The Spratly Islands Dispute and the “Six Claimants”

Of course at that time, Taiwan belonged to Japan. During the WWII period, all military attacks against the Japanese colony of Taiwan were conducted by US military forces.

As the conqueror of Taiwan, the United States has both the right and the responsibility to conduct the military occupation of this conquered territory. The US Supreme Court has ruled on this topic many times. However, due to manpower and other considerations, the United States delegated the surrender ceremonies in Taiwan, and the ensuing military occupation, to the Chinese Nationalists (also known as the “Republic of China”) under Chiang Kai-shek.

The United States has an announced Pivot to Asia strategy. Yet, the US government officials frequently state that they take no position on the territorial disputes in this area. We want to ask, is such a statement fully reasonable under US law?

Let’s turn to the law which the US Congress passed in 1979, which is known as the Taiwan Relations Act, or “TRA”. This law has a territorial clause.

But we must not forget that under US law, there is a treaty which is of a higher legal weight than the Taiwan Relations Act. That is the San Francisco Peace Treaty (SFPT) mentioned earlier. Let’s review the SFPT and the TRA together, and see what conclusions we can reach. Some historical comparisons with the United States’ administration of the Ryukyu island group can also be provided, because they are useful for reference.

After obtaining these conclusions, we can review the Spratly islands controversy, and specifically outline what demands the Executive and/or Legislative officials in any of the other Six Claimant countries, or even nearby ASEAN member countries, could make to the US government, through their official Ambassador to the United States.