The reportage and commentary on your website calls for better treatment of Taiwan and its government.

But in regard to this CIA report from 1949, how would the analysis change if these facts were taken into the equation?

The reportage and commentary on your website makes the statement, or strongly implies, that Taiwan was legally returned to China in 1945.

Item #1: Qing Dynasty of China ceded Taiwan to Japan in 1895. Did the United States ever recognize the validity of that treaty? Taiwan was part of the Japanese Empire in WWII, but how can we determine when Japanese sovereignty over Taiwan formally ended?

Response: I don’t believe that there is any constitutional process whereby the United States would recognize the validity of a treaty between foreign governments, but perhaps we could examine relevant statements in the Congressional record or something.

( … part of Japan in WWII, Washington Naval Treaty 1922)

Near the end of the war, there were agreements by the Allies, so to look at the end of Japanese sovereignty over Taiwan, I believe that with the surrender of Japan those agreements then came into effect. Taiwan would be transferred to China at that point.

Item #2: Today the officials in the US State Dept continually say that the legal status of Taiwan is “unsettled” or “undetermined”. Can we find any examples in the last 200 years of United States history which can give us any insight into what constitutes an “unsettled” or “undetermined” legal status? Or can we look to some sort of established precedent in dealing with situations of this type in order to obtain a fuller understanding of Taiwan’s international standing?

Response: This is the very problem about the strategic ambiguity. Some people say that is good for Taiwan, some say it is bad for Taiwan. But in any event, in international relations, Taiwan is something of a unique situation. I don’t think you are going to find any precedent for dealing with Taiwan’s situation.

Item #3: An official Central Intelligence Agency report from March 1949 confirms that Taiwan is territory under military occupation. But the Chinese have continually claimed that Taiwan was returned to China in late October 1945, at the completion of the Japanese surrender ceremonies. Does the information in the CIA report affect our recognition of that?

How does that recognition affect the commentary on your website which assumes that Taiwan was returned to China in 1945?

Response: Well, after the Chinese took control over Taiwan, there were a number of years where the situation was unstable. The situation deterioriated to a point where many commentators described the situation as a “military dictatorship,” so the CIA report reflects that. That military dictatorship situation continued for nearly forty years, but 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 praise 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.

Item #4: Does the determination in the 1949 CIA report have any significance for how we look at the promulgation of the Republic of China Constitution in Taiwan in late 1947? Or does it have any significance for discussing the situation in Taiwan today?

Response: Well, we know that the use of the ROC Constitution was severely restricted during the martial law years, and there were many reports of human rights abuses. However, at the present time I believe that Taiwan has a very good constitutional structure. (check commentary on ROC Constitution) There were many complaints that this ROC Constitutional structure was designed for mainland China and \_\_\_\_ provinces, but since \_\_\_ there have been a series of constitutional revisions so I believe most of these concerns have been addressed.

Item #5: Are you aware that there was a U.S. Senate-ratified post war treaty that did not award Taiwan to China? Your website makes no mention of that treaty. Can we look to the treaty to determine when Japan’s sovereignty over Taiwan actually ended? And when Chinese sovereignty began?

Response: No reason to give Taiwan to China if it was already returned to China in 1945. According to my understanding the agreements of the Allies already took care of this situation. Chinese sovereignty would naturally begin when the Chinese took over administration of the island. I believe the Japanese were gradually repatriated beginning in the mid to late 1940s.

Item #6: Should the United States move toward adopting more of a “Two China Policy”? The United States established formal diplomatic relations with the People’s Republic of China in early 1979. After that time, the concept of the ROC on Taiwan as a “legitimate government” appears to have come under question. So, many people are saying that Taiwan is fundamentally a “divided nation.” With a new US President in 2016, should we formally recognize the Republic of China on Taiwan as a sovereign state, and move to a Two China Policy?

Response: