



Taiwan: The facts of history versus Beijing's myths

By Gerrit van der Wees

In discussions regarding Taiwan and its international status, issues are often presented against the background of the Chinese Civil War between Mao Tse-tung's Chinese Communist Party (CCP) and Chiang Kai-shek's Chinese Nationalist Kuomintang (KMT), which lasted from 1926 until 1949.

For a better understanding of the developments, it is essential to focus on the facts of history and take account of the native Taiwanese perspective: the 85% of the population who were there long before the Chinese Nationalists occupied the island in 1945 and Chiang moved his government to Taiwan after his defeat by Mao's forces in 1949.

In the 1980s, after almost four decades of martial law imposed by the KMT, native Taiwanese were finally able to bring about a momentous transition to democracy, and from the early 1990s on, the country has been a vibrant democracy, striving to be accepted as a full and equal member in the international community.

This Explainer examines Taiwan's complex history before 1945. It highlights the path from authoritarian rule in the late 1940s through democratisation in the late 1980s to its current status as a democracy, one which remains diplomatically isolated due to Chinese pressure and Western policies still based on political fundamentals of the 1970s.

Has Taiwan ‘always’ been part of China? The story before 1895

The CCP leadership claims that Taiwan has been part of China ‘since ancient times’, often adding that this has been the case since the Ming and Qing dynasties.¹ A closer examination shows that this is not the case.

Before 1624, Taiwan was inhabited by an indigenous population of headhunting Malay-Austronesians, who ferociously fought each other, but also kept outsiders at bay.² Occasionally a Chinese expedition passed by the island, such as during the Sui Dynasty (605 and 607 CE), but there was no official Chinese presence.³

When the Dutch arrived in Anping (present-day Tainan) in 1624 to establish a trading post, they found no evidence of any Chinese officialdom in Taiwan, let alone any administrative control.⁴ It was thus certainly not part of the Ming Dynasty (1368–1644).

In 1623, emissaries of Tianqi [天啓帝], then Ming Dynasty Emperor, even told the Dutch (who were trying to take Macao from the Portuguese as they looked for a port through which they could trade with China) to go ‘beyond our territory’.⁵ They did not object when the Dutch went to Formosa, where they built Fort Zeelandia and established administrative control as part of the Dutch East Indies Company, which lasted until 1662.⁶ It certainly was not ‘part of China’ during those days.

In 1662, Dutch rule ended when Cheng Ch’eng-kung [鄭成功, or Koxinga], Ming Dynasty adherent and warlord, was driven from the mainland by the advancing Manchu armies, took refuge on the island, and established the short-lived independent Kingdom of Tungning. But the Ming Dynasty itself was long gone by that time, and the Cheng family rule ended in 1683, when Koxinga’s grandson was defeated by the Manchu navy at the battle of the Pescadores.⁷

In 1683, the new Manchu emperor was initially not interested in the island at all. His main goal was to defeat the last remnants of the Ming Dynasty.

¹ ‘The Taiwan Question and China’s Reunification in the New Era’, The Taiwan Affairs Office of the State Council and The State Council Information Office, 08/2022, <https://bit.ly/487GRD4> (checked: 03/01/2024).

² Jared M. Diamond, ‘Taiwan’s gift to the world’, *Nature*, 403:701–703 (2000).

³ Jonathan Manthorpe, *Forbidden Nation: A history of Taiwan* (London: Palgrave MacMillan, 2009), p. 35.

⁴ Leonard Blusse, *Tribuut aan China* (Amsterdam: Otto Cramwinckel Publishers, 1989).

⁵ W.P. Groeneveldt, *De Nederlanders in China* (The Hague: Martinus Nijhoff, 1898), p. 245.

⁶ April C.J. Lin and Jerome F. Keating, *Island in the Stream, a quick case study of Taiwan’s complex history* (Taipei: SMC Publishing, 2005), p. 6.

⁷ Rev. William Campbell, *Formosa under the Dutch* (Michigan: Kegan Paul, 1903).

