

# Crisis Events among Five States in East Asia, 2001-2013/06

## Manual

Tzong-ho Bau, Cheng-dong Tso, Hsiao-chuan Liao

Center for Public Policy and Law

National Taiwan University

### Content:

- A. Introduction
- B. List of crisis events
- C. Summaries of crisis events

Note: The format of database is Excel. Hard copy as attached. Also available on <http://www.cppl.ntu.edu.tw/research/2014research/research2014.html>

### Citation format:

Bau, Tzong-ho; Cheng-dong Tso and Hsiao-chuan Liao. 2014. *Crisis Events among Five States in East Asia, 2001-2003/06*, Taipei: Center for Public Policy and Law, National Taiwan University.

## A. Introduction of the Database and Description of Variables

This database collects and codes crises among ROC(Taiwan), Japan, Philippines, China and the U.S. from 2001 to June 2013. The definition of a crisis comes from Michael Brecher and Jonathan Wilkenfeld (2000), *A study of Crisis*, (Ann Arbor, Michigan: University of Michigan Press). According to them, a crisis has to meet three criterions: firstly, actors must be states. A crisis must be an event which happens between nation states. Secondly, two states in a dyad both recognize or perceive the occurrence of a crisis. Specifically, both governments of states in a dyad must act or react to the trigger of a crisis event, and the seriousness of both states implies the possibility of considering military actions. The third criterion is the time period for states to react is limited. In other words, states must perceive urgency to response to certain degree. Moreover, the coding items mainly operate in accordance with the coding procedure of the International Crisis Behavior project(ICB). Hence, this database can be seen as partial extensions of the ICB. However, it is noteworthy that this database does not code all variables in the ICB, but select and code variables based on the need of our project. The coded 15 variables are as followings.<sup>1</sup>

### & Description of Variables

Name	Description
number	The number of crisis event
ccode1	The first state in a dyad (actor)
ccode2	The second state in a dyad
starting year	The starting year of event
starting month	The starting month of event
starting day	The starting day of event
ending year	The ending year of event
ending month	The ending month of event
ending day	The ending day of event
trigger action	The action which triggers crisis
trigger actor	Whether the first state (ccode1) is a trigger actor of crisis

<sup>1</sup> The time period of the first version of ICB database is from 1918 to 2001. Recently the ICB published the new version of database and upgraded events to 2007. However, the added events after 2001 in the new database of the ICB mostly focus on Africa and Middle East. Thus, in terms of crisis events in East Asia, the authors argue that this database is more comprehensive and thorough.

duration days	The duration days of crisis
gravity	The degree of the first State's dissatisfaction
outevl	The satisfaction of both parties with the end of crisis
Issue	The attribute of the crisis event

---

## **& Detailed Description of Variables**

### Variable 1: number, the number of crisis event

This is the number of an event sequentially. The authors added ntu in the front of the number, in order to differentiate events from the ICB.

### Variable 2: ccode1, the first state in a dyad (actor)

### Variable 3: ccode2, the second state in a dyad

These are country codes of the two states in a dyad. Since this database adopts directed dyads as the unit of analysis, there will be two data for the same events. The first data records the first country against the second country in a dyad while another data records the second country (as the actor in the second data) against the first country. The reason is that the two countries' actions may be different, so the country called ccode1 is the actor of the written data, and its action will be coded. The country codes come from the Correlates of War Project. The followings are the codes of five main actors in this database.

2=the U.S.

710=China

713=R.O.C.(Taiwan)

740=Japan

840=Philippines

### Variable 4: starting year, the starting year of event

### Variable 5: starting month, the starting month of event

### Variable 6: starting day, the starting day of event

Variable 2 in the first version of ICB:<sup>2</sup> TRIGDATE(date of perception of crisis trigger).

These three variables respectively record the starting year, month and date of a crisis event.

---

<sup>2</sup> The first version of ICB is the database which ICB released in 2010. The referred variable numbers and the recorded contents in this manual come from the Codebook for ICB2 (Actor level) Version 10.0 published in 2010.

Variable 7: ending year, the ending year of event

Variable 8: ending month, the ending month of event

Variable 9: ending day, the ending day of event

Variable 40 in the first version of the ICB: TERMDATE(date of termination of crisis).

These three variables respectively record the ending year, month and date of a crisis event.

Variable 10: trigger action, the action which triggers crisis

Variable 1 in the first version of the ICB: TRIGGR (Trigger to foreign policy crisis). The variable records an actor's action which triggers crisis, or records an actor's first reaction. The operation and coding scheme are according to the ICB2 Codebook. This variable aims to find out the main action which triggers or stimulates an occurrence of crisis. The action may not be directly targeted at an opponent country, but still be considered highly relevant to itself by the opponent. On the other hand, this variable also codes the immediate conduct or reaction which adopted by a country after another country triggers a crisis.

1= Verbal act

2= Political act

3=Economic act

4= External change

5= Other non-violent act

6= Internal verbal or physical challenge to regime or elite

7= Non-violent military act

8= Indirect violent act

9=Violent act

Variable 11: trigger actor, whether the first state (ccode1) is a trigger actor of crisis

The variable codes whether the first state (ccode1) in a dyad is a trigger actor of the crisis. 1=yes ; 0=no.

Variable 12: duration days, the duration days of crisis

The variable counts the duration days of a crisis event from the beginning to the end of a crisis.

Variable 13: gravity, degree of the first State's dissatisfaction

This variable consults to Variable 67 in the first version of the ICB: GRAVITY (gravity), and adopts its coding items as well as detailed contents (please refer to ICB2 Codebook.); however, its main difference from the ICB database is the definition of

variable and actors. The ICB codes this variable based on that actor's perception of which values are threatened. However, this project mainly focuses on a state actor's degree of dissatisfaction, and argues that the degree of one state's feeling of being threatened represents the degree of dissatisfaction expressed by another state. Thus, different from the ICB which codes the actor of this variable on states which are threatened, this database accounts this variable on states which poses threat, in order to display their dissatisfaction against another state. In additions, a state may be possibly not dissatisfied, so, different from the ICB, this project adds an item, "no threat (represents no dissatisfaction)." For details about the definition of this variable, please refer to Liao, 2014, "State Dissatisfaction: Predicting the Occurrence of Interstate War," *Asian Politics & Policy*, Volume 6, Issue 2, pp.217-236.

0= no threat/ no dissatisfaction

1= Economic threat

2= Limited military threat

3= Political threat

4= Territorial threat

5= Threat to influence in the international system or regional subsystem

6= Threat of grave damage

7= Threat to existence

#### Variable 14: outevl, satisfaction of both parties with the end of crisis

Variable 38 in the first version of the ICB: OUTEVL (extent of satisfaction about outcome). This variable records state actors' satisfaction at an outcome of a crisis event.

1= All parties satisfied with content of outcome

2= Crisis actor satisfied, adversaries dissatisfied

3= Adversaries satisfied, crisis actor dissatisfied

4=All parties dissatisfied

#### Variable 15: issue, attribute of the crisis event

Variable 65 in the first version of the ICB: ISSUE (issue of crisis). This variable identifies the most important initial issue area of a crisis as perceived by state's decision makers, and records the most essential issue character.

1=Military-security

2= Political-diplomatic

3=Economic-developmental

4=Cultural-status

**&Research Team**

Tzo-Ho Bau, Professor

Cheng-Dong Tso, Associate Professor

Hsiao-Chuan (Mandy) Liao, Postdoctoral Research Fellow

Ya-Ping Shen, Research Assistant

Wei-Chun Hong, Research Assistant

Yu-Ting Cheng, Research Assistant

~Any question or comments on this database, please email [b88302247@ntu.edu.tw](mailto:b88302247@ntu.edu.tw)  
(Mandy Liao)



國立臺灣大學公共政策與法律研究中心  
Center for Public Policy and Law, NTU

## B. Crisis Events among Five States in East Asia, 2001-2013/06

(Total 29 events)

Actor	Event number	Year	Event title
R.O.C. (Taiwan) and Japan	ntu0006	2003	Japan Privatizes Diaoyutai Islands (w/ R.O.C.)
	ntu0010	2005	Yujin 28 Incident
	ntu0016	2008	Lien-Ho Incident
	ntu0021	2009	Formosa Chieftain 2 Incident
	ntu0026	2012	Japan Nationalizes Diaoyutai Islands (w/ R.O.C.)
R.O.C. (Taiwan) and Philippines	ntu0011	2006	Full Spring 1 Incident
	ntu0015	2008	ROC President Visits Taping Island
	ntu0017	2009	Philippines Nationalize Spratly Island and Scarborough Shoal (w/ ROC)
	ntu0024	2012	Maneuver on Taiping Island
	ntu0029	2013	Guang Da Xing 28 Incident
R.O.C. (Taiwan) and China	ntu0004	2002	One Country on Each Side
	ntu0007	2003/2004	Defensive Plebiscite
	ntu0008	2004/2005	Anti-Secession Law
	ntu0012	2006	Council & Guidelines for National Unification Cease to Function
	ntu0013	2007/2008	Referendum on Joining or Returning UN
	ntu0020	2009	Dalai Lama Visits Taiwan
Japan and China	ntu0002	2001	Trade Conflicts
	ntu0005	2003	Japan Privatizes Diaoyutai Islands (w/

			China)
	ntu0009	2005	Dispute on History Textbooks of Japan
	ntu0022	2010	Minjin 5179 Incident
	ntu0025	2012	Japan Nationalizes Diaoyutai Islands (w/ China)
Philippines and China	ntu0003	2002	Philippines Detains 122 Chinese Fishers
	ntu0018	2009	Philippines Nationalizes Spratly Island and Scarborough Shoal (w/ China)
	ntu0023	2012	Scarborough Shoal Standoff
	ntu0027	2013	Philippines Takes the South China Sea Dispute to the International Court
	ntu0028	2013	Ayungin Reef Standoff
U.S.A. and China	ntu0001	2001	EP-3 Hainan Island Incident
	ntu0014	2007	USNS Kitty Hawk Incident
	ntu0019	2009	USNS Impeccable Incident
2001-2013.06 No crisis occurs	R.O.C.(Taiwan)-U.S.A, Japan-U.S.A., Japan-Philippines, Philippines-U.S.A		





## **C. Summaries of Crisis Events**

**NTU\_0001**

### **2001 EP-3 Hainan Island Incident**

#### **Summary:**

On April 1, 2001, the incident occurred when a mid-air collision between a United States Navy EP-3E ARIES II signals intelligence aircraft and a People's Liberation Army Navy (PLAN) J-8II interceptor fighter jet resulted in an international dispute between the United States of America and the People's Republic of China.

