

Taiwan's status in the international community

An analysis beginning with General Order No. 1 of

Sept. 2, 1945

The riddle of Taiwan's correct position in the world has confused international legal scholars for decades. However, an examination of these many scholars' arguments finds that they have only considered international law principles which fall under the general heading of "civilian law," and have consistently failed to consider important principles of international law which involve "military law" matters, and in particular "the law of war" as specified in international conventions and agreements.

A careful overview of General MacArthur's General Order No.1 of September 2, 1945, and the San Francisco Peace Treaty (ratified by the US Senate on April 28, 1952), when contrasted to the situation of Cuba in the 1898 to 1902 period, correlated with the relevant US Supreme Court rulings in the Insular Cases, and viewed from the vantage-point of Hague and Geneva Conventions, strongly suggests that Taiwan's correct classification in the world community is as an **overseas territory of the United States**. In the accompanying documentation, this will be referred to as the "insular analysis."

The determination of such a classification requires more than a general knowledge of United States territorial cession law, it requires an exact and in-depth knowledge of the disposition of property acquired via the principle of "cession by conquest" by US military forces. Frankly speaking, such advanced considerations of military law are beyond the scope of the research of the majority of international law scholars.

Terminology notes: Formosa and the Pescadores may be collectively called "Taiwan", and include all subsidiary islands.

Item	Commentary
<p>GENERAL ORDER NO. 1</p> <p>Approved by the President of the United States August 17, 1945.</p> <p>Issued by General Douglas MacArthur, Supreme Commander for the Allied Powers, September 2, 1945.</p> <p>Military and Naval</p> <p>a. The senior Japanese commanders and all ground, sea, air and auxiliary forces within China (excluding Manchuria), Formosa and French Indo-China north of 16 north latitude shall surrender to Generalissimo Chiang Kai-shek.</p>	<p>In this General Order, the United States Military Government (USMG) is assuming the role of the principal occupying power of Japan and her former dependencies. The USMG is delegating the administrative authority for the occupation of Formosa and the Pescadores to Chiang Kai-shek's Republic of China (ROC) government, which is to be a junior partner in the occupation within the theatre, with responsibility for occupation of particular areas as specified.</p> <p>International law holds that "military occupation does not transfer sovereignty."</p> <p>Although General Order No. 1 has the appearance of expressing the intention of awarding the "ownership" of Formosa and the Pescadores to the ROC, in fact the finalization of such an arrangement must be done by a peace treaty.</p> <p>Hence, the assertion by many civilian historians that October 25, 1945, is "Taiwan Retrocession Day," whereupon Taiwan immediately became a part of China, is not valid under international law.</p>

<p>SFPT, Article 2b</p> <p>Japan renounces all right, title and claim to Formosa and the Pescadores.</p>	<p>The Cairo Declaration, Potsdam Proclamation, Japanese surrender documents, and General Order No. 1 all had the appearance of expressing the intention to give Formosa and the Pescadores to the ROC, but in this peace treaty, which carries the highest weight under international law, such intentions were not finalized and not carried out. As a result, the “original intentions” can only be said to have evaporated or dissolved.</p>
<p>SFPT, Article 4b</p> <p>Japan recognizes the validity of dispositions of property of Japan and Japanese nationals made by or pursuant to directives of the United States Military Government in any of the areas referred to in Articles 2 and 3.</p>	<p>This clause is an additional specification which serves to clarify the arrangements in Article 2b. The final disposition of Japan’s property of “Formosa and the Pescadores” will be done by the USMG, and Japan has no objection to any such arrangements. At the same time, in regard to Japan’s having no objection, the other SFPT signatory countries are expressing no comment and no objection.</p>
<p>SFPT, Article 23</p> <p>....including the United States of America as the principal occupying Power,</p>	<p>With this specification, the role of the USMG as the principal occupying power of Japan and her former dependencies, as specified in General Order No. 1, is confirmed under international law.</p>
<p>The SFPT did not clearly specify the “ownership” of Formosa and the Pescadores. Hence, we must look to international law principles and review other related legal precedent, in order to understand the implications of this treaty specification more clearly.</p>	

