

White Paper Regarding Taiwan and its Future (2001)

Third Printing, Washington D.C., September 2001

Purpose and summary

Through this White Paper 2001, the overseas Taiwanese community in Canada, Europe and the United States - as represented by the organizations listed at the end of this Paper - wishes to promote a better understanding in North America and Europe of our homeland Taiwan, and to gain support for acceptance of Taiwan as a full and equal member in the international community.

On the following pages we first give a brief historical background. Then we present our arguments from a legal and political perspective, and conclude with a policy recommendation based on the fundamental principles of democracy, respect for human rights, universality of UN membership, self-determination, and peace and stability.

Introduction

Taiwan is at a crossroads. During the past two decades, the people on the island of Taiwan, with the support of the overseas Taiwanese community, have transformed the island from a repressive one-party dictatorship to a blossoming multi-party democracy.

This transformation culminated in March 2000 in the election of Mr. Chen Shui-bian of the Democratic Progressive Party as President, ending 50 years of Kuomintang Party rule. It was the first peaceful transfer of political power on the island, signifying a maturing of Taiwan's democracy.

This peaceful transition is the result of the vision, persistence, and hard work of the native-Taiwanese democratic movement, both on the island and overseas, which has worked for more than five decades to promote self-determination, independence, and acceptance of Taiwan in the international family of nations.

In spite of this progress, Taiwan has not been accepted yet by the international community as a full and equal member. China continues to block its membership in international organizations, and threatens to attack if the island moves further in the direction of de jure independence.

Recent developments, such as President George W. Bush's forceful statements regarding U.S. intent to defend Taiwan if attacked by China, the US Administration's robust 2001 arms package, and support for Taiwan's participation in the World Health Organization, have given encouragement to the people of Taiwan.

Democracy is now firmly entrenched in Taiwan. The December 2001 parliamentary elections will be a test of balance of political forces on the island, and all observers firmly believe that the election process will be orderly, fair and respectful of all citizens' rights.

The next several years will be of crucial importance to the future of our beautiful island. At this critical juncture, we as Taiwanese citizens of the world, appeal to the international community – and in particular to the United States, Canada and European nations – to:

1. Affirm that the people of Taiwan have the **right to determine their own future** under the principle of self-determination as enshrined in the Charter of the United Nations;
2. Urge China to renounce the use of force and **accept Taiwan as a friendly neighboring state** instead of perpetuating the hostility and rivalry dating from the Chinese Civil War which they fought against the Kuomintang five decades ago; and
3. Accept Taiwan as a **full and equal member of the international family of nations**, including the United Nations.

Historical background

From 1600s through 1949

At issue is whether Taiwan should be considered part of China - as is contended by the authorities in Beijing. This has also been the traditional position of the Kuomintang authorities in Taipei, who came over from China after 1945.

A brief survey of Taiwan's almost 400 years of recorded history shows that Taiwan **was never an integral part of China**.

The most comprehensive historical records on Taiwan go back some 350 years, to the period of the Dutch occupation of Taiwan (1624-1662). These show the presence of the original Malayo-Polynesian aborigine population, but no signs of any significant Chinese settlement or any Chinese administrative structure.

In fact, recent research in New Zealand has shown that the Polynesian and Maori populations of Australia, New Zealand and Polynesia in all probability originated from Taiwan.

Subsequent to the Dutch period and the rule of Ming loyalist Koxinga and his son (1662-1683) there was increasing migration from the coastal provinces of China to Taiwan. However, these people came to flee the wars and famines in the Chinese coastal provinces, and did not come to settle Taiwan on behalf of the Chinese authorities. The successive Ch'ing Imperial Governments paid scant attention to the island.

For a brief period, from 1887 to 1895, the Manchus declared Taiwan a province of China, in a vain attempt to stop Japan's expansion in a southerly direction. After losing the 1894-1895 Sino-Japanese War, the Ch'ing Imperial government ceded Taiwan to Japan *in perpetuity* in the 1895 Treaty of Shimonoseki.

