The Spratly Islands dispute is an ongoing territorial ownership dispute between Brunei, Malaysia, the Philippines, the People's Republic of China (PRC), the Republic of China (ROC) on Taiwan, and Vietnam. The Spratly Islands is a group of islands and associated "maritime features," such as reefs, banks, cays, etc., located in the South China Sea.

The Spratly Islands are important for economic and strategic reasons. The Spratly area holds potentially significant, but largely unexplored, reserves of oil and natural gas; it is a very productive area for world fishing, and it is one of the busiest areas of commercial shipping traffic. In most cases, surrounding countries would obtain an extended continental shelf if their claims were recognized.

More importantly perhaps, in addition to numerous economic advantages, the Spratlys are situated alongside the major maritime trade routes to Northeast Asia.

After this brief overview of recent Taiwan history, let’s look at the US Executive Branch’s position regarding the Republic of China on Taiwan. This may be summed up in a few sentences.

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, 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.