



Taiwan Respected

A roadmap to making room for Taiwanese self-determination

November 2022

FOREWORD



Self-determination is a fundamental right set out in both the UN Charter and modern international law.

It is a principle that should be applied to all people around the world, regardless of the geo-political circumstances they find themselves in. Indeed, it is in a situation like the one Taiwan currently finds itself, where the right to self-determination matters more than ever.

Taiwan is home to more than 23 million people. Yet, as this report by the Taiwan Policy Centre illustrates, despite Taiwan having a thriving domestic democratic system, something of a political miracle given the first direct Presidential elections were only held in 1996, the Taiwanese people still do not really enjoy the basic right to self-determination, without bellicose noises from neighbours. All would be better concerned with societal inequality and GDP per capita of citizens

rather than imperialist ideas of conquest.

The Chinese Communist Party talks of shared history and kinship with the Taiwanese, but at the root of this must be respect. Live fire exercises, encircling Taiwan militarily, and regular trade embargoes make clear their hostile intent, undermining hopes that a peaceful solution for Taiwan can be achieved that respects the wishes of the Taiwanese people.

Clearly full diplomatic recognition is not realistic at this juncture, but this report makes some very sensible and practical suggestions about how the UK can show its respect for the right to self-determination of the Taiwanese people.

This includes a carefully recalibrated and wholly reasonable rephrasing of the UK's standard policy position and doing more to ensure that the Taiwanese people are fully represented in international bodies.

The issue of Taiwan will not be resolved overnight. But there is much more that the UK can do to help shore up Taiwanese self-determination and I urge the Foreign, Commonwealth, and Development Office to give the recommendations in this report very serious consideration.

Angus Brendan McNeill , October 2022



ABOUT US

The Taiwan Policy Centre is a non-partisan organisation dedicated to boosting political, cultural, and trading relations between the UK and Taiwan. We aim to increase the knowledge and understanding that policy-makers, the media, and the British public have about Taiwan through a combination of research, educational events, and outreach.

We further aim to highlight the threats and injustices that Taiwan faces at the hands of the Chinese Communist Party and lobby the UK Government to take a stronger and more proactive stand in support of Taiwan on the global stage.

Too often, media coverage and understanding of Taiwan is shaped by the language and claims of the Chinese Communist Party, a governing authority which does not, and never has, governed Taiwan. The Taiwan Policy Centre aims to correct these misconceptions and ensure that the UK's policies towards Taiwan and media coverage of Taiwanese affairs is rooted in research and law.



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RECOMMENDATIONS

1. The defence of Taiwan's right to self-determination is a moral, economic, and strategic good in its own right, not just for Taiwan but the wider world.
2. The UK Government should respect Taiwan's self-determination, and its right to that under international law.
3. The UK Government has always enjoyed the capacity to change its foreign policies as geopolitical situations evolve. The situation between the PRC and Taiwan has changed a lot in the last 30 years yet UK policy has not changed since 1950. It is time for the UK's policy towards Taiwan to be updated.
4. The UK needs a new Taiwan policy formulation to rebalance the relationship in a way that gives Taiwan and the UK space to develop closer ties. It's time for the UK to make room for Taiwan at the table.
5. The UK Government's current position on the status of Taiwan is that the future of Taiwan is "a matter for both sides of the Taiwan Strait to resolve amongst themselves". This stance does not respect the rights of the Taiwanese people to self-determination because it suggests that the people of the PRC should have a say in the future of Taiwan. This is disrespectful and contrary to international law.
6. The Taiwan Policy Centre has proposed that the UK's position towards Taiwan should be rephrased to say:

"The United Kingdom does not have formal diplomatic relations with Taiwan, but the Government maintains a strong unofficial relationship based on dynamic commercial, educational, and cultural ties."

"The United Kingdom recognises that Taiwan has a complex historical relationship with its neighbours, which has left a number of unresolved cultural, legal, and constitutional legacies."

"The United Kingdom respects the right of the Taiwanese people under international law to self-determination and believes that the future of Taiwan is matter for the Taiwanese people alone to decide without bribe, threat, or coercion from any other party."

"The United Kingdom will continue to engage with Taiwan on this basis and to work with our allies to promote Taiwan's participation in international organisations."

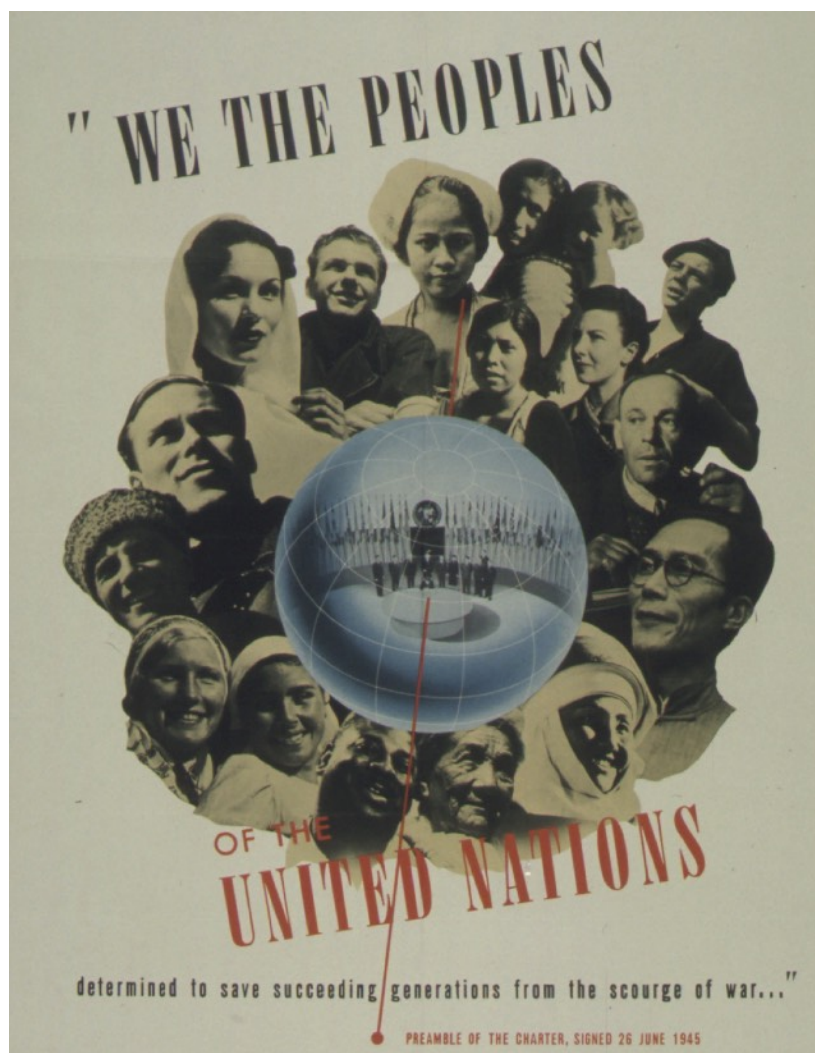
7. The UK should implement its policy of respecting Taiwan's self-determination across government and the public sector in a variety of ways, including following the lead of other nations in allowing the Taipei Representative Office in London and Edinburgh to be renamed as the 'Taiwan Representative Office' or 'Taiwanese Office'.

This respect for Taiwan's right to self-determination should also inform all policy and diplomatic decisions relating to Taiwan moving forward, alongside other political and diplomatic considerations.

8. The UK's Government's position on Taiwan's self-determination should comply with international law and inform wider UK foreign policy.



Introduction



In this paper, the Taiwan Policy Centre will examine the UK's relationship with the Republic of China outside of and on Taiwan in the 20th and 21st Centuries. It will discuss the meaning and the history of the principle of self-determination in international law and will demonstrate that Taiwan meets the conditions for being defined as a self-determining people. We conclude that new facts on the ground require new words to describe them, along with timely and appropriate changes to the UK's policies towards Taiwan to reflect this. The purpose of revising UK policy towards Taiwan is to shift the UK-Taiwan relationship towards a position of "normalising interaction with Taiwan to the fullest extent, short of establishing formal diplomatic relations", that being the definition of *respect*.

This paper is dedicated to J. Bruce Jacobs and Alan M. Wachman whose wisdom, compassion, and respect for the peoples on Taiwan flowed through everything they wrote and said, and whose insight is sorely missed today.

Image above: "WE THE PEOPLES OF THE UNITED NATIONS" - NARA - 516086.jpg
U.S. National Archives and Records Administration Wikimedia Commons: [https://commons.wikimedia.org/wiki/File:
%22WE_THE_PEOPLES_OF_THE_UNITED_NATIONS%22_-_NARA_-_516086.jpg](https://commons.wikimedia.org/wiki/File:%22WE_THE_PEOPLES_OF_THE_UNITED_NATIONS%22_-_NARA_-_516086.jpg)

Part 1:

The ROC and the status of Taiwan - An Overview

The Republic of China in China 1911 to 1945

The Republic of China (ROC) was established in 1911 as the successor State to the Qing Dynasty.

At the time of its founding, the ROC had no control or administration over Taiwan and Penghu and, it is important to note, made no claim that Taiwan was Chinese territory.

In the few constitutions written in and for the ROC between 1912 and 1946, where the State's territories and borders are explicitly listed, there is no mention of Taiwan ¹.

Despite this being only a decade or two after the Qing had ceded Taiwan to Japan in perpetuity ², the early Chinese Nationalist Party (KMT) was focused on uniting the existing Chinese provinces under one government amid resistance and collusion from a variety of warlords who had filled the political vacuum since the fall of the Qing. The man the KMT eulogised as 'the founding father' of the ROC, Dr. Sun Yat-sen, visited Taiwan just four times between 1900 and 1924.

Sun's first trip was for the purpose of "obtaining assistance from the Japanese governor-general of Taiwan Kodama Gentaro for a political revolution in China" ³. In China he argued for Taiwan's liberation from the Japanese, but never made the case for 'unification' back into China partly because by the time that he died in 1925, Taiwan was accepted as being under Japanese occupation and administration. The same stance applied for Mao Zedong in the early days of his Chinese Communist Party (CCP) ⁴.

This aligns with the wider geopolitics of the time, one of considerable revolutionary change and class conflict, and a shift in the balance of powers between nations and their empires. Liberation and self-determination were attractive ideas for peoples looking to overthrow colonial rule. For the Chinese, and many Taiwanese in the 20s and 30s, it was the Japanese occupation that they sought more freedom under, or freedom from entirely.

The outbreak of the civil war in 1927 ended up changing the calculation on Taiwan for both the Chinese Nationalists and Communists. By the end of the first phase of hostilities at the end of the 1930s the KMT had newly 'discovered' Taiwan to be an integral part of Chinese territory ⁵ and Mao soon followed their lead, adopting many of the same rationales.

These claims on Taiwan have remained at the heart of ideology and policy platforms of both KMT and CCP to this day.

World War II saw the formation of an Allied alliance against Japan in the Pacific theatre led by the USA, UK, the Soviet Union, and China (ROC). Although China was by far the weakest party to the alliance, caught in a temporarily-suspended civil war and under partial Japanese occupation, it nevertheless demanded to participate where it could on the world stage, giving it the opportunity to influence outcomes at the end of the war.

With this in mind, President Chiang Kai-shek personally attended the Cairo Conference in Egypt in November 1943 alongside President Franklin Roosevelt of the US, and UK Prime Minister Winston Churchill.

The 'Cairo Declaration' issued from this meeting was built on concepts from the 1941 Atlantic Charter, an Allied template for a new post-war order. It stated that Formosa (Taiwan) and the Pescadores would be returned to the ROC upon victory and conclusion of the war ⁶.

The declaration was also cited in Clause Eight (8) of the Potsdam Declaration of 1945: "The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine."

