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Introduction

Regarding the international legal status of Taiwan, a review of nearly a dozen Department of State reports from the 1940s and 1950s reveals large numbers of incorrect assumptions and faulty analysis.

In order to rectify this, and clear up many of points of confusion raised by related researchers, this Summary has been prepared and circulated for reference.

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Summary

Looking at the last four hundred years of Taiwan history, it quickly becomes clear that all changes of sovereignty have been based on the principle of conquest.

Taiwan: A History of "Conquest" and "Dominion"

Changes of Sovereignty – an Overview

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| --- | --- | --- | --- | --- |
| Date | Conqueror | Taiwan was acquired under the principle of \_\_\_\_\_\_\_ | Taiwan was held under the dominion of \_\_\_\_\_\_\_ | Sovereignty held by \_\_\_\_\_\_\_ |
| 1624 | Dutch | conquest | Dutch, 1624 to 1662 | Dutch, to 1662 |
| 1662 | Koxinga | conquest | Koxinga, 1662 to 1683 | Koxinga, to 1683 |
| 1683 | Qing Dynasty | conquest | Qing Dynasty, 1683to 1895 | Qing Dynasty, to 1895 |
| 1895 | Japan | conquest | Japan, 1895 to 1945 | Japan, to 1952 |
| 1945 | USA | conquest | USA, 1945 to present | (Undetermined) 1952 to present |

Significant events from the late 1800s to the present are described further below.

In 1887 Taiwan was made a province of Qing China. After Japan defeated Qing China in the First Sino-Japanese War, Taiwan was ceded to Japan in the 1895 Treaty of Shimonoseki.

In the WWII period, all military attacks against (Japanese) Taiwan were conducted by United States military forces. The United States of America is the conqueror. Japanese troops in Taiwan surrendered on October 25, 1945.

It is commonly understood that the Japanese surrender ceremonies were held on behalf of the Allies. However, the ensuing military occupation is held on behalf of the legal occupier, which is the conqueror. October 25, 1945, marks the beginning of military government jurisdiction of the conqueror over this conquered territory. Hence, United States Military Government (USMG) jurisdiction over "Formosa and the Pescadores" has begun as of this date.

General MacArthur delegated the administration of the military occupation of Taiwan to the Chinese Nationalists. (Such an arrangement was not specifically authorized by the signatories to the post-war treaty.) Under the laws of war, the United States is the principal occupying power, and the Republic of China is serving in the role of proxy occupying forces.

Japan held the territorial sovereignty of Taiwan until the post war peace treaty (San Francisco Peace Treaty) came into force on April 28, 1952. By moving its central government to occupied Taiwan in early December 1949, the Republic of China has become a government in exile.

Conclusion: The Senate-ratified San Francisco Peace Treaty did not award the territorial sovereignty of Taiwan to China; however it did confirm the United States as the principal occupying power. USMG jurisdiction over Taiwan was also confirmed. As a result, the following actions by the Chinese authorities in Taiwan are wholly illegal:

(1) the promulgation and implementation of a Chinese constitution,

(2) the establishment a Chinese Ministry of National Defense,

(3) the instituting of military conscription policies over the local populace.