

中華民國(臺灣)提出： 東海和平倡議

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**THE REPUBLIC OF CHINA (TAIWAN) PROPOSES:
THE EAST CHINA SEA
PEACE INITIATIVE**

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中華民國(臺灣)提出：東海和平倡議

一項重大領土爭端正在東海醞釀中。

中華民國身為聯合國的創始國之一，有責任依據聯合國憲章所訂原則和平解決這項爭端。我們承諾和平解決，因為這項爭端的核心，正是臺灣的附屬島嶼。

這些島嶼的名稱是釣魚臺列嶼，中文意義是「釣魚的平臺」。我們認為這些島嶼不僅是釣魚的平臺，也是締造和平的平臺。

2012年9月26日，日本首相野田佳彥在聯合國發表的演說中，對全世界宣稱「並無爭端存在」，此舉實在令人遺憾，因為世界其他國家都認為，這是一項可能對區域和平與經濟繁榮產生嚴重後果的爭端，除非有關各方都承認爭端確實存在，否則將不可能獲得解決。

野田首相也曾呼籲「強化法律原則」來解決領土爭端，但他拒絕了我們提出將爭端提交國際法院審判的建議。他又補充說道，「任何要以武力或威脅實現領土主張的作法，都不符合聯合國憲章精神」，但他卻一直迴避日本是趁著中日甲午戰爭(1894年8月至1895年4月)的機會，在1895年1月14日兼併釣魚臺列嶼這個事實。

中華民國珍視過去六十餘年與日本的密切關係。但是，因為最近爆發的事端是日本主動挑起的，我們呼籲日本政府採取負責步驟，承認有爭端存在，並且加以解決。

A major territorial dispute is brewing in the East China Sea.

As one of the founders of the United Nations, the Republic of China (Taiwan) believes it has the responsibility to resolve the dispute in a peaceful manner under the principles of the U.N. Charter. We are committed to the peaceful resolution because at the heart of the dispute are islands that belong to Taiwan.

These islands are known as the Diaoyutai Islands (釣魚臺列嶼), which means "fishing platform" in Chinese. We see the islands as more than a platform for fishing; we also see them as a platform for peacemaking.

On September 26, 2012, Japanese Prime Minister Yoshihiko Noda (首相野田佳彥) delivered a speech at the United Nations, during which he proclaimed to the world "no dispute exists." This is truly regrettable since the rest of the world sees a major dispute—one with potentially grave consequences to regional peace and economic prosperity. Unless the relevant parties recognize that a dispute does indeed exist, a resolution cannot possibly be reached.

Prime Minister Noda also called for "stronger rule of law" to resolve territorial disputes, yet he rejected our proposal to submit the dispute to the International Court of Justice. He added that "any attempt to realize a country's claim by force or threat is inconsistent with the spirit of the U.N. Charter," but continues to obfuscate the fact that Japan annexed the islands on January 14, 1895, amid the ongoing Sino-Japanese War (August 1894–April 1895).

The Republic of China (Taiwan) cherishes the close friendship with Japan over the past sixty years. However, since Japan instigated the recent flare-up, we urge the Japanese government to take responsible steps toward recognizing and resolving the dispute.

我們仔細檢視了日本對釣魚臺列嶼的各項主權主張，我們無法同意。綜合我們的立場，特提出十點主張。我們相信，釐清事實，並讓事實呈現真相，是極為重要的。

我們的主權主張

1. 釣魚臺列嶼是中國明朝（西元1368-1644年）首先發現、命名及使用

- 早在第15世紀，中國人即發現這些島嶼，並且命名為釣魚臺、黃尾嶼、赤尾嶼，顯示這些列嶼周邊海域的魚源豐富，後來臺灣漁民經常來此捕魚。
- 中國人使用這些島嶼作為航行到琉球國（今名沖繩）的航路指標。
- 這些島嶼被納入中國明朝的海防體系。