Today both the CCP and the KMT ⁷ in Taiwan claim these declarations, and the subsequent 1952 Treaty Of Taipei with Japan ⁸, have legal weight under international law to the effect of settling Taiwan's status as Chinese territory at the moment of Japanese surrender.

There are fundamental legal problems with this claim because neither the Cairo nor Potsdam Declarations carry the same weight in international law as a treaty agreement. They were statements of intent but not legally binding agreements.

The Republic of China on Taiwan 1945 to 1971



Where the instrument of Japanese surrender in 1945 marked the end of the war, the San Francisco Peace Treaty, signed in September 1951, marked the legal beginning of the peace between Japan and the Allied Powers.

The ongoing Chinese Civil War and therefore the question of which Chinese government was legitimate explains the absence of both from the San Francisco conference. The US wanted to invite the Republic of China (ROC) on Taiwan to represent China, whilst the UK argued for the People's Republic of China (PRC). As a compromise, neither

government was invited. There was also no Taiwanese representation at the conference.

The treaty reflects a claimed consensus at the conference that the legal status of the islands of Taiwan and the Pescadores was undetermined and would be resolved at a later time in accordance with the principles of peaceful settlement of disputes and self-determination, as enshrined in the UN Charter.

The treaty officially renounces Japan's treaty rights derived from the Boxer Protocol of 1901 and its rights to Korea, Formosa (Taiwan) and the Pescadores, Hong Kong (then a British colony), and the Spratly Islands amongst others. But it is clear that it does not hand these rights to either the ROC or the PRC.

The Treaty of Taipei between Japan and the ROC signed some seven months later stated that all residents of Taiwan and the Pescadores were regarded as nationals of the ROC and that *"It is recognised that under Article 2 of the Treaty of Peace which Japan signed at the city of San Francisco on 8*

September 1951 (hereinafter referred to as the San Francisco Treaty), Japan has renounced all right, title, and claim to Taiwan (Formosa) and Penghu (the Pescadores) as well as the Spratley Islands and the Paracel Islands” ⁹. The treaty does not however include any wording saying that Japan recognised the territorial sovereignty of Taiwan having been transferred to the ROC.

It was the ROC's stated position at the time that they regarded the Treaty of Peace to combine with the San Francisco Peace Treaty and the Cairo and Potsdam declarations to be proof that Taiwan and the Pescadores had been legally transferred to the ROC. This is a position they maintained until they were evicted from the United Nations in October 1971. Neither the US, or other members of the U.N. however agreed to, or recognised, the ROC's claim either then or subsequently.

After 1971, when the PRC entered the United Nations, Beijing used the successor states theory to claim all ROC territory as Chinese and therefore argued that Taiwan was now a part of the People's Republic of China.

Most members of the U.N. have since 1972 adopted a balance in their diplomacy with Taiwan and China. This is done by distinguishing between the One China Principle - the idea that there is only one recognised Chinese nation and government in the world and that is the PRC - and the One China Policy, which cut off formal relations with the ROC and recognised the PRC whilst ensuring that the policy acknowledges but does not legally recognise the PRC's claim on Taiwan.

With the Japanese surrender in 1945, the Allied forces led by General MacArthur “appointed the ROC armed forces under Chiang Kai-shek (蔣介石) to implement disarmament of the Japanese forces on Taiwan and the subsequent military occupation” ¹⁰. Although Chiang and the KMT were to pass a new ROC Constitution ¹¹, bringing it into force on December 25th 1947, the constitution was not brought into force for Taiwanese until 1949, when it was immediately suspended and a period of martial law declared that lasted for almost forty years until July 1987 ¹².

The KMT's ultimate defeat in the Chinese Civil War to the PRC and fleeing to Taiwan in 1949 immediately set up a ‘Two Chinas’ scenario, which until 1971 consisted of one China recognised by the global community as a founding member of the U.N and a permanent member of the Security Council (the ROC), and the other outside of the U.N. system (the PRC).

On October 25th 1971 the United Nations General Assembly passed Resolution 2578, which ‘expelled the representatives of Chiang Kai-shek from the United Nations’ ¹³. This was a great shock to Taiwanese and a perhaps critical wound to the legitimacy and authority of the ROC on Taiwan ¹⁴.

It is important to note here that the wording of the resolution was carefully chosen and, despite efforts by the PRC to interpret it differently, it makes no mention of Taiwan, the status of Taiwan, and nor does it signal the United Nation's agreement that Taiwan belongs to the PRC. It simply states that the seat formerly held by the ROC under the representation of Chiang Kai-shek, would be allocated to the PRC. Chiang would later die in 1975 with the ROC still excluded from the U.N. His passing, and the ascension of his son, Chiang Ching-kuo, to the Presidency proved to be another critical moment on Taiwan's road to the end of martial law and replacing the KMT party-state dictatorship with an indigenous democratic polity.

Constitutional reform and democratisation in Taiwan Post-1971

By the late 1970s and early 1980s it had become clear to most Taiwanese that there was no chance for the KMT to achieve their stated ambition to ‘retake the mainland’¹⁵, and Taiwanese patience with the Chiang dictatorships had run out. Opposition to the ongoing martial law was rising, first through non-political protests, then later into direct confrontations followed by high-profile political trials, which often only garnered public support for the dissidents and democratisers.

One of the leading defence lawyers in the most famous case, dating back to 1979, later became Mayor of Taipei and the first non-KMT President of Taiwan: Chen Shui-bian¹⁶. The death of Chiang Ching-kuo in 1988 and the ascension of Taiwanese President Lee Teng-hui to lead the KMT and the country was a turning point, and the National Affairs Conference formed by Lee in 1991 was a key catalyst for constitutional reform that ended up linking ROC sovereignty to a solely Taiwanese polity and democratic mandate.



Between 1991 and 2005, the 1946 ROC constitution on Taiwan was effectively frozen and six major amendments to it were passed. Those amendments allowed for direct election of the President, the abolition of state bodies that had been carried over from China such as the National Assembly, the freezing of the Taiwan *provincial* government (largely implemented to provide legitimacy to the idea that the *central* ROC Government in Taipei was only there temporarily), the institution of the rights to referendum and recall, and reforms that turned the structure of the political system from a parliamentary republic into a semi-Presidential republic¹⁷.

Two leaders in particular made a huge difference to how Taiwanese viewed themselves and their national identity.

President Lee was a member of the KMT, but he was also a native Taiwanese, in contrast to Chiang Kai-shek and his son, who were from China. It was Lee who decided to negotiate with, not crush, student protestors in 1991¹⁸, just two years after the CCP had chosen the other option to horrific effect at Tiananmen Square in Beijing.

With opposition parties having been legal in Taiwan since 1987, the Taiwanese people now had a genuine democratic choice at most elections and welcomed the expansion in suffrage. Constitutional reform allowed for the country to hold its first direct democratic elections for President in 1996, which Lee won. His visit to the US the same year evolved into the Taiwan Missile Crisis, when the PRC launched rockets into the seas around Taiwan in protest. This arguably marked the start of the CCP's campaign to re-assert an openly hostile military posture towards Taiwan, and a rhetorical shift towards coercion.

During this time, parties such as the rapidly growing pro-Taiwan Democratic Progressive Party (DPP-green) began to compete fiercely for seats against the institutionally advantaged and incredibly wealthy Chinese Nationalist Party (KMT-blue). To the surprise of many, and not without considerable luck and division in the KMT, in 2000 the DPP's Chen Shui-bian won the Presidency and Taiwan marked its first peaceful transfer of power between parties.

A nation's identity crystallises: 2000 to 2022

Where Lee had described relations between Taiwan and China as 'special-state-to-state' ¹⁹, Chen went further and called them full international relations. Chen's unabashed pride in being Taiwanese, his use of the locally endemic and 'lower class' Hoklo Taiwanese language as well as Mandarin, his decolonisation of the education system, his abolition of the National Unification Guidelines ²⁰, and his demand that Taiwan be visible on the world stage all ignited, or released, a latent Taiwanese civic nationalism awaiting a sufficient level of security and self-determination to express itself.

The 2000 to 2008 period under Chen's presidency was marked by both a rising national identity and national pride but also a concerted push back, domestically and internationally against the President. In Taiwan, the KMT accused Chen of provoking tensions with the PRC ²¹, as did voices in Washington ²², despite Chen making a number of concessions and promises on limiting his efforts to decolonise the country ²³. In 2005 the PRC passed the "Anti-Succession" law, legally requiring it to attack Taiwan should it declare independence (from the ROC). This prompted a number of different reactions. Washington expressed strong opposition to the law but accused both sides of using legal instruments to unilaterally change the 'status-quo' ²⁴.



For the KMT this was the result of Chen forcing the PRC to take a harder line in its position towards Taiwan by provoking it through 'De-Sinofication'. For most Taiwanese, the new law was both a threat and an insult, with polls showing as much as 93% of the population opposed to it ²⁵.



From 2008 to 2016, Taiwan's Presidency and Government were led by the KMT and Ma Ying-jeou. The solution to Chen's 'mishandling' of the sensitive cross-strait relationship, offered by Ma, was a form of 'mutual non-denial' built upon a claim of a consensus to this effect having been agreed in Singapore in 1992. Almost immediately upon coming into office, relations between Taiwan and the PRC thawed, to the extent that Taiwan 'was allowed' observership at the WHO for the first time ²⁶ and 'mini-three' links were re-established ²⁷.

The PRC had made the decision to reduce 'tensions' as a policy response to the KMT winning back power. In 2009 it agreed to a visit by Chen Yunlin, Chairman of the PRC's Taiwan Affairs Office, which in turn provoked widespread protests that came to be known as the Wild Strawberry student movement ²⁸. This was the first major student protest since 1991 and, although unsuccessful, arguably paved the way for the much larger and successful Sunflower protests in 2014 ²⁹.

The 2014 protest exploded after the Ma Government tried to force two agreements with China through the legislature which opponents argued would hollow out Taiwan's remaining national

security and economic independence. After occupying the legislature for three weeks, the students emerged with public opinion on their side and the KMT was forced to shelve the agreements.

Despite managing a historic meeting between himself and Chairman Xi in Singapore a year later ³⁰, it was not enough to persuade the Taiwanese electorate that they wanted the KMT to stay in power, and in 2016 the DPP's Tsai Ing-wen became Taiwan's 2nd non-KMT leader, taking office in a landslide victory.



All of these events impacted Taiwanese sense of nationhood, identity, and sovereignty with some interesting trends. The longitudinal polling of National Chengchi University on national identity has tracked changes since 1996 ³¹. Currently 63.7% identify as Taiwanese only, and 30.4% as Taiwanese and Chinese. The two figures track oppositionally, often reflecting how concerned Taiwanese are about cross-strait relations.

Likewise, when asked what future they wanted for Taiwan's status, 87.2% prefer either the current de facto independence as the ROC or de jure independence as Taiwan. Only 6.5% want unification with the PRC ³². Today, nearly all Taiwanese identify as a self-determining sovereign people and nation under the legacy polity title of the ROC (Taiwan).

Part 2: International law and the right to self-determination

Where does the right to self-determination come from?

In the 16th century the Spanish professor of law at the University of Salamanca wrote: "*Toda nación tiene derecho a gobernarse a sí misma y puede aceptar el régimen político que quiera, aún cuando no sea el mejor*" meaning "all nations have the right to govern themselves and can accept the political regime it wants, even if it is not the best" ³³ In 1810, Dionisio Inca Yupanqui, a Quechua descendant of the Inca King Huayna Cápac and the only indigenous delegate in Cádiz for the rewriting of the Spanish constitution, remarked that "A people that oppresses another cannot be free ... As an Inca, Indian, and American, I offer to the consideration of V.M. a highly instructive recommendation." ³⁴

This was noticed by economists and philosophers of the mid 1800s who adapted Yupanqui's argument following study of the Cortes de Cádiz and Spain's resistance to Napoleon in the Peninsular War. This was then applied to the case of Ireland to develop theories of national self-determination, discussion of which gave birth to the famous phrase "*A nation that enslaves another forges its own chains*" ³⁵.