<p>(1898) Treaty of Paris, Article 1 (Treaty of Peace between the United States and Spain)</p> <p>Spain relinquishes all claim of sovereignty over and title to Cuba.</p>	<p>According to the precedent in the 1901 US Supreme Court cases of <i>Neely v. Henkel</i>, <i>Downes v. Bidwell</i>, etc. and the other Insular Cases, when the “ownership” of the territorial cession is not specified in the peace treaty, and the USMG is the principal occupying power, the cession is unincorporated territory under USMG by default.</p>
<p>Note: the “ownership” of Cuba was not specified, and this may be classified as a “limbo cession.”</p>	<p>Therefore, we can maintain that the Taiwan cession has been unincorporated territory under USMG since April 28, 1952, and that the Taiwan people should be enjoying fundamental Constitutional rights under the US Constitution.</p>
<p>A careful reading of Article 1 shows that the USMG is the principal occupying power.</p>	<p>Of additional importance is the realization that at present time none of the United States’ unincorporated territories take responsibility for their own (1) defensive needs, or (2) foreign affairs.</p>
<p>What is Cuba’s position in relation to the United States under such an arrangement?</p>	<p>Taiwan is properly seen as a self-governing dominion under the laws of occupation, currently in “interim status.” Such a position does not conflict with</p>

the United States' announced One China Policy.

Such an analysis also confirms Taiwan's correct position as an independent customs territory in the World Trade Organization, and indicates that Taiwan's correct position in the World Health Organization should be as an associate member under the United States.

Additional examination of Taiwan's position under United States' administrative authority over overseas territories may be derived from the *US v. Tiede* ruling (US Court of Berlin, 1979), and is attached herewith.

The Taiwan cession Scandal

In light of the above analysis, there may be grounds for saying that certain officials in the Bureau of East Asian and Pacific Affairs at the State Department have been negligent in their duties, or indeed that they have knowingly violated their oath of office "*to preserve, protect, and defend the Constitution of the United States.*" This amounts to a very serious scandal.

It is recommended that members of Congress instruct their staff members to look at the above issues more carefully, and if warranted,

that the House International Relations Committee and Senate Foreign Relations Committee launch investigations to clarify the facts of Taiwan's true status.

Since this involves serious allegations regarding the denial of fundamental US Constitutional protections to US nationals in overseas territories (i.e. "insular areas"), it is of course urgent that a comprehensive and authoritative determination be made at an early date.

Under the above legal interpretation, Taiwan would automatically qualify as the sixth major insular area of the United States. Hence, it can also be maintained that US citizens resident in Taiwan are being denied the protections of the entire Bill of Rights, in accordance with the doctrine of *civis romanus sum* as used in "occupied territories", and this is an additional serious matter.

A more exhaustive overview of Taiwan's international position is available at

<http://www.taiwanadvice.com/ustaiwan/intro.htm>

Excerpt from the decision in *US v. Tiede*,
United States Court for Berlin, March 14, 1979

III. APPLICATION OF THE UNITED STATES CONSTITUTION TO THESE PROCEEDINGS

It is appropriate to visualize a hierarchy of types of United States involvement in the governance of overseas territories. For incorporated territories, which are in many cases territories on their way toward full statehood, the full panoply of Constitutional rights is applicable. Next there are those territories, as yet unincorporated, which are guaranteed most or all Constitutional safeguards by virtue of act of Congress. Then there are unincorporated territories now governed by the King [v. Morton, 520 F.2d 1140] doctrine, where the constitutionality of Congressional failure to extend the provisions of the Bill of Rights is determined on the basis of a factual inquiry into the feasibility of applying the Bill of Rights at least as to American citizens. In all of these territories, the United States exercises sovereignty....

The very last in the hierarchy of types of United States governing authority overseas is United States occupation and control pursuant to conquest. In such a situation international law prescribes the limits of the occupant's power. Occupation does not displace the sovereignty of the occupied state, though for the time being the occupant may exercise supreme governing authority. Nor does occupation effect any annexation or incorporation of the occupied territory into the territory or political structure of the occupant, and the occupant's constitution and laws do not extend of their own force to the occupied territory.

The analysis in Part III of the US v. Tiede decision may be properly delineated as follows:

Application of US Constitution in Overseas Territories

It is appropriate to visualize a hierarchy of types of United States involvement in the governance of overseas territories.

(1) Incorporated Territories

For incorporated territories, which are in many cases territories on their way toward full statehood, the full panoply of Constitutional rights is applicable.