2. 釣魚臺列嶼隨同臺灣成為中國清朝領土

- 中國清朝派往琉球的冊封使所撰寫的《使琉球錄》中，記載該列嶼位於「中外之界」界限之內。
- 臺灣志書多次記載「釣魚臺可泊大船十餘（艘）」，並列入臺灣府的噶瑪蘭廳（今宜蘭縣）管轄。例如乾隆12年（1747年）范咸的《重修臺灣府志》、乾隆29年（1764年）余文儀的《續修臺灣府志》、咸豐2年（1852年）陳淑均的《噶瑪蘭廳志》及同治11年（1872年）周懋琦的《全臺圖說》。
- 上述官方紀錄顯示：中國清朝長期而且持續將這些島嶼視為臺灣的一部分，實施有效管理。

We have carefully reviewed Japan's sovereignty claims regarding the Diaoyutai Islands and we cannot agree with them. To summarize our position, we have laid out 10 points. We believe it is important to set the record straight and let the facts speak for themselves.

OUR SOVEREIGNTY CLAIM

1. The Diaoyutai Islands were first discovered, named, and used by Ming China (明朝 1368–1644).

- In the 15th century, the Chinese discovered the islands and named them Diaoyutai (Fishing Platform), Huangwei (Yellow Tail 黃尾), and Chiwei (Red Tail 赤尾), demonstrating intimate knowledge of the rich fishing resources in nearby waters later used by Taiwan fishermen.
- Chinese used them as navigation posts en route to Ryukyu Kingdom (now Okinawa). (琉球王國)
- The islands were incorporated into Ming China's coastal defense system.

2. The Diaoyutai Islands, along with Taiwan, became the territory of Qing China (清朝 1644–1912).

- Chinese envoy mission records described the islands as within the “border that separates Chinese and foreign lands.”
- Taiwan gazetteers recorded “Diaoyu Island can accommodate ten or more large ships” and placed it under Kavalan (Ilan) County (噶瑪蘭廳), Taiwan. For example, *Revised Gazetteer of Taiwan Prefecture* (重修臺灣府志) (1747), *Subsequent Revision of the Gazetteer of Taiwan Prefecture* (續修臺灣府志) (1764), *Gazetteer of Kavalan County* (噶瑪蘭廳志) (1852), *Pictorial Treatise of Taiwan Proper* (全臺圖說) (1872).

3. 中日爆發甲午戰爭期間(1894年8月至1895年4月), 釣魚臺列嶼在1895年1月14日被日本明治政府竊占。

- 今日, 日本政府宣稱「自1885年以來, 日本政府透過沖繩縣當局等途徑在尖閣諸島再三進行實地調查, 慎重確認尖閣諸島不僅為無人島, 而且沒有受清朝統治的痕跡。遂於1895年1月14日以内閣決議方式, 正式兼併這些島嶼」。
- 然而, 依據從明治時期官方檔案找出的文件可以證明, 日本明治政府其實瞭解釣魚臺列嶼在1885年是清朝所屬的領土。
- 1885年10月, 日本第一次實地調查之後, 外務大臣井上馨及外務省公信局局長淺田德則描述釣魚臺列嶼為「接近清國國境...臺灣近傍之清國所屬島嶼」, 且「此時倘公開建立國標, 無疑將招致清國猜疑」。
- 1885年11月, 沖繩縣令西村捨三也在公文中證實: 「此事與清國不無關係, 倘生意外, 將不知如何應對, 殷盼指示」。
- 九年後, 1894年5月, 沖繩縣知事奈良原繁致函內務省, 確認自1885年以來, 未再進行實地調查。
- 1894年8月, 中日甲午戰爭爆發, 9月17日日軍擊敗中國北洋艦隊。10月24日日軍跨越鴨綠江入侵中國, 11月21日佔領旅順。
- 1894年12月, 日本內務省認為兼併釣魚臺列嶼「涉及與清國交涉... , 但今昔情況已殊」。

• These official records demonstrate Qing China's long and continuous effective administration over the islands as part of Taiwan.

3. The Diaoyutai Islands were secretly annexed by Meiji (明治) Japan on January 14, 1895, during the Sino-Japanese War (August 1894–April 1895).