The Taiwanese didn't like the idea of incorporation into Japan, and on 25 May 1895 established — with the assistance of disenchanted Manchu officials — the Taiwan Democratic Republic, the first independent republic in Asia.

Shortly thereafter, on 29 May 1895, a Japanese military force of over 12,000 soldiers landed in Northern Taiwan, and started to crush the movement. On 21 October 1895, Japanese imperial troops entered Tainan, the southern capital of the Taiwan Democratic Republic, ending its short life. For the next 50 years, until the end of World War II, Taiwan was a colony of Japan.

In 1945, Taiwan **was not "returned to China"** but was occupied on behalf of the Allied Forces. General Douglas MacArthur, as the Supreme Commander of the Allied Forces, authorized a **temporary** military occupation of Taiwan by Chiang Kai-shek's army on behalf of the Allies. They started exercising administrative control over the island as a "trustee on behalf of the Allied Powers."

Initially, the Taiwanese were glad to get rid of the Japanese, but soon their joy turned into sorrow and anger: the newcomers from China turned out to be corrupt and repressive, looting the island and treating the Taiwanese as conquered, second-class citizens.

The tension burst into the open in the February 28 massacre of 1947, when an incident of police brutality in Taipei led to island-wide demonstrations. The Kuomintang was initially taken aback, but secretly sent troops from China, which started to round up and execute a whole generation of leading figures, students, lawyers and doctors. In all, some 28,000 to 30,000 people were killed. During the "white terror" of the following years, thousands of people were arrested, imprisoned, tortured and murdered by the KMT's highly repressive KGB-style security apparatus, the Taiwan Garrison Command.

In 1949, Taiwan did **not "split off from China"**, but was occupied by the losing side in the Chinese Civil War. In that year, Chiang Kai-shek lost the war in China to the Communists, and fled to Taiwan. There he established the remainder of his regime. The contention that Taiwan "split off" from China is thus false: it was not part of China in the first place, but officially still under Japanese sovereignty (see below). It only became a bone of contention when two warring parties -- Nationalists and Communists -- perpetuated a Civil War in which the Taiwanese themselves never had any part.

1949 - 1987: Occupation by Chinese Nationalists, 38 years of Martial Law

For the next four decades, the people of Taiwan lived under Martial Law, while the KMT authorities attempted to maintain the fiction that they ruled all of China, and would some day "recover" the mainland. The Chinese mainlanders who came over with Chiang Kai-shek constituted only 15 percent of the population of the island, but were able to maintain themselves in a position of power over the 85 percent native Taiwanese through tight control of the political system, police, military, educational system and media.

The 1971 UN acceptance of the Beijing regime as the representative of China, the 1972 visit by President Nixon to China, and particularly the decision by the US in December 1978 to switch recognition from the Kuomintang regime to the regime in Beijing hit hard in Taiwan. At the same time, it gave impetus to the growth and evolution of Taiwan's democratic opposition movement in the late 1970s and early 1980s.

The Kaohsiung Incident of December 1979 galvanized the Taiwanese on the island and overseas into political action. The *Tangwai* ("outside-the-party") democratic opposition started to question the KMT's anachronistic claim to represent all of China, and began to work towards ending the 40-year old Martial Law. In September 1986, this movement culminated in the formation of the Democratic Progressive Party, which soon grew into a full-fledged opposition party.

1987 - 1992: Transition to a democratic political system

Martial Law was finally lifted in 1987. This was largely due to international pressure as well as pressure from within Taiwan, where the democratic opposition became increasingly organized and vocal. Of special importance were the efforts by U.S. Senators Edward M. Kennedy and

Claiborne Pell, and Congressmen Jim Leach and Stephen Solarz, who - prompted by the Taiwanese-American community - held numerous hearings questioning the lack of human rights and democracy in Taiwan.

