

“American Interests in the Senkaku/Diaoyu Issue, Policy Considerations”
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American interests date back to World War II

U.S. interests in the Senkaku/Diaoyu islands date back to World War II. It was not an isolated interest but stemmed from the American consideration of the role of Okinawa, which was the subject of considerable internal U.S. government debate as the war wound down. Some military experts saw Okinawa as extremely useful and perhaps essential to the U.S. military posture in a post-war world; others wanted to keep it out of Soviet hands, but were not all that keen on occupying it. The Navy, for example, found it inadequate as a year-round base due to weather and other considerations. And the State Department had political reservations about delaying return of the Ryukyus to Japan.¹

Be that as it may, Okinawa soon became a central element in U.S. post-war military positioning in the region, and following several years of de facto control starting in 1945 before the war was even over, in 1953 the United States was granted formal administrative rights based on Article 3 of the San Francisco Peace Treaty of 1951.² An important feature of that arrangement was that the United States recognized Japanese “residual sovereignty” over the islands, meaning that at a future date all sovereign powers obtained by the United States (administrative, legislative and jurisdictional) were to be returned to Japan, and not given to any other nation.³

Inclusion of Senkakus as part of the Ryukyus/Okinawa

There is considerable evidence that the U.S. consistently viewed the Senkakus as part of the Ryukyus,⁴ while there is no evidence that consideration was ever given treating them as part of Taiwan, which is the basis of both Taipei’s and Beijing’s claims. Indeed, as early as 1944, an Army Map Service Gazetteer identified the Senkakus as a constituent part of Okinawa prefecture. Subsequently, U.S. Civil Administration of the Ryukyus Proclamation 27 (USCAR 27) of 1953 defined the boundaries of the area over which the U.S. was given sole powers of administration under the San Francisco peace treaty, boundaries that included the Senkakus. As the Congressional Research Service has written,⁵ this was reaffirmed at the time of Okinawa reversion by the testimony of several State Department officials, including the Acting Assistant Legal Adviser for East Asian and Pacific Affairs, as well consolidated over the years by such

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actions as renting target ranges on the islands from Japanese citizens. So, from an American perspective there seems to have been little if any question about the association.⁶

This was, it must be noted, rather different from President Franklin Roosevelt's rather expansive views at Cairo in 1943 about what Japan would cede and what China would get⁷ and from what many people thought the U.S. accepted via the Potsdam Declaration in late July 1945. Potsdam prescribed that Japanese sovereignty would be limited to the four main islands of Japan "and such minor islands as we determine,"⁸ but the State Department put forward a memorandum establishing the view that Japan would not give up sovereignty over the Ryukyus or Kuriles, or even southern Sakhalin.

Although history dictated otherwise in the other two cases, as regards Okinawa, including the Senkakus, although U.S. occupation was installed and maintained for almost 20 years, it was never intended to last indefinitely. The U.S. view about residual sovereignty over the islands was reconfirmed by successive American administrations from Eisenhower through Johnson. And, in that context, as already indicated, it was understood throughout the U.S. government that the Senkakus were part of Okinawa⁹ and, as such, sovereignty over them would be returned to Japan as part of the return of sovereignty over Okinawa. In the event, the Senkakus were handed back to Japan with the Okinawa reversion agreement of 1971,¹⁰ but without the title to sovereignty.

U.S. shift on Senkakus sovereignty with Nixon Administration and Okinawa Reversion

The change in the U.S. position came about with the advent of the Nixon Administration. While there were a number of factors involved, a critical one was that in the late 1960s a UN study had suggested that vast hydrocarbon resources might lie in areas around the islands, and suddenly both Taipei and Beijing expressed new interest in asserting their sovereignty over what they called Diaoyu. Likely sparking their strong interest, too, was that this was the period in which Tokyo and Washington were engaged in intense and complicated negotiations for Okinawa reversion, formally kicked off by the Nixon-Sato communiqué of November 21, 1969.¹¹ If there was ever going to be a time to assert sovereignty over Diaoyu, this was it; once sovereignty was given to Japan, it was going to be impossible to wrest it away.

