

Taiwan and Statehood

Andrés Ponce

0616110

彭思安

January 5, 2021

International affairs are often governed by politics of the major powers, ongoing wars, or other fast-paced and increasingly “scandalous” stories. They usually have fast-developments and the story changes often: a city gets captured in an armed conflict; a resolution passes by a narrow margin and vocal opposition; or something shocking happens in a piece of media. However, a particular issue that has occurred for much longer often goes ignored. The Republic of China’s¹ statehood represents, personally, one of the most fascinating global issues. In class, the topic of statehood was one of the first ones discussed, and this essay presents this simple topic applied to a very close and personal. It also serves as an opportunity to investigate and learn about the history of a place I currently call home.

In a more general sense, the topic of Taiwan’s statehood is an important one. Taiwan’s influence extends far beyond its own borders, especially in key industries such as semiconductors, but also in other aspects such as human rights and freedoms. It is also important to have a clear discussion of whether Taiwan is a sovereign state or not because, if we conclude that it is not so, the land would have to be under control of some other entity, given that millions currently reside on the islands. The consensus for Taiwan’s statehood would also have to be applied to other similar situations in the future, which adds to the importance of a correct assessment in the present.

1 Historical Background

The story of the Republic of China begins after the Xinhai Revolution (辛亥革命) [1]. This event led to the overthrow of the Qing dynasty, and to the Republic of China under the leadership of Sun Yat Sen (孫中山). In the 1920s, due to the expulsion and assassination of members of the Chinese Communist Party[2] (which up to that point had been a part of the KMT) the Chinese Civil War started in full force. When the main priority of the KMT government under Chiang Kai-Shek (蔣介石) turned to fighting the Japanese, the

¹Or is it Taiwan? Even a name can be a source of conflict. I try my best to use Taiwan for post 1949 and ROC for pre 1949.

conflict with the CCP stopped. After victory over the Japanese, the conflict quickly resumed and continued until the KMT's defeat in 1949 and establishment of the Republic of China in Taiwan.

After relocation of the ROC to Taiwan, many major powers still maintained formal relations with the ROC. During and after the 1970s, most countries changed their official recognition from Taiwan to the People's Republic of China as the only representative of "China". Since then, while most major countries hold unofficial relations with Taiwan, for example having trade offices² or even defense promises [3], Taiwan's role in the world stage has become increasingly ambiguous.

2 Argument and Analysis

Having given a (very) brief overview of the historical circumstances that led to Taiwan's current predicament, let us focus on what it even means to be a state. This question is crucial for how we tackle the Taiwan issue. If the characteristics of sovereign states can be enumerated and it can be shown that Taiwan possesses these characteristics, the case for Taiwan's statehood will be much stronger.

In 1933, the Montevideo Convention on the Rights and Duties of States, attended by member countries of the Organization of American States, put into use the declarative theory of statehood [4]. This view of nation states, according to article 1 of the convention, states should possess four characteristics: a defined territory, a permanent population, a government, and the capacity to enter into relations with other states [5].

While these requirements are not set in stone, they have been the basis of international law for many decades. Taiwan fulfills these requirements. On point the first point above, it is clear Taiwan possesses a defined territory. Besides the main island of Taiwan, other outlying islands such as Green Island, Penghu, and Kinmen, among others. Whatever territory the constitution or any other document claims belong to the Republic of China in the mainland, that does not change that the territory now under the control of the government exists and is clearly defined.

For the second point, the population is also permanent. Although people are constantly moving in and out of Taiwan, the vast majority of the population lives permanently in the territory outlined above. This means that Taiwan is suited to hold a permanent population based on its resources.

Taiwan also possesses a functioning government. The rule of law exists according to the principles laid out in the constitution and other documents. Various government agencies are responsible for managing different state functions: the Legislative Yuan, the Ministry of Foreign Affairs, etc...

