

The Diaoyus: Taiwan's, China's, or Japan's?
Asia Sentinel
August 24, 2012
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Nobody wants to ask an international court to find out

Considerable heat has been generated on the streets of Chinese cities recently with enraged mobs burning Japanese cars while a fishing boat load of purported heroes from Hong Kong planted China and Taiwan flags on the disputed Diaoyu islands in the East China Sea.

Apart from plentiful bluster and jingoism there is neither clarity nor consensus over the legal merits of the claims by Taiwan and China. Japan controls the island cluster which they refer to as the Senkakus.

Chinese Imperial maritime logbooks going back to the 1400s refer to the Diaoyu Islands as navigational landmarks. Imperial Japan formally incorporated the Senkaku Islands as national territory on 14 January 1895, converting their prior *terra nullius* (no man's land) status.

After Japan's WWII surrender to America, the Senkakus were administered as part of the Okinawa Prefecture under the United States Civil Administration of the Ryuku Islands from 1945 to 1972 when they reverted to Japan under the Okinawa Reversion Treaty ratified by the US Congress in 1971.

The UN Economic Commission for Asia and the Far East (ECAFE) report of 1969 raised the potential of large oil reserves around the Senkaku/Daioyu archipelago. That energized the territorial claims between Taiwan, China and Japan, which continues unresolved.

Since 1972 the civic administration of the Senkaku Islands was placed under the mayor of Ishigaki but he is not permitted to develop them or initiate commercial activity without clearance from the central government.

Private ownership problematic

At the turn of the 20th Century, private entrepreneur Koga Tatsushiro took advantage of the rich fishing around the Senkakus to erect a bonito processing plant with 200 workers. The business didn't thrive and fell into disuse with the WWII disruption till the 1970s when Koga Tatsushiro's grandchildren sold four of the islands - Uotsuri, Kita-Kojima, Minami-Kojima and Kuba to the Kurihara family of Saitama Prefecture.

Since 2002 the Ministry of Internal Affairs and Communications has paid the Kurihara family ¥25 million a year to rent Uotsuri, Minami-Kojima and Kita-Kojima. Kuba island is rented by the Ministry of Defense and is used by the US Air Force for bombing practice.

On 17 December 2010, the Ishigaki mayor declared that January 14 would be 'Pioneering Day' to commemorate Japan's 1895 annexation of the Senkaku Islands. That brought swift condemnation from China. In 2012, the central government and Tokyo municipality announced plans to purchase Uotsuri, Kita-Kojima and Minami-Kojima from the Kurihara family to properly centralize administration of the Senkaku Islands.

These attempts to tidy up the private ownership status of the islands against national sovereignty priorities have added to the rising tensions of the dispute. The moves are seen as further provocations by China and Taiwan.

“National heroes” return

The returning heroes arrived in two batches - seven on a deportation flight and the other seven on board the Kai Fung 2 which docked at Tsim Sha Tsui pier, Wednesday August 22, 10 days after it evaded Hong Kong’s marine police to spirit 14 professional protestors to the cluster of disputed islands in the East China Sea.

They landed on the main island, planted Chinese and Taiwan flags, sang the Chinese national anthem, denounced Japan’s illegal occupation of Chinese territory and collected three rocks as souvenirs. Mission accomplished.

The rocks got lost in transit. If anyone finds a heavy red plastic package, please return it to the patriots. They will gift one rock to the HK Museum. Where the other two rocks will go has not been decided yet if they turn up.

The protestors aim to replay their action on the Diaoyu islands in October on China’s national independence anniversary -- if they find sponsors to finance repairs to the fishing boat and underwrite expenses.

Japanese are not amused

The mood in Japan meanwhile is dismay that nine coast guard vessels couldn’t prevent a lone fishing boat from landing Chinese activists on the island and anger at the Noda government for allowing the adventurers to return home without being charged for illegal entry. There are calls for firm deterrent action to be taken and for the Self Defence Forces (SDF) to be deployed.