- Today, the Japanese government asserts: “From 1885 on, it repeatedly conducted on-site surveys which confirmed that the islands were uninhabited and there were no signs of control by the Qing Empire. It therefore made a Cabinet Decision on January 14, 1895 to formally incorporate the islands.”
- However, old Meiji period documents unearthed from Japanese archives demonstrate that the Meiji government acknowledged Chinese ownership of the islands in 1885.
- In October 1885, following the first on-site investigation, Foreign Minister Kaoru Inoue (外相井上馨) and Foreign Ministry Public Communications Director Tokunori Asada (外務省公信局長淺田德則) described the islands as “close to the Chinese border... next to Taiwan and belonging to China” and “at this time, if we were to publicly place national markers, this must necessarily invite China's suspicion...”
- In November 1885, Okinawa Magistrate Nishimura Sutezo (沖繩縣令西村捨三) confirmed “since this matter is not unrelated to China, if problems do arise I would be in grave repentance for my responsibility.”
- Nine years later, in May 1894, Okinawa Governor Shigeru Narahara (沖繩縣知事奈良原繁) wrote to the Home Ministry confirming no investigations of the islands took place since 1885.
- In August 1894, the Sino-Japanese War broke out. On September 17, Japan

- 1895年1月14日，戰爭還在進行中，日本以內閣秘密決議正式兼併釣魚臺列嶼。這項內閣決議是以「機密」等級標示，不僅違反國際慣例，且從未對外公開。

4. 中國在1895年割讓「臺灣全島及所有附屬各島嶼」給日本

- 中國在甲午戰爭戰敗，被迫在1895年4月17日與日本簽定《馬關條約》，將「臺灣全島及所有附屬各島嶼」割讓給日本。
- 釣魚臺列嶼本屬臺灣的一部分，因此日本取得這些島嶼唯一的法律基礎，就是《馬關條約》，而《馬關條約》在第二次世界大戰後就已經被廢止了。

5. 第二次世界大戰後的安排，使臺灣及其附屬島嶼回復到1895年前的法律地位

- 1943年《開羅宣言》明定「在使日本所竊於中國之領土，例如東北四省、臺灣、澎湖群島等，歸還中華民國，其他日本以武力或貪慾所攫取之土地，亦務將日本驅逐出境」。
- 1945年《波茨坦公告》明定，「《開羅宣言》之條件，必須實施」。
- 1945年《日本降伏文書》明白宣示接受《波茨坦公告》。
- 上述三項國際法律文件迄今對相關當事國依然有拘束力，包括美國、日本及中華民國。

6. 當釣魚臺列嶼在1895年被日本竊占時，是劃歸沖繩縣管轄並改變名稱

- 日本在1895年兼併釣魚臺列嶼並置於沖繩縣管轄，並在1900年將名稱改變為「尖閣諸島」。

defeated China's Beiyang Naval Fleet (北洋艦隊). On October 24, Japan crossed the Yalu River (鴨綠江) and invaded China. By November 21, Japan captured the Chinese city Port Arthur (旅順).

- In December 1894, the Japanese Home Ministry stated that the incorporation of the disputed islands "involved negotiations with China... but the situation today is greatly different from back then."
- Japan accordingly incorporated the islands secretly based on a cabinet decision of January 14, 1895 amid the ongoing war. The cabinet decision was marked "Confidential" and, contrary to established convention, was never publicly announced.

4. China ceded "Taiwan and its appertaining islands" to Japan in 1895.

- Following China's defeat in the Sino-Japanese War, Qing China was forced to sign the Treaty of Shimonoseki (馬關條約) on April 17, 1895, which ceded "Taiwan and its appertaining islands" to Japan.
- Since the Diaoyutai Islands were part of Taiwan, the only basis of Japan's legal rights is the 1895 Treaty of Shimonoseki, which was nullified after WWII.

5. Post WWII arrangements restored the islands to their pre-1895 legal status.

- The 1943 Cairo Declaration stipulated "all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa (Taiwan), and the Pescadores (澎湖群島), shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed."
- The 1945 Potsdam Proclamation stated, "...terms of the Cairo Declaration shall be carried out..."

