

# A PETITION

## *Based on an Overview of the San Francisco Peace Treaty, the Taiwan Relations Act, and Recent History*

the Following Conclusions and Principles  
regarding the position of Taiwan under US law  
have been reached

### **RECITALS:**

#### **WHEREAS**

- #1) Taiwan remained as Japanese territory until the coming into force of the SFPT on April 28, 1952. Hence, it follows directly that when the Republic of China moved its central government to occupied Taiwan in Dec. 1949, it was moving outside of Chinese territory, and immediately became a government in exile.
- #2) Under US law, the "Republic of China" nomenclature is not recognized after Jan. 1, 1979.
- #3) The geographical scope of "Taiwan" as defined in the Taiwan Relations Act does not include the Spratlys, Senkakus, or Paracels.
- #4) No clauses in the SFPT or the Taiwan Relations Act give an entity calling itself the "Republic of China" any authority (1) to establish an ROC Ministry of National Defense on Taiwanese soil, or (2) to maintain a fleet of military vessels, and fly the ROC flag thereon, or (3) to enforce mandatory military conscription policies over the local Taiwan populace. Indeed, the US Supreme Court has found that the legitimacy of "military conscription" policies must be based on national sovereignty.

#### **WHEREAS**

- #5) At the most basic level, Taiwan is "conquered territory" of the United States of America which has not reached a final political status. The US Supreme court has ruled on the responsibility of the United States over conquered territory numerous times. Such responsibility includes providing for the "defensive needs" of such territory, under the common defense clause of the US Constitution. For Taiwan, many parallels may be drawn with the situation of the Ryukyu island group, during the period of United States Military Government (USMG) administration.
- #6) The SFPT has given a US federal agency, USMG, the jurisdiction over Taiwan and the Ryukyus. As we know, the Ryukyus were administered directly, as a formal trusteeship. In regard to Taiwan, with no formal trusteeship arrangement in place, we are forced to conclude that Taiwan constitutes a quasi-trusteeship under USMG, within the US insular law framework. The so-called "Republic of China" (a non-signatory to the SFPT) is merely serving as a "proxy occupying force" for the United States in the continuing military occupation of Taiwan, in addition to fulfilling the role of a "government in exile."
- #7) For all intensive purposes, with the coming into force of the SFPT, on April 28, 1952, the Allies have disbanded, however the jurisdiction of the principal occupying power continues. It is noted that effective May 15, 1972, according to an announcement by US President Richard Nixon, USMG jurisdiction over the Ryukyu island group ended. However, no similar announcement by any US President has been made in regard to USMG jurisdiction over Taiwan.