The EP-3 was operating about 70 miles (110 km) away from the PRC island province of Hainan, and about 100 miles (160 km) away from the Chinese military installation in the Paracel Islands, when it was intercepted by two J-8 fighters. The Chinese fighter pilot died in April after colliding with an American EP-3E spy plane off the coast of China. The American plane was forced to make an emergency landing on Hainan island. The 24 crew members were detained and interrogated by the Chinese authorities until a statement was delivered by United States government regarding the incident..

In addition to paying for the dismantling and shipping of the EP-3, the United States paid for the 11 days of food and lodging supplied by the Chinese government to the aircraft's crew, in the amount of \$34,000. The Chinese had demanded one million dollars compensation from the U.S. for the lost J-8 and their pilot, but this was declined and no further negotiations were held.

The incident took place ten weeks after the inauguration of George W. Bush as president and was his first foreign policy crisis. Both sides were criticized following the event; the Chinese for making a bluff which was called without any real concessions from the American side other than the "Letter of the two sorries", and the Americans first for being insensitive immediately after the event and later for issuing the letter rather than taking a harder line.

#### **Reference:**

China Sina News, BBC Online

## 2001 Trade Conflicts

### Summary:

On 23 April 2001, Japan has taken provisional safeguard measures under the Article 6 of the WTO Agreement on Safeguards against imports of Welsh onion, Shiitake mushrooms, and Tatami mats from China. These provisional safeguard measures for 200 days set a restriction of the import that the tariff rate of Welsh onion would raise from 3.0% to 256%, the tariff rate of Shiitake mushroom would raise from 4.3% to 266%, and the tariff rate of Tatami mats would raise from 6.0% to 106% if the import exceeded the quota.

As the retaliation, China declared it would take a special 100 percent custom duty on three kinds of industrial products: automobiles, air conditioners (excluding parts thereof) and mobile and car phones imported from Japan on 22 June 2001. The new tariff rates would be the current tariff rates, 10~80% for automobiles, 25~40% for air conditioners, and 12% for mobile phones, plus 100% respectively.

After the retaliation from China, Japan protested China for the retaliation, asking for cancellation of the special tariff. The Japanese government argued that the provisional safeguard measures against the three kinds of agricultural products was taken under the rules of WTO, which did not discriminate China. Furthermore, the special custom duty taken by China has not only violated the WTO rules but also broken the principles of most-favored-nation treatment under the Japan-China Trade Agreement. In Contrast, China asked Japan to stop the provisional safeguard measures, and asserted that this special tariff measure was the response to the unfair action of Japan based on China's domestic laws.

In order to solving the trade dispute, Japan and China held several rounds of official and unofficial negotiations to solve the problem, and reached the agreement on 21 December 2001. Japan would not implement normative safeguard measures against China and China would cease the special tariff against three kinds of industrial products imported from Japan.

### Reference:

Chung-Hua Institution for Economic Research, International Trade Commission of the Ministry of Economic Affairs, The Epoch times, People.cn, China.com.cn

## 2002 Philippines Detains 122 Chinese Fishers

### Summary:

From January 31 to February 6 in 2002, because of illegally fishing in Philippine's exclusive economic zone, Philippine navy and coast guard had detained 136 Chinese fishermen, and refused Chinese embassy's request for releasing those fishers. On February 11, Chinese foreign ministry said that Chinese government is concerned about this case and hoped Philippine can give those fishermen humane treatment. Then Philippine released 14 juveniles, and still detained 122 adults. In August, because of the forthcoming visit of Standing Committee of the National People's Congress' leader Li Peng, Chinese ambassador to Manila Wang signed a framework agreement with Philippine's attorney general, Perez. But soon after, Perez unilaterally overthrew this agreement, on account of the objections of some congressmen and NGOs. In September, Li Peng visited Philippine and talked with Philippine's president Arroyo about this issue. On September 20, Wang met with Perez, and negotiated about releasing Chinese fishermen, but ended in a dispute. Philippine had threatened to list Wang as persona non grata and to expel him from Philippine. On September 23, both sides buried their quarrel and shook hands. Then they concluded the framework agreement and the Philippines released Chinese fishermen on October 4.

### Reference:

China News 、 Epoch Times 、 Sina



## 2002 One Country on Each Side

### Summary:

On August 3, 2002, president of ROC Chen Shuei-Bian claimed that Taiwan is an independent sovereign state, the relationship between Taiwan and PRC is “one country on each side,” and advocated that the future of Taiwan should be decided by plebiscite in a Video Conference with World Federation of Taiwanese Associations. On August 5, PRC State Council Office for Taiwan Affairs said that Chen’s speech expressed his independence standpoint, and provoked the “one-China principle,” and that would hurt cross-strait relationship and influence the stability and peace in Asia Pacific Zone. PRC State Council Office for Taiwan Affairs also warned Taiwan’s independence activists to stop all the activities of separatism, and PRC would not allow any kind of means to separate Taiwan from PRC. On August 6, President Chen said that his speech that cross-strait sovereignties are equal, and Taiwan is an independent sovereignty.

### Reference:

Xinhua 、 Sina



## Japan Privatizes Diaoyutai Islands (w/ China)

### Summary:

On January 1, 2003, Yomiuri Shimbun has released a news that Japanese government has leased 3 islands of Diaoyutai/Diaoyu/Senkaku Islands from the owner who is the Japanese citizen by 22 million Yen, and the lease was effective from April 1, 2002 to March 31, 2003. According to the Japanese government, it would like to make the "use of national land effectively," keep the land under its control and prevent selling to others. Taiwan and China both made a protest over the lease of Diaoyutai/Diaoyu/Senkaku Islands by Japan. Not only Taiwan (R.O.C.), China (P.R.C.) has also protested the action taken by Japanese government. On January 2, 2003, P.R.C. government issued a statement stating that Diaoyu Islands are the territories of P.R.C.; the Japanese government's unilateral action towards the islands was invalid. Additionally, on January 3, Cheng Yonghua, the Deputy Director-Generals of the Department of Asian Affairs of the ministry of Foreign Affairs of P.R.C., urgently summoned the Japan's envoy to China to express China's standpoints, expressing that China's strong discontent with Japan's action which harmed China's sovereignty of Diaoyu islands. Cheng also asked Japan to respect China's position on the sovereignty and keep its promises to China. Moreover, the Deputy Foreign Minister Wang Yi summoned the Japan Ambassador Koreshige Anami to China to lodge solemn representations on the dispute of Diaoyu/Senkaku islands, and the China Ambassador to Japan Wu Dawei also told the Vice-Minister of Foreign Affairs of Japan Akitaka Saiki that what Japanese Government did was unacceptable. But Japan claimed that according to the International Law, the fact that Diaoyu/Senkaku islands were no doubt Japan's territories, Japan would not accept the China's protest in response.

### Reference:

Yomiuri News Database, BBC.co.uk, The Liberty times, CNN.com

## Japan Privatizes Diaoyutai Islands (w/ R.O.C.)

### Summary:

Taiwan (R.O.C.), China (P.R.C.) and Japan have disputes on the sovereignty of the Diaoyutai/Diaoyu/Senkaku Islands. On January 1, 2003, Yomiuri Shimbun has released a news that Japanese government has leased 3 islands of Diaoyutai/Diaoyu/Senkaku Islands from the owner who is the Japanese citizen by 22 million Yen, and the lease was effective from April 1, 2002 to March 31, 2003. According to the Japanese government, it would like to “make the use of national land effectively,” keep the land under its control and prevent selling to the others. Taiwan and China both made a protest over the lease of Diaoyutai/Diaoyu/Senkaku Islands by Japan. After the news released on January 1, 2003, R.O.C. government issued a statement stating that “Diaoyu Islands are the territories of R.O.C.” and would verify the content of the news. On January 2, the Deputy Minister of Foreign Affairs, R.O.C. Ying-Mao Kau made an appointment with Kazuhisa Uchida, who was the Chief Representative of Taipei office, Interchange Association (Japan), expressing the firm attitude that R.O.C. owns the sovereignty of Diaoyutai/Diaoyu/Senkaku Islands. On January 8, the Ministry of Foreign Affairs, R.O.C., had a press release reiterating that “R.O.C.'s position on the Diaoyutai Islands issue is consistent and clear,” and would not accept or recognize any disposition on Diaoyutai Islands which was made by the Japanese government. However, there were no further statements or actions from the R.O.C. government.

### Reference:

Yomiuri News Database, BBC.co.uk, The Liberty times, CNN.com



## 2003/2004 Defensive Plebiscite

### Summary:

On November 2003, ROC's legislature passed the law of plebiscite, and President Chen said in view of China's threat to Taiwan; we had to launch defensive plebiscite. On January 14, 2004, PRC State Council Office for Taiwan Affairs claimed that Chen's action of launching the plebiscite about cross-straits relation provoked the "one-China principle" as well as the peace of Taiwan strait, and said that Chen aimed to launch a plebiscite about the independence of Taiwan in the future. On January 16, president Chen declared that the plebiscite will hold on March 20, and the topics of plebiscite are listed as following: "People of Taiwan insist that cross-straits problem should be resolve peacefully. If China do not give up to use military force to Taiwan, do you approve government to equip more anti-missiles equipment in order to strengthen Taiwan's ability of defense? Do you approve government to launch negotiation with China, and to establish the peaceful and stable interactive framework, in order to seek consensus between cross-strait and the welfare of people?"

On January 17, PRC State Council Office for Taiwan Affairs warned Chen to stop utilizing the plebiscite to separate Taiwan from China. China's minister of foreign affairs said that the plebiscite provoked cross-straits relations, and denounced the forces advocating independence of Taiwan as the origin of destroying the status and peace of cross-straits relations. On March 20, the plebiscite did not pass. On March 21, PRC State Council Office for Taiwan Affairs claimed the failure of the plebiscite proved that any intention of separating Taiwan from China is destined to fail.