Emperor Kangxi [康熙帝] even stated: ‘Taiwan is outside our empire and of no great consequence.’⁸ He offered to let the Dutch buy it back.

From 1683 to 1887, Formosa was formally administered as part of the province of Fukien, but in reality it was a wild and open frontier. More than 100 armed revolts took place during that period, prompting the observation that there was ‘an uprising every three years and a revolution every five years.’⁹ The inhabitants viewed the Qing Dynasty as very much a *foreign colonial regime* and in no way saw themselves as ‘part of China’. It was not until 1887 that Taiwan was formally elevated to the status of ‘Province of China’, but that only lasted eight years – an inconvenient truth for Beijing today.¹⁰

1894–1895: Treaty of Shimonoseki and the Formosa Republic

The brief episode 1894–1895 is often overlooked, but represents an important moment in the history of Taiwan. In 1894, in the far north, war had broken out between Japan and the Qing Empire over control over the Korean Peninsula. The Qing navy was no match for the modernised Japanese fleet, and the Qing lost badly.

The resulting Treaty of Shimonoseki was signed on behalf of the Qing Government by Li Hung-chang [李鴻章], former Viceroy of Liangguang. Under the provisions of the treaty, Taiwan was ceded to Japan *in perpetuity*. But in Taiwan, the treaty came as a total surprise. Neither the population nor officials had been consulted. T’ang Ching-sung [唐景崧], then Governor of Taiwan, was convinced by local gentry to declare independence on 23rd May 1895.

The new Formosa Republic was quite a progressive enterprise; it had officials ‘elected by the people of Taiwan’, and a parliament made up of local gentry.¹¹ It had its own flag, issued stamps, and had a Cabinet. The foreign minister in the new government was Ch’en Chi-t’ung [陳季同], an experienced diplomat in the Qing Government, who spoke French fluently. Ch’en also designed much of the republican symbolisms for the new republic, based on his French experience.

But the island’s forces under ‘Black Flag’ Gen. Liu Yung-fu [劉永福] were no match for the modernised Japanese army, and in the following five months the

⁸ Jonathan Manthorpe, *Forbidden Nation: A history of Taiwan* (London: Palgrave MacMillan, 2009), p. 111.

⁹ Chien-chao Hung, *A history of Taiwan* (Rimini Italy, Il Cerchio Iniziative Editoriali, 2000), p. 136.

¹⁰ James W. Davidson, *The island of Formosa, past and present* (London: Macmillan and Co., 1903).

¹¹ *Ibid.*

Japanese drove the young republic's forces back to the southern capital of Tainan, where they had to surrender.¹²

1895–1945: Colony of Japan, while the CCP and KMT advocate for Taiwan's independence

Japan's rule started with a number of major military campaigns to 'pacify' the island, but fierce resistance continued for almost a decade. In total, some 40,000 islanders were killed in the fighting.

Things started to change with Kodama Gentarō [兒玉 源太郎], fourth Governor-General of Taiwan, who served from February 1898–April 1906. Aably assisted by a civilian administrator, Gotō Shinpei [後藤 新平], Gentarō initiated major infrastructure projects, building 10,000 kilometres of roads, railroads from Keelung to Kaohsiung, and modern harbours in Keelung and Kaohsiung. Shinpei was a doctor by training, and also set up hospitals, sanitation systems, and a modern education system. Taiwan became Japan's 'model colony', which lasted until the Second World War.

Importantly, during this period, neither the Chinese Nationalists of Chiang nor the CCP Communists of Mao paid much attention to Taiwan. In fact, from around 1926 to 1942, Mao and Chiang even advocated Taiwan's independence. Both the CCP and the KMT saw Taiwan in the same light as Korea, and the CCP actually advocated that Taiwan, together with Korea, should be given independence after the defeat of Japan in the Pacific War.¹³

Post-Second World War: Military occupation by a repressive KMT

The CCP and KMT positions changed between 1942–1943. At the First Cairo Conference in 1943 – where the Allies discussed the post-Second World War order – Chiang was able to elicit a statement from Winston Churchill and Franklin Roosevelt 'that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and The Pescadores, shall be restored to the

¹² *Ibid.*

¹³ Frank Hsiao and Lawrence Sullivan, 'The CCP and the Status of Taiwan, 1928–1943', *Pacific Affairs*, 52:3 (1979), pp. 446–467.