In 1987, Martial Law was replaced by a less-stringent National Security Law, but it wasn't until 1991 that the KMT dropped the claim to rule all of China, and that aging Chinese Nationalist legislators — elected on the mainland in 1947 — were sent into retirement. Since then the island has made major strides in the direction of a fully democratic political system. However, the Kuomintang party and other groups associated with the Chinese Nationalists continue to cling to the outdated claim that “Taiwan is part of China”, creating a political schism on the island.

1992 - present: Democracy, and yet no international recognition

Since 1992, Taiwan continued to evolve into a free nation with democratic institutions. This process of democratization culminated in the election of Mr. Chen Shui-bian of the Democratic Progressive Party as Taiwan's President in the March 2000 Presidential election. This ended 50 years of Nationalist Party rule of Taiwan, and was the first peaceful transfer of political power on the island.

The system of political checks and balances functions relatively well, but is complicated by the fact that in the legislature, the old Kuomintang and two other opposition parties aligned with it, jointly still have a majority. This imbalance may be corrected in the December 2001 legislative elections if the newly-formed Taiwan Solidarity Union (TSU) -- established in August 2001, can win enough seats to help a DPP-TSU alliance gain a majority.

The Judiciary is increasingly exerting its influence as an independent institution, but the Control Yuan, a body with the power of impeachment, has hardly functioned, leading to increasing calls for its abolishment.

Although newspapers and magazines are increasingly objective in their reporting, the influence of the Kuomintang is still pervasive in the written media. Also in the electronic media, the influence of the pro-unificationist mainlanders is widespread. There are, however, increasingly influential stations, such as **Formosa TV** (Channel 4), the Chinese-language **Liberty Times**, and the English-language **Taipei Times** and **Taiwan News**, which are speaking out on behalf of the native Taiwanese majority on the island.

This increasingly vibrant democratic nation-state is asking to be accepted as a full and equal member of the international community.

International legal perspective

From an international legal perspective, four defining events during the past century are of major importance to the status of Taiwan.

The **first** event took place in 1895, when the Japanese defeated the Manchus in the Sino-Japanese War, and China ceded Taiwan to Japan in perpetuity through the Treaty of Shimonoseki.

The **second** defining event was the 1945 "temporary occupation" of Taiwan by the forces of Chiang Kai-shek. As was clearly stated in Allied documents from that period, this was done "on behalf of the Allied Forces". As time went on, this occupation became rather permanent, but as

the deliberations at San Francisco (see below) illustrate, it did not change the formal legal status of the island.

The **third** defining event was the 1951 San Francisco Peace Treaty Conference, whereby the Allied Powers and Japan formally ended World War II. That treaty is important for the discussion on Taiwan's future, because it decided that Japan gave up sovereignty over Taiwan, but it did not specify a recipient. The majority of the conferees voiced the opinion that the views of the people of the island needed to be taken into account.

The **British** delegate stated that *"In due course a solution must be found in accord with the purposes and principles of the Charter of the United Nations."*

The **Egyptian** delegate stated that *specifying the recipient is to afford the opportunity to take into consideration the principle of self-determination and the expressed desire of the inhabitants of Taiwan."*

The **French** delegate stated that: *"Taiwan's legal status must be determined one of these days, taking the wishes of the Formosan population into consideration."*

The Charter of the UN contains article 1.2, which states that it is a purpose of the UN *"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples..."* The conclusion must be drawn that it was the intention of the attendants of the San Francisco Peace Conference that the people of Taiwan should determine the future status of the island based on the principle of self-determination. ***The San Francisco Peace Treaty is thus the one and only international treaty of the 20th Century which deals with the status of Taiwan.***

The **fourth** defining event was the 1971-1972 switch of representation at the United Nations and the subsequent derecognition of the Kuomintang authorities as the government representing China. Contrary to general perception, this did not alter the status of Taiwan, because UN General Assembly Resolution 2758 dealt with the question who was the rightful representative of "China" in the United Nations, not with Taiwan's status.

