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| Taiwan Historical News  Reporting on Important Historical Topics which affect our understanding of Today’s News |

Honolulu, New York, Washington DC, Seattle, Los Angeles

OFFICIAL CIA REPORT:

TAIWAN REMAINS UNDER MILITARY OCCUPATION

[ CIA REPORT: The Republic of China does not have sovereignty over Taiwan ]

ANCHOR 1: The Chinese have continually claimed that Taiwan was returned to China in late October 1945, at the completion of the Japanese surrender ceremonies. However, an official Central Intelligence Agency report from March 1949 confirms that Taiwan is territory under military occupation.

ANCHOR 5: Many of the websites of leading think-tanks in the United States have specific commentary to the effect that Taiwan was returned to China after the close of hostilities in WWII. Or at least, their reportage on Taiwan’s history gives the strong impression that China gained (or “re-gained) sovereignty over Taiwan in late October 1945. This view appears to be very widespread, and is the commonly held interpretation.

SPECIAL REPORT

PART 1

ANCHOR 2: So, the issue we want to look at is this: The commonly held interpretation is that Taiwan was returned to Chinese sovereignty in 1945. Does the information in the CIA report affect our recognition of this in any way?

ANCHOR 1: We asked one of our reporters to interview a number of experts in the Washington D.C. area who regularly write on Taiwan issues. She filed this report:

ANCHOR 4: I recently attended a number of conferences on Asian political and legal issues. The topic of Taiwan was discussed in some detail. I asked the views of over ten people, and I can offer a summary of what they said as follows –

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| After the Chinese took control over Taiwan in late October 1945, there were a number of years where everything was unstable. The circumstances deteriorated to a point where many commentators described the situation as a “military dictatorship.” The CIA report clearly reflects that. That military dictatorship situation, often called the “martial law period,” continued for nearly forty years. However, it ended in 1987. Taiwan began to democratize in the early 1990s. Since that time, the continuing democratic development in Taiwan has won a lot of admiration from the international community. In the present era, Taiwan is often praised as a good example of a Chinese democracy. No one speaks of a military dictatorship any more, and you don’t see any significant numbers of military officers on the streets when you visit Taiwan. |

ANCHOR 1: Well, unfortunately, trying to explain the content in the 1949 CIA Report on Taiwan this way is entirely incorrect. The doctrine of “military occupation” under international law has a very specific meaning and application. It has no direct correspondence to the general notion of a “military dictatorship.” Military occupation has different stages, and one is commonly called “friendly occupation” or “civil affairs administration.”

ANCHOR 2: Our production team made a short film clip to introduce the subject of military occupation to our audience. Let’s watch that now.

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| An Introduction to Military Occupation  [film insert] |

ANCHOR 1: So, we can firmly establish that Taiwan was not returned to China in late October 1945. That date only marks the beginning of the military occupation, and international law states that “military occupation does not transfer sovereignty.”

However, the websites of many of the leading think-tanks take it for granted that the territorial sovereignty of Taiwan was returned to China in 1945, and then base all of their analysis on that premise.

ANCHOR 2: Yes, we commonly see the statement that the People’s Republic of China (PRC) and the Republic of China (ROC) split amid civil war in 1949, with the ROC taking refuge in the Chinese province of Taiwan. So, this is supposed to have created a condition of “Two Chinas.”

ANCHOR 3: But for Taiwan, we can extrapolate from this table of the Spanish American War cessions. We quickly see that the original sovereign (which was Japan) held sovereignty until the peace treaty came into effect, which would be April 28, 1952. So, in 1949, Taiwan was still sovereign Japanese territory.

ANCHOR 4: ~~Well, a close examination of the legal record shows that Taiwan was still sovereign Japanese territory until the April 1952 peace treaty came into force.~~ So, this means that in late 1949, when the ROC moved its central government to occupied Taiwan, it was moving ***outside*** of China’s national territory. At that point, it immediately became a government in exile. Legally speaking, there is no way to interpret this as “Two Chinas,” because the ROC is neither a legitimate government for mainland China, nor for Taiwan.

ANCHOR 2: Also, there is no way to interpret this in a manner which holds that China is a “divided nation.” This is because the so-called Republic of China government is located ***outside*** of China’s national territory.

ANCHOR 3: Nevertheless, despite all of these arguments, the question that always arises is: Does the ROC on Taiwan meet the international legal criteria for statehood?

[ *ON-SCREEN LETTERING* ] Please stay tuned for our continuing coverage in Part 2.

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OFFICIAL CIA REPORT:

TAIWAN REMAINS UNDER MILITARY OCCUPATION

[ CIA ANALYSIS: The Republic of China on Taiwan does not meet the qualifying criteria for statehood ]

ANCHOR 1: We have produced a short film clip which reviews the history of Taiwan and offers a new perspective for discussing the Republic of China’s qualifying criteria for “statehood” under international law.

SPECIAL REPORT

PART 2

ANCHOR 3: Many people are confused about this topic, and many websites of the leading think-tanks in the United States and other countries also contain much incorrect or misleading information. Let’s look at our next film clip.

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| Territorial Cession as the Result of War  [film insert] |

ANCHOR 2: Military occupation is conducted under “military government.” Are there any other areas which were confirmed to be under United States Military Government (USMG) jurisdiction as a result of WWII in the Pacific?

ANCHOR 4: Yes, the Ryukyu island group is one specific example. United States Military Government jurisdiction over the Ryukyus and Taiwan are both confirmed by Article 4(b) of the treaty. Based on the records of military attacks on the Ryukyus and Taiwan in the WWII period, this is what we would expect.

ANCHOR 5: Did the Republic of China gain any rights to jurisdiction over Taiwan under the terms of the treaty?

ANCHOR 4: No, none.

ANCHOR 5: Has there been any end to USMG jurisdiction over these areas?

ANCHOR 1: Well, for the Ryukyu island group, the U.S. Commander in Chief Richard Nixon announced the end of USMG jurisdiction effective May 15, 1972. However, for Taiwan, no U.S. President has made any similar announcement.

ANCHOR 5: So, in the current era, the United States has continued to delegate the military occupation of Taiwan to the Republic of China, which is to say the Chinese Nationalists.

ANCHOR 4: That is correct.

ANCHOR 3: So, a correct assertion of Taiwan’s international legal position is to say that it is an overseas territory of the United States under military government. However, the administrative authority for day-to-day management tasks has been delegated to the Chinese Nationalists.

ANCHOR 1: Yes. In closing today, what is important for us to realize is this:

The solution to Taiwan’s problems must be found in Washington D.C., it will not be found in Taiwan.

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