LET TAIWAN BE TAIWAN

Documents on the International Status of Taiwan

Edited with Analysis and Commentary by Marc J. Cohen and Emma Teng

Center for Taiwan International Relations, Washington, DC

1990
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**Preface**

The "Taiwan question"—the issue of whether the island of Taiwan (or Formosa), together with associated smaller islands like the Pescadores (Peng-hu), Green Island, Orchid Island, and Hsiao Liu-ch'iu, is a part of China or form an independent entity—has remained a thorny issue in international politics since the end of World War II. The Kuomintang (KMT, or Chinese Nationalist Party) government on Taiwan insists that it remains the legitimate government of China. This, coupled with the assertions of the People's Republic of China (PRC) that Taiwan is its territory, have added to the complexity of the issue. Meanwhile, a growing number of the residents of Taiwan are insisting that the people who live on the island alone should decide its fate. The need for a solution has become all the more urgent following the tragic events in Peking in 1989. Today, no one can afford to disregard China's refusal to rule out the use of force in "reunifying" Taiwan with the mainland.

To contribute to a just and lasting resolution of the "Taiwan question," the Center for Taiwan International Relations (CTIR) has published this collection of documents on the international status of Taiwan. We have included official statements by the governments of China, beginning with the Ming Dynasty, with particular attention to the changing views of the KMT and Chinese Communist Party (CCP) over the past 60 years. The documentary evidence makes it clear that until World War II, these two parties did not consider Taiwan a part of China, and strongly supported the Taiwanese struggle for independence from Japanese colonial rule.

We have also included the views of important political actors on Taiwan itself, as well as the main international treaties, agreements, declarations, and covenants affecting Taiwan. Statements by foreign governments, including excerpts
from the 1971 United Nations (UN) debate over the seating of the PRC, make up an especially important part of the record, and we believe that these show substantial support within the world community for Taiwanese self-determination, in accordance with the principles of international law and the UN Charter.

The final section contains statements by the United States government (including congressional views) since the end of World War II. The U.S. remains a key external actor affecting Taiwan, despite the absence of diplomatic relations. While it has consistently left the door open for Taiwanese self-determination, in the 1980s U.S. policy-makers began moving away from the ambiguous statements of the 1970s toward some sort of acceptance of Chinese (both KMT and PRC) claims of sovereignty over Taiwan. U.S. desire to maintain PRC strategic cooperation against the Soviet Union was the main force behind this softening of the U.S. position.

We believe that improving U.S.-Soviet relations, together with the crisis brought on in Sino-U.S. relations by the Peking massacre, have created an opening for a new U.S. approach to the Taiwan question. Given the importance of U.S.-Taiwan ties to the United States, from an economic, strategic, and political point of view, we believe that it is in America's interest to express its explicit support for Taiwanese self-determination. While President George Bush is quite correct that the U.S. has important long-term interests in maintaining a good relationship with China, the aspirations and rights of the 20 million people living on Taiwan must not be sacrificed to larger geopolitical schemes.

Throughout the text, we have used the Wade-Giles system for romanization of Chinese, as is the practice in Taiwan. The only exception is in the official names of publications (e.g., Beijing Review). Thus, for example, instead of Beijing and Deng Xiaoping, we use Peking and Teng Hsiao-ping.

Marc J. Cohen and Emma Teng were responsible for preparing this study. Ms. Teng collected and did the initial editing of the documents, while Dr. Cohen did the final editing. They jointly wrote the commentary.
CTIR would also like to thank the following people for their assistance: David Arthur, J.P.C. Blaauw, Raleigh Ch'iu, Louis Cohen, Jane Cox, Phyllis Fung, Jenny Jones, Michelle Jones, and Craig R. Smith. We are also grateful to Steve Catechi for providing desktop publishing services.

Mark Chen
President
Taiwan Foundation

David W. Tsai
President
Center for Taiwan International Relations

Washington, DC, August 1990

About the Editors

Marc J. Cohen is Taiwan Project Coordinator at the Asia Resource Center in Washington, DC. He is also the Washington Editor of Taiwan Communique, the publication of the International Committee for Human Rights in Taiwan. A graduate of Carleton College in Minnesota, he received a Ph.D. in Political Science from the University of Wisconsin-Madison in 1983. In addition to numerous articles on Taiwan's politics and foreign relations, he is the author of Taiwan at the Crossroads: Human Rights, Political Development, and Social Change on the Beautiful Island, published in 1988 by the Asia Resource Center.

Emma Teng, a graduate student in East Asian Studies at Harvard University, is presently studying at the Stanford Center in Taipei, Taiwan. During the summer of 1989, she was a research assistant at the Center for Taiwan International Relations. A native of Great Britain, she received a B.A. in East Asian Studies from Harvard in 1989, writing her senior honors thesis on the Taiwanese feminist movement. Ms. Teng worked at the Clean Election Coalition in Taiwan during the fall of 1989, helping to monitor the fairness of the electoral process.
About CTIR

The Center for Taiwan International Relations (CTIR) is a private, non-profit, non-partisan research organization, sponsored by the Taiwan Foundation of New York, NY. It was established in Washington, DC on December 15, 1988, a decade after the United States announced the "de-recognition" of the Kuomintang government on Taiwan.

CTIR takes as its point of departure the belief that sovereignty over Taiwan belongs to the 20 million people who live on the island, and to no one else. Thus, it supports the right of those people to decide the ultimate resolution of the "Taiwan question." No government constituted without the consent of Taiwan's people has any valid claim to sovereignty over the island or any right to characterize Taiwan's future as its "internal affair."

In the context of these views, CTIR conducts research, sponsors seminars, and issues publications on the subject of the status and role of Taiwan in international relations.

For further information, write:

Center for Taiwan International Relations
538 7th Street, S.E.
Washington, DC 20003
U.S.A.

Telephone: (202) 543-6287
Fax: (202) 543-7891
## List of Abbreviations Used

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AIT</td>
<td>American Institute in Taiwan</td>
</tr>
<tr>
<td>CCNAA</td>
<td>Coordination Council for North American Affairs</td>
</tr>
<tr>
<td>CCP</td>
<td>Communist Party of China</td>
</tr>
<tr>
<td>CTIR</td>
<td>Center for Taiwan International Relations</td>
</tr>
<tr>
<td>DPP</td>
<td>Democratic Progressive Party</td>
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<tr>
<td>FBIS</td>
<td>Foreign Broadcast Information Service</td>
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<tr>
<td>GAOR</td>
<td>(United Nations) General Assembly Official Records</td>
</tr>
<tr>
<td>KMT</td>
<td>Kuomintang (Chinese Nationalist Party)</td>
</tr>
<tr>
<td>NATPA</td>
<td>North America Taiwanese Professors' Association</td>
</tr>
<tr>
<td>PCT</td>
<td>Presbyterian Church in Taiwan</td>
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<tr>
<td>PRC</td>
<td>People's Republic of China</td>
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<tr>
<td>ROC</td>
<td>Republic of China Taiwan</td>
</tr>
<tr>
<td>TCP</td>
<td>Taiwan Communist Party</td>
</tr>
<tr>
<td>TIAS</td>
<td>Treaties and Other International Agreements (of the U.S.)</td>
</tr>
<tr>
<td>TRA</td>
<td>Taiwan Relations Act</td>
</tr>
<tr>
<td>UN, UNGA</td>
<td>United Nations, UN General Assembly</td>
</tr>
<tr>
<td>US, U.S.</td>
<td>United States</td>
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<tr>
<td>USA, U.S.A.</td>
<td>United States of America</td>
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Map of Taiwan prepared by the CIA.

From: http://www.lib.utexas.edu/maps/taiwan.html
Introduction:  
Taiwan and the "Taiwan Question" in Brief

Geography

Taiwan is a sweet potato-shaped island of 14,000 square miles (about 36,000 square kilometers), roughly the size of the Netherlands or the U.S. state of West Virginia. It is separated from Luzon, the northernmost island of the Philippines, by the 200 mile-wide Bashi Strait. The Taiwan Strait, separating the island from mainland China, is about 100 miles wide. Most of Taiwan is mountainous, with settlement primarily along the western and southern coastal plains. The climate is maritime subtropical. Only about 25 percent of the land is arable. As of the end of 1989, the population was roughly 20 million people, with five million living in metropolitan Taipei. Metropolitan Kaohsiung is home to nearly two million people. Other large cities are Taichung, with over 700,000 residents, and Tainan, with 650,000.

People

Over several centuries before the 1600s, Malay-Polynesian tribes settled on Taiwan and the surrounding islands. Beginning in the 16th century, Hakka-speaking Chinese settlers from southern Kwantung Province began arriving. A much larger wave of Hoklo (Minnan)-speaking Chinese from southern Fukien Province started migrating to Taiwan in the 17th century. Today, the Hoklo account for about 70 percent of the population, and their language is often referred to as Taiwanese. Descendants of the Hakka settlers account for another twelve to fifteen percent of the populace. Many of the Hoklo and Hakka settlers intermarried with the non-Chinese aborigines, but today only about one to two percent of the people
on the island are considered "pure" aborigines. The rest of the population (twelve to fifteen percent) are post-1949 refugees from mainland China and their Taiwan-born descendants. They came from various mainland provinces, and include some Hakka and Hoklo speakers. Although people in the final group are still commonly called mainlanders, while the rest of the population is generally referred to as "native Taiwanese," more than ninety percent of the people now living in Taiwan were born there, and today there is considerable intermarriage among the various population groups.

Economy

Taiwan has few natural resources, and in recent decades trade has driven its economy. Prior to World War II, the economy was mainly agricultural, with pineapples, sugar, and camphor oil among the major products. Since 1965, Taiwan has industrialized rapidly, with growth rates averaging about ten percent per year. Major industries include construction, utilities, textiles, electronics, refining, petrochemicals, ship building, food processing, metallurgy, chemicals, and machinery. Industry and services account for nearly ninety-five percent of the gross national product, which in 1989 reached approximately US$140 billion. Per capita income stood at over US$7,000, with income relatively evenly distributed. Taiwan is the world's thirteenth largest trader, and the number five trading partner of the United States during the 1980s. Consistent trade surpluses have swelled foreign exchange reserves to more than US$70 billion, the largest in the world after Japan. In the 1990s, Taiwan will be a major player in international development finance, and Taiwanese entrepreneurs are increasingly investing abroad, including in the U.S.

History

In the late 16th and the 17th centuries, Japan, the Netherlands, and Spain vied for control of Taiwan, with the Dutch finally winning out. Prior to the establishment of the
Let Taiwan Be Taiwan

Dutch colony, headquartered near present-day Tainan in 1624, there was no modern administrative system in place on the island, and little is known about the aborigines' modes of governance. The Dutch encouraged accelerated immigration from China as a source of plantation labor, and many coastal Chinese eagerly seized upon the opportunity to own land beyond the jurisdiction of the tax collector and imperial Chinese bureaucracy.

In 1664, following the defeat of the Ming Dynasty by the Ch'ing, Ch'eng Cheng-kung, a Ming general, expelled the Dutch from Taiwan, which he hoped to use as a base to "recover the mainland" and restore Ming rule. However, in 1683, the Ch'ing, having consolidated their control of the mainland, defeated Ch'eng's grandson and incorporated Taiwan into imperial China for the first time.

Ch'ing control of the island was always tenuous at best, as the independent-minded settlers and aborigines frequently rebelled against imperial authority. Taiwan only became a formal Chinese province in 1886, but nine years later, China was forced to cede the island to Japan, along with the Pescadores, following its defeat in the Sino-Japanese war. Though often cruelly repressive, the Japanese rulers did undertake extensive economic and social development programs on Taiwan.

Since the end of World War II, when Japan renounced its claim to Taiwan, Taiwan's international status has remained unclear. The KMT, then in power on the mainland as the Republic of China (ROC) government, occupied the island on behalf of the Allied powers, and proclaimed it a "recovered province of China." However, by 1949, the Chinese Communist Party (CCP) had defeated the KMT and established the People's Republic of China (PRO on the mainland. The KMT transferred its entire governmental structure to Taiwan, from where it vowed to "recover the mainland" (the KMT continues to control a few islands linked historically to Fukien Province-Kinmen or Quemoy, and the Matsu chain-as well as Taiwan and its associated islands). The KMT regime insists that it remains the legitimate government of China, and both
the ROC and PRC claim Taiwan as their territory on a legal and historical basis.

**Political Institutions**

In keeping with the KMT's claim that it is the government of China, the political institutions it established there are kept alive in suspended animation on Taiwan. Over eighty percent of the parliamentary seats are filled by representatives elected on the mainland in 1947. Their average age is 80, and on average, one dies each week.

This "parliament pickled in formaldehyde," as *The Economist* has called it, not only bolsters the KMT's claim to rule China, but insulates the party's political power from institutional checks and balances, and makes it impossible for the people of Taiwan to change the government through ordinary constitutional processes. Thus, the institutions described in the 1946 ROC constitution are merely a facade for near-absolute KMT rule. All important policy and personnel decisions are made by the party's unelected Central Standing Committee. Furthermore, it is important to note that the questions of Taiwan's international status and the establishment of genuine democracy cannot be neatly divided. It is precisely because the KMT claims to rule China that the Taiwanese people do not enjoy a government based on their freely expressed will.

The KMT faced a Taiwanese uprising against its corrupt and brutal rule even before it lost control of the mainland. It put down the rebellion, which began on February 28, 1947, by slaughtering some 10,000 to 20,000 island residents. The victims included not only much of the local elite, but many ordinary people shot at random.

In May 1949, the KMT institutionalized this police-state terror by placing Taiwan under a state of martial law, which remained in effect until July 1987. This was the longest period of martial law rule in modern history. A National Security Law which continues to impose restrictions on many civil and political rights has replaced martial law. In particular, the
KMT continues to forbid discussion of an independent nation of Taiwan, permanently separated from China.

Martial law forbade the establishment of opposition parties, but Taiwan's loosely organized democratic movement defied the ban and established the Democratic Progressive Party (DPP) in 1986. It gained twenty-two percent of the vote in elections for a limited number of parliamentary seats representing the "Taiwan area," i.e., Taiwan, the Pescadores, Kinmen, and the Matsus) that year. In 1989, the DPP won thirty-one percent of the vote, doubling its parliamentary seats and winning six of twenty-one county executive and big city mayor posts. The DPP officially endorses self-determination for the people of the island, and twenty of thirty-two DPP candidates who openly supported Taiwan independence won office in the 1989 voting.

Following widespread protests in the spring of 1990, the KMT government convened a "National Affairs Conference," including government and opposition supporters, in June 1990. This gathering reached consensus on the need for a truly representative political system. While the KMT leadership agreed to accept the recommendations of the Conference, as this went to press, the authorities had not presented an implementation plan or a timetable for carrying out the reforms.

**Foreign Relations**

Only a handful of governments accept the KMT's claim that it is the legitimate government of all China. Most public and many private international organizations have similarly expelled the ROC in favor of the PRC. The island's extreme diplomatic isolation contrasts sharply with its dynamic role in the world economy, and may increasingly hamper its economic bargaining strength. Like the PRC, the KMT regime insists that it is the sole government of China, of which Taiwan is a province. Recently, the KMT has softened its stance, encouraging governments to confer "dual recognition." However, the PRC has broken relations with those states which try to do this.
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For its part, the PRC insists that Taiwan is part of its territory, and reserves the right to use force to "recover" it. Peking insists that the future of Taiwan is "China's internal affair." It has vowed to intervene militarily should Taiwan declare itself independent or should the KMT continue refusing to negotiate over "reunification." Thus, Peking claims it has the right to exercise veto power over politics in Taiwan, even though the PRC has never exercised effective control over the island.

Sovereignty: The "Taiwan Question"

As citizens of a former colony, the people of Taiwan have a clear right to self-determination under international law, and a number of governments have lent rhetorical support to this right. Unfortunately, there has been little tangible political support thus far for an exercise in self-determination, such as a UN supervised plebiscite. Most governments fear antagonizing either the PRC, the KMT, or both. Until the Peking massacre of 1989, most Western governments sought to avoid antagonizing the PRC, so as to keep economic opportunities open and to maintain the tactical alliance against the Soviets. Many developing countries are eager to obtain aid from either the PRC or the KMT. As is often the case, principle has little to do with power politics.

Although both Chinese governments maintain that Taiwan is an integral part of China, legally and historically, an examination of government documents demonstrates that this claim has no foundation and is largely a recent fabrication. As historian Harry Hsiao writes,

It is obvious that the current official version of Sino-Taiwanese relations is grossly inaccurate. Actually this version of history was created only after the mid-20th century.1 In fact, the legal and historical arguments for Taiwanese self-determination are stronger than those for Chinese sovereignty. Official documents and legal judgments show that the grounds for considering Taiwan a part of China are shaky
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indeed. According to other UN cases dealing with self-determination and secession, and the international law relating to rightful self-determination, Taiwan should receive support for this action if the Taiwanese people favor this option. The Taiwan question has always been regarded as an international issue and should be solved as such, not as China's internal affair.

The United States, as the KMT's chief patron and as Taiwan's chief trading partner, arms dealer, and source of political support, has an important role to play in helping to resolve this long standing issue. Given America's substantial stake in the future of Taiwan and growing Taiwanese demands for genuine democracy and continued independence from the PRC, it is clearly in America's interest to support Taiwanese self-determination.

___________________________________

Articles on Taiwanese Self-Determination

Comment: In this section, we present three articles written by American experts on international law over the past two decades. Each of these articles forcefully makes the case that Taiwan's future is up to the people of Taiwan—and no one else—to decide. These arguments are based not only on legal principles, but on political, moral, and common sense grounds. Although the articles were written some time ago, we believe the reasoning contained in them stands the test of time.

In "Self-Determination for the People of Taiwan," Kent L. Christiansen, a lawyer and former missionary in Taiwan, argues that the right of each "nation" to self-determination is well established in international law. He adds that the people on Taiwan clearly constitute a group able to assert a legal claim to self-determination, since they do not presently enjoy a representative government, they are territorially based, and they have expressed their desire for independence from the present "colonial" authorities, i.e., the KMT regime.

In an original and highly cogent line of analysis, Christiansen further argues that the U.S. Taiwan Relations Act of 1979, in treating Taiwan as a separate entity from China and in creating a legal relationship between the U.S. and "the people on Taiwan," rather than with the KMT regime, has, in effect, "opened the door to those Taiwanese who seek to establish an independent nation on Taiwan." In order to assure that the people on the island have the opportunity to choose their government and decide their future for themselves, free from KMT repression and PRC coercion, Christiansen then proposes a United Nations Trusteeship over the island, in accordance with the UN Charter.
In "Taiwan Does not Belong to China," political scientist Robert Wesson, of the University of California-Santa Barbara, rejects the "myth" that Taiwan is part of China; the "absurdity" of this claim is "evident enough," in his words. He cites the clear linguistic, cultural, and economic differences between Taiwan and the mainland which have arisen during the long years of separation. He also notes that China's claims to govern Taiwan based on prior sovereignty must, on legal and political grounds, give way to the desires of the people who live on the island. In 1981, when Wesson wrote the article, he felt that it was unlikely that "a dozen sane people" in Taiwan would want to live under the rule of Peking; that judgment is ever more sound today. Wesson concludes that the U.S. should reject the "one China" myth and "accept the reality of an independent Taiwan."

Michael Reisman, a distinguished expert on international law at Yale University, states emphatically in "Who Owns Taiwan?" that the answer is, "the Taiwanese." Appealing to history over ideology, Reisman, who wrote just after President Nixon's historic visit to China, rejects the notion that China exercised "effective control" over Taiwan prior to ceding the island to Japan in 1895. Indeed, he shows that two decades earlier, the Chinese imperial government had characterized the east coast of Taiwan as "outside its jurisdiction."

After World War II, according to Reisman, when Japan renounced its claims to the island, sovereignty could only be assigned by means of a peace treaty, but the treaty between Japan and the United Nations was silent on the "Taiwan question." He notes that the U.S. subsequently took the view that "sovereignty over [Taiwan] and the Pescadores has never been settled," a point made in Congressional testimony by Secretary of State John Foster Dulles in 1954 and reiterated by the State Department's spokesman in April 1971. Most other governments have made similar statements, and few have accepted China's claims of sovereignty over the island, he adds.
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Reisman rejects Chinese claims to Taiwan based on "racial suzerainty" or "Third World imperialism." He also suggests that if the KMT were to drop its insistence that it is China's legitimate government, the PRC might feel more comfortable in co-existing with Taiwan.

In any event, he concludes, unless "the Taiwanese have been given the chance to speak for themselves," the Taiwan question will remain unresolved.

SELF-DETERMINATION FOR THE PEOPLE OF TAIWAN [Excerpts] 1
—By Kent L. Christiansen

Sources of the Principle of Self-Determination

The right of national independence, which has come to be called the principle of self-determination, is the belief that each "nation" has the right to independently determine its own form of government.2 The concept of self-determination is enshrined in the United Nations Charter in Articles 1 and 55.3

It has been frequently and vigorously invoked since World War II as a principle allowing various factions to seek independence in international law. In light of its wide acceptance and successful application by entities seeking independence, the principle of self-determination is now a well-established rule in international law.4

At the Sixth Session of the United Nations General Assembly, a decision was made to include the right to self-determination in the Covenants on Human Rights. This was deemed necessary because experience had shown that violations of the right of self-determination had led to several wars, and that denial of such a right was viewed as a constant threat to peace. Therefore, the UN Covenant on Economic, Social and Cultural Rights, which was adopted in final form in 1966, provided that "all peoples have the right to self-determination." In addition, the Universal Declaration of
Human Rights included the language that for self-determination claims, "no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non self-governing, or under any limitation of sovereignty."

The preliminary text of the UN Covenant on Civil and Political Rights supporting the right to self-determination was drafted and discussed by the Tenth Session of the General Assembly. Paragraph 1 of that draft states that: "all peoples and all nations shall have the right of self-determination, namely, the right freely to determine their political, economic, social, and cultural status. The Twenty-First Session of the UN General Assembly moderately changed the wording of the Covenant and adopted it in its final form on December 16, 1966. Presently, it reads: "All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development."

Since its initial exposure under the UN Charter, the concept of self-determination continues to be confirmed as an international legal principle. The Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation Among States in Accordance with the Charter of the United Nation includes the right to self-determination among its seven enunciated principles. The right to self-determination is apparent in the final version of the sixth principle which states:

"By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle...."
Obviously, the UN Covenants and the subsequent Declaration suggests a viable basis for the international legal principle of self-determination. Furthermore, it is clear that this principle provides a universal "right" to self-determination for all peoples, regardless of the type of political system under which they live. Yet even in light of the explicit wording of these instruments, some scholars contend that such provisions have no legal effect. Accordingly, they argue that the language used by the Charter "does not allow the interpretation that the members are under legal obligations regarding the rights and freedoms mentioned in the preamble or text of the Charter." It is also argued that "[t]he United Nations can only take action in areas of human rights and self-determination when a breach of these rights are of such enormity as to constitute a danger to the world peace. In essence, the provision of the Charter is merely exhortary rather than legally mandatory."6

The more persuasive view, however, maintains that the provisions of the Charter do indeed have legal effect. It is pointed out that the mere absence of a sufficient means of implementation and lack of precise definition does not detract from the principle's legality. There is a mandatory obligation implied in the provisions of Article 55 that the United Nations shall promote respect for, and observance of, human rights and fundamental freedom. There is a distinct element of a legal duty on the understanding as expressed in Article 56. The minimum duty then, according to this view, is that the members of the United Nations refrain from obstructing the promotion of human rights, including the right to self-determination.

Generally, the principle of self-determination is given prominence by the United Nations Charter and the General Assembly's string of resolutions that have followed. Writers and commentators on the principle of self-determination have repeatedly recognized its legal significance in international law. In addition, the nations represented in the UN adhere to the intent of that organization "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace."10
Assertion of the Principle of Self-Determination

The United Nations affords all peoples the right to self-determination. The General Assembly has declared that it is within its sole discretion to determine when a people may claim self-rule. It is well established that the United Nations will only recognize a country's movement toward self-determination where that movement has met the criteria of at least one of two tests. Once the criteria of either test have been met, then the people seeking independence have the standing to invoke the right of self-determination.

One test is set out in the first paragraph of the Declaration on the Granting of Independence to Colonial Countries and Peoples. This paragraph sets forth three specific criteria required of a people seeking to assert the right of self-determination. These criteria are that: (1) the people are subjugated, (2) the people are territorially based, and (3) the movement is made up of a colonial people.

The people on Taiwan have satisfied the criteria under this test. The first criterion requires that the people must be subjugated, and defines a subjugated people as those who have been denied basic human rights. In retrospect, the situation on Taiwan concerning (1) representation in government, (2) the cancellation of the 1978 general election, and (3) the overwhelming denial of numerous individual rights and freedoms have all served to evidence the subjugation of the people on Taiwan by the existing powers there.

The requirement that a people be territorially based is also met by the people of Taiwan. This requirement may be satisfied by showing that the group asserting the right has an affinity with the land which they seek to claim through self-determination. The Taiwanese people have established such an affinity through their continuous inhabitation of Taiwan for over five centuries. In contrast, the Chinese of the Communist mainland-have few, if any ties to the land of Taiwan....

The "colonial people" requirement is fulfilled when the group of people seeking self-determination express their desire to gain independence. The Taiwanese, both in Taiwan and
abroad, have brought their desires for independence to the forefront of world affairs. This can be seen in the numerous independence groups that have sprung up as well as in the voluminous literature that has been distributed relative to this issue. Accordingly the facts show that the Taiwanese have met the requirements for a recognizable self-determination movement.

**Independence Movement Within Taiwan and Abroad Calling for Self-Determination**

The present situation in Taiwan highlights the Taiwanese people's desire to achieve independence through self-determination. In effect, Taiwan's international legal status was never determined after the Japanese surrendered occupation of it at the close of World War II. The native Taiwanese are a group of people who seek independence, not from a colonial ruler, but from the Nationalist government, which, as an occupation authority has sought to impose its rule over them. The Taiwanese are invoking the principle against "the existing authority of unauthorized occupation, for the purposes of establishing an independent state." Although the Nationalists still claim to be the legitimate government of all of China, international legal principles do not support such an assertion. Moreover, the goal that they will one day return to the mainland has lost its credibility among the international community and the majority of people on Taiwan. Currently, there exists a strong movement by a majority of the Taiwanese people to replace the nationalist government and establish an independent nation in Taiwan through self-determination. This movement is based on several factors....

[L]arge numbers of the Taiwanese population ... continue to openly express their discontent and desire to achieve independence from the Nationalist government. It has been stated that the continued oppression by the "security forces" of the Nationalist government has made the government an object of hatred to virtually all Taiwanese ....
Denial of Adequate Representation

Another factor which has brought about the movement toward self-determination on the island is that the local Taiwanese population has been denied an adequate share of their representation in the political affairs of the country. The population now consists of approximately 20 million people. Apart from a very small minority of non-Chinese, Taiwan is primarily populated by people of ethnic Chinese origin. This Chinese population, however, is divided into several groups which have cultural and linguistic differences. Approximately 13.6 percent of the population are Chinese mainlanders, while the remaining 86.4 percent are Taiwanese.

The government of Taiwan consists of a National Assembly which meets once every six years to elect a President. The law-making body is called the Legislative Yuan. The overwhelming majority of the current representatives for both bodies were elected on the mainland in 1948. No general elections have been held since 1947, because the government claims that elections cannot be held until the mainland is recovered. The average age of the existing Nationalist leadership is now 80 years, which will necessitate their replacement in the near future.

In a statement made to the Senate Committee on Foreign Relations, Senator Pell summed up the dilemma regarding representation of the Taiwanese people when he said that figures are "not a very good record as far as respecting the will of the majority of the country...."

It is clear that the central political problem in Taiwan is that the Taiwanese are restrained from obtaining adequate representation in that national government. The Nationalist rationale for depriving such representation is based on the continuing claim that the government must be representative of all of China and not just Taiwan. Because ROC Nationalists have continually ignored pleas for truly representative government, many Taiwanese consider self-determination of an independent Taiwan as their only remedy.
Cancellation of the 1978 General Election

A third factor which has strengthened the internal movement for self-determination is the cancellation of the scheduled elections of 1978. One week after President Carter formally recognized the PRC, elections were cancelled throughout Taiwan. The reason given by the Nationalist government was to "avoid unrest...."16

Cancellation of the 1978 election appears only to have "whetted the demand for a democratic government."17 A well-known specialist on Taiwan politics and a prominent resident of Taiwan commented that "had the elections taken place, the Kuomintang (Nationalist) would have taken a beating. They were frightened. They panicked."18

Denial of Individual Rights and Freedoms

A fourth factor which has caused a high level of consciousness toward self-determination in Taiwan is the persistent denial of individual rights and freedoms by the Nationalist government. The ROC Constitution, which was adopted in Nanking on mainland China in December, 1946, guarantees certain fundamental rights. Among these rights are freedom of speech, writing, teaching, and publication; personal freedom; freedom of residence and change of residence; freedom of privacy of correspondence; freedom of religious beliefs; freedom of assembly and association; and freedom to petition....

The [defeat of the Nationalist government in China] in 1949, and its subsequent proclamation of martial law suspended all provisions of individual rights and freedom guaranteed by the ROC Constitution [on Taiwan]. The Nationalists have declared that the suspension will last as long as the "Communist Rebellion" exists on the China mainland. It is apparent that the deprivation of fundamental rights by the existing government is a major factor that has fueled the present movement toward self-determination. The Taiwan Relations Act, however, has effectively provided a channel whereby native Taiwanese may gain relief from Nationalist oppression.
The Taiwan Relations Act has Laid the Foundation for the Taiwanese to Proceed to independence Through Self-Determination

Prior to the Taiwan Relations Act, the United States recognized the Nationalist or Kuomintang authority as at least the de facto government of China. The United States, however, like many other nations of the world, maintained relations with the Chinese as though "two Chinas" existed. The PRC feared that this might lead to Taiwan's de jure legal independence. The PRC consistently asserted that there was only one China, and that Taiwan was a part of that nation. The PRC acted against de jure recognition of Taiwan by the United States by conditioning any normalization of relations between the PRC and United States on the coincidental termination of relations between the United States and the ROC.

On the other hand, if the United States had encouraged the ROC to pursue independence prior to the Taiwan Relations Act, such a move would have been in direct opposition to the desires of the Nationalist government. This is attributable to the fact that the Nationalist government of the ROC was as adamantly opposed to a "two-China" policy as its mainland counterpart. Both sides held fast to the idea that the other side was in possession of an "unliberated territory of their Chinese brothers."

The 1979 passage of the Taiwan Relations Act has considerably altered the political and economic situation of Taiwan and the PRC. As part of the normalization process with the PRC, the United States has adopted a new policy of non-recognition towards the ROC pursuant to the Taiwan Relations Act. Prior to the Taiwan Relations Act, the United States had an obligation to help defend Taiwan from outside aggression. In addition, there were treaties between the two countries which were important to Taiwan's survival. Moreover, there were many trade agreements which Taiwan and the United States depended on. Thus, some form of arrangement was essential to permit relations to continue between the two countries on an unofficial basis.
The Taiwan Relations Act dealt with these important considerations. [Ed. note: The full text of the Act is reproduced below as U.S. Document 271 The Act allows agencies of the United States government to conduct relations with Taiwan through the American Institute in Taiwan. This non-profit corporation continues to carry out diplomatic and consular business in Taiwan as though there existed a recognized diplomatic mission or consulate. Correspondingly, Taiwan established a counterpart organization called the Coordination Council for North American Affairs to serve a similar function....

The Taiwan Relations Act also reinforced the United States' determination to prevent outside interference with Taiwan's international status. The United States declared that any effort by another country to determine the future of Taiwan by other than peaceful means would be considered a threat to peace and security in the Western Pacific and a matter of grave concern to the United States. In order to be certain that aggression did not result from derecognition, the Act states that the United States would provide Taiwan with defensive arms and seek to resist any form of coercion that would jeopardize the economic or social system of the people of that country. The Act specified that all treaties of agreements between the United States and the ROC that existed prior to January 1, 1979 would continue in force unless expressly terminated. In addition, the laws of the United States would continue to be applied to Taiwan identically as they had been prior to the Act.

In response to the PRC's demand that the United States denounce its recognition of Taiwan, the United States "acknowledged" that there was only "one China." In an attempt to avoid harmful effects between the United States and the PRC, the United States, by way of the Act, also left the question of Taiwan's status to be resolved in the future by the Chinese people themselves. Meanwhile, the United States still maintains that it has never declared Taiwan to be a part of China, and the Taiwan Relations Act supports the assertion that the United States takes no position with regard to Taiwan's current legal status.
The United States derecognition of the Nationalist government, in conjunction with its position of non-intervention, has opened the door to those Taiwanese who seek to establish an independent nation on Taiwan. In effect, the Taiwan Relations Act has created a new and separate entity, at least in the eyes of the United States. This new entity possesses all of the attributes of an independent sovereign nation, even though it lacks a clearly defined legal status in regard to international recognition.

The derecognition as accomplished by the Act has brought about the feasibility of a new and independent Taiwanese government. Moreover, obstacles such as the claim posed by both the PRC and ROC Nationalists that there is one China, no longer exist. Such claims have lost credibility, and such a plan is not only rejected as unrealistic by the Chinese, but is also viewed by the international community as an implausible alternative. One historian has commented that "The fact is that they (the ROC and the PRC) are evading reality... there are two Chinese states, and two Chinese governments, and this has been the dilemma and the situation for nearly 30 years." In light of the changed circumstances brought on by the Taiwan Relations Act, the major barriers to a self-determined and independent state on Taiwan are now diminished.

There exists a strong sentiment in the United States and abroad which advocates that the time has come for Taiwanese self-determination and independence. The general consensus may be summed up in the statement that "Taiwan is going through transition from being the Republic of China representing all of China to some new and still undefined status. What that new status should be must ultimately be decided by the people of Taiwan." United States Senator Claiborne Pell of Rhode Island has stated that "I have always believed that the United States made a mistake in supporting Chiang Kai-shek's contention that his regime was the government of all China. We would be much better off and truer to our professed principle of self-determination if we... pressed for an independent Taiwan."
Moreover, there reportedly exists a huge majority of people on Taiwan, of both Taiwanese and mainland descent, who favor independence for Taiwan.\textsuperscript{24} Their voice, however, has often been muffled by the Nationalist government.

There are also numerous groups outside Taiwan who continue to promote the wishes of that country's majority. Such groups state that the United States supported the ROC as the "free China" in their movement against Communism for many years. During those years, the United States ignored the plight of the majority of the [20] million people on the island. These groups contend that because the United States and the PRC have established relations, the ROC is no longer recognized. Thus, they declare that "the time for self-determination and the well-being of those [20] million people has finally arrived."\textsuperscript{25}

It is important that the decision of Taiwan's future status be determined by the majority of the people on Taiwan. The Taiwanese are the ones who have a direct stake in their 'religion's future. The Taiwan Relations Act effectively provides the foundation upon which the Taiwanese can build a means to achieve the desires of the majority of its people.

The enactment of the 1979 Taiwan Relations Act virtually eliminated the existence of the ROC and the Nationalist government in the eyes of the United States. In its place, the United States has created the American Institute on Taiwan. That body has been given the legal status providing that "whenever any law, regulation, or order of the United States refers or relates to a foreign country, nation, state, government or similar entity, such terms shall include ... and apply with respect to Taiwan." Since the government of the ROC is no longer recognized by the United States, the term "Taiwan," as used in the statute, applies specifically to the people on that island. As a result, all diplomatic and legal relations that the United States carries out with the nations of the world shall be equally applicable to the people of Taiwan. Thus, the Act designates the Taiwan Institute as the functional body through implementation of future intercourse between the United States and the people of Taiwan shall be accomplished.
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Although the United States maintains that notwithstanding the creation of the Taiwan Institute there exists only an unofficial relationship with Taiwan, this unofficial relationship does not provide for recognition of the Nationalist government as the "legitimate government" of the people of Taiwan. The agreement promulgated by the Act derecognizes any claim to government that the Nationalists may have over Taiwan. In addition, the United States continues to maintain that it also does not recognize the PRC as the legitimate government of Taiwan.26

The legitimacy of the Nationalist government in Taiwan rests on the contention that it is the successor of the government that ruled the mainland before 1949. The justification for the dominant role held by ... the Nationalist government is that it represents all of China. That justification is now non-existent. In light of the non-recognition status of the ROC and the Nationalist government, the United States has opened the door and laid a foundation for the Taiwanese people to establish a new government. The Taiwanese people could propose a referendum setting forth the desires of the majority of the island's population, and therein align the status of their island and its government with those desires. The United Nations Trusteeship system could be utilized to ensure that the interests of the Taiwanese ... are best served.

A Proposal for the Implementation of a United Nations Trusteeship to Establish a New Government on Taiwan

The necessity for the creation of a trusteeship in Taiwan is largely attributable to the adamant opposition against an independent Taiwan. [Ed. note: Since this article was written, the government of the PRC has continued to threaten to use military force against a declaration of Taiwan independence (see the PRC documents below). In addition, the KMT authorities on Taiwan have replaced martial law with a "National Security Law which outlaws advocacy of independence. In 1988, a Taiwan court convicted the Rev. Tsai You-chuan and Mr. Hsu Tsao-teh for "sedition" because of their non-violent advocacy of independence, and in 1989 and January 1990, the authorities charged three other non-violent
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independence advocates with "sedition." This opposition seems to evidence the need for such a "moderator" to determine the will of the majority of people on Taiwan. By trust agreement, Taiwan would be placed under the trusteeship system for the purpose of holding neutral elections. This arrangement would allow the inhabitants of Taiwan to determine their own leadership and sovereignty. Upon establishment of a new government, the trusteeship would terminate. In light of the strong movement for independence among the Taiwanese and the advancing ages of the members of the present ROC [parliament], the United States is in a good position to propose such a trusteeship at this time.

Chapter XII, Article 75 of the United Nations Charter provides "that the United Nations shall establish, under its authority, an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories." In addition, Article 76 of the UN Charter lends itself well to the creation of a trust territory on Taiwan. Among other things, Article 76 seeks to "promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence, as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned."

The trusteeship system was intended to cover three categories of territories: (1) former mandates, (2) former enemy territories, and (3) territories voluntarily placed under the System by states responsible for their administration. The trusteeship system could be made applicable to Taiwan by virtue of the third category.

The effect of placing a territory such as Taiwan under the trusteeship system is merely to recognize the principle of international accountability for the welfare of the territory's native inhabitants. Accountability is promoted through the United Nations' supervision, which involves periodic visits, examination of annual reports submitted by the administering authority, and other actions in conformity with the trusteeship
agreement. The objective of the trust is to further the "progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned...." Once this objective is accomplished in Taiwan, the trusteeship would dissolve.

In determining how such a trusteeship would be supervised, it appears feasible for the United Nations to appoint a Trust Committee. This Trust Committee would be composed of not only representatives from Taiwan's native population, but also of Chinese mainlanders in Taiwan. In recognition of the great impact that an independent Taiwan would have on other countries of the world, a combination of U.N. member countries, especially those in Asia, should also be represented by the committee. The Trust Committee would in turn supervise the organization and creation of a viable and representative government on the island of Taiwan.

Obviously, the existing Nationalist government and the government of the PRC will strongly object to such a trusteeship. The trusteeship system, however, was devised by the United Nations to overcome the very obstacles posed by the Taiwan situation. The primary objective of the UN Charter is to further the advancement of progressive development of self-government or independence, as freely expressed by the peoples concerned. The Trust Committee would ascertain the wishes of the majority of Taiwan's people, and accordingly make the appropriate recommendations to the UN General Assembly. Assuming that the general consensus of the people of Taiwan would be to establish a new and independent government, the Trust Committee would then supervise the elections conducted on the island for its establishment. Upon completion of its duties, and at a time when the new government was operating at a level satisfactory to the UN General Assembly, the Trust Committee would be dissolved. The critical issue here is not the degree of opposition that the creation of a trusteeship would generate, but the plausibility and mechanics of effectively supervising the establishment of the new government. The Taiwan Relations Act paves the way for such
a reform, and the UN trusteeship provides the necessary vehicle to accomplish that end.

Conclusion

As a result of enactment of the Taiwan Relations Act, the legitimacy of the ROC and the Nationalist government are no longer a reality in international law. The people of Taiwan, who have been subject to that government over [40] years, are in perhaps the best position in their history to seek independence.

The entities of Taiwan and mainland China have been divided for almost four centuries. Each has developed a unique identity and culture which further evidences their differences. At the end of World War II, the Supreme Commander of the Allied Command in the Pacific required the surrender of Taiwan by Japan to the Allied forces. General Chiang Kai-shek founded the Nationalist government on Taiwan in October of 1945. Subsequently, the Nationalist forces fighting the Civil War on the mainland were defeated and the PRC was established on the mainland in October, 1949. The remaining mainland Nationalists fled to Taiwan and assumed positions of authority within the ROC....

The Taiwanese population has since [1947] been deprived of proportionate representation in the political system of Taiwan... Martial law has also been a source of the Nationalists’ denial of fundamental rights as set forth in the country's constitution. These conditions have spurred both the current plea for self-determination and the Taiwan Independence movement at home and abroad.

The cession of Taiwan by Japan renounced all Japan's claims to Taiwan, but did not provide for a beneficiary. The Sovereignty of Taiwan is, therefore, "undetermined," and should be decided by the people of Taiwan. The American Institute [in] Taiwan, the entity created by the Taiwan Relations Act, effectively provides the Taiwanese people with the necessary qualifications to invoke statehood through the Principle of self-determination. At this time, Taiwan possesses requisite elements: (a) a subjected people, (b) a territorially people, and (c) a movement made up of a colonial people. With these elements present, Taiwan is now "ripe" to pursue a
course of independence via the principle of self-determination. The Taiwan Relations Act has in effect provided a vehicle through which other nations recognizing the PRC could establish an entity similar to the American Institute on Taiwan. The purpose of such action would be twofold: (1) to maintain economic ties with Taiwan while recognizing the PRC, and (2) to ease the PRC toward the ultimate reality of Taiwan’s independence.