Towards the late 1800s the concept of self-determination started to appear more frequently in political discourse across the European continent ³⁶, often linked explicitly to anti-colonialism, nationalism, and labour movements. The expansion of the Westphalian nation-state model in Europe ignited questions of national identity and determination, coming into conflict with established and rising empires.

The history of the development of the right to self-determination and its invocation, in good and bad faith, is one of reaction to Empire. Between 1776 and 1914, numerous Empires such as the Ottoman, Russian, Austrian/Habsburg, Qing, Spanish, Portuguese, British, French, Dutch, German, US, and Japanese competed for regional and global dominance, expanding or contracting at the expense of each other. All these Empires effectively ignored the self-determination of those they colonised or governed.

In the case of Taiwan, the Qing Dynasty seized the Pescadores and occupied the western plains of Taiwan from 1683 until 1895 but were unable to extend their colonial project any further owing to fierce protection of self-determination by indigenous Taiwanese communities there.

By the end of World War One, the leaders of the USA and USSR competed to build and shape a new international 'order', one that would include recognition of fundamental or universal rights such as self-determination.

In 1914 Lenin wrote: "[It] would be wrong to interpret the right to self-determination as meaning anything but the right to existence as a separate state" ³⁷.

For his part in 1918 Wilson issued his 14 Points whereby he acknowledged colonial subjects had at least an equal voice in their status as their colonial 'masters' and stated that "national aspirations must be respected; people may now be dominated and governed only by their own consent. Self determination is not a mere phrase; it is an imperative principle of action" ³⁸

Whilst the League of Nations, a precursor to the United Nations, was ostensibly intended as a tool for democratisation in lieu of monarchies and "coteries", it was also one that sought to draw lines to define the borders of new nation-states out of the debris of collapsed Empires.

The Sykes-Picot Agreement and the Balfour Declaration are now read by historians in that context as manifested by State actors vying for regional influence during this time. That the subsequent borders drawn did not match actual ethno-linguistic demographics, e.g existing self-determination on the ground, would later become a cause for conflict and armed struggles for independence.

Maps were created that did more to facilitate and reflect the aspirations of the people paying for the cartography than accurately describe the territory and its peoples.

It is useful to remember this was a period of great geopolitical flux that had seen the end of African, Ottoman, Russian, and Qing Empires, and the waning of the British Empire. Powerful new ideas and new political entities, from the newly born Republic of China, the US, Italy, Germany, and Russia were redefining the nation-state and the structure of their preferred political-economy in their own terms.

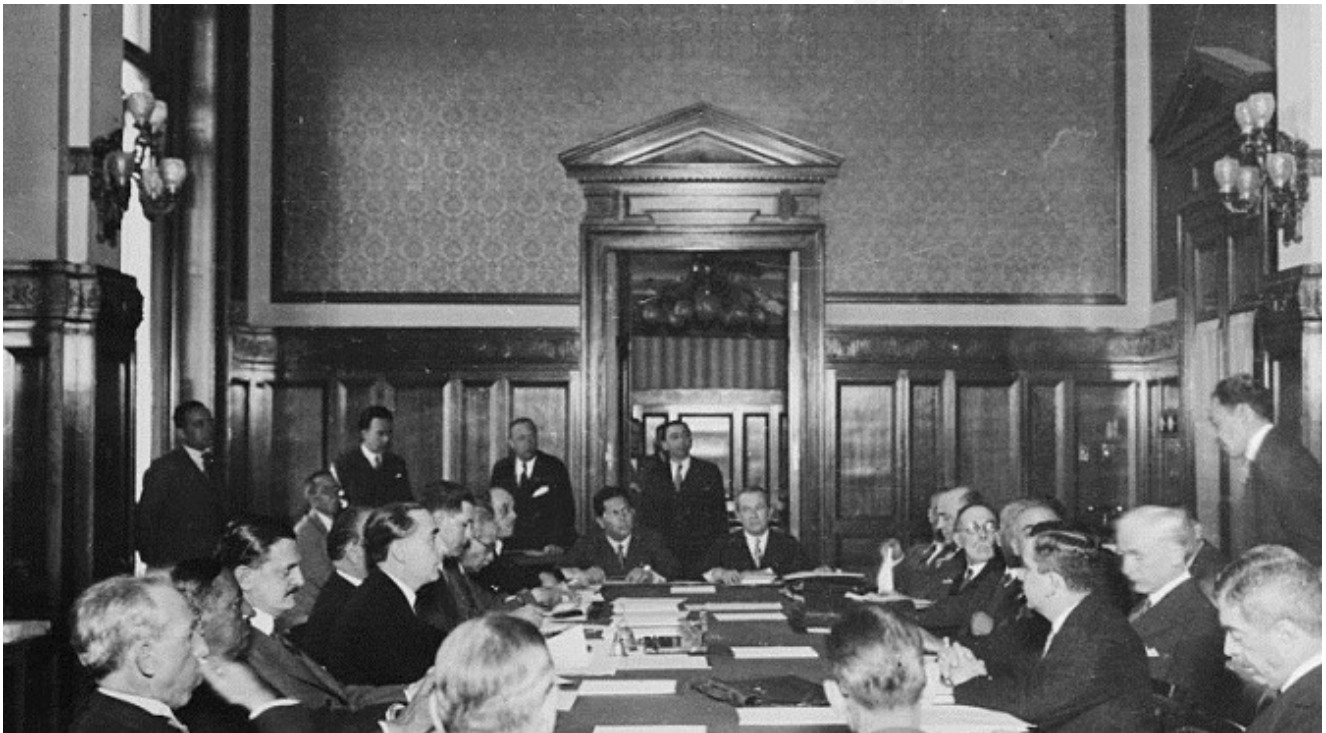
Indeed, it took only until 1939 for another global war of empires and ideology to break out, once again crudely and violently rearranging pieces on the geopolitical chessboard, resulting both in the creation of newly liberated lands, and new colonies.

Noting the destruction wrought when states ignored the self-determination and sovereignty of other peoples, the founders of the United Nations enshrined this right into Paragraph 2, Article 1, Chapter 1 of the 1945 United Nations Charter ³⁹:

“To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”⁴⁰

The right to self-determination has since then become a cardinal principle in modern international law. This right is built upon recognition that peoples have a universally shared right to freely choose their sovereignty and international political status with no interference.

The Montevideo Convention



The Montevideo Convention on the Rights and Duties of States is a treaty that was signed in Montevideo, Uruguay, on December 26th, 1933⁴¹. The Convention codifies the declarative theory of statehood as an accepted part of customary international law and, although it had only 19 signatories, political historians such as Harris⁴² and Castellino⁴³ agree the convention applies to all subjects of that law regardless. Concerning Taiwan, the relevant articles are numbers one and three:

Article 1: The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.

Article 3: "The political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts. The exercise of these rights has no other limitation than the exercise of the rights of other states according to international law."⁴⁴

It is clear that today that Taiwan (ROC) meets all these criteria. It has a permanent population, a government, and the capacity to enter into relations with other states.

There has been some debate about whether it meets condition (b) since the territory is not explicitly named in the 1946 Constitution ⁴⁵, and is defined as “its existing national boundaries”, which at the time of promulgation included ‘mainland’ China. Under the Additional Articles (Amendments) to the constitution, this definition is repeated in Article 4 ⁴⁶.

These Amendments to the constitution, passed between 1991 and 2005, came as a result of negotiation between the KMT and the DPP as a part of the process of transition from a one-party state to a full democracy.

The DPP sought to reform elected institutions of the ROC such as the National Assembly and Legislative Yuan, for example by abolishing the National Assembly and ending the “10,000 year parliament (萬年國會)” in the Legislature that had been elected in China in 1948, whose members retained their seats without electoral contest over forty years later.

For their part the KMT balked at formally ‘localising’ the ROC in the constitution to territory only under their actual control and jurisdiction, fearing that it would mean the end of the ROC’s claim to be the legitimate Chinese government, despite the majority of the world’s nations having already rejected that claim by the late 1970s.

A compromise was reached whereby an old term used during the Japanese occupation to distinguish between areas of China under KMT or Japanese control, the “Free Area”, was adopted into the constitutional Amendments ⁴⁷.

This “Free Area” of the nation wasn’t itself defined in the constitution or the amendments, but it became associated with the territory and the people under the ROC government’s effective jurisdiction in practice since only citizens with the right to abode in this “Free Area” were able to exercise full civil and political rights, including the right to settle and vote. For example, Article 2 of the Amendments was later amended to explicitly link the Head of State’s mandate to a sovereign body of electors:

“The president and the vice president shall be directly elected by the entire populace of the free area of the Republic of China. This shall be effective from the election for the ninth-term president and vice president in 1996.” ⁴⁸

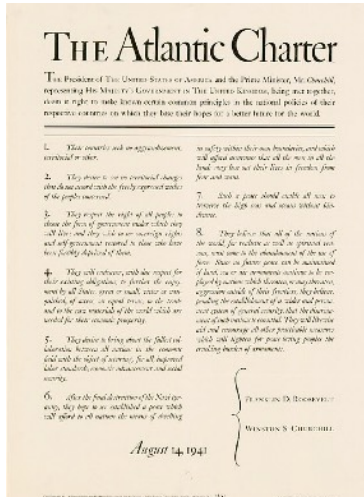
In summary, whilst most attention is commonly paid to Article 1 of the Montevideo Convention, it is Article 3 which both provides a succinct definition of self-determination and clearly, deliberately, separates that from the need for other states to recognise a state before it can be considered a state.

In other words, it is the practice of self-determination meeting those four criteria which affords a people the right to define themselves as a State regardless of whether other states recognise them or not.

Again, Taiwan meets these criteria and therefore whether they have fourteen or zero diplomatic allies has no relevance to their right to call themselves the Republic of China, the Republic of Taiwan, or any other name.

It is the policy of the PRC to pressure other nations into helping it prevent Taiwan exercising Montevideo Convention criteria (d), promising Taiwan a military offensive to incapacitate (c) so that it can annex (b) and occupy (a).

The United Nations



The advent of the Second World War spurred the creation of a new international body designed to create international law by democratic vote in a General Assembly of nation-states. Through their participation, members would agree to abide by both laws and resolutions of this body. That body is where the right to self-determination became further defined and institutionalised.

The United Nations was set up principally by the Allied powers (USA, UK, Republic of China, USSR, and France) based upon a series of declarations and agreements between 1941 and 1945 which called for ‘cooperation of all free peoples’ to ‘enjoy economic and social security’. Of these perhaps the most influential was the 1941 Atlantic Charter ⁴⁹ which included the following numbered principle clauses:

2. Territorial adjustments must be in accord with the wishes of the peoples concerned.
3. All people had a right to self-determination.

The Atlantic Charter, supplemented later by the Declaration By United Nations , Declaration of the Four Nations, the Dumbarton Oaks Conference, the Yalta Conference were the foundation of the Charter of the United Nations passed in April 1945 ⁵⁰.

Since that time the issue of self-determination has risen numerous times at the U.N. and it has remained a core issue, especially for members with less political and economic influence, and those excluded from the forum such as Taiwan.

We have listed and detailed key moments where self-determination is discussed in U.N law in Appendix 1. This table clearly illustrates how the principle and right to self-determination has been a consistent feature, and clear goal, of United Nations work since its inception.

It is important here to note that where some United Nations resolutions are formulated with specific territories, peoples, and conflicts in mind, nowhere else in the work of the United Nations is the principle of self-determination delimited to only specific peoples, or those who might meet certain criteria to ‘qualify’ for self-determination. It is a universal right recognised to be breached by an act of military aggression where one party violently occupies and subjugates another population outside of its recognised borders.