Of some importance, as well, was that fact that Washington was engaged in important textile negotiations with the ROC, and Ambassador-at-Large David Kennedy, who was handling the negotiations for the U.S., urged the President not to transfer even administrative control to Japan; just maintain the status quo, he argued.¹² President Nixon considered the issue, but he decided that, with the reversion agreement signing only ten days away on June 17, 1971, the negotiations over Okinawa had gone too far, and too many commitments had been made, to back off at that late date.¹³

It is unknown what exchanges, if any, might have taken place with Beijing before the Okinawa Reversion Treaty was signed. But the signing came just weeks before Henry Kissinger's secret trip to China in July, and it is self-evident that, as arrangements for that critical initiative were

well-advanced, the White House had the PRC factor very much in mind. While the issue of reversion was enormously important for successful management of the vital alliance with Japan, a direct challenge on a sovereignty issue had significant potential to complicate the strategic move toward Beijing.

Negotiators of the Reversion Treaty recall no specific mention of a “China factor” in their instructions. Some others involved at the time have said there were communications between Washington and Embassy Tokyo touching on this issue, but they were never shared with the negotiators.¹⁴ The withholding of such germane communications might strike one as a little odd. But given that everything concerned with the PRC at that point was on a “close hold” basis and that, in any case, the basic position adopted by the negotiators was that, in light of the challenges to sovereignty raised by both Taipei and Beijing it was logical to focus only on returning “administrative control” to Japan, it probably wasn’t deemed necessary. Moreover, an argument was developed that, in fact, “administrative control” is all that had been granted to the U.S. in the first place, so it was all that the U.S. had the power to return.¹⁵ Indeed, a common view in the government at that time was that, by taking this “neutral” approach, the U.S. could leave it for the various claimants to work out and avoid getting caught in the middle.¹⁶

Whatever the logic of the position, the fact is that the issue was still being debated internally until late in the reversion negotiating process. In March 1971, for example, the Defense Department sent a memorandum to the State Department citing the 1953 USCAR memorandum and the 1944 Army Map Service Gazetteer, all of which, DoD said, “dignify [i.e., give validity to] the Japanese claim to the Senkakus, contrary to the neutral position assumed by the United States.” It went on: “Under these circumstances, the United States ‘position’ is not entirely free from an element of recognition.”¹⁷

In the end, Beijing called the reversion of Okinawa a “despicable fraud” because the U.S. military remained on Okinawa, while Taipei criticized the transfer for not having followed proper procedure. Both disputed the U.S. action specifically with respect to the Diaoyu islands, with Beijing, for example, asserting that U.S. control was illegal from the outset, and that the United States had no right to include in the “reversion area” islands that it occupied illegally.¹⁸

Article V and Sino-Japanese tensions

In any case, the Nixon Administration’s position of “no position” on the issue of sovereignty has remained U.S. policy ever since. Still, because Japan has “administrative control” of the islands, they do come under the provisions of Article V of the U.S.-Japan Mutual Security Treaty. That article provides that “[e]ach Party recognizes that an armed attack against either Party *in the territories under the administration of Japan* would be dangerous to its own peace and safety” and declares that each side would “act to meet the common danger in accordance with its constitutional provisions and processes.”¹⁹

The applicability of the Mutual Security Treaty to the Senkakus has been reaffirmed on a number of occasions over the years by American officials at moments of tension between China and Japan regarding the islands. In 1996, then-Deputy Assistant Secretary of Defense Kurt Campbell did so; Deputy Secretary of State Richard Armitage and State Department Spokesman Adam Ereli did in 2004; it was done again in 2009 following the entry of two PRC survey vessels within 12 nm of the islands the previous December; and Secretary of State Hillary R. Clinton did so again in 2010 in the wake of an incident when a Chinese fishing boat rammed two Japanese Coast Guard vessels inside the islands' territorial waters.²⁰