Captain Yeung Hong of the Kai Fung 2 relished outmanouvering and slipping past the naval blockades of the Hong Kong marine police and Japanese coastguard boats: “We could break the cordon because both the Hong Kong and Japanese authorities made mistakes in stopping us,” Yeung said.

Boat owner Lo Hom-chau was more concerned with the safety of the party, funds to repeat the trip in October and younger manpower to carry on the heroic mission. “The expedition is a success because all crew members returned safe.”

That is because when a Hong Kong boat ventured to the Diaoyu islands 16 years ago, one of the party drowned. Lo is worried that the activists of the Action Committee for the Defense of Diaoyu Islands are all in their 60s and young recruits are not forthcoming. He also estimates HK\$200,000 worth of repairs to fix the damage caused by Japanese Coast Guard ships.

It is unlikely that another Hong Kong fishing boat will be able to unload more heroes on the Diaoyu or that flag-planting patriots would be sent back in triumph. The chances for tactical miscalculation and unintended consequences to life and limb are high, which the governments involved may wish to avoid.

Should Hong Kong have a role?

In an unusual step-up for the mayor of a Chinese city, Hong Kong's chief executive, Leung Chun-ying, called in the Japanese Consul to request assurances of the safety of adventurers aboard the Kai Fung 2 which Hong Kong's marine police failed to stop from leaving territorial waters. It was a breach of marine regulations and it is not clear what action will be taken, if any.

There is considerable ambivalence about Hong Kong's role in what is a sovereignty dispute between China, Taiwan and Japan over a group of five islands and three rocky outcrops in the East China sea under Japanese control. The Basic Law which is the territory's mini-constitution, reserves international relations and national defense as functions of the central government. The national government has not outsourced maritime territorial claims to Hong Kong.

Both China and Taiwan prevent international adventurism being launched from their shores by civilians. Tokyo disallows nationals from similar theatrics. Hong Kong as a port of departure for Diaoyu activists seems to somehow allow provocation with deniability.

Japan does not recognize Taiwan as an independent state. Neither does China which waits to resume sovereignty over the 'renegade province' at some point in the future. To complicate matters, China agrees that the Diaoyu islands belong to Toucheng Township in Taiwan's Yilan County. Does Taiwan have legal capacity to stake a claim? With whom should Japan negotiate to resolve the dispute?

CY Leung reportedly donated HK\$1million to the Action Committee for Defense of Diaoyu Islands but did not show up to welcome the returning heroes. However, candidates from across the political spectrum gathered with bouquets of flowers as the Kai Fong 2 docked with its cargo of patriots. The crowd at the Tsim Sha Tsui pier jeered the 'shameless' politicians jostling for TV coverage. The Legislative Council and District Council 'super seat' elections are due Sept 9 and free publicity is useful for the candidates.

Righteous mass anger a double-edged sword

Expediency has played a large part in allowing jingoism to be stoked to add pressure and urgency to the diplomatic stalemate with Japan. The press in Hong Kong, China and Taiwan dutifully hailed the professional activists as national heroes and patriots. The 14 activists included Shenzhen, Macao, Taiwan and Hong Kong residents. There were demonstrations in cities across China and Taiwan in an outpouring of mob hate against the Japanese, fuelled by lingering bitter memories of wartime atrocities.

Things got out of hand in Shenzhen where crowds overturned and burnt Japanese cars -- including a police vehicle. That is exactly the sort of unscripted pandemonium the Chinese Communist Party loathes more than anything else. Every time it allows mass mobilization outside Party choreography, it risks unpredictable consequences.

Already the serial outbreak of persistent public protests against environmental damage and health hazards has the CCP worried. The social activism beyond Party control in so many Chinese cities has come to be referred to in mainland media as the 'Shifang-Qidong Model'

of public action -- a challenge the Party is still trying to find a way to pre-empt.

President Hu and prime minister Wen continue to exhort 'stability and social harmony' as code for administrative prudence and public restraint. That has not been enough to stop public anger at secrecy on mega projects that discharge toxic waste into rivers and the arrogance of local party chiefs who routinely unleash police violence on citizens.

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