

Asia-Pacific Powers in Maritime Asia, 1850-1972: A Perspective from Taiwan

Man-houng Lin

Academia Sinica, Taipei, Taiwan

This paper will take 1850-1972 as a time frame to depict how maritime Asia had been penetrated or even dominated by the Asia-Pacific Powers, mainly the US and Japan. The time range starts from 1850 when the US had extended its territories to reach the Pacific coast. 1972 was the year that the US handed over the administrative right over Okinawa and Senkaku/ Diaoyutai to Japan while sending the Republic of China in Taiwan a *note verbale* foretelling this change, and ensuring that the ROC keeps the underlying claim over Senkaku/ Diaoyutai, under the circumstance that the US would like to allow the involved parties to settle the sovereignty issue among themselves. Also in 1972, Japan recognized the PRC on diplomatic front and the US further approached with the PRC after the PRC had replaced the ROC in 1971 to represent Chinese mainland. The main part of the paper is divided into three sections. The first section deals with the decline of China relative to other powers such as the United Kingdom and Japan for maritime Asia in the late 19th century. The second section describes the rise of the Pacific for the world and the dominance of Japan in maritime Asia in the early 20th century. The third section proceeds to the replacement of the US for Japan in maritime Asia before 1972. The conclusion summarizes assets that China and the Asia-Pacific Powers both have for maintaining peace and international order in today's maritime Asia.

Keywords: sovereignty, Taiwan, Senkaku/Diaoyutai, South China Sea, China-UK-Japan-US historical relations

Introduction

In maritime Asia, there lies the East China Sea and the South China Sea in Western Pacific Ocean. Are they the territorial seas of China (the People's Republic of China, PRC)? Meanwhile, the Philippines and Vietnam respectively call the South China Sea as West Philippine Sea or East Vietnamese Sea (Lee, 2016, p. 1).¹ This paper will take 1850-1972 as a time frame to depict how maritime Asia had been penetrated or even dominated by the Asia-Pacific Powers, mainly the US and Japan. Today, with the outstanding trade surplus enjoyed by the PRC in international finance, and the preeminence of the military power of the US, an era of Sino-American condominium or Chinamerica or G-2, which symbolizes a bipolar system in current international politics, has come into being (Cooper, 2017). While the seesaw is at some balanced position between China and the Asia-Pacific Powers, understanding the former down slant of the seesaw for the Asia-Pacific Powers could help the contemporary players on this water to reconcile with historical legacies. The evidence to depict the last slant is based mainly upon this Taiwan-based author's previous works on

Man-houng Lin, Ph.D., Research Fellow and Professor, Institute of Modern History, Academia Sinica, Taipei, Taiwan.

¹ For the Philippines, see Government of the Republic of the Philippines, "Philippine Paper on ASEAN-China Zone of Peace, Freedom, Friendship and Cooperation (ZoPFF/C) in the WPS [West Philippine Sea] (SCS [South China Sea])"; for Vietnam, see: <http://vietnamembassy-usa.org/news/2001/03/fm-spokesperson-for-control-over-east-sea>, accessed on October 20, 2016.

China's or Taiwan's maritime history. Hence, it is merely a perspective from Taiwan.

The time range starts from 1850 because the US had extended its territories to reach the Pacific coast. The exact year that California was turned into a state of the US is 1848 or 1849 as the state capital was not fixed at the beginning. 1972 was the year that the US handed over the administrative right over Okinawa and Senkaku/Diaoyutai to Japan while sending the Republic of China in Taiwan a *note verbale* foretelling this change, and ensuring that the ROC keeps the underlying claim over Senkaku/Diaoyutai, under the circumstance that the US would like to allow the involved parties to settle the sovereignty issue among themselves. Also in 1972, Japan recognized the PRC on diplomatic front and the US further approached with the PRC after the PRC had replaced the ROC in 1971 to represent Chinese mainland.

The main part of the paper is divided into three sections. The first section deals with the decline of China relative to other powers such as the United Kingdom (UK) and Japan for Maritime Asia in the late 19th century. The second section will describe the rise of the Pacific for the world and the dominance of Japan in maritime Asia in the early 20th century. The third section proceeds to the replacement of the US for Japan in maritime Asia between 1945 and 1972. The conclusion summarizes some assets that China and the Asia-Pacific Powers both have for maintaining peace and international order in today's maritime Asia.