Lastly, Taiwan can enter into relations with other states. Most evidently are the countries that continue to have formal relations with Taiwan. A mere territory or a land controlled by another state could not enter

²These trade, or cultural offices, serve as functional embassies.

into such agreements. Taiwan has embassies, cultural offices, defense and cooperation agreements, and many other such relations. Some level of autonomy is required to decide who to do business with, who to sign agreements with, and who to buy weapons from.

These four characteristics are easily possessed by Taiwan. There still remains another aspect that many cite as a reason why Taiwan cannot be an independent state: international recognition. The declarative theory explicitly mentions that statehood is independent of recognition by other states, however in the era of institutions such as the United Nations, this is still an area of concern for many. Many cite participation in global organizations as a true sign of statehood, however this standard is too loose for many other states that are universally regarded as sovereign states. For example, the Republic of China was regarded by many countries as the legitimate representative of China for some decades after 1949. However, during this time the People's Republic of China exerted control over mainland China, albeit with little formal diplomatic relations.

On the other hand, the PRC government often justifies its control of Taiwan by citing UN Resolution 2758, which claims that the PRC is the sole representative of China, and this includes Taiwan [6]. The claim goes that if the Communist Party was the victor of the Chinese Civil War, then all lands formerly belonging to the Republic of China³ belong to the PRC. However, this assumes that the Republic of China does not exist anymore, which is exactly what is being discussed. If the ROC government had never relocated to Taipei and had instead disbanded in Nanjing, this claim would likely hold. However, given the current situation, this position begs the question of the Republic of China's existence.

Despite the lack of international recognition, very few people would claim that the People's Republic was not a legitimate country during this time before its acceptance to international organizations in the 1970s. This standard cuts both ways, and by saying that Taiwan is not a sovereign state because it is not a part of such organizations, the same could be said of all countries before their governments decided to join international organizations. For example, Poland was not present at the founding of the United Nations [7] but joined the UN shortly thereafter, so was Poland not a country before it joined? The implications of this question would redefine our entire notion of a sovereign state, which is exactly what we are trying to prove.

If Taiwan fulfills the unofficial conditions laid out in the Montevideo Convention and the dependence on international recognition presents some problems, is there another way to show that Taiwan is not a sovereign state? In my mind, there would have to be some fundamental characteristic of statehood that every single state has yet Taiwan lacks. If this requirement is not one of the previously mentioned, it remains to be found.

³This would include Taiwan since it was returned to the ROC after the second Sino-Japanese War.

3 Conclusion

In conclusion, there is a large amount of evidence for the claim that Taiwan is a sovereign and independent state. Decades of international support, combined with the autonomy of any other nation, and continued (yet limited) international support seem to affirm the statehood of Taiwan. A troubled history and an influential opponent cannot change this fact.

This issue, although sensitive in some circles, remains important for several reasons. Firstly, Taiwan holds an influential position in key industries, such as semiconductors. Next, whatever our stance on Taiwan's statehood has to determine the standard for statehood going forward, in case future people also find themselves in a similar situation. Although not the most thrilling event, and certainly an issue so subtle as to require a much longer examination, it nevertheless remains one of the most fascinating topics currently unfolding.

References

- [1] (Jul. 20, 1998). "Chinese revolution," [Online]. Available: <https://www.britannica.com/event/Chinese-Revolution-1911-1912>.
- [2] (Jan. 18, 2018). "Chinese civil war," [Online]. Available: <https://www.britannica.com/event/Chinese-Civil-War>.
- [3] (Jan. 1, 1979). "Taiwan relations act," [Online]. Available: https://photos.state.gov/libraries/ait-taiwan/171414/ait-pages/tra_e.pdf.
- [4] Britannica, *Montevideo*. [Online]. Available: <https://www.britannica.com/event/Montevideo-Convention>.
- [5] O. of American States, *Convention on rights and duties of states*, Dec. 26, 1933. [Online]. Available: <http://www.oas.org/juridico/english/treaties/a-40.html>.
- [6] S. D. Krasner, *Problematic sovereignty: Contested rules and political possibilities*. Columbia University Press, 2001.
- [7] (). "History of the united nations," [Online]. Available: <https://www.un.org/en/sections/history/history-united-nations/index.html>.