The United Nations does not take a position on the borders of either the PRC or ROC. China’s claims that the Taiwan issue is an internal affair of the PRC alone do not accord with international law under the United Nations, nor any existing treaty prescription or obligations.

Furthermore, the ascension of the PRC to the ROC's former seat in the United Nations in 1971 did not mean the U.N. recognised Taiwan to be part of the PRC, or that the U.N. had adopted the PRC's 'One China principle'.

Despite this, the PRC has worked hard with some success to instigate the U.N. Secretariat and other bodies such as the World Health Organisation, ISO, & ICAO to go beyond and distort the remit of Resolution 2758 ⁵¹ so as to 'embed' its 'One China Principle' into the U.N. system ⁵². Chinese officials make unilateral claims that the U.N. officially designates the title of Taiwan as 'Taiwan, Province of China' ⁵³ and inject similar language into U.N. statements and documents in an attempt to create a legal convention where one does not exist.

As a result, and despite membership of the World Trade Organisation since 2000 ⁵⁴ Taiwanese on the world stage have otherwise been talked over, ignored, forced to adopt spurious names, belittled, shut out, patronised, scolded, and blamed for the temerity of identifying themselves as Taiwanese.

The injustice of Taiwan, and Taiwanese, absence on the world stage, and threats to their independence, freedom, and democracy are now unavoidably obvious. Part of the process of correcting an injustice is to make heard the voices of those who are, or have been, shut out. Those voices need visibility and equity. Visibility is to place a ladder so they can climb to the same table. Equity is making room for them to stay there. The strategy of the PRC is to render Taiwan invisible on the world stage as a nation in its own right, to take the ladder away for good before Taiwan gets to the table.

This clear intent contradicts the terms of the Montevideo Convention and subsequent U.N. law, under which Taiwan fulfils the criteria for self-determination. In this context, any attack on, or occupation of, Taiwan by any other nation-state would be a clear and irrevocable breaking of international law.

A nuanced understanding of how international law is actually executed however accepts it is often a function of how each of the member-states in the United Nations relate, or adhere to, that law.

For example, the PRC has actively refused to abide by the terms of UNCLOS where they regard implementation of it as a barrier to their strategic goals ⁵⁵. In 2016 an international tribunal invalidated the PRC's claim to ownership of 90% of the South China Sea ⁵⁶, yet China has since then regularly incurred into the Philippine Exclusive Economic Zone ⁵⁷.

The PRC has also threatened vessels from other nations which have sailed around 12 nautical miles from atolls the PLAN have militarised ⁵⁸, despite initially insisting in 2014 that the environmentally destructive dredging of these atolls to create runways and ports was "for the purpose of improving the working and living conditions of people stationed on these islands" ⁵⁹.

China is not alone in charting a path in international relations and membership of international organisations which oscillates between compliance with, and convenient disregard, for law. This highlights a weakness of the U.N., and the system of international law in so far as uneven or absent enforcement of that law can, and has, allowed a bad faith gaming of it, and the U.N., for strategic purposes. For those and other reasons, many nation-states have also formed other international blocks to provide representation for voices either not heard in the U.N. or those that are deliberately excluded.

International Courts of Justice & Non-UN aligned International Bodies

The right to self-determination is also found outside of the United Nations in a range of bodies that includes the Non-Aligned Movement (NAM) ⁶⁰, the Unrepresented Nations and Peoples Organization (UNPO) ⁶¹, and the International Court of Justice (ICJ).

At the ICJ, the issue of self-determination is often thought of in terms of being one pertaining to decolonisation or a matter of State succession, leading scholars to call for more clarity on the definition with specific regard to international law ⁶².

Others argue that in spite of self-determination as a political issue having a number of dimensions, “the core meaning of the legal right to self-determination centres on the idea of freedom from subjugation” and that “it is now accepted that the legal right to self-determination also applies beyond the colonial context” ⁶³.

There are at least four normative conceptions that have, according to Saul, been ascribed to the right of self-determination in international legal doctrine - human right, association with sovereignty, erga omnes, and jus cogens ⁶⁴. Self-determination can therefore be thought of as a principle, a human right, a collection of resolutions, a law or collection of conventions and resolutions, or an expression of sovereignty.

We can see then that it remains a complex concept in terms of legal and practical application, with bodies like the ICJ and the U.N. Human Rights Council both seeking to reaffirm it whilst taking care not to define it too specifically in any direction.



Without descending into the myriad of international law it is sufficient to say that law or convention at any level relies on willing participants to those laws and conventions accepting the results of their application, whether it is in their material or strategic interests or not. Consequently it is often in the interests of institutional State members that the law remains as vague as possible, and that its universalism does not contradict, or come into tension with, the members specific geopolitical goals in respect of borders, territory, and areas they make, or wish to, claim authority to govern.

This ‘flexibility’ in international law can be seen in the 1981 Africa Charter which refers to “peoples” who can or could qualify for recognition of their self-determination but avoids defining it any more specifically ⁶⁵.

Almost every question of a people’s self-determination that reaches the international stage has the potential to be heavily litigated by all participants, where a lack of definition or an agreement on one becomes either a means for avoiding abiding by a ruling, or a reason for the ruling body to sidestep questions of a highly charged and political nature.

Nation-states will also respond differently to the implementation of the concept depending on their own interests. In the final analysis, international law on self-determination rests to a large degree on parties to that law agreeing to abide by it.

One important first step then is for either a government or official opposition party to institutionally express a recognition of a people's self-determination. In Taiwan's case there is precedent for this, such as the leadership of the Australian Labor Party which supported 'Formosan self-determination' as late as 1963 ⁶⁶.

Does Taiwan have a right to self-determination?

A lot of focus is placed on defining Taiwan's status in 1945 when, for many Taiwanese, the handover to the forces of Chiang Kai-shek represented just another chapter in their colonisation.

It was, after all, an event within the living memory of those who remembered when they were "given" in perpetuity to Japan by the Qing after it had sued for peace in the 1895 Treaty of Shimonoseki. Back then, a territory only half-controlled by one empire in terminal decline to its west became the model colony of another one rising to its east.

The Taiwanese people were not consulted in 1895. They were not consulted in 1945, barely consulted in 1947, and suffered under 'white terror' and martial law between 1948 to 1992 ⁶⁷. A significant minority of Taiwanese consider themselves as still living under a colonial polity.

This context helps explain why, as soon as the ROC left the United Nations in 1971, Taiwanese scholars began arguing that Taiwan had a case for self-determination ⁶⁸, and many indigenous people consider the existence of the Republic of China on Taiwan today as evidence that Taiwan has yet to complete its process of decolonisation and self-determination ⁶⁹.

The discussion of Taiwan's right to self-determination is still too often framed in terms of Chinese and US history and their narratives about Taiwan's identity. That right is absented and ignored by the following bad faith arguments:

- calls to 'historical evidence' of Taiwan's identity as a 'Chinese' island, by overlooking the colonial nature of the Qing Dynasty's occupation
- that the Treaty of Taipei somehow overrides the San Francisco Peace Treaty
- the projection of the CCP's One China Principle onto the membership of international organisations and the individual policies other countries have regarding their relations with Taiwan and China
- the claim that Taiwan can't claim to be a state because its legacy title is still The Republic of China (Taiwan) and it is therefore not technically independent of China

All of these arguments distract from the fact that Taiwan, the advanced industrialised democratic nation-state of 23 million people in principle and under international law, meets all legally agreed criteria for its self-determination. That should be respected and recognised on the international stage.

Referring back again to international law, in its Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960, Resolution 1514 (XV) ⁷⁰, the General Assembly declared, among other things, that:

- (1) The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation; and
- (2) All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

This Declaration is buttressed by the other Assembly resolutions we have listed in Appendix 1. They include the International Covenants on Human Rights adopted by the General Assembly in 1966, and the International Covenant on Civil and Political Rights passed in 1976, which established that:

1. All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realisation of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations. ⁷¹

In 2009, then Taiwan President Ma Ying-jeou formally signed the instruments of ratification of the two covenants on human rights – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights into Taiwanese law ^{72 73}.

Politicians who visit Taiwan today and listen to the Taiwanese often come to better understand the complex nature of Taiwan's history, and many leave with a clear impression of a distinct people and their nation ⁷⁴. Taiwanese might be culturally and linguistically related to China but they see themselves as very much separate from the PRC politically and nationally, and show little to no desire to 'reunify' into what they regard as a separate country that has an alien political-economy and value system ⁷⁵.



In summary, Taiwanese currently in practice, regardless of the official title of their nation, demonstrably freely determine their political status and freely pursue their economic, social and cultural development.

Taiwanese are able to engage in diplomatic relations with other nations, and they administer and govern a sovereign territory, manifested through enforcing customs and border controls and military control of their airspace and territorial waters. These are facts that are becoming increasingly recognised around the world. ⁷⁶

The question therefore isn't "Do Taiwanese have the right to self-determination?" or even "Do Taiwanese have a right to self-defence?" ⁷⁷ so much as "Why do other nations not respect the Taiwanese right to self-determination?". The answer to that question lies in a complex web of legacy diplomatic decisions, and the weight of influence the PRC has brought upon the States and political-economies to keep shaping and guiding the policy of other nations concerning Taiwan.

Part 3: Making room for respecting Taiwan's right to self-determination

Why it's time to respect Taiwan's self-determination

Despite fundamental and radical changes to Taiwan's political-economy and constitutional order the country remains stuck in the birdcage of an ROC constitutional polity and framework.

There is a great irony in the fact that despite this in practice meaning the self-evident existence of two Chinas, Taiwan is nevertheless regularly warned by both the US and PRC to not replace the ROC with a new republic, on threat of military conflict.

As of the time of writing, under treaty and international law, the official status of Taiwan remains 'to be resolved' until the relevant interested parties negotiate a settlement or until the United Nations recognises Taiwan's right to self-determination.

As we have seen by the PRC's recent disproportionate and hostile response to the visit of US Speaker Nancy Pelosi, there is now a significant threat that the PRC will seek to annex Taiwan by force to 'settle' the question and status of Taiwan to preclude any other outcome, including the wishes of the Taiwanese people.

It should now be clear to diplomats and foreign policy analysts that the PRC is moving to change the 'status-quo' in Taiwan-China relations from a position of some respect for the median line of the Taiwan Strait and overlapping commercial airspace and air defence identification zones (ADIZ) to one of daily incursions by the PLA into both ⁷⁸.

The decision of the CCP to reduce their threats during periods when Taiwan has had a pro-China President, and amplify them when the Presidency is held by a pro-Taiwan party, belies the extent to which Chinese 'outrage' at 'external interference' in Taiwan is a function of CCP foreign policy. China's desire to annex Taiwan has nothing to do with liberation, historical justice, 'reunifying China', ending imperial interference in China's internal affairs, socialism, Marxism, class struggle, or international law.

Instead it rests on the military and geopolitical goal of breaking ‘the first island chain’, and the role Taiwan plays, as a symbol of the nation’s rejuvenation to a natural global superpower and the end of its ‘Century of Humiliation’, in legitimising the CCP’s rule.

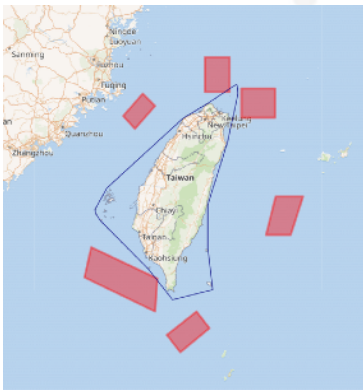
Starting arguably from Jiang Zemin, Chinese leaders have increasingly placed a continuously growing economy, the military capability of a superpower, and the ability to ‘regain’ Taiwan at the centre of their policy programmes and built their authority within the party on them. China has been clear about and will not hesitate nor stop in their drive towards meeting these goals.