(2) Unincorporated Territories which have been the subject of Congressional legislation

Next there are those territories, as yet unincorporated, which are guaranteed most or all Constitutional safeguards by virtue of act of Congress.

(3) Unincorporated Territories which have not been the subject of Congressional legislation

Then there are unincorporated territories now governed by the King *v. Morton*, 520 F.2d 1140 doctrine, where the constitutionality of Congressional failure to extend the provisions of the Bill of Rights is determined on the basis of a factual inquiry into the feasibility of applying the Bill of Rights at least as to American citizens. In all of these territories, the United States exercises sovereignty...

(4) Areas under the control of the USMG

The very last in the hierarchy of types of United States governing authority overseas is United States occupation and control pursuant to conquest. In such a situation international law prescribes the limits of the occupied state, though for the time being the occupant may exercise supreme governing authority

----- this is **INTERIM STATUS** -----

A. Before ratification of Peace Treaty
(qualifies as "independent customs territory")

Example: West Berlin
(1945.04.28 to 1990.10.03)

B. After ratification of Peace Treaty

[limbo cession]
with USMG as principal occupying power
(qualifies as "unincorporated territory under USMG")

[given to USA]
becomes
(3) Unincorporated Territories which
have not been the subject of
Congressional legislation

under direct administrative authority of USMG
Example: Cuba
(1898.12.10 to 1902.05.20)

under delegated administrative authority of USMG
Example: Taiwan
(1945.10.25 to present)

Overview of TWENTY POSSIBLE OBJECTIONS to the above insular analysis

Terminology notes:

USMG: United States Military Government

SFPT: San Francisco Peace Treaty, (ratified by the US Senate on April 28, 1952)

Formosa and the Pescadores and are collectively referred to as “Taiwan”, and include subsidiary islands.

1. Taiwan’s position as an independent customs territory in the World Trade Organization is the overriding status definition, and contradicts with this insular analysis.

Rebuttal: The concept of an “independent customs territory” arises from belligerent occupation, as recognized by numerous US Supreme Court rulings including *Fleming v. Page* (1850) and *United States v. Rice* (1819). Hence, Taiwan’s classification as an independent customs territory in the WTO exactly dovetails with this insular analysis.

2. The United Nations currently recognizes Taiwan as an independent sovereign nation, hence this insular analysis violates the terms of Taiwan’s UN membership.

Rebuttal: Neither the United States nor the United Nations currently recognize Taiwan as an independent sovereign nation. Hence there is no contradiction with this insular analysis.

3. This determination of Taiwan’s international position designates a “final status” which would effectively amount to annexation by the United States. However, the USA has never announced any intention to annex Taiwan.

Rebuttal: The essential nature of military occupation is that it is not intended to be a “final status.” Taiwan may be classified as being

under “friendly occupation,” which is a post peace-treaty standing, also referred to as the civil affairs administration of the United States Military Government. By definition, Taiwan has not yet reached final status. As a further clarification of this, the US Supreme Court has ruled that unincorporated territory is part of, *but separate from*, the collective Union of the States.

4. This insular analysis violates the One-China policy and the Shanghai Communiques.

Rebuttal: With a classification as unincorporated territory of the USMG and currently in “interim status”, this insular analysis does not represent the formation of a “Republic of Taiwan,” or the establishment of “two Chinas,” or the recognition of “one China, one Taiwan.” Taiwan remains on the path of an envisioned determination of a final status as an SAR of the PRC. This insular analysis merely adds full clarification to the current situation. Hence, there is no violation of the Shanghai Communiques or the One China policy.

5. This insular analysis violates the Taiwan Relations Act, which is a domestic law of the USA.

Rebuttal: Under the Taiwan Relations Act, Taiwan is not treated as an “independent sovereign country,” but as a “foreign state equivalent.” The concept of a “foreign state equivalent” arises naturally under the law of occupation after peace treaty ratification, and especially under the conditions of a limbo cession. Since in reality Taiwan is unincorporated territory of the USMG, the existence of the Taiwan Relations Act as a domestic law of the United States is in precise agreement with this insular analysis.