Decline of China Relative to Other Powers in the 19th Century

The start of California was related to the gold rush. This gold rush originated from the global silver insufficiency which had seriously undermined Qing China's state capacity (Lin, 2006, pp. 3, 111, ch.3). Qing China was more trapped by this silver shortage than other countries because its finance and economy was mainly based upon the silver supply from the other side of the Pacific Ocean-Mexico. China was more desperate for silver against the backdrop of global silver shortage in the early 19th century, as most of the Chinese people were paid in copper coins while taxes and many necessary goods had to be paid in silver, which appreciated relative to copper coins two and a half times in the period of the 1810s to the 1840s. Grudges between the government and the people and the general deflation gave rise to China's great civil war in the period from 1851 to the early 1870s.

While Mexico and other Latin American states were engaging in independence wars against Spain, the global silver supply decreased substantially as Latin America was the main silver supplier for the world in 19th century. Even after the independence wars were over in the 1830s, it was not until the 1850s that China and India, two main silver using countries in Asia, could share the increasing silver supply, which bounded back to the production level of the 1810s in 1860 and increased all the way in the late 19th century thereafter. Particularly, when the Euro-American economy needed more gold for setting up gold-standard monetary system, silver flowed back to China and India. Silver flowing back to China in the late 19th century was much used by the government to pacify the rebellions.

Unlike China, which used silver as main currency without much domestic supply, Japan had its own stable silver supply. Between 1550 and 1650, Japan supplied three fourths of silver needed by China and exchanged much know-how from China. With sufficient domestic silver production, Japan was not hit by the silver crisis initiated by the Latin American Independence Movement in the early 19th century. While China was occupied with the Taiping and other rebellions, which killed at least one twentieth of the total population and consumed about 10 years' annual government revenue, Japan had set off on the Meiji Restoration.

When Okinawa's fishermen were killed by aborigines of Southern Taiwan in 1874, Okinawa asked

fruitlessly for help from Qing China. Japan sent navies to punish those aborigines. In 1879, Japan put all of Okinawa under its jurisdiction. In 1895, Japan took only eight months to defeat Qing China in the first Sino-Japanese War and Taiwan was ceded to Japan as a result.

Before the Japanese war with China, the UK was the most important foreign power in China. The UK was China's most important trading partner since the establishment of the British East India Company in 1776. The Opium War ignited by silver outflow ended with the Treaty of Nanjing that opened five ports for the foreigners to trade with China. From the mid-18th century, the British Royal Navy was the world's most powerful navy until it was surpassed by the United States Navy during the Second World War. The British Royal Navy drew nautical charts for maritime Asia. The longitude and latitude for the Pescadores to be ceded together with Taiwan from Qing China to Japan in the Shimonoseki Treaty was based upon the British Royal Navy's charts (Record of Japan's Ministry of Foreign Affairs, 1895, archive no. 811167). Also, based upon their charts, Senkaku/Diaoyutai was on Taiwan side rather than on Japan side (Liu, 2016. p.37). These islands and rocks were ceded to Japan together with Taiwan in 1895 (Lin, 2015b, p. 73).

The Dominance of Japan in the Early 20th Century

After Japan defeated Qing China in 1895, it won over Russia in 1905 and was one of the winning countries in the First World War. After 1895, the Japanese government first subsidized the Jilong-Kobe navigation line. It took one week by passing through Okinawa. At the very beginning, three steamships of 1,000 tons had been used. Later, it was using steamships of 3,000 tons, and then 6,000 tons. The line changed from Jilong to Moji, which took three days, and it took four days to arrive at Kobe. In December 1908, the Sakuramaru, which could sail 46 miles per hour, started to be used and thereby it took two days to sail to Japan (Taiwan Sōtokufu Kōtsūkyoku Teishinbu, 1930, p. 6). In the early 1940s, between Japan proper and Taiwan, every other day, a 10,000 ton steamship of Japan Post Steamship Company and Osaka Commercial Steamship Company sailed between Kobe and Jilong (Hisashi, 1943, pp. 53-54). Taiwan-Japan proper's trade was 16 times of that of Taiwan and China (Lin, 2005, p. 218).