Furthermore, despite former Taiwanese President Ma’s claims that the “1992 Consensus” marked an agreement between the ROC and PRC on “one China, different interpretations” (一中各表, 一個中國各自表述)⁷⁹, the different interpretations component has never been validated by the PRC⁸⁰, to Ma’s later chagrin⁸¹.

China has however utilised referencing the 1992 Consensus as part of their messaging towards Taiwan, such as in Jan 2nd 2019 when Chairman Xi stated that Taiwan “must and will be united with China based on the “1992 consensus” under the “one China principle.”⁸²

By refashioning “1992 Consensus” into a prerequisite that must be met before meaningful cross-strait dialogue can be achieved, the PRC unilaterally changed the terms and content of the cross-strait status-quo⁸³.

Combined with legislation passed in China such as the “2005 Anti-Succession Law”, the pattern is clear. It is one of Taiwan not moving across China’s so-called ‘red lines’, while China attempts to re-draw those lines to snare Taiwan in the accusation that it has contravened them.



The events of the last few months have now given the world ample and clear demonstration of China’s intent towards Taiwan. The window for appeasing, trying to renegotiate, or the possibility of neutralising that intent will not stay open indefinitely.

This appears to be understood by US President Joe Biden who in a number of statements has arguably challenged the parameters of the US policy of ‘strategic ambiguity’ by increasingly unambiguously stating that the US would intervene militarily if Taiwan was attacked by the PRC⁸⁴.

The military balance of the cross-strait relations has been in the PRC’s favour for some time. We agree with the view of Taiwan’s Foreign Minister Joseph Wu that China possesses, or is close to acquiring, the ability to manifest its desire to annex Taiwan by force, and to permanently settle the ‘Taiwan Question’ before other regional parties or allies can intervene⁸⁵.

At the same time, we note the comments of Ma Chen-kun (馬振坤), director of National Defense University’s Graduate Institute of China Military Affairs Studies, who argues that China’s reaction to the visit of US Congressional Speaker Nancy Pelosi as a desire on the part of the CCP leadership to demonstrate China’s military capacity.

Ma also references Chinese People's Political Consultative Conference Chairman Wang Yang's (汪洋) comments that Beijing prefers unification with Taiwan by peaceful means indicate the PRC calculates a blockade and invasion of Taiwan would currently be economically disastrous for the country ⁸⁶, especially if global sanctions from major nations were imposed given that China is more reliant on energy and food imports, and manufacturing exports, than for example Russia.

Our last report, "Ukraine Today, Taiwan Tomorrow", highlighted the role the United Kingdom could play in building a credible deterrence. The TPC believes that there needs to be as strong a diplomatic push to update the language of the United Kingdom's relationship with Taiwan, with new words to reflect new realities, and which respects Taiwanese autonomy and self-determination.

It's time for a new UK position, the establishment of a coherent respectful policy towards Taiwan that reflects the reality of the situation Taiwan finds itself in today.

The UK's relationship with Taiwan - a new formula

The UK was the first Western country to recognise the PRC, doing so in January 1950, when they sent a Chargé d'affaires to Beijing and ended their recognition of the ROC ⁸⁷.

The PRC did not reciprocate diplomatic relations with the UK and formal relations were only established when the UK and the PRC signed the China and UK Joint Communiqué Concerning Upgraded Diplomatic Relations Of 1972 ⁸⁸ which "acknowledged the position of the government of the PRC that Taiwan was a province of China and recognised the PRC Government as the sole legal government of China" ⁸⁹.

Consistent with the US policy the UK 'acknowledged' but did not 'recognise' or accept the PRC's claim that Taiwan was a part of China. More recently, the UK's policy in regard of Taiwan was set out in fullest form for a House of Lords debate on the 14th of July 2020, with Lord Ahmad of Wimbledon saying on behalf of the Government:

"The United Kingdom's long-standing policy on Taiwan has not changed. We have no diplomatic relations with Taiwan, but a strong unofficial relationship based on dynamic commercial, educational and cultural ties. We regularly lobby in favour of Taiwan's participation in international organisations where statehood is not a prerequisite, and we make clear our concerns about any activity that risks destabilising the cross-strait status quo. We have no plans to recognise Taiwan as a state." ⁹⁰

The UK Government also occasionally stresses that the status and future of Taiwan is a matter for both sides of the Taiwan Strait to determine peacefully such as this statement given in response to a 2015 petition for the UK to recognise Taiwan:

The UK believes that the Taiwan issue should be resolved through dialogue, in line with the views of the people on both sides of the Taiwan Strait. ⁹¹

It is a damning indictment of the UK Government's failure to make headway on Taiwan's participation in any international organisations, let alone those that "require statehood" to do so, that as far back as 2006 the House of Commons Foreign Affairs Committee on East Asia's report concluded that:

“Taiwan’s exclusion from bodies addressing concerns in areas including health and environment is unsatisfactory, particularly with the spread of avian influenza. We recommend that the Government set out in its response to this Report what measures it is taking to ensure that Taiwan takes a fuller part in organisations tackling such matters, and its attitude towards full membership of the World Health Organisation (WHO) for Taiwan” ⁹²

As a global pandemic continues through 2022 with Taiwan excluded from even observership at the World Health Organisation, the country’s absence from international bodies that it can and should provide a substantial contribution to has become ever more obviously and glaringly illogical.

It appears some sixteen years later, the only answer the UK Government can now give to the committee as to which measures it took to ensure Taiwan takes a fuller part is “not many, and with little to no effect” ⁹³.

This represents sixteen years of missed opportunities to raise the profile of Taiwan and its importance to the United Kingdom on the international stage, including as recently as 2021 ⁹⁴, and a failure to envisage a future when Taiwan’s security could become a concern for the UK’s economy.

The United Kingdom’s China policy knowingly locks Taiwanese in the birdcage of the Taiwan/ROC statehood/independence norms, and as such the Government gives itself little room for control of its own policy towards Taiwan.



Taiwan's exclusion from international organisations is playing out on the sidelines of the COP26 climate summit in Glasgow. Photo: AP

It is instructive to remember that the United Kingdom still does retain a sovereign right to determine its own relations with Taiwan and China, and that there is no diplomatic protocol or relationship that cannot be amended or evolved.

The question of the UK’s relationship with Taiwan is a function of its will to respect Taiwanese self-determination, make room for them at the table, and the method by which that can be manifested.

The UK Government arguably still burying its head in the sand on the issue of Taiwan demonstrates a lack of will and method to face and accept changed realities on both sides of the Taiwan Strait.

Bringing the UK’s Taiwan policy into the twenty-first century

There is however a rising appetite within Westminster for creating a healthier economic and political distance from Beijing, especially in light of their support for Russia’s invasion of Ukraine.

Accordingly, across political parties in Westminster there is now much greater ‘will’ to rebalance the UK’s relations with both China and Taiwan. But it is the ‘how’ of a change in policy that is commonly regarded as an intractable puzzle containing a lot of fragile and potentially combustible parts. The United Kingdom economy’s exposure to Chinese investment and production complicates the picture further.

The core of ‘strategic ambiguity’ is the ‘acknowledge’/‘recognise’ axis. The UK Government will not and should not, at this time, risk a situation in which the PRC threatens to cut diplomatic relations because the UK has unilaterally recognised the Republic of China or Taiwan. Such a move would benefit no party.

As we have seen, both ‘recognise’ and ‘acknowledge’ have specific and significant meanings in diplomatic relations and agreements between states, but it is possible for other words to be introduced that add more nuance to those parameters.

To that end, the Taiwan Policy Centre would advocate for the UK Government to rephrase its wording on its approach to the status of Taiwan as follows:

"The United Kingdom does not have formal diplomatic relations with Taiwan, but the Government maintains a strong unofficial relationship based on dynamic commercial, educational, and cultural ties."

"The United Kingdom recognises that Taiwan has a complex historical relationship with its neighbours, which has left a number of unresolved cultural, legal, and constitutional legacies."

"The United Kingdom respects the right of the Taiwanese people under international law to self-determination and believes that the future of Taiwan is matter for the Taiwanese people alone to decide without bribe, threat, or coercion from any other party."

"The United Kingdom will continue to engage with Taiwan on this basis and to work with our allies to promote Taiwan’s participation in international organisations."

In this formulation the U.K policy of recognising and maintaining diplomatic relations with the PRC is retained. There is no change to UK policy towards Taiwan in terms of formally diplomatically recognising it by any name.

This formulation does however respect Taiwan’s self-determination and it recognises the complexity of Taiwan’s geopolitical situation. The penultimate sentence has an important function of identifying Taiwan’s right to self-determination under international law.

The broader formulation above can encompass that issue and other forms of UK support for, and relations with Taiwan for the purpose of giving visibility and equity to Taiwanese, under the umbrella of *respecting* Taiwan’s self-determination.

The purpose of this revised UK policy towards Taiwan is to shift the UK-Taiwan relationship towards a position of “normalising interaction with Taiwan to the fullest extent, short of establishing formal diplomatic relations”, that being the definition of *respect*.



It is not the purpose of this paper to discuss whether conditions are right for this move, whether the UK economy can afford it, or other questions of cost and benefit. Doubtless, such a change in policy would elicit a response from the PRC. But recent precedent in Lithuania suggests this may be minimal and short-term in nature, not least given the UK’s greater economic size and diplomatic influence.

It is our view that to change policy now would incur a manageable short term shock to the British economy, whereas a rushed change of policy in the event of a PRC blockade or invasion of Taiwan would likely be less effective and require valuable time to go into effect.

Building relations between the UK and Taiwan

Respecting Taiwan and renewing relations with it has to take many forms, and the method is as much the message as the content. We have already proposed how the UK should revise the phrasing of its position on Taiwan. But how should this renewed policy be implemented? Ironically, the comments of former PRC Foreign Minister Yang Jiechi to the National Committee on US.-China Relations in February 2021 can stand as a rough blueprint for expanding the UK-Taiwan relationship and rewarding Taiwan’s ‘soft power’:

“For normal exchanges to resume ... Other players including think tanks, universities, media organizations, and businesses as well as exchanges at the sub-national level can also contribute in their own ways to bolstering the overall relations.” ⁹⁵

In other words, it is to use the methodology of communication, rule-setting, and institutional collaboration to make room for Taiwan, and Taiwanese self-determination; to make it visible, consistent, usual, equitable, and ‘natural’. Here below are examples of ways in which that could be manifested:

- **Nomenclature:** The U.K. Government should introduce rules to establish the ‘correct’ designation of Taiwan for use in all official communications. It should permit the Taipei Representative Office in the United Kingdom to rename itself either as the ‘Taiwan Representative Office in the UK’, or ‘The Taiwanese Office’, mirroring the name of the UK’s British Office in Taiwan. This is a move similar to that undertaken recently by Lithuania, which allowed Taiwan to inaugurate a Taiwanese Representative Office in Lithuania in November 2021 ⁹⁶.

The Government could also mandate that all public sector bodies replace any mention of Taiwan (Province of China) or ‘Chinese Taipei’ with ‘Taiwan’, on digital media and paperwork that request country/territory information. It could also advise British-based business to make similar moves.

- **Protocol:** The UK Government should set rules for interactions between elected politicians between Taiwan and China that allow official communication between the UK and Taiwan at any level except the Head of State, Prime Minister, and members of the Cabinet and Government, until such a time as Taiwan's status has been determined.
- **Bureaucratic barriers:** Where Taiwanese citizens and diplomats experience bureaucratic barriers or obstacles as a result of the UK's lack of formal diplomatic relations, the UK Government should commit to doing everything possible to remove or lessen these barriers. Taiwanese citizens and diplomats should be allowed to participate in domestic and international forums and events held in the UK under the name Taiwan or Taiwanese regardless of the opinions of delegates from other participating nations.
- **International Stage:** The UK Government must campaign far more strenuously for Taiwan's participation (either in full or as an observer) in all international bodies where the citizens of Taiwan deserve representation. Currently, the UK makes infrequent public statements at select intentional bodies. There is far more that the UK could do, in conjunction with like-minded allies to use their collective diplomatic strength to push for greater involvement for Taiwan in numerous international diplomatic and trade bodies.
- **Legislation:** In the USA, Taiwan Policy Act of 2022 ⁹⁷ is currently being debated. The bill if passed in its current form would, according to Demetri Sevastopulo in the Financial Times, "dramatically reshape relations with Taipei" ⁹⁸. Contained within it are a number of both substantive and symbolic moves, including changing the name of Taiwan's representative office, allowing the display of the current Taiwan flag, restoring diplomatic privileges to Taiwanese representatives, and prohibiting "restrictions on federal government official interactions with counterparts in the Government of Taiwan".