- 日本這些單方面行為，掩飾了釣魚臺列嶼為中國固有領土的真实身分，以致於第二次世界大戰後的戰後處置[如第(5)項所述之各項]並未完全執行。
- 當日本歸還臺灣給中華民國時，雙方沿襲了1945年日本殖民下的臺灣行政區劃，因此盟國(包括中華民國)對於無人居住的「尖閣諸島」事實上就是「釣魚臺列嶼」這一點，毫無所悉。

7. 自第二次世界大戰之後中華民國從未承認日本對釣魚臺列嶼的主權

- 依據中華民國並未獲邀簽署的1951年《舊金山和約》，因上述第(6)項所述的錯誤，該和約第三條誤將釣魚臺列嶼置於美國託管之下。
- 1952年，中華民國與日本在臺北簽署的《中日和平條約》並未包括上述1951年《舊金山和約》第三條的規定。

釣魚臺列嶼與彭佳嶼，在地質上與臺灣觀音山、大屯山一脈相承。(海巡署提供)

The Diaoyutai Islands and nearby Pengjia Island are peaks of an undersea mountain range extending from northern Taiwan's Datun and Guanyin mountains. (Courtesy of the Coast Guard Administration)

- The 1945 Japanese Instrument of Surrender accepted the terms of the Potsdam Proclamation.
- All three international legal documents remain legally binding on the respective countries today, including the U.S., Japan and the R.O.C. (Taiwan).

6. The Diaoyutai Islands, when secretly annexed by Japan in 1895, were placed under Okinawa (沖繩) and later renamed.

- Japan annexed the islands and placed them administratively under Okinawa in 1895 and formally renamed them “Senkaku Islands” (尖閣諸島) in 1900.
- These unilateral acts masked the islands’ original Chinese ownership and identity, which resulted in their omission from the post-WWII arrangements as described in (5).
- When Japan returned Taiwan to the R.O.C., both sides adopted the 1945 administrative arrangement of Taiwan, with the Allied Powers (including the R.O.C.) unaware that the uninhabited “Senkaku Islands” were in fact the former Diaoyutai Islands.

7. The Republic of China (Taiwan) never recognized Japanese sovereignty over the islands after WWII.

- The Diaoyutai Islands, per the mistakes described in (6), were placed under U.S. trusteeship according to Article III of the 1951 San Francisco Peace Treaty, which the R.O.C. (Taiwan) was not invited to sign.
- The 1952 Sino-Japanese Peace Treaty signed in Taipei between the R.O.C. (Taiwan) and Japan did not include references to Article III of the San Francisco Peace Treaty.

8. 自1945年至1971年止，釣魚臺列嶼係置於美國託管之下，而非日本管轄之下
 - 日本自稱有效管理釣魚臺列嶼超過一世紀之久，是誤導事實。
 - 在1971年之前，由於釣魚臺列嶼係置於美國託管之下，而非日本，因此當時中華民國並無向日本政府提出抗議之理。
9. 美國在1972年並未移轉釣魚臺列嶼主權予日本
 - 自1971年以來，美國一再重申將釣魚臺列嶼的行政權交予日本，並不構成主權的移轉。
 - 美國迄今仍然維持中立政策，並一再重申：對釣魚臺列嶼的最終主權，不採取任何立場。
10. 日本對釣魚臺列嶼的主權主張，在國際法上「自始無效」
 - 依據文明國家所承認的一般國際法原則，「一國不得以違法作為或不作為取得合法權利或資格」。
 - 日本對釣魚臺列嶼的主權主張，在國際法上「自始無效」，因為釣魚臺列嶼從來就不是「無主地」。

我們的提議：東海和平倡議

主權問題的解決頗為費時，但有些可以立即採取的步驟以降低緊張情勢及建立和平。

8. From 1945–1971, the Diaoyutai Islands were under the administration of the U.S., not Japan.
 - Thus, Japan's claim that it has administered the islands for over a century is misstating the facts.
 - Prior to 1971, Taiwan did not lodge protests to the Japanese government because the islands were under U.S., not Japanese, administration.
9. The U.S. did not transfer the islands' sovereignty to Japan in 1972.
 - Since 1971, the U.S. has reiterated that the transferring of administrative rights of these islands to Japan does not constitute a transfer of sovereignty.
 - The U.S. has maintained a policy of neutrality and has reiterated that it does not take a position on the ultimate sovereignty of these islands.
10. Japan's sovereignty claim over the Diaoyutai Islands is invalid *ab initio* (from the onset) under international law.
 - *Ex injuria jus non oritur* (a legal right or entitlement cannot arise from an unlawful act or omission) is a general principle of international law recognized by civilized nations.
 - Japan's claim of sovereignty over the Diaoyutai Islands is invalid *ab initio* (from the onset) under international law since the islands were never *terra nullius* (land without owner).