Republic of China.’¹⁴ This statement of intent was later reiterated in the Potsdam Declaration in 1945.

From that time on, both the Republic of China (ROC) of Chiang – which lost the Civil War and moved to Taiwan in 1949 – and the CCP in Beijing have taken the position that these two declarations constituted a legal basis for their assertion that Taiwan was ‘returned’ to China in 1945. This is incorrect: they were merely declarations of intent, and had no legal status in terms of Taiwan’s sovereignty or international law.

What actually happened was quite different: under General Order Number One of September 1945 by Douglas MacArthur, Supreme Commander of the Allied Powers in the Pacific, the Allied forces granted only *temporary administrative control* to ROC military forces.¹⁵ Sovereignty over the former Japanese colony was to be decided by a formal treaty ending the Second World War in the Pacific.¹⁶

The KMT regime thus exercised *de facto* control over Taiwan and its surrounding islands, but under international law this did not constitute possession of sovereignty, which was still up in the air, pending the San Francisco Peace Treaty. A number of prominent American politicians, including MacArthur himself, even advocated a United Nations (UN) referendum, but this never came to fruition.¹⁷

Whether the PRC or ROC should be present at the San Francisco Peace Treaty of 1951–1952 was a bone of contention between the United Kingdom (UK) and the United States (US). With ‘no one present’ to be the beneficiary, it was only decided that Japan cede sovereignty over Taiwan, but not ‘to whom’. Most participants argued that this was to be decided in due time ‘in accordance with the Charter of the UN’, which emphasises self-determination. Thus the position of the UK, the US and other countries became that Taiwan’s international legal status was undetermined.¹⁸

In the meantime, Chiang’s forces settled in Taiwan and established a repressive regime. They presented themselves to the outside world as ‘Free China’, while continuing to claim sovereignty over China. The nadir of the KMT’s repressive rule came in 1947, when Chiang sent troops from the mainland to suppress protests by the native Taiwanese against corruption and economic

¹⁴ ‘The Cairo Declaration’, Wilson Centre Digital Archive, 26/11/1943, <https://bit.ly/4axoVQU> (checked: 03/01/2024).

¹⁵ ‘Supreme Commander for the Allied Powers General Order no. One’, Taiwan Documents Project, 02/09/1945, <https://bit.ly/47jBoIf> (checked: 03/01/2024).

¹⁶ George H. Kerr, *Formosa Betrayed* (London: Eyre and Spottswode, 1965).

¹⁷ ‘Memorandum of Conversation, by the Ambassador at Large’, Office of the Historian (US), 25/06/1950, <https://bit.ly/3SoBCzL> (checked: 03/01/2024).

¹⁸ ‘Czyzak Memorandum’, Department of State (US), 03/02/1961, <https://bit.ly/3RQjp7P> (checked: 03/01/2024); and, ‘Starr Memorandum’, Department of State (US), 13/07/1971, <https://bit.ly/3RQPIDw> (checked: 03/01/2024).

mismanagement by incoming Chinese Nationalist officials. Some 28,000 Taiwanese were killed by his rampaging troops, in what was to become known as the February 28 (228) Incident. Many years later, American diplomat George H. Kerr wrote a book – *Formosa Betrayed* – describing the events in detail.¹⁹

Thus, while during the 1950s and 1960s the US still maintained diplomatic relations with the ROC regime, it did not formally recognise ROC sovereignty over Taiwan, which it considered ‘undetermined’ and an ‘unsettled question’ in accordance with San Francisco.²⁰ The UK, on the other hand, maintained a consulate in Taiwan but did not recognise the Nationalist government.²¹

However, over time, the ‘ROC’ morphed into Taiwan/Formosa, and now the two are equated and used synonymously. But for a correct assessment of the times, it is essential to understand that from the 1940s to the 1960s they were perceived as two very separate entities.