Taiwan-Hong Kong economic relations in the period of 1895-1945 could illustrate the emergence of the Pacific Powers based upon US and Japan, with Japan's eclipsing the UK in maritime Asia (Lin, 2010, pp. 1053-1080). Hong Kong was the number one port in East Asia in the 1910s in terms of shipping tonnage. Its rise in maritime Asia was ushered in by the opening of the Suez Canal in 1869, which reduced by one third the sailing distance between Europe and Asia. Its passage through the Red Sea stimulated the expansion of the steamship as the sail boats for the global trade could not sail across this relatively windless sea. Steamships burned coal at that time, which needed various ports to refuel. Hong Kong was the extreme East port for the UK to acquire coal for its steamships which led the world in the late 19th century. Hong Kong turned into the *entrepot* for goods trading among China, Japan, Korea, Southeast Asian colonies, India, and Euro-American countries. Oolong tea, Taiwan's most important export for New York, was shipped through Xiamen, Hong Kong, and London via the Atlantic Ocean in the period of 1868-1895. Taiwan's camphor, mainly sold to Germany in the same period, was also sent through Hong Kong and the Atlantic route.

While Taiwan was ruled by Japan in 1895-1945, more and more of Taiwan's Oolong tea was sent through the Pacific Ocean to New York. Also, the US replaced Germany as Taiwan camphor's chief market. Instead of going through Hong Kong, Taiwan's products were sold to the US through Kobe. In the 1930s, in terms of ship tonnage, Kobe ranked next to New York, London, and turned into the number three port in the world. Number

four was Rotterdam and number five was Osaka. Hong Kong was number seven. With the outbreak of the First World War in Europe and the opening of Panama Canal in 1914, the US, the UK, and Japan developed Pacific steamship lines to bridge Asia and America. The width of the Pacific is about twice that of the Atlantic. It was not until this steamship-led shrinkage of sailing distance that the Pacific turned to be more important relative to the Atlantic for the global trade.

Taiwan-Hong Kong trade was shared by Taiwan-Japan trade or trade between Taiwan and Japan-influenced areas in Asia while Japan ruled over Taiwan. For Taiwan-Hong Kong's remaining trade in this period, Japan's Osaka Shipping Company replaced the British Douglas Shipping Company. Japan's Mitsui Company replaced British Jardine & Matheson Company as the leading trading company (Lin, 2010, pp. 1053-1080).

Taiwan-Manchuria trade could illustrate Japan's maritime dominance over China in the period of 1931-1945 (Lin, 2007, pp. 137-159). This trade turned ahead of trade between Taiwan and southern China and was Taiwan's most important international trade. The steamships for this trade increased from 3,000 tons to 5,000-15,000 tons. The days to sail in between were reduced from 4 days to 2 days. The total freight between Dalian and Jilong was only next to Dalian and Tokyo and was higher than that of Dalian and other East Asian ports. The price of coal of the same weight and quality from Fushun to Takao (Gaoxiong) through steamship was only one fourth of that of coal from Jilong to Takao through Taiwan's domestic railroad. The tea trade network between Dalian and Taiwan replaced that between Niuzhuang and Fujian, Jiangxi, Anhui, and Hunan (Lin, 2011, pp. 51-65).

In the Taiwan green tea trading network, it can also see the replacement of the Southeast Asian merchants who adopted Japanese nationality and the Taiwanese merchants who directly had Japanese nationality for the Chinese merchants at Fujian without Japanese nationality. In this seaborne province in Southern China, for the purpose of not being molested by the local government or local bullies and of protecting property and person, powerful people were trying to get foreign nationality so that the foreign consuls at the treaty ports could render protection. Even a university principal would hang the plate of foreign nationality above the main gate of his house as Qing China's degree holders did for the plate of the degrees they obtained. Japanese nationality was the most favorite nationality (Lin, 2001, pp. 994-995, 1002).

After taking Okinawa and Taiwan, Japan's territorial expansion in modern times switched to a northern advance approach so as to curb the threat from Russia. Since the Russo-Japanese war of 1904-1905, Japan took Korea in 1910, Manchuria in 1931, and littoral China from 1937-1938 subsequently. For Southeast Asia, as they were ruled by Euro-American countries, Japan merely developed economic ties with them. Steamship lines were extended from Japan proper to Taiwan to connect with Southeast Asian countries by 1928. The Bank of Taiwan set up branches in this area to engage in various economic investigations (Lin, 2019, forthcoming). It was not until 1939 that Japan's invasion of China entailed more international boycott at the same time that Hitler occupied almost all Europe within the two years after 1939. This made the European rulers in Southeast Asia withdraw to Europe to some extent and Japan therefore took islands and rocks around the South China Sea to prepare for its occupation of the various Southeast Asian colonies between 1940 and 1945 to get resources for war.

