

Legal Government Authority over Taiwan, and the Allegiance & Nationality of Native Taiwanese Persons

Date	Historical Event	Status of ROC in the United Nations	Status of ROC under international law	in the view of the US State Department		Administrative authority over Taiwan by USMG	Allegiance of Native Taiwanese Persons	
				Status of ROC gov't authority over China	Status of ROC gov't authority over Taiwan			
1895	Treaty of Shimonoseki	X	X	X	X	X	Japan	
1912	ROC is founded	X	Juridical Person (Legal Gov't) of China <i>with sovereignty</i>	X	X	X	Japan	
1937.07.07	Marco Polo Bridge Incident	X		Recognized Legal Gov't of China <i>with sovereignty</i>	X	X	Japan	
1941.08.14	Atlantic Charter	X			X	X	Japan	
1941.12 ~ 1945.08	World War II in the Pacific	X			X	X	Japan	
1943.12.01	Cairo Declaration	X			X	X	Japan	
1945.07.26	Potsdam Proclamation	X			X	X	Japan	
1945.08.15	Japan's Emperor Surrenders	X			X	X	Japan	
1945.09.02	Gen. MacArthur directs Chiang Kai-shek to Taiwan to accept Japanese surrender	X			X	X	Japan	
1945.10.24	United Nations is founded	Sole legitimate gov't of China			X	X	Japan	
1945.10.25	Japanese troops in Taiwan surrender	Effective Territorial Control <i>without sovereignty</i>		Yes (begins)		USA		
1947.02.28 ~ 1950.04.30	The 228 Incident			Yes		USA		
1949.10.01	PRC is founded			Yes		USA		

1949.12	ROC flees to Taiwan		Gov't in Exile of China	Recognized Gov't in Exile of China		Yes	USA
1952.04.28	SFPT comes into force					Yes	USA
1952.08.05	Treaty of Taipei comes into force					Yes	USA
1955.03.03	ROC – USA MDT					Yes	USA
1971.10.25	ROC expelled from UN	expelled				Yes	USA
1972.02.28	PRC & USA Shanghai Communiqué	X	Unrecog-nized Gov't in Exile of China			Yes	USA
1978.12.16	ROC informed by USA of impending break in diplomatic relations	X				Yes	USA
1979.01.01	PRC & USA Second Communiqué	X				Yes	USA
1979.01.01	Taiwan Relations Act takes force	X				Yes	USA
1980.01.01	MDT cancelled	X				Yes	USA
1982.08.17	PRC & USA Third Communiqué	X				Yes	USA
2000.05.20	Democratic Progressive Party comes to power	X				Yes	USA
Today		X				Yes	USA

※ The designation of "X" is used to indicate "non-existent" or "not 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.

Brief Explanation of the Chart:

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This chart has eight columns, which are labeled as

1. Date
2. Historical Event
3. Status of ROC in the United Nations
4. Status of ROC under international law
5. Status of ROC government authority over China (in the view of the US State Department)
6. Status of ROC government authority over Taiwan (in the view of the US State Department)
7. Administrative authority over Taiwan by USMG
8. Allegiance of Native Taiwanese Persons

Summary Findings for columns 3 to 8 are given as follows:

3. Status of ROC in the United Nations

Upon the founding of the United Nations in 1945, the ROC was regarded as the sole legitimate government of China. In late October of 1971, the ROC was expelled from the United Nations.

4. Status of ROC under international law

After the overthrow of the Qing Dynasty and the founding of the ROC in 1912, it is the Juridical Person (Legal Government) of China and has sovereignty over its territory

5. Status of ROC government authority over China (in the view of the US State Department)

At the time of the Marco Polo Bridge Incident in 1937, ROC is the Recognized Legal Government of China and has sovereignty over its territory. This seems to

be the only possible view for the US State Dept. to take. (Although the historical record shows that there were “warlords” in control of various regions, these would simply be considered “self-governing areas” inside the country.)

6. Status of ROC government authority over Taiwan (in the view of the US State Department)

After the surrender of Japanese troops in Taiwan on October 25, 1945, the ROC is fulfilling the role of a subordinate occupying power and exercising effective territorial control over Taiwan territory. This seems to be the only possible view for the US State Dept. to take. The United States is the principal occupying power.

7. Administrative authority over Taiwan by USMG

United States Military Government has begun on October 25, 1945, with the surrender of Japanese troops. Beginning on that date, Taiwan’s legal position is “independent customs territory under USMG on Japanese soil.” The administrative authority for the military occupation has been delegated to the Chinese Nationalists. Under international law, this is merely “Grotian agency,” which is the law of agency as applied to dealings between nations. Up to the present day, no record can be found of any official announcement by the Commander in Chief of the end of United States Military Government in Taiwan.

8. Allegiance of Native Taiwanese Persons

Under the law of occupation, after the surrender of Japanese troops the native Taiwanese persons pass under a “temporary allegiance” to *the occupying power*, which is the United States.

Taiwan is currently under a civil affairs administration of United States Military Government, which is *after* peace treaty cession. As a result of the peace treaty cession, under US Constitutional law, Taiwan has been elevated to the position of “unincorporated territory under USMG,” and the allegiance of native Taiwanese persons has been raised to a more permanent condition.