### Reference:

China Post 、 People.cn

**2004/2005 Anti-Secession Law**

**Summary:**

On December 2004, Standing Committee of the National People's Congress passed the decision of bringing the draft of Anti-Secession Law to The National People's Congress which would hold on March 2005. Taiwan's Mainland Affairs Council claimed that Anti-Secession Law aims to legalize the use of force to Taiwan, and considered the bill would change the status of cross-straits unilaterally, so that Taiwan called on the whole world to stop China's action.

On March 5, 2005, China's Prime Minister, Wen Jiabao, claimed that the Anti-Secession Law presented China's determination of safeguarding state sovereignty and territorial integrity, and China would not allow Taiwan's independence separatist forces to separate Taiwan from China. Taiwan's Mainland Affairs Council responded that Anti-Secession Law would hurt cross-strait relations and regional peace.

On March 8, Anti-Secession Law was officially brought to the National People's Congress to be under deliberation. On March 11, PRC State Council Office for Taiwan Affairs' minister, Chen Yunlin, said that the Anti-Secession Law presented the view of peaceful reunification, but has unfortunately been distorted by Taiwan's independence separatist forces. Taiwan Mainland Affairs Council responded that Anti-Secession Law pointed out to solve the Taiwan Strait issue by non-peaceful means, and it exposed China's hegemonic intention.

On March 14, Anti-Secession Law was passed and signed by Hu Jintao, paramount leader of China. Taiwan Mainland Affairs Council said ROC's sovereign independence is status quo, and expressed the strongest condemnation on China. PRC State Council Office for Taiwan Affairs claimed that in order to hold back Taiwan independence separatist forces, Anti-Secession Law was necessary, and the bill accorded with people of China's need. On March 29, Taiwan Foreign Ministry issued another statement to strongly condemn China's behavior.

**Reference:**

XinhuaNet 、 People.cn 、 Taiwan Mainland Affairs Council



## Dispute on History Textbooks of Japan

### Summary:

China and Japan have different points of view of the history of East Asia during the WWII, and these points of view affect the context of each textbook, so it becomes a dispute between these two countries. These history textbooks in Japan are not edited by the government, but they should be verified by Ministry of Education, Culture, Sports, Science and Technology every four years even though they could be different on some contexts. Then they are able to be used by schools after getting the verification.

On April 5th, 2005, the Ministry of Education, Culture, Sports, Science and Technology of Japan (MEXT) had approved "The New History Textbook," which was blamed by the other East Asia countries that it distorted the history in East Asia and downplayed the invasion of Japan during the WWII. This textbook was approved once in 2001 but was less used, and in 2005 the new edition was approved again. Even though it had been asked by MEXT modified some contents but still have lots of controversial points of view. PRC and South Korea strongly protested the MEXT verifying this version of history textbook. At the same time, the intention of Japan to become a permanent member of the United Nations Security Council also caused widespread discontent of Chinese people.

Thus, since March 26th there were many demonstrations held by Chinese civilian against Japan in several cities. The cause of demonstrations was not only the textbook dispute but also the intention to get into the United Nations Security Council and the dispute of Diaoyu/Senkaku islands. The China's government is highly concerned about the textbook issues, and asked Japan to recognize history in a responsible way before the verification of the New History Textbook. On April 5th, after the result of approving came out, China has summoned the Japanese Ambassador to China Koresige Anami to make solemn representations on the result immediately, at the same time the China Ambassador to Japan Wang Yi strongly remonstrated with this issue. Also, Wen Jiabao, the premier of China, asked Japan to face up to the real history when he visited India on April 12th. However, according to Qin Gang, the spokesman of Ministry of Foreign Affairs of China, these demonstrations were voluntary actions of Chinese people, and China government has already asked them to be calm. He also claimed that the China's government has sent police to maintain order and assure the safety of the Embassy of Japan and

Japanese in China. On the other hand, the Japan government also lodged protest to Wang Yi, and asked China for apology.

On April 17th, the foreign minister of Japan Nobutaka Machimura arrived China and had a meeting with the foreign minister of the People's Republic of China Li Zhaoxing on the issue of the history textbook and the demonstrations. Machimura firmly requested China to apologize and compensate for the damage during the demonstrations. Li refused the request from Machimura but claimed Japan should be responsible for the aggravation of the relationship between China and Japan. The atmosphere of the meeting between Machimura and the State Councilor Tang Jiaxuan was better than the previous day, in the meeting Tang thought it was positive that two foreign ministers could exchange their opinions open-mindedly, but still hoped Japan's government could correct their view of the history. Machimura reiterated that Japan would not support Taiwan's independence, and invited Premier Wen to visit Japan although Tang responded that any Chinese Officials' visiting should be under a beneficial premise.

Reference:

Xinhua Net, Sina.com, Epoch Times, BBC Zhongwen, The Apple Daily (Hong Kong), The Liberty Times (Taiwan)



## NTU\_0010

### Yujin 28 Incident

#### Summary:

Due to Taiwan and Japan both claimed that owning sovereignty of the Diaoyutai/Senkaku island and the Exclusive Economic Zone in East China Sea, Taiwanese fishermen and fishing boats were usually expelled or arrested by the Japan Coast Guard(JCG) or the Fishery Agency of the Ministry of Agriculture, Forestry and Fisheries of Japan (MAFF) when they fished in the dispute sea area nearby by Diaoyu/Senkaku Islands or even just near the center line of sea between Taiwan and Japan. On June 8, 2005, a group of Taiwanese fishing boats were expelled by "Hakureimaru," an official vessel of the Fishery Agency of MAFF, when they were fishing near the center line of the sea between Taiwan and Japan, thus these vessels assembled immediately and surrounded "Hakureimaru," expressive their discontent and anger of being expelled in the dispute sea area though didn't beyond the "temporary enforcement line" issued by the Executive Yuan, R.O.C. The "temporary enforcement line" is issued to protect the fishing rights of Taiwanese fishermen in the overlapped exclusive economic waters between Taiwan and Japan, and to benefit the coastal enforcement tasks of National Coast Guard, R.O.C. (NCR). The siege of the Taiwanese fishing boats was on fishermen's own initiative, though, the vessel of NCR came to the incident area later, asking Hakureimaru leave as soon as possible. The incident was over in about one hour.

This incident triggered broad discussion of the rights of fishing in the northeast area of the sea and what should NCR do when countering the Japanese official vessels; it also revealed the issue of the range that NCR execute their routine duty. On June 8, the Ministry of Foreign Affairs, R.O.C. (MOFA) expressed the expectation to continue negotiation of fishery between Taiwan and Japan, and both side should respect the original fishing order in the dispute sea area before the agreement made; on June 14, the Ministry of Defense (MND) even decided to send R.O.C. NAVY Chi Yang Knox-class frigate to navigate the Exclusive Economic Zone of R.O.C. through northeast cruising route; MND also invited the President of the Legislative Yuan Wang Jin-ping, the legislators of the National Defense Committee of the Legislative Yuan and the legislator from Ilan, and the representatives of local fishermen boarding on the frigate to express the awareness of protecting fishery rights.

According to the official movement by Taiwan, Yoshinori Ohno, the Minister of State for Defense of Japan, appealed both Japan and Taiwan for calm and not

escalated the tension; and JCG just kept a normal alert. After the incident, there were still as same as before that Taiwanese fishing boats fished in the dispute sea area and protected by NCG, and JCG also keep its alert to both fishing boats and NCG. Until July 29, the 15th Taiwan-Japan Fishery Talk was held in Tokyo, the representative of Taiwan has clearly told Japan the range of the "temporary enforcement line" of NCG, and the dispute of executing the duty by each side's coast guard was discussed, which could be seen as the good effect of the incident.

Reference:

The Liberty times, The Oriental Daily, National Coast Guard Agency, R.O.C.,  
The Fishery Agency of the Ministry of Agriculture, Forestry and Fisheries of Japan,  
Cheng Yu-Ming, 2006, 'Review of relevant protective fishery tasks of "Temporary Enforcement Line" by the Coast Guard Administration,' " Coast Guard Bulletin Bi-monthly," no.23, pp.30-37.



國立臺灣大學公共政策與法律研究中心  
Center for Public Policy and Law, NTU

## **NTU\_0011**

### **2006 “Full Spring No.1” Incident**

#### **Summary:**

On January 15, 2006, Taitung fishing vessel “Full Spring No. 1” from Taiwan was fired upon by the Philippine Navy using M14 and M16 rifles, while working on the sea 500 meters from south eastern Batan Island, resulting in death of the boat’s captain and serious injury of his brother.

On January 16, Minister Hsu of Coast Guard Administration of Taiwan rushed to the victims’ home for consoling, and spoke with the local fishermen. Since the coast line from Taitung to Pingtung is very long and the fishing incidences between Taiwan and Philippine had been quite often, Minister Hsu said that the Coast Guard Administration are striving to establish a coast guard base at the Taitung Fugung port in order to strengthen the capability and the range of protection of waters from the east and the south.

A Philippine’s senior officer had guaranteed reportedly that it was not the Philippine’s policemen who shot; Taiwan’s Ministry of Foreign Affairs spokesman Mr. Lu also reasserted that according to Philippine, neither the navy nor the coast guard had been on duty owing to the poor weather condition on the day of the incident.

January 18, Philippine’s Ministry of Foreign Affairs spoke to the press that Philippine would not make any comments on the incident due to the “One China Policy” they comply with. The department of East Asian and Pacific Affairs of Taiwan expressed that such incidents are usually reported to the Manila Economic and Cultural Office in Taipei instead of the Ministry of Foreign Affairs, and one of the senior officials would return to Taiwan today or tomorrow to explain the incident.

Taiwan’s Ministry of Foreign Affairs stated that according to Philippine’s Bataan Island police unit, marine police team had sent two policemen and four fishermen to drive out “Full Spring No.1”, and had fired a few warning shots in the chase. Taiwan’s Ministry of Foreign Affairs urgently called upon the Philippine’s deputy representative in Taipei, and protested against misconduct of force by Philippine. After verification from Bataan Island police unit, it was confirmed the marine police team was the one who shot, spokesman Lu said. The Bataan Island police said that they’ve received information about foreign ship entering Philippine’s water for illegal fishing, they then sent policemen and fishermen to chase it away. Because of the

larger size of Taiwan's ship, the two ships collided and marine police fired warning shots, resulted in the unfortunate incident. Although Philippine admitted shooting, but it's not clear whether there were acts of illegal fishing. In any case, use of force during a chase is not allowed, Taiwan's Minister Chen of Foreign Affairs expressed serious protest against it and hoped the incident would be clear for Taiwanese fishermen.