The suggested medium for gaining sovereign independence for the people of Taiwan is through the application of the international legal principle of self-determination. This could be accomplished by the establishment of a UN trusteeship. The trusteeship would take into account the respective interests of the United States, Taiwan and China, and "affected Asian Countries" to ensure a satisfactory result. The major purpose of the trusteeship is recognized as providing a systematic means to ascertain the wishes of the majority of Taiwan’s [20] million people. Once a representative government is established, the trusteeship would dissolve.

It is recognized that opposition by the PRC is a likely result of such a proposal. However, in light of the current stalemate between Taiwan and the PRC and the potential threat that the two entities pose to each other, it is possible that the Chinese will balance the interests and eventually agree to Taiwan's independence. Nonetheless, it is important that the international community recognize and properly accord the Taiwanese people the rights to which they have a legal claim.

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1 All subsequent notes are taken from the author's text
3 Articles 1 and 55 of the U.N. Charter specifically refer to self-determination as an international legal principle. U.N. Charter Arts. 1 and 55. Article 1 reads as follows: The Purposes of the United Nations are: (1) To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and
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in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations that might lead to a breach of the peace;

(2) To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

(3) To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

(4) To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 55 reads as follows:

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. [emphasis added]


7 Ibid.


9 R Emerson, Self-Determination Revisited in an Era of Decolonization, 12 (1964); D. O'Connell, International Law 337-8 (1965); see also U. Umozurike, Self-Determination in international Law 48 (1972), at 623; Cobban at 39; Ofuatey- Kodjoe at 129.

10UN. Charter Article 55.


13 Ibid. at 599.

14N-Y. Times, January 24, 1979, at A23, col.4.

15 See Taiwan: Hearings on Taiwan Before the Senate Comm. on Foreign Relations, 96th Congress, 1st Session (1979) at 141, 651.

16 Ibid. at 146 (testimony of Victor Li).

17Washington Post Feb. 3, 1979, at A8, col. 1; see also Taiwan, supra note 14, at 388-9.

18 Ibid.

19 The translation of "acknowledged" was used differently depending on whether the Chinese or English version was used. For definition of such translation, see Taiwan, supra note 14, at 29, 146.

20 See ibid. at 611 (statement by A. Doak Barnett).

21 Ibid. at 577

22 Ibid. at 147 (statement of Victor Li).

23 Ibid. at 549.

25 See Taiwan, supra, note 14, at 551.
26 Ibid. at 600.

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TAIWAN DOES NOT BELONG TO CHINA
—By Robert Wesson

Many myths are widely accepted by much or most of the world at large, such as the impregnability of the Maginot Line, the goodness of Stalin, or the wisdom of Chairman Mao. Only afterwards does the world learn and acknowledge that the truth was very different. Today we assuredly take for granted many things that will be revealed one day to be false, but it is difficult to separate the fool's gold from the real thing.

There is one myth, however, that is accepted with remarkable unanimity by nearly the entire world, yet its absurdity is evident enough.

This is the idea that Taiwan is somehow "really" a part of China, which ought to be somehow or someday "reunited" with China. The mainland government and the mainlanders who govern Taiwan agree on this (and nothing else), and trumpet it, while those who disagree, the native inhabitants of Taiwan, are almost voiceless and unheard. But this does not make it any less absurd and less misleading as a basis for foreign policy.

The spoken language of Taiwan (mostly Fukienese) is completely unintelligible to the people of Peking, the written language was formerly the same, but it has substantially diverged in the last 30 years. Very many characters have been
modified by the Peking government, while ideas and expression have changed both on Taiwan and on the mainland in different ways.

An educated Taiwanese cannot easily read a mainland newspaper. The Taiwanese have become culturally different, first from 50 years of Japanese rule, then from 35 years of extraordinarily rapid and successful modernization, an experience totally different from the communist experience of the mainland.

Except for classics, the two countries have entirely different literature, music and arts. Religious observance is strong on Taiwan; on the mainland it has been almost eliminated.

The political systems are as different as those of different cultures usually are. The economic systems are totally different, that of Taiwan being far more successful by all ordinary measures. It is a sign of the gap that the foreign trade per capita of Taiwan is not far from 100- years, 100-times as large as that of China.

In the face of this reality, the government of Peking can claim the island as its own only as the basis of the inheritance of the Chinese empire's having held it until 1895. But living people are surely not subject to the dictates of dead history.

Nowadays it is ordinarily accepted that detached territory inhabited by distinct peoples are entitled to be free if they desire. On this basis, the colonial empires that once covered half the earth have been liquidated and replaced by sovereign states, down to tiny Caribbean islands. If distinct peoples are entitled to remain separate, all the more is an independent state entitled to remain independent.

"Reunification" by peaceful process is a fantasy; it would probably be difficult to find a dozen sane people on Taiwan who would prefer to be governed by Peking. Conquest by force would be gross imperialism, as inexcusable as another aggression against a weaker people. It is also unlikely, as the Chinese government lacks the military capacity and is not likely to Acquire it for many years-and the United States could not permit it.
Why not accept the reality of an independent Taiwan and act accordingly, instead of playing with the myth?

An American authority on China, James C. Thompson, Jr., says, "Realistic Taiwanese know that their future depends on amicable ties with the mainland. A hostile-fortress Taiwan would be a perpetually insecure Taiwan and an affront to Chinese pride."

Thompson, who has written three books on China, believes the Reagan administration must avoid the danger of bringing Taiwan back to the "front-burner." Such attention would force the People's Republic of China to get tough with the island that still calls itself the Republic of China.

For Peking, of course, Taiwan is an emotional issue that remains a hindrance in Sino-U.S. relations. Peking wants unity with Taiwan to affirm the legitimacy of its own rule and also to reap the benefits of that militarily and economically advanced island.

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WHO OWNS TAIWAN?
—By Michael Reisman

Henry Kissinger allowed us a quick glimpse of our new policy on Taiwan in December 1971: "The ultimate disposition, the ultimate relationship of Taiwan to the People's Republic of China should be settled by direct negotiations between Taiwan and the People's Republic of China." The President reaffirmed this position in his State of the World message of February 9, 1972: "The ultimate relationship between Taiwan and the mainland is not a matter for the United States to decide. A peaceful resolution of this problem by the parties would do much to reduce tension in the Far East. We are not, however, urging either party to follow any particular course."
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Since the "parties" to which Mr. Nixon refers are a nuclear power of about 800 million people in one corner and an islandstate of 15 million in the other, his magnanimous promise of neutrality approaches Anatole France's classic characterization of the majestic equality of the law, forbidding the rich as well as the poor to sleep under bridges. Moreover, Mr. Nixon entertains no doubts about the outcome of this "peaceful resolution": "We recognize that this process cannot help but be painful for our old friend Taiwan, the Republic of China." But might not it be painful also for the 13 million Taiwanese, 87 percent of the population of the island-state, whose opinion, indeed whose existence, is blandly ignored?

In addition to ignoring their aspirations for political community, the new policy also controverts history. For an examination of the diplomatic and legal record will show that China—Maoist or Chiangist—has a very doubtful legal claim to the island-state which lies 110 miles from the China coast.

Chinese began to migrate to Taiwan in substantial numbers in the 16th century, and within two centuries a distinctive Taiwanese identity had developed. In 1683, the Ch'ing Dynasty of China annexed Formosa by decree, but it is doubtful if China established a degree of effective and continuous Control sufficient to transform its verbal claim into an international title. Significantly, the Ch'ing government, in the early 1870s, informed Japan that Formosa was "outside its Jurisdiction"; hence China could not be held responsible for what Formosans had done to Japanese nationals on the island.

Under international law, sovereignty because of "historic rights" of "occupation" involves more than a self-serving statement of ownership. The additional requirement is effective occupation; in the language of the landmark Clipperton Island case, "to exercise exclusive authority there." It is possible that China had no intention of annexing and effectively governing Formosa; that its decree aimed only at establishing a principle of regional hegemony or "mandate of Heaven." Some confirmation for this view can be found in a statement Mao Tse-tung made to Edgar Snow in the 1930s, when he distinguished Formosa and Korea from the "lost territories
of China" and promised to aid Koreans and Formosans in their struggle for independence. Whatever interpretation is put on Chinese failure to establish continuous, effective control in Taiwan, a claim to title from this period of history does not stand.

In 1887, the Ch'ing government declared Taiwan a province of China, but eight years later, having lost the Sino-Japanese war, China ceded Formosa to Japan in the treaty of Shimonoseki of 1895. The cession does not seem to have grieved the Chinese. Li Hung-Chang, Viceroy of the Ch'ing government and the man responsible for negotiating the Treaty wrote: "(T)his land of the Brown Robbers [Taiwan] was a vile spot, in which no man ... would ever care to live ... It may not be known generally, but as early as 1873, when complaints came to Tientsin from British traders, I earnestly memorialized the Throne to offer Taiwan to the English Government to do with the wretched island as they saw fit." While Taiwan was under Japanese control, neither the Chinese government nor the communists expressed any longing for it.

Then, when World War II broke out, China denounced the treaty of Shimonoseki—a unilateral act of dubious legal effect. At China's behest, the three Allied Powers affirmed in the Cairo Declaration of 1943, and reaffirmed at Potsdam, a desire "to restore Formosa and the Pescadores to China." Declarations such as these cannot, of course, legally dispose of the territory of another state. Additionally, the legal effect of an unratified declaration, particularly a wartime declaration, is controversial, but there is no controversy over the supercession of such a declaration by a full-fledged peace treaty. In case of conflict, the treaty prevails. Hence the importance of the 1951 Japanese Peace Treaty, in which Japan renounced "all rights, title and claim" over Formosa. But the treaty did not state to whom Taiwan was to be delivered. An examination of the preparatory records shows that this was not an oversight, but was a matter to be decided at a later date. As the British delegate to the Peace Conference put it, "In due course a solution must be found, in accord with the purposes and principles of the Charter of the United Nations." There were some conflicting statements before the signing of the Treaty. President Truman,
for example, spoke of Chiang's "authority" in Taiwan. It was an ambiguous term in the context, and Truman subsequently adopted the position in the Peace Treaty.

A Chinese title, under international law, cannot be deduced from the presence of the Chiang Kai-shek exile government on Taiwan. When the Japanese surrendered to the Allies in 1945, General MacArthur authorized the Nationalist Chinese authorities to undertake temporarily military occupation of the island as a trustee on behalf of the Allied Powers. Four years later, Chiang and the remnants of the Nationalist Chinese government fled to Taiwan and purported to establish a "Free China." But despite Chiang's grandiloquent claims, the United States did not recognize any Chinese sovereignty over Taiwan, even when it was U.S. policy to support Chiang as a fictitious China. Thus the record of the Senate's ratification of the 1954 Mutual Defense Treaty between the U.S. and Nationalist China contains the reservation that "...nothing in the present treaty shall be construed as affecting or modifying the legal status or the sovereignty of the territories referred to in Article VI (i.e., Formosa and the Pescadores)." Secretary of State Dulles, a champion of Chiang and a respected international lawyer, stated that "...technical sovereignty over Formosa and the Pescadores has never been settled ... Therefore the juridical status of these islands, Formosa and the Pescadores, is different from the juridical status of the offshore islands (Quemoy and Matsu) which have always been Chinese territory." On April 28, 1971, a State Department spokesman stated that, "In our view, sovereignty over Taiwan and the Pescadores is an unsettled question subject to future international resolution." The same point has been made annually by the British delegation to the United Nations and by President Pompidou of France. In deference to this legal situation, the Canadian and Italian governments and in recent months a host of other members of the United Nations have done no more than "take note" of Peking's claim over Taiwan when they recognized the People's Republic of China.

China—Maoist or Chiangist—may have other claims to Taiwan. It may, for example, argue that the 13 million Taiwanese are really Chinese and hence subject to Chinese
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sovereignty. This raises questions of fact and law. The factual question can only be answered by the Taiwanese who, not inexplicably, seem to insist that they are Taiwanese. From a legal standpoint, there is no contemporary doctrine of racial suzerainty, no theory which allows self-selected leaders of a "race" to claim and enforce the allegiance of their overseas ethnics and to claim the territory on which their kinsmen happen to live. Aside from the fact that a theory of racial suzerainty would run counter to the doctrines of self-determination in international law, it would be quite pernicious in a world in which all races are widely dispersed.

China might also argue for a doctrine of "third world imperialism." European empires are to be dismantled, but third world empires of the past (real or fanciful) are to be reconstructed, in a selectively mystical type of self-determination. Sukarno's Majapahit Empire, for example, was to include Malaya and the Philippines, whatever Malays and Filipinos might have thought of it. Comparable sentiments have been attributed to Premier Chou En-lai in the press of late. Yet the international principles and resolutions condemning colonialism are quite clear; no Third World exceptions have been written in. There is, of course, the nonlegal argument of expedience. But if France, Italy, Canada and many other states have been able to establish links with Peking without breaking international law, one would expect the U.S. could.

Under present international law, Chinese claims to Taiwan-Nationalist or Communist—have scant basis. The most tenable claim is that of the Taiwanese, who already comprise a vigorous but subjected state, currently misnamed "the Republic of China."

The government that sits atop the Taiwanese is Kuomintangist and continues to claim China. The magnitude of the Nationalist Chinese threat to China seems miniscule from here, but it may loom large in Peking. Despite the surface tranquility so characteristic of totalitarian regimes, the communist elite will feel extremely uncomfortable as long as an alternative focus for the loyalties of the masses waits and broadcasts from 110 miles off the coast. And with tensions on
the Russian border, the possibility of a two-front engagement takes on greater strategic gravity. It may have been a canard, but the recent report in the Austrian press of Soviet negotiations for a base on the Pescadores is more than plausible geopolitics. In short, Peking does have a case. In the interests of its own security, China can insist on a change in Taiwan's Kuomintang political myth and possibly guarantees of neutrality. But in the name of security, China cannot legally claim Taiwan and the Taiwanese. Nor can a joint communique signed by two political leaders foreclose this issue. An international agreement of this magnitude must conform to international law. Abrogating, as it does, prior treaties, and raising such fundamental policy questions, must it not secure senatorial advice and consent? Until the Taiwanese have been given the chance to speak for themselves, international policy would do well to follow the terse advice of the placard of a Taiwanese student outside the United Nations. His sign read: "Mao Stay Out! Chiang Get Out!"

Chinese Statements from the Ming and Ch'ing Dynasties

Comment: During World War II, leaders of the United States and Britain feared that the head of China's KMT government, Chiang Kai-shek, would enter into a separate peace with Japan. Therefore, they offered Chiang an incentive to keep fighting: in the 1943 Cairo Declaration (reproduced below), they promised to "return" Taiwan to China once the Allies had defeated Japan.

Ever since, both the KMT and the Chinese Communist Party (CCP) have insisted that Taiwan has always been an integral part of China's territory, separated from the motherland periodically by the aggression of foreign imperialists. In 1971, Chou En-lai went so far as to say that "a thousand years ago [Taiwan] had already become a part of China" (CCP/PRC Document 10). In fact, there is no historical record of a Chinese administration on the island before the 17th century. The Dutch ruled much of Taiwan from 1624 to 1661, and there was also a brief period of Spanish colonization of the island's northern tip during the 1600s.

When Manchurian invaders conquered China in midcentury and deposed the Ming Dynasty, a Ming general named Cheng Ch'eng-kung (or Koxinga) fled to Taiwan, expelled the Dutch, and established a "government in exile." In an ironic eshadowing of the present, this Ming rump caucus insisted that it would soon "recover the mainland." However, in 1683, the Manchurian Ch'ing Dynasty, having consolidated its control of the mainland, defeated Cheng's successors on Taiwan, establishing the first Chinese (albeit non-Han) administration of the island. Until that time, official Chinese statements
consistently denied that Taiwan was a part of the Chinese empire, treating it instead as a barbaric, backward place.

Professor Harry Hsiao rejects statements by 20th century Chinese historians affiliated with either the KMT or the PRC claiming that "a close and friendly relation existed between China and Taiwan in the third century." He says that some such historians also inaccurately claim that "Taiwan has become an integral part of China since the 7th century... as a result of Emperor Yang Ti's efforts." Instead, Hsiao writes, the Ming Dynasty persuaded the Dutch to end their occupation of the Pescadores, begun in 1622, after two years. The Mings regarded these islands as part of "China's sphere of influence." In contrast, they considered Taiwan "nobody's territories."

In 1636, the Dutch Governor-General of the Taiwan colony informed his superiors that the island was ripe for further investment, since despite its proximity to China, it lay "outside the jurisdiction of any powerful ruler." 2

The Cheng government on Taiwan, though ethnically Han, was not a genuine Chinese sovereign, but only a pretender government of the mainland. As Hsiao notes,

...Emperor Yung-cheng of the Manchu dynasty said that "Taiwan has never been a part of China" until 1683-The statement that Taiwan "had not maintained [an official] relation with China until 1683" appeared repeatedly in the official documents, and had remained the definitive view of the Manchu dynasty until the end of the 19th century... [Even after the Ch'ing conquest] Taiwan was practically separated from the rest of the Manchu empire for 191 years because the Peking government prohibited travel between China and Taiwan. This isolation policy, or denationalization policy, was finally lifted in 1874, and Taiwan was on its way toward integration with China... 3
Nevertheless, during the entire period of Ch’ing rule, Chinese control of Taiwan was always tenuous, as imperial bureaucrats assigned to the island indicated in their complaint, "Every three years an uprising, every five years a rebellion!" Also, the Ch’ing repeatedly disclaimed any responsibility for the eastern two-thirds of the island. In 1874, when Taiwanese aborigines massacred a shipwrecked Japanese crew on the east coast, the imperial government in Peking insisted that "the incident had occurred beyond the boundaries of China." 

The Ch’ing did not make Taiwan a formal province of China until 1887, but even then, Kerr writes, the island "continued as usual to be badly administered through Fukien." Just eight years later, China had to cede Taiwan to Japan after losing a war over dominance of the Korean peninsula. According to Frank Hsiao and Lawrence Sullivan, "[T]he response on the island was the establishment of the Republic of Taiwan," Asia's first republic; it was brutally crushed by the Japanese after only four months.

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1P. 4.  
2Gerrit van der Wees, "Taiwan's Sovereignty and International Economic Relations: The European Perspective", NATPA Bulletin 8:2 (August 1989), 22  
3P. 4.  
6Kerr, p. 29.  
7H. Hsiao, pp. 4-5.  
Ming and Ch'ing Dynasty Characterizations of Taiwan

"...a wilderness land and, from the beginning, never a part of the Chinese domain."
[From Liu Liang-p'i, Ch'ing Dynasty's Official Historical Record of Taiwan, v. II]

"...a mudball beyond the sea not worthy of China, naked and tattooed bodies not worth defending, a waste of money for no good purpose, and an emptiness not worth populating."
[From Yu Yung- ho, Pi Hai Chi You],

"...in general, a haven for criminals who had escaped."
[From Ch'en Ta-shou's preface to Fan Hsien's Record of Taiwan]

"...a place where pirates band together."
[From Chang Ju-shen, An Unofficial Record of Taiwan, Vol. II]

"...an uncultured land."

"...a place in which one served in a wasteland."

[Source: Su Bing, Taiwan's 400 Year History: The Origins and Continuing Development of the Taiwanese Society and People (Washington: Taiwanese Cultural and Grassroots Association, 1986), pp. 4, 21-22]
Statements by the Kuomintang

Comment: Although today, the two rival Chinese governments insist that the future of Taiwan is an internal matter for the Chinese to resolve, the Chinese position with regard to Taiwan has not been consistent over the past few decades. Historian Harry Hsiao has noted that, "Before the mid-1940s both the Nationalists and the Communists supported self-determination for Taiwanese."

However, both the KMT and the CCP have altered their position with regard to Taiwan's sovereignty since 1943, when the Allies issued the Cairo Declaration. Statements made by the Chinese before then indicate a consistent conviction that Taiwan was not a part of China. During the war against the Japanese, Chinese leaders placed Taiwan in the same category as Korea, and many statements of official policy by both the KMT and the CCP favored Taiwan independence.

The KMT was established by overseas Chinese republican revolutionaries in 1891. Dr. Sun Yat-sen soon became the dominant figure in the party, which adopted his "Three Principles of the People" as its official ideology. Sun believed that these principles-nationalism, democracy, and people's livelihood (a vague social welfare doctrine)-could provide the basis under which China could become a modern, democratic, prosperous nation. However, it was a philosophy of revolution-from-above, as Sun believed that China's peasant masses would require a period of benevolent dictatorship ("tutelage") to prepare them for self-rule.

Though it was Sun who nominally led the overthrow of the Ch'ing Dynasty in 1911 and established the Republic of China (ROC) the following year, in fact, rival warlords controlled most of China for the next 16 years. It was not until 1927 that Sun's successor as KMT leader, Chiang Kai-shek, managed to unify the country under party control. There was not much that
was democratic about Chiang's tutelage; he based his rule on ruthless suppression of dissent and rampant corruption. Also, after a brief alliance with the CCP against the warlords, the government faced an ongoing struggle with the Communists, and, beginning in 1931, with the Japanese.

As far as Taiwan was concerned, prior to the Cairo declaration, first Sun and then Chiang strongly voiced their support for Taiwan independence. As KMT Document I shows, up to the time of his death, Sun regarded the Taiwanese as a separate "nationality," entitled to their own "national independence." Chiang, in his 1936 ROC constitution, excluded Taiwan from the list of ROC territories and Chinese territories occupied by Japan (KMT Document 2). As late as 1938, Chiang said that while Taiwan was once "our Chinese territory," the objective of the struggle against the Japanese must be "to liberate the people of ... Taiwan," that is, to "restore the independence and freedom of the brethren in ... Taiwan." It is clear that Chiang, in this speech, rejected any ROC claims over Taiwan, for he treated it as similar to Korea, which unquestionably is a non-Chinese nation (KMT Document 3).

Some time before the issuance of the Cairo Declaration, however, Chiang apparently decided that Taiwan offered a suitable base area for continuing his struggle with the CCP once the war ended. Even before Cairo, he had made known his interest in acquiring the island. In 1941, as a pro-forma gesture related to his declaration of war against Japan, Chiang had unilaterally renounced the Treaty of Shimonoseki, under which China had ceded Taiwan to Japan "in perpetuity." While the legal validity of such a wartime declaration is dubious at best, the KMT would later claim that this action, in conjunction with the Cairo Declaration, formed the basis of Taiwan's "retrocession" to China (KMT Document 4).

In fact, the Allied Commander in the Far East, the American General Douglas MacArthur, permitted KMT troops to occupy Taiwan for the basis of accepting the Japanese surrender. However, none of the Allied powers formally recognized this act as constituting "restoration" of the island to Chinese sovereignty. Subsequently, as discussed in the "U.S. Perspective" section, the U.S. government repeatedly and
explicitly stated its view that the international legal status of Taiwan remains unsettled.

In 1949, the CCP defeated the KMT to bring their long struggle for control of China to an end. Taiwan remained under KMT control, however, and the Nationalists transferred their government there from the mainland, which they vowed to retake one day. KMT leaders have repeated this promise annually for the past 40 years. To this day, the KMT insists that it remains the legitimate government of China, and that the mainland is merely under a "temporary period of rebellion." It rejects the PRC regime as "a rebellious clique" (KMT Document 11), and continues to refer to its capital as "Peiping" rather than Peking (KMT Document 6), because the KMT had its capital on the mainland at Nanking, and referred to the old Ch'ing capital (which the CCP also uses) as Peiping.

As a result, all of the government institutions on Taiwan remain oriented toward China. The majority of the parliamentary seats remain in the hands of representatives elected on the mainland in 1947. The people of Taiwan can elect only about fifteen percent of the legislators, even though they pay 100 percent of the taxes and perform 100 percent of the military service. They therefore cannot vote the KMT out of office, and so national policies and key government personnel decisions are made by the ruling party's unelected Central Standing Committee, or politburo.

The official policy of the KMT is to "reunify China under the Three Principles of the People." The Nationalists have pledge that they will accomplish this by peaceful means, but have not spelled out their plan for doing so. They also steadfastly insist that Taiwan is a part of China, and that what they govern is not just Taiwan, but all of China. In the KMT view, "there is no country bearing the name Taiwan" (KMT Documents 5, 7, and 8).

The KMT rejects any effort to declare Taiwan an independent country as seditious, even though virtually the entire world has rejected the KMT's claim to govern China, and the island has been separate from China for all but four of the past ninety-five years. The Nationalists constantly claim that
talk of independence will provoke an invasion from the PRC; they neglect to mention that the communists have also threatened to invade if the KMT refuses to negotiate the terms of "reunification" (KMT Document 9). The KMT insists on a policy of "no contact, no negotiation, no compromise," although since 1987 the Taipei regime has greatly relaxed controls on travel to, and economic contact with, the mainland. At the same time that it is trying to suppress the discussion of formal independence in Taiwan, the KMT insists that the U.S. must continue to aid Taiwan in maintaining its de facto independence from the PRC (KMT Document 6).

Recognizing the failures and contradictions of its diplomacy, in 1989, the KMT regime unveiled what it called "flexible diplomacy," a policy of "one country, two governments," as opposed to the PRC's "one country, two systems" (i.e., allowing different economic and political systems under a single government). The KMT's hope was that governments that had recognized the PRC would extend formal recognition to the ROC as well. The Taipei authorities also expressed the hope that they could rejoin the UN (KMT Document 10). However, the PRC seemed ready to veto both objectives, breaking relations with Grenada, Liberia, and Belize when these nations attempted to establish "two China" policies. Moreover, when Grenada announced its "two China" policy, the KMT stated that the "ROC" remained the only legitimate government of China, whereas the PRC "is a rebellious clique" (KMT Document 11). During the summer of 1990, the KMT broke off relations with Saudi Arabia, a longtime ally, when the latter recognized the PRC.

1 P.3.
2 Kerr p. 45.
Let Taiwan Be Taiwan

KMT Document 1
The KMT on Taiwan Independence, 1925

[Sun Yat-sen, on his death bed, had said that in Taiwan there should be] in the beginning, the establishment of a parliament and a self-governing government. This is what the Zongli told me during his illness....

We understand that the Chinese brethren in Taiwan are oppressed and abused by the Japanese, just like the Koreans. Therefore we advocate the independence of the Taiwanese nationality. The Taiwan national independence movement should be united with those who are in the same situation as Taiwan, that is, the oppressed nationalities in Korea and we in the East, to resist the imperialists who are oppressing us.


KMT Document 2
The 1935 ROC Constitution and Taiwan

In the Draft Constitution of the Republic of China published in 1935 ... the Draft listed all the provinces of China, including those that were under Japanese control. Taiwan was not included in this exhaustive list of China's territory. In 1936 when Manchuria and Mongolia were beyond China's jurisdiction, the Election Bylaw for National Representatives adopted by ROC had sections for residents of Manchuria and Mongolia, but had nothing for Taiwanese. . . .Clearly Taiwan was not treated as a part of China.

[Source: H. Hsiao, p. 5]

KMT Document 3
Chiang Kai-shek on Taiwan Independence, 1938

...When [Sun Yat-sen] was alive ... he made a revolutionary policy for our party, that is 'Restore Korea and Taiwan, Solidify China' [huifu kaotai gonggu zhonghua]. As Korea
originally our vassal country, so was Taiwan our Chinese territory ... In order to achieve the duty of our national revolution ... we must pointedly counter the intrigue of Japan's increasing aggression, and our objective must be to liberate the people of Korea and Taiwan. This was what the Zongli said to our general comrades when he was alive. What the Zongli meant was that we must restore the independence and freedom of the brethren in Korea and Taiwan so as to solidify the defense of the Republic of China, and to establish peace in East Asia.


KMT Document 4
The KMT on Taiwan's International Status, 1949

...[W]hen the KMT government learned of the Department of State's position on the legal status of Taiwan in March 1949 [i.e., that Taiwan's status remained undetermined], it issued a statement asserting that the Shimonoseki treaty ceding Taiwan to Japan had been nullified by the Chinese declaration of war on Japan on December 9, 1941 and consequently Taiwan "is restored territory" legally reverted to China at the end of World War II-any attempt at "imperialistic control" of the island would meet with resistance.


KMT Document 5 "Taiwan" is not a Country

"[T]here is no country bearing the name 'Taiwan,' which refers only to the island, a province of the ROC, and has no other geographic or political identity... The people of the ROC
are all Chinese—just as Texans and New Yorkers fall under the broader term 'Americans.'"


KMT Document 6
KMT Government Statement on 1982 Sino-U.S. Communique

With regard to the Joint Communique issued on August 17, 1982 by the government of the United States of America and the Chinese communist regime, the government of the Republic of China hereby reiterates its solemn position that it will consider null and void any agreement, involving the rights and interests of the government and the people of the Republic of China, reached between the United States government and the Chinese communist regime.

The government of the Republic of China makes further declarations as follows:

The supply of adequate defensive weapons to the Republic of China is an established arms sales policy of the United States of America, formulated by and executed with the stipulations of the Taiwan Relations Act. Now the United States government has mistaken the fallacious "peaceful intention" of the Chinese communists as sincere and meaningful and consequently acceded to the latter's demand to put ceilings on both the quality and quantity of the arms to be sold to the Republic of China. It is in contravention of the letter and spirit of the Taiwan Relations Act, for which we must express our profound regret.

The Chinese communists ... are seeking all possible means to interrupt and discontinue U.S. arms sales to the Republic of China, trying to pave the way for their military invasion of this country. It is a serious mistake that the United States government, failing to comprehend the real nature of the trick and fraud of the Chinese communists, unwittingly issued the above-said document jointly with them.
During the process of discussions on the so-called joint Communique, the U.S. side has kept the government of the Republic of China informed of its developments, and at the same time the government of the Republic of China has presented to the United States its consistent policy of firmly opposing the issuance of such a document. On July 14, 1982, the U.S. side, through appropriate channels, made the following points known to the Republic of China that the U.S. side:

1. has not agreed to set a date for ending arms sales to the Republic of China,
2. has not agreed to hold prior consultations with the Chinese communists on arms sales to the Republic of China,
3. will not play any mediation role between Taipei and Peiping [sic],
4. has not agreed to revise the Taiwan Relations Act,
5. has not altered its position regarding sovereignty over Taiwan,
6. will not exert pressure on the Republic of China to enter into negotiations with the Chinese communists.

We ... hope that the United States, upholding her founding spirit of freedom and justice, will fully and positively implement the Taiwan Relations Act to continue providing us with defensive arms so as to maintain the stability and prosperity of the Republic of China and to safeguard the peace and security of the Asian-Pacific region.

[Source: Coordination Council for North American Affairs, Washington, DC]

KMT Document 7
Premier Sun Yan-suan on Reunification

[T]he reunification of China is the common aspiration of the Chinese people....

[I]f the political, economic, social and cultural gaps between the Chinese mainland and free China continue to
narrow, the conditions for peaceful reunification can gradually mature.


**KMT Document 8**  
**The KMT on Taiwan Independence, 1986**

Taiwan has been a part of China throughout recorded history. Its people are Chinese. Its culture is Chinese. And its aspirations are for all China. Separation is as unthinkable as a Republic of Hawaii, Alaska, Texas, or California.


**KMT Document 9**  
**The KMT on Taiwan Independence, 1988**

...The Republic of China on Taiwan, the Communist regime on the mainland, the United States, the United Nations and most other world governments and international bodies accept the fact that Taiwan is an indisputable and inseparable province of China.

The Taiwan "independence" movement is seen by the ROC government as a secessionist movement which violates the Republic of China's goal of reunification of all China. The movement is also considered a security menace because it gives Peking a reason for possible military invasion....


**KMT Document 10**  
"Flexible Diplomacy" I

The ultimate goal of the Republic of China's new flexible foreign policy is to rejoin the United Nations that it helped establish, according to the ROC foreign minister...
Minister Lien Chan made the goal clear to legislators when asked if it was possible that the ROC might resume its UN membership under the name "Chinese Taipei" that the Communists have agreed to in regard to Taiwan athletes competing in the mainland....

[Source: The Free China Journal, April 13, 1989]

KMT Document 11
"Flexible Diplomacy" II

The independent Caribbean Commonwealth nation of Grenada has made an historic breakthrough in international diplomacy by announcing that it is recognizing both the Republic of China and the Peking regime of the Communist-controlled mainland.

Both the Taipei-based Nationalist government and the Communist regime whose forces overran the mainland in 1949 claim sovereignty over all China....

ROC Vice Foreign Minister Charles Shu-chi King said that although Grenada may look upon the arrangements as "dual recognition," the Republic of China on Taiwan does not. He declared, after the signing of the diplomatic accords at 9 a.m., July 20 (Taipei time):

"The ROC government is the legitimate government (of China) established under the ROC Constitution, while the Peking authority is a rebellious clique.

"Any agreements or diplomatic ties entered between Peking and foreign nations are not recognized by the ROC government."

[Source: The Free China Journal, July 24, 1989]
Comment: The CCP's Taiwan policy has mirrored that of the KMT. Harry Hsiao has outlined the CCP view since 1949:

The official position of the People's Republic of China (PRC) before the late 1970s may be summarized as follows: Taiwan had already become a part of China more than a thousand years ago; China lost Taiwan to Japan under an unequal treaty which should be void ab initio; Taiwanese are Chinese, and Taiwanese culture is the same as Chinese culture. After the Second World War Taiwan had already been restored to China according to the Cairo Declaration of 1943 and the Potsdam Proclamation of 1945.... Except for replacing the policy of "liberation" with a formula of "One State, Two Systems," the above-mentioned position remains unchanged after 1978.1

... In the pre-Cairo Declaration period, Taiwan, like Korea, was not perceived by the Chinese as an inalienable territory of China, but in the post-Cairo Declaration period, Taiwan is suddenly transformed into a symbol which reminds Chinese of all their national humiliation and hence should be recovered at all costs .... 2

An examination of statements by CCP leaders and the PRC government reveals the evolution of this policy and the same changing Chinese attitude towards Taiwan that is evident in KMT policy. Early leaders in the CCP considered the Taiwanese an ethnic minority, racially different from the
The CCP supported Taiwanese liberation and both Mao Tse-tung and Chou En-lai declared that they would assist the Taiwanese in their struggle for independence (CCP/PRC Documents 1-5).

Mao's famous interview with Edgar Snow in 1938, reprinted in Red Star Over China, is the "smoking gun" in this respect, for like Chiang Kai-shek, the CCP chairman clearly viewed Taiwan as akin to Korea, and not part of China. The PRC and its American apologists have attempted to argue that Mao "really" always viewed Taiwan as an integral part of China, but the only way in which it is possible to force this interpretation out of the passage is to concede that the CCP also had imperialist designs on Korea (CCP/PRC Document 4)! As late as 1941, Chou was still strongly expressing support for the "independence-liberation movements" of Taiwan and Korea (CCP/PRC Document 5). However, once the CCP was able to form a government, like the KMT, it insisted that the island had reverted to China in 1945. Furthermore, the communists asserted the right to "liberate" this last Nationalist redoubt by any means necessary, since it was a part of their sovereign territory (CCP/PRC Documents 6, 7, and 9).

By 1954, the PRC was claiming as its "territories taken by imperialism" not only Taiwan, but vast parts of Asia and the Pacific Basin that no other nation on earth recognizes as "Chinese." In an amazingly arrogant "official" map, the PRC claimed sovereignty over Nepal, Bhutan, Burma, Vietnam, the Malay peninsula, and Korea, all of which enjoyed independent status long before their occupation by Western imperialists or Japan. The Vietnamese, for example, drove Chinese occupiers out long before the French arrived on the scene. And, though Thailand became an independent kingdom in the 13th Century, after a brief period of occupation by China's Yuan Dynasty (which was Mongol, not "Chinese"), the PRC declared that it, too, was "really" Chinese territory (CCP/PRC Document 8)!

In 1971, Chou, the erstwhile advocate of Taiwan independence, not only reiterated PRC claims of sovereignty over Taiwan as the successor to the ROC under the Cairo Declaration, but insisted that Taiwan had been part of China.
for a millennium. He also insisted that no one in Taiwan supported the establishment of an independent nation there (CCP/PRC Document 10), despite growing demands by the Taiwanese opposition (see next section).

Most importantly, Chou insisted that the future of Taiwan is China's "internal affair," and rejected the right of the international community, let alone the Taiwanese, to play a role. Again, the PRC claimed that it could use any means necessary to achieve Taiwan's "liberation."

In fact, during the 1950s, U.S. and PRC officials held a number of meetings about the future of Taiwan. The U.S. side insisted that the issue was vital to regional and global peace and security, and therefore an international question. China should, the Americans said, agree to a peaceful resolution to the "Taiwan question." This would not keep the Chinese from pursuing "reunification" by peaceful means. Chou's 1971 statement echoed the standard PRC response. PRC representatives agreed to use peaceful means "under possible conditions," but refused to rule out an eventual resort to force.

According to Professor Gene Hsiao, the PRC refused to renounce the use of force because the ultimate test of whether a particular nation is fully sovereign lies in the existence of a legal right of that nation to use force for the solution of a domestic or external conflict.

This issue—whether the future of Taiwan is an international matter or China's internal affair which it can resolve by force if it chooses—remained a bone of contention between the PRC and the U.S. even as the overall pattern of relations improved in the 1970s. The PRC refused to give ground on the issue even as the two countries normalized relations (CCP/PRC Document 11), and was adamant in its opposition to U.S. arms sales to Taiwan, since these in effect imply that Taiwan remains a separate, sovereign "independent political entity" (CCP/PRC Documents 12, 14, and 15).

Following normalization of relations with the U.S., while the PRC continued to reserve the right to use force to bring about "reunification," it did offer Taiwan a detailed proposal whereby the process could occur peacefully. This was the so-
called "one country, two systems" principle, whereby Taiwan (like Hong Kong and Macau) could maintain a capitalist economy and existing internal political institutions for 50 years under the overall framework of PRC sovereignty (CCP/PRC Documents 13, 17, 19, and 20).

Pointing to the example of Tibet, which received similar guarantees, both the KMT and opposition in Taiwan forcefully rejected this proposal. Also, some of the points in the detailed PRC plan seemed ludicrous, e.g., promises of loans from the PRC government to Taiwan. However, by the late 1980s, the KMT had agreed in effect to increased economic and people-to-people exchanges (supposedly via third countries, but in fact generally through Hong Kong, and sometimes directly), points 2 and 8 in the PRC proposal. In the spring of 1989, the KMT government's Finance Minister led the first official delegation to Peking since 1949 for the Asian Development Bank meeting.

Throughout the 1980s, the PRC remained adamant in its contention that Taiwan is not a sovereign entity, but a piece of PRC territory (CCP/PRC Documents 19 and 21).

The Peking authorities also consistently reiterated their opposition to Taiwanese self-determination, citing a declaration of independence, along with a prolonged KMT refusal to negotiate over the Taiwan question, as one of the circumstances which would precipitate a PRC invasion of the island (CCP/PRC Documents 16, 18, and 22). In response to growing explicit support for independence among Taiwanese in 1989, the PRC government made clear its contempt for democracy and free expression, calling upon the KMT to "adopt necessary measures to check the development of thought of 'Taiwan independence.'"

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1P.3.
2P.5.
CCP/PRC Document 1
The CCP and the Taiwanese "Race"

Between 1928 and 1943 Communist Party leaders consistently recognized the Taiwanese as a distinct "nation" or "nationality" (minzu).

Taiwanese were not seen not as Han but as a different 'nationality' and even 'race,' who like the Koreans and the Annamese, but unlike the other minorities, came from a homeland separate from China. This view is strengthened by the fact that the CCP never referred to the Taiwanese as 'brethren' (dixiong), or 'the offspring of the Yellow Emperor; or 'compatriots' (tongbao), who would de facto belong to the Han after they return to China.

[Source: F. Hsiao and Sullivan (1979), p. 446]

CCP/PRC Document 2
The CCP and the Taiwanese, 1928

The Sixth National Congress of the Chinese Communist Party considers that the problems of minority nationalities within Chinese territory (Mongols and Mohammedans in the North, Koreans in Manchuria, Taiwanese in Fukien, the aborigines of Miao and Li nationalities in the South, and in Sinkiang [Uighur] and Tibetan nationalities, have important significance.


CCP/PRC Document 3
CCP Endorsement of Taiwan Independence, 1938

...[1]n both Taiwan and Korea, national liberation movements (minzu jiefang yundong) against Japanese
imperialism are rising and gaining momentum. In Taiwan, thousands of mining workers are in armed uprising and attacking the Japanese army and police. This is an indication that the weak and small nationalities under the oppression of Japanese imperialism are preparing a large scale liberation movement—undoubtedly, this is the difficulty and weakness of the Japanese aggressor.

[Source: "Summary of the March Political Bureau Meeting—Situation of the Current Resistance War and How to Continue the Resistance War and to Strive for Victory in the Resistance War" (March 11, 1938) in Materials vol.9, p. 91, cited in ibid., p. 453]

**CCP/PRC Document 4**  
**Mao Tse-tung on Taiwan Independence, 1938**

It is the immediate task of China to regain all our lost territories, not merely to defend our sovereignty below the Great Wall. This means that Manchuria must be regained. We do not, however, include Korea, formerly a Chinese colony, but when we have re-established the independence of the lost territories of China, and if the Koreans wish to break away from the chains of Japanese imperialism, we will extend them our enthusiastic help in their struggle for independence. The same thing applies for Formosa. As for Inner Mongolia, which is populated by both Chinese and Mongolians, we will struggle to drive Japan from there and help Inner Mongolia to establish an autonomous State.


**CCP/PRC Document 5**  
**Chou En-lai on Taiwan Independence, 1941**

...[S]ince we opposed aggression from the other nations, we should sympathize with independence-liberation movements (duli jie fang yundong) of other nation-states (minzu guojia). We will not only assist the anti-Japanese movements of Korea
and Taiwan, or anti-German, anti-Italian aggression movements of the Balkan and African nations, but also sympathize with the national liberation movements of India and various South Asian countries—we will never sacrifice the benefit of national liberation of the oppressed nationalities, and serve the benefit of imperialism.


CCP/PRC Document 6
Chou En-lai on Taiwan Independence, 1950

...[W]ithin hours after Truman's decision to intervene in the Taiwan Strait, Premier Chou En-lai denounced it as a "predatory action" that openly put a "premeditated plan" into practice, and vowed to liberate Taiwan by all means.