Over the past year, the issue has exploded onto the scene once again with the Japanese government's purchase in September 2012 of three privately-held islands it had previously been renting from their owners. The controversy is well-known and doesn't need repeating here. But comments by some Chinese officials have left the impression that at least one purpose of the subsequent series of intrusions by PRC civilian maritime vessels goes beyond seeking to change the status quo with respect to Japan. It is also part of an effort to undermine the legitimacy of Japanese claim of "administrative control" and the link of such control to the U.S. treaty commitment. Responding to that possibility, in January 2013 Secretary Clinton made a statement opposing any unilateral actions seeking to undermine Japanese administration.²¹ Moreover, even earlier Congress had inserted into the National Defense Authorization Act of 2013 a provision that, in addition to reaffirming the commitment to Japan under Article V of the Mutual Defense Treaty, said it was the sense of the Congress that "the unilateral action of a third party will not affect the United States' acknowledgment of the administration of Japan over the Senkaku Islands."²²

The PRC reacted negatively to these various statements on the same grounds it has consistently used to complain since 1971, that is, that the U.S. had no right to transfer "administrative control" to Japan in the first place and that it should stay out of it.

In fact Washington has toned down the rhetoric about the treaty. What it has not done, however, is alter its position on the treaty's applicability or walked away from its commitment. Indeed, recent U.S.-Japan joint military exercises have reportedly been directed at how to oust an aggressor who had occupied an island—no names used, but highly suggestive. Hence, whatever deterrent effect the link to the treaty has had remains in effect.

Clearly the United States found the PRC assertive behavior in sending civilian agency vessels within 12 nm of the island to be dangerous and highly provocative. Although those challenge expeditions continue,²³ Washington has welcomed the recent apparent slowdown in the pace of such challenges, as well as the fact that there has been no repeat of the mid-December intrusion of a State Oceanographic Administration plane to within approximately 20 km of the Senkakus airspace.²⁴ But the potential for escalation at any time remains.

The salience of the issue for U.S.-PRC relations was summed up by Paul Smith of the Naval War College:

Washington's standing as the defender of Japan's administrative rights over the islands— notwithstanding U.S. declarations of neutrality on the question of sovereignty—places the dispute at the heart of Sino-American competition, which in turn has been exacerbated by recent military strengthening, rebalancing, and posturing on both sides. Overall, a confluence of economic, military, and geopolitical factors suggests that the Senkaku/Diaoyu issue will increasingly define and shape the geopolitical environment in East Asia—to include the possibility of major-power war—for the foreseeable future.²⁵

Taiwan

Finally, a word about Taiwan's involvement. Although both Taipei and Beijing cite history going back to the Ming Dynasty as legitimizing their claims to Diaoyu, they stake their affirmation of sovereignty over the islets importantly on action by the Qing Dynasty incorporating Taiwan and its "associated islands" as an integral part of China. Taiwan's president, Ma Ying-jeou, did extensive research on this topic during his academic years and is both very knowledgeable about it and remains deeply interested in it. So as he has addressed it, he has done so with an obvious degree of expertise and enthusiasm.²⁶

While Ma, like his counterparts in the Mainland, believes that the U.S. transfer of "administrative control" to Japan at the time of Okinawa reversion was invalid, at this point he has focused on the U.S. position of neutrality regarding sovereignty and has urged that the U.S. maintain that position.²⁷

Ma has made clear that Taiwan is setting aside its posture of bystander, adopting instead an activist role as "facilitator of peace in the international community."²⁸ This means not only shunning the role of "troublemaker" of a past period, but adopting the mantle of peacemaker.

Like Beijing, Ma has not shied away from criticizing Japan for its "surreptitious" and "invalid" seizure of the islands.²⁹ Nonetheless, rather than pressing the case in a confrontational manner, in August 2012, Ma put forth an East China Sea Peace Initiative,³⁰ which he then amplified in September.³¹ In it, Ma laid out principles consistent with the spirit of what the U.S. and others have urged in the South China Sea, advocating that sovereignty disputes be simultaneously set aside by all the parties and that they focus, instead, on finding a way to share resources and to create a "code of conduct." As M. Taylor Fravel has pointed out, not only could successful implementation of such an approach help minimize near-term behavior that could trigger a military clash, but focusing on cooperation regarding resources could reduce any perceived imperative to resolve the underlying sovereignty dispute.