Director of Manila Economic and Cultural Office in Taipei, Resurrecion Montana-Fernando, said that they would rather not make further comments since the incident is under investigation. If any Philippine's officials did involve in the harming to Taiwanese fishermen, they would be prosecuted and subjected to justice.

Taitung District Prosecutors Office stated that it would depend on the Philippine's official report to make sure whether the marine police overused forces against Taiwanese fishing craft who did enter the Philippine's waters.

On January 23, Coast Guard Administration of Taiwan completed the investigation as well as a report, and had sent prosecutors to Philippine.

On January 28, Taitung District Prosecutors Office completed investigation, confirmed that the incident took place in the Philippine's waters, and that Philippine's marine police boarded on the fishing craft but did not rescue the injured.

In order to investigate the truth, Taiwan government gained mutual legal assistance from Philippine. Taitung District Prosecutors, forensic scientists, lie detective experts, and Coast Guard officials, along with a translator, flied to Philippine for detailed examinations, and brought back several evidences. The two Philippine policemen were on the list of wanted criminals by Taitung District Prosecutors Office for 37.5 years.

Reference:

Central News Agency, Epoch Times, Liberal Times, The Ministry of Foreign Affairs, R.O.C.

## **Council & Guidelines for National Unification Cease to Function**

### **Summary:**

"National Unification Council"(NUC) is established on October 7, 1990. The main purpose of the NUC is "accelerating the unification of China under the principle of freedom and democracy; doing research and consulting of the guidelines of unification." Thus, "Guidelines for National Unification" was drafted by the NUC and was adopted on February 23, 1991.

In 2000, Chen Sui-bian of Democratic Progressive Party (DPP) was elected to become the new President of the Republic of China. Although the "Guidelines for National Unification" was opposite to the policy of DPP, but Chen Shui-bian has claimed "four no's plus one" policy in his inaugural speech and one of these was that Chen promised not to abolish formally the Council or the Guidelines for National Unification. However, Chen didn't have the council in operation during his presidential terms.

On January 28, which was also the first day of Chinese lunar year, Chen has addressed at a lunch with Tainan local leaders that "it's about time to abolish the National Unification Council and the Guidelines for National Unification." It shocked both inside and outside Taiwan because the abolishment of Guidelines for National Unification means the current situation of Cross-Strait relation might change. The pan-blue parties in Taiwan protested immediately; P.R.C. and the U.S. are also highly concerned about Chen's attitude toward cross-strait relation. Chen Yunlin, Director of the Taiwan Affairs Office of the State Council, said that the abolishment of the council and the guideline signaled the escalation of Taiwan's independence; the Taiwan Affairs Office of the State Council also claimed that what Chen did would overthrow the "four no's plus one" policy; the State Department of the U.S. also reiterated its "One China Policy" that the U.S. does not support Taiwan's independence and opposes unilateral changes to the status quo by either side.

Even so, Chen still declared that NUC "ceased to function," on contrary to the "abolished," the word he used in January. Pan-green parties supported this movement; on the other hand, pan-blue parties strongly protested what Chen said, asking him to give it straight whether NUC still exist or not, and also made a proposal for the recall of the president. Additionally, China made a statement on February 28 that Chen just played on words to use "ceased to function" instead of "abolished,"

which cheated on Taiwan people and the world. China would oppose Taiwan's independence and never accept seceding Taiwan from the Mainland China under any name or by any means. On the side of the U.S., the Deputy Spokesperson of the State Department Adam Ereli said that "President Chen's assurances were quite clear that the NUC had not been abolished" and "it is our understanding from the authorities in Taiwan that the action they took on February 27th was deliberately designed not to change the status quo."

However, the State Department made a formally statement stating: "we expect the Taiwan authorities publicly to correct the record and unambiguously affirm that the February 27 announcement did not abolish the National Unification Council, did not change the status quo, and that the assurances remain in effect." The other countries also did not support what Chen did.

Finally, Chen clearly declared that the cease of function of NUC and the Guidelines of National Unification would not change the status quo and made his assurance in an interview with Frankfurt Allgemeine Zeitung on March 14. On June 8 he reiterated the four no's and one without policy, which would not be changed during his last two years of the term of presidency.

Reference:

Mainland Affairs Council, Executive Yuan, Xinhua Net, People Net, Epoch Times, The State Department of the United States, World United Formosans for Independence.





## **NTU\_0013**

### **Referendum on Joining or Returning UN**

#### **Summary:**

March 22, 2008 was the day of election for the 12th-term President and Vice-President of the Republic of China, which also held the two referenda including the referendum No.5 "Joining the UN" initiated by You Si-kun (Yu Shyi-kun), former Premier of the ROC and former chairman of the Democratic Progressive Party, and the referendum No.6 "Returning the UN" initiated by Vincent Siew, former Premier of the ROC and Vice President-election in 2008.

The "Joining the UN" referendum was planned earlier, On May 2007 President Chen Shui-bian has mentioned hoping to hold a referendum to join the UN under the name of Taiwan. The main idea of Chen was "to strongly express the will of Taiwanese people and to strengthen the international status of Taiwan, would you agree the Government applying for membership of UN under the name of Taiwan?" At the same time, Taiwan has formally applied for UN membership the under the name of Taiwan in July; although UN decided not to inscript Taiwan's application on the agenda of General Assembly, but the activities of the "Joining the UN" referendum still proceeded, that was been reviewed on July 12 and finished the petition in November.

As a response to the "Joining the UN" referendum, Kuomintang(KMT) initiated the "Returning the UN" referendum, which was different from the former on that it claimed that the name Taiwan used to apply for the UN membership could be R.O.C., Taiwan, or the other name that could be helpful and also maintain the national dignity. Both the referendum has confirmed by the Central Election Commission and has been voted with the President election. Though both the result of referenda were same that votes for Yes were more than votes for No, they were invalidated since turnout were below the minimum requirement of 50% of registered voters.

In Taiwan, these two referenda were considered as political calculations for the advantages of the election of Legislators in 2007 and the election of the President in 2008; China and the other countries also didn't support these referenda. For example, the Taiwan Affairs Office of the State Council, China has warned both appeals for joining the UN or returning the UN were activities towards Taiwan independence and would changed status quo, which would harm the cross-strait relations. The Taiwan Affairs Office of the State Council would pay close attention to the referenda and

prepare for the worst situation. Besides, Xi Jinping, the member of Central Politburo Standing Committee of the Communist Party of China claimed that "China hoped the United States would resolutely oppose and effectively curb the Taiwan separatist activities of Chen Shui-bian including a referendum on U.N. membership" in a meeting with former U.S. President Jimmy Carter. The State Department of the United States stated that it opposed a referendum on membership in the United Nations which "appears designed to change Taiwan's status unilaterally" on June, 2007. Thomas Christensen, deputy assistant secretary for East Asian and Pacific affairs, also stated Taiwan's pursuit of U.N. membership would go against Chen's inaugural promises not to pursue referendums on topics related to unification with China or Taiwan's independence. Moreover, Secretary of State Condoleezza Rice claimed that the United States opposed this referendum because it thought Taiwan's referendum to apply to the United Nations under the name "Taiwan" is a provocative policy, it unnecessarily raised tensions in the Taiwan Strait and promised no real benefits for the people of Taiwan on the international stage. The other countries also expressed their opposition toward the referenda due to the One-China policy.

Reference:

Sina.cn, World United Formosans For Independence, TVBS.com, The Epoch times, People.cn, The State Department of the United States, The Reuters.



**NTU\_0014**

## **2007 USNS Kitty Hawk Incident**

### **Summary:**

On November 21 2007, Kitty Hawk was scheduled to dock at Hong Kong for Thanksgiving. However, China denied entry to Kitty Hawk and the rest of her carrier group. The aircraft carrier USS Kitty Hawk and its escort ships were due to dock there for a four-day visit but were refused access. Hundreds of family members had flown to Hong Kong to spend Thanksgiving with the sailors. The top U.S. military commander in the Pacific said he is "perplexed and concerned" by China's last-minute decision to deny a U.S. aircraft carrier entry to Hong Kong for a previously scheduled port visit.

China then reversed its position based on humanitarian grounds but by that time, Kitty Hawk, along with four warships and a nuclear submarine, were already leaving the area under heavy weather. The vessels chose not to turn around. The Kitty Hawk and its strike group were on their way back to Yokosuka on November 23.

The cause of the Chinese refusal remains unclear, Beijing has given no reason why it refused the ships entry. Asked repeatedly about the apparent reversal, Chinese Foreign Ministry spokesman Liu Jian-chao declined to comment. China has in the past barred U.S. Navy ships from Hong Kong in fits of pique over disputes in relations.

### **Reference:**

CNN, New York Times



## 2008 ROC President Visits Taiping Island

### Summary:

On January 30, 2008, Republic of China (Taiwan) president Chen Shui-bian reportedly planned on visiting Taiping Island, inspecting the airstrip that was recently completed by national troops. The report brought concerns from related states. Managing Director and Resident Representative of Manila Economic and Cultural Office in Taiwan, Antonio Basilio, said: "We do not hope this incident ascend to a possible intense situation in this region." Vice director of Vietnam Economic and Cultural Office in Taipei stated that Vietnam has been always concerned about the sovereignty issue in the Spratly Islands,<sup>3</sup> and that "Vietnam condemns any actions against the sovereignty of Vietnam." The Ministry of Foreign Affairs also criticized Taiwanese aircraft C-130 landed on the Spratly Islands on January 24.

Deputy spokeswoman of ROC Ministry of Foreign Affairs Fei-pi Yeh said that the purpose of Chen Shui-bian visiting Taiping Island is to recognize the contribution of military, and that the airstrip was built for humanitarian assistance. The Ministry of Foreign Affairs will continue to communicate and make clear with related countries which stated their concerns, and expect that Taiwan would be adapted into the dialogue of peacefully solving disputes in the South China Sea.

On February 2, President Chen's aircraft landed on Taiping Island, he then inaugurated the new airstrip, making him the first head of state who visits the Island. On the same day, Secretary of Foreign Affairs of Philippine Carlos P. Romulo made a written statement which expressed serious concern over the development, and that Chen's visiting would violate peace and stability in the region according to the Code of Conduct in the South China Sea. Philippines felt regretful and unfortunate for such a political action, which would not benefit the amicable people in Taiwan.