CCP/PRC Document 7
The PRC Government on Taiwan's Status, 1950

When the Chinese Government [the KMT] accepted the surrender of the Japanese armed forces in Taiwan [in October 1945] and established sovereignty over the island, Taiwan became, not only de jure, but also de facto, an inalienable part of Chinese territories.

Map of ‘The Old Democratic Revolutionary Era (1840-1919)—Chinese Territories Taken by Imperialism’ adapted from original map in Liu Pei-hart, Ed., *A Short History of Modern China*. Peking, 1954 (Key Numbers and Translation from D.J. Doolin, *Territorial Claims in the Sino-Soviet Conflict*, Stanford University, 1965)
Let Taiwan Be Taiwan

**CCP/PRC Document 9**
The PRC on Taiwan's Status, 1955

Since the Shimonoseki Treaty, on the basis of which Japan occupied Taiwan, was among the treaties abrogated [by China in December 1941]...China has every right to consider that it had recovered its sovereign rights over Taiwan as from that day....


**CCP/PRC Document 10**
Chou En-lai on Taiwan, 1971

...I would like to take this opportunity to reaffirm our stand: The first point, that is if state relations are to be established with China, then it must be recognized that the government of the People's Republic of China is the sole legitimate government representing the Chinese people. Second, Taiwan is a province of China and it is an inalienable part of China's territory. And after the Second World War Taiwan had already been restored to China. And the liberation of Taiwan by the Chinese people is an internal affair of China which brooks no foreign intervention. Third, the so-called theory that the status of Taiwan is yet unsettled ... is absurd. That is, towards the end of the 19th century, that is, in 1894, China was at war with Japan and China was defeated in that war and after China's defeat, Taiwan was taken away by Japan, but during the Second World War in the Cairo Declaration and later in the Potsdam Proclamation it was reaffirmed that Taiwan should be returned to China. And then in 1945, when Japan surrendered, the Chinese government at that time [Ed. note: i.e., the KMT regime on the mainland] had already accepted the return of Taiwan to China....

Fourth point. We oppose any advocacy of a two-China policy, a one-China-one-Taiwan policy, or any similar policy. And if such a situation continues in the United Nations, we will not go there.
Fifth point. We are resolutely opposed to the so-called "Taiwan Independence Movement." Because the people in Taiwan are Chinese, Taiwan was originally a province of China. And a thousand years ago it had already become a part of China. The dialect spoken in Taiwan is the same dialect spoken in the area around Amoy in Fukien Province. Of course there are minority nationalities ... in Taiwan.... There are also various national minorities on the mainland and we pursue a policy of national equality. Besides, the "Taiwan Independence movement" is not a native movement in itself. It is a special movement which has behind it the special manipulation from foreign forces....

[Source: Interview with Chou En-lai, Bulletin of Concerned Asian Scholars, (Summer-Fall, 1971),43-44]

**CCP/PRC Document 11**  
**PRC Statement on Normalization of Relations with the United States**

As of Jan. 1, 1979, the People's Republic of China and the United States of America recognize each other and establish diplomatic relations, thereby ending the prolonged abnormal relationship between them. This is an historic event in Sino-United States relations.

As is known to all, the Government of the People's Republic of China is the sole legal Government of China and Taiwan is part of China. The question of Taiwan was the crucial issue obstructing the normalization of relations between China and the United States. It has now been resolved between the two countries in the spirit of the Shanghai Communique and through their joint efforts, thus enabling the normalization of relations so ardently desired by the people of the two countries.

As for the way of bringing Taiwan back to the embrace of the motherland and reunifying the country, it's entirely China's internal affair....

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CCP/PRC Document 12
CCP Chairman Hua Kuo-feng on Taiwan, 1979

In our discussions on the question of commercial relations, the two sides had differing views. During the negotiations the U.S. side mentioned that after normalization it would continue to sell limited amounts of arms to Taiwan for defensive purposes. We made it clear that we absolutely would not agree to this. In all discussions the Chinese side repeatedly made clear its position on this question. We held that after the normalization continued sale of arms to Taiwan by the United States would not conform to the principles of the normalization, would be detrimental to the peaceful liberation of Taiwan and would exercise an unfavorable influence on the peace and stability of the Asia-Pacific region. So our two sides had differences on this point. Nevertheless, we reached an agreement on the joint communique.


CCP/PRC Document 13
PRC Reunification Proposal, September 30, 1981

1. In order to bring an end to the unfortunate separation of the Chinese nation as early as possible, we propose that talks be held between the Communist Party of China and the Kuomintang of China on a reciprocal basis so that the two parties will cooperate for the third time to accomplish the great cause of national unification. The two sides may first send people to meet for an exhaustive exchange of views.

2. It is the urgent desire of the people on both sides of the Straits to communicate with each other, reunite with their relatives, develop trade and increase mutual understanding. We propose that the two sides make arrangements to facilitate the exchange of mails, trade, air and shipping services, and visits by relatives and tourists as well as academic, cultural and sports exchange, and reach an agreement thereupon.
3. After the country is reunified, Taiwan can enjoy a high degree of autonomy as a special administrative region and can retain its armed forces. The central government will not interfere with local affairs on Taiwan.

4. Taiwan's current socio-economic system will remain unchanged; so will its way of life and economic and cultural relations with foreign countries. There will be no encroachment on the proprietary rights and lawful right of inheritance over private property, houses, land, and enterprises, or on foreign investments.

5. People in authority and representative personages of various circles in Taiwan may take up posts of leadership in national political bodies and participate in running the state.

6. When Taiwan's local finances are in difficulty, the central government may provide subsidies.

7. For people of all nationalities and public figures of various circles in Taiwan who wish to come and settle on the mainland, it is guaranteed that proper arrangements will be made for them, that there will be no discrimination against them and that they will have freedom of entry and exit.

8. Industrialists and businessmen in Taiwan are welcome to invest and engage in various economic undertakings on the mainland, and their legal rights, interests and profits are guaranteed.

9. The reunification of the motherland is the responsibility of all Chinese. We sincerely welcome people of all nationalities, public figures of all circles and all mass organizations in Taiwan to make proposals and suggestions regarding affairs of state through various channels and in various ways.

...The Chinese Government's stand on the Taiwan issue has always been perfectly clear: There is only one China, Taiwan is part of China, and the Government of the People's Republic of China is the sole legal government of China. An important principle in the establishment of diplomatic relations between China and other countries is clear acknowledgement of China's stand on the Taiwan issue. The Chinese people resolutely oppose any attempt to create two Chinas or one China and one Taiwan. After China and the United States released the Shanghai communique in 1972, there was a long delay before formal diplomatic relations between them were finally established in 1979, and this was caused by the equivocal U.S. attitude on the Taiwan issue. Everyone is aware of this.

China's attitude toward foreign arms sales to Taiwan is also very clear. We have consistently been opposed to other countries selling arms to the Taiwan authorities. Since any country establishing diplomatic relations with China acknowledges that there is only one China, that the PRC is the sole legal government of China, and that Taiwan is part of China, it should obviously not sell arms to the Taiwan authorities, who constitute a local force in China. Anyone who acts in this way is violating China's sovereignty and interfering in China's internal affairs. Naturally, the United States is no exception in this respect. The Sino-American Shanghai communique and the communique on the establishment of diplomatic relations between the two countries clearly stated that the U.S. Government recognizes China's stand on the Taiwan questions and agrees to handle relations between the two countries in accordance with the five principles of respect for national sovereignty and territorial integrity, nonencroachment on other countries, noninterference in other countries' internal affairs, equality and mutual benefit, and peaceful coexistence. Hence, after China and the United States establish diplomatic relations, the U.S. Government should not have engaged in any more activities in violation of China's sovereignty and of interference in China's internal affairs, such as by selling arms to Taiwan. On the one hand,
the United States has recognized that Taiwan is a part of China, and, on the other, it has regarded Taiwan as an "independent political entity," and has also supplied arms to support this local regime in opposing the legitimate Chinese central government which the United States has recognized. This behavior obviously violates the principles of the communique on the establishment of Sino-American diplomatic relations, and is also prohibited by the principles of international law....


CCP/PRC Document 15
PRC Statement on Sino-U.S. Communique of August 17,1982

1. Following discussions, the Government of the People's Republic of China and the Government of the United States of America have reached agreement on the question of United States sales of arms to Taiwan. The two sides have released the joint communique simultaneously today.

The United States sale of arms to Taiwan is an issue which affects China's sovereignty. Back in 1978, when the two countries held negotiations on the establishment of diplomatic relations, the Chinese Government stated in explicit terms its opposition to the U.S. arms sales to Taiwan. As this issue could not be settled at that time, the Chinese side suggested that the two sides continue discussions on the issue following the establishment of diplomatic relations. It is evident that failure to settle this issue is bound to impair seriously the relation between the two countries....

The joint communique released by the two sides today is the outcome of repeated negotiations between China and the United States over the past 10 months. It has laid down the principles and steps by which the question of U.S. arms sales to Taiwan should be settled.
2. The joint communique reaffirms the principles of respect for each other's sovereignty and territorial integrity and noninterference in each other's internal affairs as embodied in the Shanghai Communique and the joint communique on the establishment of diplomatic relations between China and the United States. Both sides also emphatically state that these principles continue to govern all aspects of their relations. That is to say, the question of U.S. arms sales to Taiwan must be settled on these principles. Needless to say, only by strictly observing these principles in dealing with the existing or new issues between the two countries will it be possible for their relations to develop healthily.

3. In compliance with the above principles governing the relations between two countries, the U.S. arms sales to Taiwan should have been terminated altogether long ago. But considering that this is an issue left over by history the Chinese Government, while upholding the principles, has agreed to settle it step by step. The U.S. side has committed that, as the first step, U.S. arms sales to Taiwan will not exceed, either in qualitative or in quantitative terms the level of those supplied in recent years since the establishment of diplomatic relations between the two countries, and that they will be gradually reduced, leading to a final resolution of this issue over a period of time. The final resolution referred to here certainly implies that the U.S. arms sales to Taiwan must be completely terminated over a period of time. And only a thorough settlement of this issue can remove the obstacle in the way of developing relations between the two countries.

4. In the joint communique, the Chinese Government reiterates in clear-cut terms its position that "the question of Taiwan is China's internal affair." The U.S. side also indicates that it has no intention of infringing on Chinese sovereignty and territorial integrity, or interfering in China's internal affairs, or pursuing a policy of "two Chinas" or "one China, one Taiwan." The Chinese side refers in the joint communique to its fundamental policy of striving for peaceful reunification of the motherland for the purpose of further demonstrating the sincere desire of the Chinese Government and people to strive for a peaceful solution to the Taiwan
question. On this issue, which is purely China's internal affair, no misinterpretation or foreign interference is permissible.

5. It must be pointed out that the present joint communique is based on the principle embodied in the joint communique on the establishment of diplomatic relations and has nothing to do with the "Taiwan Relations Act" formulated unilaterally by the United States.

The "Taiwan Relations Act" seriously contravenes the principles embodied in the joint communique on the establishment of diplomatic relations between the two countries, and the Chinese Government has consistently been opposed to it. All interpretations designed to link the present joint communique to the "Taiwan Relations Act" are in violation of the spirit and substance of this communique and are thus unacceptable.

6. The agreement reached between the Governments of China and the United States on the question of U.S. arms sales to Taiwan only marks a beginning of the settlement of this issue. What is important is that the relevant provisions of the joint communique are implemented in earnest, so that the question of U.S. arms sales to Taiwan can be resolved thoroughly at an early date. This is indispensable to the maintenance and development of Sino-U.S. relations.


CCP/PRC Document 16
PRC Condemns Taiwanese Self-Determination

...[T]he signboard of the so-called "self-determination" of the people on Taiwan [will] ... perpetuate the separation of Taiwan from China .... [I]t is entirely China's internal affair as
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CCP/PRC Document 17
"One Country, Two Systems"

"[O]ne country, two systems after [re]unification is most reasonable .... [W]e are ready to start joint consultation with the Taiwan authorities and personages of all circles in Taiwan for the early realization of a way of peaceful reunification acceptable to both sides."

[Source: 1984 Statement by PRC Premier Chao Tzu-yang, cited in ibid., p. 1317]

CCP/PRC Document 18
PRC Reserves Right to Use Force for Reunification, 1985

According to Deng Xiaoping, the PRC would employ force to settle the Taiwan issue under the following conditions:

"If Taibei leaned toward Moscow instead of Washington; if Taibei decided to develop nuclear weapons; if Taiwan claimed to be an independent state; if Taibei lost internal control as a result of the succession process; or if Taibei continued to reject reunification talks for a long period of time."

[Source: Guo-cang Huan, "Taiwan: A View from Beijing" Foreign Affairs 63:5 (Summer 1985), 1068]

CCP/PRC Document 19
Hu Yao-bang on Use of Force Against Taiwan, 1985

Hu:...Recently, people abroad have been worried about and concerned over the attitude of the [CCP] toward the Taiwan issue. Since the agreement reached between China and Britain on the question of Hong Kong, it is quite obvious that the... Central Committee has found the pattern, namely, "one country, two systems," for settling the issue. However, the
Taiwan authorities are unwilling to accept the concept because under "one country, two systems," Taiwan's position will be limited to a local government ... It is now a local government. It is also in essence a local government ... With regard to international dignity, we should stress overall international dignity and not petty international dignity. In this respect, our outlook should be based on the whole of China and the descendants of the Yellow Emperor. This is what we mean by overall international dignity. As to Taiwan's international dignity, it is only a tottering, petty international dignity....

The whole world now acknowledges that (blank space for two characters) Taiwan, and Hong Kong all belong to one China. It was a unified China after World War II.

Even the Americans say that there is one China. Nixon, Carter, and Reagan all acknowledged this point. Even Mr. Chiang says there can only be one China! It is like having three ranks of seniority in one large family: We are the most senior, Taiwan is second; and Hong Kong is third. This large family is precisely the People's Republic of China. All of us have set up this signboard....

Lu: There is now a view on the Taiwan side, and also similar views abroad, to the effect that the [CCP] Central Committee states that it wants a peaceful solution and friendship with Taiwan. But at the same time it is adopting various measures in the international field to isolate and deal blows at Taiwan, for instance, by informing all countries that they should not accept Taiwan visas, and by trying to kick Taiwan out of the Asian Development Bank, and so on. They say that this is ruthlessness and diametrically opposed to the profession of friendly consultations....

Hu: There are two opinions in the world. One is that we only think of having Mr. Chiang Ching-kuo from Taiwan as a counterpart in the talks but the Taiwanese people and the other parties or factions may not necessarily agree.

Another is what a subordinate of Mr. Chiang Ching-kuo has said: On the one hand, you want to hold peace talks; on the other hand, you also want to isolate us. We do not think these two opinions are clever.
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Lu: The [CCP] Central Committee has repeatedly indicated its readiness to solve the Taiwan issue by peaceful means. Why does it not simply renounce the use of force?

Hu: That is impossible.

Lu: Why?

Hu: Because if we make such a promise, they (referring to Taiwan) will be all the more free from anxiety. Ha, ha.... Lu: Oh! Do you mean they will be even more unwilling to have anything to do with you?

Hu: Of course. Everybody in the world knows that we do not have the strength for the time being. We indeed do not have the strength....

This temporary period may last 4,5,7 or 8 years. After we succeed in developing the economy, we will naturally have the strength. Military strength is based on economic power ... For example, if we are economically powerful in 7,8 or 10 years, we shall be in a position to modernize our national defense. If the broad masses of the Taiwan people wish to return and a small number of people do not wish to return, it will be necessary to use some force....

If we have the capability to enforce a blockade, we will surely have the methods to deal with a counter-blockade [by Taiwan]. Only when we are sure of complete victory shall we take this step.... We will also take foreign countries into consideration.

Lu: Speaking of foreign intervention, of course, the United States will probably intervene. If the United States intervenes, would you still be sure of success?

Hu: We shall do this only when we are sure of success .... In two periods before the Cultural Revolution, that is, in the early and late ...1950's, were it not for U.S. support for and blood transfusions to Taiwan, the Taiwan issue would have been solved. It was another problem during the Cultural Revolution. Were it not for the continuing U.S. support and blood transfusions, the Taiwan issue would probably be solved.
now.... Therefore, the United States is quite unfriendly in its behavior toward China's reunification and the Taiwan issue....

[Source: Hu Yaobang Interviewed by Pai Hsing's Lu Keng, Pai Hsin g No. 97, 1 June 1985, pp. 3-16, in FBIS, China 3 June 1985 (Excerpts)]

**CCP/PRC Document 20**  
*Teng Hsiao-ping on U.S. Role in Reunification, 1986*

[The U.S. should] do something useful [to bring] about Taiwan's reunification .... [T]he U.S. can encourage and persuade Taiwan first to have three exchanges with us, namely the exchange of mail, trade and air and shipping services.


**CCP/PRC Document 21**  
*PRC Condemns KMT's "Flexible Diplomacy"*

...Although it is still occupying Taiwan Province of China, it is in fact merely a local authority and has no right to represent the country, nor does it have the right of being called a country. As a local authority, those governing Taiwan cannot naturally represent China and cannot establish an "equal government."


**CCP/PRC Document 22**  
*PRC Commentary on Taiwan Independence on the Eve of Taiwan's 1989 Elections*

... In the past few years, relations across the strait have become less tense, and various exchanges, including visits by relatives across the strait, have developed; this is beneficial to China's reunification and is in conformity with the interests of the Chinese people. "Taiwan independence" or the "Republic of Taiwan" will not be permitted by the PRC authorities and will not be accepted by the absolute majority of
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compatriots in the mainland. If it really happens, the PRC authorities must respect the will of the people in the whole country and react forcefully; this, I am afraid, would not be for the well-being of the people in Taiwan. At present, some people in Taiwan think that by relying on the factors such as support from the United States, even if Taiwan announces independence, the PRC will not "dare to use force." This is a very dangerous thought. To conclude, "Taiwan independence" can only bring disaster to Taiwan people, not welfare.

..."Taiwan independence" is not a through road, but a disastrous road. Judging from the international law, the problem of ownership of Taiwan has already been solved beyond dispute, and no doubt or challenge will be permitted. Considering the interests of the Chinese nation and the development of normal relations across the strait, the ruling parties and parties across the strait should explicitly, unswervingly, and resolutely oppose the idea of "Taiwan independence." They must adopt necessary measures to check the development of thought of "Taiwan independence." Judging from the viewpoint of historical development, China is doomed [Ed. note: sic!] to reunification. At present, the chance and conditions for China's peaceful reunification are not available, but efforts must be made in enhancing conditions across the strait, not in opposing enhancement of these conditions. The country's reunification is an inevitable historical trend and the idea of "Taiwan independence," which goes against the trend, will eventually collapse.

Let Taiwan Be Taiwan
Taiwanese Voices

Comment: The desire for self-rule and self-determination among the residents of Taiwan—whether Hoklo, Hakka, or aborigine—was strong, as seen in the frequent uprisings during the period of Ch’ing rule, the short-lived 1895 Republic of Taiwan, and over two decades of guerrilla resistance to Japanese colonial rule.

The KMT troops and administrators were initially welcomed as liberators from Japanese imperialism in 1945, and as "Chinese brethren" by the ethnic Han majority on the island. However, discontent with KMT corruption and brutality soon culminated in the 1947 uprising and decades of highly repressive martial law rule. Today, despite considerable easing of restraints on civil and political rights, the people of Taiwan still have no peaceful, constitutional means for removing the KMT from office, due to the huge, unelected "mainland" delegation in the parliament.

Notwithstanding the barriers the KMT has placed in the path of Taiwanese freedom, the people of the island have continued to demand democracy and self-determination. Since 1947, the struggle has been largely nonviolent, and in the 1970s and especially the 1980s, the grassroots movement for self-rule has gained impressive support throughout Taiwan. Since 1986, tens of thousands of Taiwanese have joined in pro-democracy and pro-independence demonstrations. In December 1989, the New Nation Alliance, which called for "a new nation, a new parliament, and a new constitution," swept into power twenty of its thirty-two candidates for the national parliament and local offices.
The Taiwan Communist Party (TCP)

Comment: The Taiwan Communist Party was formed in Shanghai on April 15, 1928 by a group of Taiwanese intellectuals under the leadership of Lin Mu-shun and one of Taiwan's early women leaders, Hsieh Hsueh-hong. The TCP was not an autonomous organization but a "Nationality Branch of the Japan Communist Party." The party membership never expanded beyond a hundred people, and the Japanese colonial authorities dissolved it in a 1931 crackdown. The TCP made Taiwan independence a central part of the Party's agenda, and did not seek a union with the CCP forces on the mainland. It was the first serious independence movement since the Japanese crushed the 1895 Republic of Taiwan.

The Taiwan Communist Party's Political Thesis, 1931

The major political concern of the thesis was to evaluate the state of the "national independent movement" that the TCP would harness in the revolution. Overall, the TCP saw "the history of the Taiwan national tradition with the tradition of statehood (guojia chuantong) as very shallow...." In the final sections of the thesis, the political tasks of the TCP were outlined in terms of building a popular base among workers and establishing communist leadership of the national movement...."The Taiwanese proletariat should join its allied force-the peasantry-to accomplish the Taiwanese democratic revolution." With an alliance between these two revolutionary classes, the national revolution would "grow over" into a "social revolution" (shakai kakumei): "The Taiwanese national revolution is a prerequisite to the proletarian dictatorship...." The thesis also defined the current stage of the Taiwan revolution as a "bourgeois type democratic revolution of workers and farmers," in which the coexistence of a highly developed capitalism with feudalism was an explosive point that fostered revolution. Before the advance of the socialist revolution, the Taiwanese would "overthrow imperialist rule and win Taiwanese
Statements of the Presbyterian Church in Taiwan

Comment: Established in Taiwan over 120 years ago, the Taiwanese Presbyterian Church has historically promoted indigenous Taiwanese culture, and is now an active force in the movement advocating self-determination. Many church leaders have taken on prominent roles in the opposition movement. In 1980, the KMT government arrested the Reverend Kao Chun-ming, the Secretary-General of the Presbyterian General Assembly, for sheltering fugitive dissident Shih Mingteh. Seven years later, the Reverend Ts'ai You-ch'uan was convicted of sedition for openly advocating Taiwan independence. With approximately 200,000 members (about forty percent of them aborigines), the church has attempted to represent the perspective of the Taiwanese people, and to call for justice for those who have not shared in the fruits of the "economic miracle."

The church first openly expressed concern over the fate of Taiwan in 1971 when it became clear that the U.S. was moving toward recognizing the PRC and withdrawing its support for the ROC (PCT Document 1). Six years later, church leaders openly and boldly called upon the KMT government to "face reality and to take effective steps whereby Taiwan may become an independent country" (PCT Document 2). The voice of the church, with its broad base and deep roots on the island, lent powerful support to the movement for self-determination.
PCT Document 1
Public Statement on Our National Fate

The Executive Committee of the Presbyterian Church in Taiwan, which speaks for 200,000 Christians on Taiwan, wishes to express its extreme concern over developments in the world which could seriously affect the lives of all who live on this island. We voice our concern and our request, and in doing so, we are convinced that we speak not only for the church, but for all our compatriots.

To All Nations Concerned
We, the people on Taiwan, love this island which, either by birth or chance, is our home. Some of us have roots here going back a thousand years, the majority count a residence of two or three centuries, while some have come since the Second World War. We are all well aware of a common certainty and shared conviction. We long to live here in peace, freedom and justice. And we do not wish to be governed by Peking.

We note with concern that President Nixon will soon visit the Chinese mainland. Some member countries of the United Nations are advocating the transfer of Taiwan to mainland rule, while others insist on direct negotiation between Taipei and Peking, which means substantially the same betrayal of the people of Taiwan.

We oppose any powerful nation disregarding the rights and wishes of fifteen million people and making unilateral decisions to their own advantage, because God has ordained, and the United Nations Charter has affirmed, that every people has the right to determine its own destiny.

To The Leaders of The Republic of China
Our nation has recently become the victim of international political bargaining in world affairs. If this trend is not soon reversed, some day in the near future, the people on Taiwan may share the tragic fate of the people in the countries of eastern Europe which have been oppressed by communism. In
order to maintain our position and reputation in the international community, we therefore request our government and people to grasp the opportunities available, the better to raise our demand for justice and freedom, and for thorough internal renewal.

Recently the government has stressed the use of new people in official positions. Therefore, we earnestly request that within the Taiwan area it hold elections of all representatives to the highest government bodies, to succeed the present representatives, who were elected 25 years ago on the mainland. The Federal Republic of Germany is not yet unified with East Germany, but its people have been able to elect a new representative government under a temporary constitution. This is an example which our government might consider. Such a political system has enabled the Federal Republic of Germany to find an honorable place among the world nations, even though so far it is not a member of the United Nations.

We believe that such a demonstration of renewal and progress will give the people of other nations, as well as our own, the assurance that justice and internal harmony reign within.

[December 30,1971]

PCT Document 2
A Declaration on Human Rights by the Presbyterian Church in Taiwan

To the President of the United States, to all countries concerned and to Christian Churches throughout the world:

Our church confesses that Jesus Christ is Lord of all mankind and believes that human rights and a land in which each one of us has a stake are gifts bestowed by God. Therefore, we make this declaration, set in the context of the present crisis threatening the 17 million people of Taiwan.

Ever since President Carter's inauguration as President of the United States, he has consistently adopted "human rights" as a principle of his diplomacy. This is an epoch-making event in the history of foreign policy.
We therefore request President Carter to continue to uphold the principles of human rights while pursuing the "normalization of relationships with Communist China" and to insist on guaranteeing the security, independence and freedom of the people of Taiwan.

As we face the possibility of an invasion by Communist China, we hold firmly to our faith and to the principles underlying the United Nations Declaration of Human Rights. We insist that the future of Taiwan shall be determined by the 17 million people who live there. We appeal to the countries concerned—especially to the people and the government of the United States of America—and to Christian churches throughout the world to take effective steps to support our cause.

In order to achieve our goal of independence and freedom for the people of Taiwan in this critical international situation, we urge our government to face reality and to take effective measures whereby Taiwan may become a new and independent country.

[August 16, 1977]

**Overseas Taiwanese**

**Comment:** Though the KMT killed thousands of Taiwanese in suppressing the "February 28 Incident" in 1947, this massacre and the ensuing decade of severe repression could not succeed in suppressing Taiwanese political aspirations for democracy and self-determination.

Following the suppression of the uprising, thousands of Taiwanese fled abroad. A few went to mainland China and joined the CCP in its struggle against the KMT, but in the late 1940s and in the 1950s, most emigrants went to Japan. Thereafter, increasing numbers of Taiwanese migrated to North America.
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To be sure, in the years following 1947 many Taiwanese who went overseas left initially not for political reasons, but to pursue educational and economic opportunities. However, even for these expatriates, new lives in societies allowing greater freedom of expression eventually led to activism on behalf of a free, democratic, and independent nation of Taiwan.

As early as 1948, Taiwanese refugees in Hong Kong formed the Formosan League for Re-emancipation to petition the United Nations to establish a trusteeship over the island, leading to a plebiscite on independence. Over the course of the 1950s, Taiwanese exiles in Japan formed a number of independence organizations, including a "Provisional Government" headed by Thomas Liao Wen-yi, and the Formosan Youth Association, headed by Wang Yu-teh, which soon eclipsed the former group as the mainstream Taiwanese nationalist organization. Later, socialist-oriented independence advocates, led by Shih Ming, established the Association for Taiwan Independence.

Gradually, the center of overseas political activity shifted from Japan to the United States, as students pursuing advanced degrees stayed on upon completion of their studies. In 1955, a group of Taiwanese students on the east coast formed Formosans or a Free Formosa; it generally supported Liao's "Provisional Government." Eventually, this group became United Formosans in America for Independence (UFAI), led by Professor Edward Ite Chen. It merged with the Tokyo-based Formosan Youth Association and other overseas independence groups in 1970 to form World United Formosans for Independence (WUFI).

WUFI seeks a democratic political system, improved social welfare programs, an end to ethnic discrimination, peaceful coexistence with the PRC, and a neutral foreign policy. It summarizes its goals as trying to make Taiwan into the "Switzerland of Asia."

By the 1970s, the overseas Taiwanese population Worldwide reached into the hundreds of thousands, and the expatriates formed "Formosan Clubs," or "Taiwanese Associations." These organizations were primarily social, rather than political, but they generally supported Taiwanese
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self-determination. Overseas Taiwanese who supported either the KMT or the PRC set up smaller rival associations.

In 1974, Taiwanese Associations from the U.S., Canada, Europe, Japan, and Brazil formed the World Federation of Taiwanese Associations, which has firmly championed self-determination ever since. A year earlier, overseas Taiwanese Christians had established Formosan Christians for Self-Determination.

In the late 1970s and in the 1980s, overseas Taiwanese established a number of additional groups supporting human rights, democracy, and self-determination in Taiwan. Also, numerous overseas Taiwanese professional and cultural groups have included support for self-determination in their charters.

Over the years, these organizations have played an important role in mobilizing international public opinion on behalf of the right of the Taiwanese to decide their fate for themselves.

Overseas Taiwanese Document 1
Goals of the World United Formosans for Independence

The primary tasks for the World United Formosans for Independence are to overthrow the Chiang regime in Taiwan, to establish an independent Republic of Taiwan, and to enable all the people to participate in the political process, so that the following ultimate goals shall be achieved:

- To nurture political democracy in Taiwan and to bring forth a nation where the term "political prisoner" will become something of the past, and the people can fully participate in the political process.

- To eradicate ethnic discrimination. All those who identify with Taiwan, love Taiwan, take Taiwan as their homeland, and are willing to share their fate with the public of Taiwan are considered as Taiwanese, regardless of when they emigrated to Taiwan.
Let Taiwan Be Taiwan

- To put an end to the prevailing economic exploitation and to implement a fair and just socio-economic system under which people are assured of food, clothing, housing, health care, education, and a job, so that the people can share equitably the fruits of economic development.

- To resist any form of aggression by any foreign power, to preserve lives and properties of all people. Furthermore, we shall extend our support for justice to all oppressed people of the world. Taiwan shall adhere to the principles of national independence and self-reliance. We resolve to seek normal and equal relationships with all nations, including China, and will contribute to the advancement of world peace and justice.

[1974]

Overseas Taiwanese Document 2
Taiwan's Future

President Ford is scheduled to visit China this fall. Undoubtedly the Taiwan issue will again be raised at the highest level, and a compromise might be worked out in the process of improving diplomatic relations between the United States and China.

The reaction of the majority of Taiwanese toward the rapprochement between the United States and China has been mixed. They welcome the emergence of new pragmatic policy on both sides. But on the other hand, they resent that the rights and existence of 16 million Taiwanese have been totally ignored.

Strong desire prevails among the Taiwanese to have a decisive say about their political future. In view of the current conditions outside and inside Taiwan, one may conceive no circumstances under which the application of the principle of self-determination of people is more pertinent and urgent.

To deny 16 million literate citizens the right to decide their own political future as well as their own form of government is to violate every principle of contemporary law and politics.
Let Taiwan Be Taiwan

Given a free and honest referendum today on Taiwan, the overwhelming majority of the people of Taiwan would choose to establish a democratic and independent state of Taiwan, both in fact and in law.

Despite uncertainty about the possible impact of the Presidential trip on future United States-China relations, one of the trip's outcomes is certain and predictable. The trip will constitute another serious blow to the present regime in Taipei.

Full diplomatic recognition of China by the United States, if realized, would mean, among other things, complete diplomatic isolation of the Nationalist regime.

This international isolation, coupled with the deteriorating internal economic situation, would push the regime to the brink of collapse. To prevent internal turmoil or even bloodshed, the regime must immediately take the following measures as the first steps toward a more revolutionary change of its structure and character.

First, announce Taiwan as a new political entity, thereby severing de jure and de facto its linkage with past Chinese internal conflicts and proclaiming its intent to live in peace with all neighboring countries, including China.

The majority of the Taiwanese believe that China's vow to "liberate" Taiwan is motivated by the fact that the Nationalists remain a party to the Chinese civil war, continue to claim the title "Government of China," and adopt "recovery of the Chinese mainland" as a national policy.

The Taiwanese also believe once the provocation is removed and a more representative government expresses its nonhostile intention, the tension in the area will be greatly diffused, paving the way to create a more favorable atmosphere in which a peaceful co-existence could be worked out between the people of Taiwan and China.

Second, end the quarter-century-long martial law. The so-called Chinese civil war has long dwindled down to a verbal war without significant military action on either side.
Let Taiwan Be Taiwan

The indefinite state of siege maintained by the Nationalists on Taiwan has long lost its justification. It now serves only as a cynical device for the rulers to suspend indefinitely civil liberty and suppress political opposition. Return to democratic normality of political life is a prerequisite for socio-economic change essential to the island's stability.

Third, release all political prisoners, thereby providing a basis for genuine collaboration with opposition forces. Taiwan has been politically the most repressive area in the world. Many intellectuals and youths are being tortured and are languishing in military prisons.

Fourth, conduct general and free elections, thereby creating an open environment for a peaceful transfer of political power.

These measures must be taken urgently within Taiwan. Washington and Peking, too, must realize that unless and until the right to self-determination of the 16 million people of Taiwan is fully recognized by all parties concerned there will be no peace in the region.


Overseas Taiwanese Document 3
Declaration of Michigan Taiwanese Associations on U.S.-China Relations

The dramatic development in U.S.-China relations has thrust the Taiwan issue into the foreground. The recognition of the People's Republic of China by the United States, and vice versa, is a recognition of a simple reality. We, the undersigned Taiwanese, welcome this long overdue normalization of relations between the two great countries and hope this will be conducive to world peace. The decision, once and for all, shattered the pretensions of the Chiang regime as the legitimate government of China and the myth of the "recovery of the Chinese mainland." The question of the future of Taiwan, however, remains unresolved. At this historical
moment, we, the Taiwanese living in the state of Michigan, wish to convey the real voice of the oppressed silent majority of the people living on Taiwan and let the American people correctly understand the Taiwan issue. Taiwan is not a Part of China.

In the first place, we take issue with the Chinese claim that Taiwan is a part of China, as stated in the Shanghai Communique. Taiwan and China are two separate entities. The Taiwanese people have developed their own culture and identity after a long history of struggling against successive foreign dominations. Taiwanese migrated to Taiwan at about the same time the pilgrims landed at Plymouth Rock and for the same reason—to seek freedom and a happy life.

When World War II ended, the supreme Allied commander in the Pacific instructed the Nationalist Chinese authorities to accept the Japanese surrender of Taiwan and to undertake temporarily the military occupation of the island as a trustee on behalf of the Allied Powers.

With the establishment of the People's Republic of China in October 1949, Chiang Kai-shek fled to Taiwan with the remnants of his military and civilian personnel, and on March 1, 1950, Chiang Kai-shek illegally and arbitrarily became a self-proclaimed "president" of the "Republic of China," and the dictator of Taiwan.

To the Taiwanese, the People's Republic of China is a foreign country with which they have had no contact. Since its founding thirty years ago, the People's Republic of China has never extended its control and jurisdiction over Taiwan.

The 1951 Japanese Peace Treaty affirmed the colonial status of Taiwan and kept its legal status undetermined. Japan renounced all her "rights, title and claim" to Taiwan, but the Treaty did not specify any beneficiary. The sovereignty of Taiwan has not been transferred to China, Nationalist or Communist.

Thus, historically, Taiwan has never been a part of China; legally, Taiwan belongs to no foreign country, but to the Taiwanese.
Let Taiwan Be Taiwan

The Repressive Chiang Regime Does not Represent the People of Taiwan.

Secondly, we want the American people to make a distinction between the Taiwanese and the Chiang regime on Taiwan....

To the Taiwanese, the Chiang regime is a foreign invader who has usurped the sovereign right of the Taiwanese.

The Taiwanese Want Self-Determination

Thirdly, after realizing the history and the nature of the government of Taiwan, we would like our voice to be heard, the voice of self-determination. Ours is a voice crying in the wilderness of international power politics. The claim to self-determination by the people of Taiwan was treated by the hostile rulers on both sides of the Taiwan Strait either as a foreign imperialist plot or as a communist-instigated dirty trick. The truth of the matter is that the Taiwanese have been suppressed into silence by rulers who have imposed themselves upon the people of Taiwan.

What the Taiwanese want has been clearly pointed out by a recent report of an on-site human rights investigation by representatives of Clergy and Laity Concerned [Ed. note: This is a reference to Becky Cantwell et al., Made in Taiwan [New York: Asian Center, Clergy and Laity Concerned {now the Asia Resource Center, Washington, DC}].

"All Taiwanese we met, outside the KMT, agreed [that:]

"1. The people of Taiwan must be allowed to decide their own future.

"2. 'Retaking the Mainland' is a myth used to justify the self-perpetuation of a repressive regime...."

Since the Covenant of the League of Nations, and particularly after the Charter of the United Nations, territories do not belong to other states: they belong to their inhabitants, and territorial transfer requires their consent.
As we face the possibility of a sellout by the Chiang regime, and an invasion by Communist China, we hold firm to the principle of self-determination, and we insist that the future of Taiwan must be decided by the 17 million people who live there. And the Taiwanese must be allowed to establish a free, independent, and democratic country....

We appeal to Americans to take effective steps to support our cause ... An independent, free, and democratic country on Taiwan is in the best interests of the Taiwanese and American people, and of world peace.

[Source: Joint Statement of the Taiwanese Associations of the Greater Lansing Area, the Ann Arbor Area, and the Detroit Area, 1979]

**Overseas Taiwanese Document 4**

**Self-Determination and Democracy on Taiwan**

The future of Taiwan must be decided by the 18 million inhabitants on Taiwan....

Martial law must be lifted! So must the ban on organization of political parties! Press censorship must cease...

The membership of the central parliamentary bodies must be completely renewed through elections....

We give qualified approval to United States arms sales of a defensive nature to Taiwan, for the sake of safeguarding the security of the people and the future of Taiwan. We absolutely oppose, however, any U.S. sales of riot-control equipment.

[Source: Statement by the 1983 Annual Meeting of the World Federation of Taiwanese Associations]
Let Taiwan Be Taiwan

Overseas Taiwanese Document 5
Self-Determination for Taiwan's Future

Self-determination is an inalienable right of the people on Taiwan. Mr. Chao Tzu-yang, we protest against China's interference. We denounce China's imperialistic design to annex Taiwan.

The people on Taiwan have repeatedly manifested their strong desire for democracy and self-determination as demonstrated during the most recent Legislative "supplementary election." They proclaim: Taiwan's future should be decided only by the 18 million inhabitants on Taiwan.

We support Resolution 74 as recently passed by the U.S. Senate Committee on Foreign Relations.... [Ed. note: See U.S. Document 39]

We urge President Reagan, the U.S. Congress, and the American people to support the people on Taiwan in their quest for democracy and self-determination—the basic principles of the American Republic.

[Source: Advertisement in The Washington Post, January 10, 1984, the day of PRC Premier Chao's visit to Washington, signed by over 100 overseas Taiwanese organizations and dozens of individuals forming the Taiwanese Coalition for Self-Determination]

Overseas Taiwanese Document 6
Founding Committee of the Taiwan Democratic Party on the Future of Taiwan

Q. What do you mean by direct election of a national legislature? Do you mean that the present system, where Taiwan representatives are allowed a small portion of the total number of seats, would be scrapped? If so, then aren't you advocating a kind of "Taiwan independence," and an end to the whole "Republic of China" pretense?
A. In a nutshell, yes. Sooner or later ... the whole house of cards is going to fall. Everybody knows this-the KMT most of all, as you can see from the number of KMT and their progeny holding green cards in the U.S., ready for quick exit from Taiwan when the last card is played out....

[Source: Interview with Hsu Hsin-liang, Chair of the Founding Committee of the Taiwan Democratic Party ("Taiwan Exile in U.S. Plans a 'Party to Break the Party Ban,'"), Asian Eye, September 1986]

**Overseas Taiwanese Document 7**

**How to Achieve Taiwan Independence**

World United Formosans for Independence (WUFI) was formed in the United States in 1970, uniting independence groups from North and South America, Western Europe, Japan, and Taiwan. It seeks to establish a free, democratic, and independent Republic of Taiwan (Formosa) in accordance with the principle of self-determination of peoples. It is committed to the fundamental freedoms and human rights embodied in the Universal Declaration of Human Rights, and therefore repudiates all forms of totalitarian rule, whether under the Kuomintang...or Chinese Communist Party.

WUFI is the largest of several organizations which advocate the independence of Taiwan. Its program seeks to educate Taiwanese, so that they are no longer afraid to speak out about their support for independence; to organize chapters in overseas Taiwanese communities; to raise the issue of independence in Taiwan's political debate, in part by encouraging overseas Taiwanese who have enjoyed the benefits of free societies to return home; and to organize the masses in Taiwan to achieve a democratic and independent country.

WUFI believes that if given the opportunity to express a choice in a free and honest referendum, the overwhelming majority of Taiwan's people would opt for independence.

WUFI believes that with the sophistication and high level of economic and social development Taiwan has achieved, there is no reason why it could not be the
"Switzerland of Asia." Under the current authoritarian political system, this is impossible.

For their own safety, WUFI does not permit all of its members to identify themselves publicly; in particular, to do so would mean they could not obtain permission to return to Taiwan. However, WUFI members are active in many other overseas Taiwanese organizations, and helped to establish many of these organizations, including the various overseas Taiwanese Associations and the umbrella World Federation of Taiwanese Associations.

WUFI would prefer to achieve its ends through non-violent means, and was heartened by the non-violent mass movement in the Philippines which toppled a long-standing dictator. WUFI also applauds the efforts of the Democratic Progressive Party to achieve political change non-violently on Taiwan.

However, like the African National Congress in South Africa, WUFI cannot foreclose the possibility of resorting to armed struggle to achieve democracy and independence as long as the dictatorship is willing to suppress the opposition movement violently. In the United States itself, and, more recently, in Zimbabwe, democracy could only be achieved through armed struggle. Moreover, as President John F. Kennedy said, it is those who make peaceful evolution impossible who make violent revolution inevitable.

[1987]

Overseas Taiwanese Document 8
A New and Independent Nation

Based on the foundation of democracy and liberty, a new and independent nation shall be built in Taiwan.

