

Sovereignty belongs to Taiwanese

Written by Jerome Keating
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Taiwan's fishermen have been awash in a sea of trouble recently, amid their involvement in territorial disputes to the north and south of the nation.

First there was the spat with Japan over fishing rights and sovereignty vis-a-vis the Diaoyutais (釣魚台), which Tokyo calls the Senkakus. That conflict had barely been settled when the shooting of a Taiwanese fisherman occurred near the Philippines, where Taiwan's claimed exclusive economic zone overlaps with that claimed by Manila.

As often happens in such cases, nations and their supportive historians will put forth arguments and "evidence" to defend these positions, but as also happens in such cases, the arguments can have a logic of their own that goes beyond the original intention and can return with a bite. Examine the case of the Diaoyutais.

As last year came to an end, the Republic of China (ROC) government led by the Chinese Nationalist Party (KMT) sought ways to bolster its claims to fishing rights and sovereignty over the islands.

Shaw Yu-ming (邵玉明), a professor at National Chengchi University, chose an unusual approach to presenting the ROC's case in an article posted on the KMT's Web site on Dec. 5 of that year. In the article, Shaw drew an interesting distinction between sovereignty and administrative control.

Shaw argued that since the 1950s, the US had promised to transfer the Ryukyu Islands and the Diaoyutais to Japan. However, Shaw credited Chiang Kai-shek (蔣介石) and the government's launching of a Diaoyutai Islands defense movement in 1971 with "saving the day."

He said that despite the normalization of US-China relations that was ongoing at the time, the US had backed down because of the ROC defense and only transferred administrative control, not sovereignty, over the Diaoyutais to Japan.

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However, the problem with Shaw's main argument is that the support for it rested not on any official documents from the US, but on Chiang's diaries.

The content of Chiang's diaries may be a form of gospel to some members of the KMT and a legitimization of their national discourse, but to the rest of the world they remain one man's interpretation of reality.

Chiang's claim that he was supposedly "holding back" from enacting a military solution to the issue because it would "threaten Taiwan's security" confirms such a perspective.

Going further, Chiang claimed that the matter was "unfair," a word which seems to indicate that one's position has divine backing or serves global justice.

What Chiang is suggesting reveals how he used — and some KMT members continue to use — rose-colored glasses to help see themselves as the legitimate, but dispossessed, heirs of the "Middle Kingdom."

However, there is a twist to the issue because what Shaw's argument neglects to mention is that the San Francisco Peace Treaty never specified to whom Japan was to cede Taiwan.

Furthermore, the US has continued to state — up to the present — that the matter of who Taiwan belongs to remains "undecided."

Continuing in this vein, there is no official record of the US transferring sovereignty of Taiwan to the ROC government, unfortunately for Shaw and the KMT.

If one pursues this line of argument, all evidence points to a completely different distinction, one that threatens the KMT's long-term and questionable claim to legitimacy over Taiwan.

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It is this distinction that promises to send national pundits and scholars running to scrutinize historical documents and also revives the old issue of what the US really means when it uses the phrase “one China.”

Using Shaw’s phrasing, the argument would posit that the US allowed the KMT to have administrative control over Taiwan, but it never gave the KMT sovereignty over Taiwan.

In effect, the KMT then remains a dispossessed diaspora that was allowed to settle in Taiwan and set up a one-party state — an unfortunate situation for the Taiwanese, but one that met the US’ national interests at the time.

This throws the KMT narrative of its legitimacy further into question.

So what to do now? Going back to change the past and eliminate the sufferings that Taiwan has endured is not possible. Nor is it possible to change Taiwan’s struggle to achieve democracy.

However, there is a potential solution to this conundrum, especially since Taiwan is now a democracy, which would be to say that sovereignty over Taiwan belongs to the Taiwanese and their democracy.

This would not be so pleasant for the KMT nor to the Chinese Communist Party since, similarly to Chiang, these two parties continue to desire settling the matter on a Chinese party-to-party basis.

Nonetheless, in addition to preserving the current “status quo” of the nation’s democracy, this solution would be the most satisfactory to the US, Japan and Taiwanese, as well as offer a way to fit the tenets of self-determination stipulated by the UN.

Jerome Keating is a commentator in Taipei.

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