The islands and rocks in the South China Sea could help warplanes and warships to refuel or acquire other needed supplies. It could also build weather stations, light houses, or engage in hydrographical surveys for planes or ships. After taking Southeast Asia, especially when its military control was firmer between 1940 and

1943, Japan had dominant control over maritime Asia (Lin, 2017, p. 31; Lin, 2018, p. 12).

The Replacement of the US for Japan, 1945-1972

After the US territory reached the Pacific coast in 1850, Admiral Perry opened Japan in 1853 and some US officials suggested in 1854 to purchase Taiwan. This plan was foiled with the outbreak of the US civil war in 1860. Before 1860, while the Treaty of Tianjin was signed in 1858, it is the US that urged the inclusion of the port in Northern Taiwan, Tamsui, and the port in Southern Taiwan, Takao (Gaoxiong) to be opened for international trade. This urge made Taiwan's trading partner change from Chinese mainland for the years between 1683 and 1860 to the whole world between 1860 and 1895. After the US civil war ended in 1865, the US exerted great efforts for domestic recovery and reconstruction. When it returned to pay more attention to maritime Asia, Japan had already arisen due to the Meiji Restoration. These two Asia-Pacific Powers allied to keep the balance of power with European countries in China. Instead of purchasing Taiwan itself, the US helped Japan in the cession of Taiwan during making the Treaty of Shimonoseki. On the other hand, it helped China to cut the reparations by one thirds, and united with the European powers to retain the Liaodong Peninsular to prevent China from being conquered by Japan, and to keep European privileges in China. Around the same time, the US took Hawaii and the Philippines in 1898 (Lin, 1997, pp.1, 7, ch.2; Lin, 2015a, pp. 116-117).

Before the Great Depression started from the Wall Street in 1929, the US and Japan had closed economic relations. Taking Manchuria in 1931 and expanding the maritime powers in the East China Sea afterwards was Japan's strategy to tackle with the Great Depression (Lin, 2007, pp. 137-159). Even after the Mukden Incident, US-Japan diplomatic and economic relations were maintained until the Pearl Harbor Incident (Lin, 2015c, pp. 502-503).

After the end of the Pacific War, because of Russia's support of Chinese communism, Japan soon turned from an American enemy into a friend from 1947 onward. The peace treaty to end the war with Japan was delayed because of conflicts between Russia and the US, but the treaty negotiation was promoted by the US and the UK after the outbreak of the Korean War (1950-1953). To prevent Japan from repeating military invasion as Germany did after the end of the First World War, Japan was disarmed and its national defense was assured by the US, mainly based on the Mutual Security Treaty signed concurrently with the San Francisco Peace Treaty (SFPT) in 1952 in which Japan regained its national sovereignty.

The newly independent South Korea in 1953, the Philippines in 1951, and the ROC in Taiwan in 1954-1979 (followed by Taiwan Relations Act in 1979), all had mutual defense relations with the US. Australia in 1951 and New Zealand in 1951-1986 had similar arrangements (Gibler, 2009). The US 7th fleet based at Yokosuka at Tokyo Bay constitutes a kind of Great Wall on Maritime Asia to contain the Communist powers.

The 7th fleet was sent to the Taiwan Strait just two days after the Korean War broke out on June 25, 1950. During the Korean War, the 7th fleet had to be responsible for the Korea War while Japan cooperated with the US troops drawn to Korea. As observed in September 1951 by Karl L. Rankin, US Chargé d'Affaires at the ROC, the Communist could invade Taiwan in months (Lin, 2017, p. 27). The loss of Taiwan would threaten the security of Okinawa-Japan as well as the Philippines. With this background, the US desperately needed the political and military capacities of Chiang Kai-shek to retain Taiwan.

