US ceased to administer the Ryukyu Islands on May 15, 1972. However, sovereignty over the Diaoyutai Islands was not transferred to Japan.

- Since 1971 the US government has consistently made it clear that the transfer of administrative rights over the Diaoyutai Islands to Japan did not constitute a transfer of sovereignty.
- The US sent a *note verbale* on May 26, 1971 to the ROC

indicating that the transfer of administrative rights to Japan, from whence the rights had been received, would not affect the ROC's relevant sovereignty claims. The US Senate later clarified that the US would remain neutral on the sovereignty issue, and that the transfer of administrative rights would not affect the sovereignty claims of any claimant.

- The US remains neutral to this day and has repeatedly stated that it adopts no stance on the final settlement of sovereignty over the Diaoyutai Islands.

Fact 10: The East China Sea Peace Initiative charts out the proper way forward to restore peace in the East China Sea by resolving disputes through peaceful means.

- Since disputes over the Diaoyutai Islands emerged, the ROC government has staunchly upheld its sovereignty claims while also expressing a willingness to resolve disputes peaceably in line with the United Nations Charter and relevant international law, and to enter into negotiations with Japan so that controversies can be shelved and resources jointly explored and developed, with the aim of maintaining sovereignty, protecting the rights of our fishermen, and resolving disputes. The ROC steadfastly holds to this view today.
- In the early 2010s, the Japanese government's move to

nationalize the Diaoyutai Islands sparked major protests across 20 cities in mainland China, and some in Taiwan, once again raising tension in the East China Sea. In response, President Ma proposed the East China Sea Peace Initiative on August 5, 2012, based on the principles of safeguarding sovereignty, shelving disputes, pursuing peace and reciprocity, and promoting joint exploration and development. The initiative calls on all parties concerned to (1) exercise restraint and refrain 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 method of cooperation for exploring and developing resources in the East China Sea.

- With this initiative as the driving force, the ROC and Japan started negotiations, and signed the Taiwan-Japan Fisheries Agreement on April 10, 2013, which applies to a 70,000 square kilometer maritime zone surrounding the Diaoyutai Islands. The accord safeguards waters that ROC and Japanese fishermen generally operate in, reducing the number of fisheries disputes and increasing catches. This agreement successfully put an end to a four-decade-old fisheries dispute, and exemplifies how the East China Sea Peace Initiative can ease tension in the area.