The Taiwan Policy Centre recognises the concerns that have been raised in some quarters about how the PRC might react to such legislation passing into law. If we are to respect Taiwan's right to self-determination we cannot allow possible PRC responses to unduly determine our own policy towards Taiwan. We would advocate the UK Government looking to follow the USA's lead and prepare similar legislation of its own.

It would however also be utile to 'layer' legislation which changes UK policy on Taiwan, such as including Taiwan-related provisions into other related Trade and Foreign Policy legislation, passing it as secondary legislation where possible, or offering Government support to a suitably drafted Private Members Bill.

- **Exchanges, Partnerships, Dependencies:** The U.K government should seek to facilitate deeper exchanges and ties in education and business between institutions in Taiwan and the UK. At the same time it should continue to be proactive about the UK's exposure to, and dependency upon Chinese investment. Therefore, the policy doesn't just insulate the UK from economic exposure to China, it actively moves towards Taiwan, and expanding investment with Taiwan wherever possible. The UK has arguably lost nearly thirty years 'chasing the dragon' for a short-cut to economic growth. It's time to get clean and work with good faith partners who can be trusted.

- **Methodology:** The UK Government should reiterate its new policy when and where required, and can abbreviate its formulated position on Taiwan to ...

“We continue to maintain our One China policy that the PRC is the sole representative of China on the international stage. The UK Government respects Taiwanese self-determination under international law and will deepen and normalise links between our peoples as it sees fit.”

The policy needs to be delivered with unified and disciplined messaging, and should be explained as the United Kingdom meeting its obligations under international law and exercising its right to build relations with other peoples. The UK Government must resist exhortations to reverse or dilute the policy. Regardless of any response to it from the PRC the UK Government should maintain consistent implementation.

This list is not exhaustive. There are numerous other steps the UK Government could take to strengthen relations with Taiwan without straying into the issue of formal recognition of Taiwan. These could range, for example, from deepening military exchanges with Taiwan to phasing out Chinese state-linked Confucius Institutes in the UK, generating opportunities for Taiwanese Mandarin teachers to fill any gaps in provision ⁹⁹.

More could be done to encourage new civil norms which raise Taiwanese visibility at international and cultural events in the UK, learning from organic online campaigns, such as the demand a ‘Chinese Language Week’ hosted by a university in New Zealand include languages other than Mandarin, and display the flags of all those peoples and nations equitably, or be boycotted ¹⁰⁰.

The Taiwan’s Policy Centre’s next two scheduled reports, on Diplomatic Relations and Trade, will both flesh out some of these policy proposals and suggest some others steps that could be taken.

Part 4: Conclusions & Recommendations

The PRC’s response during and following the visit of Nancy Pelosi to Taiwan emphasised clearly that the UK’s policy towards Taiwan, draped in seventy-two years of diplomatic cobwebs, is not fit for purpose in the contemporary world.

The PRC live-fire exercises, and breaches of the median line of the Taiwan Strait, brought home to many the importance of Taiwan to the rest of the world and its contribution to the global economy. A PRC blockade or invasion of Taiwan be catastrophic for the 23 million Taiwanese, and it would potentially seriously weaken UK trade and security.

It is therefore time for the United Kingdom to clarify its own policy in regard to Taiwan. This policy should propose and implement a shift in Taiwan - UK relations.

To this end we offer the following recommendations:

1. The defence of Taiwan's right to self-determination is a moral, economic, and strategic good in its own right, not just for Taiwan but the wider world.
2. The UK Government should respect Taiwan's self-determination, and its right to that under international law.
3. The UK Government has always enjoyed the capacity to change its foreign policies as geopolitical situations evolve. The situation between the PRC and Taiwan has changed a lot in the last 30 years yet UK policy has not changed since 1950. It is time for the UK's policy towards Taiwan to be updated.
4. The UK needs a new Taiwan policy formulation to rebalance the relationship in a way that gives Taiwan and the UK space to develop closer ties. It's time for the UK to make room for Taiwan at the table.
5. The UK Government's current position on the status of Taiwan is that the future of Taiwan is "a matter for both sides of the Taiwan Strait to resolve amongst themselves". This stance does not respect the rights of the Taiwanese people to self-determination because it suggests that the people of the PRC should have a say in the future of Taiwan. This is disrespectful and contrary to international law.
6. The Taiwan Policy Centre has proposed that the UK's position towards Taiwan should be rephrased to say:

"The United Kingdom does not have formal diplomatic relations with Taiwan, but the Government maintains a strong unofficial relationship based on dynamic commercial, educational, and cultural ties."

"The United Kingdom recognises that Taiwan has a complex historical relationship with its neighbours, which has left a number of unresolved cultural, legal, and constitutional legacies."

"The United Kingdom respects the right of the Taiwanese people under international law to self-determination and believes that the future of Taiwan is matter for the Taiwanese people alone to decide without bribe, threat, or coercion from any other party."

"The United Kingdom will continue to engage with Taiwan on this basis and to work with our allies to promote Taiwan's participation in international organisations."
7. The UK should implement its policy of respecting Taiwan's self-determination across government and the public sector in a variety of ways, including following the lead of other nations in allowing the Taipei Representative Office in London and Edinburgh to be renamed as the 'Taiwan Representative Office' or 'Taiwanese Office'.

This respect for Taiwan's right to self-determination should also inform all policy and diplomatic decisions relating to Taiwan moving forward, alongside other political and diplomatic considerations.

8. The UK's Government's position on Taiwan's self-determination should comply with international law and inform wider UK foreign policy.
9. The experience of Hong Kong has proven that the 'One Country, Two Systems' arrangement was always unworkable. Taiwan will not accept any such arrangement, and UK policy should not legitimise any PRC efforts to implement such a system.

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Edited by: David Spencer
Issued: October 2022

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- p.27 - https://commons.wikimedia.org/wiki/File:The_Taiwanese_Representative_Office_in_Lithuania_plaque.jpg



APPENDIXES

TABLE 1 - SELF DETERMINATION IN INTERNATIONAL LAW AND RELATIONS

Title	Year	Key Passages (Direct Quotes)
Atlantic Charter	1941	<p>Clause 2 - Territorial adjustments must be in accord with the wishes of the peoples concerned.</p> <p>Clause 3 - All people had a right to self-determination.</p>
United Nations Charter	1945	<p>Paragraph 2, Article 1, Chapter 1- To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.</p>
United Nations Universal Declaration of Human Rights	1948	<p>Article 15 Clause 1 - Everyone has the right to a nationality.</p> <p>Article 15 Clause 2 - No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality</p>
U.N. General Assembly Resolution 1514 (XV) - Declaration on the Granting of Independence to Colonial Countries and Peoples	1960	<p><i>Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.</i></p> <p><i>Declares that ... (2) All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.</i></p>

Title	Year	Key Passages (Direct Quotes)
The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)	1966	<p>Part 1, Article 1, (1) - All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.</p> <p>Part 1, Article 1, (3) - The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.</p>
U.N. General Assembly Resolution 2621 (XXV) - Programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	1970	<p><i>Reaffirming</i> that all peoples have the right to self-determination and independence and that the subjection of the peoples to alien domination constitutes a serious impediment to the maintenance of international peace and security and the development of peaceful relations among nations,</p> <p>(9) The special committee on the situation with regard to the implementation of the Declaration on the granting of Independence to Colonial countries and peoples shall continue to examine the compliance of all states with the Declaration and with other relevant resolutions on the question of decolonisation. The question of territorial size, geographical isolation and limited resources should in no way delay the implementation of the Declaration. Where resolution 1514 (XV) has not been fully implemented with regard to a given territory, the general assembly shall continue to bear responsibility for that territory until such time as the people concerned has had an opportunity to exercise freely it's right to self-determination and Independence in accordance with the Declaration.</p>

Title	Year	Key Passages (Direct Quotes)
U.N. General Assembly Resolution 2625 [XXV] - Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States	1970	<p><i>Convinced</i> that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality</p> <p><i>Considering</i> that the progressive development and codification of the following principles ...</p> <p>(e) The principle of equal rights and self-determination of peoples ...</p> <p>so as to secure their more effective application within the international community , would promote the realisation of the purpose of the United Nations.</p> <p>A war of aggression constitutes a crime against peace, for which there is responsibility under international law.</p> <p>Every state has a duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.</p>
U.N. General Assembly Resolution 2908 [XXVII] - Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	1972	<p>(1) <i>Reaffirms</i> its resolutions 1514 (XV) and 2621 (XXV) and all other resolutions on decolonisation, and calls upon the administering powers, in accordance with those resolutions, to take all the necessary steps to enable the dependent peoples of the Territories concerned to exercise fully and without further delay their inalienable right to self-determination and independence</p> <p>(14) <i>Requests</i> the Special Committee to continue to pay particular attention to the small Territories and to recommend to the General Assembly the most appropriate methods and also the steps to be taken to enable the populations of those Territories to exercise fully and without further delay their inalienable right to self-determination and independence</p>

Title	Year	Key Passages (Direct Quotes)
Helsinki Final Act via by the Conference on Security and Co-operation in Europe (CSCE)	1975	<p>Article 1 (a) Paragraph VIII - Equal rights and self-determination of peoples</p> <p>The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.</p> <p>By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.</p> <p>The participating States reaffirm the universal significance of respect for and effective exercise of equal rights and self-determination of peoples for the development of friendly relations among themselves as among all States; they also recall the importance of the elimination of any form of violation of this principle.</p>
African Charter of Human and Peoples' Rights	1981	<p>Part 1 Chapter 1 Article 20 - All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.</p>
CSCE Charter of Paris for a New Europe	1990	<p>Section: Friendly relations among Participating States</p> <p>Our relations will rest on our common adherence to democratic values and to human rights and fundamental freedoms. We are convinced that in order to strengthen peace and security among our States, the advancement of democracy, and respect for and effective exercise of human rights, are indispensable. We reaffirm the equal rights of peoples and their right to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.</p>

Title	Year	Key Passages (Direct Quotes)
Vienna Declaration and Programme of Action	1993	<p><i>Considering the major changes taking place on the international scene and the aspirations of all the peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity,</i></p> <p>2. All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development.</p> <p>Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference on Human Rights recognizes the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination. The World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right.</p> <p>In accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, this shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.</p>