To sign the peace treaty between Japan and the ROC (the Taipei Peace Treaty, TPT) was US Senate's requirement to pass the SFPT. In Article 2 of TPT, Japan agreed to renounce Taiwan, Pescadores, the Spratly

and Paracel Islands, which were picked from the territories that Japan has renounced in Article 2 of Chapter 2 of SFPT. According to the reply of Japan's Minister of Foreign Affairs to the Japanese Diet, to renounce these items in a treaty signed with ROC did not involve the US. For Japan, to transfer Taiwan and Pescadores that they took through the Shimonoseki Treaty was one of their basic purposes to sign this treaty. Spratly was part of Japanese-ruled Taiwan in 1939-1945. Paracel was subordinated to Wang Jingwei's ROC in 1940-1945, and was received by the ROC which came back to Nanjing from Chongqing. ROC's fleet, consisted of warships left by the US after the war and new warships sent over by the US, received the Paracel and Spratly Islands in 1946. In the TPT, all right, title, and claim were renounced by Japan to the ROC in Taiwan upon the request of the ROC vice representative during the TPT negotiation.

These arrangements were related with the ROC's victory over Japan. The Potsdam Declaration that Japan accepted in its surrender asks for the observation of Item 8 of the Cairo Declaration which requires Japan to return Taiwan and Pescadores. The renunciation of the Spratly and the Paracel Islands by Japan in its treaty with ROC in Taiwan was related to Taiwan's role in Japan's southern advance in the Pacific War. The navies and air forces to take the South China Sea were sent from Taiwan, and it was the Government-General of Taiwan that established lighthouse, airports, wharves, weather stations, and others in these two island groups; even the Paracel Islands was subordinated to the Japan-supported ROC. The Spratly and the Paracel constitute the main part of the South China Sea.

TPT is the only treaty so far which defines sovereignty for the South China Sea. This treaty was registered as No. 1858 of the UN treaties of 1952. The Vienna Convention on the Law of Treaties stipulates that the law arrangement will not be changed by the termination of diplomatic relations. The severance of diplomatic tie between the ROC and Japan in 1972 is one of the cases. The joint communiqué between Japan and the PRC simply expresses Japan's understanding of the PRC's One-China Policy, but Japan also insists on her obligation to observe the Potsdam Declaration. The One-China Policy could not negate the historical reality that Taiwan had been transferred from Japan to the ROC based upon the Potsdam Declaration and the TPT. The spirit of the PRC-Japan communiqué was reemphasized in the People's Republic of China and Japan Treaty of Friendship and Peace of 1978 (Lin, 2018, pp. 15, 17, 19).

In 1952, when the US led the signing of the SFPT, she already claimed that Japan retained residual sovereignty of Okinawa as the US declined to take up such a heavy responsibility for ruling these islands far away from the American mainland. Okinawa is not included in Article 2 of the SFPT for territories on which Japan renounced all right, title, and claim. Instead, based upon Article 3 of this treaty, the US took the administrative rights of Southwestern archipelago from Japan. Senkaku/Diaoyutai was within this islands group. The rapid economic growth of Japan enabled the US to release somewhat her responsibility over Okinawa. Returning it to Japan also eased Japan's concern with US's more intimate approach with the PRC to check Russia.

While the US was preparing to hand Okinawa back to Japan, it was found that Senkaku/Diaoyutai's seabed was rich in petroleum. Japan and the ROC started to fight for sovereignty over Senkaku/Diaoyutai. The PRC welcomed the US return of Okinawa to Japan so as to kick the US away from Asia. Yet, the PRC followed the ROC to contest Senkaku/Diaoyutai. The ROC argued that Senkaku/Diaoyutai was not part of Okinawa before the Shimonoseki Treaty. The Koga family that rented some of these island-rocks left life records expressing that Japan took Senkaku/Diaoyutai after the First Sino-Japanese War of 1894-1895.

Up to now, Japan claimed that these island-rocks (five small islands and three rocks) were *terre nulles* (lands without owner). Since Japan's cabinet decided to include these island-rocks into Okinawa on January 14, 1895, there was no international protest for more than 50 years; these island-rocks seemingly belong to Japan.

The problem arises from the secret nature of this cabinet decision; there was no basis to protest by the international communities before the Shimonoseki Treaty which came into force on May 8, 1895. With the Shimonoseki Treaty, Japan gained sovereignty over these island-rocks to exercise full power to subordinate it under Okinawa. More importantly, Japan's governmental archives reveal that it is because of the victory of the First Sino-Japanese War that Japan made the decision to include these island-rocks. International law requires all territories changes as a result of war to be settled in the peace treaty that ends the war. The Shimonoseki Treaty was the treaty to have ended the First Sino-Japanese War.