[Source: Official Statement, Taiwanese American ConferenceEast Coast, July 5, 1987]
...Perhaps the most obvious fact about Taiwan consists in this: for the past forty years, Taiwan has existed as a separate political entity, independent of mainland China. Changing this situation from a de facto into a de jure status requires one simple step—recognizing the right of the Taiwanese people to self-determination. Taiwan is clearly a viable independent political entity. Taiwan has a population of 19 million people which is larger than two-thirds of the members of the United Nations. According to a survey conducted by the Heritage Foundation in 1982, 84.2% of a sample of U.S. citizens thought that Taiwan should be considered an independent state. This survey clearly indicates that the majority of people in the United States do not consider Taiwan to be part of China.

Economically, Taiwan is also a viable entity. Taiwan is a major player in the world economy. It has bilateral trade with over a hundred nations. Taiwan is the fifth largest trading partner of the United States and is a leading market for U.S. agricultural products. Domestically, Taiwan is enjoying a thriving economy with a per capita income of $3,630 in 1986, which is more than ten times the per capita income of the PRC.

Geographically, the importance of Taiwan has always been recognized. The fact is that Taiwan sits astride a vital and strategic waterway. Korea, Japan, and the Philippines are also strategic U.S. allies in the Pacific. It is clear that a free and independent Taiwan would add to the security of this region of the Pacific.

But the most important reality in Taiwan is the Taiwanese people. The energies and potential of the people are surely Taiwan's richest asset....

A fair and free plebiscite conducted inside Taiwan is the only sure way to prove what many have consistently proclaimed over the years: that given a choice in a free and honest referendum, the overwhelming majority of the Taiwanese would opt for independence....
Let Taiwan Be Taiwan

Recent developments inside Taiwan strongly indicate that the public support of the people of Taiwan for independence is on the increase. People are daring to speak in public about the future of Taiwan. One hears the words independence and self-determination with increasing frequency, as many visitors report....

In the past, anyone advocating independence or even mentioning "self-determination" was in danger of being promptly arrested and thrown into jail. A military trial would usually follow with conviction almost a foregone conclusion. Of course the PRC and the KMT are still publicly against the idea of self-determination and independence because they know fully well what the outcome of a popular vote would be. In light of this strong opposition, the fact that Taiwanese increasingly dare to speak out publicly in favor of independence is politically significant. What Taiwanese seek to work for is political independence to match the present economic independence and to confront Beijing with a "Free Taiwan" as a fait accompli. Therefore, the time is ripe for active support from abroad for open discussion of Taiwan's future.


Position of the Taiwanese Opposition
(Tangwai)

Comment: Although martial law forbade the establishment of opposition parties, a loose opposition coalition developed in Taiwan in the 1960s and especially the 1970s, known as the Tangwai ("outside the party"). This group of intellectuals and politicians pressed for civil liberties, representative government, and the rule of law. Later, the Tangwai also emphasized the right of the people on Taiwan to decide their
future for themselves, free from internal repression and outside coercion. The Tangwai insisted that Taiwan’s fate most assuredly was not up to the "Chinese on both sides of the Strait," as the U.S. and PRC said in the 1979 Shanghai Communique. Rather, they said, any solution to the "Taiwan question" which is not based on the will of Taiwan's people, no matter how peaceful, is unjust.

The first open call from within the island for an independent and democratic Taiwan came in 1964, when Peng Ming-min, a Taiwanese political scientist at National Taiwan University, and two of his students issued the "Declaration of Formosans" (Tangwai Document 1). The government court martialed the trio for "sedition," and sent them off to military prisons. They were among the first Taiwanese political prisoners adopted by the human rights group Amnesty International as "prisoners of conscience," i.e., people jailed for the nonviolent expression of their political beliefs.

After that, Taiwan's opposition generally remained cautious in publicly discussing the island's international status until the Presbyterian Church's landmark declaration of 1977 (see above). Then, in 1979, Hsiu-lien Annette Lu, Taiwan's leading feminist and a Harvard-educated lawyer, told a crowd of tens of thousands of people gathered for International Human Rights Day (December 10) in the southern port city of Kaohsiung, "Me must give this-the struggle for peace, justice, and self-determination-everything we've got!" The speech was enough to get Lu a 12-year term in military prison or "sedition," along with seven colleagues from Formosa magazine, a popular opposition monthly which had sponsored the rally (Tangwai Document 2). This was part of the KMT's biggest crackdown on dissent since the 1950s.

The repression of the late 1970s did not deter the Tangwai, whose demands for self-determination became ever louder in the 1980s (Tangwai Documents 3 and 4).
Tangwai Document 1
1964 Declaration of Formosans [Excerpts]

...The world must recognize that there is one China and one Formosa. The Chiang regime has been able to survive only because of American support; nevertheless American policy is moving toward recognition of Communist China, and uses the Formosa issue as a bargaining point....

Return to the mainland is not even remotely possible...

The slogan "Return to the Mainland" enhances the position of the Chiang regime externally by exploiting an American neurosis concerning communism and Communist China, and as an excuse internally for martial law, enables the Chiungs to enforce dictatorial rule....

The Nationalist government represents neither the people of continental China nor those on Formosa. The Generalissimo's regime was driven from the continent only two years after the elections of 1947. The Formosans who constitute eighty-five percent of the population have less than three percent representation in the national legislature....

Can Formosa be an independent country? Since 1949 the island has in fact been independent. On the basis of population Formosa ranks thirtieth among the members of the United Nations. We must cease imagining ourselves to be a big power and face reality, establishing a small but democratic and prosperous society.


Tangwai Document 2
Hsiu-lien Annette Lu: International Human Rights Day Speech, Kaohsiung, December 10, 1979

... We know that our homeland, Taiwan, is in great danger. You all know that there is the so-called "problem of Taiwan." Do you know the history of Taiwan? We are Taiwanese, and our ancestors have worked hard on this land, but have you
heard about the history of our country? Have you heard people talk about the uncertain legal position of Taiwan? Do you know that Taiwan is an orphan on the world political scene? Are you not aware that Taiwan is an international orphan?

...About two years before the defeat of Japan the United States, Britain, and China issued a joint statement expressing the hope that after the surrender of Japan, Taiwan would be returned to China. However, after the Japanese surrender, the Korean war broke out. The United States then discovered that it could not withdraw from involvement in Asia, so President Truman made a statement emphasizing that Japan had merely given pR its claim to Taiwan. Thus, by the terms of the peace treaty Japan relinquished Taiwan and the Pescadores, but it was not specified to whom they were given.

So, according to international law, the legal position of Taiwan was not settled. In other words, the Taiwanese had been abandoned by their own parents [Ed. note: i.e., the Chinese in 1895], who handed them over to foster parents—the Japanese. But our foster parents lost the war and were powerless to nurture us any longer, so they abandoned us too. However, our own parents did not have the right or the strength to take us back and look after us. This is the Taiwan on which we are standing now!

In the Shanghai Communique, and in the statement made at the end of last year by the Chinese Communists and the Americans, it was stated that the United States acknowledged that the Chinese on both sides of the Taiwan Straits hold the view that there is only one China, and that Taiwan is part of China. The United States expressed its hope that the Taiwan question could be settled peacefully.

Please note that the attitude of the Communist Chinese and the United States regarding the status of Taiwan had changed. First the American government had said that they felt that Taiwan was part of China. However, when the peace treaty with Japan was signed, the United States changed its attitude, and stated that Taiwan was to be taken from Japan, but could not be returned to China; they were of the opinion that it was to be left to the United Nations to settle that point,
or that it was to be settled between Japan and China. More recently, the United States changed again: now they say that they realize that the Chinese on both sides of the Taiwan Straits hold the view that there is only one China, but that Taiwan is part of China. However, the Americans did not use the word "recognize." They only said that they knew and "acknowledged" that both the Chinese Nationalists and the Chinese Communists hold this view. The U.S. did not say whether or not it agreed with this view. Furthermore, the U.S. now did not say that the Taiwan problem should be settled by the United Nations. It now said that the problem should be settled by the Chinese people on both sides of the Taiwan Straits, and that it is not for any third party to settle this matter—nor should it be settled by force of arms. So this is the most recent position of the Americans on this matter.

However, there are two problems with regard to the American acknowledgement that the Chinese on both sides of the Taiwan Straits say this. I would like to ask whether the Chinese on both sides of the Taiwan Straits includes us here. If it does, then by what body or organization, and through what channel has our opinion been consulted?

...Secondly, the American statement said that the Taiwan problem should be settled peacefully by the Chinese people. I want to ask you all, in our present situation as an orphan in the international arena, what chance do we have of getting a peaceful settlement? When we want to compete in football or other sports in the Olympic Games, we are disqualified, rejected. In this type of situation, how are we going to be able to talk about a peaceful solution? What capability do we have to discuss weighty matters of international affairs? I ask you, who is qualified to represent our eighteen million people and negotiate a peaceful solution? Who is qualified to represent us and fight for our rights?

Has the KMT government the full legal authority to represent the opinions of the eighteen million Taiwanese people?...
Under these conditions, when, on the one hand, we ourselves have no power to discuss conditions of peace, and, on the other hand, when those who would participate in discussion of peace for us do not represent our views, who is in a position to settle the problem of Taiwan?...

We are now thirty-five years old [as a nation]. Do we want to be independent or not? Do we want to protect this land or not? This land is ours! If we are not going to protect it ourselves, who is going to protect us? If we are to be happy and prosperous, then...[f]rom now on, we must give this everything we've got! ... We, who are here today struggling for human rights, must give our utmost for our homeland.


Tangwai Document 3 Democracy, Unity, Save Taiwan

[Ed. note: This is excerpted from the joint statement by Tangwai leaders issued on September 28, 1982]

The Democratic Movement on Taiwan, which has persisted for the past thirty years, has finally come to a decisive and critical moment. This moment has come as a result of the continuous sacrifice and struggle of our non-Party (Tangwai) forerunners, as well as under the pressure of recent political developments at home and abroad. To speed up the birth of this critical moment, and to welcome the arrival of a new era, we, members of the Tangwai, issue our joint "political principles" for the public's review and criticism.

1. The future of Taiwan has to be decided by the eighteen million people who live on the island, and by no one else.

2. National fundamental laws must be enacted, based on the spirit of our Constitution and taking account of the current reality [Ed. note: i.e., that KMT recovery of the mainland is highly unlikely]; temporary provisions in the Constitution must be eliminated; martial law must be abolished; the parliament must be reorganized; the bans on the formation of
Let Taiwan Be Taiwan

new political parties and publication of new newspapers must be lifted....


Tangwai Document 4
For Open Discussion of Taiwan's Future

[Ed. note: This is an excerpt from the interpellation at the Legislative Yuan on Taiwan on October 19, 1982, by Ms. Hsu Jung-shu, a Tangwai Legislator]

The reason why I just recently proposed the principle that the future of Taiwan should be determined by its 18 million inhabitants is that, ever since the publication of "The Second Shanghai Communique" by the U.S.A. and Communist China on 17th August last, a dark shadow has been cast over our society regarding the future of Taiwan.

As far as democracy on Taiwan is concerned, the 18 million inhabitants are sovereign. The wishes of these sovereign people must be respected by the party in power for the demands of democracy to be met: it is not a matter of "you are the people and I am the sovereign," in accord with the principles of totalitarian rule. So if the party in power really wants to put democracy into practice, it must respect the wishes of 18 million people.

Of course I understand that any attempts to create a new situation for Taiwan must lead to a consideration of the Chinese communists. The question is, if we are willing to face reality, we must recognize that, whether in the way others treat us or in the way we ourselves manage our political and economic activities, all treat Taiwan as a simple entity. For example, it would be ridiculous to say that our electoral regulations must fit the 1,000 million mainland Chinese. In short, we have to recognize the objective reality that the KMT's governmental activities on Taiwan all have Taiwan as their objective. If, in the reality of this situation, the KMT truthfully can "adhere to the democratic camp," it must respect
the sovereignty of the people of Taiwan and regard the wishes of these 18 million people as its point of reference.

To sum up, in this temple of democracy, I call on the Executive Yuan to allow open and public discussion of Taiwan's future and to convene a public hearing as soon as possible. The most important point to all this is that the future of Taiwan should be decided by the common decision of its 18 million people.


**The Democratic Progressive Party**

*Comment:* By 1986, the Tangwai had gained substantial strength at the grassroots. With elections scheduled in December for a limited number of legislative seats, a September 28 meeting of opposition office-holders and activists agreed to defy martial law and establish the Democratic Progressive Party (DPP), the first Taiwanese opposition party under KMT rule. Its candidates won twenty-two percent of the vote, and their joint platform included an open call for self-determination.

At an extraordinary party convention held in April 1988, the DPP issued a detailed statement of its position with regard to Taiwan's international status (DPP Document 1). The following year, a group of DPP candidates for national and local offices banded together as the "New Nation Alliance," running on a platform which openly advocated the establishment of a new democratic nation of Taiwan (DPP Document 2). Overall, the DPP won thirty-one percent of the vote in that election, Taiwan's first under KMT rule in which opposition parties could legally compete. Twenty of the New Nation candidates won office, many of them by landslide margins.
DPP Document 1
April 1988 DPP Resolution on Self-Determination

[Preamble]

...[S]overeignty over Taiwan does not belong to any country. It is naturally independent from the "People's Republic of China." Whether in the future Taiwan will maintain an independent international status, or reunite with China and become a part of China should be decided by the people of Taiwan in a process of self-determination.

[Resolved that:]

1. The DPP reiterates that Taiwan is a sovereign, independent entity. Its sovereignty does not belong to the "People's Republic of China" with its capital in Peking. Any changes of Taiwan's international status must be decided in a referendum by all the residents of Taiwan.

2. The DDP will actively seek formal independence if the KMT negotiates with the Communists, if the KMT sells out the interests of the people of Taiwan, if China attempts to take over Taiwan, or if the KMT fails to implement genuine political reform.

3. The DPP wants to give notice to the Taiwan authorities and to the major world powers that the nineteen million people of Taiwan have the right to decide their own future. "Taiwan" is not simply a geographical term in the Pacific region, nor is it just a strategic island in the confrontation of naval and land forces. Taiwan shall never be seized and divided by any foreign power or any political party. No one can treat Taiwan as their own possession, or claim themselves to be its mothercountry or spokesman. The DPP urges the major powers, especially the United States and Japan, not to treat Taiwan as a mere chip in the global strategic game. Taiwan's future should not be used as a bargaining chip to pacify China in order to counter the influence of the Soviet Union. The major powers should establish political and diplomatic relations with Taiwan and request all other countries to respect the right of Taiwan to participate as a full member in the international community.
4. The DPP requests that the ruling authorities face reality and swiftly make comprehensive adjustments of the political and legal structure, in order to normalize the country's polity.

5. The DPP shall hold public meetings to discuss the international status of Taiwan and the different solutions to the future of the island with the Taiwanese people. Also, special committees shall be formed to conduct intensive study on the original proposal and the various solutions on the future of Taiwan and submit a report with specific recommendations.

[Source: *Taiwan Communique*, No. 34, May 28, 1988, pp. 4-5]

**DPP Document 2**

**1989 Platform of the New Nation Alliance**

1. Taiwan should develop its international relations on the basis of independent sovereignty, political reality, and neutrality.

2. Taiwan and China should extend recognition to each other, and the two sides of the Taiwan Strait should undertake peaceful contacts.

3. Taiwan should develop its own cultural orientation and strengthen cultural education, so as to foster a mature, new national identity and allow the people of Taiwan to become good citizens of the world community.

4. Taiwan should promulgate a new constitution that will allow the election of a new parliament and a new government, based on the political and social realities of today.

[Source: Center for Taiwan International Relations translation]
The International Perspective

Treaties and Declarations Concerning
Taiwan's International Status

Comment: In the past, outside powers decided Taiwan's fate. In the 16th and 17th centuries, Japanese, Dutch, and Spanish colonialists consulted not the people of the island, but the imperial Chinese government before establishing settlements in Taiwan and the Pescadores. The Dutch eventually ceded their colony to Koxinga and his "Chinese government in exile." More recently, several major international treaties and government agreements have determined the fate of Taiwan. Again, the people of the island had no say in the decisions which affected them.

At the conclusion of the Sino-Japanese War in 1895, the Chinese turned Taiwan over to Japan "in perpetuity" in the Treaty of Shimonoseki (Treaty/Declaration 1). After the Japanese finally pacified Taiwanese armed resistance in the 1920s, a nonviolent movement for self-rule continued to challenge the colonial authorities. Its various factions demanded either the full rights of Japanese citizens or the establishment of an independent Republic of Taiwan. Reunification with China was not on the political agenda. Although the Japanese only occupied Taiwan for fifty years, their presence left a profound impact on Taiwanese culture and politics.

The Chinese abrogated the Treaty of Shimonoseki at the outset of World War II, and therefore claimed that the island should be returned to Chinese sovereignty. In two wartime documents, the Cairo Declaration and the Potsdam Proclamation, the Allies supported Chinese claims of sovereignty over Taiwan (Treaty/Declarations 2 and 3).
In 1943, the U.S., the ROC, and Britain issued the Cairo Declaration as a statement of Allied intentions in the war against Japan. In order to persuade Chiang Kai-shek to remain in the war and not conclude a separate peace, Roosevelt and Churchill agreed to his demand for the return of Taiwan to China's sovereignty. This Declaration was never formally ratified, and therefore was not legally binding on the parties. The Potsdam Proclamation, issued shortly before the end of the war, called for the implementation of the Cairo Declaration. This was a similar one-sided Allied statement which Japan never accepted.

The final multilateral peace treaty concluded between Japan and the Allies in San Francisco in 1951 left Taiwan's sovereignty undetermined (Treaty/Declaration 4). There is strong consensus among legal scholars that this document, signed by 51 Allied Powers, superseded earlier unilateral pronouncements. Significantly, the separate peace treaty between Japan and the ROC (i.e., the KMT government which by then controlled only Taiwan, the Pescadores, Quemoy, and Matsu) contained identical language to that found in the San Francisco Treaty, i.e., no explicit assignment of sovereignty over the island (Treaty/Declaration 5).

Unquestionably, once the Allies permitted KMT troops to accept the surrender of the Japanese forces in Taiwan, there was de facto KMT authority over the island. However, this occupation force, which remains in place to this day, did not thereby acquire legally recognized sovereignty; as J.P. Jain has said,

Since Japan surrendered not solely to China [Ed. note: i.e., the KMT regime] but to the Allied Powers as a whole, the island of Formosa may not properly be said, on that basis, to have been conquered or annexed by any one Power.¹

In sum, according to international law, no nation has been given title or right to Taiwan. This was a deliberate policy agreed upon by the Allies. Because Generalissimo Chiang Kaishek occupied the island only as a representative of the Allies,
China cannot be said to have gained a right to Taiwan through the Japanese surrendering of the territory to Chinese control.

1 "Legal Status of Formosa," American Journal of International Law (January 1963), 34, cited in Chai, p. 1315.

Treaty/Declaration 1
Treaty of Peace Between Japan and China, 1895
(Treaty of Shimonoseki)

...Article II

China cedes to Japan in perpetuity and full sovereignty the following territories, together with all fortifications thereon:...

(b) The island of Formosa, together with all the islands appertaining or belonging to said island of Formosa.

c) The Pescadores Group—that is to say, all islands lying between the 119th and 120th degrees of longitude east of Greenwich and the 23rd and 24th degrees of north latitude.


Treaty/Declaration 2
Communique of the First Cairo Conference,
November 22-26, 1943

President Roosevelt, Generalissimo Chiang Kai-shek and Prime Minister Churchill, together with their respective military and diplomatic advisers, have completed a conference in North Africa. The following general statement was issued:

"The several military missions have agreed upon future military operations against Japan. The three great Allies expressed their resolve to bring unrelenting pressure against their brutal enemies by sea, land, and air. This pressure is already rising.

"The three great Allies are fighting this war to restrain and punish the aggression of Japan. They covet
no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa and the Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed....

"With these objects in view the three Allies, in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged operations necessary to procure the unconditional surrender of Japan."


I Treaty/Declaration 3
Terms for Japanese Surrender: Proclamation of the Heads of Government, United States, China, and the United Kingdom
Approved at Berlin (Potsdam), July 26, 1945

... (8) The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine....

Treaty/Declaration 4
Multilateral Treaty of Peace with Japan, September 8, 1951 (San Francisco Treaty)

CHAPTER II
TERRITORY
Article 2

..(b) Japan renounces all right, title and claim to Formosa and the Pescadores.


Treaty/Declaration 5
Japan-Republic of China Treaty of Peace, April 28, 1952

Article 2 of the separate [KMT government] peace treaty with Japan of April 28, 1952 repeated the pertinent provisions of article 2 of the San Francisco treaty, whereby Japan renounced "all right, title and claim to Formosa and the Pescadores," as well as [to] the Spratly and Paracel (Xisha) Islands, without naming any beneficiary.


Taiwan-in International Law and Diplomacy

Comment: The United Nations Charter protects the right of self-determination. This principle has been upheld by various nations in their statements on the Taiwan issue. Since the end of World War II, Taiwan's representation in the UN, its recognized status internationally, and its sovereignty have all been controversial issues. Most non-communist governments have either affirmed Taiwan's right to self-determination, or
have avoided making any definitive statements regarding Taiwan's sovereignty, while recognizing the PRC as the legitimate government of China. In addition, a handful of governments accept the "ROC," i.e., the KMT regime based in Taiwan, as the sole government of China. Recently Grenada, Liberia, and Belize announced "two Chinas" policies, officially recognizing both the ROC and the PRC. Indeed, the statement of the government of Belize comes close to a policy of "one China, one separate and independent Taiwan" (Diplomatic Document 10). The PRC government responded by severing diplomatic relations with the three countries. Although many governments do not wish to confront the issue of Taiwan's sovereignty today, preferring to maintain the status quo, initially, "[t]he decision to keep Taiwan's status undetermined was deliberate," according to Trong R. Chai.2

Chai also notes that while the PRC generally requests governments which wish to recognize it diplomatically to accept its sovereignty over Taiwan, only Guinea-Bissau, the Maldives, and Niger have explicitly done so. Rather, he says, almost every government which has opened relations with the PRC has "either remained silent on the Taiwan question or used such forms as 'acknowledging,' 'taking note of,' and 'respecting' the Chinese position to reject the Chinese demand." Chai concludes, therefore, that the PRC "has not secured a de facto title over Taiwan through prescription."3

Significantly, the United Kingdom, which was a party to the Cairo Declaration, has consistently rejected that document as a non-binding, unilateral piece of wartime propaganda (Diplomatic Document 3). Rather, the British, who were among the first Westerners to recognize the PRC, have insisted that under the San Francisco Treaty, Taiwan's status remains undetermined, and that it can only be decided "in accord with purposes and principles" of the UN Charter (Diplomatic Documents 1, 4, and 6).

During the San Francisco Conference which drafted the Allied peace treaty with Japan, the Egyptian delegate explicitly insisted that the "Taiwan question" must be resolved "in accordance with the United Nations Charter, taking into consideration the principle of self-determination and the
expressed desire of the inhabitants...." (Diplomatic Document 2). The French government expressed similar sentiments in 1964 upon establishing diplomatic relations with the PRC (Diplomatic Document 5).

As the Japanese government was the last internationally recognized sovereign over Taiwan, its views on this matter carry some weight. In 1966, the Japanese delegate to the United Nations reiterated his country's renunciation of claims to the island and noted that the PRC "has never extended its control" to Taiwan (Diplomatic Document 7). Upon establishing diplomatic relations with Peking six years later, the Japanese government said only that it "understands and respects" the PRC's claims over Taiwan, without accepting or recognizing those claims (Diplomatic Document 9).

When Canada established relations with the PRC, it made an even weaker acknowledgement of the PRC's claims, agreeing only to "take note" of the Chinese position (Diplomatic Document 8).

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2 P. 1314.
3 P. 1316.

**Diplomatic Document 1**

**British Comments on the Status of Taiwan under the San Francisco Treaty**

The treaty also provides for Japan to renounce its sovereignty over Formosa and the Pescadores Islands. The treaty itself does not determine the future of these islands. The future of Formosa was referred to in the Cairo Declaration but that declaration also contained provisions in respect to Korea together with the basic principle of non-aggression and no territorial ambitions. Until China shows by her action that she accepts those provisions and principles, it will be difficult to reach a final settlement of the problem of Formosa. In due course a solution must be found, in accord with the purposes and principles of the Charter of the United nations. In meantime, however, it would be wrong to postpone making peace with Japan. We therefore
came to the conclusion that the proper treatment of Formosa in the context of the Japanese peace treaty was for the treaty to provide only for renunciation of Japanese sovereignty.


### Diplomatic Document 2
#### Egyptian Comments

My government trusts that the reason behind this omission is to afford the opportunity to deal with this question in accordance with the United Nations Charter, taking into consideration the principle of self-determination and the expressed desire of the inhabitants of these territories.

[Source: Conference for the Conclusion..., at 144, cited in ibid.]

### Diplomatic Document 3
#### Churchill Rejects the Cairo Declaration as Non-Binding, 1955

[The Declaration] contained merely a statement of common purpose.

[Source: 536 Parl. Deb., H.C. (5th ser.) 901 (1955), cited in ibid., p. 635 n. 133]

### Diplomatic Document 4
#### British Government Statement on the Status of Taiwan, 1955

Formosa and the Pescadores are therefore, in the view of Her Majesty's Government, territory the de jure sovereignty over which is uncertain or undetermined....

[Source: Statement of the Foreign Secretary (Sir Anthony Eden), cited in Chai, p. 1316]
Diplomatic Document 5
French Statement, 1964

Formosa (Taiwan) was detached from Japan, but it was not attached to anyone .... [Its legal status] must be determined one of these days, taking the wishes of the Formosan population into consideration.


Diplomatic Document 6
British Statement, 1966

Sovereignty over the island of Formosa is undetermined. It therefore follows, in our view, that the question of who should represent Formosa in the United Nations is also undetermined. The vote which I shall cast in favour of the substantive draft resolution does not prejudice the position of any Government on this point.


Diplomatic Document 7
Japanese Statement, 1966

At the end of the last century, Taiwan was ceded from China to Japan by virtue of the Sino-Japanese Peace Treaty of 1895, and remained under Japanese jurisdiction for half a century. In the peace treaty signed at San Francisco between Japan and the Allied Powers on 8 September 1951, Japan renounced all rights, title and claim to Taiwan and the neighbouring Pescadores Islands. In 1952 a peace treaty was concluded at Taipei between Japan and the Republic of China, the representative of which had signed the Charter of the United Nations, and a close and friendly contact has been maintained between the countries ever since. At the present time, Taiwan, with a population of over 12 million people, is
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the seat of the Government of the Republic of China. The People's Republic of China has never extended its control to the island of Taiwan.


Diplomatic Document 8
Joint Communique Between China and Canada, October 13, 1970

The Chinese Government reaffirms that Taiwan is an inalienable part of the territory of the People's Republic of China. The Canadian Government takes note of this position of the Chinese Government....


Diplomatic Document 9
Joint PRC-Japanese Statement, September 29, 1972

The Government of the People's Republic of China reaffirms that Taiwan is an inalienable part of the territory of the People's Republic of China. The Government of Japan fully understands and respects this stand of the Government of China and adheres to its stand of complying with Article 8 of the Potsdam Proclamation.


Diplomatic Document 10
Press Release of the Belizean Ministry of Foreign Affairs, October 12, 1989

The Ministry of Foreign Affairs announces today that the government of Belize and the government of the Republic of China (Taiwan) have decided to establish full diplomatic relations at the ambassadorial level with effect from the 11th October, 1989....
Let Taiwan Be Taiwan

[Belize Foreign Minister Said] Musa commented that his government's decision to establish diplomatic relations with the Republic of China (Taiwan) reflects a realistic and pragmatic approach to international relations.

He recalled that the previous administration had negotiated diplomatic relations with the People's Republic of China (Beijing), and had accepted the accreditation of an Ambassador of the People's Republic to Belize .... He declared that Belize would continue to maintain diplomatic relations with mainland China.

Belize's two-China policy, he declared, allows Belize to deal with the world as the world is, and not according to any ideology. It does not conflict with Belize's relations with any other nation....

[Source: Embassy of Belize, Washington, DC]

The United Nations and Self-Determination

Comment: The principle of self-determination for all peoples is enshrined in the Charter of the United Nations, and many subsequent UN statements, covenants, and resolutions have reaffirmed its important place in international law and practice. The World Court, in turn, has rendered several decisions regarding secession and independence of colonial areas on the basis of these UN declarations. According to international law, those nations which have signed the UN Charter are bound to uphold its principles, so the Taiwanese right to self-determination should receive international support. Since the Charter is based on internationally recognized principles, rather than historical precedent, Taiwan has a basis for self-determination even if the world were to accept Chinese arguments about Taiwan as a traditional Chinese territory. Harry Hsiao concludes, "It is permissible to choose ... independence even though Taiwan had been an integral part of China for a long period."

According to Harry Hsiao, the various UN General Assembly resolutions on self-determination are not, in and of themselves, legally binding. However, as the Declaration on the Granting of Independence to Colonial Countries and Peoples (UNGA Document 1) was adopted unopposed in 1960, it carries a certain weight. Moreover, its self-determination clause has been quoted so often, in subsequent General Assembly resolutions and elsewhere, that it has become the "focus classicus" of the concept of the right of self-determination for all peoples. Finally, since it was cited by the International Court of Justice (World Court) as the basis of its decisions on the future of Namibia (1971) and Western Sahara (1975), it is generally regarded as legally binding.5

Furthermore, Harry Hsiao says, thirty-five states have ratified the International Covenant on Civil and Political Rights (UNGA Document 2), adopted unanimously by the Assembly in 1966. The Covenant, including its self-determination language, is therefore legally binding at least upon those states. Its language was also confirmed by the World Court in the Namibia case.6

Harry Hsiao additionally notes that the Assembly likewise adopted the Declaration on Principles of International Law Concerning Friendly Relations (UNGA Document 3) unanimously. Significantly, it not only contains language on self-determination, but calls upon the nations of the world to refrain from the use of force and other actions which interfere with the exercise of this right.7

Clearly, since both the KMT and PRC portray themselves as upstanding members of the community of nations, they are legally bound by these statements.

4 P.5.
6 Ibid.
7 Ibid.
UNGA Document 1
Declaration on the Granting of Independence to Colonial Countries and Peoples

All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.


UNGA Document 2
International Covenant on Civil and Political Rights

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.


UNGA Document 3
Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation Among States in Accordance with the Charter of the United Nations

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social, and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

Comment: There is quite often a gap between fine-sounding statements of international legal principles and the actual behavior of governments in their international relations. Just one year after it approved the Declaration on Principles of International Law Concerning Friendly Relations (UNGA Document 3 above), its most detailed statement on the right to self-determination, the UN General Assembly had to address the question of which of the rival governments of China to seat as the official representative of the world's most populous nation. Many of the delegates were candid enough to state explicitly that there was rather more than just an academic question at stake. A few went so far as to acknowledge that they should also address the long unresolved question of Taiwan's international status as part of the process. In the event, the Assembly merely seated the PRC government and expelled the KMT regime, thereby losing an opportunity to put the principles it had passed unanimously into effect.

As noted in the summary of the General Assembly's action below, in July 1971, a group of 17 socialist and non-aligned nations requested that the Assembly consider "restoration of the lawful rights" of the PRC at its fall session. They insisted that the PRC was the sole lawful representative of the Chinese people, while the KMT regime was illegally occupying not only China's UN seat, but that of Taiwan, a piece of Chinese territory, thanks to U.S. military intervention. Interestingly, their request came just as Henry Kissinger was making his secret trip to China that would pave the way for the Shanghai Communiqué (U.S. Document 9).

Nonetheless, the U.S. delegate, George Bush, requested that the Assembly instead consider seating both the PRC and the KMT regime, so that the world body would "reflect ... incontestable reality." Of course, it should be noted that it was precisely because of U.S. intransigence that the UN
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had failed to reflect reality by banning the globe's most populous nation for 22 years!

For their part, the PRC authorities made it clear that they would only participate in the UN if they and they alone were seated. They adamantly rejected the idea of "one China, one Taiwan," the view that Taiwan's status remained undecided, or the possibility of Taiwan joining the UN as an independent nation. Given the primacy the Assembly had attached to self-determination, one would have expected it to have ignored this attempt to pre-empt the rights of the people of Taiwan.

In October, the General Assembly had before it several resolutions dealing with these issues. Delegates from 73 member states participated in the debate. One resolution, sponsored by 23 socialist and non-aligned states (the "Albanian resolution," UN China Debate Document 2) called for the seating of the PRC and the expulsion of the KMT from the UN and all of its agencies. A rival resolution, sponsored by the U.S. and 18 nations friendly to it (the "U.S. resolution") called for the seating of the PRC in the General Assembly and as a permanent member of the Security Council, while retaining the KMT regime's seat in the General Assembly.

The Saudi Arabian delegate, despite his government's close relations with the ROC, insisted that the Assembly had to address the right of the people of Taiwan to self-determination as part of the debate over representation of China. He introduced a resolution calling for the seating of the PRC in the General Assembly and as a permanent member of the Security Council, while retaining separate representation for the people of Taiwan in the General Assembly. The resolution further called for the UN to supervise a referendum among the people of the island so that they could choose to form an independent and neutral nation, a confederation with the PRC, or federation with the latter state (UN China Debate Document 3). Had the Assembly passed this resolution prior to seating the PRC, and had the UN and world community implemented it, the "Taiwan question" would have been resolved justly a long time ago. Unfortunately, the Assembly never put the proposal to a vote, thereby abdicating an active role in upholding UN
principles to resolve the "Taiwan question" (UN China Debate Document 1).

Tunisia, whose non-aligned government strongly supported seating the PRC, proposed that it should sit in the General Assembly and as a permanent member of the Security Council, and that the KMT should sit in the General Assembly as Formosa, pending resolution of the status of Formosa. Whereas the Saudi proposal favored an act of self-determination that could lead to independence for Taiwan, the Tunisian resolution essentially recognized Taiwan as an independent state under KMT rule. The latter resolution explicitly stated that the PRC does not exercise its sovereignty over the island. Eventually, Tunisia withdrew this resolution on procedural grounds and voted for the Albanian resolution (UN China Debate Documents I and 2).

Nor did the Assembly vote on the U.S. "two China" resolution; instead, it passed the Albanian resolution by an overwhelming vote of 76 for, 35 against, and 17 abstentions.

The member states voting in favor included not only most non-aligned and socialist countries, but many U.S. allies in Western Europe as well. Those voting against included the United States itself, which had always led the opposition to the seating of the PRC, despite its warming ties with China, Saudi Arabia, Australia, New Zealand, Japan, South Africa, and a few conservative governments in the developing world (UN China Debate Document 2).

Although this final action failed to address the issue of Taiwanese self-determination, many member states touched on it implicitly during the debate (UN China Debate Document 4). In addition to Saudi Arabia, a few other members explicitly spoke in favor of Taiwanese self-determination, including Nigeria, Ecuador, Egypt, Ireland, Malaysia, and Senegal, which voted in favor of the Albanian resolution, as well as the Netherlands, which also voted in favor and whose opinion, as a former colonial power in Taiwan, carried substantial weight. Mauritius, which abstained on the resolution, also stressed the importance of Taiwanese self
determination. Nigeria's strong support for the rights of the people of Taiwan is especially significant, inasmuch as the debate came not long after its bitter experience with the failed Biafran secession.

Even Algeria, Ceylon, and Equitorial Guinea, sponsors of the Albanian resolution, conceded that the PRC did not exercise effective control over Taiwan, which could, therefore, apply to become a separate member of the UN. Three other sponsors, Iraq, Sierra Leone, and Zambia, went even further, noting that the KMT regime not only was unrepresentative of the people of China, but also ruled Taiwan through institutions unrepresentative of its people. The delegate from Afghanistan, who voted in favor of the resolution, made a similar point.

Clearly, then, the "legislative history" of the resolution indicates that its supporters did not necessarily intend to prejudice the case for Taiwanese self-determination. Of course, some supporters of the resolution, like Albania itself, stated flatly, "The Chinese province of Taiwan is an integral part of the territory" of the PRC.

Member states which supported the U.S. "two China" resolution pointed out that regardless of the claims by Peking and Taipei about "one China," there in fact existed two separate states. Therefore, they said, the only equitable solution was to seat representatives of both states. Those making this argument included Costa Rica, Liberia, Colombia (which abstained on the Albanian resolution), Uruguay, Swaziland, Congo (Kinshasa), El Salvador, and Malta. Japan, the last recognized sovereign over the island, expressed similar sentiments, noting that the PRC has never effectively controlled Taiwan, a point also stressed by Australia. Thus, a wide variety of nations supporting the U.S. resolution emphasized Taiwan's longstanding de facto separation from China; among these states, New Zealand and Gambia strongly emphasized the right of Taiwan's people to decide their future for themselves without outside interference.

Of course, today the UN's ability to act is even more constrained, given the PRC's veto power in the Security Council. Nevertheless, given the broad support shown for
Taiwanese self-determination nearly twenty years ago, there is hope that the UN General Assembly may one day find the courage to put its principles into effect in the case of Taiwan.

UN China Debate Document 1
Summary of Action by the 26th General Assembly, 1971

Consideration by General Assembly

On 25 October 1971, the General Assembly decided "to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it."

The question of the "restoration of the lawful rights of the People's Republic of China in the United Nations" was placed on the Assembly's provisional agenda at the request of the following 17 Members: Albania, Algeria, the Congo, Cuba, Guinea, Iraq, Mali, Mauritania, the People's Democratic Republic of Yemen, Romania, Somalia, Sudan, the Syrian Arab Republic, the United Republic of Tanzania, Yemen, Yugoslavia and Zambia. Their request was dated 15 July 1971.

A second item entitled "The representation of China in the United Nations" was also put on the Assembly's provisional agenda at the request, presented on 17 August 1971, of the United States....

In an explanatory memorandum accompanying their request of 15 July 1971, the 17 States observed that for years they had protested against the hostile and discriminatory policy followed by several Governments with regard to the lawful Government of China, the sole genuine representative of the Chinese people. The existence of the People's Republic of China, they declared, was a reality which could not be changed to suit the myth of a so-called "Republic of China," fabricated out of a portion of Chinese territory. The unlawful authorities installed in the island of Taiwan, claiming to represent China, remained there only because of the permanent presence of United States armed forces....
In the explanatory memorandum accompanying its request of 17 August 1971, the United States said that, in dealing with the problem of the representation of China, the United Nations should take cognizance of the existence of both the People's Republic of China and the Republic of China; it should reflect that incontestable reality in the manner in which it made provision for China's representation. The United Nations should not be required to take a position on the respective conflicting claims of the People's Republic of China or the Republic of China pending a peaceful resolution of the matter as called for by the United Nations Charter. Thus, the memorandum added, the People's Republic of China should be represented and at the same time provision should be made to ensure that the Republic of China was not deprived of its representation....

In a letter of 15 October 1971 the representatives of 22 states—Albania, Algeria, Burma, Ceylon, the Congo, Cuba, Equatorial Guinea, Guinea, Iraq, Mali, Mauritania, Nepal, Pakistan, the People's Democratic Republic of Yemen, Romania, Somalia, Sudan, the Syrian Arab Republic, the United Republic of Tanzania, Yemen, Yugoslavia and Zambia—requested the Secretary General to distribute, as an official Assembly document, a statement of the Ministry of Foreign Affairs of the People's Republic of China dated 20 August 1971. In this statement, made in response to the United States letter of 17 August 1971 and its accompanying explanatory memorandum, the Ministry of Foreign Affairs declared that the United States proposal was a blatant exposure of the Nixon Government's scheme of creating "two Chinas" in the United Nations. There was only one China, the People's Republic of China. Taiwan, it added, was an inalienable part of Chinese territory and a province of China, which had already returned to the motherland after the Second World War....

The Chinese Government declared that the Chinese people and Government firmly opposed "two Chinas," "one China, one Taiwan" or any similar absurdities, as well as the fallacy that "the status of Taiwan remains to be determined" and the scheme of creating "an independent Taiwan." Should any such
situation or any other similar situation occur in the United Nations, the Government of the People's Republic of China would have absolutely nothing to do with the United Nations....

Discussion in the Assembly took place at 12 plenary meetings between 18 and 26 October 1971, with 73 Members taking part in the debate.

At the beginning of the debate, the General Assembly had before it three draft resolutions. The first draft resolution, submitted on 25 September 1971, was sponsored by the following 23 States, including the 17 States which had joined in placing the question on the agenda: Albania, Algeria, Burma, Ceylon, the Congo, Cuba, Equatorial Guinea, Guinea, Iraq, Mali, Mauritania, Nepal, Pakistan, the People's Democratic Republic of Yemen, Romania, Sierra Leone, Somalia, Sudan, the Syrian Arab Republic, the United Republic of Tanzania, Yemen, Yugoslavia and Zambia.

By the operative paragraph of the text, the General Assembly would decide to restore to the People's Republic of China all its rights, to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations and to expel forthwith the representatives of Chiang Kai-shek from the seat which they unlawfully occupied in the United Nations and in all the organizations related to it.

[Ed. note: The second draft resolution, sponsored by 22 member states, was procedural in nature.]

The third draft resolution, also submitted on 29 September, was sponsored by 19 States, namely: Australia, Bolivia, Chad, Costa Rica, the Dominican Republic, Fiji, the Gambia, Haiti, Honduras, Japan, Lesotho, Liberia, Mauritius, New Zealand, the Philippines, Swaziland, Thailand, the United States and Uruguay....

By the operative part of the draft resolution, the General Assembly would: (1) affirm the right of representation of the People's Republic of China and recommend that it be seated as one of the five permanent members of the Security Council;
(2) affirm the continued right of representation of the Republic of China; and (3) recommend that all United Nations bodies and the specialized agencies take into account the provisions of this resolution in deciding the question of Chinese representation.

During the debate four more draft resolutions were submitted to the Assembly, one by Saudi Arabia and three by Tunisia.

Saudi Arabia, expressing the view that the whole question revolved around the right of self-determination and that the Assembly had neither the right nor the power to compel the people of Taiwan to merge with the mainland, also introduced amendments to the 23-power text.