However, despite the issue of potentially rich (but unproven) hydrocarbon deposits around the islands, for Beijing and Tokyo the dispute seems focused more on questions of nationalism and

political competition rather than economics. Some people have also suggested that the islands have potential use as military observation sites, monitoring naval traffic in the area. Inevitably these sorts of considerations are far harder to simply set aside once they have been engaged than might more economically-oriented motives, which could be subject to compromise.

Hence, some questions have been raised about whether, in light of the nature and intensity of the dispute playing out in the waters around the islands between Japan and the PRC, the involvement of a “third party”—in the sense not of who has a legitimate interest but who are the main protagonists in this potentially risky situation at the moment—will actually help identify a way forward or complicate the task of finding an “off ramp” before confrontation of civilian maritime vessels leads to something more dangerous. Ma, himself, has recognized the potential for stirring up trouble both within Taiwan and externally, and starting from the time he put forward his initiative he has reiterated on several occasions that, despite his emphasis on improving cross-Strait relations, he has no intention of joining hands with Beijing to confront Japan.³²

In fact, while proclaiming sovereignty is the basis for asserting fishing rights, Taiwan’s principal goal has been to obtain fair access for its fishermen to the waters around the Diaoyu islands, waters that have been traditional fishing grounds for Taiwan fishermen for a century or more. In September 2012, a growing sense of unfairness led to demonstrations, including by a veritable armada of fishing boats from Taiwan to the islands late that month escorted by coast guard vessels,³³ which created a situation on the roiling waters that could have led to an accident with loss of life and an attendant rise in political tensions.

In a more recent incident, a lone Taiwan boat (again with coast guard escort) making a foray in the direction of the Diaoyus, in this case to plant a flag on the islands, provided an opportunity for PRC maritime vessels to offer to come to assistance.³⁴ While the escorting Taiwan coast guard vessels warned the Mainland boats off, and despite Ma’s firm position about not joining hands with the Mainland, the episode made clear the potential for yet another complicating element to develop.

In this regard, the conclusion of a Taiwan-Japan fisheries agreement on April 10, 2013 covering the area around the islands is a very positive development. Fishing interests on Taiwan have welcomed the significant expansion of the areas open to them,³⁵ and one can anticipate that it will relieve pressure both for further demonstrations on the island as well on the water. Coming just as the tuna fishing season was about to open, this in itself constituted a significant contribution to maintaining peace. Moreover, as Taiwan’s foreign minister, David Lin, has observed, while Taipei will adhere to its sovereignty claim, the issue was being set aside for now.³⁶

I raise these points in a paper about American interests and policy because of the potential for all of this Diaoyu-related activity to complicate the situation around the islands and to get in the way

of the very smooth relationship that the U.S. and Taiwan have developed in recent years. The new Taipei-Tokyo fisheries agreement should go a long way to allay any concerns of that sort.

U.S. policy choices—Implementing “Option C” all over the world

Theoretically, there are a number of options the United States could pursue:

- It could become more deeply involved, stating that the recent coercive actions by China had changed the situation and the U.S. was therefore shedding its neutrality in the sovereignty dispute and backing Japan’s claim. (Theoretically it could back a Chinese claim, but given the history and current circumstances, this would seem to be an even greater stretch.)
- It could signal a more hands-off position by publicly stating that, while its treaty commitment to Japan remains solid, nothing in the current situation merits activation of that commitment.³⁷
- Or, it could remain in its current mode of keeping a low profile while both publicly and privately counseling that “cooler heads prevail,” urging that Beijing and Tokyo work to find a way back toward a stable equilibrium.

The problem with the first course, obviously, is that it would completely change the picture in a highly provocative way from Beijing’s perspective, not only likely leading to escalation on the PRC’s part, but reinforcing perceptions of American encirclement and derailing prospects of creating the “new type of major power relationship” between China and the United States that both leaderships have endorsed as in their strategic interest. The fallout could affect everything from coordination on regional and global challenges such as North Korea and Iran to management of important bilateral issues.