In the TPT to end the war between the ROC and Japan, which was signed as a sequel to the SFPT, Japan renounced all right, title, and claim over Taiwan. Senkaku/Diaoyutai should have gone with Taiwan to the ROC in Taiwan in the TPT. Yet, the SFPT has already had their administrative right given to the US according to Article 3 of this treaty. In 1972, when the US decided to forward this administrative right to Japan, the ROC requested the US to separate the Senkaku/Diaoyutai from Okinawa and return them to the ROC. The US finally issued a *note verbale* to the ROC in Taiwan about Senkaku/Diaoyutai, saying: 1) the US would expect the involved parties to settle this sovereignty issue; 2) the ROC maintains the underlying claim for the islands; 3) What the US forwarded to Japan was merely the administrative right over both Okinawa and Senkaku/Diaoyutai which the US obtained together in 1952. Based upon the US-Japan Mutual Security Treaty, any place under Japan's administrative control would be under the protection of this treaty. This *note verbale* was issued against the background to keep the angry Taiwan-ROC people in the Protect Diaoyutai Campaign not resorting to the PRC for help; thereby the alliance of US-Japan-ROC (Taiwan) would not be undermined (Lin, 2015b, pp. 57-81).

Conclusion

Tensions in both the East China Sea and the South China Sea escalated since 2012, with more an eye for an eye confrontation of warships or air fighters between the US and the PRC, between Vietnam or the Philippines and the PRC in the South China Sea, or between Japan and the PRC in the East China Sea. Military exercises were repeated by US-Japan-Korea-Australia side or the PRC side. The PRC aircraft carrier started to circulate around Taiwan. Clarification of sovereignty issue turns critical for easing these intensified tensions in maritime Asia, which channels goods and promotes well-being for this region and the world. The United Nations Convention on the Law of the Sea (UNCLOS) is the international law often referred to for tackling these conflicts. The point is that the UNCLOS is not a law to define sovereignty. It is an international law to regulate the rules for sea off the territorial border. The most recent Hague Arbitration of July 12, 2016 negates the legal efficacy of the nine dash lines that the PRC uses to claim sovereignty over the South China Sea, without saying which country has the sovereignty over the Spratly. The root of conflict between the PRC and the Philippines is the Spratly, and the Philippines asked for arbitration. When US aircraft flies into the 12 nautical miles area of some South China Sea islands controlled by the PRC, the attribution of sovereignty would be crucial to judge whether the US invades China's territory.

Other than the PRC, the ROC, Vietnam, the Philippines, and Malaysia all claim some islands and rocks in the South China Sea. This competition arose at the same time as the Senkaku/Diaoyutai issue. Both issues

could be traced back to the competition for oil starting from the late 1960s and the potential of these two sea areas for its reservation. Other than the ROC, the effective control of these countries over the islands and rocks is similar to the kind of Japan's administrative right over Senkaku/Diaoyutai. The difference is that Japan has a treaty basis while these countries for the South China Sea do not have.

Could the PRC share the sovereignty together with the ROC? The TPT was signed by the ROC that moved to Taiwan. It is the request of Japan and allied countries that even this ROC was the ROC to have led the war against Japan and to represent all China to end the war with Japan, the treaty could only be executed in the area under ROC's effective control at present or in the future. Japan's ending of war with China, which was defined by TPT, was recognized by the 1978 Treaty of Friendship and Peace between Japan and the PRC. Even though the PRC did not recognize the SFPT and TPT from the very beginning, the PRC's sitting together with Japan in the UN or having diplomatic ties with Japan is based upon the SFPT which has restored sovereignty for Japan.