ENDNOTES

- ¹ One example here would be the 1936 constitution Part One General Provisions 1, Article 4 which states “*The territory of the Republic of China comprises areas originally constituting Jiangsu, Zhejiang, Anhui, Jiangxi, Hunan, Hubei, Sichuan, Xikang, Hebei, Shandong, Shanxi, Henan, Shaanxi, Gansu, Qinghai, Fujian, Guangdong, Guangxi, Yunnan, Guizhou, Liaoning, Jilin, Heilongjiang, Rehe, Chahar, Suiyang, Ningxia, Xinjiang, Mongolia and Tibet. The territory of the Republic of China shall not be altered except by resolution of the People's Congress*” - [https://en.wikisource.org/wiki/Draft_of_the_Constitution_of_the_Republic_of_China_\(1936\)](https://en.wikisource.org/wiki/Draft_of_the_Constitution_of_the_Republic_of_China_(1936))
- ² *Treaties between China and Foreign States*. Second Edition (Shanghai: by order of the Inspector General of Customs, 1917), vol. 2, pp. 590-596
- ³ 台北時報 (2016) *The Liberty Times Editorial: Is Sun Yat-sen the ‘founding father’?*, 台北時報. Available at: <https://www.taipeitimes.com/News/editorials/archives/2016/02/29/2003640454> (Accessed: September 1, 2022).
- ⁴ Gibson, L. (2022) *CCP’s “historical claim” over Taiwan refuted by Mao Zedong, says Dutch ex-diplomat*, Taiwan News. Available at: <https://www.taiwannews.com.tw/en/news/4530045> (Accessed: September 1, 2022).
- ⁵ Wachman, A. M. (2008) *Why Taiwan? Geostrategic rationales for china’s territorial integrity*. Singapore, Singapore: NUS Press, pp 69~73
- ⁶ “Cairo communique, December 1, 1943” (no date). Available at: https://www.ndl.go.jp/constitution/e/shiryo/01/002_46shoshi.html (Accessed: September 1, 2022).
- ⁷ *Kuomintang News Network* (no date) Org.tw. Available at: <http://www1.kmt.org.tw/english/page.aspx?type=article&mnum=112&anum=6170> (Accessed: September 1, 2022).
- ⁸ *Treaty of peace between the republic of China and japan (treaty of Taipei) 1952* (no date) *Usc.edu*. Available at: <https://china.usc.edu/treaty-peace-between-republic-china-and-japan-treaty-taipei-1952> (Accessed: September 1, 2022).
- ⁹ *Ibid*
- ¹⁰ Matsumura, M. (2022) *Taiwan-Japan military ties possible*, 台北時報. Available at: <https://www.taipeitimes.com/News/editorials/archives/2022/05/21/2003778542> (Accessed: September 1, 2022).
- ¹¹ *Constitution Of The Republic Of China (Taiwan)* (1946) Gov.tw. Available at: <https://english.president.gov.tw/Page/93> (Accessed: September 1, 2022).
- ¹² Dawkins, A., Paget, S. and Zaagman, E. (no date) *The end of martial law: An important anniversary for Taiwan*, *Lowyinstitute.org*. Available at: <https://www.lowyinstitute.org/the-interpreter/end-martial-law-important-anniversary-taiwan> (Accessed: September 1, 2022).
- ¹³ Jacobs, B. 台北時報 (2005) *Chiang lost the ROC its UN seat*, 台北時報. Available at: <https://www.taipeitimes.com/News/editorials/archives/2005/10/23/2003277026> (Accessed: September 1, 2022).
- ¹⁴ Chu, M. (2001) *Taiwan and the United Nations - Withdrawal in 1971 was an historic turning point*, 台北時報. Available at: <https://www.taipeitimes.com/News/local/archives/2001/09/12/0000102595> (Accessed: September 1, 2022).
- ¹⁵ Cheung, H. (2019) *Taiwan in Time: Spies, guerillas and the final counterattack*, 台北時報. Available at: <https://www.taipeitimes.com/News/feat/archives/2019/11/17/2003725988> (Accessed: September 2, 2022).
- ¹⁶ Hioe, B. (2019) *40th anniversary of Kaohsiung Incident should prompt reflection on Taiwan’s unfinished democratization*, *New Bloom Magazine*. Available at: <https://newbloommag.net/2019/12/10/kaohsiung-incident-40th/> (Accessed: September 2, 2022).
- ¹⁷ https://en.wikipedia.org/wiki/Additional_Articles_of_the_Constitution_of_the_Republic_of_China. Accessed 22 August 2022

- ¹⁸ 台灣野百合學運 | 六四記憶 · 人權博物館 (no date) 六四記憶 · 人權博物館. Available at: <https://8964museum.com/time/zh-hant/t-j06-009/?cate=1990%20> (Accessed: September 21, 2022).
- ¹⁹ Sheng, L. (2002) "Lee Teng-hui and the 'Two-States' Theory," in *China and Taiwan: Cross-Strait Relations Under Chen Shui-bian*. ISEAS–Yusof Ishak Institute, pp. 11–39.
- ²⁰ Ko, S. & Snyder, C. *Chen says the NUC will 'cease' - Taipei Times* (2006) *Taipeitimes.com*. Available at: <https://www.taipeitimes.com/News/front/archives/2006/02/28/2003294988> (Accessed: September 2, 2022).
- ²¹ Hong, C. (2005) *KMT slams Chen's decision to march; PFP less angry - Taipei Times* (2005) *Taipeitimes.com*. Available at: <https://www.taipeitimes.com/News/taiwan/archives/2005/03/25/2003247683> (Accessed: September 2, 2022).
- ²² 台北時報 (2006) *Senator warns that US is not obliged to help defend Taiwan*, 台北時報. Available at: <https://www.taipeitimes.com/News/taiwan/archives/2006/04/23/2003304113> (Accessed: September 2, 2022).
- ²³ Ko, S. *Chen says he will honor 'four noes, one without' pledge - Taipei Times* (2006) *Taipeitimes.com*. Available at: <https://www.taipeitimes.com/News/taiwan/archives/2006/04/19/2003303454> (Accessed: September 2, 2022).
- ²⁴ Snyder, C. *US up in arms over 'anti-secession' law - Taipei Times* (2005) *Taipeitimes.com*. Available at: <https://www.taipeitimes.com/News/front/archives/2005/03/10/2003245612> (Accessed: September 2, 2022).
- ²⁵ Mainland Affairs Council. *The Official Position of the Republic of China (Taiwan) on the People's Republic of China's Anti-Secession (Anti-Separation) Law* (2005) Available at: https://www.mac.gov.tw/en/News_Content.aspx?n=8A319E37A32E01EA&sms=2413CFE1BCE87E0E&s=D1B0D66D5788F2DE (Accessed: September 2, 2022).
- ²⁶ deLisle, J. (no date) *Taiwan in the World Health Assembly: A victory, with limits*, Brookings. Available at: <https://www.brookings.edu/opinions/taiwan-in-the-world-health-assembly-a-victory-with-limits/> (Accessed: September 2, 2022).
- ²⁷ Ko, S. *Government opens up the 'small three links' to China - Taipei Times* (2008) *Taipeitimes.com*. Available at: <https://www.taipeitimes.com/News/front/archives/2008/06/20/2003415229> (Accessed: September 16, 2022).
- ²⁸ *The wild strawberry movement: The most direct predecessor of the Sunflower Movement?* (2017) *Daybreak Project*. Available at: <https://daybreak.newbloommag.net/2017/07/25/wild-strawberry-movement/> (Accessed: September 2, 2022).
- ²⁹ *An introduction to the Sunflower Movement* (2017) *Daybreak Project*. Available at: <https://daybreak.newbloommag.net/2017/07/22/what-was-the-sunflower-movement/> (Accessed: September 2, 2022).
- ³⁰ Tiezzi, S. (no date) *What does the Ma-Xi meeting mean for China, Taiwan and America?*, *TheDiplomat.com*. Available at: <https://thediplomat.com/2015/11/what-does-the-ma-xi-meeting-mean-for-china-taiwan-and-america/> (Accessed: September 2, 2022).
- ³¹ Taiwanese / Chinese Identity(1992/06~2022/06) *Election Study Center, NCCU* (no date) *Edu.tw*. Available at: <https://esc.nccu.edu.tw/PageDoc/Detail?fid=7800&id=6961> (Accessed: September 2, 2022).
- ³² Taiwan Independence vs. Unification with the Mainland(1994/12~2022/06) *Election Study Center, NCCU* (no date b) *Edu.tw*. Available at: <https://esc.nccu.edu.tw/PageDoc/Detail?fid=7801&id=6963> (Accessed: September 2, 2022).
- ³³ "[Los Derechos Humanos. Por Francisco de Vitoria](#)" [Human rights. By Francisco de Vitoria]. *Solidaridad.net*. 23 February 2005. Published in *Revista Id y Evangelizad*, November 2003; the original author was [Francisco de Vitoria](#) (1483-1546).
- ³⁴ Cesareo de Armellada. (1959) *The American indigenous cause in the Courts of Cadiz* Ed. Hispanic Culture; Madrid.

- ³⁵ *Confidential Communication on Bakunin* (no date) *Marxists.org*. Available at: <https://www.marxists.org/archive/marx/works/1870/03/28.htm> (Accessed: September 2, 2022).
- ³⁶ Jörg Fisch (9 December 2015). [A History of the Self-Determination of Peoples: The Domestication of an Illusion](#). Cambridge University Press. p. 118. This is not to deny or absent other notions of self-determination or equivalent sentiments that may have appeared outside Europe before or during this time that the author is not aware of.
- ³⁷ ["What Is Meant By The Self-Determination of Nations?"](#). *Marxists.org*. Retrieved 2012-03-04.
- ³⁸ ["President Wilson's Address to Congress, Analyzing German and Austrian Peace Utterances \(Delivered to Congress in Joint Session on February 11, 1918\)"](#). *gwpda.org*. February 11, 1918. Retrieved September 5, 2014.
- ³⁹ Knudsen, R. A. (no date) The London school of economics and political science moments of self-determination: The concept of "self-determination" and the idea of freedom in 20 th -and 21 st -century international discourse, *Lse.ac.uk*. Available at: http://etheses.lse.ac.uk/923/1/Knudsen_Moments_of_Self-determination.pdf pp. 148~150 (Accessed: September 9, 2022).
- ⁴⁰ <https://treaties.un.org/doc/Publication/CTC/uncharter.pdf>
- ⁴¹ "Montevideo convention on rights and duties of states" (2018) in *International Law Documents*. Cambridge University Press, pp. 2-4. <https://www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.xml> Retrieved September 5th 2022.
- ⁴² Harris, D.J. (ed) 2004 "Cases and Materials on International Law" 6th Ed. at p. 99. Sweet and Maxwell, London
- ⁴³ Castellino, Joshua (2000). [International Law and Self-Determination: The Interplay of the Politics of Territorial Possession With Formulations of Post-Colonial National Identity](#). Martinus Nijhoff Publishers. p. 77. ISBN 9041114092.
- ⁴⁴ <https://www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.xml> Accessed 22 August 2022
- ⁴⁵ Tibet and Mongolia are mentioned in Articles 26 and 64 of the 1946 Constitution, a point which has been used to claim the ROC is still constitutionally making a claim to PRC territory, It is also legally arguable that the Additional Articles nullified the claims to these territories in the 1946 Constitution.
- ⁴⁶ Additional articles of the constitution of the republic of China - article content - laws & regulations database of the republic of China (Taiwan) (no date) *Gov.tw*. Available at: <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0000002> (Accessed: September 6, 2022).
- ⁴⁷ Ibid
- ⁴⁸ Ibid
- ⁴⁹ Arnold-Forster, W. (1942) "The Atlantic charter," *The political quarterly*, 13(2), pp. 144-159.
- ⁵⁰ United Nations (no date) "History of the united nations | united nations." Available at: <https://www.un.org/en/model-united-nations/history-united-nations> (Accessed: September 9, 2022).
- ⁵¹ *China is using a UN Resolution to further its claim over Taiwan* (no date) *The diplomat.com*. Available at: <https://thediplomat.com/2022/08/china-is-using-a-un-resolution-to-further-its-claim-over-taiwan/> (Accessed: September 6, 2022).
- ⁵² *The distortion of UN resolution 2758 and limits on Taiwan's access to the united nations* (no date) *GMFUS*. Available at: <https://www.gmfus.org/news/distortion-un-resolution-2758-and-limits-taiwans-access-united-nations> (Accessed: September 6, 2022).