6. The sovereignty of Taiwan is still held by Japan.

Rebuttal: Under Article 2b of the San Francisco Peace Treaty (SFPT), ratified by the US Senate on April 28, 1952, Japan renounced all right, title, and claim to Formosa and the Pescadores. It is fully known that at the present time the Japanese government does not maintain any “ownership claims” over Taiwan territory.

7. Under international law, the concept of a “interim status” for a geographic area does not exist.

Rebuttal: “Interim status” arises under the law of occupation, and is fully recognized under international law. It is politically neutral, meaning that all scenarios for future establishment of “final status” are open. Under the specifications of the Shanghai Communiques, the future final status for Taiwan is most likely as a Self Autonomous Region of the PRC.

8. The Cairo Declaration, Potsdam Proclamation, and the Japanese surrender documents all stated the intent to return Taiwan to China.

Rebuttal: In regard to the final disposition of Formosa and the Pescadores, the Cairo Declaration, Potsdam Proclamation, and Japanese surrender documents all expressed the intention to return these areas to China. However, such “intentions” are not legally binding obligations, and indeed the SFPT did not award the sovereignty of these areas to China, but instead left Taiwan as an undetermined cession under the authority of USMG.

9. General Douglas MacArthur’s General Order No. 1 of September 2, 1945, is clear in awarding the ownership of Taiwan to China.

Rebuttal: “Military occupation does not transfer sovereignty.” According to the laws of war recognized by the United States, and indeed by all civilized nations, neither General MacArthur nor the

Commander-in-Chief have the legal authority to award the ownership of Formosa and the Pescadores to any person or country.

10. In December of 1945 the Taiwanese people were mass naturalized by the Republic of China government. Since all the people of Taiwan are ROC citizens, so of course the sovereignty of Taiwan is by definition in the hands of the ROC government authorities.

Rebuttal: The legal basis for the so-claimed mass naturalization of Taiwanese citizens as ROC citizens is unclear, since in the period before April 28, 1952, the Japanese government and the international community recognizes the Taiwanese people as having Japanese nationality. Apparently this confusion arises from the misconception that October 25, 1945, is “Taiwan Retrocession Day,” which under international law only marks the beginning of belligerent occupation, and cannot be interpreted as completing a transfer of sovereignty.

11. According to the successor government theory, the ROC was the lawful successor to the Ching Dynasty, and the PRC is the lawful successor to the ROC. Hence, the correct formulation is to say that Taiwan belongs to the PRC.

Rebuttal: The key point of any “successor government theory” is that the preceding government actually held “ownership” of the territory in question. However, under international law, the Republic of China has never established any valid ownership claims to Formosa and the Pescadores.

12. With recognition as a self-governing dominion under the laws of occupation, this insular analysis would necessitate an additional arms buildup by the Taiwan governing authorities, in direct violation of the Shanghai Communiques and other PRC policy statements which have called for the USA to severely reduce, or completely eliminate, arms sales to Taiwan.

Rebuttal: At the present time, no United States insular areas take

responsibility for their own defense needs, over and above coast guard or other minimal self-defense forces. Hence, under this insular law analysis, Taiwan would be required to greatly scale down arm purchases from the United States and other countries. This would effectively avoid any undesirable arms buildup by the Taiwan governing authorities.

13. The position of “unincorporated territory under the USMG” is without precedent in United States law.

Rebuttal: Close examination of the historical record shows that Cuba was unincorporated territory of the USMG from the coming into force of the promulgation of the Treaty of Paris up through the end of USMG and Cuban independence on May 20, 1902.

14. A precise hierarchical examination of the types of US involvement in the governance of overseas territories shows there is no recognition of territory under the administrative authority of USMG as being part of the United States.

Rebuttal: Close examination of the findings in the *US v. Tiede* ruling (US Court of Berlin, 1979) shows how Taiwan clearly fits into a classification of overseas US territories.

15. Under this insular analysis, the people of Taiwan enjoy no special rights under the US Constitution, hence this insular analysis leads nowhere.

Rebuttal: With Taiwan’s correct classification as the sixth major insular area of the United States, the Taiwan people are entitled to fundamental rights under the US Constitution. The General Accounting Office produced a detailed report on “Application of the US Constitution in Insular areas” in November, 1997.

16. The US Supreme Court’s Insular Cases were decided over 100 years ago and

are no longer valid legal precedent.