The second course could be interpreted as abandonment of our treaty ally in Japan, setting off waves of concern that, however much Americans reiterate fidelity to the alliance, the U.S. commitment has essentially lost a great deal of its meaning. What lessons Tokyo, Beijing, Taipei and others would draw from this are unclear, but none of them would likely benefit the United States—or regional stability.

The third course has not proven especially effective so far, but this “Option C” approach would seem more appealing than the other two, which one might call “all-out war” or “capitulation.” (Readers will recall the Henry Kissinger quote, perhaps apocryphal, that the United States is implementing Option C all over the world.) Moreover, this option need not be entirely passive. It could include quietly voicing support for a proposal raised by many people to turn the area into a maritime or environmental preserve. It could include promoting a common understanding among the claimants that no permanent structures would be allowed on the islands, as well as agreement to block intrusions by any and all activists, regardless of their nationality.

An alternative within Option C could be Ma Ying-jeou's approach, to seek agreement on joint exploration of resources. It probably is worth trying. But as we've noted, the nature of the face-off between Beijing and Tokyo, with its intense focus on sovereignty, per se, rather than resources, may not lend itself to such pragmatism. (Keep in mind that the Senkakus/Diaoyu issue is rather different in nature from the issue of overlapping EEZ claims in the East China Sea, where resources constitute perhaps the most important component of the issue.)

Despite the lack of any real success so far, the better part of wisdom would be for the U.S. to try to help the parties find some way to reduce the salience of confrontation, focusing on creation of a mutually acceptable equilibrium. In doing this, the U.S. should stay away from frequent public repetitions of its commitment to Article V of the Mutual Defense Treaty but it should be sure not to send any misleading signals that it is backing away from its commitment—because it isn't.

At the same time, in private dealings with Japan, the U.S. needs to be clear that the continuing commitment in no way signals U.S. tolerance for provocative actions by Japan to consolidate its sovereignty claim. To date the Abe administration, despite some tough rhetoric, has given no one reason to assume it would engage in such behavior. But reflecting on the action of the previous Japanese administration to purchase the islands in the first place suggests clarity on this point is in order. Having said that, Washington needs to take account of the fact that the Senkakus issue is very sensitive not only in China but also in Japan, and if it wants its advice to maintain a cool head to be heeded, beyond trying to move Beijing away from assertiveness, the U.S. also needs to find ways to reinforce the shared sense of deep friendship and special relationship with Japan.

While not picking a fight with Beijing, the U.S. needs to ensure that China is able to distinguish between American true neutrality on sovereignty and a total lack of neutrality on resort to force or coercion. This is not only a matter of a treaty commitment to Japan—though at the end of the day it obviously could become that. It is a matter of how the two countries do business and whether the notion of a “new major power relationship” has any future.

Finally, it is important to find ways to help Ma Ying-jeou demonstrate the value of restraint. While the special circumstance of U.S.-Taiwan relations imposes limits on what can be done, it should be possible, especially in economic and related fields, to help Ma in this regard. Meanwhile, the conclusion of the new fisheries agreement with Japan should go a long way toward eliminating any concerns about Taiwan fishermen complicating an already fraught situation around the islands. A U.S. expression of support for that agreement would be in order.

¹ A detailed discussion of the U.S. approach to these islands from the immediate post-war period through formal assumption of administration under the San Francisco Peace Treaty is contained in Jean-Marc F. Blanchard, “The U.S. Role in the Sino-Japanese Dispute over the Diaoyu [Senkaku] Islands, 1945-1971,” *China Quarterly* no.161, 2000, pp. 102-115.

² “Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29deg. north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative

action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.” (Treaty of Peace with Japan, signed September 8, 1951, initial entry into force April 28, 1952, United Nations Treaty Series 1952 (reg. no. 1832), vol. 136, pp. 45 – 164, available at <http://www.taiwandocuments.org/sanfrancisco01.htm>.)

³ Blanchard, op. cit., p. 109.