The 1970s: Derecognition as ‘government of China’ and UN Resolution 2758

By the early 1970s, the ROC claim to sovereignty over the Chinese mainland had become untenable, and the process of ‘derecognition’ started to accelerate. This was highlighted by the expulsion of ‘the representatives of Chiang Kai-shek’ from the UN in October 1971 (UN Resolution 2758), and Richard Nixon and Henry Kissinger’s trip to the PRC in February 1972.²²

The PRC has argued that Resolution 2758 meant that ‘Taiwan’ was excluded from the UN. This is incorrect: the resolution did not even mention ‘Taiwan’. It was not an issue of Taiwan’s representation, but which regime represented ‘China’.²³ As argued earlier, a clear distinction needs to be made between ‘ROC’ and ‘Taiwan’.

Chiang and his regime were not claiming to represent Taiwan at the time, but perpetuated the increasingly outdated claim that they represented ‘China’.

¹⁹ George H. Kerr, *Formosa Betrayed* (London: Eyre and Spottswode, 1965).

²⁰ James Mann, ‘The Six Myths Kissinger Created About Himself – That Everyone Fell For’, *Politico*, 12/06/2023, <https://bit.ly/48i8GIQ> (checked: 03/01/2024).

²¹ ‘Britain recognises communist government of China – archive, 1950’, *The Guardian*, 07/01/2020, <https://bit.ly/41RgNtF> (checked: 03/01/2024).

²² ‘Restoration of the lawful rights of the People’s Republic of China in the United Nations’, United Nations Digital Library, 25/10/1971, <https://bit.ly/3v8BjJZ> (checked: 03/01/2024).

²³ Jessica Drun and Bonnie Glaser, ‘The distortion of Resolution 2758 and limits on Taiwan’s access to the UN’, German Marshall Fund of the United States, 24/03/2022, <https://bit.ly/3NDeiW6> (checked: 03/01/2024).



That claim was not recognised: Western nations recognised only one government as representing China, not two.

Thus the ‘one-China policy’ was born: A sometimes rather convoluted concept where the government in Beijing was recognised as the sole government of China, but when regarding Taiwan other nations ‘took note’, ‘acknowledged’ or ‘respected’ the Chinese position on Taiwan’s status – but did not state they agreed with or recognised that position.²⁴

The 1980s: Momentous transition to democracy

Taiwan’s transition to democracy started in 1979. The KMT regime had ruled the island with an iron fist, but their control began to crack after the US derecognised its claim to sovereignty over China in January 1979.

During the summer and autumn of 1979 two magazines (*The Eighties* [八十年代] and *Formosa Magazine* [美麗島]) gained significant popularity, but this also prompted a major push-back by the secret police and military authorities. When the leaders of *Formosa Magazine* organised a human rights rally in Kaohsiung on 10th December 1979, the KMT government arrested virtually all leaders of the budding democratic opposition Dangwai (‘outside-the-party’ [‘黨外’]) movement, and brought them to trial in a military court, accusing them of ‘trying to overthrow the government.’²⁵

In subsequent years, the defendants and their lawyers became a tight-knit group that led the way to the subsequent democratisation. Family members and associates of the imprisoned opposition leaders started their own magazines, and soon the Dangwai Movement had become an inextinguishable prairie-fire.²⁶

The democratisation movement was assisted by an active overseas Taiwanese community, which in the US reached out to members of Congress, who in turn highlighted the lack of democracy and human rights in Taiwan. The most prominent among this group were the ‘Gang of Four’: congressmen Stephen Solarz and James Leach, and senators Ted Kennedy and Claiborne Pell.

Together this grassroots pressure in Taiwan and prodding from the US Congress prompted then-President Chiang Ching-kuo, son of Chiang Kai-shek, to end martial law in July 1987 and start the process towards a more open

²⁴ Chong Ja Ian, ‘The many “One Chinas”, multiple approaches to Taiwan and China’, Carnegie Endowment, 09/02/2023, <https://bit.ly/3Tt5m9r> (checked: 03/01/2024).

