

Sovereignty & Independence



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Is Taiwan an independent nation state?

Media reports on the situation between Taiwan and China regularly state that 'Taiwan broke away from China in 1949 at the end of the Chinese Civil War'. This is potentially a highly misleading characterisation of Taiwan's status then and now. To understand the status of Taiwan, you have to look further back in history.

While Taiwan was once a part of China during the Qing Dynasty, at the end of the First Sino-Japanese War, the peace treaty between China and Japan, the 1895 Treaty of Shimonoseki (Articles 2 and 3), saw China cede full sovereignty of Formosa (Taiwan) to Japan in perpetuity. Taiwan became a province of Japan and remained so until the Japanese surrender at the end of the Second World War.

The final details of the Japanese surrender were set in international law by the 1952 Treaty of San Francisco. Under the terms of this treaty, Japan relinquished all claims to sovereignty over Taiwan. Taiwan's sovereignty was explicated and handed to neither the People's Republic of China or the Republic of China (ROC).

In 1949, a defeated Chiang Kai-shek brought the entire Republic of China to Taiwan, and reestablished it onto Taiwan under the same name and constitutional order. From 1949 to 1972, Taiwan, as the ROC, participated on the world stage as an independent nation. The nation has retained the legacy constitutional order but has now democratised the ROC as a wholly Taiwanese nation, which enjoys (legal) de jure sovereignty as the ROC, but as a country is more commonly known and spoken of as simply 'Taiwan'.



Is Taiwan a part of China?

Arguably no. Taiwan was part of Qing Dynasty China which held sovereignty, exercising it over most of the island, between 1683 and 1895. China ceded sovereignty of Taiwan to Japan in perpetuity in the 1895 Treaty of Shimonoseki. Japan was forced to relinquish sovereignty in 1952. That sovereignty was then, and remains, not allocated to any other nation.

Although the Republic Of China Government was assigned to temporarily administer Taiwan from 1945 to 1949, it's subsequent occupation of Taiwan whilst in exile did not 'return' Taiwan to the ROC in international law. And neither has Taiwan ever been a part of the People's Republic of China. The existence of the ROC on Taiwan is legally recognised by its allies, but it does not practically confer that "Taiwan is a part of China" because post 1987 constitutional changes and democratic reforms on Taiwan mean that in reality it is more accurate to say, historically, linguistically, culturally, and politically, that "the ROC is a part of Taiwan". This is a nation in the process of maintaining and defending its own State, that is sovereign, and which is doing so without direct outside administration for the first time in nearly four hundred years.



a) Is Taiwan a sovereign State?

b) Should it declare independence?

(a) Yes. Taiwan meets all the conditions and characteristics of a self-determining nation-state under the Montevideo Convention 1933, which formally defines statehood as requiring:

Also feat.

Taiwan has its own ... currency, military, legal system, language(s), national Post Office, Coast Guard, national education, exams, and certification systems, own national health system, airspace and EEZ waters, national parks, Parliament and President, tax system, customs and immigration systems, own police force ...

- ✓ a permanent population
- ✓ a defined territory government; and
- ✓ capacity to enter into relations with the other states.

(b) No. The Taiwan Policy Centre maintains the view that a formal declaration of independence would be both unnecessary and counter-productive. The reality of Taiwanese sovereignty is there for all to see. Taiwan's independence is not in question. Its recognition as an independent and sovereign nation state is. The TPC recommends a multilateral move to begin the process of readmitting Taiwan to the United Nations and all other international bodies that require Statehood.



We would urge the UK to seek to clarify and reform use of the CCP's One China policy and take steps to multilaterally acknowledge then recognise the democratically elected government of Taiwan as the sovereign representative of Taiwan's 23.8 million people.