The subsequent 1972 U.S.-China Shanghai Communiqué and other communiqués - which are quoted so often as the basis for U.S. policy on this matter - cannot be determining factors in the debate on Taiwan's future, for the following reasons:

Firstly, because they were simply statements at the end of a meeting, and were not ratified, either by the US Congress or agreed upon by the international community, and thus do **not** have the weight of a treaty.

Secondly, and most importantly, the communiqués were arrived at without any involvement or representation of the people of Taiwan, and can thus not have any validity in determining the future of the island.

From an international legal perspective, it is thus essential that the debate about Taiwan's future is based on the fundamental principles enshrined in the UN Charter and the conclusions of the San Francisco Peace Treaty Conference.

Political perspective

The present "One China" policy of the United States and other Western nations dates from the early 1970s. In the formulation of the Shanghai Communiqué it states that "*The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is part of China.*" However, the policy must be seen against the background of the fact that in those days both the government in Beijing and the one in Taipei presented themselves as the legitimate rulers of all of China, and maintained the fiction that China included Taiwan.

The policy glaringly fails to take into account the views of the Taiwanese people, and thus violates the basic principles of democracy and self-determination. It also totally neglects the democratization and Taiwanization of the island's political structure which has taken place between 1972 and the present.

1. The "One China" policy is at odds with democratic principles, because in the early 1970s, Taiwan was under the harsh rule of the Kuomintang's martial law, and the people of the island could not voice their views on the status of the island. Their voice was not heard, neither in the decisions at the United Nations, nor on the occasion of the Shanghai Communiqué, which was arrived at without any involvement or representation of the people of Taiwan.
2. The "One China" policy also fails to consider that *Taiwan of 2001* is totally different from the "*Republic of China*" of 1972: after four decades of martial law under the Chinese Nationalist regime, the people on the island have crafted a democratic system with a distinct Taiwanese signature, and they have indicated clearly and by a large majority that they do not wish to live under Chinese Communist rule.

Through hard work and ingenuity, they have also achieved one of the most prosperous and stable economies of East Asia, with a per capita income of over \$13,000 or 20 times that of China. The Taiwanese will not peacefully give up their hard-won democratic freedom and their economic achievements.

Opinion surveys show that an increasing majority of Taiwan's 23 million people identifies itself as *Taiwanese* (as opposed to *Chinese*), and that support for Taiwan independence is growing. Opinion polls over the past year show an increasing majority on the island considering Taiwan to be a sovereign state separate from China and desiring their country to be a full, equal, and independent member of the international community.

It should thus be clear that the Kuomintang's traditional position that Taiwan and China are somehow part of a divided China is losing support in Taiwan itself, and is unacceptable to the overseas Taiwanese community.

Communist ideology, on the other hand, has lost all credibility in China itself. The Chinese Communist Party relies on strident nationalism to legitimize its authoritarian rule. China's aggressive policy towards Taiwan is based partly on nationalism and partly on the weakened civilian control over the Chinese military.

Security and Strategic Considerations

Because of its location, straddling the major sea-lanes from Japan and Korea in Northeast Asia to Southeast Asia, Taiwan is of great strategic importance for free trade in the region.

Over the past decade, the island has evolved as a stable economic and political player in the region, increasing its role in regional organizations and strengthening its bilateral ties with Japan and Korea and with the nations in Southeast Asia.

However, China's increasing propensity to bully its neighbors and ride roughshod over their concerns is causing deep concern in East Asia. China is also increasing its capabilities to project its military power: it has acquired advanced SU-27 fighter aircraft and Kilo-class submarines as well as destroyers from Russia. It is increasing its arsenal of missiles, and developing a new generation of high-speed and more accurate missiles that threaten Taiwan as well as U.S. forces deployed in the Far East.

In view of this buildup, the April 2001 decision by the Bush Administration to sell Taiwan a robust package of defensive weapons, as well as Mr. Bush's pronouncement that he will do "whatever it takes" to help defend Taiwan if it is attacked by China are welcome signs of renewed US resolve and determination to resist Chinese pressure against the democratic nation.