²⁵ ‘The Kaohsiung Tapes’, International Committee for Human Rights in Taiwan, 02/1981, <https://bit.ly/3tpUcYj> (checked: 03/01/2024).

²⁶ Gerrit van der Wees, ‘Taiwan’s “outside the party” magazines on the road to democratisation’, *Taipei Times*, 23/01/2018, <https://bit.ly/4avawYv> (checked: 03/01/2024).



political system in which the native Taiwanese would have some say. At the same time the fragmented democratic opposition consolidated into the Democratic Progressive Party (DPP), Taiwan's current ruling party.

But it was really Lee Teng-hui, Chiang Ching-kuo's Vice-President and then successor from January 1988, who consolidated Taiwan's trajectory to a vibrant democracy. Lee gradually started to dismantle the repressive KMT governmental system, and build up Taiwan's democracy through legislative and electoral reforms in 1991-1992.

These reforms provided for the retirement of all the old legislators who had continued to 'represent China' since their election back in China in 1947. All seats of the Legislative Yuan were to be elected by the people in Taiwan instead of just a small portion of the legislature.

The jewel in the crown of reform was direct elections for the president, which first took place in March 1996. Lee Teng-hui became Taiwan's first directly elected president, and is generally considered Taiwan's 'Father of democracy.'²⁷

From 1990: A vibrant democracy and growing 'Taiwanese' identity

The political liberalisation which set in from the early 1990s onwards had a major effect on all aspects of society in Taiwan. A gradual process of 'Taiwanisation' increasingly enabled native Taiwanese to occupy positions of importance in politics, economics and the social system, largely replacing mainlanders and their offspring who had come over with Chiang Kai-shek in the 1940s and had dominated the political system for some 50 years.

This also brought about a significant growth of the Taiwanese identity. While Chiang's Nationalists had ingrained a sense of 'Chinese' identity in the population, this changed as people rediscovered their own 'Taiwanese' identity and culture. At present, around 63%-68% of the people consider themselves 'Taiwanese only', and some 2%-3% 'Chinese only', with the remainder choosing 'both'.²⁸

²⁷ Lee Teng-hui, 'The road to democracy, Taiwan's pursuit of identity', (Tokyo: PHP Institute, 1999).

²⁸ 'Taiwanese/Chinese Identity (1992/06-2023/06)', Election Study Centre at the National Chengchi University, 12/07/2023, <https://bit.ly/3faGD41> (checked: 03/01/2024).

Polarising issues: ‘independence’ versus ‘unification’ and the ‘1992 Consensus’

The ethnic divide described above also finds its way into politics: while the mainlanders of Chiang Kai-shek fought their Civil War in China (1926–1949) – and later competed with the PRC for international space – they still considered China their homeland and after 1949 remained advocates of ‘re-unification’ – albeit under KMT auspices.

The native Taiwanese, however, had their roots on the island for over 300 years, and considered the Chinese mainland regime a foreign occupation, and – especially after democratisation in the early 1990s – became increasingly vocal in favour of the island’s independence.

These two strands still constitute the basic divide between the currently ruling DPP party, and the opposition KMT.

The DPP’s stance on ‘independence’

The DPP’s stance is encapsulated in two party documents: its 1991 party platform stated that the party called for establishment of

...a sovereign state and a new constitution in accordance with Taiwan’s de facto sovereignty, so as to align the legal and political systems in Taiwan with the reality of Taiwanese society and that Taiwan shall return to the international community based on the principles of international law.²⁹

The 1991 platform also called for Taiwan to ‘Redefine the territorial and national sovereignty in accordance with Taiwan’s de facto autonomy’, i.e., formally giving up the ROC claim to sovereignty over mainland China.

By 1999 many of the reforms called for in the 1991 platform had been implemented and the Resolution on Taiwan’s Future superseded the 1991 platform. The 1999 Resolution stated *inter alia* that:

1. Taiwan is a sovereign and independent country. Any change in the independent status quo must be decided by all the residents of Taiwan by means of plebiscite.
2. Taiwan is not a part of the PRC. The PRC’s unilateral advocacy of the ‘one-China Principle’ and ‘One Country Two Systems’ is fundamentally inappropriate for Taiwan.³⁰

²⁹ ‘DPP Party Platform’, DPP, No date, <https://bit.ly/3NFx1Ab> (checked: 03/01/2024).

