

Taiwan's Ma Ying-jeou Gets Caught Again with a Foot in Each of Two Boats

Written by Jerome F. Keating Ph.D.
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While the disputes over the sovereignty of the Diaoyutai (Senkaku) Islands continue to dominate the news, Taiwan's President Ma Ying-jeou finds himself once again in a conundrum that his posturing and bravado will not solve. One cannot deny that posturing has served him well on occasion in the past, but at root here is something deeper, Ma's inability to break with his Chinese past. This attachment to his past leads to a divided thinking which in turn then dictates his unfortunate but frequent modus operandi, that of trying to keep a foot in each of two boats.

Examine for example how with little thought of the implications as well as dangerous consequences for Taiwan, Ma had suggested that trilateral talks between the three nations that claim the islands, i.e. the People's Republic of China (PRC), the Republic of China (ROC) or Taiwan and Japan would be the best approach.

The format on how these three-way negotiations could be worked out is puzzling if not impossible. For in Ma's thinking, the PRC and the ROC already have an alleged consensus where each believes that there is "one China" and that each in turn represents that China according to its private interpretation. If each claims that they represent the one China in this island dispute, how would things proceed for Japan? In any discussions that follows, it would seem that the two could gang up on one i.e. two supposed Chinas against one real Japan. On the other hand if Japan did not want to enter into this two against one discussion, Japan would then be forced to choose which "China" it should really deal with as the true China. Japan already has a Communiqué with the PRC (Sept. 29, 1972) that the PRC represents China, so does Ma really want to take Taiwan there?

Of course, the PRC would not mind Taiwan participating in such trilateral discussions as long as Taiwan recognized its place; i.e. Taiwan is a province of China and in that capacity it could only provide a support role to the PRC. Certainly, that would not be palatable to Taiwanese nor would they want to be a cheerleader for China from an observer status role. Similarly, Taiwan could hardly expect China to promote Taiwan's advantage in any way; China has effectively blocked Taiwan's participation in all world organizations for decades so what exactly does Ma think that Taiwan will gain in trilateral negotiations?

An additional credibility problem rises. Ma is ignoring a fourth involved party, i.e. the United States (US). Does Ma think that the US, while it advocates a peaceful solution to East China Sea issues, would simply stand on the sidelines for such negotiations? Has Ma forgotten that the US's position as regards the Taiwan of which he is president? The US has been

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"undecided" about Taiwan since 1945. So would the US sit these trilateral talks out? In the post WWII era the US has already returned the Okinawa Prefecture with its Ryukyu island chain to Japan (May 15, 1972). The US also has a Mutual Cooperation and Security Treaty with Japan; this hardly helps Ma's case in this whole process. Geographic questions follow, like are not the Senkakus part of the same tectonic plate on which the Ryukyus islands of the Okinawa Prefecture rest?

If that is not enough, Ma is forgetting the San Francisco Peace Treaty (SFPT), which officially ended WWII. This went into effect on April 28, 1952 long after Ma's ROC had been driven from the continent (1949). Conscious of that reality, the treaty only said that Japan was to give up Taiwan, Penghu etc. but it did not say to whom. If it was not determined to whom Japan was to give back Taiwan and Penghu in 1952 and the US later returned Okinawa and the Ryukyus to Japan in 1972, just how are Ma's select three nations supposed to determine to whom the Diaoyutai Islands north of Taiwan would be given?

Ma then strains credibility further when he claims that the Treaty of Taipei gave Taiwan (and hence the Senkakus?) back to the ROC. This treaty was signed on the day that the San Francisco Peace Treaty went into effect (April 28, 1952); the Treaty of Taipei subsequently went into effect later on August 5, 1952. To add insult to injury the Joint Communiqué between Japan and the PRC (Sept. 29, 1972) abrogated the treaty that Ma clings to.

Ma continues to suffer credibility issues when he states that for him ROC China's claims to these islands date back to the Ming Dynasty. Ma seems to have forgotten that the Ming told the Dutch to take Taiwan and not nearby Penghu. It was fleeing Ming loyalists under Koxinga that later retreated to Taiwan and drove off the Dutch. The Manchu Qing in turn soon dispossessed them. But even here credibility wanes; the Qing's claims to the totality of the island of Taiwan were tenuous. The Qing never ruled all of Taiwan and a case can be made that in the Treaty of Shimonoseki, Qing China gave away more than it actually had claim to.

Nonetheless Ma persists with the additional claim that while the Qing gave Taiwan and Penghu and even the Liaotung Peninsula to Japan in the Treaty of Shimonoseki, the Qing supposedly or craftily excluded the little islets called the Diaoyutais. While fishermen from China may have been fishing around them, there is no evidence that for this or for any other reason the Qing secretly hung on to these small islands on the Ryukyu chain between Japan and Taiwan.

There are more problems for Ma. The Treaty of Taipei between Japan and the ROC specifically

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dealt only with those nationals on Taiwan and Penghu; it did not have anything to do with any nationals on the continent. Despite this in another breadth and seeking to bring another boat back into the picture, Ma maintains that the ROC's 1947 Constitution gives him the right to represent both the nationals on the continent as well as those on "undecided" Taiwan.

Ironically, in all of this posturing, there is one possible item that Ma might glean. The Treaty of Taipei had recommended that things like fishing rights between Japan and the nationals on Taiwan be worked out between the two. Since fishing rights do not treat sovereignty, this is something worth pursuing for Taiwan.

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