If Taiwan would be absorbed by China, the major waterways in East Asia would be under Chinese control - an unattractive prospect for the United States, Japan and nations such as South Korea. One result is that nuclear proliferation could well spread to Japan and the two Koreas.

Policy Alternatives

1. Status quo approach

The approach presently followed by the United States and most other Western nations is recognition of the authorities in Beijing as the government of China, and of unofficial -- mainly economic and cultural -- relations with the authorities on Taiwan.

It preaches "don't-rock-the-boat", and practices a minimalist involvement in the political debate between Taiwan and China. It hopes that the status quo will somehow evolve into a peaceful resolution of the differences.

However, this approach is at odds with reality, since it ignores the major advances Taiwan has made as a democratic nation, and the fact that present-day Taiwan is fundamentally different from the "Republic of China" of the 1950s, 1960s and 1970s.

It also neglects the aggressive and confrontational posture by China. If continued, this approach will increasingly allow China to push Taiwan into a corner, and isolate Taiwan in preparation of a Chinese push to "recover" the island. While during the next ten years, China may not have the capability yet to overwhelm Taiwan's defenses with a blitzkrieg, it will attack when it perceives it has a chance.

In reality, the *status quo* thus represents a steady drift into greater isolation for Taiwan, and an increasing risk that China will attempt to bully Taiwan into submission through military, political and other types of intimidation.

2. Geo-political approach

According to the Kissingeresque geo-political thinking, China's importance as a global political player and as a market for Western goods supersedes any other considerations. Taiwan should not get in the way, and should be pressured to start unification discussions with China.

This approach would sacrifice the rights of a small nation, whose people have worked hard to gain their freedom, and who only very recently achieved democracy.

It would put democracy in East - and Southeast Asia as a whole at risk by accepting and condoning China's military threats and intimidation against its neighbors.

It would undermine the confidence that nations such as Japan and South Korea still have in American trustworthiness as an ally, and reduce the confidence in the credibility of its forward military presence in particular.

Such American softness on the Taiwan issue might well lead Japan and South Korea to reassess their posture, leading either to a hardening of their position (and increasing tension) or a softening, and thus to a lack of balance of power in the region.

Both approaches 1 and 2 should be discarded, and a clear and unequivocal choice should be made in favor of the third approach:

3. Democracy and self-determination approach

This approach emphasizes adherence to the basic principles of democracy, respect for human rights, universality of UN membership and self-determination, and peace and stability.

Democracy

The people of Taiwan have achieved a remarkable transition from a repressive regime under the Kuomintang to a free and vibrant democracy at present. It would be a blatant violation of basic democratic principles if they were forced to "unify" with an undemocratic and repressive Chinese regime.

Respect for Human Rights

China's human rights record is blemished at best. There are still 1,100 forced labor camps in China with an estimated population of 6 to 8 million, including many political dissidents and religious believers, in particular the Falung Gong. Repression of Tibetans and Muslims continues unabated. The People's Liberation Army engages in systematic harvesting and marketing of human organs extracted from executed prisoners.

This larger picture should not be forgotten when the Chinese government releases a few prominent dissidents for political effect. China's willingness to sign the UN Covenant on Political and Civil Rights is a hollow, cosmetic gesture when it denies the right of self-determination to the 23 million freedom-loving people of Taiwan.

China claims it has a right to take Taiwan by force, even though the Taiwanese people have indicated that they wish to keep their hard-won freedom and democracy. Giving in to Chinese pressure would be a major step backwards for human rights, not only for the people of Taiwan but for the people of Asia as a whole, including China.

Universality and Self-determination

The Charter of the United Nations defines “universality” and “self-determination” as guiding principles for relations between peoples and nations.