Rebuttal: The Insular Cases continue to be referred to by judges at all levels of the US Court system, and represent the controlling precedent in dealing with unincorporated territories.

17. The end of United States Military Government was announced at the time of the termination of the Mutual Defense Treaty on Jan. 1, 1980.

Rebuttal: In fact, no record of a promulgation of the end of United States Military Government in Formosa and the Pescadores exists in conjunction with the termination of the Mutual Defense Treaty, the break in diplomatic relations with the ROC, or the passage of the Taiwan Relations Act.

18. Chinese history books all teach that Formosa and the Pescadores were returned to China after the end of WWII.

Rebuttal: Indeed, Chiang Kai-shek's Republic of China military forces were delegated the administrative authority for the occupation of Taiwan. However, there was never any formal transfer of the sovereignty of Taiwan to the ROC.

19. This insular analysis ignores the premise that the PRC is the sole legitimate government of China, in violation of announced US policy.

Rebuttal: By referring to the Taiwan Relations Act, it is easily seen that the Republic of China government on Taiwan is not recognized by the United States after 1979. The government of Taiwan is rendered as the "Taiwan governing authorities." Hence, this insular analysis classification of Taiwan as unincorporated territory of USMG and currently in interim status does not violate the premise that the PRC is the sole legitimate government of China. A detailed overview of all relevant US government policy considerations is provided herewith.

20. Since the ROC flag was raised over the Taiwan area on October 25, 1945, so of course the ROC government can claim full sovereignty rights, because sovereignty follows the flag.

Rebuttal: The determination of the correct flag to be raised at the beginning of a period of belligerent occupation is often confusing when administrative authority for the occupation has been delegated to co-belligerents. A hypothetical example where the administrative authority for the occupation of Taiwan was delegated to a local insurgent group, the Formosa Underground Resistance (FUR), would be more illustrative, since a local underground resistance group would probably not have its own flag. Obviously, the flag of the principal occupying power should be raised.

Hence, the true legal situation of the occupation of Formosa and the Pescadores would have been much clearer if the representatives of the USMG had accepted the surrender of the Japanese troops in mid-September 1945 and then formally passed the administrative authority to the ROC government officials in late October.

In any event, with Chiang Kai-shek's chosen flag flying over Taiwan from October 25, 1945 up through late April, 1952, it is still imperative that this "ROC flag" be lowered on April 28, 1952, since by the terms of the SFPT, Formosa and the Pescadores were not awarded to the ROC. Under relevant US Supreme Court precedent and the customary laws of war, the flag of the principal occupying power should be flown during the period of "interim status," and the failure to demand that the ROC authorities adhere to this legal stipulation shows a serious problem in the functioning of the US State Department.

Comparison with the historical situation of Cuba under the USMG, after the Spanish authorities had renounced sovereignty in 1898, and before Cuba reached "final status," clearly shows that the United States flag was flown.

**Taiwan is unincorporated territory of USMG,
and currently in “interim status.”**

Are the following policy considerations upheld?

Taiwan Relations Act

Item	Upheled?
Taiwan Relations Act 22 USC 3301 - 3316 Nothing contained in this Act shall contravene the interest of the United States in human rights especially with respect to the human rights of all the approximately 18 million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.	Yes
Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.	Yes
The President is directed to inform the Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.	Yes
It is the policy of the United States — <ol style="list-style-type: none">1. to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area;2. to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;	Yes

Item	Upheled?
3. to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;	Yes
4. to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;	Yes
5. to provide Taiwan with arms of a defensive character; and	Yes
6. to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.	Yes
<p>For purposes of this chapter</p> <ol style="list-style-type: none"> <li data-bbox="196 1109 1160 1239">1. the term "laws of the United States" includes any statute, rule, regulation, ordinance, order, or judicial rule of decision of the United States or any political subdivision thereof; and 	Yes
<ol style="list-style-type: none"> <li data-bbox="196 1298 1160 1671">2. the term "Taiwan" includes, as the context may require, the islands of Taiwan and the Pescadores, the people on those islands, corporations and other entities and associations created or organized under the laws applied on those islands, and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and any successor governing authorities (including political subdivisions, agencies, and instrumentalities thereof). 	Yes

**Taiwan is unincorporated territory of USMG,
and currently in “interim status.”**

Are the following policy considerations upheld?