The representative of Tunisia said that as a result of developments since 1949 the Republic of China had acquired rights which were now challenged. If the Republic of China had to free China's seat for the People's Republic of China, that should not prejudge the future of Formosa which—in accordance with the right of self-determination—might wish to be represented in the United Nations as a separate entity. Such a possibility should not be rejected out of hand. To facilitate the solution to that problem, the Tunisian delegation had submitted three separate proposals.

By the first Tunisian draft resolution, the Assembly, considering the urgent need for participation of the People's Republic of China in the work of the U.N., in the spirit of universality, would invite the People's Republic of China to arrange to be represented by duly accredited representatives in the General Assembly and the different organs of the U.N., including the Security Council.

By the second Tunisian proposal, the Assembly, noting that the People's Republic of China did not exercise its sovereignty over the island of Formosa and considering that the Republic of China currently occupied the seat of China in the different organs of the United Nations and represented, in fact, only the island of Formosa, would invite the delegation of the Republic of China, subject to any resolution or to any international agreement affecting the status quo in Formosa, to continue to sit under the name of Formosa in the General Assembly and the
other organs of the United Nations, with the exception of the Security Council....

By the Saudi Arabian amendments to the 23-power draft resolution, the Assembly would among other things decide to restore all the rights to which the People's Republic of China was entitled at the United Nations and to recognize the representatives of its Government as the sole legitimate representatives of the whole territory over which the People's Republic of China exercised full authority, and to notify the representatives of the Republic of China that they represented only the people of the country over which their government ruled both de jure and de facto and that, as such the Government might retain its seat at the United Nations, taking into account that no people should be denied the right of self-determination. This text was proposed to replace the provision in the 23-power proposal whereby the Assembly would decide to restore to the People's Republic of China all its rights, to recognize the representatives of its Government as the only legitimate representative of China to the United Nations and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupied at the United Nations and in all the organizations related to it.

By another Saudi Arabian amendment the Assembly would recommend that the People's Republic of China should also occupy its seat in all the organizations related to the United Nations. These amendment were not pressed to a vote following rejection by roll-call votes of two Saudi Arabian preambular amendments....

A number of Members, among them Australia, Dahomey, Japan, Malawi, New Zealand and Nicaragua, felt that the question before the Assembly was how the representation of the People's Republic of China could be achieved without doing violence to the Charter and without ignoring the realities of the prevailing international situation.

They maintained that the 23-power proposal contained an unreasonable, peremptory demand, punitive in substance and intent....
The 19-power draft resolution, on the other hand, merely accepted, without prejudice to the eventual settlement of the claims, the fact that for the time being there were two Chinese Governments, but refrained from embracing the idea of two Chinas. By adopting it, they argued, the United Nations, would open the path to reconciliation and peaceful dialogue, thus promoting peace and stability in Asia.

Members who spoke in opposition to the draft resolution calling for a two-thirds majority and that calling for seating of both the People's Republic of China and the Republic of China included Ceylon, Chile, Cuba, France, Hungary, Mali, Norway, Sierra Leone, Uganda, the USSR and the United Kingdom.

They made the point, among other things, that ... Taiwan had never been a Member State of the United Nations. There was only one Chinese State that was entitled to a seat [in the] United Nations. To have an additional seat would require as a prior condition the creation of a second Chinese State which would have to apply for membership under the Charter....

On 25 October ... the General Assembly adopted by a rollcall vote of 61 to 53, with 15 abstentions, a motion by the United States that priority be given in the voting to the ... draft resolution calling for a two-thirds majority on any proposal depriving the Republic of China of representation in the United Nations.

The Assembly then rejected the 22-power draft resolution by a roll-call vote of 59 against to 55 in favour, with 15 abstentions.

Following this vote, Tunisia withdrew the three draft resolutions it had submitted, stating it would vote for the 23power text. The representative of Tunisia said that the texts had been submitted in anticipation of the adoption of a decision affirming the two-thirds majority. Since the Assembly did not adopt such a decision, Tunisia would withdraw its draft resolutions which had been intended to provide for an Assembly invitation to the People's Republic of China.
After the first two Saudi Arabian amendments were rejected by roll-call vote, the representative of Saudi Arabia stated that the remainder need not be put to a vote. Neither did he wish to press to a vote the draft resolution he had submitted....

The Assembly then adopted the 23-power text, by roll-call vote of 76 to 35, with 17 abstentions, as resolution 2758 (XXVI). It did not proceed to a vote on the 19-power draft text.


UN China Debate Document 2
Resolution on Restoring the Rights of the PRC, October 25, 1971

RESOLUTION 2758 (XXVI), as proposed by 23 powers, A/L.630, adopted by Assembly on 25 October 1971, meeting 1976, by rollcall vote of 76 to 35, with 17 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Austria, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Ceylon, Chile, Congo, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Ghana, Guinea, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Kenya, Kuwait, Laos, Libyan Arab Republic, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, People's Democratic Republic of Yemen, Peru, Poland, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Kingdom, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

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Abstaining: Argentina, Bahrain, Barbados, Colombia, Cyprus, Fiji, Greece, Indonesia, Jamaica, Jordan, Lebanon, Luxembourg, Mauritius, Panama, Qatar, Spain, Thailand.

The General Assembly,

Recalling the principles of the Charter of the United Nations,

Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

RESTORATION OF THE LAWFUL RIGHTS OF THE
PEOPLE'S REPUBLIC OF CHINA IN THE UNITED NATIONS

The General Assembly,

Recalling that one of the principle purposes of the Charter of the United Nations is to develop friendly relations among nations based on the respect for the principle of equal rights and self-determination of peoples,

Recalling also that, after exhaustive debates and long deliberations in the Social, Humanitarian and Cultural Committee of the General Assembly, the principle of self-determination was elaborated into a well-defined inalienable right without which no fundamental human right may be fully enjoyed,

Noting that the right of peoples and nations to self-determination constitutes the first article in each of the two United Nations International Covenants on Human Rights,

Recognizing that a people as such need not be determined solely on the basis of speaking the same language or sharing a common culture and common customs or traditions, but essentially by an economic and socio-political system which has evolved from the community of interests of the people's diverse components,

Affirming that sovereignty ultimately resides in the people, irrespective of the political system or ideology its government deemed fit to adopt,

Affirming further that no single State, however powerful, Member or non-Member of the United Nations, nor any coalition of Member States, has the right under the Charter to divest any people of its own right to self-determination,
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Considering that the Republic of China, i.e., the people of the Island of Taiwan, constitute a separate political entity whose population totals about 14 million,

Recognizing that the Republic of China, i.e., the people of the Island of Taiwan, is economically viable, as is evident from its exports which total approximately $4 thousand million annually, and as is also evident from its enjoying one of the highest per capita incomes in Asia,

Considering that any decision which disposes of the right of a people to self-determination against its will would lead to suppression and conflict, whilst one of the prime purposes of the United Nations, inter alia, [is] to maintain international peace and take effective collective measures for the preservation of peace and removal of threats to peace,

Mindful that the two substantive draft resolutions, which are contained in documents A/L.630 and A/L.633, clearly stipulate that the People's Republic of China should assume its rightful place in the United Nations and be seated as one of the five permanent members of the Security Council, and that it should also be represented in all the organizations related to the United Nations,

1. Decides, as just, equitable and practical compromise, that the People's Republic of China should assume its rightful place in the United Nations, as indicated above in the last preambular paragraph, and that, at the same time, the Republic of China, i.e., the people of the Island of Taiwan, should retain its seat in the United Nations, and in all the organizations related to it, until the people of the Republic of China, i.e., the people of the Island of Taiwan, are enabled by a referendum or plebiscite under the auspices of the United Nations to declare themselves on the following options:

(a) Continued independence as a sovereign State with a neutral status defined by a treaty recorded by the United Nations;

(b) Confederation with the People's Republic of China, the terms of which shall be negotiated by the two parties concerned;
(c) Federation with the People's Republic of China, subject to protocols negotiated by both parties;

2. **Appeals** to the magnanimity of both the People's Republic of China and the Republic of China, i.e., the people of the Island of Taiwan, to consider the options enumerated in paragraph 1 above as a basis for, if not a final solution to, a political dispute among Asian brothers.


**UN China Debate Document 4**
**General Assembly Debate, October 18-25, 1971 [Excerpts]**

**ALGERIA**

It is only because of the effects of a usurpation of a title that the present regime of Formosa can be mistaken for the Republic of China, which, on 1 October 1949, ceased to exist and was replaced by the People's Republic of China. Formosa has never enjoyed the status of a Member of the United Nations and cannot therefore have a seat in our gatherings except through the regular procedure of admission.


**IRAQ**

The second argument for the "two Chinas" policy is that, in the name of universality, we should not deprive the 14 million people living in Taiwan of representation in the United Nations....

Does the United States representative seriously believe that the regime of Chiang Kai-shek represents the people of Taiwan? If he does so, I can only refer him to a magazine article, which has just been published, by his predecessor, Mr. Yost. Surely he knows that the National Assembly in Taiwan that supposedly elects the President and amends the Constitution is no more than a body of aged and dying men, chosen 25 years ago. It is a body that a former United States
representative in the United Nations, Mr. George Ball, has described as "the only tontine parliament of the world".

[Ibid., pp. 11-12]

**COSTA RICA**

The former nationalist State, which since the inception of the United Nations has been called the Republic of China, was reduced to the territory of the island of Taiwan and some small neighbouring islands. It is true that the Governments of both States claim jurisdiction over the entire people and territory of what in 1945 was the Republic of China. But, in reality and de facto, the People's Republic of China exercises its jurisdiction over the territory of mainland China and over the people living there, while the Republic of China exercises jurisdiction over only the province of Taiwan and some neighbouring islands and those who live there....

I repeat the truth is that de facto and de jure today there are two Chinese States: a new one, the People's Republic, which encompasses all the territory of mainland China and the vast majority of its population, and the other, a founder of the United Nations, which only encompasses the province of Taiwan and neighbouring islands and governs only 14 million of the 750 million Chinese who live in that ancient country....

Therefore, the delegation of Costa Rica maintains that, since the Republic of China, on Taiwan, constitutes the remainder of what was the Chinese State which was a co-founder of the United Nations; that Republic of China is the legal continuation of the original State; and that consequently that Republic has never for a moment ceased to be a legitimate Member of the United Nations.

For these reasons my delegation cannot accept the assertion in the draft resolution of the delegation of Albania according to which the Assembly should recognize that the Government of the People's Republic of China is the only legitimate representative in the United Nations of what was China in 1945. In truth, the representation of that Government encompasses only the territory and the inhabitants of mainland
China; its jurisdiction was never for a moment extended either de facto or de jure to the territory and the inhabitants of Taiwan....

Twenty-two years ago one could have discussed whether the Chinese State in Taiwan was a fiction or not. But at present nobody can deny that the Republic of China has all the attributes of a modern State; that it maintains diplomatic relations with 59 countries, 56 of which are Members of the United Nations; that it has a population of 14 million, many times higher than the population of a great majority of the States represented here; that it possesses a flourishing industry whose exports exceed those of the People's Republic of China; and that it has developed a separate economic and social system with its own distinctive characteristics which are very different from those of mainland China....

It has been argued that the Albanian draft resolution seeks not to expel a Member State, but to expel the representatives of a Government which does not represent the Chinese State. But this specious argument cannot stand up to the least analysis because it is based on a premise which is totally false, namely, that the People's Republic of China, de facto and de jure exercises jurisdiction over the territory and inhabitants of Taiwan. The truth is, as I have reiterated during this statement, that the Republic of China with its capital in Taiwan is the legal continuation of the Chinese State which was a co-founder of the United Nations and, therefore, at no time has it lost its status as a Member of this Organization. Hence, despite all the legalistic acrobatics which may be attempted, the expulsion of the representatives of the Government of Chiang Kai-shek would imply leaving without representation in the United Nations the Government of a Member State, which is definitely tantamount to expulsion....

I trust that the General Assembly will not, in this case, violate procedural principles which are so fundamental, and that accordingly it will vote first, and in favour of, the draft resolution which describes as an important question any draft resolution such as the one submitted by Albania and other delegations which would unjustly exclude from the United
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Nations the legitimate representatives of the Republic of China or Taiwan.

[Ibid., pp. 15-18]

NEW ZEALAND

The difficulty confronting us is that there is not one Chinese Government but two. It is an indisputable fact that the territory and people which acquired representation when the Republic of China ratified the United Nations Charter as a founding Member in 1945 are now divided between the People's Republic of China and the Republic of China. The Government in Peking has effective control of a very large area and population, and wields considerable power. But the Government in Taiphe also controls a substantial area, and a population greater than that of most Members of the United Nations. Nor is this an ephemeral situation. It has already persisted for over 20 years, and there seems no immediate prospect of it coming to an end.

The People's Republic of China is one of the world's great Powers and one of the world's nuclear Powers, recognized by about half our membership. The Republic of China, however, is a stable and well-armed Power, also recognized by about half our members and with a mutual security treaty of continuing validity with one of the great powers. An attempt by either to achieve reunification by force, rather than by negotiation and with the free concurrence of those most directly affected, namely the people of Taiwan, could not fail to have serious implications. This Assembly can make its best contribution by acknowledging these realities, by making room for both voices of the Chinese people, and by encouraging a peaceful solution to outstanding issues affecting both of them.

NIGERIA

Why, then, is this Organization being asked to provide a second seat for 2 million Chinese people who run a separate administration in Taiwan, outside the Chinese mainland? I ask this question because the real issue is not who represents the 800 million Chinese, but what is the international legal status of Taiwan.

The Japanese Peace Treaty of 1951 affirmed the colonial status of Taiwan and kept its legal status undetermined, pending an international settlement. Japan renounced all its "rights, title, and claim" to Taiwan, but the Treaty did not specify any beneficiary to Taiwan. We all know that both Peking and Taipeh claim that Taiwan is part of China. We also know that the 12 million indigenous inhabitants of Taiwan have repeatedly challenged this claim and that the Taiwanese do not identify themselves with the regime of Chiang Kai-shek. In any case we know of no formal transfer of sovereignty over Taiwan to the Republic of China....

I am sure that the sponsors of the draft resolution...seeking to preserve a seat for the Formosa regime ... are aware of the controversy that is raging as to the representative character of the Government based on that island. My Government has been inundated with documents and petitions from people who claim to be Formosans, arguing that the so-called Republic of China in exile cannot claim to represent the people of Taiwan. Most of those petitions have also alleged that the regime in Taiwan allows for the 12 million Taiwanese, representing 85 per cent of the population, only 3 per cent token representation in the Congressional bodies in Taiwan. In fact, those people claim that the regime in Taiwan has illegally occupied the island and imposed a virtual dictatorship over the 12 million Taiwanese.

An article carried by *The New York Times* on 16 November 1970, entitled "Formosa for the Formosans," had this to say:

When the People's Republic of China under Mao Tsetung was established in October 1949, Chiang Kai-shek fled to Formosa with the remnants of his military and
The exiled nationalist Chinese regime does not represent the people of Formosa....

Since there are arguments that the so-called Republic of China is under a regime that is not representative even of the people of the island of Formosa, the time will not be far off when the United Nations may be called upon to create another seat for a group of Formosans who may be able to convince some Member States of this Organization that they in fact represent the people of the island....

Ibid., pp. 52-53, 57-601

CEYLON [SRI LANKA]

...I should like to refer to my Prime Minister's statement in the general debate on 12 October. Dealing with this question, she stated as follows:

"...There is no question whatsoever of the expulsion of a Member of the United Nations. Taiwan has never enjoyed the legal status of membership in the United Nations."


MAURITIUS

Speaking last year from this rostrum on the item which we are now considering [1910th meeting], I defined clearly the position of Mauritius which, briefly, was as follows. Firmly believing in the principle of the universality of our Organization, Mauritius was in favour of the representation of the Government of the People's Republic of China in the United
Nations and was of the view that one should restore its rights to represent the Chinese people in the General Assembly and in the Security Council. On the other hand, in the name of the principle of the universality of the United Nations, the delegation of Mauritius was opposed to the expulsion of the Republic of China because it believed that one had to recognize the reality of the 14 million people living in Taiwan.

Our position has not changed....

Realism impels us to recognize that at this time the Government of the People's Republic of China effectively governs the greater part of the Chinese people and that, for this reason, it must occupy its lawful place in the General Assembly and in the Security Council. This same realism, which has already been invoked by several previous speakers, leads us to recognize that, by dint of an autonomous existence that has lasted over 20 years, the Republic of China, which, during that time, has loyally contributed to the activities of our Organization, is a sovereign nation that cannot be considered as an integral part of the continental China. Of course, the people of the Republic of China, as the peoples of other States Members of the United Nations, must be able to exercise their right of self-determination; and it is up to them, and to them alone, to choose their leaders. They alone can determine their attitude concerning a possible union with continental China.

Our common obligation is to recognize the realities of the 20th century leads us to ask the representatives of Taipei to renounce their claims to mainland China and to accept the obvious fact that they have lost the right to govern in Peking.

The great advantage of draft resolution A/L.633 and Add.1 and 2 is that it takes into account the realities and the de facto changes which have taken place in mainland China and in its relations with Taiwan....

[Ibid., pp. 6-7]
AFGHANISTAN

Aside from the incontrovertible fact that the Charter itself recognizes only one China, there is the endorsement of this unitarian principle by the ruling group of Taiwan, whose name, significantly, and perhaps for that very reason, does not appear among the co-sponsors of the duality draft. Thus we may well ask: For whom does the draft speak? Not for Peking, not for Taipei; we are seemingly asked to be more Taiwanese than Taiwan....

We are, in fact, presented with an impossible riddle in law. One fact, as ancient as the issue itself, is that the Taiwan group has always maintained its claim to represent all the people of all China. Now we are told by others—not by themselves—that the Taiwan group represents only the people of Taiwan and to accord Taipei this recognition. But Taiwan's rulers have never abandoned their claim to all of China, even at this moment of truth. Are we being asked to accord a de facto group recognition which it does not seek and which it may reject if it is imposed upon it? Are unsolicited recognitions imposed in the practice of nations? On the other hand, if Taiwan bows to the honour imposed upon it, what happens to its claim that it represents all the Chinese people? Does that claim stand? And if it abandons it by mere governmental decision, can it do so without the consent of the Chinese people? We are entitled to an elucidation of this vital point, which raises the crucial issue of conflicting claims. In the absence of clarification on this point, we are confronted with something of a legal monstrosity.

In fact, the Taiwan group never was a creation of the people of Taiwan. Historically, there was a military invasion of the island, recognized as a Chinese province by international agreements and by the invaders as well, who imposed their rule upon a helpless people by force of arms without even the quasi-legal claim of a de facto secession. The group came to the United Nations with the same merit as it came to Taiwan—as an artificial, political, military contrivance, foredoomed to end in the juridical void in which it now finds itself...

[Ibid., p. 8]
...For two decades the General Assembly has reaffirmed the continuous right of representation of China by the Government of the Republic of China. Those are well-known and indisputable facts that cannot be denied by anyone. The Government of the Republic of China has effectively controlled the island of Taiwan for more than 25 years, and has developed a sound and stable economy. The economic growth of Taiwan is one of the highest in the world. The island's economy, for example, has continued to grow at a rate of roughly 10 percent in the past four years, while its per capita income is relatively high for an Asian country. It has shown a most active interest in assisting the developing countries in the economic and technical fields—for example, in agriculture. Therefore, if in the United Nations the Government of the Republic of China were to be replaced by the Government of the People's Republic of China that would be ignoring the de facto situation and would be tantamount to the expulsion of a Member that has effectively controlled an island territory with a viable system of its own....

[Ibid., p. 10]

...I should add, for my part, that in Taiwan there is a population the majority of which is not Chinese, but rather of a different ethnic and cultural origin closer to the racial groups of Indochina and the Malay archipelago, and that this population, it is estimated, makes up 14 million of the 16 million persons now in Taiwan.

It is important to bring out that the recognition of the People's Republic of China was based primarily on the fact that the Government presided over by General Chiang Kaishek was not a government-in-exile—that is to say, existing outside of Chinese territory—but rather that it was within its own territory since Taiwan and the Pescadores islands had been ceded as such under the Potsdam Declaration of 1945 and the Cairo Declaration of 1943 and incorporated after the Japanese
surrender into the territory of China before the Nationalist Government had been overthrown.

To review the facts: Taiwan and the Pescadores islands, which had for 50 years been under Japanese domination and which had previously been colonized at will by dissident elements leaving the Manchu monarchy in 1661, approximately, were ceded to the Chinese State and not to the Chinese Government; for under international law, it is States and not Governments which are recognized as having legal entity. That being so, it was obvious that the cessation of the territory of Taiwan and the Pescadores islands to China took place when the Government of China headed by Generalissimo Chiang Kai-shek represented the whole of China, even though there already existed on Chinese territory a Communist Government whose strength was growing....

In 1948 Mukden fell, then Canton, and in 1949 the Government of Chiang Kai-shek and his army had to remove to the Chinese archipelago of Taiwan and the Pescadores, where they set up a Government, recognized almost immediately by the United States of America....

Obviously in one and the same territory of a State you cannot recognize two governments without this being tantamount to recognition of a secession. The United Nations has always been reluctant to accept secession, as, for example, in the case of Biafra and other cases that I do not want to cite now. Perhaps the most realistic approach to this problem would have been to accept the representation of the People's Republic of China with a full measure of its rights and negotiate politically with it in advance for the recognition of a provisional status for Taiwan which should be resolved through consultation for the self-determination of the population inhabiting Taiwan and the other islands.

[Ibid., pp. 13-15]
ZAMBIA

...The big question is, therefore, who should represent the people of China in the United Nations? Is it the Government of the People's Republic of China, representing 800 million people, or the Government of Chiang Kai-shek, which imposed itself on the 14 million people of Taiwan?...


THE GAMBIA

...The United Nations cannot and must not be seen condemning and coercing over 14 million people—a population by far superior to that of a large number of States represented in the United Nations, including my own country—to live in a political and economic system in which they do not believe....

[Ibid., p. 4]

SAUDI ARABIA

...There are those among us who think that because the island of Taiwan assumed the name "Republic of China," once the People's Republic of China occupies its seats in the Security Council and the General Assembly there will be such a dearth of seats that the representative of Taiwan would—nay, should—not have a place among us.

I remember when there were many fewer seats. We have been adding to them by admitting mini-States and mini-countries with populations of 100,000 or 200,000 or 500,000. But now, if the representative of the People's Republic of China comes and sits among us, there will be no more seats to be had. And the representatives of Taiwan, or the Republic of China, will be expected to make their exit politely. They will not belong here any more-after 25 years' participation. What logic is there in such an argument?...
Let Taiwan Be Taiwan

Many here among us lose sight of the fact that the people of Taiwan, alias the Republic of China, constitute a political entity, a clear-cut political entity that has, since the founding of this Organization, developed its own socio-economic system. Moreover, it is well known that, but for a couple of million, the people of Taiwan are not ethnologically purely Chinese in culture. However, many representatives here speak of the people of Taiwan as though for all intents and purposes they are prototypes of the Chinese of the mainland—in spite of the disparity in the social and political organization of mainland China and Taiwan. Even if it is conceded that at one time China exercised suzerainty over the island of Taiwan before the Japanese occupation, that fact does not bestow upon the mainland Chinese the right to claim political suzerainty over a people who, I submit, should be consulted....

I shall give another relevant, concrete example: Bahrain. Our brother from Bahrain sits among us as the representative of a full-fledged State admitted into the United Nations....

Bahrain is nearer to Saudi Arabia and to Iran than is Taiwan to the Chinese mainland. By what dint of logic do you who sponsor the substantive draft resolutions based on political solidarity seek here to "dispose of a people"? Is it because you get assistance from the People's Republic of China—and there is nothing wrong with that—or is it because you want to irritate another State, which happens to be the United States of America? And then you say, "What do you lose?" You lose nothing here except words. That is what you lose. And our stock-in-trade is words. You want to dispose of 14 million persons. What right have you to do that, those of you who are talking about the People's Republic of China and Taiwan, alias the Republic of China?...

Do you want to transfer one people to another people, the people of Taiwan to the people of mainland China, against their will? Maybe they would like to be transferred. Maybe they would like to merge. Have you taken the trouble to ascertain whether they would like to join the people of the People's Republic of China? Or are you being arbitrary here in the United Nations, where there should be give and take,
where there should be compromise and where the will of the people should be ascertained? Perhaps the People's Republic of China does not want to absorb the people of Taiwan because they might become a thorn in their side. How do you know? Have you a mandate from the People's Republic of China or is it from sheer political loyalty? I am reasoning with you, my brothers. I am not arguing with you; I am reasoning with you."

There is nothing wrong with confederating. It is up to the people of each political entity to decide. We have no right to impose our will on a people whether it be Arab, Chinese, American, English, or what have you. We would be going against the principles and purposes of the Charter if we assumed the responsibility of so doing and we would be violating the right of peoples to self-determination.

I am reasoning with you; I am not arguing with you. Who are you to send down 14 million persons—not down a river but down that channel—just because of your political solidarity? I repeat and repeat that you have no right to do that, and as long as there is breath in the representative of Saudi Arabia, he will go on repeating that refrain, that you have no right to do so. The only people that has that right is the people of Taiwan, alias the Republic of China."

Just because at one time China ruled Taiwan should it now absorb Taiwan? This is an antediluvian concept. We are living under the Charter of the United Nations which gives a people the right to determine its political institutions, its social progress and its economic development.

Forget about selling the people of Taiwan, by whatever name they call themselves or you choose to call them, down that strait between the mainland and that island because you will start trouble. If the United States of America will not support them, they will find someone else to support them. If they find no one to support them, they might rebel. And then we will have another case for the United Nations. The whole question revolves around the right of self-determination. If you try to resolve this on any other basis, you will be fooling yourself and violating the Charter of the United Nations, in which the principle of self-determination is enshrined. You
Let Taiwan Be Taiwan

will be violating the first article in both Covenants on Human Rights, which were drafted in the United Nations....

After all, Governments are not something abstract. They consist of individuals and, I hope, of statesmen. Let them ponder what would happen if we decided here that the people of Taiwan had no say in the matter. If you open that door and expel Taiwan from the United Nations because it has a non-representative government, what about 50 or 60 other Member States of the United Nations that will come under the scrutiny of anyone who would like to challenge their legality....

Someone yesterday said, "My Government cannot agree to separating the political entity of Taiwan because we may have inside our State people or tribes who want to secede." The right of self-determination gives the right of secession, and the right of secession we know has never been invoked unless the people were being tyrannized and oppressed....

Do you want to compel the people of Taiwan to merge? Who are you to compel them to do that? I submit that you have neither the right nor the power to do so.

[Ibid., pp. 6-9]

SIERRA LEONE

...The Chinese people are in the United Nations family .... China is a State Member of the United Nations ... there is one and only one China ... there are two opposing governments claiming sovereignty over that one China—one government on the mainland, exercising control over 850 million Chinese people, and the other government nesting in the Chinese territory of Taiwan, ruling 2 million Chinese and 12 million Taiwanese.

[Ibid., p. 131]
LIBERIA

...Whether there are 14 million people or 2 million or 1 million, as long as those leaders administer a territory de facto and de 'tune, they are considered to rule a State and it is begging the question to say that they do not rule all of Formosa....

To keep Taiwan, the Republic of China, in this Organization while admitting the People's Republic of China will contribute immeasurably to the immediate solvency of the United Nations.


COLOMBIA

...Of course, I am aware of the strenuous efforts with which some or many devote themselves to the task of preventing the faith proclaimed in San Francisco "in the equal rights of men and women and of nations large and small" from becoming a genuine reality....

Just as it was unreal to maintain that the Republic of China represented all of China, it now is unrealistic to maintain that the People's Republic of China represents or governs Formosa (or Taiwan). No one can ignore the fact that two distinct territories exist, two distinct peoples, two distinct Governments. And here in the United Nations one cannot advance the argument that one territory is very large, the other very small; that one population exceeds 700 million, the other is barely 15 million; because proportionally equal differences exist between many States Members of the Organization, whose essence is the equal sovereignty of all of them.

URUGUAY

What we are now dealing with in this Assembly is taking a great leap toward greater and more complete universality for the United Nations, affirming the right of the People's Republic of China to be represented and recommending that it occupy a seat as one of the five permanent members of the Security Council.

It would be neither just nor reasonable if this great step were related to the expulsion of the Republic of China, which exercises authority over a given territory and a population of many million inhabitants, which meets all the requirements of a normally constituted Government, which in its action since the founding of the United Nations has not violated any of its principles, and which has been recognized by other States with which it maintains normal diplomatic relations. Expulsion would obviously be contrary to the purpose of including all of mankind—a purpose which should naturally animate this world institution.

Is it not true that the Republic of China, which is on and in fact governs Formosa, has not applied for membership in the United Nations—nor has the People's Republic of China?...

[Ibid., p. 6]

SWAZILAND

Twenty years ago China was divided by a civil war. From that strife there arose two Governments, with conflicting claims: one Government controlling mainland China and the other some parts of China but mainly the island of Taiwan...

The delegations which have argued from this rostrum for the expulsion of China cannot deny also that the People's Republic of China cannot claim to exercise present-day authority in Taiwan any more than the Republic of China can claim to exercise present-day authority in the mainland...
Let Taiwan Be Taiwan

We cannot achieve universality by expelling from our midst a worthy Member having a population of over 14 million people- and again I repeat not 2 million....

[T]he Republic of China is not, in the view of my delegation, a government in exile or a secessionist government. It is a de facto government in full control of Taiwan and this has been so for the last 25 years. To say so is not to confirm secession or to create division among the Chinese people; it is just being realistic. The Chinese people on the island of Taiwan and the Chinese people on the China mainland seek to achieve different political aspirations....

[Ibid., pp. 11-12]

NETHERLANDS

At the outset I should like to state that none of the three draft resolutions is entirely satisfactory to the Netherlands delegation. We, for our part, would have preferred to see a text which would have invited the People's Republic of China to occupy, forthwith, the seat of China in our Organization and which would at the same time have requested the Secretary-General, or perhaps a small body of wise men, to study the residual problems in the light of the principles of universality and of self-determination and to report on their findings to the General Assembly for further consideration....

It would appear that the problem facing my delegation, and indeed this Assembly, is twofold. In the first place, we see a territory, an island territory of considerable size, inhabited by a population of 14 million people under the factual authority of a Government claiming to represent the entire Chinese people. The Netherlands Government is of the opinion that the existence of this factual political entity is undeniable, although we, for our part, do not maintain relations with it, nor do we recognize its professed claim. Secondly, the Netherlands Government attaches great importance to the principle of the universality of the United Nations as a world-wide organization. In this respect we are by no means alone, as has transpired during the general debate at this session. The
question seems justified, therefore, whether at any time in the future a solution can be found to meet the particular requirements of the people of Taiwan.

However these two questions—the factual existence of a political entity and the universality of the United Nations—are looked upon by the General Assembly and by individual Member States, the Netherlands Government is firmly of the opinion that, after the General Assembly has decided the question of the representation of China in the United Nations, the use of violent means to alter the present state of affairs concerning the island of Taiwan should not be countenanced. I am convinced that this view is shared by an overwhelming majority, if not by the entire body, of the members of this Assembly.

The Netherlands Government does not know what lies in store for the people of Taiwan, but for its part the Netherlands Government could envisage various possible future developments.

The Kingdom of the Netherlands recognized the People's Republic of China many years ago and maintains diplomatic relations with Peking. In the view of my Government, the Government of Peking is the only legal Government of China. My Government deems it in the interest of the international community, of the United Nations and of China itself, that the Government of the People's Republic of China should occupy its seat in the United Nations forthwith.

As my country recognized the Government of the People's Republic of China as the only legal Government of China, the Netherlands delegation cannot associate itself with any proposal that makes mention of some other Government of China.

[Ibid., pp. 20-21]
EGYPT

...This year the United States delegation invoked the right of self-determination. So are we to understand the Ambassador of the United States to say that the people of Taiwan resent being controlled by the people from continental China; they want to be independent, and as an independent State they seek to participate in the work of the United Nations? If he did not want to say that, then why did he invoke the right to "self-determination"? Because it is only if the Taiwanese want to determine their future separately from those who prevent them from this determination that there would be a case for applying the principle of self-determination to the people of Taiwan....


AUSTRALIA

... We must acknowledge that the Republic of China, a founder Member of the United Nations, no longer exercises de facto control over all of the territory it held before the Central People's Government's accession to power on the mainland. At the same time, it must also be recognized that the People's Republic of China does not control the island of Taiwan, which is governed indisputably by the Republic of China....

The fact is that since 1949 there have been two Governments, each exercising authority within different parts of the territory that was governed by the Republic of China in 1945. Each of these Governments has been recognized bilaterally, regionally and internationally. Both have an entitlement to representation in the United Nations, if they desire it. It seems to my delegation that the most practical, equitable and, if I may say so, honourable way for the General Assembly to meet the situation as it exists is to provide for the seating of both Governments....
Let me repeat what is surely self-evident: that the Republic of China continues to govern a substantial area of territory and to exercise full authority over more than 14 million people, which is a greater population than that of two-thirds of the Member countries of the United Nations. The Government of the Republic of China has shown great competence in managing its economy. It has led its people to the achievement of standards of living among the highest in Asia, and, as the representatives of Japan and Liberia have pointed out, it has become a substantial donor of economic and technical assistance in many parts of the world. I emphasize this as a measure of its effectiveness as a Government exercising continuing authority.

[Ibid., pp. 7-8]

EQUATORIAL GUINEA

The delegation of Equatorial Guinea has concentrated all its attention on these essential purposes and, in order not to confuse this problem with procedural or other secondary matters, we have, together with 22 other delegations presented to the General Assembly the draft resolution which appears in document A/L.630 and Add.1 and 2 entitled "Restoration of the lawful rights of the People's Republic of China in the United Nations," which its final paragraph, calls upon us to expel forthwith and finally the usurpers of the Government of Chiang Kai-shek.

It may be difficult for some to do that, if we consider that there does exist a republic christened Taiwan or Formosa or whatever one may wish to call it. But draft resolution A/L.630 does not speak of the expulsion of a nation, or a Member of this General Assembly, but rather of the expulsion of some provincial representatives who, because they are represented here, cause great defamation to this Organization and great scorn to accredited nations who sit side by side with a province that is also accredited...

[Ibid., p. 11]
DEMOCRATIC REPUBLIC OF THE CONGO [ZAIRE]

We also know—and this is incontestable—that the People's Republic of China exercises neither de facto nor de jure authority over Taiwan. This, too, is a reality of our times which impels us to advocate, for the solution of this problem, formulas which harmonize with the facts, if we truly wish to work for international peace and security....

[M]y Government will oppose any decision to expel from this Organization the representatives of a Government which in law and in fact exercises authority over a population of 14 millions and which is responsible for their destiny....

[Ibid., p.15]

TUNISIA

...The question still arises, in spite of the evidence of history: will China this year join the community of nations and will the principle of the universality of the United Nations triumph, in spite of transient political considerations.

We understand full well that, due to a number of varied factors and due to the inability of the United Nations to solve this problem in 1949 and in subsequent years, the present representation of China has acquired rights which are now challenged. Consequently, its expulsion poses for us a problem of major importance in view of its international implications. It is this matter—the expulsion of this delegation—that has been the problem before us for some 20 years.

During those 20 years the Government of the Republic of China, established on Formosa—an island recognized as Chinese by the Allies during the course of the war and for the needs of that war—has in fact become the Government of an independent island, where the indigenous population claim, somewhat weakly, a right to self-determination, this to the detriment of both the Republic of China and the People's Republic of China. It stems quite clearly from this fact that, if the Republic of China must unequivocally vacate China's seat for the People's Republic of China, this should not prejudge the
future interests of Formosa, which, in conformity with the principles of the charter concerning the right of peoples to self-determination, may wish to be represented in the General Assembly of the United Nations and in its subsidiary organs as an entity separated from China or linked to it by special ties. The major Powers concerned might recognize Formosa as a separate entity in the interests of a balance which would allow the establishment of a durable peace in the region. That possibility should not be rejected out of hand. A rational study of the factors involved does not exclude such a solution. In international affairs and in matters of politics, reason is often forgotten in the passions of the moment.


SAUDI ARABIA

The right of self-determination is an established right. And later we spent eight years elaborating that principle of self-determination into a full-fledged and inalienable right. I have mentioned that right in the paragraph which I just read out because it stands as the first article in both international covenants on human rights.

The fourth preambular paragraph states:

"Recognizing that a people as such is defined not solely on the basis of speaking the same language or sharing a common culture and common customs or traditions, but also and essentially on the basis of an economic and socio-political system which has evolved from the community of interests of the people's diverse components...."

Now, here I have worked in a consideration of what "a people" is, although I have, with many of my colleagues, defined the term "a people" from this rostrum. This paragraph speaks for itself:

"Considering that the Republic of China, i.e., the people of the island of Taiwan, constitutes a separate
political entity whose population totals about 14 million."

Who can challenge that statement of fact? In order to bring it home to my brothers from Albania—who do not recognize the Republic of China and, rightly or wrongly, consider it as having usurped the seat of the People's Republic of China—I must say: they are a people in an island, with a political system of their own. Whether they should have had a separate political system from that of the People's Republic of China or not is beside the point. During the years they have evolved a political system separate from that of the People's Republic of China. Can you refute this at all, my good friend from Albania? That is why, to make sure that I understand the representative of Albania and his fellow sponsors, I have used the wording "the people of the island of Taiwan," because they do not want to recognize the Republic of China.

Can anybody refute the fact that there is a population there which totals about 14 million people? Can anyone refute the fact that there is such a people, which would like to call itself "Taiwanese"? It is true that Taiwan at one time was ruled by China. So was Indo-China for that matter, and there were wars between China proper and Indo-China, and finally China, graciously, magnanimously, thought that it should not compel the Indo-Chinese to live under its suzerainty. Why would you like to consider these people of Taiwan part and parcel of the mainland? Just because they were ruled by China before?...

Why do you want to treat the people of Taiwan differently? Just because at one time they were ruled by China? So many peoples have been ruled by other peoples. This does not provide the mantle of authority, because it was a sort of occupation by the military force-in all likelihood against the will of the people.

The next preambular paragraph reads:

"Recognizing the Republic of China, i.e., the people of the island of Taiwan"—again I repeat that for the benefit of our colleagues from Albania—"is
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economically viable, as is evident from its exports which total approximately $4,000 million annually, and as is also evident from its enjoying one of the highest per capita incomes in Asia".

Do you want them to forfeit that per capita income just because you tell them that they should merge with China on the ground that at one time they were occupied by China? What right have we to tell them that? Let us reason and not act by emotional solidarity. I understand that the total exports of the People's Republic of China are not equal to the exports of that small island of 14 million. There is nothing wrong with that. They have been setting their house in order. They had a lot to do within their country, the People's Republic of China. I do not say this with derision, but it is a statement of fact.

The next preambular paragraph reads:

"Considering that any decision which disposes of the right of a people to self-determination against its will would lead to suppression and conflict, while one of the prime purposes of the United Nations is, inter alia, to maintain international peace and to take effective collective measures for the preservation of peace and the removal of threats to peace...."

And assuming that the United States procedural draft resolution wins, we still would have accomplished nothing, because the People's Republic of China most likely would refuse to come except with the expulsion of the Republic of China from its seat in the United Nations....

We decided that the people of the island of Taiwan, known to us as the Republic of China, constitute a political entity, and that for 25 years they have evolved and developed a system of their own—whether economic, social, or political—and that we should not say to them as if they were little boys coming into school, "Look now, this seat is for your elder brother. Get out of here." This is what you would be doing by expelling the representatives of 14 million people. You would in effect be saying, "Get out of here. Your elder brother is here. You should be under him." What right have we to say this to a people of 14 million as represented by their Government in this United
Nations? I submit that we have no right to do this. On the basis of the right of self-determination, we have no right to do this.

Therefore, we come to the solution. The first preambular paragraphs of my draft resolution set forth the principles that govern the right of self-determination, the definition of a people, and in this case the fact that the Republic of China, or the people of the island of Taiwan, is a separate political entity—whether we like it or not is beside the point—and has been represented in this Organization for 25 years.

Then we come to operative paragraph 1. Please bear with me, because this is what your Governments, I humbly submit, should carefully consider. It reads:

"Decides as a just, equitable and practical compromise, that the People's Republic of China should assume its rightful place in the United Nations, as indicated above in the last preambular paragraph, and that, at the same time, the Republic of China, i.e., the people of the island of Taiwan"—that is in order to please our colleague from Albania and the sponsors of his draft resolution—"should retain its seat in the United Nations, and in all the organizations related to it, until the people of the Republic of China, i.e., the people of the island of Taiwan, are enabled by a referendum or a plebiscite under the auspices of the United Nations to declare themselves on the following options:

"(a) Continued independence as a sovereign State with a neutral status defined by a treaty recorded by the United Nations;"

Why did I say "with a neutral status"? Because the main objection of the People's Republic of China is that the United States has used the island of Taiwan as a base against it. While the Republic of China preserves its sovereignty, it should be declared neutral and that neutrality should be spelled out in a treaty deposited in the United Nations....
This is one option. The second option, under (b), is "Confederation with the People's Republic of China, the terms of which shall be negotiated by the two parties concerned". Who are the two parties concerned? The People's Republic of China and Taiwan, or the Republic of China as we know it here. What is wrong with that? The two can confederate with regard to foreign affairs, with regard to trade, with regard to the exchange of culture, with regard to industry, with regard to many things. And the terms of the confederation will be worked out by both parties. This is another option.

The last option, under (c), is: "Federation with the People's Republic of China, subject to protocols negotiated by both parties...."

But all this would be useless if we did not work out the final operative paragraph, which reads:

"Appeals to the magnanimity"—the emphasis is on magnanimity—"of both the People's Republic of China and the Republic of China, i.e., the people of the island of Taiwan, to consider the options enumerated in paragraph 1 above as the basis for, if not a final solution to, a political dispute among Asian brothers."

[Ibid., pp. 4-7]

ALBANIA

It is clear to all that there exists one single Chinese State in the world today: The People's Republic of China, born in October 1949 as a result of the triumph of the revolution of the great Chinese people. The Chinese province of Taiwan is an integral part of the territory of the People's Republic of China. That fact has been confirmed by important international instruments bearing, inter alia, the signatures of Presidents of the United States of America. The Chinese people will not fail to liberate the island of Taiwan....