Philippines call on all disputants to deal with this issue in a discreet, self-restraint, and diplomatic way, in accordance with the Code of Conduct.

However, Philippine Ministry of Foreign Affairs spokesman Cristobal refused to respond whether to tacitly consent President Chen's fly across the Flight Information Region of Philippine.

On February 4<sup>th</sup>, in light of the Chen's visit on Taiping Island, People's Republic of

---

<sup>3</sup> The Spratly Islands are a disputed group of isles, reefs, and islands in the South China Sea. Countries around the Spratly Islands have claimed sovereignty on them for long time. Taiping Island is included in the Spratly Islands and now is under control of R.O.C.(Taiwan).

China's Ministry of Foreign Affairs spokesman Liu Jiang-chao restated that China has undeniable sovereignty over Taiwan as well as the Spratly Islands and its sea area; China has the confidence and ability in maintaining sovereignty and territorial integrity, and will continue to contribute efforts on stabilizing the South China Sea region.

Reference:

Epoch Times, Asian Times, STNN (Chinese News website)



國立臺灣大學公共政策與法律研究中心  
Center for Public Policy and Law, NTU

## **NTU\_0016**

### **Lien-Ho Incident**

#### **Summary:**

In the early morning of June 10, 2008, Taiwanese fishing boat "Lien-Ho" was fishing in the disputed area of East China Sea near Diaoyutai Islands, and was warned and expelled by the Japan Coast Guard patrol vessel "Koshiki". During the expelling, the fishing boat "Lien-Ho" was rammed by "Koshiki" and sunk, all the crew on "Lien-Ho" fell into the sea but saved immediately. Then 13 crew members were returned to Taiwan by Taiwan's Coast Guard, though the Captain Mr. Ho and the other 2 crew members were transported to Ishigaki Island, Okinawa, Japan for detention, and came back to Taiwan on June 13 and 14, 2008.

During the accident, Taiwan had made strong protests. On June 12, Hsi-wei Chou, the Minister of Taipei County, went to the Taipei office, Interchange Association (Japan), asking Japan to free the Captain Ho and the other 2 crews; the Ministry of Foreign Affairs expressed its concerns to Tokyo, reiterated the sovereignty of the Diaoyutai/Senkaku Islands. The Minister of Foreign Affairs Francisco H. L. Ou also had an appointment with the Chief Representative of Taipei office, Interchange Association (Japan) Tadashi Ikeda, and made a formal protest and asked for releasing the crew members, compensation, and apologizing for the whole accident. If not doing so, the R.O.C. government might recall the Representatives of Taipei Economic and Cultural Representative Office (TECO) in Japan.

In Japan, the Ministry of Foreign Affairs of Japan claimed their hope to deal this accident peacefully, but also issued the investigation report, suing the fishing boat "Lien-Ho" should take the whole responsibility of the accident. The R.O.C. government couldn't accept the conclusion of the report and declared recalling the the representatives of TECO from Japan. After a few days, a short clip of the crash accident was released and showed the procedure of expelling by "Koshiki" was inadequate, and the Japanese government apologized for the accident on June 20, 2008.

#### **References:**

NOWnews, The Ministry of Foreign Affairs, ROC, The Epoch times, The Liberty times

## **2009 Philippines Nationalizes Spratly Island and Scarborough Shoal (w/ ROC)**

### **Summary:**

On February 2, 2009, Philippine's House of Representatives passed House Bill on enclosing the Kalayaan Island Group (KIG) in the disputed Spratly Islands and Scarborough Shoal in South China Sea. Under a relatively stable circumstance in the South China Sea, Philippine's act would undoubtedly stir up the status and would not bring any benefits to themselves, according to a Chinese expert.

The Ministry of Foreign Affairs, Republic of China (Taiwan), which claims sovereignty over Spratly Islands, has made a press release regarding the Philippine's Senate Bill 2699 on January 28 and House Bill 3216 on February 2, and has made two statements.

The Ministry of Foreign Affairs stated that, whether looked at from the perspectives of history, geography, or international law, the Spratly Islands, Paracel Islands, Macclesfield Bank, and Pratas Islands, as well as their surrounding waters, are an inherent part of the territory of the Republic of China. The government asserted that it enjoys all rights over the islands and their surrounding water, and that it denies all claims to sovereignty over, or occupation of, these areas by other countries.

Secondly, the government of Republic of China called on Philippine's government to respect the principles and spirit of United Nations Charter, United Nations Convention on the Law of the Sea, and the Code of Conduct in the South China Sea, and to engage in dialogue to reach a peaceful resolution.

### **Reference:**

Central News Agency, Ifeng .com

## **2009 Philippines Nationalizes Spratly Island and Scarborough Shoal (w/ China)**

### **Summary :**

In 17 February 2009, Philippine Congress passed Philippine Archipelagic Baseline Law affirming the country's claim of its territorial waters, which includes the controversial Kalayaan Island Group (KIG) and Scarborough shoal off the waters in the disputed Spratly Island in the South China sea. In 10 March 2009, President Arroyo signed Philippine Archipelagic Baseline Law, which reaffirmed the country's claim over the more than 7,100 islands in its archipelago, including outlying territories in the disputed Spratly islands. The law states that KIG and Scarborough are "regime of islands" under the "Republic of the Philippines."

Beijing is not pleased with Philippines' inclusion of the Kalayaan Group of Islands (KIG) and Scarborough Shoal in its baseline law. China's new ambassador to Manila, Liu Jianchiao, conveyed his country's sentiment to Foreign Affairs Secretary Alberto Romulo. Liu affirmed China's firm stance that Huangyan Island and Nansha Islands, referring to the KIG and Scarborough (called by Philippines), "have always been parts of their territory," and he stressed that "China has indisputable sovereignty over these islands and their adjacent waters." In 17 March 2009, China deployed its maritime surveillance ship to the Spratly Islands and Paracel Islands, conducting the mission of protecting fish and fishery resources, in order to reaffirm China's sovereignty over the South China sea.

### **Reference:**

XinhuaNet 、CRNTT 、GMA News





## 2009 USNS Impeccable in the South China Sea Incident

### Summary:

On March 5, 2009, the Impeccable was in the South China Sea monitoring submarine activity when it was approached by a People's Liberation Army Navy (PLAN) frigate, which crossed its bow at a range of approximately 100 yards without first making contact. This was followed less than two hours later by a Chinese Y-12 aircraft, conducting 11 flyovers of Impeccable at an altitude of 600 feet (180m) and a range from 100–300 feet (30–90m). The frigate then crossed Impeccable's bow again, this time at a range of approximately 400–500 yards.

On March 7, a Chinese intelligence ship contacted the Impeccable over bridge-to-bridge radio, calling her operations illegal and directing Impeccable to leave the area or "suffer the consequences."

On March 8, 2009, the Impeccable was 75 miles south of Hainan, China, when it was shadowed by five Chinese ships: a Bureau of Maritime Fisheries Patrol Vessel, a State Oceanographic Administration patrol vessel, a People's Liberation Army Navy ocean surveillance ship, and two Chinese-flagged naval trawlers, which maneuvered close to the Impeccable, with two closing in to 50 feet (15m), waving Chinese flags, and ordering the Impeccable from the area. The Impeccable sprayed water at one of the nearest Chinese ships; the Chinese sailors stripped down to their underwear and their vessel closed in to within 25 feet of the American ship. Shortly after the incident, the Impeccable radioed the Chinese crews, informing them of its intentions to leave the area, and requesting a safe pass to travel. When it was trying to leave the area, however, the two Chinese trawlers dropped pieces of wood in the Impeccable's path and stopped directly in front of it, forcing it to do an emergency stop to avoid a collision. Once the Impeccable got underway, the crew aboard one of the trawlers used a grappling hook to try to snag Impeccable's towed sonar array.

The United States lodged formal protests following the incident, stating that under international law, the U.S. military can conduct activities "in waters beyond the territorial sea of another state without prior notification or consent" including in an exclusive economic zone of another country. "The unprofessional maneuvers by Chinese vessels violated the requirement under international law to operate with due regard for the rights and safety of other lawful users of the ocean." China's Foreign Ministry responded that the Pentagon's complaint that five Chinese vessels had harassed the Impeccable were "totally inaccurate," although this claim was

disputed by several released reports, which all state that the Impeccable was interfered with numerous times, both while operating in the area and when attempting to leave.

On March 12, 2009, U.S. President Barack Obama gave the go-ahead to send the guided missile destroyer USS Chung-Hoon(DDG-93) to the South China Sea to protect the Impeccable while operating in that area.

Reference:

CNN, MSNBC, Bloomberg



國立臺灣大學公共政策與法律研究中心  
Center for Public Policy and Law, NTU

**Dalai Lama Visits Taiwan**

**Summary:**

On August 8, 2009, the Southern Taiwan was flooded when the Typhoon Morakot landed Taiwan in the midnight. It caused huge damage including mudslides and severe flooding, both triggered by the heavy rain which broke the rainfall record in Taiwan. On August 26, the Mayors of seven counties of southern Taiwan ruled by the Democratic Progressive Party (DPP, also the opposition party at that time) tried to invited 14th Dalai Lama come to southern Taiwan area praying for the victims of the disaster. After this declaration of the mayors and discussed inside the government, the R.O.C. government decided to issue visa to 14th Dalai Lama under the humanitarian and religious consideration, that he could hold a Buddhist ceremony and praying for the victims as a religious leader. 14th Dalai Lama has come to Taiwan twice before, it was his third time, and the only one time during the term of presidency of Ma Ying-jeou. He was rejected to get the visa on 2008. 14th Dalai Lama arrived Taiwan on August 30, visited the victims of the disaster in Kaohsiung and Pingtung , then his leaved Taiwan on September 4.

Though the purpose of 14th Dalai Lama coming to Taiwan in 2009 was humanitarian and religious, due to the Ma Ying-jeou Government has refused his entry under the reason of "inappropriate time" once in 2008 and the China policy of the government, some people criticized these seven DPP mayors' invitation of 14th Dalai Lama is under political calculation; some other people thought there shouldn't be any overreaction of the Dalai Lama's trip to Taiwan. China opposed to Dalai Lama's visit to Taiwan because of its attitude toward the Tibet independence, seeing Dalai Lama tried to separated China by religious means. On August 30, the Office of Taiwan Affairs not only criticized what those seven mayors of southern Taiwan really think is different from what they said, but also pointed out that Dalai Lama' visit to Taiwan would have bad effects to the cross-strait relations. Besides, Jiang Yu, the spokeswoman of the ministry of Foreign Affairs, China, claimed that China set its face against any contact between Dalai Lama and Officials of any Country. The Office of Taiwan Affairs also reiterated its position that they could not accepted Dalai lama visiting Taiwan in any way or by any means.