OUR PROPOSAL: THE EAST CHINA SEA PEACE INITIATIVE

The resolution of the sovereignty issue will take time, but there are steps we can take immediately to reduce tension and foster peace.

一般而言，和平解決爭端的方式有下列四種：談判、調解、仲裁及訴訟。這些方式不必然互相排斥，但都得先從談判開始。

2012年8月5日，中華民國馬英九總統基於「主權無法分割，資源可以分享」的理念，提出一項二階段式的「東海和平倡議」。因此，本項和平倡議呼籲相關各方以對話取代對抗，經由協商以擱置領土爭議，建立「東海行為準則」以及共同開發資源。

第一階段：透過有意義的對話以擱置領土爭議

第二階段：經由合作開發共享資源

關鍵議題：

- 東海行為準則
- 共同養護及管理東海生物資源
- 共同探勘及開發東海非生物資源
- 共同進行海洋科學研究與海洋環境保護
- 共同就東海傳統安全與非傳統安全進行合作

長期而言，我們可以從「三組雙邊對話」（臺灣與日本、臺灣與中國大陸、日本與中國大陸）邁向「一組三邊協商」。

我們誠心盼望，各國政府及人民支持這項和平倡議。

Peaceful resolution of disputes is generally achieved in one of the four ways: negotiation, mediation, arbitration, and litigation. These approaches are not necessarily mutually exclusive, but must all begin with negotiation.

On August 5, 2012, Republic of China President Ma Ying-jeou proposed a two-stage East China Sea Peace Initiative based on the concept that while sovereignty is indivisible, resources can be shared. Therefore, the Peace Initiative calls upon the parties concerned to replace confrontation with dialogue, shelve territorial disputes through negotiations, formulate a Code of Conduct in the East China Sea and engage in joint development of resources.

STAGE 1: Shelve territorial disputes through meaningful dialogue

STAGE 2: Share resources through joint development

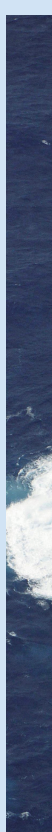
Key Issues:

- East China Sea code of conduct
- Joint conservation and management of the East China Sea's living resources
- Joint exploration and exploitation of the East China Sea's non-living resources
- Joint marine scientific research and protection of the marine environment
- Joint exercises to maintain conventional and unconventional security in the East China Sea

Over the long run, we can move from three parallel tracks of bilateral dialogue (between Taiwan and Japan, Taiwan and the Chinese mainland, and Japan and the mainland) to one track of trilateral negotiations.

We sincerely hope the U.S. government and its people will support this peace initiative.

臺灣縣舖四新港舖舖兵各四名
鳳山縣舖七脚魚潭舖下淡水舖舖兵各四名
岡山舖府前舖舖兵各四名



臺灣府志 卷之二

會厝坡白石頭大港南山邊嶺海城尾或由劉武府至
金門料羅金龜尾安海東石每乘小漁船私上大船會
厝坡白石頭大港南山邊劉武府係水師提督汛鎮
海城尾係海澄管汛料羅東石金龜尾係金門鎮標管
汛安海係泉州府管汛各汛亦有官員會同稽查
近海港口哨船可出入者只鹿耳門南路打鼓港山前
破後水車北路鼓港港淡港小雞籠八門其餘
如鳳山大港西漢港港港港港港港港港港港港
冬月沙淤至夏秋 大崑龍社寮港後灣子 諸港雜港
沙溝歐汪港布袋港草港尾鐵線橋鹽水港井水港入
鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿鑿
五六里 鹿子港水退去山十餘里不知港道不整出
入水裏港牛馬大甲貓子吞背港裏後港中港竹塹南
嵌八里全給仔難可通杉板船臺灣州仔尾西港于灣
裏鳳山喜樹港萬丹港諸羅海翁福蓬山港只容船仔
小船再鳳山峻後枋寮加大堂謝必盆龜鑿港大務房
魚房港諸羅羅羅仔堂象額全盡淤塞惟小魚船往來耳
山後大洋北有山名釣魚臺可泊大船十餘條宗文之薛
坡蘭可進杉板上