Neither the PRC nor the ROC was invited to attend the SFPT negotiation. The ROC signed the TPT based upon Articles 2, 4, 26 of the SFPT. Chinese people's sacrifice in the war against Japan was compensated by the PRC's replacing the ROC in 1971 as the permanent member of the UN Security Council. The PRC's position in the UN allows her to set the rules of game for the international society, such as influencing the change from three nautical miles to 12 nautical miles for the territorial sea in the UNCLOS. The PRC also gave up the claim to Japan's war reparations in 1972 so as to exchange for Japan's severance of diplomatic ties with the ROC in Taiwan. The ROC's war against Japan, particularly with a victory which was in sharp contrast to the Qing failure in eight months time in the first Sino-Japanese War, helped the rise of the PRC nowadays. Article 1 of the UN Charter expects the settlement of controversies by means of international laws. Admitting TPT will not rule out the possibility for the unification between the ROC and the PRC, as illustrated by the precedent of the two Germanys. The two Koreas have made some conciliatory moves for change recently. There is a hope that the rising PRC could also make positive moves to face the reality made by both Chinese and global modern history (Lin, 2015c, pp. 502-522; Lin, 2017, pp. 13-17, 24-30; Lin, 2018, pp. 14-17).

Japan would not admit that it does not have sovereignty over Senkaku/Diaoyutai. However, when Japan insists on its claim for its sovereignty based upon the January 14 Cabinet's confidential decision, it is based upon a wartime decision. The Cairo Declaration, which limits Japan's territories to her four islands in the homeland and small islands settled by the Allies' united decision, is also a wartime decision. As the 1972 return of Okinawa to Japan was mainly made by the US rather than the Allies' united decision, if the Cairo Declaration is referred to in the same way as the January 14 Cabinet's decision, Japan could no longer own Okinawa. Japan's homeland would not be within 200 nautical miles to claim for the Exclusive Economic Zone (EEZ) right over Senkaku/Diaoyutai. It is because of the superiority of peace treaty that ends the war over the wartime decision and SFPT's not asking Japan to renounce all right, title, and claim over Okinawa that Okinawa could be returned by the US to Japan in 1972 the administrative right stipulated in Article 3 of SFPT. With the sovereignty over Okinawa, Japan could claim Senkaku/Diaoyutai's EEZ right in addition to the administrative right. The PRC, which changed the nautical miles for EEZ from ambiguity to 200 nautical miles based upon the UNCLOS ratified in 1994, also could claim for the EEZ right around Senkaku/Diaoyutai. The ROC in Taiwan owns sovereignty and the 200 nautical miles EEZ right by international treaties. These would enable the cooperative development among the three parties for the Senkaku/Diaoyutai area.

For the South China Sea area, based upon the use by Japan in this area during the Second World War period, other than fishing, the Spratly and the Paracel written in Article 2 of the TPT should mainly consist of land features including islands, rocks, and sandbanks. The submarines resources, other than the 200 nautical mile EEZ area around Itu Aba (Taiping Island) where the ROC has sovereignty, should be high seas shared by international communities. With the South China Sea area remains open, countries bordering the South China Sea could claim their 200 nautical mile EEZ with respect to the neighboring EEZs, and all countries could have free navigation across this sea.

The past and present for the ROC in TPT is very clear. It was the ROC which led the Chinese war against Japan in the past to have ended this war. It was the ROC in the past that had state succession for the previous treaties to abolish all of them. It was the ROC at its territories under effective control to receive the territories forwarded from Japan or settled with Japan in the TPT. But, the Cold War arrangement for the representation of the ROC in Taiwan for the whole China in the UN between 1949 and 1971 overshadowed the TPT which was to be implemented by the ROC at its territories under effective control. The TPT is therefore neglected both in and out of Taiwan. Yet, it is a domestic law in both the ROC and Japan and an international law registered at the UN (Lin, 2015a, pp. 128-135). Going back to this treaty could help build a more peaceful maritime Asia.