[Ibid., p. 8]
Let Taiwan Be Taiwan

REPUBLIC OF CHINA [i.e., the KMT Regime on Taiwan]

Some critics of my Government, however, make much of the differences between what they call the Taiwanese and the mainlanders who have come to Taiwan since 1945. The representative of Nigeria, for example, alleged that the Government of the Republic of China "has illegally occupied the island and imposed a virtual dictatorship over the 12 million Taiwanese [1967th meeting, para. 113]...."

What the representative of Nigeria calls Taiwanese are ethnically, culturally and historically Chinese. They speak the Chinese language. They adhere to Chinese cultural values. Their way of life is Chinese. They are descendants of men who have come to the island from time to time in the past centuries as well as in recent years from the coastal areas of South China. They have tenaciously held on to their Chinese cultural heritage. They have never regarded themselves as anything but Chinese. If there has been any difference between them and the recent comers, the difference is now fast on its way out. Like the recent comers, they do not want to be subjected to the inhuman rule of the Chinese Communists.

They are overwhelmingly loyal supporters of the Government of the Republic of China. Under our democratic institutions the people, irrespective of their sex, religion, or ancestry, have ample channels to express themselves, and their wishes and aspirations are given all the weight they deserve in matters affecting their welfare and the national interest.

If there are voices of disgruntled elements to be heard, they are more likely to be stimulated by external influences than to be the spontaneous expressions of discontent. Indeed, one may ask, what country is without its share of dissidents .... I can assure you that my Government and my people are united in our determination to resist the march of communism and to redouble our efforts in the building of a free and democratic society.

[Ibid., pp. 11-12]
JAPAN

...Our two draft resolutions do not embrace the idea of creating two Chinas but only take into account the factual existence of the two governments. It is only a transitional measure, and not intended to close the possibility of a more durable solution through peaceful talks between the two parties concerned. We believe that the United Nations is a living and dynamic Organization and is capable of a realistic approach to major world problems affecting the peace and security of all nations.

[Ibid., p. 21]

EL SALVADOR

Rare is the occasion when the United Nations has confronted such a complicated problem as that of China. It was 22 years ago that the consideration of the important question of the representation of China was initiated and at this twenty-sixth session of the General Assembly the problem is nearing a solution.

We have heard many very able statements which reflect the differing and often irreconcilable views of two parties that want to solve the question of China either through the approach of two States, with the variant of two governments, or through representation by only one government....

[T]he question of China is not primarily a legal matter but rather a deeply and definitely political problem. The principles and rules that the international community considers as accepted operate when we have a clear political situation to deal with, but in and of themselves they are unable to solve problems that are primarily political in nature because then they compete among themselves; sometimes they interjoin and sometimes they are mutually exclusive. The fact that it is impossible, on the basis of recognized rules and principles of international law to draw a clear and undisputed conclusion does not, however, permit of the flagrant violation of such principles. Decisions that are political in nature, for the
justification of which there are no legal rules that can govern them within a framework of the logic of deduction, must be taken on the basis of a certain feeling of equity and considered judgement, and if they succeed they may create new rules. This is the way the dialectic process operates between politics and law and this is how the creative spirit of each age and each community is expressed.

Twenty-six years ago the Republic of China signed the United Nations Charter and its Government has represented that country on a continuing and uninterrupted basis, but the People's Republic of China has replaced the Republic of China in the largest and most densely populated portion of Chinese territory and thus it has title to succession and therefore it may be understood to have taken over the rights of the Republic of China. However, the People's Republic of China has not replaced the Republic of China throughout all of Chinese territory or in governing all of the Chinese population because an island of 14 million inhabitants remains outside its administration.

There is continuity in respect of the Republic of China, but the area in which the nationalist Government exercises effective control has diminished considerably, although it has not disappeared. For its part, the People's Republic of China has succeeded the Republic of China in the government of the largest portion of the Chinese nation, but until now it has not exercised effective control over the whole of Chinese territory. Therefore in the circumstances, as a consequence of succession, the rule that one single Government represents one single State does not apply. All of this that I have said is based on the hypothesis and basic premise of the territorial unity of China.

There are obvious facts, therefore, which prevent the pure and simple application of continuity and succession to solve this problem. The dispute between the two parties that fought for supremacy in China remained inconclusive although it favoured the People's Republic of China which governs 700 million inhabitants while the opponent has been reduced to 14 million. If this dispute had come to a clear conclusion, as usually happens in civil struggles, the succession of governments would have been carried out in full legality and the People's
Republic of China would have to be recognized as the sole and entire representative of the Chinese peoples. There is however a small fraction of the Chinese population and of Chinese territory that is under a different administration.

The claim of the Republic of China to the effect that it represents all the Chinese people is a fiction and it cannot even be considered as a legal fiction because legal fictions have some basis in fact. But it is also a reality that the Republic of China exercises effective control on the island of Taiwan.

Moreover, the claim of the People's Republic of China as the unified and integral successor on Chinese territory is also slightly out of kilter with reality owing to the separate existence of Taiwan.

The United Nations should act on the principle of universality in order to bring into its midst a Government that represents 700 million inhabitants. Universality, however, cannot be measured by millions of inhabitants or by square kilometres and the exclusion and deliberate and considered rejection of any people, no matter how small, is a blot on that universality. Universality must be served without prejudice and without trying to sway the balance in favour of either of the parties because this would be intervention in the domestic affairs of other States. When a process of civil dispute crystallizes you are intervening on one side or the other if you try to dislodge one or the other from the international positions that it has taken. The reality is that for the time being two Governments share between themselves-in unequal portions, it is true, but they share-the administration of the Chinese territory and nation.

If the proposal of Albania and the other States... triumphs the case will have been disposed of as far as the United Nations is concerned but it will continue in Asia. If the proposal made by Australia and other States ... carries the day there is every reason to believe that the People's Republic of China will not accept the resolution and that therefore the problem will remain pending, at least for a year.
What we should actually try to settle here is not the problem of China, but rather the problem of the United Nations vis-a-vis China. The problem of China will in the last analysis have to be solved by the Chinese people themselves—and let us hope this will be done through negotiation and within the guidelines prescribed by the United Nations Charter. The people of Taiwan will have to emerge from the impasse they find themselves in and say what they want to do with their island.

[Ibid., pp. 21-22]

MALAYSIA

... It follows from the foregoing remarks that my delegation is in accord with the view set out in the draft resolution sponsored by Albania and 22 other delegations... by which the General Assembly would restore all the rights of the People's Republic of China and recognize the representatives of its Government as the only legitimate representatives of China to the United Nations. My delegation will therefore vote in favour of that draft resolution. I should make it clear, however, that we view the question of Taiwan as a separate issue which will have to be resolved by the parties concerned. We are anxious that this question should be resolved by peaceful means and we hope that in the solution due account would be taken of the wishes of the people of Taiwan, to be ascertained by the process of self-determination.

[Ibid., p. 23]

SENEGAL

... My Government considers that the People's Republic of China is the sole representative of the Chinese people; but it is not, however, convinced that its authority should automatically be exercised over the entire territory of the island of Formosa. The people of Senegal, which for almost three centuries knew the constraints of colonization, would certainly find it paradoxical if its Government were to consider
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itself justified in giving its unreserved endorsement to the proposition that Formosa should be considered an integral part of the territory of China without the indigenous population of that island being given an opportunity to exercise its right to self-determination....

[Ibid., p. 26]

SAUDI ARABIA

...[M]y draft resolution ... provides options for the Republic of China-that is, the people of the island of Taiwan-and at the same time it appeals to both the People's Republic of China and the Republic of China-that is, the people of the island of Taiwan-to get together through the intervention of well-meaning parties. ...Members of the United Nations should bring them together to work out a final solution.

[Ibid., p. 33]

TUNISIA

Mr. President, before you proceed to the vote, I should like to make certain comments and ask our colleague the Ambassador of the United States to replace in the draft resolution A/L.632, the words "the Republic of China" by the words "the representation of Formosa." We find ourselves in a very confusing situation with this draft resolution. Negotiations are under way at this moment between Washington and Peking. We know absolutely nothing about these negotiations. We, the smaller countries, would be very happy to know something about them....

[Ibid., p. 34]

AUSTRALIA

... As all delegations are aware, my delegation has repeatedly made clear in the course of this debate its support for the seating of the People's Republic of China in the United
Nations and in the seat belonging to China on the Security Council. At the same time we have made clear our strong desire that the General Assembly should recognize the existing realities of the international situation by confirming the right of the Republic of China—a founding Member of the United Nations and for 25 years a faithful adherent to the purposes and principles of the Charter—to retain its seat in the United Nations.


IRELAND

... My Government has... had a genuine concern for the rights and the security of the people of Taiwan. However, we must recognize that the Government of the Republic of China claims to represent not Taiwan but rather the whole of China, of which it and the People's Republic of China considers Taiwan to be a part.

[Ibid.]

MALTA

... We voted against that draft resolution, not because we did not wish to see the People's Republic of China take its rightful place in this Organization, but because, in the interests of universality, we could not possibly agree to the expulsion from the United Nations of the representatives of Taiwan....

While opposing the expulsion of the representatives who have since 1945 represented China in the United Nations, we did not and do not subscribe to the view of "two Chinas" or "one China, one Taiwan." In the considered view of my delegation, we felt we should neither oppose nor support one side or the other in what is essentially and exclusively an internal and domestic Chinese issue. The question of Chinese representation is, for us, a question for the Chinese people themselves to decide. Our attitude was dictated by that fact and by a desire
which could be construed as an attempt to interfere in the internal affairs of China.

[Ibid., p. 5]

NEW ZEALAND

...[M]y Prime Minister [has said]:

"I am deeply disappointed over the expulsion of Taiwan."

[Ibid.]
The U.S. Perspective

Comment: The United States has taken a far more ambiguous position with regard to the international status of Taiwan than have the other World War II Allied powers (excepting China, of course). On the one hand, from 1945 to at least 1972, the U.S. repeatedly stated its agreement with the proposition that Taiwan did not automatically become Chinese territory after the war, and its status would remain undetermined pending conclusion of an international agreement. Even after President Richard Nixon entered into the Shanghai Communique (U.S. Document 9), in which he acknowledged the Chinese view "that Taiwan is a part of China," the U.S. did not openly accept Chinese sovereignty over the island.

On the other hand, from 1945 on, the U.S. accepted and protected the KMT's de facto control of the island. Until 1972, and at a rhetorical level until 1979, the U.S. also accepted the fiction that the KMT regime was the legitimate government of China. This led to an inherent contradiction in the U.S. position on Taiwan. Because the U.S. wished to support the ROC against the PRC after the outbreak of the Korean War in 1950 and sent its warships to the Taiwan Strait, it became stuck in an awkward position. The U.S. could not contradict KMT policy, and yet, again at a rhetorical level, the U.S. refused to foreclose the possibility of Taiwanese self-determination.

After 1972, the U.S. government formally articulated its "one China" policy: it no longer viewed the future of Taiwan as an international issue, but rather one for "the Chinese" to settle themselves. The U.S. interest was only in a peaceful resolution of the matter, not in any particular outcome. Of course, in theory, this stance precluded neither an act of self-determination nor Taiwan independence, but it leaned rather heavily toward conceding the PRC a role in deciding the fate of a territory that U.S. Secretary of State John Foster Dulles
emphasized in 1958 had not "ever been under the authority of the Chinese Communists" (U.S. Document 6). Thus, on the basis of geopolitical considerations—"playing the China card" against the Soviet Union—the U.S. backed away from unequivocal support for Taiwanese self-determination.

The U.S. had faced a policy dilemma with respect to Taiwan early on. Even before the KMT lost the Chinese civil war, it was clear that the Nationalists neither controlled the territory that they claimed to control (China), nor ruled Taiwan with the acquiescence of the Taiwanese people. U.S. policy-makers gave serious consideration to dropping their support for Chiang Kai-shek and instead favoring Taiwan independence. The U.S. refused to recognize KMT sovereignty over the island, but accepted its exercise of authority there for the time being. Since the U.S. did not acknowledge an ongoing Chinese civil war and treated the Taiwan question as an international problem, it had a legal basis for intervention. The "ROC" government on Taiwan was forced to accept this stance in return for American protection.

According to Professor Gene Hsiao,

In February 1949, the Truman Administration considered a policy 'to develop and support a local nonCommunist Chinese regime,' i.e., an independent Taiwan, 'should it appear to be in the U.S. national interest...'.

However, Secretary of State Dean Acheson cautioned,

[I]f our present policy is to have any hope of success in Formosa, we must carefully conceal our wish to separate the island from mainland control.

In keeping with this flexible approach, the U.S. insisted that the status of Taiwan remain undetermined pending a formal peace settlement between Japan and the wartime allies, explicitly rejecting the Cairo Declaration as binding (U.S. Document 1).
Rather, Carl I. Gable argues, while the U.S. recognized the KMT as "the de jure government of all of China," it "never officially acknowledged that Taiwan again became a part of China following World War II."3

As part of this policy, U.S. President Harry Truman stated in January 1950,

In keeping with ...[the Cairo and Potsdam] declarations, Formosa was surrendered to Generalissimo Chiang Kai-shek, and for the past 4 years, the United States and the other Allied Powers have accepted the exercise of Chinese authority over the island.4

Gene Hsiao notes that Truman "declined to recognize Chinese sovereignty"—whether PRC or KMT—over the island.5 In a speech a few days later, Secretary of State Dean Acheson excluded Taiwan and Korea from the U.S. "defense perimeter," arguing that the U.S. would rely not on unilateral moves, but the U.N., in the event of aggression against these two countries. Thus, according to Gene Hsiao, he identified Taiwan's status as an international issue, and not as "China's internal affair" (the PRC's view of the "Taiwan question").5 Although Acheson modified his stance somewhat a few days later—"Formosa was made a province of China"—he continued to speak of the KMT's "authority and ... occupation" of the island, rather than its sovereignty over it (U.S. Document 2).

Prior to June 1950, the U.S. decided not to provide further military aid to Chiang Kai-shek's government. "Reunification" by force of PRC arms might well have occurred sometime in that year. However, the outbreak of the Korean War made Taiwan strategically important to the U.S. again, changing American policy from near indifference to active intervention. Fearing the spread of communism in Asia, U.S. policy-makers now felt they had a vested interest in Taiwan's future, and made a commitment to protecting Taiwan. President Truman sent the U.S. Seventh Fleet to "neutralize" the Formosa Strait, but he made it clear that he took his action to defend "Formosa," and not to restore the KMT in China or defend the "ROC" (U.S. Document 3). The President also strongly restated
the U.S. view that Taiwan's international status remained undetermined, pending "the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations."7

John Foster Dulles, then chief U.S. negotiator on the Japanese Peace Treaty, argued that unless the U.S. maintained its insistence that the status of Taiwan remained to be settled, she "would lose her grounds for dispatching the Seventh Fleet to protect Taiwan..." Dulles communicated this view to the KMT government in Taipei.8

After the Korean War, the U.S. clarified its defense commitment to the KMT regime in two pieces of legislation designed to respond to the first Formosa Straits crisis of 1954-1955: the Mutual Defense Treaty of 1954 and the Formosan Resolution of 1955 (U.S. Documents 4 and 5). Both of these limited U.S. guarantees to "Taiwan and the Pescadores," without committing the U.S. to support the KMT's claims to sovereignty over the mainland or sanctioning U.S. intervention in the Chinese civil war. Thus, they further legitimized the notion of Taiwan as a separate political entity from China.

In between the two Formosa Straits crises of the 1950s, the U.S. and the PRC held a number of meetings. The U.S. rejected the PRC's assertion of a right to use force to achieve "reunification," insisting that the U.S. security relationship with the KMT was an exercise of the "inherent right of individual and collective self-defense" in accordance with international law and the U.N. Charter, since "Taiwan has never been a part of Communist China."9

According to Professor Gene Hsiao, since the San Francisco Peace Treaty and the separate KMT treaty with Japan did not specify to whom Japan was ceding Taiwan and the Pescadores, the implication of the U.S. position was that

Legally, and insofar as the signatories of those two treaties were concerned, Taiwan became an "ownerless" island and the KMT, by its own assent to the American policy, a foreign government-in-exile.10
With no guarantee that the PRC would refrain from using force in its efforts to recover Taiwan, in 1958 the U.S. reaffirmed its commitment to defending Taiwan against the PRC, following the second crisis in the Straits (U.S. Document 6). In addition, the U.S. succeeded in getting the KMT to renounce the use of force in its reunification efforts (U.S. Document 7).

By 1959, however, the inadequacies of the U.S. policy of pretending that the KMT governed China had become evident. On November 1, 1959, the U.S. Senate Committee on Foreign Relations published the Conlon Report (U.S. Document 8). It recommended that U.S. de-recognition of the ROC in favor of the PRC, and encouraged the KMT to withdraw from Taiwan. It also recommended that the island be held neutral for a length of time, in order to create a more stable political atmosphere. According to George H. Kerr,

The Conlon Report proposed an independent Republic of Taiwan under an American guarantee of its defense and of assistance to all mainland refugees who would wish to return to China proper or go elsewhere overseas.11

Despite this congressional challenge, successive U.S. administrations continued to pursue the policy toward China and Taiwan that Truman and Eisenhower had formulated. After the 1969 Sino-Soviet border clash at the junction of the Amur and Ussuri Rivers, however, the U.S. became interested in strategic cooperation with the PRC against the common Soviet adversary. Nixon's historic visit to the PRC opened the way for discussions of normalizing relations. The Shanghai Communique of 1972 (U.S. Document 9), in which both countries pledged to begin the process of establishing diplomatic relations, raised several questions: was the framework for relations laid out in the communique really in the U.S. interest? Would it advance the desires of the Taiwanese people? Would the U.S. sacrifice those desires if they conflicted with larger geopolitical calculations?

And what about the U.S. security commitment to Taiwan?
Clearly, the Chinese position dictated in the Communique was that the U.S. must end its security commitment, recognize Chinese sovereignty over Taiwan, and accept that China had the right to use force to make good on its claims. This assertion conflicted, of course, with the Chinese contention that "Countries want independence... This has become the irresistible trend of history!"

In any event, the U.S. moved fairly quickly toward reducing its security ties with Taiwan, repealing the Formosa Resolution (U.S. Document 10).

President Carter took office determined to complete the process of normalizing relations with the PRC. The status of Taiwan was a major issue between the U.S. and China. Eventually, both governments reached a compromise that left Taiwan's future still largely undetermined, even though U.S. de-recognition of the KMT strengthened the case for selfdetermination, as noted above in the Christiansen article. The U.S. nevertheless maintained a noncommittal position, fearing that open support for the Taiwanese would interfere with the "China card." The PRC was willing to let the U.S. continue to have "commercial, cultural, and other relations" with the people of Taiwan, provided that the U.S. end its military relationship with the KMT. Carter agreed to withdraw the remaining U.S. military personnel from the island, and to abrogate the mutual security treaty with the KMT. He insisted that the "unofficial" relationship between the U.S. and Taiwan was in the Taiwanese people's "best interests" (U.S. Documents 11-14 and 20). His actions withstood a court challenge by pro-KMT members of Congress dissatisfied with both de-recognition of the "ROC" and his failure to seek Senate approval for the treaty abrogation. Significantly, the court strongly supported the validity of the unique "unofficial relationship" evolving with "the people of Taiwan" (U.S. Document 26).

Carter repeatedly expressed his belief that China would now renounce the use of force to recover Taiwan by virtue of the new relationship with the U.S. Moreover, Carter noted that despite PRC objections, the U.S. would continue selling arms to Taiwan to help it defend itself. He refused to rule out future U.S. military intervention should the PRC renege on this tacit
"understanding" that the Taiwan issue would be settled peacefully (U.S. Documents 15 and 17-19). Such an action on the part of the Chinese, he said, "would...wipe out all the benefits to them and to Asia of peace and their new relationship with"

The KMT and the people of Taiwan were not so sanguine about PRC intentions. Recent events in Peking have shown that the Chinese regime has little regard for international opinion, especially regarding China's "internal affairs." And, as discussed above (CCP/PRC Document 11), the Chinese Government had made clear its view that the future of Taiwan was just such an "internal affair." Nevertheless, Carter wrote in his memoirs that the Chinese had at least "acquiesced" in the U.S. policy, especially given Chinese Communist Party Chairman Hua's explicit statement that normalization was reached despite disagreement on the arms sales issue (CCP/PRC Document 12). Moreover, according to Gable, the thrust of the U.S. position on normalization was that Taiwan's future remained an international issue, and not "China's internal affair." He argues that "on a practical level," the normalization communique

states that "our current commercial, cultural, trade and other relations with Taiwan" will be maintained "through non-governmental means," which constitutes acceptance of the separate existence of Taiwan for a number of significant purposes. The United States objective of continuation of separate relations with Taiwan, however, is inconsistent under traditional legal principles with the political decision that Taiwan has no recognized government and that it may indeed be a province of another recognized state.

Thus, while the U.S. had rhetorically proclaimed a policy of "one China," its real policy lay somewhere between "two Chinas" and "one China, one Taiwan." Though some saw the ambiguity as a creative attempt to pursue good relations with China while maintaining some kind of security commitment to Taiwan, most in Congress felt that a more explicit security guarantee needed to be added to Carter's proposed legislation governing "unofficial relations" with Taiwan (compare U.S.
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Document 16 with U.S. Documents 22, 23, and 25). Obviously, it is not normal diplomatic practice to recognize a nation’s sovereignty over a territory and then agree to defend that territory from the aggression of the nation in question. While the ongoing security commitment was not the same as explicitly recognizing Taiwan as a separate sovereign entity from the PRC, the "unofficial" relationship certainly implied something along these lines.

During Congressional hearings on the legislation, which Congress eventually crafted into law as the Taiwan Relations Act of 1979 (TRA—U.S. Document 27), the Administration acknowledged that the PRC’s desire for "reunification" was not necessarily in the U.S. interest, and could require U.S. military action to maintain the relationship with Taiwan (U.S. Document 21). Furthermore, Administration officials moved beyond the ambiguity they had maintained in joint statements with the PRC to a rather more explicit statement that the U.S. still did not accept PRC claims of sovereignty over Taiwan. A State Department lawyer told the Senate Committee on Foreign Relations that "we have acknowledged the Chinese position, which is taken of course by Chinese on both sides, that Taiwan is a province of China." However, when questioned whether the U.S. recognizes Taiwan as a province of China, he said, "We have not taken a position on that." Deputy Secretary of State Warren Christopher was even more explicit in noting the difference between "acknowledgement" and "recognition." Ind

According to Professor Gene Hsiao, the Carter Administration’s position "provides the United States with an option to withdraw its acknowledgement and support a secessionist regime in Taiwan...." He adds,

Since the Carter Administration did not accept China's territorial claim, it also refused, as did its predecessors, to recognize the existence of the Chinese civil war. Carter sought thereby to avoid both the application of article 2(7) of the U.N. Charter, which prohibits U.N. intervention in the domestic affairs of a member state, and the enforcement of rules of war under international law, which establish the principle of
neutrality and would raise questions concerning the legality of arms sales by the United States to an insurgent group in a foreign civil war. Thus, when asked whether an armed attack from the mainland against Taiwan would be considered a civil war situation in which the United States or the United Nations could not be legally involved, Warren Christopher replied:

No, it would not be regarded as a civil war. It is a unique situation that has all of the historical import of the last 30 years. With respect to the United Nations, Taiwan would not be regarded as a state, but any hostility in that area would come within the provisions of the United Nations' Charter, which would call upon all parties to seek a peaceful resolution. So while Taiwan would not be regarded as a state for purposes of the U.N. Charter, nevertheless hostilities in the strait or across the strait would come within the purview of the United Nations.

On the question of neutrality, Christopher explained to the House Committee on Foreign Affairs:

We are neutral on the question of reunification. What we are not neutral about is how that [re]unification shall come about if it does come about. What we have said and what we have stated is if there is to be reunification, it shall be by peaceful means. But we have been neutral on the question of whether there should be reunification.

The State Department also made reference to article 2(4) of the UN Charter, which requires members to refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the Purposes of the United Nations' Charter.17

This open rejection of the PRC's right to resort to force and of the view that the future of Taiwan is "China's internal affair" makes it clear that the Administration intended to
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continue treating Taiwan as though it were an independent, sovereign nation. It also left open the possibility that the U.S. would at least not stand in the way of Taiwanese self-determination, though the position of "neutrality" on "reunification" also meant that the U.S. was unwilling openly to support self-determination.

Gene Hsiao goes on to argue that the Administration position was still murky enough to leave room for debate as to its view of the international legal status of Taiwan. On the one hand, despite the reservations just outlined, it was possible to interpret the normalization communique as treating the PRC as the recognized "successor government of the Republic of China." However, Hsiao indicates that in testimony before the Senate Committee, Professor Victor Li offered another reading:

Li's second theory was a "possible description" of the legal status of Taiwan as a "de facto entity with international personality" possessing all the essential elements of a state, namely, a defined territory with a permanent population under the control of a government that engages in foreign relations. With regard to the provisions of the Joint Communique, he contended that they could be interpreted in different ways, one of which being that since U.S. acknowledgement of the Chinese position that Taiwan is part of China "is not tantamount to agreeing with it ... the status of Taiwan remains 'undetermined'."

This proposition suited the mood of the Senate Committee which ... refused to accept the Recognition and the One-China Clauses agreed upon by the Carter administration and declared that the status of Taiwan remained to be determined.18

In its report on its deliberations, the Senate Committee not only clarified its stance in this regard—i.e., supporting the traditional U.S. view—but also stated that the TRA would "regard Taiwan as a country for purposes of U.S. domestic law" (U.S. Document 24).
Furthermore, the Senate Committee stated that the United States should be concerned about "external threats or coercion rather than with internal challenges" to KMT rule. Gene Hsiao argues,

This statement clearly identified the conflict between Taiwan and the mainland as an "external" matter, not a civil strife; it also implicitly excluded U.S. intervention in the event of an internal coup by the native Taiwanese against the KMT. Further, the committee noted that "in assisting the people on Taiwan to maintain a sufficient self-defense capability, the United States was not limited solely to the supply of arms, but could assist in other appropriate ways."

...Consequently, the Committee agreed that the form of action to be taken by the United States in response to external threats might be military, diplomatic, economic, "or some other form-and, indeed, it may be the judgment of the United States that the most effective action, from the standpoint of the United States or the people on Taiwan or both, is no action...." The Committee noted that the broad direction, as to the nature of an appropriate response to any "external" threat to Taiwan, was reserved for the United States by requiring that any action by the United States be undertaken in accordance with "constitutional process."

The House Committee on Foreign Affairs went even further, stating that a PRC attack upon Taiwan would short-circuit the normalization process (U.S. Document 25).

The legislative history of the final version of the TRA, which Congress passed and President Carter signed into law in April 1979, makes it clear that the Congress as a whole accepted the notion of "undetermined sovereignty" over Taiwan, regardless of the PRC's claims:

...China, defeated by Japan in the Sino-Japanese war of 1895, relinquished sovereignty over Taiwan to Japan.
Japan formally relinquished its sovereignty over Taiwan in connection with the United States-Japan Peace Treaty of 1951, but the treaty did not specify to whom sovereignty was relinquished. Thus the sovereign status of Taiwan was left unclear.

No reference is made to the Cairo Declaration, which the PRC (like the KMT) cites as the basis of its claims to sovereignty.

According to Professor Yu-chen Chen, the final version also "constructed statutory language to regard Taiwan as an independent country 'for purposes of U.S. domestic law," as called for in the Senate report, notably in relation to Taiwan's capacity to sue and be sued in U.S. domestic courts in the manner of a sovereign state."

Furthermore, unlike Carter's original, highly technical draft legislation, the final version also assures that the U.S. "will make available to Taiwan such defense articles and defense services in such quantity" as it needs "to maintain a sufficient self-defense capability."

Finally, and significantly, the law reasserts U.S. interest in the "preservation and enhancement of the human rights of all the people on Taiwan." This language, included at the insistence of Senator Claiborne Pell (D-RI) and Congressman Jim Leach (R-IA), two longtime supporters of human rights on the island, arguably offers a basis on which the U.S. can openly support Taiwanese self-determination, given the importance of that right in international law.

Gable argues, "The Act thus insures that Taiwan will not be treated as a province of a Communist country for the purposes of legislative restrictions applicable to such countries."

The Act creates the American Institute in Taiwan (AIT), a private, non-profit corporation funded by the U.S. government and staffed by U.S. government employees temporarily separated from government service. Its mission is to conduct "unofficial relations" as though it were the U.S. embassy in Taipei (shortly after the passage of the TRA, the KMT regime created a counterpart entity, the Coordination Council for
North American Affairs, or CCNAA). While AIT is modeled on the Interchange Association, which Japan created to carry out "unofficial relations" with Taiwan in 1972 (it deals with the KMT's Association of East Asia Relations), Gene Hsiao notes that there are two differences between the U.S. and Japanese "solutions" to maintaining relations with Taiwan. First, the Japanese Diet, unlike the U.S. Congress, ratified the normalization communique with the PRC (Diplomatic Document 9; Hsiao does not mention that this does not "recognize" PRC sovereignty over Taiwan either!) without reservation. Second, Japan has not enacted domestic legislation covering its "unofficial relations" with Taiwan, which are carried on administratively.24

The negotiated agreement between AIT and CCNAA on privileges, exemptions, and immunities clearly establishes that the host government is to treat the "private representative" as though it were a full-fledged embassy for the purposes of communications, immunity, and tax exemptions (U.S. Document 28).

The Republican Party attacked Carter during the 1980 campaign for failing to pay sufficient attention to Taiwan's security (U.S. Document 29). The GOP presidential candidate, Ronald Reagan, made much of the "official" status accorded Taiwan in the TRA (U.S. Document 30). Eventually, his aides had to muzzle this "two Chinas" talk, for fear of upsetting the PRC and adverse electoral consequences.

As President, however, Reagan went beyond Carter in making concessions to the PRC on both Taiwan's security and its treatment by the U.S. as a de facto independent entity. In his letter to CCP Chairman Hu Yao-bang, Reagan stated that U.S. policy on these matters is based "on the principle that there is but one China," (U.S. Document 31) whereas the Shanghai Communique and the normalization communique merely acknowledge that this is the Chinese view. Clearly, the geopoliticians in the Reagan Administration, who wanted to "play the China card," were winning out against the President's anti-communist, pro-KMT personal instincts.
Thus, Reagan entered into the "Second Shanghai Communique" of August 17, 1982 (U.S. Document 32). In it, the U.S. pledges gradually to reduce arms sales to Taiwan—athema to the PRC because they not only bolster Taiwan's will to resist "reunification" on PRC terms, but confer the air of sovereignty upon the island. Eventually, the U.S. is bound by the communique to terminate the sales, although it does not fix a date ("leading over a period of time to a final resolution").

Reagan cheerily claimed that "our policy, set forth clearly in the communique, is fully consistent with the Taiwan Relations Act" (U.S. Document 33). The two documents are not easily reconciled, however. The TRA bases arms sales on an assessment of Taiwan's defensive needs, while the communique pledges to the nation which is the island's main external security threat that the U.S. will reduce the sales and eventually put an end to them. Furthermore, while the KMT claimed it received a pledge from AIT that the U.S. "has not agreed to hold prior consultations with the Chinese communists on arms sales" to Taiwan (KMT Document 6), it is difficult to see how the communique resulted from anything less than such a consultation.

In fact, of course, the Reagan Administration did take some steps to mitigate the communique's security impact on Taiwan, such as interpreting the reduction pledge to allow for inflation adjustments and the upgrading of obsolete weapons systems. Most importantly, the Administration gave its blessings to U.S. companies to participate in technology transfer arrangements that have helped Taiwan to bolster its own defense industries. In the Administration's view, these arrangements are not covered by the communique. Therefore, one can argue that the communique did not upset the military balance across the Taiwan Strait.25

However, if one views the communique in political, rather than strictly military terms, it clearly alters the U.S. stance on sovereignty over Taiwan, notwithstanding pledges to the KMT on this score. Conceding the PRC a say in the arms sales suggests a softening of earlier outright rejections of its claims over the island, though not necessarily acceptance of those
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claims. Moreover, the communique moves the U.S. beyond its nuanced "acknowledgement" of the PRC (and KMT) "one China" view:

The United States Government ... has no intention of infringing on Chinese sovereignty and territorial integrity, or interfering in China's internal affairs, or pursuing a policy of "two Chinas" or "one China, one Taiwan."

Of course, as Dennis Van Vranken Hickey has pointed out, not pursuing a policy of "one China, one Taiwan" is not the same as working actively to prevent Taiwanese self-determination. Also, Reagan was careful not to accept outright the PRC claim that the future of Taiwan is "China's internal affair," even though he gave the PRC a role in deciding that future: "The Taiwan question is a matter for the Chinese people, on both sides of the Taiwan Strait, to resolve." Both in his public statement and in the pledges to the KMT, though, Reagan said, "We will not interfere in this matter or prejudice the free choice of, or put pressure on, the people of Taiwan in this matter." Gene Hsiao sees this as not merely a pledge of noninterference, but an open invitation to the people of Taiwan to determine their fate for themselves:

President Reagan has kept the options wide open for the establishment of a secessionist or independent state on the island should this become desirable; for in the final analysis, international law does not prohibit civil war, secession, or independence in the name of "national self-determination." This is perhaps too optimistic a reading of the communique and Reagan's statements, given the concessions on arms sales, but Hsiao is correct that the Administration did manage to keep the door open to Taiwanese aspirations even as it was making those concessions.

Reagan and Assistant Secretary of State for East Asian and Pacific Affairs John H. Holdridge, in testimony before the House Committee on Foreign Affairs (U.S. Documents 34 and 35), made much of PRC pledges to pursue "a peaceful policy."
Holdridge claimed that it was only because this policy had reduced the military threat to Taiwan that the U.S. entered into the communique (implying that it was not an effort to keep "the China card" in the U.S. hand at the expense of the rights and security of the people of Taiwan). He also explicitly rejected the PRC view that the arms sales constituted interference in China's internal affairs, and reserved the right to change U.S. policy should China resort to force. Despite the qualifications, even in 1982, and certainly thereafter, there was plenty of room for skepticism about the PRC's "peaceful policy" (see CCP/PRC Documents 15, 16, 18, 19, and 22, not to mention the events of 1989 in China).

Indeed, as during the Carter years, members of Congress were less optimistic than the Administration. Senator Pell openly called for U.S. support for Taiwanese self-determination, which he said would unquestionably lead to the creation of "a free, independent democratic government" on the island. Though Senator John Glenn (D-OH) was more cautious, he, too, spoke out on behalf of Taiwanese self-determination ("maintaining Taiwan's free choice"), and suggested that the Administration had caved in to Chinese pressure to weaken the TRA's defense provisions (U.S. Document 35).

Subsequently, Reagan and Holdridge's successor, Paul Wolfowitz, insisted that despite the clear U.S. pledge in the communique to reduce gradually and eventually eliminate arms sales to Taiwan, the Administration would stand by the TRA's defense commitment to the island, and would only reduce the sales if China maintained its peaceful policy (U.S. Documents 36-38, 42, 43, 45). Reagan also went out of his way to say that "it isn't that we've recognized Taiwan as a nation" (U.S. Document 37), though this did little to explain why the U.S. remained willing to sell arms to what the PRC viewed as a rebellious province.

Members of Congress remained skeptical about the coherence and effectiveness of this policy (U.S. Document 38), and a number of them felt strongly that the U.S. should make it clear that it would only support a solution to the "Taiwan question" which the people on the island deemed acceptable.
In November 1983, the Senate Committee on Foreign Relations voted 13-1 to approve a resolution by Pell (U.S. Document 39), stating

That it is the sense of the Senate that Taiwan's future should be settled peacefully, free of coercion, and in a manner acceptable to the people on Taiwan and consistent with the Taiwan Relations Act enacted by Congress and the communiqués entered into between the United States and the People's Republic of China.

The next year, the full Senate tabled the resolution, following a fierce lobbying campaign by the PRC embassy and the National Council on U.S. China Trade, a group of businesses interested in economic relations with China. However, following the June 4, 1989 massacre in Peking, the full Senate approved on a voice vote similar language, also introduced by Pell, for inclusion into a bill authorizing funds for the State Department (the House-Senate Conference Committee did not include this language in the final legislation).

Deputy Assistant Secretary of State for East Asian and Pacific Affairs David Brown told the Foreign Relations Committee that while the resolution did not "contradict U.S. policy," insisting that Taiwan's future be settled "free of coercion and in a manner acceptable to the people of Taiwan' could be considered the addition of new and undefined elements" to that policy (U.S. Document 40). He also correctly predicted that the resolution would elicit a negative response from the PRC (see CCP/PRC Document 16). In addition, the State Department reiterated that the U.S. did not necessarily accept the Chinese view that Taiwan is a part of China, and that U.S. wanted the Chinese to settle the Taiwan issue themselves, using peaceful means (U.S. Documents 40 and 41).

Clearly, the Department preferred this "hands-off approach" to the resolution's forthright support for Taiwanese self-determination, which could interfere with Sino-U.S. strategic cooperation by upsetting Peking.

The Administration's decision to step up that cooperation by selling the PRC arms upset many in Congress and the public, for the move was seen as possibly undermining the military
balance in the Taiwan Strait. In justifying it, Deputy Assistant Secretary of State for East Asian and Pacific Affairs James R. Lilley (a former director of AIT in Taipei) minimized the PRC's refusal to rule out the use of force in pursuit of "reunification." He also said that the sales to China "will provide stability and peace in the region, a view greeted with considerable skepticism by both the KMT and the people on Taiwan (U.S. Document 46).

Late in the Reagan Administration, U.S. policy-makers, having made concessions to the PRC on the arms issue and sold arms to Taiwan's main adversary, seemed to weaken the ongoing policy of viewing Taiwan's status as "undetermined." Assistant Secretary of State for East Asian and Pacific Affairs Gaston J. Sigur in 1987 referred to the future of Taiwan as "an internal matter for the PRC and Taiwan to resolve" (U.S. Document 47). This not only moved toward acceptance (rather than mere acknowledgement) of the view that Taiwan is part of China, but came close to accepting the PRC view of Taiwan as "China's internal affair." Similarly, that same year, Secretary of State George Shultz said that the issue "will be decided by the Chinese, on either side of the Strait, free of outside pressure" (U.S. Document 48). This seemed to contradict earlier assurances that the U.S. would not pressure the Taiwanese into accepting a settlement against their will, since it renounced interference with a PRC-Taiwan settlement as an internal matter. Yet it is precisely the PRC that is the main outside force exerting pressure upon the free will of the Taiwanese. Taiwan expert Martin Lasater insists that the State Department soon corrected Shultz' statement, saying that the U.S. still "would not pressure Taipei into a settlement with the mainland."28

Even as the executive branch of the U.S. government was inching toward conceding Chinese sovereignty over Taiwan, the U.S. Court of Appeals for the District of Columbia Circuit issued a ruling in a suit by a U.S. company against the CCNAA according Taiwan the status of a sovereign state (i.e., one independent of the PRC) for the purposes of U.S. domestic law. The Court stated that the common law "act of state doctrine, which requires every sovereign entity to respect the
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independence of every other such entity, applies to Taiwan" (U.S. Document 49).

Also, on the positive side, Congress and the Administration strongly supported keeping Taiwan in the Asian Development Bank (U.S. Document 44), which became the only public international organization to seat both the KMT regime and the PRC. However, it forced Taiwan to sit as "Taipei, China," due to pressure from the PRC.

President Bush, a former U.S. envoy to China, basically reiterated the stance of the Reagan Administration toward the "Taiwan question" during his February 1989 visit to China. He also stressed "the interests of the Chinese people" in referring to relations between China and Taiwan, failing to acknowledge the distinct interests of the Taiwanese people (U.S. Documents 50 and 51).

Over the course of 1989 and early 1990, Bush made it clear that no matter what the PRC's leaders had done to their own children in the streets of Peking, he viewed good Sino-U.S. relations as absolutely vital to American interests. More than six months after the massacres in China, it was clear that the American people and their representatives in Congress rejected this proposition.

Given the deep revulsion Americans feel toward the PRC leadership, and given improving U.S.-Soviet relations, there is now a real opportunity to foster a more just U.S. Taiwan policy. While maintaining relations with the PRC, the U.S. should state openly that it supports Taiwanese self-determination. Given the importance of U.S. ties with Taiwan, and widespread opposition on the island to union with China under the PRC, such a stand is clearly in America's interest. If the people of the island choose independence, then the U.S. should support their judgment and extend recognition to a free, democratic, and independent Republic of Taiwan.

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1 Memorandum by the Executive Secretary of the National Security Council (Souers) to the Council (Feb. 3, 1949), reprinted in Foreign Relations 1949, p. 282; Report by the National Security Council on the Current Position of the United States With Respect to Formosa (Feb 3, 1949), reprinted in ibid., pp. 281-82, cited in G. Hsiao, p. 843.
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4 Statement by President Truman on United States Policy Toward Formosa, January 27, 1950, cited in G. Hsiao, p. 847, emphasis added.
5 Ibid
10 P. 851.
13 see also G. Hsiao, p. 875.
14 Pp 523-524.
16 Taiwan Hearings, p. 29, cited in ibid., p. 872.
18 G. Hsiao, pp. 894-895, citing Taiwan Hearings, p. 148 (prepared statement of Professor Victor Li).
20 P. 890-891; Taiwan Enabling Act, p. 32.
23 P. 529.
24 G. Hsiao, p. 859.
26 P. 891.
27 P. 904.
U.S. Document 1
U.S. Rejection of the Cairo Declaration as Non-Binding, 1949

The Cairo Declaration ... like other wartime declarations such as those of Yalta and Potsdam, was in the opinion of the United States Government subject to any final peace settlement where all relevant factors should be considered. The United States cannot accept the view, apparently put forward by the Soviet government that the views of other Allies not represented at Cairo must be wholly ignored. Also the United States believes that declarations such as that issued at Cairo must necessarily be considered in the light of the United Nations Charter, the obligations of which prevail over any other international agreement.