⁴ Blanchard, op. cit., pp. 108-109; Kimie Hara, *Cold War Frontiers in the Asia-Pacific*, Routledge, 2007, p. 179; Paul J. Smith, “The Senkaku/Diaoyu Island controversy: A crisis postponed,” *Naval War College Review*, Spring 2013, Vol. 66, No. 2, <http://www.usnwc.edu/getattachment/bfa92a47-1f5f-4c23-974c-f92e1ed27be4/The-Senkaku-Diaoyu-Island-Controversy--A-Crisis-Postponed>, p. 30.

⁵ Mark E. Manyin, “Senkaku (Diaoyu/Diaoyutai) Islands Dispute: U.S. Treaty Obligations,” Congressional Research Service, January 22, 2013, R42761, <http://www.fas.org/spp/crs/row/R42761.pdf>, p. 4. This publication updated and modified an earlier one in the same series written by Larry Niksch.

⁶ Kimie Hara, “50 Years from San Francisco: Re-examining the Peace Treaty and Japan’s Territorial Problems,” *Pacific Affairs* 74, no. 3 (Fall 2001), p. 377.

⁷ The Republic of China’s interest in the Ryukyus at the time was not entirely clear. A memorandum of conversation of a Cairo meeting between President Roosevelt and Chiang Kai-shek notes that Roosevelt asked Chiang “more than once” if China wanted the Ryukyus. Finally Chiang responded that China would “be agreeable” to joint occupation by the United States and China and eventually to joint administration under the trusteeship of an international organization. (*Foreign Relations of the United States Diplomatic Papers, the Conferences at Cairo and Tehran, 1943*, United States Department of State, p. 324, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=goto&id=FRUS.FRUS1943CairoTehran&isize=M&submit=Go+to+page&page=324>.) Subsequently, ROC Foreign Minister T.V. Soong and Chiang Kai-shek both publicly laid claim to the Ryukyus. (Blanchard, op. cit., p. 104.)

Although all of this subsequently changed, one might also note that, at this time, Roosevelt and Stalin were reportedly in “complete agreement” that the Ryukyus belonged to China and should be returned to her. At the same time, adumbrating the ultimate arrangements regarding Okinawa, they also agreed that civil administration of all islands then controlled by Japan should be taken over by the UN with military control of specific strong points assigned as necessary to maintain the peace. (*Foreign Relations of the United States Diplomatic Papers, the Conferences at Cairo and Tehran, 1943*, United States Department of State, pp. 869-870, <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=turn&entity=FRUS.FRUS1943CairoTehran&isize=M>.)

⁸ Text available at http://pwencycl.kgbudge.com/P/o/Potsdam_Declaration.htm.

⁹ Hara, “50 Years from San Francisco,” op. cit. See also Smith, op.cit., p. 31.

¹⁰ Text available at <http://www.niraikanai.wvma.net/pages/archive/rev71.html>.

¹¹ Joint Statement by President Nixon and Prime Minister Eisaku Sato, Washington, DC, November 21, 1969, <http://www.niraikanai.wvma.net/pages/archive/sato69.html>. The communiqué spoke only of the return of “administrative control” of Okinawa so at that stage it wasn’t clear how, or if, that issue and sovereignty were to be differentiated.

¹² Memorandum From the President's Assistant for International Economic Affairs (Peterson) to President Nixon, Subject: Textile Negotiations in Taiwan, June 7, 1971, Foreign Relations of the United States (FRUS), 1969–1976, Volume XVII, China, 1969–1972, Document 133, <http://www.history.state.gov/historicaldocuments/frus1969-76v17/d133>.

¹³ Backchannel Message From the President's Assistant for International Economic Affairs (Peterson) to Ambassador Kennedy, in Taipei, June 8, 1971, FRUS, 1969–1976, Volume XVII, China, 1969–1972, Document 134, <http://www.history.state.gov/historicaldocuments/frus1969-76v17/d134>.

¹⁴ Private interviews.

¹⁵ Smith, op. cit., p. 35, citing a letter from Robert I. Starr, Acting Assistant Legal Adviser for East Asian and Pacific Affairs.

¹⁶ Hara, *Cold War Frontiers in the Asia-Pacific*, op. cit., p. 180.