Six Assurances

Item	Upheld?
President Reagan's Six Assurances (1982.07.14)	Yes
1. US has not agreed to set a date for ending arms sales to Taiwan.	Yes
2. US has not agreed to hold prior consultations with China on such arms sales.	Yes
3. US will not play any mediation role between Taipei and Beijing.	Yes
4. US has not agreed to revise the Taiwan Relations Act.	Yes
5. US has not altered its position regarding sovereignty over Taiwan.	Yes
6. US will not exert pressure on Taiwan to enter into negotiations with China.	Yes

Taiwan is unincorporated territory of USMG, and currently in “interim status.”

Are the following policy considerations upheld?

“Three No’s” Policy

Item	Upheld?
President Bill Clinton's Three Noes (1998.06.30) We don't support independence for Taiwan, or two Chinas, or one Taiwan-one China.	Yes
And we don't believe that Taiwan should be a member of any organization for which statehood is a requirement.	Yes
After President Clinton's announcement, the White House and the State Department were quick to emphasize that the President was merely restating the existing policy of the past two decades and that nothing had changed in the Administration's Taiwan policy.	Yes
In fact the real explanation of the "Three No's" policy, as revealed by Clinton aides rests on two key policy rationales: First, after the missile face-off of 1995-96, the Clinton Administration seemed to have come to share the Chinese argument and concern that as Taiwan continues to move down the road of independence, China will have to take military action. Hence, there is a need to warn Taipei that it should not push its cause of Taiwan independence too far, lest it would run the risk of losing U. S. support when China attacks. The U. S. will not want to get involved in a war provoked by Taiwan.	Yes
Second, the Clinton Administration seemed to calculate that some concessions to Beijing on the Taiwan issue might in return gain Beijing's support for other issues of U. S. interest. Besides, the small issue of Taiwan should not always be an impediment blocking the progress of the big vision of building "strategic partnership" with China.	Yes

Taiwan is unincorporated territory of USMG, and currently in “interim status.”

Are the following policy considerations upheld?

1992 “Cross-Straits” Consensus

Item	Upheled?
1992 Cross-Straits' Consensus and its Six Conclusions reached by ARATS and SEF (1992.10.30) Both sides agreed to adhere to the “one-China” principle and made the following six conclusions:	Yes
1. Firmly oppose the split of China's sovereignty and territorial integrity.	
2. Firmly oppose the division of any part of the Chinese territory.	Yes
3. Firmly oppose any conspiracy between any political party or leader and foreign power to obstruct Chinese unification for private gains.	Yes
4. Firmly oppose any form of divisionism seeking "Taiwan Independence."	Yes
5. Chen, Shui-bian should conform to the mainstream opinion of Chinese population, renounce his divisionist position, acknowledge that Taiwanese are also Chinese, and accept the one-China principle.	Yes
6. Oppose U.S. arms sales to Taiwan. Selling arms to Taiwan does no one any good but is harmful to world peace and counterproductive to the development of humanity.	Yes

Taiwan is unincorporated territory of USMG, and currently in “interim status.”

Are the following policy considerations upheld?

Shanghai Communique (1)

Item	Upheled?
<p style="text-align: center;">Shanghai Communique (1972.02.28)</p> <p style="text-align: center;">Joint Communique of</p> <p style="text-align: center;">the United States of America and the People's Republic of China</p> <p>* There are essential differences between China and the United States in their social systems and foreign policies. However, the two sides agreed that countries, regardless of their social systems, should conduct their relations on the principles of respect for the sovereignty and territorial integrity of all states, non-aggression against other states, non-interference in the internal affairs of other states, equality and mutual benefit, and peaceful coexistence. International disputes should be settled on this basis, without resorting to the use or threat of force. The USA and the People's Republic of China are prepared to apply these principles to their mutual relations.</p>	Yes
<p>* The two sides reviewed the long-standing serious disputes between China and the United States. The Chinese side reaffirmed its position: the Taiwan question is the crucial question obstructing the normalization of relations between China and the USA; the Government of the PRC is the sole legal government of China; Taiwan is a province of China which has long been returned to the motherland; the liberation of Taiwan is China's internal affair in which no other country has the right to interfere; and all US forces and military installations must be withdrawn from Taiwan. The Chinese Government firmly opposes any activities which aim at the creation of "one China, one Taiwan", "one China, two governments", "two Chinas", an "independent Taiwan" or advocate that "the status of Taiwan remains to be determined".</p>	Yes
<p>* The US side declared: The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States Government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all US forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes. The two sides agreed that it is desirable to broaden the understanding between the two peoples. To this end, they discussed specific areas in such fields as science, technology, culture, sports and journalism, in which people-to-people contacts and exchanges would be mutually beneficial. Each side undertakes to facilitate the further development of such contacts and exchanges.</p>	Yes

Taiwan is unincorporated territory of USMG, and currently in “interim status.”