[Source: U.S. government aide memoire on the Cairo Declaration, in Documents on International Affairs, 1949-1950, pp. 622-23 (M. Carlyle ed. 1953); see also 3 M. Whiteman, Digest of International Law (1964),511-12; both cited in Chen and Reisman, p. 635 n. 133].

U.S. Document 2
U.S. Secretary of State Acheson's Statement on U.S. Military Involvement in Formosa, 1950

...Now, what has that position been? In the middle of the war, the President of the United States, the Prime Minister of Great Britain, and the President of China agreed at Cairo that among the areas stolen from China by Japan was Formosa and Formosa should go back to China.

As the President pointed out this morning, that statement was incorporated in the declaration and Potsdam and that declaration at Potsdam was conveyed to the Japanese as one of the terms of their surrender and was accepted by them, and the surrender was made on that basis.
Shortly after that, the Island of Formosa was turned over to the Chinese in accordance with the declarations made and with the conditions of the surrender.

The Chinese have administered Formosa for 4 years. Neither the United States nor any other ally ever questioned that authority and that occupation. When Formosa was made a province of China nobody raised any lawyers’ doubts about that. That was regarded as in accordance with the commitments.

Now, in the opinion of some, the situation is changed. They believe that the forces now in control of the mainland of China, the forces which undoubtedly will soon be recognized by some other countries, are not friendly to us, and therefore they want to say, "Well, we have to wait for a treaty." We did not wait for a treaty on Korea. We did not wait for a treaty on the Kuriles. We did not wait for a treaty on the islands over which we have trusteeship.


U.S. Document 3
President Truman's Statement on Sending U.S. Fleet to Taiwan Strait, July 19, 1950

...I have also ordered the United States Seventh Fleet to prevent any attack upon Formosa, and I have requested the Chinese Government on Formosa to cease all air and sea operations against the mainland....

Our action in regard to Formosa was a matter of elementary security. The peace and stability of the Pacific area had been violently disturbed by the attack on Korea....

[Source: PPOPUS: Harry S Truman-1950, p. 531]
U.S. Document 4
Formosa Resolution

WHEREAS the primary purpose of the United States, in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and

WHEREAS certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores,

WHEREAS such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and the Pescadores; and

WHEREAS the secure possession by friendly governments of the Western Pacific island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

WHEREAS the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties of the Treaty:

THEREFORE BE IT RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled,

"That the President of the United States of America be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or
appropriate in assuring the defense of Formosa and the Pescadores.

"This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress."


U.S. Document 5

Mutual Defense Treaty Between the United States of America and the Republic of China

[Excerpts]

The Parties to this Treaty,...Have agreed as follows:

ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace, security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

ARTICLE II

In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and communist subversive activities directed from without against their territorial integrity and political stability....

ARTICLE V

Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.
Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

For the purposes of Articles II and V, the terms "territorial" and "territories" shall mean in respect of the Republic of China, Taiwan and the Pescadores; and in respect of the United States of America, the island territories in the West Pacific under its jurisdiction. The provision of Articles II and V will be applicable to such other territories as may be determined by mutual agreement.

ARTICLE VII

The Government of the Republic of China grants, and the Government of the United States of America accepts, the right to dispose such United States land, air and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement....

ARTICLE X

This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party....


U.S. Document 6
Statement by Secretary of State Dulles, September 4, 1958 [Excerpts]

I have reviewed in detail with the President the serious situation which has resulted from aggressive Chinese Communist military actions in the Taiwan (Formosa) Straits area. The President has authorized me to make the following statement.

1. Neither Taiwan (Formosa) nor the islands of Quemoy and Matsu have ever been under the authority of the Chinese
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Communists. Since the end of the Second World War, a period of over 13 years, they have continuously been under the authority of Free China, that is, the Republic of China. [Ed. note: like the previous administration, the Eisenhower Administration did not express recognition of KMT sovereignty, as opposed to authority; emphasis added]

2. The United States is bound by treaty to help to defend Taiwan (Formosa) from armed attack and the President is authorized by Joint Resolution of the Congress to employ the armed forces of the United States for the securing and protecting of related positions such as Quemoy and Matsu....

8. The United States has not, however, abandoned hope that Peiping [sic will stop short of defying the will of mankind for peace. This would not require it to abandon its claims, however, ill-founded we may deem them to be. I recall that in the extended negotiations which the representatives of the United States and Chinese Communist regime conducted at Geneva between 1955 and 1958, a sustained effort was made by the United States to secure, with particular reference to the Taiwan area, a declaration of mutual and reciprocal renunciation of force, except in self-defense, which, however, would be without prejudice to the pursuit of policies by peaceful means. The Chinese Communists rejected any such declaration. We believe, however, that such a course of conduct constitutes the only civilized and acceptable procedure. The United States intends to follow that course, so far as it is concerned, unless and until the Chinese Communists, by their acts, leave us no choice but to react in defense of the principles to which all peaceloving governments are dedicated.

[Source: Department of State Bulletin, September 22, 1958, pp. 445-446]

U.S. Document 7
Joint ROC-U.S. Communique, October 24, 1958

...The two governments reaffirmed their dedication to the principles of the Charter of the United Nations. They recalled that the Treaty under which they are acting is defensive in character. The Government of the Republic of China considers
that the restoration of freedom to its people on the Mainland is its sacred mission. It believes that the foundation of this mission resides in the minds and hearts of the Chinese people and that the principal means of successfully achieving its mission is the implementation of Dr. Sun Yat-sen's Three People Principles (Nationalism, democracy and social wellbeing) and not the use of force....

[Source: News Item, Central News Agency, Taipei, October 24, 1958]

**U.S. Document 8**  
**The Conlon Report** [Excerpts]

In the event of a bargain between some political leaders in Taiwan and the communists, to be sure, the United States might be placed in an extremely awkward position whereby it would have to decide hastily whether it should intervene in an attempt to protect the Taiwanese right of self-determination.

To propose the transfer of Formosa to Communist China in seeking a general settlement in Asia without the consent of the people on Formosa would be an 'immoral act' and would seriously undermine American relations with all smaller countries who look to the United States for aid in maintaining independence.

The Taiwanese people themselves have given considerable indication of wishing to remain separate from the mainland and could be tested by plebiscite if this were agreed.

[Cited in Kerr, *Formosa Betrayed*, p. 433]

**U.S. Document 9**  
**The Shanghai Communique, 1972** [Excerpts]

President Richard Nixon of the United States of America visited the People's Republic of China at the invitation of Premier Chou En-lai of the People's Republic of China from February 21 to February 28, 1972....
President Nixon met with Chairman Mao Tse-tung of the Communist Party of China on February 21. The two leaders had a serious and frank exchange of views on Sino-US relations and world affairs.

During the visit, extensive, earnest and frank discussions were held between President Nixon and Premier Chou En-lai on the normalization of relations between the United States of America and the People's Republic of China, as well as on other matters of interest to both sides.

The leaders of the People's Republic of China and the United States of America found it beneficial to have this opportunity, after so many years without contact, to present candidly to one another their views on a variety of issues. They reviewed the international situation in which important changes and great upheavals are taking place and expounded their respective positions and attitudes.

The U.S. side stated: Peace in Asia and peace in the world requires efforts both to reduce immediate tensions and to eliminate the basic causes of conflict. The United States will work for a just and secure peace; just, because it fulfills the aspiration of peoples and nations for freedom and progress; secure, because it removes the danger of foreign aggression. The United States supports individual freedom and social progress for all the peoples of the world, free of outside pressure or intervention. The United States believes that the effort to reduce tensions is served by improving communication between countries that have different ideologies so as to lessen the risks of confrontation through accident, miscalculation or misunderstanding. Countries should treat each other with mutual respect and be willing to compete peacefully, letting performance be the ultimate judge. No country should claim infallibility and each country should be prepared to reexamine its own attitudes for the common good.

The Chinese side stated: Whenever there is oppression, there is resistance. Countries want independence, nations want liberation and the people want revolution-this has become the irresistible trend of history. All nations, big or small, should be equal; big nations should not bully the small and
strong nations should not bully the weak. China will never be a superpower and it opposes hegemony and power politics of any kind. The Chinese side states that it firmly supports the struggles of all the oppressed people and nations for freedom and liberation and that the people of all countries have the right to choose their social systems according to their own wishes and the right to safeguard the independence, sovereignty and territorial integrity of their own countries and oppose foreign aggression, interference, control and subversion. All foreign troops should be withdrawn to their own countries....

There are still essential differences between China and the United States in their social systems and foreign policies. However, the two sides agreed that countries, regardless of their social systems, should conduct their relations on the principles of respect for the sovereignty and territorial integrity of all states, non-aggression against other states, non-interference in the internal affairs of other states, equality and mutual benefit, and peaceful coexistence. International disputes should be settled on this basis, without resorting to the use or threat of force. The United States and the People's Republic of China are prepared to apply these principles to their mutual relations. With these principles of international relations in mind the two sides states that:

- progress toward the normalization of relations between China and the United States is in the interests of all countries;
- both wish to reduce the danger of international military conflict;
- neither should seek hegemony in the Asia-Pacific region and each is opposed to efforts by any other country or group of countries to establish such hegemony; and
- neither is prepared to negotiate on behalf of any third party or enter into agreements or understandings with the other directed at other states.
Both sides are of the view that it would be against the interests of the peoples of the world for any major country to collude with another against other countries, or for major countries to divide up the world into spheres of interest.

The two sides reviewed the long-standing serious disputes between China and the United States. The Chinese side reaffirmed its position: the Taiwan question is the crucial question obstructing the normalization of relations between China and the United States; the Government of the People's Republic of China is the sole legal government of China; Taiwan is province of China which has long been returned to the motherland; the liberation of Taiwan is China's internal affair in which no other country has the right to interfere; and all US forces and military installations must be withdrawn from Taiwan. The Chinese Government firmly opposes any activities which aim at the creation of "one China, one Taiwan," "one China, two governments," "two Chinas," and "independent Taiwan," or advocates that "the status of Taiwan remains to be determined."

The US side declared: The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States Government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of the US forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes....

U.S. Document 10
Repeal of the Formosa Resolution, 1974

PUBLIC LAW 93-475-OCTOBER 26, 1974
AN ACT

To authorize appropriations for the Department of State and the United States Information Agency, and for other purposes.

...Sec. 3. The joint resolution entitled "Joint resolution authorizing the President to employ the Armed Forces of the United States for protecting the Security of Formosa, the Pescadores and related possessions and territories of that area," approved January 29, 1955 (69 Stat. 7; Public Law 84-4), and known as the Formosa Resolution is repealed.


U.S. Document 11
President Carter's Press Conference, April 11, 1978

U.S.-Chinese Relations

Q. Mr. President, Bud Smyser from the Honolulu Star-Bulletin. I would like to ask about your China policy and about Taiwan in particular.

The present Peking Government says that it will not use force in the near term to settle the Taiwan question, but it will not rule out the use of force for the indefinite future. Does this reservation by Peking pose an insurmountable obstacle to our full diplomatic recognition of Peking?

THE PRESIDENT. I would not acknowledge any insurmountable obstacle in reaching the goals expressed in the Shanghai Communiqué, which is binding on us-and which I fully support-and binding on the People's Republic of China leaders. We recognize the concept that is shared in Taiwan and on the Mainland that there's only one China. We recognize that it's for the best interest of our own Nation to have full diplomatic relationships with China. And my hope is that
over a period of months-we are not in any big hurry; neither are the People's Republic of China leaders-that we will completely realize the hopes expressed in the Shanghai Communique.


President Carter's Address to the Nation of December 15, 1978, Including Text of the Joint Communique on the Establishment of Diplomatic Relations Between the U.S. and the PRC

Good Evening.

I would like to read a joint communique which is being simultaneously issued in Peking at this very moment by the leaders of the People's Republic of China:

(At this point, the President read the text of the joint communique, which reads as follows:)

Joint Communique on the Establishment of
Diplomatic Relations Between the United States of America and the People's Republic of China
January 1, 1979

The United States of America and the People's Republic of China have agreed to recognize each other and to establish diplomatic relations as of January 1, 1979.

The United States of America recognizes the Government of the People's Republic of China as the sole legal Government of China. Within this context, the United States will maintain cultural, commercial and other unofficial relations with the people of Taiwan.

The United States of America and the People's Republic of China reaffirm the principles agreed on by the two sides in the Shanghai Communique and emphasize once again that:

-Both wish to reduce the danger of international military conflict.
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- Neither should seek hegemony in the Asia-Pacific region or in any other region of the world and each is opposed to efforts by any other country or group of countries to establish such hegemony.

- Neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.

- The Government of the United States of America acknowledges the Chinese position that there is but one China and Taiwan is part of China.

- Both believe that normalization of Sino-American relations is not only in the interest of the Chinese and American peoples but also contributes to the cause of peace in Asia and the world....

Before the estrangement of recent decades, the American and the Chinese people had a long history of friendship. We've already begun to rebuild some of those previous ties. Now our rapidly expanding relationship requires the kind of structure that only full diplomatic relations will make possible.

The change that I'm announcing tonight will be of great long-term benefit to the peoples of both our country and China— and, I believe, to all the peoples of the world. Normalization—and the expanded commercial and cultural relations that it will bring—will contribute to the well-being of our own Nation, to our own national interest, and it will also enhance the stability of Asia. These more positive relations with China can beneficially affect the world in which we live and the world in which our children will live.

We have already begun to inform our allies and other nations and the Members of the Congress of the details of our intended action. But I wish also tonight to convey a special message to the people of Taiwan—I have already communicated with the leaders in Taiwan with whom the American people have had and will have extensive, close, and friendly relations. This is important between our two peoples.
As the United States asserted in the Shanghai communique of 1972, issued on President Nixon's historic visit, we will continue to have an interest in the peaceful resolution of the Taiwan issue. I have paid special attention to ensuring that normalization of relations between our country and the People's Republic will not jeopardize the well-being of the people of Taiwan. The people of our country will maintain our current commercial, cultural, trade and other relations with Taiwan through nongovernmental means. Many other countries in the world are already successfully doing this....


U.S. Document 13
President Carter's Statement of December 15, 1978

Diplomatic Relations Between the United States and the People's Republic of China.
United States Statement
December 15, 1978

As of January 1, 1979, the United States of America recognizes the People's Republic of China as the sole legal government of China. On the same date, the People's Republic of China accords similar recognition to the United States of America. The United States thereby establishes diplomatic relations with the People's Republic of China.

On that same date, January 1, 1979, the United States of America will notify Taiwan that it is terminating diplomatic relations and that the Mutual Defense Treaty between the United States and the Republic of China is being terminated in accordance with the provisions of the Treaty. The United States also states that it will be withdrawing its remaining military personnel from Taiwan within four months.

In the future, the American people and the people of Taiwan will maintain commercial, cultural and other relations without official government representation and without diplomatic relations.
The Administration will seek adjustments to our laws and regulations to permit the maintenance of commercial, cultural, and other non-governmental relationships in the new circumstances that will exist after normalization.

The United States believes that the establishment of diplomatic relations with the People's Republic will contribute to the welfare of the American people, to the stability of Asia where the United States has a major security and economic interest, and to the peace of the entire world.


**U.S. Document 14**
**President Carter's Press Briefing, December 15, 1978**

... Q. Mr. President, you said the response to your speech would be "massive applause throughout the Nation." What do you think the response to your speech will be in Taiwan?

THE PRESIDENT. I doubt if there will be massive applause in Taiwan, but we are going to do everything we can do to assure the Taiwanese that we put at top—as one of the top priorities in our relationship with the People's Republic and them—that the well-being of the people of Taiwan will not be damaged.


**U.S. Document 15**
**President Carter's News Conference, January 17, 1979**

...One of our goals in the negotiation was to get a public commitment on the part of China that the differences with Taiwan would be resolved peacefully. This was not possible to achieve. The final outcome of that was that we would make a unilateral statement that we expect any differences between Taiwan and China to be resolved peacefully, and the agreement was that the leaders in China would not contradict that statement.... It's a matter internally for the Chinese to resolve, but I think Mr. Deng has made several statements saying that it ought to be resolved peacefully.
Let Taiwan Be Taiwan

We were also insistent upon the fact that the treaty between us and Taiwan would not be peremptorily or immediately canceled or abrogated. The treaty will be terminated in accordance with its own provisions, with a 1 year's notice to Taiwan. The Chinese did not agree with this originally, but they finally accepted that fact.

Another insistence that we had, which was finally agreed to, was that we would go ahead with normal trade, cultural relationships with Taiwan and also that existing treaties other than the defense treaty would continue in effect.

One point on which we did not agree with the Chinese was that we will, after this year, continue to sell defensive weapons to Taiwan to provide for their security needs. The Chinese leaders do not agree with this policy, but they understand that it is our policy and, knowing that, they went ahead with normalization.


U.S. Document 16
President Carter's Message to the Congress Transmitting Proposed Legislation on United States Relations with the People on Taiwan, January 26, 1979

To the Congress of the United States:

The United States of America has recognized the Government of the People's Republic of China as the sole legal government of China and is establishing diplomatic relations with that government. The Joint Communique issued by the United States and the People's Republic of China was the culmination of a long process begun by President Nixon and continued by President Ford and me.

I have also announced that, in the future, the American people will maintain commercial, cultural, and other relations with the people on Taiwan without official government representation and without diplomatic relations. In furtherance of that policy, and pending enactment of legislation on the subject, I have directed all departments and
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To authorize legally the permanent implementation of that policy, I am today transmitting to the Congress a bill "to promote the foreign policy of the United States through the maintenance of commercial, cultural and other relations with the people on Taiwan on an unofficial basis, and for other purposes."

This bill will confirm the continued eligibility of the people on Taiwan for participation in programs and activities that under United States law are to be carried out with foreign governments; provide for the carrying out of such programs and activities on an unofficial basis through the American Institute in Taiwan, a non-profit corporation, and the corresponding instrumentality being established by the people on Taiwan; and establish funding, staffing and administrative relationships of the Institute. It also contains other authorizations and provisions relating to the foregoing matters.

I am confident that the Congress shares my view that it is in the national interest that these unofficial relations between the American people and the people on Taiwan be maintained. It is highly desirable that this legislation be enacted as promptly as possible. I look forward to working with Congress on this important project.


U.S. Document 17
Statement by President Carter, January 26, 1979

I could not approve any legislation presented to me by Congress that would be contradictory or that which would violate the agreements that we have concluded with the Republic of China. I myself, am committed to a strong and prosperous and a free people on Taiwan. We intend to carry on our diplomatic relations with the People's Republic of China as the Government of China, but we'll have trade relationships, cultural relationships with the people on
Taiwan. And I believe that the legislation that has now been presented to the Congress is a good foundation for this.

But I don't see this as an opening for bloodshed or war. I think the statements made by the Chinese leaders since the announcement of intentions to establish diplomatic relations have been very constructive and have indicated a peaceful intent.


U.S. Document 18
President Carter's Question-and-Answer Session with Editors and News Directors, February 9, 1979

If a catastrophe should occur in China or any other country, and the existing government should be changed, then we'd have to reassess our relationship with them anew. But that's a constant responsibility that a President has. We have protected our ability to deal with the people of Taiwan in a continuing, constructive, supportive basis-trade, cultural affairs, and defense. There's nothing to prohibit a future President or a future Congress, if we feel that Taiwan is unnecessarily endangered, from interposing the American Pacific Fleet between the island and the Mainland. And there's certainly nothing to prevent a future President or Congress from even going to war, if they choose, to protect the people of Taiwan, or to protect any other people in the [world] that we look on with favor. So we will have complete flexibility to deal with that kind of conjectural possibility if we choose.


U.S. Document 19
President Carter on "Going to War" to Protect Taiwan, 1979

Q...My question is, would you go to war to protect Taiwan?

THE PRESIDENT. I have no intention of going to war. The relationship that we have with Taiwan is one based on mutual
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interest, and I wanted to point out that no future decision by myself or by my successor is prevented. But our country is one that believes in peace, and I have no anticipation that there will be any requirement for war in the Western Pacific...I think we pursued the goal of getting a maximum commitment possible from China about the peaceful resolution of their differences with Taiwan successfully. We did get the maximum, in my opinion, that was possible.... I could not accept any resolution or amendment to the legislation that would contradict the commitments that we have made to the Government of China, in which is predicated our new, normal relationships. And I think that any resolution or amendment that would go as far or further with the defense commitments to Taiwan would be unacceptable.


U.S. Document 20
President Carter on U.S: Taiwan Relations, February 27,1979

One of the major goals that I espoused when I was running for...[President] was eventually to have normal relations with the People's Republic of China and to deal fairly and simultaneously with the people of Taiwan. I think we've taken a major step in that direction, successfully.... And we've been very careful in establishing this new relationship with the people of Taiwan. I think we'll benefit in both ways.


U.S. Document 21
State Department Position on U.S: Taiwan Relations, 1979

The US-PRC Joint Communique of December 15, 1978 provides that "the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan." An essential element of these relations is the ability of the people on Taiwan and the United States and other countries to exercise high seas freedoms and navigational and other rights guaranteeing free and full access to and from
Taiwan for these and other purposes. A PRC blockade to isolate Taiwan and disrupt its trade would constitute an infringement of these freedoms and rights, to which the U.S. and others adversely affected could respond appropriately.

[Source: Taiwan Legislation Hearings, p. 17, cited in G. Hsiao pp. 862-863]

U.S. Document 22
Sen. Edward M. Kennedy on Taiwan's Security, 1979

The recent joint communique did nothing to clarify the United States' view of the legal status of the island, which the Shanghai Communique left artfully obscure. In the new communique the United States simply "acknowledges the Chinese position that ... Taiwan is part of China." This creative ambiguity in our legal position leaves open what actions we might take to assure the peaceful future of Taiwan...


U.S. Document 23
U.S. Senate Foreign Relations Committee Report on Taiwan Relations Legislation, 1979

The long United States-Taiwanese association would make it extremely difficult for the United States not to respond firmly to hostile activity directed against Taiwan. A United States failure to respond firmly would have grave consequences for America's international standing and would seriously weaken the confidence of America's other allies in the reliability of United States protection.

[Source: Taiwan Enabling Act, p. 13, cited in G. Hsiao, pp. 886-887]
U.S. Document 24  
Additional U.S. Senate Views, 1979

The Administration has stated that it recognizes the People's Republic of China (PRC) as the sole legal government of China. It has also acknowledged the Chinese position that Taiwan is a part of China, but the United States has not itself agreed to this position. The bill submitted by the Administration takes no position on the status of Taiwan under international law, but does regard Taiwan as a country for purposes of U.S. domestic law. The bill assumes that any benefits to be conferred on Taiwan by statute may be conferred without regard to Taiwan's international legal identity. The legal scholars consulted by the Committee agreed with this view. Most of these scholars thought it would be unwise to try to define Taiwan's international status. They said that the best approach would be to spell out the specific manner in which relations with Taiwan will be maintained by the United States. The proposed changes and amendments to S. 245 basically follow this approach.

[Source: Taiwan Enabling Act, p. 7, cited in G. Hsiao, p. 887]

U.S. Document 25  
House Committee on Foreign Affairs Report on  
Taiwan Relations Legislation, 1979

If, nonetheless, an armed attack or use of force against Taiwan were to occur, the legislation makes clear that there should be a prompt response by the United States. What would be appropriate action, including possible use of force in Taiwan's defense, would depend on the specific circumstances. The committee does not attempt to specify in advance what the particular circumstances or response might be; and in any event, U.S. action is to be according the Constitutional processes. In the committee's opinion, at the very least, the United States should seriously consider withdrawing recognition of the PRC.

U.S. Document 26
Goldwater v. Carter, 1979

It is undisputed that the Constitution gave the President full constitutional authority to recognize the PRC and to derecognize the ROC. What the United States has evolved for Taiwan is a novel and somewhat indefinite relationship, namely, of unofficial relations with the people of Taiwan. The subtleties involved in maintaining amorphous relationships are often the very stuff of diplomacy—a field in which the President, not Congress, has responsibility under our Constitution. The President makes a responsible claim that he has authority as Chief Executive to determine that there is no meaningful vitality to a mutual defense treaty when there is no recognized state [government] ... it remains an important ingredient in the case at bar that the President has determined that circumstances have changed to as to preclude continuation of the Mutual Defense Treaty with the ROC; diplomatic recognition of the ROC came to an end on January 1, 1979, and now there exists only "cultural, commercial and other unofficial relations" with the "people of Taiwan."

[Source: 617 F.2d at 707-708, cited in G. Hsiao, p. 884]

U.S. Document 27
The Taiwan Relations Act of 1979

PUBLIC LAW 96-8 APRIL 10, 1979
96TH CONGRESS
AN ACT

To help maintain peace, security, and stability in the Western Pacific and to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SHORT TITLE

SECTION 1. This Act may be cited as the "Taiwan Relations Act."

FINDINGS AND DECLARATION OF POLICY

SEC. 2 (a) The President having terminated governmental relations between the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, the Congress finds that the enactment of this Act is necessary—

(1) to help maintain peace, security, and stability in Western Pacific; and

(2) to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan.

(b) It is the policy of the United States—

(1) to preserve and promote extensive, close and friendly commercial, cultural and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area;

(2) to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;

(3) to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(4) to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;

(5) to provide Taiwan with arms of a defensive character, and
(6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(c) Nothing contained in this Act shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately eighteen million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.

IMPLEMENTATION OF UNITED STATES POLICY WITH REGARD TO TAIWAN

SEC. 3 (a) In furtherance of the policy set forth in section 2 of this Act, the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

(b) The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan's defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress.

(c) The President is directed to inform the Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.
APPLICATION OF LAWS; INTERNATIONAL AGREEMENTS

SEC. 4 (a) The absence of diplomatic relations or recognition shall not affect the application of the laws of the United States with respect to Taiwan prior to January 1, 1979.

(b) The application of subsection (a) of this section shall include, but shall not be limited to, the following:

(1) Whenever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.

(2) Whenever authorized by or pursuant to the laws of the United States to conduct or carry out programs, transactions, or other relations with respect to foreign countries, nations, states, governments, or similar entities, the President or any agency of the United States Government is authorized to conduct and carry out, in accordance with section 6 of this Act, such programs, transactions, and other relations with respect to Taiwan (including, but not limited to, the performance of services for the United States through contracts with commercial entities on Taiwan), in accordance with the applicable laws of the United States.

(3)(A) The absence of diplomatic relations and recognition with respect to Taiwan shall not abrogate, infringe, modify, deny, or otherwise affect in any way any rights or obligations (including but limited to those involving contracts, debts, or property interests of any kind) under the laws of the United States heretofore or hereafter acquired by or with respect to Taiwan.

(B) For all purposes under the laws of the United States, including actions in any court in the United States, recognition of the People's Republic of China shall not affect in any way the ownership of or other rights or interests in properties, tangible and intangible, and other things of value, owned or held on or prior to December 31, 1978, or thereafter acquired or earned by the government authorities on Taiwan.
Let Taiwan Be Taiwan

(4) Whenever the application of the laws of the United States depends upon a law that is or was applicable on Taiwan or compliance therewith, the law applied by the people on Taiwan shall be considered the applicable law for that purpose.

(5) Nothing in this Act, nor the facts of the President's action in extending diplomatic recognition to the People's Republic of China, the absence of diplomatic relations between the people on Taiwan and the United States, or the lack of recognition by the United States, and attendant circumstances thereto, shall be construed in any administrative or judicial proceeding as a basis for any United States Government agency, commission, or department to make a finding of fact or determination of law, under the Atomic Energy Act of 1954 and the Nuclear Non-Proliferation Act of 1978, to deny an export license application or to revoke an existing export license for nuclear exports to Taiwan.

(6) For purposes of the Immigration and Nationality Act, Taiwan may be treated in the manner specified in the first sentence of section 202(b) of that Act.

(7) The capacity of Taiwan to sue and to be sued in courts in the United States, in accordance with the laws of the United States, shall not be abrogated, infringed, modified, denied, or otherwise affected in any way by the absence of diplomatic relations or recognition.

(8) No requirement, whether expressed or implied, under the laws of the United States with respect to maintenance of diplomatic relations or recognition shall be applicable with respect to Taiwan.

(c) For all purposes, including actions in any court in the United States, the Congress approves the continuation in force of all treaties and other international agreements, including multilateral conventions, entered into by the United States and the government authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and in force between then on December 31, 1978, unless and until termination in accordance with law.
(d) Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 5 (A) During the three-year period beginning on the date of enactment of this Act, the $1,000 per capita income restriction in clause (2) of the second undersigned paragraph of section 231 of the Foreign Assistance Act of 1961 shall not restrict the activities of the Overseas Private Investment Corporation in determining whether to provide any insurance, reinsurance, loans, or guarantees with respect to investment projects on Taiwan.

(b) Except as provided in subsection (a) of this section, in issuing insurance, reinsurance, loans, or guarantees with respect to investment projects on Taiwan, the Overseas Private Insurance Corporation shall apply the same criteria as those applicable in other parts of the world.

THE AMERICAN INSTITUTE OF TAIWAN [sic]

SEC. 6 (a) Programs, transactions and other relations conducted or carried out by the President or any agency of the United States Government with respect to Taiwan shall, in manner and to the extent directed by the President, be conducted and carried out by or through—

(1) The American Institute in Taiwan, a nonprofit corporation incorporated under the laws of the District of Columbia, or

(2) such comparable successor nongovernmental entity as the President may designate, (hereafter in this Act referred to as the "Institute").

(b) Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to enter into, perform, enforce, or
have in force an agreement or transaction relative to Taiwan, such agreement or transaction shall be entered into, performed, and enforced, in the manner and to the extent directed by the President, by or through the Institute.

(c) To the extent that any law, rule, regulation, or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Institute is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Institute pursuant to this Act, such law, rule, regulation, or ordinance shall be deemed to be preempted by this Act.

SERVICES BY THE INSTITUTE TO UNITED STATES CITIZENS ON TAIWAN

SEC. 7. (a) The Institute may authorize any of its employees on Taiwan

(1) to administer or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States;

(2) To act as provisional conservator of the personal estates of deceased United States citizens; and

(3) to assist and protect the interest of United States persons by performing other acts such as are authorized to be performed outside the United States for consular purposes by such laws of the United States as the President may specify.

(b) Acts performed by authorized employees of the Institute under this section shall be valid, and of like force and effect within the United States, as if performed by any other person authorized under the laws of the United States to perform such acts.
TAX EXEMPT STATUS OF THE INSTITUTE

SEC. 8 (a) The Institute, its property, and its income are exempt from all taxation now or hereafter imposed by the United States (except to the extent that section 11(a)(3) of this Act requires the imposition of taxes imposed under chapter 21 of the Internal Revenue Code of 1954, relating to the Federal Insurance Contributions Act) or by any State or local taxing authority of the United States.

(b) For purposes of the Internal Revenue code of 1954, the Institute shall be treated as an organization described in sections 170(b)(1)(A), 170(c), 2055(a), 2106(a)(2)(A), 2522(a) and 2522(b).

FURNISHING PROPERTY AND SERVICES TO AND OBTAINING SERVICES FROM THE INSTITUTE

SEC. 9 (a) Any agency of the United States Government is authorized to sell, loan, or lease property (including interests therein) to, and to perform administrative and technical support functions and services for the operations of, the Institute upon such terms and conditions as the President may direct. Reimbursements to agencies under this subsection shall be credited to the current applicable appropriation of the agency concerned.

(b) Any agency of the United States Government is authorized to acquire and accept services from the Institute upon such terms and conditions as the President may direct. Whenever the President determines it to be in furtherance of the purposes of this Act, the procurement of services by such agencies from the Institute may be effected without regard to such laws of the United States normally applicable to the acquisition of services by such agencies as the President may specify by Executive order.

(c) Any agency of the United States Government making funds available to the Institute in accordance with this act shall make arrangements with the Institute for the Comptroller General of the United States to have access to the
books and records of the Institute and the opportunity to audit the operations of the Institute.

TAIWAN INSTRUMENTALITY

SEC. 10 (a) Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to render or provide to or receive or accept from Taiwan, any performance, communication, assurance, undertaking, or other action, such action shall, in the manner and to the extent directed by the President, be rendered or provided to, or received or accepted from, an instrumentality established by Taiwan which the President determines has the necessary authority under the laws applicable by the people in Taiwan to provide assurances and take other actions on behalf of Taiwan in accordance with this Act.

(b) The President is requested to extend to the instrumentality established by Taiwan the same number of offices and complement of personnel as were previously operated in the United States by the governing authorities on Taiwan recognized as the Republic of China prior to January 1, 1979.

(c) Upon the granting by Taiwan of comparable privileges and immunities with respect to the Institute and its appropriate personnel, the President is authorized to extend with respect to the Taiwan instrumentality and its appropriate personnel, such privileges and immunities (subject to appropriate conditions and obligations) as may be necessary for the effective performance of their functions.

SEPARATION OF GOVERNMENT PERSONNEL FOR EMPLOYMENT WITH THE INSTITUTE

SEC. 11 (a)(1) Under such terms and conditions as the President may direct, any agency of the United States Government may separate from Government service for a
specified period any officer or employee of that agency who accepts employment with the Institute.

(2) An officer or employee separated by an agency under paragraph (1) of this subsection for employment with the Institute shall be entitled upon termination of such employment to reemployment or reinstatement with such agency (or a successor agency) in an appropriate position with the attendant rights, privileges, and benefits which the officer or employee would have had or acquired had he or she not been so separated, subject to such time period and other conditions as the President may prescribe.

(3) An officer or employee entitled to reemployment or reinstatement rights under paragraph (2) of this subsection shall, while continuously employed by the Institute with no break in continuity of service, continue to participate in any benefit program in which such officer or employee was participating prior to employment by the Institute, including programs for annual, sick, and other statutory leave; and programs for retirement under any system established by the laws of the United States; except that employment with the Institute shall be the basis for participation in such programs only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the program's or system's fund or depository. Death or retirement of any officer or employee during approved service with the Institute and prior to reemployment or reinstatement shall be considered a death in or retirement from Government service for purposes of any employee or survivor benefits acquired by reason of service with an agency of the United States Government.

(4)(a) Any officer or employee of an agency of the United States Government who entered into service with the Institute on approved leave of absence without pay prior to the enactment of this Act shall receive the benefits of this section for the period of such service.
(b) Any agency of the United States Government employing alien personnel on Taiwan may transfer such personnel, with accrued allowances, benefits, and rights, to the Institute without a break in service for purposes of retirement and other benefits, including continued participation in any system established by the laws of the United States for the retirement of employees in which the alien was participating prior to the transfer to the Institute, except that employment with the Institute shall be creditable for retirement purposes only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the system's fund or depository.

(c) Employees of the Institute shall not be employees of the United States and, in representing the Institute, shall be exempted from section 207 of title 18, United States Code.

(d)(1) For purposes of sections 911 and 913 of the Internal Revenue Code of 1954, amounts paid by the Institute to its employees shall not be treated as earned income. Amounts received by employees of the Institute shall not be included in gross income, and shall be exempt from taxation, to the extent that they are equivalent to amounts received by civilian officers and employees of the Government of the United States as allowances and benefits which are exempt from taxation under section 912 of such Code.

(2) Except to the extent required by subsection (a)(3) of this section, service performed in the employ of the Institute shall not constitute employment for purposes of chapter 21 of such Code and title II of the Social Security Act.

REPORTING REQUIREMENT

SEC. 12 (a) The Secretary of State shall transmit to the Congress the text of any agreement to which the Institute is a party. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to
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the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President.

(b) for purposes of subsection (a), the term "agreement" includes—

(1) any agreement entered into between the Institute and the governing authorities on Taiwan or the instrumentality established by Taiwan; and

(2) any agreement entered into between the Institute and an agency of the United States Government.

(c) Agreements and transactions made or to be made by or through the Institute shall be subject to the same congressional notification, review, and approval requirements and procedures as if such agreements and transactions were made by or through the agency of the United States Government on behalf of which the Institute is acting.

(d) During the two year period beginning on the effective date of this Act, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, every six months, a report describing and reviewing economic relations between the United States and Taiwan, noting any interference with normal commercial relations.

RULES AND REGULATIONS

SEC. 13. The President is authorized to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of this Act. During the three-year period beginning on the effective date of this Act, such rules and regulations shall be transmitted promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate. Such action shall not, however, relieve the Institute of the responsibilities placed upon it by this Act.
CONGRESSIONAL OVERSIGHT

SEC. 14 (a) The Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and other appropriate committees of the Congress shall monitor

(1) the implementation of the provisions of this Act;

(2) the operation and procedures of the Institute;

(3) the legal and technical aspects of the continuing relationship between the United States and Taiwan; and

(4) the implementation of the policies of the United States concerning security and cooperation in East Asia.

(b) Such committees shall report, as appropriate, to their respective Houses on the results of their monitoring.

DEFINITIONS

SEC. 15. For the purposes of this Act—

(1) the term "laws of the United States" includes any statute, regulation, ordinance, order, or judicial rule of decision of the United States or any political subdivision thereof; and

(2) the term "Taiwan" includes, as the context may require, the islands of Taiwan and the Pescadores, the people on those islands, corporations and other entities and associations created or organized under the laws applied on those islands, and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and any successor governing authorities (including political subdivision, agencies, and instrumentalities thereof).
AUTHORIZATION OF APPROPRIATIONS

SEC. 16. In addition to funds otherwise available to carry out the provisions of this Act, there are authorized to be appropriated to the Secretary of State for the fiscal year 1980 such funds as may be necessary to carry out such provisions. Such funds are authorized to remain available until expended.

SEVERABILITY OF PROVISIONS

SEC. 17. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE

SEC. 18. This Act shall be effective as of January 1, 1979.

[Source: 22 U.S.C. Sections 3301-33161]

U.S. Document 28
AIT-CCNAA Privileges, Exemptions, and Immunities Agreement, 1980

AGREEMENT ON PRIVILEGES, EXEMPTIONS AND IMMUNITIES BETWEEN THE AMERICAN INSTITUTE FOR TAIWAN AND THE COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS

Whereas the American Institute in Taiwan (AIT) has been incorporated in the District of Columbia as a private, non-governmental entity whose employees are private citizens, whereas the Coordination Council for North American Affairs (CCNAA) has been established in Taipei as an organization outside the governmental structure whose employees are nonactive duty personnel, AIT an CCNAA (hereafter referred to as "the counterpart organizations") have reached the following agreement:
ARTICLE 1

The CCNAA may establish an office in the metropolitan area of the District of Columbia and branch offices in eight cities within the United States and such other additional localities as may be agreed upon between the counterpart organizations. The Institute may establish an office in Taipei and a branch office in Kaohsiung. The Institute may operate a Chinese language school in Taipei, a trade center in Taipei and cultural centers in Taipei and Kaohsiung, each of which offices shall be considered an integral part of the Institute.

ARTICLE 2

(a) Each counterpart organization shall undertake to ensure that the other counterpart organization and its personnel will receive all privileges, exemptions and immunities as set forth herein and to take all possible measures, as appropriate, to secure adequate protection of the other counterpart organization's premises and personnel, so as to facilitate proper execution of that organization's functions.

ARTICLE 4

(a) The sending counterpart organization shall be free to communicate for all purposes related to the performance of its functions and shall enjoy inviolability for all correspondence related to its functions.

(b) The bag carrying the correspondence referred to in the preceding paragraph and other articles related to the performance of the counterpart organization's functions shall neither be opened nor detained.

ARTICLE 5

... (c) The property and assets of the sending counterpart organization, and any successor organization thereto, wherever located and by whomsoever held, shall be immune from forced entry, search, attachment, execution, requisition, expropriation or any other form of seizure or confiscation, unless such immunity be expressly waived. The archives and documents of the sending counterpart organization shall be inviolable at all times and wherever they may be.
(e) Designated employees of each sending counterpart organization shall be immune from suit and legal processes relating to acts performed by them within the scope of their authorized functions, unless such immunity be specifically waived by the sending counterpart organization.

(h) A sending counterpart organization and its designated employees and their families, except nationals or permanent residents of the jurisdiction in which the receiving counterpart organization is located, shall be entitled, insofar as custom duties, customs clearance, and internal revenue taxes imposed by reason of importation of baggage and effects, as well as laws regulating entry into and departure from the jurisdiction in which the receiving counterpart organization is located, alien registration and fingerprinting, and registration of foreign agents are concerned, to the privileges, exemptions and immunities equivalent to those accorded under similar circumstances in the United States to public international organizations, their officers and employees as well as members of their families.

(i) With respect to the treatment of authorized communications and imposition of taxes for authorized communications, a sending counterpart organization shall be entitled to privileges, exemptions and immunities equivalent to those accorded a public international organization in the United States.

ARTICLE 6

(a) Each counterpart organization shall possess the capacity:

(i) to contact;

(ii) to acquire and dispose of real and personal property; and

(iii) to institute legal proceedings.

(b) In order that it may effectively perform its functions, each sending counterpart organization shall enjoy in the territory in which the receiving counterpart organization is located, immunity from suit and legal processes equivalent to
those enjoyed by public international organizations in the United States.

ARTICLE 7

This agreement may be modified at any time by mutual consent.

ARTICLE 8

This agreement is effective on the date of signature and will remain in effect indefinitely. It may, however, be terminated by either party upon one year's prior written notice to the other party or, otherwise, by mutual agreement.

IN WITNESS WHEREOF the undersigned duly authorized for this purpose, have signed this agreement.

DONE at Washington, DC, on this 2nd day of October 1980.

For the American Institute for the Coordination Council in Taiwan: **David Dean**

For North American Affairs: **Konsin C. Shah**

[Source: American Institute in Taiwan, Arlington, Virginia]

**U.S. Document 29**

**1980 Republican Platform Statement on Taiwan**

...Recognizing the growing importance of the People's Republic of China in world affairs, Republicans—who took the historic initiative in opening the lines of communication with that nation—will continue the process of building a working relationship with the PRC....

At the same time, we deplore the Carter Administration's treatment of Taiwan, our long-time ally and friend. We pledge that our concern for the safety and security of the 17 million people of Taiwan will be constant. We would regard any attempt to alter Taiwan's status by force as a threat to peace in the region. We declare that the Republican Administration, in strengthening relations with Taiwan, will create conditions leading to the expansion of trade, and will give priority consideration to Taiwan's defense requirements.