¹⁷ Hara, “50 Years from San Francisco,” op. cit., p. 377.

¹⁸ Hara, *Cold War Frontiers in the Asia-Pacific*, op. cit., p. 179.

¹⁹ Treaty of Mutual Cooperation and Security between the United States of America and Japan, January 19, 1960, http://afe.easia.columbia.edu/ps/japan/mutual_cooperation_treaty.pdf. (Emphasis added).

²⁰ M. Taylor Fravel, “Explaining Stability in the Senkaku (Diaoyu) Islands Dispute,” in Gerald Curtis, Ryosei Kokubun and Wang Jisi, eds., *Getting the Triangle Straight: Managing China-Japan-US Relations* (Washington, DC: The Brookings Institution Press, 2010), pp. 148-149, accessed via <http://taylorfravel.com/research/articles/>. Armitage’s statement is referred to in Manyin, op. cit., p. 6.

²¹ “U.S. warns China to steer clear of Senkakus,” *Kyodo* (in *Japan Times*), January 20, 2013, <http://www.japantimes.co.jp/news/2013/01/20/national/u-s-warns-china-to-steer-clear-of-senkakus/>.

²² “Sense of Congress on the Situation in the Senkaku Islands,” National Defense Authorization Act for Fiscal Year 2013, H.R. 4310-408, January 3, 2013, Title XII-Matters Relating to Foreign Nations, Subtitle F, Section 1286, <http://www.gpo.gov/fdsys/pkg/BILLS-112hr4310enr/pdf/BILLS-112hr4310enr.pdf>. The Act was signed into law by President Obama on January 10, 2013.

²³ One such foray apparently took place just two days before this workshop convened, with three PRC boats lingering inside territorial waters for some six hours. (“3 Chinese vessels enter Japanese territorial waters around Senkakus,” *Kyodo*, April 9, 2013, <http://english.kyodonews.jp/news/2013/04/218539.html>.) A regular pattern of such entries within 12nm has developed in the months since the conference.

²⁴ Mizuho Aoki and Ayako Mie, “Senkaku Showdown Taxing Forces,” *The Japan Times*, February 22, 2013, <http://www.japantimes.co.jp/news/2013/02/22/national/senkaku-showdown-taxing-forces/#.UU-8kTdmMpU>. A similar flight nine days later entered Japanese airspace and seemed to be approaching the islands but turned away while still 120 kilometers away after Japanese jets scrambled. (“Chinese plane approaches Senkakus, but veers away,” *The Yomiuri Shimbun*, December 24, 2012, <http://www.yomiuri.co.jp/dy/national/T121223002578.htm>.)

²⁵ Smith, op. cit., p. 29.

²⁶ “President Ma visits Pengjia Islet,” Office of the President, Republic of China (Taiwan), September 7, 2012, <http://english.president.gov.tw/Default.aspx?tabid=491&itemid=28074&rmid=2355&sd=2012/09/05&ed=2012/09/07>.

²⁷ Kelven Huang and Elizabeth Hsu, “Ma calls for U.S. to remain neutral on Diaoyutai dispute,” Central News Agency (CNA), September 25, 2012, http://taiwandiaoyutaiislands.tw/EN/Leader_Detail.aspx?ID=646.

²⁸ “President Ma visits Pengjia Islet,” op. cit. See also “Remarks by President Ma Ying-jeou at Fulbright Research Workshop,” Office of the President, Republic of China (Taiwan), March 7, 2013, <http://english.president.gov.tw/Default.aspx?tabid=491&itemid=29346>.

²⁹ Kelven Huang and Y.F. Low, “Japan’s occupation of Diaoyutai unlawful: president,” CNA, September 13, 2012, http://taiwandiaoyutaiislands.tw/EN/Leader_Detail.aspx?ID=650.

