

Examination of Taiwan's Territorial Sovereignty and the ROC's International Legal Position

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Date	Historical Event	Country owning Taiwan's sovereignty			Taiwan = ROC ?	Status of ROC in United Nations	Status of ROC under international law	Status of ROC in view of US government	Administrative authority over Taiwan by USMG	Location of Taiwan's sovereignty
		PRC	Japan	ROC						
1895	Treaty of Shimonoseki	X	Yes (newly acquired)	X	X	X	X	X	X	Japan
1912	ROC is founded	X	Yes	No	No	X		X	X	Japan
1937.07.07	Marco Polo Bridge Incident	X	Yes	No	No	X			X	Japan
1941.08.14	Atlantic Charter	X	Yes	No	No	X			X	Japan
1941.12 ~ 1945.08	World War II in the Pacific	X	Yes	No	No	X			X	Japan
1943.12.01	Cairo Declaration	X	Yes	No	No	X			X	Japan
1945.07.26	Potsdam Proclamation	X	Yes	No	No	X			X	Japan
1945.08.15	Japan's Emperor Surrenders	X	Yes	No	No	X			X	Japan
1945.09.02	Gen. MacArthur directs Chiang Kai-shek to Taiwan to accept Japanese surrender	X	Yes	No	No	X			X	Japan
1945.10.24	United Nations is founded	X	Yes	No	No		Sole legitimate government of China		X	Japan
1945.10.25	Japanese troops in Taiwan surrender	X	Yes	No	No				Yes (begins)	Owned by Japan, but held in trust by principal occupying power
1947.02.28 ~ 1950.04.30	The 228 Incident	X	Yes	No	No				Yes	
1949.10.01	PRC is founded	No	Yes	No	No				Yes	
1949.12	ROC flees to Taiwan	No	Yes	No	No		Gov't in Exile of China	Yes		
1952.04.28	SFPT comes into force	No	No (ceded)	No	No			Yes		

1952.08.05	Treaty of Taipei comes into force	No	No	No	No		Given up by Japan, but still held in trust by principal occupying power	Yes	Unrecognized Gov't in Exile of China
1955.03.03	ROC – USA MDT	No	No	No	No			Yes	
1971.10.25	ROC expelled from UN	No	No	No	No	(expelled)		Yes	
1972.02.28	PRC & USA Shanghai Communique	No	No	No	No	None		Yes	
1978.12.16	ROC informed by USA of impending break in diplomatic relations	No	No	No	No	None		Yes	
1979.01.01	PRC & USA Second Communique	No	No	No	No	None		Yes	
1979.01.01	Taiwan Relations Act takes force	No	No	No	No	None		Yes	
1980.01.01	MDT cancelled	No	No	No	No	None		Yes	
1982.08.17	PRC & USA Third Communique	No	No	No	No	None		Yes	
2000.05.20	Democratic Progressive Party comes to power	No	No	No	No	None		Yes	
Today		No	No	No	No	None		Yes	

※ The designation of “X” is used to indicate “non existent” or “not yet applicable.”

Conclusion: United States Military Government in Taiwan has not yet ended. At the present time, United States’ administrative authority over Taiwan is still active.

Explanation of this chart: This chart provides a timeline of major events which have some relevance to a discussion of Taiwan's territorial sovereignty and the ROC's international legal position in the present era. Twenty-five events are categorized, plus an additional entry for "Today."

The following considerations are particularly notable:

1. As of April 28, 1952, the sovereignty of Taiwan is not owned by the PRC, Japan, or the ROC. This is explained in columns one to three.
2. Although many Taiwanese politicians claim that "Taiwan equals the ROC," column four clearly shows that this is not true at any time.
3. The ROC's status in the United Nations is given in column five. Upon the founding of the United Nations, the ROC was recognized as the sole legitimate government of China, and it retained this status until it was expelled on October 25, 1971.
4. The status of the ROC under international law is given in column six. After the founding of the ROC, it was the "juridical person (legal government) of China" until late 1949, when it became the "government in exile of China."
5. The status of the ROC in the view of the US government is given in column seven. By the late 1930's the ROC was the "recognized legal government of China," and beginning in late 1949, it was the "recognized government in exile of China." By early 1979, the ROC has become the "unrecognized government in exile of China."
6. Administrative authority over Taiwan by the United States Military Government is given in column eight. The United States is the principal occupying power, and administrative authority by USMG has begun as of October 25, 1945, with the surrender of Japanese troops.
7. The location of Taiwan's sovereignty is given in column nine. While it is often heard that the Taiwanese people enjoy "popular sovereignty," in practice this just means that they have the right to vote and to elect their representatives to various levels of city, county, and other councils, and to the Legislative Yuan. However, "territorial sovereignty" is held by a government. Taiwan was under military occupation beginning October 25, 1945, and military occupation is an exercise of the rights of sovereignty. Effectively speaking, beginning on October 25, 1945, Taiwan's territorial sovereignty was held by the principal occupying power as fiduciary relationship and interim status condition, although still **owned** by Japan. Later, Taiwan was a territorial cession under Article 2b of the SFPT, effective April 28, 1952, but Taiwan's territorial sovereignty was not awarded to the ROC or to the Taiwan governing authorities. Today, Taiwan's territorial sovereignty is still held by the principal occupying power until such time as its military government (i.e. USMG) is legally supplanted.
8. For further information on the international legal status of Taiwan, please see the following websites –
<http://www.taiwanadvice.com/ustaiwan/>
<http://www.taiwantda.org.tw/tda/home/>
<http://www.taiwanadvice.com/six/six.htm>