[Source: Republican National Committee, Washington, DC]
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U.S. Document 30
Candidate Ronald Reagan's Statement on Taiwan,
August 25, 1980 [Excerpts]

... It is quite clear that we [and China] do not see eye to eye on Taiwan. Thus, this is an appropriate time for me to state our position on this subject.

I’m sure that the Chinese leaders would place no value on our relations with them if they thought we would break commitments to them if a stronger power were to demand it.... America can provide leadership and command respect only if it keeps its commitments to its friends, large and small....

I pledge to work for peace, stability and the economic growth of the Western Pacific area in cooperation with Japan, the People's Republic of China, the Republic of Korea and Taiwan....

I intend that United States relations with Taiwan will develop in accordance with the law of our land, the Taiwan Relations Act. This legislation is the product of our democratic process, and is designed to remedy the defects of the totally inadequate legislation proposed by Jimmy Carter....

I felt that a condition of normalization-by itself a sound policy choice-should have been the retention of a liaison office on Taiwan of equivalent status to the one which we had earlier established in Beijing. With a persistent and principled negotiating position, I believe that normalization could ultimately have been achieved on this basis. But that is behind us now. My present concern is to safeguard the interests of the United States and to enforce the law of the land.

It was the timely action of the Congress, reflecting the strong support of the American people for Taiwan, that forced the changes in the inadequate bill which Mr. Carter proposed. Clearly, the Congress was unwilling to buy the Carter plan, which it believed would have jeopardized Taiwan's security.

This Act, designed by the Congress to provide adequate safeguards for Taiwan's security and well being, also provides the official basis for our relations with our long-time friend and ally....
This Act further spells out, in great detail, how the President of the United States, our highest elected official, shall conduct relations with Taiwan, leaving to his discretion the specific methods of achieving policy objectives....

The intent of the Congress is crystal clear. Our official relations with Taiwan will be funded by Congress with public monies, the expenditure of which will be performed by two standing Committees of the Congress.

You might ask what I would do differently. I would not pretend, as Carter does, that the relationship we now have with Taiwan, enacted by our Congress, is not official.

I am satisfied that this Act provides an official and adequate basis for safeguarding our relationship with Taiwan, and I pledge to enforce it. But I will eliminate petty practices of the Carter Administration which are inappropriate and demeaning to our Chinese friends on Taiwan. For example, it is absurd and not required by the Act that our representatives are not permitted to meet with Taiwanese officials in their offices and ours. I will treat all Chinese officials with fairness and dignity.

I would not impose restrictions which are not required by the Taiwan Relations Act and which contravene its spirit and purpose. Here are other examples of how Carter has gone out of his way to humiliate our friends on Taiwan:

- Taiwanese officials are ignored at senior levels of the U.S. Government.

- The Taiwan Relations Act specifically requires that the Taiwanese be permitted to keep the same number of offices in this country as they had before. Previously, Taiwan had 14 such offices. Today there are but nine.

- Taiwanese military officers are no longer permitted to train in the United States or to attend service academies.

- Recently the Carter Administration attempted to ban all imports from Taiwan labelled "made in the Republic of China," but was forced to rescind the order after opposition began to mount in Congress.
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- The Carter Administration unilaterally imposed a one-year moratorium on arms supplies even though the Act specifies that Taiwan shall be provided with arms of a defensive character.

- The Carter Administration abrogated the Civil Aviation Agreement with Taiwan, which had been in effect since 1947, in response to demands from the People's Republic of China.

I recognize that the People's Republic of China is not pleased with the Taiwan Relations Act which the United States Congress insisted on as the official basis for our relations with Taiwan... But it is the law of our land....


U.S. Document 31
President Reagan's Letter to CCP Chairman
Hu Yao-bang, May 3, 1982

Dear Mr. Chairman: The visit of Vice President Bush to China affords a welcome opportunity to convey my regards to you.

As sovereign nations, our two countries share a common responsibility to promote world peace. We face a grave challenge from the Soviet Union which directly threatens our peoples and complicates the resolution of problems throughout the globe. It is vital that our relations advance and our cooperation be strengthened....

Among the issues the Vice President will address is the question of United States arms sales to Taiwan. This remains an area of residual disagreement, as our governments acknowledged at the time of U.S.-China normalization. I believe, so long as we exercise the statesmanship and vision which have characterized our approach to differences over the past decade, we will be able to make progress toward the removal of this issue as a point of bilateral contention.

In the meantime, as stated in my recent letters to Vice Chairman Deng and Premier Zhao, the United States will continue to adhere firmly to the positions agreed upon in the
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joint communique on the establishment of diplomatic relations between the United States and the People's Republic of China. Our policy will continue to be based on the principle that there is but one China. We will not permit the unofficial relations between the American people and the Chinese people on Taiwan to weaken our commitment to this principle.

On this basis, and with good faith on both sides, we are confident that a means can be found to resolve current differences and deepen our bilateral and strategic cooperation. It is my hope that you and I will have an opportunity to meet soon. Please accept my best wishes in your efforts to build a secure and modernizing China.

Sincerely,

RONALD REAGAN


U.S. Document 32
Second Shanghai Communiqué, 1982

U.S-CHINA JOINT COMMUNIQUE

AUGUST 17, 1982

1. In the Joint Communiqué on the Establishment of Diplomatic Relations on January 1, 1979, issued by the Government of the United States of America and the Government of the People's Republic of China, the United States of America recognized the Government of the People's Republic of China as the sole legal government of China, and it acknowledged the Chinese position that there is but one China and Taiwan is part of China. Within that context, the two sides agreed that the people of the United States would continue to maintain cultural, commercial and other unofficial relations with the people of Taiwan. On this basis, relations between the United States and China were normalized.
2. The question of United States arms sales to Taiwan was not settled in the course of negotiations between the two countries on establishing diplomatic relations. The two sides held differing positions, and the Chinese side stated that it would raise the issue again following normalization. Recognizing that this issue would seriously hamper the development of the United States-China relations, they have held further discussions on it, during and since the meetings between President Ronald Reagan and Premier Zhao Ziyang and between Secretary of State Alexander M. Haig, Jr., and Vice Premier and Foreign Minister Huang Hua in October 1981.

3. Respect for each other's sovereignty and territorial integrity and non-interference in each other's internal affairs constitute the fundamental principles guiding United States-China relations. These principles were confirmed in the Shanghai Communique of February 28, 1972 and reaffirmed in the Joint Communique on the Establishment of Diplomatic Relations which came into effect on January 1, 1979. Both sides emphatically state that these principles continue to govern all aspects of their relations.

4. The Chinese Government reiterates that the question of Taiwan is China's internal affair. The Message to Compatriots in Taiwan issued by China on January 1, 1979 promulgated a fundamental policy of striving for peaceful reunification of the Motherland. The Nine-Point Proposal put forward by China on September 30, 1981 represented a further major effort under this fundamental policy to strive for a peaceful solution to the Taiwan question.

5. The United States Government attaches great importance to its relations with China, and reiterates that it has no intention of infringing on Chinese sovereignty and territorial integrity, or interfering in China's internal affairs, or pursuing a policy of "two Chinas" or "one China, one Taiwan." The United States Government understands and appreciates the Chinese policy of striving for a peaceful resolution of the Taiwan question as indicated in China's Message to Compatriots in Taiwan issued on January 1, 1979 and the Nine-Point proposal put forward by China on September 30, 1981.
The new situation which has emerged with regard to the Taiwan question also provides favorable conditions for the settlement of United States-China differences on the question of United States arms sales to Taiwan.

6. Having in mind the foregoing statements of both sides, the United States Government states that it does not seek to carry out a long-term policy of arms sales to Taiwan, that its arms sales to Taiwan will not exceed, either in qualitative or in quantitative terms, the level of those supplied in recent years since the establishment of diplomatic relations between the United States and China, and that it intends to reduce gradually its sale of arms to Taiwan, leading over a period of time to a final resolution. In so stating, the United States acknowledges China's consistent position regarding the thorough settlement of this issue.

7. In order to bring about, over a period of time, a final settlement of the question of United States arms sales to Taiwan, which is an issue rooted in history, the two governments will make every effort to adopt measures and create conditions conducive to the thorough settlement of this issue.

8. The development of United States-China relations is not only in the interests of the two people but also conducive to peace and stability in the world. The two sides are determined, on the principle of equality and mutual benefit, to strengthen their ties in the economic, cultural, education, scientific, technological, and other fields and make strong, joint efforts for the continued development of relations between the governments and peoples of the United States and China.

9. In order to bring about the healthy development of United States-China relations, maintain world peace, and oppose aggression and expansion, the two governments reaffirm the principles agreed on by the two sides in the Shanghai Communiqué and the Joint Communiqué on the Establishment of Diplomatic Relations. The two sides will maintain contact and
hold the appropriate consultations on bilateral and international issues of common interest.


**U.S. Document 33**

**Statement by President Reagan, August 17, 1982**

The U.S.-China Joint Communique issued today embodies a mutually satisfactory means of dealing with the historical question of U.S. arms sales to Taiwan. This document preserves principles on both sides, and will promote the further development of friendly relations between the governments and peoples of the United States and China. It will also contribute to the further reduction of tensions and the lasting peace in the Asia/Pacific region.

Building a strong and lasting relationship with China has been an important foreign policy goal of four consecutive American administrations. Such a relationship is vital to our long-term national security interests and contributes to stability in East Asia. It is in the national interest of the United States that this important strategic relationship be advanced. This communique will make that possible consistent with our obligations to the people of Taiwan.

In working toward this successful outcome we have paid particular attention to the needs and interest of the people of Taiwan. My longstanding personal friendship and deep concern for their well-being is steadfast and unchanged. I am committed to maintaining the full range of contacts between the people of the United States and the people of Taiwan—cultural, commercial, and people-to-people contacts—which are compatible with our unofficial relationship. Such contacts will continue to grow and prosper, and will be conducted with the dignity and honor befitting old friends.

Regarding future U.S. arms sales to Taiwan, our policy, set forth clearly in the communique, is fully consistent with the Taiwan Relations Act. Arms sales will continue in accordance with the Act and with the full expectation that the approach
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of the Chinese Government to the resolution of the Taiwan issue will continue to be peaceful. We attach great significance to the Chinese statement in the communique regarding China's "fundamental" policy; and it is clear from our statements that our future actions will be conducted with this peaceful policy fully in mind. The position of the United States Government has always been clear and consistent in this regard. The Taiwan question is a matter for the Chinese people, on both sides of the Taiwan Strait, to resolve. We will not interfere in this matter or prejudice the free choice of, or put pressure on, the people of Taiwan in this matter. At the same time, we have an abiding interest and concern that any resolution be peaceful. I shall never waver from this fundamental position.

I am proud, as an American, at the great progress that has been made by the people on Taiwan, over the past three decades, and of the American contribution to that process. I have full faith in the continuation of that process. My administration, acting through appropriate channels, will continue strongly to foster that development and to contribute to a strong and healthy investment climate, thereby enhancing the well-being of the people of Taiwan.


U.S. Document 34
Statement by Assistant Secretary Holdridge to the House Committee on Foreign Affairs, August 18, 1989

While the Chinese were willing to state their peaceful policy in strong terms, they at first resisted any relationship between that policy and our arms sales to Taiwan. The Chinese resisted their relationship because of their view that the sale of arms to Taiwan constitutes an interference in China's internal affairs. We rejected any language to this effect in the communique.

We also stressed that as a matter of fact and law, any adjustments in our arms sales to Taiwan had to be premised on a continuation of China's peaceful policy. We therefore maintained, and the Chinese ultimately agreed, that the
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statement of our policy in paragraph 6 be prefaced by a phrase that related it to the continuation of China's peaceful approach. This is the genesis and purpose of the phrase "Having in mind the foregoing statement of both sides" which precedes our statements in that paragraph. Thus our policy is predicated on China's commitment in paragraph 4 to a peaceful approach and our acknowledgement of that approach in paragraph 5.

Let me summarize the essence of our understanding on this point: China has announced a fundamental policy of pursuing peaceful means to resolve the longstanding dispute between Taiwan and the mainland. Having in mind this policy and the consequent reduction in the military threat to Taiwan, we have stated our intention to reduce arms sales to Taiwan gradually and said that in quantity and quality we would not go beyond levels established since normalization. This follows from a literal reading of the communique. While we have no reason to believe that China's policy will change, an inescapable corollary to these mutually interdependent policies is that should that happen, we will reassess ours. Our guiding principle is now and will continue to be that embodied in the Taiwan Relations Act; the maintenance of a peaceful approach to the Taiwan question will permit gradual reductions in arms sales.

We should keep in mind that what we have here is not a treaty or agreement but a statement of future U.S. policy. As to our position on the resolution of the Taiwan problem, we have consistently held that it is a matter to be worked out by the Chinese themselves. Our sole and abiding concern is that any resolution be peaceful. It follows that we see no mediation role for the United States nor will we attempt to exert pressure on Taiwan to enter into negotiations with the People's Republic of China.

I would also call your attention to the fact that there has been no change in our longstanding position on the issue of sovereignty over Taiwan. The communique (paragraph 1) in its opening paragraph simply cites that portion of the joint communique on the establishment of diplomatic relations.
between the United States and the PRC in which the United States "acknowledged the Chinese position on this issue" (i.e., that there is but one China and Taiwan is a part of China).

It has been reported in the press that the Chinese at one point suggested that the Taiwan Relations Act be revised. We have no plans to seek any such revision.

Finally, in paragraph 9 the two sides agree to "maintain contact and hold appropriate consultations on bilateral and international issues of common interest." This should be read within the context of paragraphs 8 and 9, which deal with the two sides' desire to advance their bilateral and strategic relations. It should not be read to imply that we have agreed to engage in prior consultations with Beijing on arms sales to Taiwan....

[Source: China-Taiwan: United States Policy, Hearings Before the House Committee on Foreign Affairs, 97th Congress, Second Session, August 18, 1982, pp.12 et seq.]

U.S. Document 35
Statements by Members of the Senate Committee on Foreign Relations and by Assistant Secretary Holdridge, August 17, 1982

...SENATOR PELL...[Alt first blush the joint China-United States communique seems fair. However, on further examination I find myself very concerned with the interests of the native Taiwanese, some 16 million people out of a total Taiwan population of 18 million, or pretty close to 90 percent of the people. Too often our discussions of China-Taiwan policy assume that the hopes, dreams, and aspirations of the native Taiwanese are shared by the mainland Chinese authorities in power on both sides of the Taiwan strait. In fact, nothing could be further from the truth.

The evidence of this is the martial law that has remained, in effect, in Taiwan for over 30 years. The results of these are apparent when you talk to native Taiwanese without chaperones or advisers around. And I think we should bear in mind the old idea of self-determination. We fought World
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War I with that as one of our goals. We have forgotten it in many places since.

I believe that given a free choice, the Taiwanese would opt for a separate identity—a free and independent Taiwan. Unfortunately, I conclude after having read the communique and examining it more carefully and noting the inherent contradiction between "peaceful reunification," mainland China's position, and "peaceful resolution," our hope, that it could make it more difficult, if not eliminate the possibility altogether, for the people on Taiwan to choose a free, independent democratic government. And when I say independent I mean independent of mainland China.

I hope I am wrong but if not, I believe we cannot stand by and condone PRC pressures on Taiwan to bend to its desires. This must be a choice freely made not by the Government of Taiwan governing by martial law, but by the people of Taiwan.

Thank you.

...SENATOR GLENN ... As I indicated a few weeks ago, obviously we must be prudent and cautious in our arms transfer decisions. Gratuitous sales protect no one. But when we appear to bend to Chinese pressures on each and every sale we make to Taiwan, it is inevitable that Taipei begins seriously to doubt whether we will live up to our solemn responsibilities.

A State Department spokesman has urged me not to worry and indicated that "our relations with China are predicated on our expectation that the Taiwan issue will be resolved peacefully by the Chinese people themselves." In fact, they are so confident the issue can be resolved peacefully, they state that it is in this context that we have been and will continue to judge Taiwan's defense needs.

Unfortunately, I am not quite so sanguine. If Taiwan decides it wants to reunify with the mainland, everything will work out fine. But if the present or future leaderships decide reunification is not in the island's interest? What then?
Warren Christopher told the Foreign Relations Committee during the TRA debate that:

It is our position that if there is to be a reunification, it is of great importance that it be peaceful and not be destabilizing in the area. But we do not have a position of encouraging the people on Taiwan to do something against their will.

That was an excellent policy then; it is one I fully endorse today. However, if maintaining Taiwan's free choice means supplying needed and selected defensive arms to the island to maintain the balance we have tried to maintain, even over Peking's objections and in the face of threats to downgrade United States-PRC relations, then so be it.

Mr. Chairman, I would harken back to President Reagan's statement when he was a candidate. On August 25, 1980, he stated: "We should not impose restrictions which are not required by the Taiwan Relations Act and which contravene its spirit and purpose." He went on to comment by a use of examples of the Carter administration where they refused to open consulates on behalf of Taiwan; yet just last month we postponed a Boston consulate opening. He said the Carter Administration had a 1-year moratorium on arms sales. Yet, we have not sold arms in this administration either.

He talked about the difficulty the Carter administration had caused by refusing to train Taiwan military officers here. We are not now doing that. He went on to state:

... As President, I will not accept the interference of any foreign power in the process of protecting American interests and carrying out the laws of our land. To do otherwise would be a dereliction of my duties as President....
Let Taiwan Be Taiwan

STATEMENT OF HON. JOHN H. HOLDRIDGE,
ASSISTANT SECRETARY, BUREAU OF EAST ASIAN
AND PACIFIC AFFAIRS, DEPARTMENT OF STATE,
ACCOMPANIED BY WILLIAM F. ROPE, DIRECTOR OF
THE OFFICE OF CHINESE AFFAIRS; AND
AND DONALD C. FERGUSON, TAIWAN COORDINATION
ADVISOR, BUREAU OF EAST ASIAN AND PACIFIC
AFFAIRS.

...Let me turn to this morning’s communique. It reaffirms the fundamental principles which have guided United States-Chinese relations since the inception of the normalization process over 10 years ago. This reaffirmation is significant. It illustrates the strength and durability of these principles. On this foundation the United States established relations with China which have been economically beneficial to us and which have greatly enhanced our vital strategic interests.

At the same time, we have maintained and strengthened our commercial and cultural relations with the people of Taiwan. We have achieved these important goals without impairing the security of the people of Taiwan, and indeed, because of these improved relations between China and the United States, Taiwan has never been more secure.

The communique also addresses an issue which was not resolved at the time of normalization of relations, the question of U.S. arms sales to Taiwan. During the discussions leading to normalization of relations, China demanded that arms sales be terminated. We refused. China agreed to proceed with normalization despite this disagreement but reserved the right to raise this issue again.

I can say here, Mr. Chairman and members of the committee, I believe it is well known that the normalization negotiations almost foundered on this whole question of continued U.S. arms sales to Taiwan, and it was only at the last minute by, I would say, a very statesmanlike decision on the part of the leadership of the People's Republic of China that the decision was made to go ahead, but it really was touch and go.
When China agreed to proceed with normalization despite disagreement on arms sales to Taiwan, it reserved the right to raise the issue again. When it did so last year, we agreed to engage in discussions to determine whether an understanding could be reached. The alternative to our agreeing to hold such discussions would clearly have been the beginning of a process of deterioration in our relations, deterioration that could have led us back toward hostility. Since the issue itself was volatile and basic, we would have been irresponsible had we allowed such a process to start.

To address Senator Pressler's question, our foreign policy objective was to preserve a valuable relationship which otherwise might well have and probably would have undergone serious and possibly fatal deterioration. We undertook these discussions, therefore, with the hope that a formula could be found which would permit the continued growth of our relations with China, but also with the firm resolve that there were principles regarding the security of Taiwan which could not be compromised.

Those principles embodied in the Taiwan Relations Act commit the United States to sell to Taiwan arms necessary to maintain a sufficient self-defense capability. Aware of our consistent and firm opposition to the use of force against Taiwan, the Chinese during these discussions, and I mean the most recent ones, agreed to state in very strong terms their policy of pursuing a peaceful resolution of the Taiwan issue, and eventually came to describe this policy as "fundamental."

The Chinese insisted, however, that we agree to the ultimate termination of arms sales. We refused because the level of our arms sales must be determined by the needs of Taiwan, and we could not agree to a termination date as the Chinese demanded which might impair our ability to meet those needs. At the same time, we recognized that China's peaceful policy bore directly on the defense needs of Taiwan. So long as the policy continued, the threat to Taiwan would be diminished.
As I have noted, assurances of such continuity were provided when the Chinese began to describe their peaceful policy on the resolution of the Taiwan question as, as I have said, "fundamental," which contains the connotation of unchanging and long term ... We were thus able to consider a policy under which we would limit our arms sales to the levels reached in recent years and would anticipate a gradual reduction of the level of arms sales.

We were not willing, however, to adopt such a course unconditionally. While the Chinese were willing to state their peaceful policy in strong terms, they at first resisted any relationship between that policy and our arms sales to Taiwan. The Chinese resisted the relationship because of their view that the sale of arms to Taiwan constitutes an interference in China's internal affairs. We rejected any language to this effect in the communique.

We also stressed that as a matter of fact and law, any adjustments in our arms sales to Taiwan had to be premised on a continuation of China's peaceful policy. We therefore maintained, and the Chinese ultimately agreed, that the statement of our policy in paragraph 6 of the joint communique be prefaced by a phrase that related it to the continuation of China's peaceful approach.

This is the genesis and purpose of the phrase "having in mind the foregoing statements of both sides" which precedes our statements in that paragraph. Thus, our policy is predicated on China's commitment in paragraph 4 to a peaceful approach and our acknowledgement of that approach in paragraph 5....

China has announced a fundamental policy of pursuing peaceful means to resolve the long-standing dispute between Taiwan and the mainland.

Having in mind this policy and the consequent reduction in the military threat to Taiwan, we have stated our intention to reduce arms sales to Taiwan gradually and said that in quantity and quality we would not go beyond levels established
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since normalization. This follows from a literal reading of the communique.

While we have no reason to believe that China's policy will change, an inescapable corollary to these mutually interdependent policies is that should that happen, we will reassess ours. Our guiding principle is now and will continue to be that embodied in the Taiwan Relations Act, the maintenance of a self-defense capability sufficient to meet the military needs of Taiwan, but with the understanding that China's maintenance of a peaceful approach to the Taiwan question will permit gradual reductions in arms sales.

During our meeting yesterday, questions were raised concerning whether the wording of the communique adequately conveys the meaning which we ascribe to it. I believe it does or I would not have recommended its approval. The present wording evolved from 10 months of intense negotiation in which fundamental principles were at stake on both sides. The language necessarily reflects the difficult compromises which were reached.


U.S. Document 36
Statement by President Reagan, October 6, 1982

There has been no reversal on our Taiwan policy. And our Taiwan friends are going to continue to get everything they need or their own self-defense at the same time that we're going to sincerely and honestly do our best to improve the relations with the People's Republic of China on the mainland. But they know, and, as a matter of fact, they know that they made concessions, because we told them the law of this land is the Taiwan Relations Act, and we're going to carry out that law.

And if the People's Republic keeps their word that they, for the first time, said that they would try to resolve their differences peacefully and arrive at a peaceful reunification,
yes, then there would be no longer any need for us to provide defense weapons, and there would be a decline and an end at that time, but only linked to that promise of a peaceful reunification. Without that, and until that, we are going to continue to meet our responsibilities to our friends and allies on Taiwan.


U.S. Document 37
President Reagan on the Status of Taiwan, 1983

And it isn't that we've recognized Taiwan as a nation .... But as far as we're concerned, we don't believe that in order to make another friend, we should discard a long-time ally and friend the people on Taiwan.


U.S. Document 38
Testimony by Assistant Secretary of State for East Asian and Pacific Affairs Paul Wolfowitz Before the House Subcommittee on Asian and Pacific Affairs, February 28, 1983 [Excerpt]

... In 1979 we negotiated a normalization agreement which established diplomatic relations between the United States and China and under which it was understood that commercial, cultural, and other contacts with the people of Taiwan would from then on be conducted on an unofficial basis....

Among the differences left unresolved by the normalization communique was the question of arms sales to Taiwan. In the August 17 joint communique of last year, we provided a framework for managing our differences with China over this highly sensitive matter. However, the lengthy and intense negotiating process placed a considerable strain on the relationship....
China and the United States will undoubtedly continue to have some differences over Taiwan. However, the relationship with China is important enough to us-and, it seems, also to the Chinese-that we will work hard to manage those differences in a way that preserves our focus on shared bilateral and international concerns.

The Secretary's visit was not intended to and did not attempt to renegotiate or go beyond the August 17 communique or earlier communiques that previous administrations had negotiated with China concerning the Taiwan issue. But the Secretary did reassure the Chinese that, consistent with our intent to rebuild mutual trust and confidence, we will faithfully carry out the policies enunciated in those three communiques, and we are confident that the Chinese will do the same.

That is the key, I believe, to managing effectively our differences over Taiwan. At the same time, we have consistently made clear to China that we have a deep interest in the well-being of the people of Taiwan, as reflected in the Taiwan Relations Act, and will continue the productive, unofficial relationship that we have with them....

Mr. Solarz...I am going to read to you two statements and I would like you to tell me how they are consistent with each other.

The first statement comes from paragraph 6 of the United States-China joint communique of August 17, 1982, which I gather was reaffirmed, in effect, through Secretary Shultz's discussions in Beijing. We committed ourselves, you have just testified, to carrying that communique out. In the communique it says in paragraph 6 that the United States "intends to reduce gradually its sales of arms to Taiwan leading over a period of time to a final resolution."

Yet the President, in a recent interview which he gave to Human Events, said the following:

If the day ever comes that those two find they can get together and become one China in a peaceful manner, then there wouldn't be any need for arms sales to Taiwan, and that is all that meant in the communique.
Nothing was meant beyond that. We are not going to say, well, just as time goes by we are going to reduce the arms to them. No, we hope for a peaceful resolution of this issue.

On the one hand, the communique says it is our intention to reduce gradually sales of arms to Taiwan over a period of time; on the other hand, the President says that we are not going to say, "Well, just as time goes by we are going to reduce the arms to them."

Can you perhaps reconcile this seeming contradiction?

Mr. Wolfowitz...I think it is important, perhaps first of all, to recognize that on the one hand you are dealing with a carefully crafted negotiated document; and on the other hand you are dealing with an interview. Very much like a line of questioning here, the interview bears in from a certain direction and is asking a certain question.

I think the basic question that is being asked there as you read it in context is how on Earth could the United States have made this commitment to a gradual reduction? I think the President's answer is really a very direct version of what I just said a few minutes ago about the more crafted language of the communique, which is that it is not merely as time goes by that we talk more about reducing arms, but in the context of a Chinese statement of a fundamental policy of peaceful approach to the problem.

Expressing the sense of the Senate concerning the future of the people on Taiwan

IN THE SENATE OF THE UNITED STATES

February 28 (legislative day, February 23), 1983

Mr. Pell (for himself, Mr. Glenn, Mr. Kennedy, Mr. Hart, Mr. Cranston, Mr. Zorinsky, Mr. Bingaman, Mr. Boschwitz, Mr. Sarbanes, Mr. Tsongas, Mr. Lautenberg, and Ms. Kassebaum) submitted the following resolution; which was referred to the Committee on Foreign Relations

November 16 (legislative day, November 14), 1983 Reported by Mr. Percy, with an amendment and an amendment to the preamble

RESOLUTION

Expressing the Sense of the Senate concerning the future of the people on Taiwan.

Whereas February 28, 1983, marked the eleventh anniversary of the Shanghai Communique signed by the United States and the People's Republic of China;

Whereas the communique and the 1979 United States-People's Republic of China normalization agreement greatly improved relations between Washington and Beijing;

Whereas peace has prevailed in the Taiwan Strait since the normalization of relations between the United States and the People's Republic of China;

Whereas maintaining a sound United States-People's Republic of China relationship serves the interests of both countries and the interests of peace in the Pacific region;

Whereas the United States has also pledged in the Taiwan Relations Act to continue commercial, cultural, and other
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relations between the people of the United States and the people on Taiwan; and

Whereas the United States established diplomatic relations with the People's Republic of China in the expectation that the future of Taiwan will be determined by peaceful means: Now, therefore, be it

Resolved, That it is the sense of the Senate that Taiwan's future should be settled peacefully, free of coercion, and in a manner acceptable to the people on Taiwan and consistent with the Taiwan Relations Act enacted by Congress and the communiques entered into between the United States and the People's Republic of China.

[Source: U.S. Senate Committee on Foreign Relations]

U.S. Document 40
Testimony by Deputy Assistant Secretary of State Brown on
S. Res. 74, 1983

Thank you, Mr. Chairman.

May I say that we share the concerns of the Congress expressed in the resolution which you are considering. We have made clear our concern for a peaceful solution to the Taiwan issue in a number of joint documents with the People's Republic of China. For example, the U.S. Government's Policy concerning the future of Taiwan and its people has been stated in the Shanghai Communique and reiterated in the 1979 Joint Communique Establishing Diplomatic Relations....

This consistent position has two main points: One, the resolution of the Taiwan issue is a matter for the Chinese themselves to decide; and two, the United States has an interest in having that resolution be peaceful.

The U.S. Government, therefore, has not expressed any opinion on what form the ultimate resolution might take nor the procedure which the Chinese should follow to arrive at it, other than that those procedures should be peaceful.

It is this position which is reflected in the Taiwan Relations Act....
I would like to say a word about the resolution you are considering and its possible effect on U.S. relations with China.

The reference in the congressional resolution calling for a settlement of Taiwan's future "free of coercion and in a manner acceptable to the people of Taiwan" could be considered the addition of new and undefined elements to the U.S. position on Taiwan.

These provisions do not contradict U.S. policy. However, we believe this new and different iteration of U.S. policy may be unnecessary and even unhelpful since it may appear to qualify the expression of the U.S. policy which has been contained in formal statements such as the Shanghai and normalization communiques.

I have been asked to comment on the likely reaction by the People's Republic of China to your resolution.

The People's Republic of China has consistently expressed its intense opposition to the Taiwan Relations Act, contending that it constitutes an interference in China's internal affairs and that its substance is counter to the commitments undertaken by the U.S. Government in the communique on the establishment of diplomatic relations with China.

The People's Republic of China further asserts that domestic legislation in the United States ought not to take precedence over governmental agreements concluded between nations. Officials of the People's Republic of China make these points without fail in any conversation with U.S. officials or private citizens which touches upon resolution of the Taiwan issue.

It is reasonable to assume that the People's Republic of China would respond along similar lines to the passage of the resolution you are presently considering. The People's Republic of China regards settlement of the Taiwan issue as solely an internal affair of China. Thus, it can be expected to contest strongly the right of any other State legislate on this question....
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A healthy and developing relationship between the United States and the People's Republic of China contributes to the overall stability of the Western Pacific region and, thus, to continued prosperity and development of Taiwan.

The extent to which passage of the resolution would cast a shadow over these positive developments in United States-PRC relations is subject to debate, but this is a factor that should be considered by the resolution's sponsors.

In sum, while we do not consider the amendment to be inconsistent with our policy, its passage has the potential to cause complications in our relations with China.

Thank you.


U.S. Document 41
Additional State Department Views on S. Res. 74

The word "acknowledges" was deliberately chosen, following the same expression in the 1972 Shanghai communique. The term indicated cognizance of, but not necessarily agreement with, the Chinese position....

U.S. Government policy is not to promote or encourage any particular solution to the Taiwan issue, but to leave that matter for the Chinese themselves to resolve.

[Source: "The Future of Taiwan," Hearing Before the Committee on Foreign Relations, United States Senate, Ninety-Eighth Congress First Session on S. Res. 74 Expressing the Sense of the Senate Concerning the Future of the People on Taiwan, November 9, 1983 (Washington: U.S. Government Printing Office, 1984), pp. 21, 35]
U.S. Document 42
President Reagan on U.S. Relations with China and Taiwan,
December 2, 1983

We have a very delicate problem with them, and that is the situation with Taiwan, because both governments claim to be the government of China. That is their problem. But we have made it plain, it is a problem that must be settled peacefully between them. And we have made it plain, also, that in continuing and trying to build this friendship, relationship with the People's Republic of China on the mainland, we in no way retreat from our alliance with and our friendship with the Chinese on Taiwan. They have been allies of ours going all the way back to World War II. We are friends, and repeatedly we have said to the government of mainland China that they should appreciate the fact that we're not going to throw aside one friend in order to make another.


U.S. Document 43
President Reagan's Interview, December 15, 1983

...I know that the People's Republic of China is uncomfortable with our position on Taiwan. But we have reiterated time and time again to them that the people of Taiwan are longtime friends and, in fact, once were allies of ours. We have recognized that there is one China and that its capital is Peking. But we believe that the differences between Peking and Taiwan should be settled by peaceful negotiations.

We can't cast aside one friend in order to make another. We have argued to representatives of the People's Republic that they themselves should take some comfort from that because it's assurance to them that we wouldn't throw them aside to make friends with someone else....

U.S. Document 44
U.S. Legislation on Taiwan's Membership in the Asian Development Bank

SEC.1002. The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end thereof the following:

"SEC.27.(c)(1) The Congress hereby finds that—

"(A) Taiwan, Republic of China, should remain a full member of the Asian Development Bank, and that its status within that body should remain unaltered no matter how the issue of the People's Republic of China's application for membership is disposed of;

"(B) the Republic of China has grown from a borrower to a lender in the Asian Development Bank; and

"(C) the Republic of China provides, through its economic success, a model for other nations in Asia.

"(2) It is the sense of the Congress that

"(A) Taiwan, Republic of China, should remain a full member of the Asian Development Bank, and that its status within that body should remain unaltered no matter how the issue of the People's Republic of China's application for membership is disposed of;

"(B) the President and the Secretary of State should express support of Taiwan, Republic of China, making it clear that the United States will not countenance attempts to expel Taiwan, Republic of China, from the Asian Development Bank....


U.S. Document 45
President Reagan on U.S. Relations with China and Taiwan, 1984

I think our position is pretty well known to the leaders of the People's Republic, that we have a long and historic friendship with the Chinese people on Taiwan. We are not
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going to turn our back on old friends in order to, let's say, strengthen or make new friends. And all this I have made clear.

The problem between the People's Republic and the people on Taiwan is one for the Chinese to settle between themselves. We will do nothing to intervene; we will do nothing to pressure one side or the other. The only thing is, as I have stated many times, we believe that the solution must be peaceful in settling whatever differences there may be, and we look forward to and hope that there will be a peaceful settlement of that issue .... We have diplomatic relations with the People's Republic. We have an unofficial relationship with the people on Taiwan, and it is one that is based on friendship and based on trade, things of that kind. And we have been perfectly frank about that, and I don't think that it is an obstacle to improved friendship between ourselves and the People's Republic.


U.S. Document 46
The State Department on U.S. Arms Sales to the PRC

by James R. Lilley

Statement before the Senate Foreign Relations Committee on April 29, 1986. Mr. Lilley is Deputy Assistant Secretary for East Asian and Pacific Affairs.

...There has been concern expressed about the impact of this sale on Taiwan. It is, indeed, true that Taiwan is distressed about U.S. military assistance to the P.R.C. and support for the F-8 in particular. However, we believe that if this single program of assistance to a small number of aircraft is put into the proper perspective it will be difficult to claim that it potentially constitutes a significantly increased threat to Taiwan. Taiwan is a dynamic, vigorous society. It has a rapidly growing economy and a stable political system, and these two factors are key deterrents to efforts by anyone seeking to alter the course of developments there by force. I need cite only a few statistics.
Taiwan's per capita gross national product is currently over $3,000 a year and there is every reason to believe that by the end of the century it will rise to $12,000. In addition, every increase in prosperity is equitably distributed, further encouraging economic development and reducing social tensions. Taiwan's total trade was $50.8 billion in 1985, putting it into the top 15 trading entities in the world. Taiwan is the fifth largest trading partner of the United States with a total trade in 1985 of $22.8 billion. Taiwan's foreign exchange holdings are $28 billion.

By many other yardsticks also, Taiwan is a significant actor on the Asian scene. Taiwan's economy is now graduating into the high technology manufacturers which should permit its expert economy to grow. Although understandably concerned by the military situation, Taiwan remains confident in maintaining the growth of its economy and in continuing its political progress with stability. Foreign as well as domestic investors give the practical vote of confidence on which Taiwan's prosperity and stability rests. We, therefore, think that there are good enough grounds for Taiwan to continue to act with confidence.

Even though the situation has occasionally been tense in the Taiwan Strait, it has been basically peaceful for nearly 30 years. This can only be explained by a complex of factors—political, economic, and psychological, as well as military. We believe that this realistic appraisal is shared by the government in Beijing. It has authoritatively stated that its fundamental and consistent policy is peaceful reunification. That policy was at the center of the negotiations which led to the August 17, 1982, joint communique. In that document, the United States acknowledged this fundamental Chinese policy. As stated in then Assistant Secretary of East Asian and Pacific Affairs John H. Holdridge's August 18, 1982, statement before the House Foreign Affairs Committee, our willingness to make "adjustments in our arms sales to Taiwan had to be premised on a continuation of China's peaceful policy." He went on to say that "while we have no reason to believe that China's policy will change, an inescapable corollary to these mutually
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interdependent policies is that should that happen, we will reassess ours...."

[T]here have been occasional, troubling remarks suggesting possible future military actions and Beijing declines to renounce formally the use of force to resolve what it considers to be an internal matter, [but the U.S. believes that China wishes to resolve the issue peacefully].

Taipei has responded negatively to Beijing's overtures for formal talks about reunification, beginning with political talks about three areas of interim contracts (trade, visits, and communications) on the grounds that Beijing's proposals are not sincere. However, the substance about which Beijing wishes interim talks has been developing. Trade over the years has been increasing, and 1985 trade nearly doubled over the previous year to a level of $1.1 billion in two-way trade, much of it Taiwan, exports. There are increasing contacts between individuals and private organizations in key areas such as science, technology, and culture. While direct communications are opposed by Taiwan, indirect communications assure that the positions of each side is understood by each other. There may eventually be an interest in greater contacts provided they are to their mutual advantage.

A key aspect of Taiwan's confidence is the U.S. commitment. The Taiwan Relations Act is a fundamental affirmation of the strong support which the United States gives to. Taiwan and of the interest which the United States has in having any resolution of the future of Taiwan by the Chinese themselves be peaceful. Lest this support be seen merely as verbal and moral, the Taiwan Relations Act specifies that "the United States will make available to Taiwan such defense articles and services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." This has been a consistent policy since the enactment of that legislation in 1979, and we see no sentiment for changing that policy. In 1982 at the signing of the joint communique, the United States realized that this complicated statement, arrived at after extensive negotiations, gave grounds for concerns on Taiwan, and six reassurances were given Taiwan ... [including] that the United States "had no intention
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whatsoever to revise the Taiwan Relations Act" and "had not agreed to hold prior consultations with the People's Republic of China." We believe that Taipei and Beijing both understand the firmness of the United States in implementing the Taiwan Relations Act. Our arms sales have been significant. Although decreasing gradually as agreed to in August 17, 1982, communique, they have remained adequate given the current situation in the Taiwan Strait. In addition, Taiwan is increasing its reliance on indigenous efforts for reasons of national pride as well as sound economic grounds. We have, for many years, supported this Taiwan policy, and we will continue to do so.

This Administration seeks the continuation of our growing ties with China while maintaining our firm commitment under the Taiwan Relations Act to the security of the people of Taiwan. We remain optimistic about the future and believe our willingness to cooperate with China in its modernization efforts - including cautious and prudent cooperation in the field of military modernization - will provide stability and peace in the East Asia region in the years ahead.


U.S. Document 47
Assistant Secretary of State Sigur on Taiwan's International Status, 1987

Some have urged the U.S. government to become involved in efforts to promote peaceful resolution of the differences between Beijing and Taipei. However, there is a real danger that American involvement would be counterproductive. For at least two decades, we have viewed this issue as an internal matter for the PRC and Taiwan to resolve themselves. We will not serve as an intermediary or pressure on Taiwan on the matter.

U.S. Document 48
Secretary of State Shultz on the Future of Taiwan, 1987

[The future of Taiwan] will be determined by the Chinese, on either side of the Taiwan Strait, free of outside pressure .... For our part, we have welcomed developments, including indirect trade and increasing human interchange, which have contributed to a relaxation of the tensions in the Taiwan Strait. Our steadfast policy seeks to foster an environment in which developments can continue to take place.

[Source: Speech by Secretary of State George Shultz ("Secretary Visits Asia," Department of State Bulletin 87:2122 (May 1987), cited in Hickey, p. 889]

U.S. Document 49
U.S. Court Treats Taiwan as Though it Were Sovereign

[Given the plainly expressed intent of Congress in the TRA and the strong similarity between this doctrine and the [Foreign Sovereign Immunities Act], there can be no question that the act of state doctrine applies to Taiwan as fully as if Taiwan were recognized by this country.

[Source: 855 F.2d 882, cited in Yu-chen Chen, p. 11]

U.S. Document 50
President Bush on the Future of Taiwan, 1989

The United States recognizes that Taiwan is an important issue for the Chinese Government and people. We are pleased to see that the growing opportunities for trade and travel between both sides of the Taiwan Strait have contributed to a climate of relaxed tensions, and hope these trends will continue. The United States is committed to abide by the three communiques of 1972, 1979, and 1982, which provide a firm basis for the further development of our relations.

[Source: PPOPUS: George Bush. 1989, February 25, p. 239]
We remain firmly committed to the principles set forth in those three joint communiques that form the basis of our relationship. And based on the bedrock principle that there is but one China, we have found ways to address Taiwan constructively without rancor. We Americans have a long, historical friendship with Chinese people everywhere. In the last few years, we've seen an encouraging expansion of family contacts and travel and indirect trade and other forms of peaceful interchange across the Taiwan Strait, reflecting the interests of the Chinese people themselves. And this trend, this new environment, is consistent with America's present and longstanding interest in a peaceful resolution of the differences by the Chinese themselves.


*Human Events, February 26, 1983, pp. 1-19; Reagan's statement was in response to a question about the sale of arms to Taiwan.
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