- ⁵³ Meifang张美芳, Z. (2022) Over the past five decades, the UN has always referred to Taiwan as “Taiwan, Province of China”: this is Taiwan’s only status in international law, Twitter. Available at: <https://twitter.com/> (Accessed: September 25, 2022).
- ⁵⁴ WTO (no date) *Wto.org*. Available at: https://www.wto.org/english/thewto_e/countries_e/chinese_taipei_e.htm (Accessed: September 24, 2022).
- ⁵⁵ Hayton, B. (2018) *Two years on, South China sea ruling remains a battleground for the rules-based order*, Chatham House – International Affairs Think Tank. Available at: <https://www.chathamhouse.org/2018/07/two-years-south-china-sea-ruling-remains-battleground-rules-based-order> (Accessed: September 6, 2022).
- ⁵⁶ Reuters (2021) *220 Chinese militia vessels invade Philippines EEZ*, Unofficial Networks LLC. Available at: <https://gcaptain.com/chinese-militia-philippines-eez/> (Accessed: September 6, 2022).
- ⁵⁷ Al Jazeera (2021) *Philippines tells China to ‘back off’ after South China Sea clash*, Al Jazeera. Available at: <https://www.aljazeera.com/news/2021/11/18/philippines-tells-china-to-back-off-after-south-china-sea-clash> (Accessed: September 6, 2022).
- ⁵⁸ Pickrell, R. (2018) “Leave immediately or you will pay’: China is threatening foreign ships and planes, but the US military isn’t changing a thing,” *Business Insider*, 31 July. Available at: <https://www.businessinsider.com/china-warns-foreign-ships-planes-to-steer-clear-of-its-islands-or-pay-2018-7> (Accessed: September 6, 2022).
- ⁵⁹ Glaser, B. (2015) *On the defensive? China explains purposes of land reclamation in the South China Sea*, Asia Maritime Transparency Initiative. Available at: <https://amti.csis.org/on-the-defensive-china-explains-purposes-of-land-reclamation-in-the-south-china-sea/> (Accessed: September 6, 2022).
- ⁶⁰ See <http://www.csstc.org>
- ⁶¹ See <https://unpo.org/>
- ⁶² Zyberi, Gentian. (2009). Self-Determination through the Lens of the International Court of Justice. *Netherlands International Law Review*. 56. 10.1017/S0165070X0900429X.
- ⁶³ Saul, M. (2011) “The normative status of self-determination in international law: A formula for uncertainty in the scope and content of the right?,” *Human rights law review*, 11(4), pp. 609–644. doi: 10.1093/hrlr/ngr025.
- ⁶⁴ Ibid
- ⁶⁵ African Charter On Human And People’s Rights .*au.int*. Available at: https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf (Accessed: September 9, 2022).
- ⁶⁶ Howard, B. and Howard, R. F. (1971) “Foreign Policy Review,” *The Australian quarterly*, 43(3), p. 97. doi: 10.2307/20634458.
- ⁶⁷ See: Taiwan National Human Rights Museum website: https://www.nhrm.gov.tw/w/nhrmEN/White_Terror_Period
- ⁶⁸ Chen, L. The Case of Self-Determination for Formosa/ Taiwan (1971) *Nyls.edu*. Available at: https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1067&context=fac_other_pubs (Accessed: September 9, 2022).
- ⁶⁹ Arju, M. (2020) *Indigenous peoples in Taiwan make progress towards self-determination*, ICCA Consortium. Available at: <https://www.iccaconsortium.org/index.php/2020/09/20/indigenous-peoples-taiwan-progress-decolonization/> (Accessed: September 9, 2022).
- ⁷⁰ *Declaration on the granting of independence to colonial countries and peoples* (no date) OHCHR. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples> (Accessed: September 9, 2022).

- ⁷¹ O’Flaherty, M. and Heffernan, L. (1995) *International covenant on civil and political rights*. Dublin, Ireland: Round Hall.
- ⁷² Ko, S. (2009) *Ma signs UN rights covenants*, 台北時報. Available at: <https://www.taipeitimes.com/News/front/archives/2009/05/15/2003443649> (Accessed: September 9, 2022).
- ⁷³ *President ma signs instruments of ratification of two covenants on human rights* (no date) Gov.tw. Available at: <https://english.president.gov.tw/NEWS/3151> (Accessed: September 9, 2022).
- ⁷⁴ Focus Taiwan-CNA English News (2022) *Visiting US. senator calls for preserving Taiwan’s independence*, Focus Taiwan - CNA English News. Available at: <https://focustaiwan.tw/politics/202208260011> (Accessed: September 9, 2022).
- ⁷⁵ Mainland Affairs Council and Republic of China (Taiwan) (2019) “Mainland affairs council, republic of China (Taiwan).” Available at: https://www.mac.gov.tw/en/News_Content.aspx?n=2BA0753CBE348412&s=FCC754F2C0A6E0B9 (Accessed: September 9, 2022).
- ⁷⁶ Ranjan, P (2022) “Prabhash Ranjan, Aman Kumar write: Even if Taiwan’s statehood is not settled, an attack would violate international law,” *The Indian Express*, 5 September. Available at: <https://indianexpress.com/article/opinion/columns/even-if-taiwans-statehood-is-not-settled-an-attack-would-violate-international-law-8131169/> (Accessed: September 10, 2022).
- ⁷⁷ Scheffer, D. J. (2021) *Does Taiwan have the right of self-defense?*, Council on Foreign Relations. Available at: <https://www.cfr.org/article/does-taiwan-have-right-self-defense> (Accessed: September 9, 2022).
- ⁷⁸ Wees, G. (2022) *There is no ‘new normal’ in the Taiwan strait – yet*, *The diplomat.com*. Available at: <https://thediplomat.com/2022/08/there-is-no-new-normal-in-the-taiwan-strait-yet/> (Accessed: September 9, 2022).
- ⁷⁹ Chou, N. (2022) *Ma’s disingenuous ‘1992 consensus,’* 台北時報. Available at: <https://www.taipeitimes.com/News/editorials/archives/2022/06/24/2003780442> (Accessed: September 9, 2022).
- ⁸⁰ “[新華社發佈報導禁用詞：「中華民國、臺灣政府」通通不准用，「九二共識」不可提「一中各表」](#)” [Xinhua News Agency publishes report on banned terms: "Republic of China", "Taiwan government" are both not allowed to be used. The "1992 consensus" cannot mention "One China, Separate Interpretation".] (in Chinese). 2017-07-20. Retrieved 2018-05-14.
- ⁸¹ Yanh, H. & Chung, J. (2020) *China skewed ‘1992 consensus,’ Ma says*, 台北時報. Available at: <https://www.taipeitimes.com/News/taiwan/archives/2020/01/19/2003729511> (Accessed: September 9, 2022).
- ⁸² Everington, K. (2019) *Contrary to Xi’s speech, 84% of Taiwanese do not accept “1992 consensus,”* Taiwan News. Available at: <https://www.taiwannews.com.tw/en/news/3609989> (Accessed: September 9, 2022).
- ⁸³ Ibid
- ⁸⁴ Mao, F. (2022) “Biden again says US would defend Taiwan if China attacks,” *BBC*, 19 September. Available at: <https://www.bbc.com/news/world-asia-62951347> (Accessed: September 21, 2022).
- ⁸⁵ Associated Press (2022) “Chinese drills are rehearsal for invasion, says Taiwan as it begins live-fire military exercises,” *Time*, 9 August. Available at: <https://time.com/6204645/china-drills-taiwan-invasion/> (Accessed: August 23, 2022).
- ⁸⁶ Shan, S. (2022) *China threats may rise after live-fire drills*, Taipei Times. Available at: <https://www.taipeitimes.com/News/taiwan/archives/2022/08/05/2003783014> (Accessed: August 23, 2022).
- ⁸⁷ Hoare, M. (2004) *British government policy and Taiwan 1945-1972*, Soas.ac.uk. Available at: <https://www.soas.ac.uk/taiwanstudies/eats/eats2004/file24410.pdf> (Accessed: September 9, 2022).

⁸⁸ *China and UK joint communiqué concerning upgraded diplomatic relations 1972* (2009) Wikisource.org. Wikimedia Foundation, Inc. Available at: https://en.wikisource.org/wiki/China_and_UK_joint_communicu%C3%A9_concerning_upgraded_diplomatic_relations_1972 (Accessed: September 9, 2022).

⁸⁹ "Backgrounder: China and the United Kingdom". Xinhua. 2003. Archived from [the original](#) on 2012-10-23. Retrieved 2008-12-10. "Ambassador to China after 22-year interval". *The Times*. London. 14 March 1972.

⁹⁰ House of Commons Library, (2022), UK-Taiwan friendship and cooperation, 7th February, *Parliament.uk*. Available at: <https://commonslibrary.parliament.uk/research-briefings/cdp-2022-0031/> (Accessed: August 23, 2022).

⁹¹ *Archived petition: Recognise Taiwan as a country* (2016) *Petitions - UK Government and Parliament*. Available at: <https://petition.parliament.uk/archived/petitions/118713> (Accessed: September 9, 2022).

⁹² House of Commons Foreign Affairs Committee, East Asia, (2006), Seventh Report of Session 2005–06 Volume 1, *Parliament.uk*. Available at: <https://publications.parliament.uk/pa/cm200506/cmselect/cmfa/860/860-i.pdf> (Accessed: August 23, 2022).

⁹³ Ibid

⁹⁴ Lin, C. 台北時報 (2021) *Taiwan decries exclusion from COP26*, 台北時報. Available at: <https://www.taipeitimes.com/News/taiwan/archives/2021/11/04/2003767288> (Accessed: September 24, 2022).

⁹⁵ *Full text of Yang Jiechi's speech at the dialogue with National Committee on US.-China Relations* (2021) *Xinhuanet.com*. Available at: http://www.xinhuanet.com/english/2021-02/02/c_139715299.htm (Accessed: September 2, 2022).

⁹⁶ Agencies (2021) "China condemns opening of Taiwan office in Lithuania as 'egregious act,'" *The guardian*, 19 November. Available at: <https://amp.theguardian.com/world/2021/nov/19/china-condemns-opening-of-taiwan-office-in-lithuania-as-egregious-act> (Accessed: September 15, 2022).

⁹⁷ The Taiwan Policy Act of 2022 promotes the security of Taiwan, ensures regional stability, and deters People's Republic of China (PRC) aggression against Taiwan. It also threatens severe sanctions against the PRC for hostile action against Taiwan (no date) Senate.gov. Available at: [https://www.foreign.senate.gov/imo/media/doc/SBS%20Taiwan%20Policy%20Act%20FINAL%20\(1\).pdf](https://www.foreign.senate.gov/imo/media/doc/SBS%20Taiwan%20Policy%20Act%20FINAL%20(1).pdf) (Accessed: September 15, 2022).

⁹⁸ Sevastopulo, D. (2022) "US's Taiwan security bill spurs debate on level of support for Taipei," 13 September. Available at: <https://www.ft.com/content/a48ee082-a617-472f-bff2-83f8c6fb2dd9> (Accessed: September 16, 2022).

⁹⁹ Ni, V. (2022) "Beijing-backed Chinese language schools in UK to be replaced with teachers from Taiwan," *The guardian*, 18 September. Available at: <https://amp.theguardian.com/world/2022/sep/18/beijing-backed-chinese-language-schools-in-uk-to-be-replaced-with-teachers-from-taiwan> (Accessed: September 21, 2022).

¹⁰⁰ 🇸🇦 Churchman, C. (2022) 8:56 AM · Sep 23, (2022) "Boycott "Chinese Language Week" events where Mandarin is the only language being promoted, and also boycott the events where they are displaying the PRC flag to the exclusion of the flags of all the other countries where Chinese languages are spoken!" Twitter. Available at: <https://twitter.com/> (Accessed: September 23, 2022). Catherine Churchman is an Authenticated 紅毛, 疑古派. Lecturer in Asian Studies at the Victoria University of Wellington, in New Zealand.