Are the following policy considerations upheld?

Shanghai Communique (2)

Item	Upheled?
U.S.-PRC Joint Communique (1979.01.01) Joint Communique on the Establishment of Diplomatic Relations Between the People's Republic of China and the United States of America The United States of America recognizes the Government of the People's Republic of China as the sole legal Government of China. Within this context, the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan.	Yes
The United States of America and the People's Republic of China reaffirm the principles agreed on by the two sides in the Shanghai Communique and emphasize once again that: --Both wish to reduce the danger of international military conflict.	Yes
--Neither should seek hegemony in the Asia-Pacific region or in any other region of the world and each is opposed to efforts by any other country or group of countries to establish such hegemony. --Neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.	Yes
--The Government of the United States of America acknowledges the Chinese position that there is but one China and Taiwan is part of China. --Both believe that normalization of Sino-American relations is not only in the interest of the Chinese and American peoples but also contributes to the cause of peace in Asia and the world.	Yes

Taiwan is unincorporated territory of USMG, and currently in “interim status.”

Are the following policy considerations upheld?

Shanghai Communique (3)

Item	Upheld?
<p>China-US August 17 Communique (1982.08.17) Joint Communique between the People's Republic of China and the United States of America</p> <p>In the Joint Communique on the Establishment of Diplomatic Relations on January 1, 1979, issued by the Government of the United States of America and the Government of the People's Republic of China, the United States of America recognized the Government of the People's Republic of China as the sole legal Government of China, and it acknowledged the Chinese position that there is but one China and Taiwan is part of China. Within that context, the two sides agreed that the people of the United States would continue to maintain cultural, commercial, and other unofficial relations with the people of Taiwan. On this basis, relations between the United States and China were normalized.</p>	Yes
<p>Respect for each other's sovereignty and territorial integrity and non-interference in each other's internal affairs constitute the fundamental principles guiding United States-China relations. These principles were confirmed in the Shanghai Communique of February 28, 1972 and reaffirmed in the Joint Communique on the Establishment of Diplomatic Relations which came into effect on January 1, 1979. Both sides emphatically state that these principles continue to govern all aspects of their relations.</p>	Yes

Item	Upheled?
<p>The Chinese Government reiterates that the question of Taiwan is China's internal affair. The message to Compatriots in Taiwan issued by China on January 1, 1979 promulgated a fundamental policy of striving for peaceful reunification of the motherland. The Nine-Point Proposal put forward by China on September 30, 1981 represented a further major effort under this fundamental policy to strive for a peaceful solution to the Taiwan question.</p>	Yes
<p>The United States Government attaches great importance to its relations with China, and reiterates that it has no intention of infringing on Chinese sovereignty and territorial integrity, or interfering in China's internal affairs, or pursuing a policy of "two Chinas" or "one China, one Taiwan." The United States Government understands and appreciates the Chinese policy of striving for a peaceful resolution of the Taiwan question as indicated in China's Message to Compatriots in Taiwan issued on Jan. 1, 1979 and the Nine-Point Proposal put forward by China on Sept. 30, 1981. The new situation which has emerged with regard to the Taiwan question also provides favorable conditions for the settlement of United States-China differences over United States arms sales to Taiwan.</p>	Yes
<p>In order to bring about the healthy development of United States-China relations, maintain world peace and oppose aggression and expansion, the two Governments reaffirm the principles agreed on by the two sides in the Shanghai Communique and the Joint Communique on the Establishment of Diplomatic Relations. The two sides will maintain contact and hold appropriate consultations on bilateral and international issues of common interest.</p>	Yes

A more exhaustive Q&A on all key US policy considerations is available at

<http://www.taiwanadvice.com/ustaiwan/ques2ans.htm>