乾隆29年(1764年)余文儀「續修臺灣府志」記載臺灣所屬區域，包括「釣魚臺可泊大船十餘」(來源：國立臺北故宮博物院)

Subsequent Revision of the Gazetteer of Taiwan Prefecture 續修臺灣府志 (1764) lists territories belonging to Taiwan and records "Diaoyutai Island can accommodate ten or more large ships." (Source: National Palace Museum, Taipei, Taiwan)

之原島實釣魚港灣，形狀及其也，詳詳詳別
分三四等亦即公會) 越了取取美然心取取取
志十八年中野屬警部即背誠出踏查也(以
度度度地 調查 致力心以確報難及失得云
當時出風負(調查及用航船出雲尤船長報告
書以別紙) 通月二月之末各其字之其畧同相錄(一
此段及町田答也)

明治廿七年五月十二日

沖繩縣知事 奈良原繁 不
外務省

內務省無治局長 江木千之 啟

進之 缺島(即元田)記書類及我邦(尾之)
証在 明文又(口)傳記等(之)古本
縣下 疎大時(八)重山(昆)之(五)温(一)版(觀)談
漢(籠)陸(之)久(因)條(有)之(之)余(以)假(申)錄(也)

1894年5月12日沖繩縣知事奈良原繁致函內務省縣治局局長江木千之，謂：「**自治18年(即1885年)中，由(沖繩)縣屬警部派出的調查以來，期間未再進行實地調查**」。(來源：日本外務省外交史料館)

Letter from Okinawa Governor Shigeru Narahara to Kazuyuki Egi (江木千之), director of Prefectural Administration, Home Ministry, dated May 12, 1894. In the letter, Narahara states, "Ever since the islands were investigated by Okinawa police agencies back in 1885, there have been no subsequent field surveys conducted." (Source: Diplomatic Records Office, Ministry of Foreign Affairs of Japan.)



宜蘭蘇澳漁船58艘不畏巨浪，民國101年9月25日在海巡署艦艇的保護下，突破日本海上保安廳船艦水砲包圍，成功前進距釣魚臺2.1哩處。我海巡艦艇首度噴水回擊日艦，並警告日方退出中華民國海域。(路透社)

Taiwanese fishing vessels, which set out on September 25, 2012 from the Su-ao Port in Yilan County under Coast Guard escort to challenge Japan's blockade of the Diaoyutai Islands, break through the blockade and enter Diaoyutai waters 2.1 nautical miles from the coast. (Reuters)



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THE WALL STREET JOURNAL



The Washington Post

The New York Times

Los Angeles Times



民國97年6月16日保釣行動聯盟出海前往釣魚臺宣示主權，向前來戒護的我國巡防艦偉星號高舉國旗表示歡迎。（中央社）

On June 16, 2008, a protester on a fishing boat approaching the Diaoyutai Islands waves an R.O.C. flag to greet an R.O.C. Coast Guard vessel dispatched to protect them. (Central News Agency)



自15世紀起，釣魚臺列嶼即為我國人所發現、命名及使用，明代已納入海防，清代以降，更納入臺灣的噶瑪蘭廳（今宜蘭縣）衝要，受其管轄，為臺灣附屬島嶼。（內政部提供）

The Diaoyutai Islands are an important part of Chinese history, having been discovered, named, and utilized by the Chinese people since the 15th century. The islands were included in the Ming China's coastal defense system and incorporated, along with Taiwan, into Qing China's territory under the jurisdiction of Kavalan (now Yilan) County. (Courtesy of the Ministry of the Interior)