On the other hand, some unofficial interactions between Taiwan and China also cancelled or postponed because of the Dalai Lama's visit. Such as Wang Yi, the Director of Taiwan Affairs Office of the State Council, cancelled to attend the "Taiwan Week" activity in Liaoning; The ceremonies in the lots of cities of China to celebrate

the start of regular flights and passenger-cargo shipment of direct transportation between Taiwan and China also halted.

Reference:

The China Times, Sina.com.cn, Xinhua Net, BBC.com



國立臺灣大學公共政策與法律研究中心  
Center for Public Policy and Law, NTU

## Formosa Chieftain 2 Incident

### Summary:

On September 13, 2009, Taiwanese fishing boat "Formosa Chieftain No.2" was pursued and captured by Japan Coast Guard (JCG) due to fishing in the sea area nearby Miyako islands, which means it was beyond the border line. During the pursuit by the JCG, the Coast Guard Administration, R.O.C. (CGA) went to the scene of the incident after getting the report, trying to help the Taiwanese fishermen. However, when they boarded the boat, the agents of both countries confronted with each other. The CGA was suppressed by JCG, which was different from the past incidents. Although they were released with the crew members, captain Wang Ming-hsin, after JCG understanding their purpose, was transported to Ishigaki islands. The Ministry of Foreign Affairs, R.O.C. grasped the situation immediately after the incident happened, claimed it would respect the enforcement of the law by JCG and hoped the captain could be released as soon as possible after the judicial judgment in Japan. However, R.O.C. government made a solemn representation to Japan on the unreasonable treatment toward the agents of CGA made by JCG on September 16. Also, Chen Tiao-ho, the Secretary-General of Association of East Asian Relations, the Ministry of Foreign Affairs, R.O.C., summoned Naohiro Tsutsumi, the director-general of the Interchange Association's Taipei Office to protest the movement of JCG in the incident.

### Reference:

The Ministry of Foreign Affairs, R.O.C., Coast Guard Administration, Executive Yuan, R.O.C., The Liberty times, Sina.com, The Epoch times



## **NTU\_0022**

### **Minjin 5179 Incident**

#### **Summary:**

In the early morning of September 7, 2010, when Chinese fishing boat Minjin 5179 fished in the dispute sea area near the Diaoyu/Senkaku Islands, it was expelled by the patrol vessels of Japan Coast Guard(JCG) "Mizuki" and "Yoshikuni," and the "Yoshikuni" had bumped into Minjin 5179. Then JCG boarded on Minjin 5179 and examined it, taking the captain Zhan Qixiong and the crew members back to Ishigaki Islands for further investigation. On that day China has lodged solemn representations and called on the Japan Ambassador to China Uichiro Niwa, asking Japan not to intercept Chinese boats illegally in the sea area near the Diaoyu/Senkaku Islands. Also, The China Ambassador to Japan Chen Yonghua strongly protested to the Ministry of Foreign Affairs of Japan of the illegal interception and asked to release the crew members and the fishing boat.

Nonetheless, on September 8, Japan still decided to charge the captain Zhan due to Obstructing officers in discharge of duties, extending the detention by 10 days from September 10. On September 13, Japan release the other crew members except the captain Zhan after the investigation and return the fishing boat, which made China urging Japan to release Zhan. The detention would finish on September 19, though; the Ishigaki branch of the District Public Prosecutor's Office in Naha extended the detention of Zhan. China strongly protested again, claiming the extension of the detention would seriously damage the relation between China and Japan. China has suspended ministerial and provincial-level contacts with Japan, such as postponing talks on increasing flights and a meeting on coal. On September 21, The Premier of the State Council Wen Jiabao firmly asked Japan releasing the detained Chinese captain immediately and unconditionally, or China would take further actions. Also, there were lots of demonstrations in different cities in China held by the Chinese civilians.

Finally, the Naha district public prosecutor's office decided to "keep sanctions" and released the Zhan Qixiong on September 24 "under the consideration of the effects to Japanese people and the Sino-Japan relations in the future." Zhan came back to China on September 25, and the Ministry of Foreign Affairs of China stated that due to Diaoyu Islands are China's inherent territories, any detainment or investigation of Chinese crew members and fishing boats by Japan in the sea area of Diaoyu Islands was illegal and invalid, China urged Japan to apologize and compensate for the

incident. On the Contrary, Japan also ask China compensate for the damage of the official vessels.

Reference:

The China daily, The Guardian, The Ministry of Foreign Affairs of Japan, Chinanews.com.

Tadahiro Ishihara , "The Clash Event between China Trawler and Japan Patrol Vessel on the Sino-Japan relationship,"

[http://www.taiwansig.tw/index.php?option=com\\_content&task=view&id=3199&Itemid=117](http://www.taiwansig.tw/index.php?option=com_content&task=view&id=3199&Itemid=117) , 2011/02/25



國立臺灣大學公共政策與法律研究中心  
Center for Public Policy and Law, NTU

## **2012 Scarborough Shoal Standoff**

### **Summary:**

On April 8, 2012, a Philippine Navy surveillance plane spotted eight Chinese fishing vessels docked at the waters of Scarborough shoal. BRP Gregorio del Pilar was sent on the same day by the Philippine Navy to survey the vicinity of the shoal, and confirmed the presence of the fishing vessels and their ongoing activities. On April 10, 2012, BRP Gregorio del Pilar came to inspect the catch of the fishing vessels. The Filipino inspection team claimed that they discovered illegally collected corals, giant clams and live sharks inside the first vessel boarded by the team, so that those boats should be arrested. PRC State Oceanic Administration immediately sent China Marine Surveillance 75 and China Marine Surveillance 84 to the waters of Scarborough shoal. BRP Gregorio del Pilar was blocked by Chinese maritime surveillance ships. Since then, tensions had continued between the two countries, Ships of both sides came and went for confrontation. On April 11, both sides' ministers of foreign affairs all issued statement to claim that their countries had sovereignty over Scarborough shoal and its waters. China also said that Philippine's law enforcement acts are a violation of China's sovereignty. Both sides all requested the other side to leave first.

On April 15, Chinese deputy foreign minister Fu Ying met with Philippine's charge d'affaires ad interim to negotiate the issue of continued confrontation. A Philippine senator also demanded to bring the issue of South China Sea disputes to the ASEAN framework. On April 16 China's ambassador to Manila declared that Philippine's action of harassing Chinese fishermen and violating China's sovereignty was the main cause of this event. Philippine's president Aquino III said Philippine would not have a war with China. On April 17, Philippine minister of foreign affairs said Philippine would bring this issue to International Tribunal for the Law of the Sea, and seek to resolve this issue by International Arbitration. On April 19, Philippine's minister of defense claimed Philippine was bullied by China, so that Filipinos should support the position of the Philippine's government to confront China. On April 21, Philippine's minister of foreign affairs called on ASEAN to confront China together. He said China's sovereignty over the entire South China Sea have no basis, if you do not make a stand, not only the Philippines, all countries would have a negative impact. On April 25, Chinese Foreign Ministry Spokesman, Liu Weimin, responded that internationalizing this issue would not help to resolve question, Philippine should not pull other countries involved. On May 6, Philippine's government decided to clean up any China-related tags on Scarborough shoal.



On May 7, Chinese Foreign Ministry spokesman said that Scarborough shoal is Chinese territory, China have indisputable sovereignty over the island, Philippine's actions are all illegal and invalid. On May 15, China unilaterally proclaimed that South China Sea waters entered into fishing moratorium, and China would maintain patrols in the waters of Scarborough shoal. On May 29, Chinese Defense Minister met Philippine Defense Secretary, hoped that Philippine's troops would stay calm. On June 6, Chinese Foreign Ministry Spokesman, Liu Weimin, said Philippine's official ships had stayed at the waters of Scarborough shoal for more than a month, but finally withdrew on June 3. On June 16, Philippine's foreign minister said because of typhoon, Aquino III had ordered two Coast Guard boats return to port, and Philippine waited for the Chinese Government to fulfill its commitment to its ships evacuated from the waters. On June 18, Chinese official vessels still remained in waters near Scarborough shoal. Philippine accused China of not agreeing to withdraw the ship. Chinese Foreign Ministry spokesman said that China didn't commit to withdraw vessels, and claimed that China would continue to maintain jurisdiction over waters near Scarborough shoal. Since then, two months of confrontation came to an end.

Reference:

QQ.com 、 Huanqiu.com 、 Ifeng.com 、 Sina 、 ChinaNews



**2012 Maneuver on Taiping Island**

**Summary:**

On August 19, 2012, senior official indicated that the military on Taiping Island in the South China Sea will conduct a live-fire exercise on September 1 to 5, in order to reinforce Taiwan's claim to the South China Sea area. The Ministry of Foreign Affairs has informed neighboring countries of the plan, in line with international practice, so that those countries will be able to warn their ships to avoid the waters near Taiping Island during the drill.

On September 4, Taiwan's military of Coast Guard Administration began live fire drill on Taiping Island. Philippine has showed concern by hoping no countries of claimants take actions that will exacerbate the intense circumstances. The Coast Guard Administration personnel unveiled 120-mm mortars and 40-mm anti aircraft guns, two new weapons delivered to the island as part of the government's effort to boost defense capability. They also showed off two newly arrived armed patrol vessels, which can be mounted with a T-75 machine gun and 40-mm grenade launcher.

**Reference:**

Central News Agency, China Review News Agency



## Japan Nationalizes Diaoyutai Islands (w/ China)

### Summary:

When Japan Government leased Uotsuri Island, kitakojima island and minamikojima island of Diaoyutai/Diaoyu/Senkaku Islands in 2003, Taiwan and China both strongly protested this movement which harmed the sovereignty of each other.

Moreover, on April, 2012, the Governor of Tokyo Shintaro Ishihara claimed the Tokyo Metropolitan Government would negotiate with the owners intending to buy these 3 islands, and would create an account to help fund this propose of purchasing the Senkaku islands.