³⁰ Initially put forward by Ma in a speech (“President Ma attends activities commemorating the 60th anniversary of the Sino-Japanese Peace Treaty,” Office of the President, Republic of China [Taiwan], August 5, 2012, <http://english.president.gov.tw/Default.aspx?tabid=491&itemid=27898&rmid=2355&sd=2012/08/05&ed=2012/08/06>), the proposal was subsequently laid out formally in a foreign ministry announcement (“East China Sea Peace Initiative,” <http://www.mofa.gov.tw/EnOfficial/Topics/TopicsIndex/?opno=cc7f748f-f55f-4eeb-91b4-cf4a28bbb86f>).

³¹ “President Ma visits Pengjia Islet,” op. cit.

³² Tsao Heng and Elizabeth Hsu, “Taiwan not to join with China against Japan on island dispute: Ma,” CNA, August 21, 2012, http://taiwandiaoyutaiislands.tw/EN/Leader_Detail.aspx?ID=655.

³³ Worthy Shen and Lilian Wu, “Taiwanese fishing boats on way back after Diaoyutai protest,” CNA, September 25, 2013, <http://focustaiwan.tw/news/aall/201209250010.aspx>.

³⁴ “Taiwan activists attempt to reassert sovereignty over Diaoyutai,” KMT News Network (from Taipei papers), January 25, 2013, <http://www.kmt.org.tw/english/page.aspx?type=article&mnum=112&anum=12486>.

³⁵ “Japan makes concessions to Taiwan over Diaoyutai fishing: Reports,” *Taiwan News Online*, April 10, 2013, http://www.taiwannews.com.tw/etn/news_content.php?id=2192804.

³⁶ Ibid. After the conclusion of the conference, as details of the agreement began to emerge, it became clear that the islands and a 12 nautical mile territorial water area around them were not covered by the fisheries agreement; as a result, Japan would continue to control them as before. Taiwan insisted, however, that a provision be included in the agreement stating that signatories’ respective positions on sovereignty had not been compromised. Moreover, President Ma later stated that Taiwan fishing boats had a legitimate right to fish within the twelve nautical mile limit and that, if they did so and were harassed by Japanese patrol craft, Taiwan coast guard vessels would move in to help the fishermen.

The expectation is that, given the vast new fishing areas open to them, Taiwan fishermen will not bother to challenge the 12nm limits, but the potential for a problem obviously exists. Moreover, leaders of the nationalist movement to “protect Diaoyutai” have already made known their intention to sail to the islands. Under regulations

adopted after the September 2012 and January 2013 events that allow only legitimate fishermen to set out toward the Diaoyutai area, it is likely that the Taiwan authorities will block such efforts. Moreover, the public is not likely to be supportive of the nationalist forays. Still, this is another source of potential trouble.

³⁷ In fact, albeit in a very different context, an Obama administration official came close to saying that in 2010, when he observed that the administration had no expectation that the confrontation at that time over the incident between a Chinese fishing boat and Japanese coast guard vessels would escalate into a military confrontation. As he put it, “we have no expectation in any known universe that this would escalate to that kind of a level.” (“Press briefing by Press Secretary Robert Gibbs, Special Assistant to the President and Senior Director for Asian Affairs Jeff Bader, and Deputy National Security Advisor for Strategic Communications Ben Rhodes,” The White House, Office of the Press Secretary, September 23, 2010, <http://www.whitehouse.gov/the-press-office/2010/09/23/press-briefing-press-secretary-robert-gibbs-special-assistant-president->.) This judgment echoed a similar one fourteen years earlier, in September 1996, by the State Department spokesman, also at a time of some tension: “We expect the claimants to the islands will resolve their differences and do so peacefully...it’s not the kind of issue that’s worth elevating beyond a war of words.” (Blanchard, *op.cit.*, p.96, citing an essay by CRS analyst Larry A. Niksch, “Senkaku [Diaoyu] Islands dispute: the U.S. legal relationship and obligations,” *PacNet Newsletter*, No. 45, November 8, 1996.)

It is important to note that those earlier statements were in contexts that were quite different from the one prevailing today. In those earlier instances, one did not see the same sort of active, prolonged faceoff seen in recent months between Japan and China, a faceoff that has caused some people to identify the Diaoyu/Senkaku issue, and not the cross-Taiwan Strait situation, as the “second” East Asian flashpoint beyond North Korea.