³⁰ ‘DPP Resolution on Taiwan’s Future’, DPP, 08/05/1999, <https://bit.ly/3NYkTL1> (checked: 03/01/2024).



Adhering to that position, Tsai Ing-wen, the current President of Taiwan, stated in a BBC interview in 2020 that the issue of ‘declaring independence’ is moot, as Taiwan is already an independent country under the name ‘Republic of China (Taiwan)’, so it does not need to declare independence. She also emphasised that only the people on the island can determine the future of the country.³¹

The KMT’s position on relations with China

Among the KMT adherents, there are various degrees of support for (re)unification, but they still see this happening under the auspices of their ‘Republic of China’. The concept of ‘One country, two systems’ – as propagated by the PRC for Hong Kong (with Taiwan in mind) – is generally not accepted by the Kuomintang and its adherents.³²

But one other concept – the so-called ‘**1992 Consensus**’ – does require further elaboration. In 1991, under President Lee Teng-hui’s leadership, a thaw had set in between Taiwan and the PRC. Two nominally non-governmental organisations had been set up as channels for communication: the Association for Relations Across the Taiwan Straits (ARATS) on the Chinese side, and the Straits Exchange Foundation (SEF) on the Taiwanese side. In 1992, they met in Hong Kong to discuss possible investment and trade agreements.

At this meeting there were also discussions on legal matters such as what ‘one China’ constituted, but there was no agreement in any way, just a decision to continue to meet. However, many years later, in April 2000, Su Chi, one of the KMT officials involved, started to propagate the idea that there had been a ‘1992 Consensus’: that they had agreed that there is ‘one China’, but that they had different interpretations.

This concept remained dormant for a number of years, but around 2005–2006 – when it became clear that the KMT were likely to be re-elected to power under President Ma Ying-jeou (which happened in 2008) – it got a new life, and became the basis for Ma’s policies towards the PRC during his presidency (2008–2016).

But the DPP never accepted the ‘1992 Consensus’, arguing that it was a fictitious invention by Su, which in any case was unacceptable to Taiwan because it implied that Taiwan was part of the PRC.³³

³¹ John Sudworth, ‘China needs to show Taiwan respect, says president’, *BBC*, 14/01/2020, <https://bit.ly/41DyMUj> (checked: 03/01/2024).

³² ‘KMT presidential hopeful opposes “one country, two systems,” Taiwan independence’, *Focus Taiwan*, 09/05/2023, <https://bit.ly/3TymdaH> (checked: 03/01/2024).

³³ Alyssa Resar, ‘The 1992 Consensus: Why It Worked and Why It Fell Apart’, *The Diplomat*, 18/07/2022, <https://bit.ly/48tH0AL> (checked: 03/01/2024).

Various one-China policies, not the PRC's one-China principle

As described earlier, since the 1970s, most Western nations have maintained a 'one-China policy', but in many instances even senior British, American and European officials have been hard-pressed to accurately define it.³⁴

While it is widely agreed that it means recognition of the government of Beijing as the government of China, positions diverge greatly regarding the status of Taiwan. The UK and the US emphasise that they 'acknowledge' the Chinese position, while most other Western nations use similar formulations such as 'take note of' or 'respect'. Although the Chinese text uses 'chengren' [承认], which does mean 'accept' or 'recognise', the English words were specifically chosen to maintain the Western position. Both texts are equally valid, and this was a deliberate move to get round a difficult point in negotiations. These formulations do not imply acceptance or recognition of the Chinese position.³⁵

The confusion is further deepened by the fact that the PRC itself has employed the 'one-China principle', in which it states that

...there is but one China in the world, Taiwan is an inalienable part of China, and the Government of the People's Republic of China is the sole legal government representing the whole of China.³⁶

The CCP deliberately conflates its one-China **principle** with the one-China **policy** of other countries. Too often the media and foreign government officials unintentionally do the same. It is essential to distinguish the two and emphasise to Beijing that the two are *not* the same. The US has persistently done this by emphasising 'our' one-China policy, usually adding that it is based on the US 1979 Taiwan Relations Act, the 1982 Six Assurances given to Taiwan by President Reagan, and the Three Communiqués with the PRC.³⁷ The UK is also clear that there is a distinction between the CCP's one-China principle and its own one-China policy, where it only 'acknowledges' but does not recognise the party's claim to Taiwan.