Article 1(2) of the UN Charter states: *"The purposes of the United Nations are: to develop friendly relations among nations based on respect for the principle of self-determination of peoples, and to take other appropriate measures to strengthen universal peace."*

Also, UN Resolution 2625 (XXV) of October 24, 1970 states that *"all peoples have the right freely to determine without external interference, their political status and to pursue their economic, social and cultural development."* So, the UN not only supports the right of self-determination, it encourages it.

Taiwan fulfils all requirements for being accepted as a full and equal member in the international community. With 23 million people, Taiwan meets all three criteria for statehood specified in international law: it has a defined territory, a defined population and the ability to enter into -- and keep international agreements.

Furthermore, Taiwan is eminently qualified to be a member. Art. 4 (1) of the UN Charter reads: *"Membership is open to all ... peace-loving states which accept the obligations contained in the present Charter..."* Taiwan has not threatened or intimidated its neighbors, it is willing to accede to the UN and accept all obligations under the Charter.

If the U.S. and other democratic nations accede to Chinese demands, and deny the Taiwanese people their right of self-determination, and their right to join international organizations such as the United Nations, this will constitute a violation of a basic principle enshrined in the Charter of the United Nations, not to mention betrayal of the values of freedom and democracy.

Peace and Stability

Peace and stability in East Asia can only be maintained if there is a balance of power in the region. However, over the past decade China has been increasingly aggressive in laying territorial claims outside its borders. In addition to targeting Taiwan with a growing number of missiles and threatening the island with invasion, China has claimed the whole South China Sea as its territorial waters, and has occupied and fortified islands claimed by its neighbors.

A firmer and more consistent U.S. and European policy is thus needed, ready to assert U.S. and European interest in the peace and stability of the Asia-Pacific region, and the right of free passage through international waterways and airspace. This approach, rather than the present accommodation approach, will help China's civilian leaders in adopting more moderate and peaceful policies.

The policy of constructive engagement with China is dominated by the drive of corporate America and Europe for access to the Chinese market. The risk is that such a policy tends to turn into a policy of appeasement, resulting in undesirable consequences.

The U.S. and European nations thus need to adopt a more prudent China policy which gives long range peace and security interests as much weight as short-term commercial profit.

Our Appeal

We as Taiwanese citizens of the world, appeal to the international community – and in particular to the United States, Canada, the European nations, and other nations that adhere to democratic principles – to:

1. Affirm that the people of Taiwan have the **right to determine their own future** under the principle of self-determination as enshrined in the Charter of the United Nations;
2. Urge China to renounce the use of force, and **accept Taiwan as a friendly neighboring state** instead of perpetuating the hostility and rivalry dating from the Civil War China fought against the Kuomintang five decades ago; and
3. Accept Taiwan as a **full and equal member of the international family of nations**, including the United Nations.

Peaceful coexistence between Taiwan and China as two friendly nation-states is the only way through which peace and stability in East Asia can be guaranteed.

This is in the interest of the United States and others nations -- both those in the East Asia region and around the world -- because a China which **respects its neighbors** is more likely to develop a rule of law, to honor international agreements and commercial contracts.

The United States and other democratic nations around the world thus need to ensure that the people of Taiwan receive the opportunity to **peacefully determine Taiwan's future by themselves**, without any Chinese pressure -- military, political or otherwise.

Organizations endorsing this White Paper:

- World Taiwanese Congress
- World Federation of Taiwanese Associations
- Taiwanese Canadian Association
- Taiwanese Association of America
- Federation of Taiwanese Associations in Europe
- World United Formosans for Independence
- North American Taiwanese Women's Association
- North America Taiwanese Professors' Association
- North American Taiwanese Medical Association
- Taiwanese American Citizens League
- Society of Taiwanese Americans

- Formosan Association for Human Rights
- Formosan Association for Public Affairs
- Center for Taiwan International Relations
- Taiwan Communiqué
- Taiwanese Collegian
- Intercollegiate Taiwanese American Student Association
- Professor Chen Wen-chen Memorial Foundation
- Dr. Wang Kang-lu Memorial Foundation