This intention has come to the Japan Government's attention. Thus, on September 10, the Japan Government decided to pay about 2 billion Yen "nationalize"(or "buy") these 3 islands which were owned privately before. According to the Japan Government, "the transfer of ownership, the acquisition and possession was indeed done for the peaceful and stable management of the islands."

Not only Taiwan but also China strongly condemned the "nationalization" of these islands by Japan Government. In fact, before the decision of the Japanese Cabinet was made, China has negotiated with Japan; On September 10, the Ministry of Foreign Affairs of China made a formal statement, claimed that the "nationalization" of those 3 islands of Diaoyu islands seriously violated China's sovereignty; the movement did by Japanese Government is illegal and invalid, which not only hurt the Chinese people's feeling but also an abuse of the history facts and the international law. China strongly opposed what Japanese Government did.

If Japan still clung to the illegal "nationalization" obstinately, it should accept all the consequence. According to Japanese government, because there is no doubt that the Senkaku Islands are an inherent territory of Japan, the "nationalization" of those islands were not a territory issue. The Prime Minister of Japan Yoshihiko Noda also did a same statement in the General Assembly of United Nations, and Japan would not compromise ever, though, they would still try hard to communicate with china to avoid making the Sino-Japan relations worse.

China lodged solemn representations to Japan several times, and claimed that Diaoyu Islands are China's territories openly, China has responsibility to save its sovereignty and the completeness of the natioal territories. For example, on September 25th, The State Council Information Office of P.R.C published the white

paper on Diaoyu island "Diaoyu Dao, an Inherent Territory of China," not only claimed Diaoyu Islands are China's territories by historical evidences but also criticized the Japan's claim, showing the determination of China saving its sovereignty. Besides, China made a opposition to Noda's speech in the General Assembly of United Nations, such as China's Foreign Minister Yang Jiechi stressed that "Japan's purchase of the islands 'grossly violated' China's sovereignty and described the act as posing a grave challenge to the post-war international order and the purposes and principles of the Charter of the United Nations," and "they can in no way change the historical fact that Japan stole Diaoyu Dao and its affiliated islands from China and the fact that China has territorial sovereignty over them." China's U.N. ambassador Li Baodong also refuted Japanese representative's claim that the Diaoyu Islands belong to Japan, describing it "constitutes a serious encroachment upon China's sovereignty, and intends to continue and legalize the result of Japan's colonial policy."

At the same time, China tried to make its claims of the territorial sovereignty of Diaoyu islands more powerful through international law. On September 10th, China has declared "The base points and baselines of the territorial waters of the Diaoyu Islands and their affiliated islets," setting the range of the baselines and the continental shelf of the Diaoyu Islands and their affiliated islets, then submitted these claims to the Commission on the Limits of the Continental Shelf of United Nations. Moreover, China sent official vessels and patrol aircraft to the Diaoyu Islands to executive law enforcement and patrol activities which were protested by Japan, but China responded that Japan should respect China's point of view and avoid doing any kind of activities which would harm China's territorial sovereignty.

Reference:

The State Council Information Office of P.R.C., United Nations website, Xinhua net, The Ministry of Foreign Affairs of Japan.

## Japan Nationalizes Diaoyutai Islands (w/ R.O.C.)

### Summary:

When Japan Government lease Uotsuri island, kitakojima island and minamikojima island of Diaoyutai/ Senkaku Islands in 2003, Taiwan and China both strongly protested this movement which harmed the sovereignty of each other.

Moreover, on April, 2012, the Governor of Tokyo Shintaro Ishihara claimed the Tokyo Metropolitan Government would negotiate with the owners intending to buy these 3 islands, and would created an account to help fund this propose of purchasing the Diaoyutai/ Senkaku islands.

This intention has come to the Japan Government's attention. Thus, on September 10, the Japan Government decided to "nationalize"(or "buy") these 3 islands which were owned privately before and paid about 2 billion Yen on September 11. According to the Japan Government, "the transfer of ownership, the acquisition and possession was indeed done for the peaceful and stable management of the islands."

(MOFA of Japan, [http://www.mofa.go.jp/announce/fm\\_press/2012/9/0912\\_01.html](http://www.mofa.go.jp/announce/fm_press/2012/9/0912_01.html))

In Taiwan, the Ministry of Foreign Affairs, R.O.C.(MOFA, R.O.C.) immediately issue a press release on September 10, made a solemn declaration that any movement taken by Japanese Government or politician that harm R.O.C. sovereignty would not be accepted by R.O.C. government; the Japanese Government should self-restrained on this issue. Also, on September 11 that the Japanese Government paid for the islands, the Ministry of Foreign Affairs, R.O.C. held a press conference, protesting that the nationalization of those 3 islands did by the Japanese Government is illegal and infringe the sovereignty of R.O.C. The foreign minister of R.O.C. Timothy Chin-tien Yang has summoned Sumio Tarui, head of Japan's Interchange Association Taipei Office, to lodge a stern protest over the Japanese government's plans to nationalize 3 islands, and the R.O.C. envoy to Japan Ssu-Tsun Shen also delivered a strong protest to the Japanese Interchange Association president Tadashi Imai. Moreover, Shen has been ordered back to Taiwan to make a briefing of this incident. (<http://taiwantoday.tw/ct.asp?xItem=196059&ctNode=420>),

Not only official but also non-governmental protest occurred in Taiwan, including Baodiao movements protected by the Coast Guard Administration, R.O.C. (CGA). On September 25, Taiwanese fishing boats sailed to the Diaoyutai/ Senkaku

islands to protest the “nationalization” of these islands by Japan government. During to protest, CGA and Japan Coast Guard (JCG) had a water gun fight which escalated the dispute and was reported by the media world widely. On the same day, Tadashi Imai came to Taiwan, visiting (MOFA, R.O.C.) to negotiate with Yang the issue of the dispute Diaoyutai/ Senkaku Islands, he also solemn representations of the water gun fight between CGA and JCG, but it was not accepted by Yang. Furthermore, the President of R.O.C. Ma Ying-jeou reiterated that R.O.C. owned the sovereignty of Diaoyutai Islands during the speech on October 10, the national day of R.O.C. There was a team of Japanese Diet delegates came to Taiwan which initially intended to attend the R.O.C. National Day celebrations but finally decided to skip the ceremony after they knew that the speech of President Ma would mention the Diaoyutai Islands dispute.

(<http://japandailynews.com/twenty-nine-diet-delegates-give-the-taiwan-national-day-celebrations-a-miss-1115553>)

After, Taiwan and Japan tried to have negotiations which were not about the sovereignty but fishing affairs. On October 4, the R.O.C. envoy to Japan Ssu-Tsun Shen went back to Japan to prepare for the fisheries agreement. On October 5, Japan's Foreign Minister Koichiro Gamba sent a statement through Japan's Interchange Association, said that “unsettled issues” between Taiwan and Japan are sometimes unavoidable, both side should “maintain rational communications and not let bilateral ties be affected by ‘isolated cases.’” The “unsettled issues” was generally believed the issue of Diaoyutai/Senkaku islands. On November 30, the 17th round of fisheries negotiation between Taiwan and Japan started, and the tension has been relived.

#### Reference:

The Apple daily, The Ministry of Foreign Affairs, R.O.C., NOWnews.com, The Mainland Affairs Council, R.O.C., The China post, BBC.com, Japan Daily Press, The Ministry of Foreign Affairs of Japan.

## **2013 Philippines Takes the South China Sea Dispute to the International Court**

### **Summary:**

On 22 January 2013, Philippine government decided to seek international arbitration under the UN's Convention on the Law of the Sea to challenge Chinese territorial claims through the "nine-dash line" in South China Sea. Chinese ambassador in Manila claimed that China had indisputable sovereignty over South China Sea and stressed that this dispute should resolve through negotiation. On 19 February, China refused to participate in arbitration, declared that Chinese sovereignty over Spratly Islands and their adjacent waters had fully legal and historical grounds, and condemned Philippine's action violated the consensus between ASEAN countries and China on the "Declaration on the Code of Conduct on the South China Sea." On June 2013, Philippine's foreign ministry said it's impossible to talk about South China Sea dispute with Chinese through bilateral discussion, Philippine would cooperate with the procedures of international arbitration, and reaffirmed that China's claim on the entire South China Sea violated the UN's Convention on the Law of the Sea. Chinese foreign ministry responded that the international arbitration doesn't have enough legal basis, and felt regretful for Philippine's action.

### **Reference:**

CAN News 、BBC 、XinhuaNet



## 2013 Ayungin Reef Standoff

### Summary:

On 7 May 2013, Philippine's marine found a Chinese navy destroyer, two maritime surveillances and several fishing boats in Ayungin Reef waters, so Philippine decided to deploy three maritime warships to Ayungin Reef waters in order to monitor those Chinese ships. On 21 May, Philippine foreign ministry protested Chinese warships and fishing boats entering Ayungin Reef waters, which controlled by Philippine, was Philippine's territory. Philippine declared that China's action was provocative and illegal. Chinese foreign ministry responded that Ayungin Reef was part of Spratly islands, China had indisputable sovereignty over these islands and their adjacent waters, so that it was undeniable for Chinese official vessels making their routine cruising. According to Reuters, Philippine's foreign ministry and navy thought that Chinese vessels congregated in Ayungin Reef waters attempted to cut off the supplement of Philippine troops in Ayungin Reef, in order to force them to leave.<sup>4</sup> Chinese Ministry of National Defense responded that Philippine's illegal stranded action invaded China's sovereignty. On 19 June, Philippine finished the operation of supplement and troops rotation in Ayungin Reef. Philippine's Defense Minister reaffirmed that Ayungin Reef was Philippine's territory. 21 June, Chinese foreign minister said that China would not accept any ways that illegally invade Ayungin Reef by the Philippines. However, Philippine still has a maritime troop in Ayungin Reef, and China's maritime surveillances also continually appear in Ayungin Reef waters.

### Reference:

Sina 、 BBC 、 QQ.com 、 ifeng.com 、 wenweipo.com 、 XinhuaNet



---

<sup>4</sup> 1999 Philippine let a maritime carrier BRP Sierra Madre stranded at Ayungin Reef to claim its sovereignty and then continually deployed soldiers to the carrier.