³⁴ Russell Hsiao and David An, 'What is the US "One China" Policy? Time to end the confusion', *The National Interest*, 28/12/2016, <https://bit.ly/41w1CWy> (checked: 03/01/2024).

³⁵ Chong Ja Ian, 'The many "One Chinas", multiple approaches to Taiwan and China', Carnegie Endowment, 09/02/2023, <https://bit.ly/3Tt5m9r> (checked: 03/01/2024).

³⁶ 'What is the one-China principle?', Mission of the People's Republic of China to the European Union, 15/08/2022, <https://bit.ly/3RwwaTx> (checked: 03/01/2024).

³⁷ Michael J. Green and Bonnie S. Glaser, 'What Is the U.S. "One China" Policy, and Why Does it Matter?', Centre for Strategic and International Studies, 13/01/2017, <https://bit.ly/477sJbG> (checked: 03/01/2024).

What does international law say? The 1933 Montevideo Convention

One additional misconception is that Western officials sometimes state that ‘we do not recognise Taiwan as a country.’ This conflates two issues: whether a certain country does maintain diplomatic relations with the government in Taiwan, and whether Taiwan is a country.

On the first question the answer is generally ‘no’ for the reasons outlined earlier: that the government in Taiwan in an earlier stage maintained that it was the government of ‘China’. That claim was not recognised, and led to the derecognition of the 1970s.

Since that time, the people of Taiwan were able to bring about a momentous transition to democracy, and as of the early 1990s, the government in Taiwan is legitimately representing its people. This should have consequences for their acceptance in the international community.

It also has consequences for Taiwan’s status as a sovereign nation state: Under the 1933 Montevideo Convention – which is generally considered the basis for international law – qualification as a nation-state requires four key elements:

1. A permanent population;
2. A defined territory;
3. A government; and,
4. A capacity to enter into relations with the other states.

The Convention even states that ‘the political existence of the state is independent of recognition by the other states.’³⁸

Conclusion

As outlined earlier, Beijing’s claims to sovereignty over Taiwan based on history remain dubious. While centuries ago the ancestors of the majority of Taiwan’s current inhabitants came from the coastal provinces of China, they intermarried with the indigenous inhabitants and over time developed their own identity.

That identity was also influenced by 50 years of Japanese colonial rule, and when Chiang’s Chinese Nationalists arrived after the end of the Second World War, the differences between Chinese and Taiwanese were aggravated by the Nationalists’ repressive rule, which lasted until the end of the 1980s.

³⁸ ‘Montevideo Convention on the Rights and Duties of States’, Taiwan Document Project, 26/12/1933, <https://bit.ly/488WPNw> (checked: 03/01/2024).



The transition to democracy in the early 1990s only strengthened the Taiwanese identity, and after it became a vibrant democracy under President Lee, Taiwan – following the principles of *equal rights and self-determination* as enshrined in the 1945 UN Charter – has been striving for international acceptance as a full member of the international community.

But it has been held back by the legacy of a Chinese Civil War, in which the Taiwanese themselves had no part. At present, the island and its people are still being kept in international political isolation due to ‘one China’ policies that have their origin in a fifty year period during which the island was ruled by a repressive regime originating from China.

Times have changed: Taiwan is now a democracy threatened by an aggressive neighbour, and collectively free and open countries ought to impress upon the government in Beijing that the best way forward would be to come to a *peaceful coexistence* with Taiwan. At the same time they should deepen and strengthen relations with Taiwan and its people, so it can be accepted as a full and equal member of the international community of nations.

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