References

- Cooper, J. F. (May 2017). Trump's decision to honor the One-China Policy: How best to explain it? Retrieved from <http://www.ChinaUSFriendship.com> (accessed on May 1, 2017)
- Gibler, D. M. (2009). *International military alliances, 1648-2008*. Washington: Congressional Quarterly Press. Retrieved from <https://www.teep.com/393722/edwardliu/> (accessed on April 10, 2018)
- Hisashi, S. (1943). *Saishin nanzō tokō an'nai* (Information on recent immigration through navigation to the south). Taipei: Sansaidō.
- Lee, P. (Mar. 2016). China not leaving the South China Sea. *Japan Focus*, 14(6), 1-8.
- Lin, M. H. (1997). *Cha tang zhangnao ye yu Taiwan zhi shehui jingji bianqian 1860-1895* (The industries of tea, sugar, and camphor and socio-economic change of Taiwan, 1860-1895). Taipei: Lianjing Press, 210p (Revised and enlarged version).
- Lin, M. H. (2001). Overseas Chinese Merchants and Multiple Nationality: A Means for Reducing Commercial Risk (1895-1935). *Modern Asian Studies*, 35 (Oct.), 985-1009
- Lin, M. H. (2005). Taiwanese Merchants in the Economic Relations between Taiwan and China, 1895-1937. In Kaoru Sugihara ed., *Japan, China, and the Growth of the Asian International Economy, 1850-1949*. Part 4, Chap 10, Oxford: Oxford University Press, Feb. 2005, pp. 217-243.
- Lin, M. H. (2006). *China Upside Down: Currency, Society, and Ideologies, 1808-1856*. Cambridge, MA: Harvard University Asia Center, distributed by Harvard University Press, 362pp. JSTOR, www.jstor.org/stable/j.ctt1tg5q75.
- Lin, M. H. (2007). Qiaoxiang Ties versus Japanese Maritime Power: Trade between Taiwan and Manchuria, ca. 1932-1939. In Leo Suryadinata ed., *Chinese Diaspora, Since Admiral Zheng He, with Special Reference to Maritime Asia*. Singapore: Chinese Heritage Center, May 2007, pp. 137-159.
- Lin, M. H. (2010). Taiwan, Hong Kong, and the Pacific, 1895-1945. *Modern Asian Studies* 44(5), Sept. 2010, pp. 1053-1080.
- Lin, M. H. (2011). Taiwan, Manchukuo, and the Sino-Japanese War. *Asian Social Science* 7(6), Jun. 2011, pp. 51-65.
- Lin, M. H. (2015a). Taiwan's Sovereignty Status: The Neglected Taipei Treaty. In Kimie Hara ed., *The San Francisco System and Its Legacies: Continuation, Transformation, and Historical Reconciliation in the Asia-Pacific*, London and New York: Routledge, 2015, pp. 115-143.
- Lin, M. H. (2015b). The May 26, 1971 Note from the US on the Diaoyutai Issue: Taiwan's Sovereignty Claim and the US Response. In Tim F. Liao, Kimie Hara and Krista Wiegand ed., *China and Japan Border Disputes: Islands of Contention in Multidisciplinary Perspective*, London and New York: Ashgate, 2015, pp.57-81.
- Lin, M. H. (2015c). Zhanzheng, heyue yu Taiwan (The Resistance War, Peace Treaty and Taiwan). In Lü Fang-shang ed., *Zhongguo kanri zhanzhengshi xinbian* (New history of China's war of resistance against Japan), Part 6: Postwar China, Chapter 4: "The End of Hostility," pp. 465-522. Taipei: Academia Historica.

- Lin, M. H. (2017). *Yatai lishi, Tai-wan, yu Nanhai, Zhongri heyue zhong de nansha yu xisha* (Asia-Pacific history, Taiwan, and the South China Sea: Spratley and Paracel in the Taipei treaty), *Zhongyang yanjiuyuan jindaishi yanjiusuo jikan* (Bulletin of the Institute of Modern History, Academia Sinica). Taipei: the Institute of Modern History, 97(Sept.), 1-43.
- Lin, M. H. (2018). A Neglected Treaty for the South China Sea. In Spencer T.S. Hsieh ed., *South China Sea Disputes: Historical, Geopolitical and Legal Studies*, Chapter 1, World Scientific Publishing, Singapore, pp. 1-24.
- Lin, M. H. (2019). Culture, Market, and State Power: Taiwanese Investment in Southeast Asia, 1895-1945. In C. C. Choi, T. Oishi, and T. Shiroyama (Eds.), *Chinese and Indian Merchants in Modern Asia Networking Businesses and Formation of Regional Economy*, Leiden: Brill, forthcoming.
- Liu, J. Y. (2016). *Diaoyudao guishukao: shishi yu falv* (The subordination of the Diaoyu Islands, facts and legal bases). Beijing: renmin chubanshe.
- Record of Japan's Ministry of Foreign Affairs (1895). Record of the negotiations of the Shimonoseki Treaty. Asia Historical Material Center.
- Taiwan Sōtokufu Kōtsūkyoku Teishinbu. (1930). *Taiwan no kaiun* (Taiwan's maritime transportation). Taipei: Taiwan Sotokufukotsu Kyoku Teshinbu.