## 2013 Guang Da Xing No. 28 Incident

### Summary:

On May 9 2013, unarmed Republic of China (Taiwan) fishing boat Guang Da Xing No. 28 was attacked by a Philippine government vessel while operating in overlapping exclusive economic zones between the ROC and the Philippines, 164 nautical miles from Taiwan's southernmost point. During the assault, Taiwan fisherman Hong Shi-cheng was shot dead and the Guang Da Xing No. 28 sprayed with automatic weapons fire by Philippine government personnel, resulting in 45 bullet entry points.

Contrary to the Philippine characterization, the Guang Da Xing No. 28 did not ram its vessel and provoke the incident. On May 10, President Ma Ying-jeou said that no country is entitled to enforce the law to an overdue extent, such move was "uncivilized acts." Ma said the government has condemned the attack by the Philippine Bureau of Fisheries and Aquatic Resources ship on Guang Da Xing No. 28. In addition to demanding an apology, the Ministry of Foreign Affairs (MOFA) has asked the Philippine government to punish the officials involved in the attack, pay due compensation and ensure that the tragedy will not repeat itself. "We demand that the Philippines pursue the incident to the end, and we will not stop our pursuit until the issue is appropriately resolved," the president said.

On May 11, the administration of President Ma gave the Philippines 72 hours to arrest those responsible for the death of a Taiwanese fisherman, issue a formal apology and compensate the victim's family. If Manila failed to respond to these demands within 72 hours, the government will freeze Philippine worker applications, recall the ROC representative in Manila and ask the Philippine representative to return to Manila to help in the investigation

On May 13, The Philippines' top envoy to Taiwan, Antonio Basilio, head of the Manila Economic and Cultural Office (MECO) in Taipei, returned to Manila, one day before a Tuesday midnight deadline set by President Ma. Upon leaving, Basilio told local media that a joint investigation to be conducted by authorities of both sides will determine the truth of the incident.

Although Manila replied before the deadline, its answers presented by Basilio were unsatisfactory, and failed to answer Taipei's demands in a suitable manner, according to MOFA ROC. On May 15, President Ma said that Manila's response is absent authority, sincerity and is inconsistent, which is unacceptable. The MECO

Chairman Amadeo R. Perez Jr. was only directed by the Philippine government to convey the Filipino people's deep regret and apologize to Hong's family.

The ROC government launched additional sanctions against Manila May 15 following its unsatisfactory response. These include issuing a red alert on travel to the Philippines; suspending high-level exchanges such as the ministerial meeting under the World Health Assembly, economic and technology exchanges, investment-soliciting activities, agricultural and fishery cooperation, and aviation negotiations; removing the Philippines from Taiwan's visa-waiver program; and conducting patrols in the South China Sea by the Ministry of National Defense and Coast Guard Administration. The new sanctions are in addition to those announced earlier in the day freezing Filipino labor applications, recalling the ROC representative to the Philippines, and ordering Antonio I. Basilio, representative of the MECO in Taiwan, to return home.

On May 16, Rep. Steve Chabot, chairman of the U.S. House of Representatives Foreign Affairs' Subcommittee on Asia and the Pacific, and ranking member Del. Eni F.H. Faleomavaega urged the Philippines to apologize for the recent killing of a Taiwan fisherman. In the mean time, the ROC Ministry of National Defense staged a patrol involving naval and air forces in waters south of Taiwan proper in a move to demonstrate the government's determination to protect fishing rights.

On May 18, several Taiwanese government agencies called on the public Saturday to treat Filipinos in the country well amid rising tensions between the two countries over the fatal shooting on May 9. People in Taiwan have been angered by the Philippines' handling of the shooting, which they have perceived as insincere and evasive, and concerns exist that they will take out their frustration on the more than 80,000 Filipinos working in the country. The Council of Labor Affairs also urged the public to display the spirit of democracy and show respect for the rule of law by treating Filipinos in Taiwan rationally. The government agencies made their appeals as Philippine media and government officials report that Filipino laborers in Taiwan are being discriminated against, attacked or denied access to restaurants.

Meanwhile, The ROC Ministry of Justice (MOJ) said May 18 that preliminary results of its investigation show fisherman Hong Shi-cheng aboard the Guang Da Xing No. 28 was the victim of intentional homicide at the hands of Philippine government officials. The main evidence that Hong's death was intentional homicide, rather than "unintended killing," comes from the large number of shots fired at the boat, and the pattern of the impacts. The fishing boat had 45 entry bullet holes, although the exact number of shots fired at the boat is unclear. The majority of the holes were

concentrated on the cabin area, where the crew hid during the attack, showing the intention to use deadly force to kill the fishermen on the vessel, the MOJ said. No strike marks were found on the hull of the fishing boat, so there is an absence of evidence to support the Philippine vessel's claim that its personnel fired in self-defense in response to a ramming attempt.

The Guang Da Xing No. 28's data recorder also shows it was within the ROC's exclusive economic zone at the time of the shooting, the ministry said. According to reports in the Philippine media, the results of the preliminary investigation by the Philippine government are different. Given the discrepancy in findings, it is necessary for Taiwan and the Philippines to coordinate investigation efforts to uncover the truth behind the incident, the MOJ said.

On May 21, media in the Philippines reported that day that Aquino is open to negotiating a fisheries agreement with Taiwan and other neighbors to prevent disputes at sea. MOFA would welcome a response by the Philippines to bilateral fishery cooperation since it is also one of Taipei's demands to Manila over the handling incident.

On May 22, the MOJ said it has declined a Philippine request for bilateral judicial assistance for the time being, as the Philippine government still refuses to provide a video of the entire killing incident.

On May 25, initial findings by Philippine investigators point to criminal negligence on the part of Philippine Coast Guard (PCG) personnel, a major daily in Manila reported Saturday. The involved personnel may face criminal and administrative charges for possible violations of rules of engagement, excessive use of force and neglect of duty, the Philippine Star said, citing an unidentified source. It said the Philippine side is waiting for the findings by a team of National Bureau of Investigation (NBI) agents in Taiwan before making conclusions.

ROC and Philippine delegations, each comprising eight investigators, departed respectively for Manila and Taipei May 27 to probe the incident. Following days of negotiation, Taipei and Manila agreed that they would discuss the findings of their respective investigations before releasing the reports.

On June 14, in the first preparatory meeting for fisheries talks between the ROC and Philippines, both sides agreed to avoid the use of force in the implementation of fisheries laws and relevant regulations. Both sides agreed on the need to establish a cooperative mechanism to enforce fishing regulations in their overlapping territorial waters, and to inform the other side of enforcement procedures so there will be no

need to use force in the future.

A reporting mechanism will also be established to notify each other without delay whenever hot pursuit, boarding, inspection, arrest, detention or judicial proceedings are carried out against vessels and crews of either side pursuant to the enforcement of their respective fisheries laws and relevant regulations.

The ROC and Philippines also agreed on the establishment of a mechanism for the prompt release of detained fishing vessels and their crews. Both parties said they would quickly return to talks on provisional arrangements on fisheries cooperation, including management and conservation. The two sides will also refer to the fisheries agreement recently signed between Taiwan and Japan for the resolution of their longstanding dispute.

On August 7, the NBI disclosed the results of their investigation, recommending the filing of homicide charges against the PCG personnel involved in the shooting. The NBI stated that eight crewmen were found to have fired at the Taiwanese vessel. In addition, the NBI also recommended that charges of obstruction of justice be filed against four PCG personnel for tampering with evidence related to the incident.

Afterwards, Philippine President Benigno S. Aquino III authorized Chairman of the MECO Amadeo R. Perez, Jr. to travel to Taiwan this morning as his personal representative. On arriving, Chairman Perez immediately travelled south to Xiaoliuqiu, Pingtung, to express the deep regret and apology of the government and people of the Philippines to the family of crewmember Hong Shi-cheng.

On August 8, Minister Lin of MOFA ROC made an opening remark at a press conference on the Guang Da Xing No.28 incident:

“In response to the ROC government’s four demands, the Philippines has, both in writing and indeed, shown goodwill and regret as follows:

1. With regard to an official apology, MECO Chairman Amadeo R. Perez, Jr. was fully authorized to express the deep regret and apology of the president and people of the Philippines to the family of Hong Shi-cheng and the people of Taiwan, and traveled to Xiaoliuqiu today (August 8) to publicly apologize to the victim’s family.
2. Attorneys for the victim’s family and for the Philippine side have reached an agreement on compensation.
3. In terms of promptly and thoroughly investigating the incident and severely punishing those responsible for the killing, the Philippine NBI formally

unveiled its investigation report yesterday (August 7), and recommended that eight coast guard personnel be prosecuted for homicide and four for obstruction of justice. The Philippine Department of Justice has promised to file charges against them as soon as possible.

4. With respect to initiating fishery agreement negotiations between the two countries as soon as possible, the first preparatory meeting held between the two sides on June 14 produced some concrete results. A conclusion was signed after the meeting in which the two sides guaranteed that, to prevent incidents such as the Guang Da Xing No. 28 shooting incident from recurring, they would refrain from using force. After an exchange of letters between relevant authorities on each side, they agreed to review maritime law and enforcement procedures to put into effect the consensus reached during the meeting. Both sides also agreed to continue negotiating on issues such as conserving fishery resources and managing fishing operations.

Consequently, the ROC government hereby declares that eleven sanctions imposed against the Philippines are lifted as of today, August 8. It also calls on the Philippines to:

1. promptly prosecute the perpetrators;
2. hold the next round of fishery talks so as to strengthen fishery cooperation;
3. continue to enhance the mechanism for maritime law enforcement without the use of force, and prevent similar tragedies from recurring; and
4. promptly mend bilateral relations, especially in trade and economy, and promote the signing of an economic cooperation agreement.

Furthermore, to ensure the fishing operation rights and safety of its fishermen, the ROC government will continue routine patrols of its EEZ to the south.

The Republic of China is a peace-loving country and a responsible stakeholder in the international community. We are pleased that the Philippines has shown its desire to peacefully resolve the Guang Da Xing No. 28 incident and mend Taiwan-Philippine relations. Given the traditional friendship between the two countries, the ROC is prepared to take concrete actions to strengthen its cordial and cooperative relations with the Philippines in such fields as trade and economy, science and technology, and culture.”

Reference:

Republic of China Ministry of Foreign Affairs, Republic of China Office of the President Press Release



國立臺灣大學公共政策與法律研究中心  
Center for Public Policy and Law, NTU