

US Congress must recognize Taiwan as an insular area of the USA

Date: 04.04.2008 - 12:28

Category: [Politics, Law & Society](#)

Press release from: [Taiwan Civil Alliance](#)

The Taiwan Civil Democratic Party, Taiwan Defense Alliance, Taiwan Nation Party, Farmers' Party, and other members of the Taiwan Civil Alliance have called on the members of the US Congress to recognize Taiwan as an insular area of the United States of America.

Taiwan had been ceded to Japan in 1895, and after the period of WWII in the Pacific there are no international legal documents which can definitively prove that the territorial sovereignty of Taiwan has ever been transferred to China, regardless of whether "China" is interpreted to mean the Republic of China (ROC) or the People's Republic of China (PRC). When Japan renounced all right, title, and claim over Taiwan in the San Francisco Peace Treaty (SFPT) of 1952, no "receiving country" was specified. Under such circumstances, international law dictates that Taiwan remains under the jurisdiction of the "principal occupying power," as specified in the treaty, and that is the United States of America.

"Military occupation is conducted under military government. The SFPT confirms that United States Military Government (USMG) jurisdiction over Taiwan is active. There has been no change in Taiwan's status from April 28, 1952, to the present," remarked Lin Yi-hsien, Vice-Chairman of the Taiwan Civil Democratic Party. "In other words, Taiwan is an overseas territory of the United States of America."

In mid-September 2007, Taiwan was again rejected for membership in the United Nations. Although most analysts contribute the yearly rejection of Taiwan's membership application to pressure from China, an examination of the historical and legal details shows otherwise. "Under whatever name, Taiwan is not qualified to be a member of the United Nations," remarked Chang Ming-hsien, Chairman of the Farmers' Party. "Although the native Taiwanese people today carry passports of the Republic of China, in fact there is no basis under international law to consider them ROC citizens."

Looking back at the events of WWII in the Pacific, most people assume that after the Japanese surrendered, Taiwan was returned to China. In this view, the ROC exercised sovereign control over all of China (including Taiwan) until 1949. Then on Oct. 1, 1949, the PRC was founded, and the remnants of the ROC government moved to Taiwan, resulting in a divided China, or a situation of "one country, two governments." Most newspaper articles written by leading news services such as AP, UPI, AFP, New York Times, Washington Post, Los Angeles Times, etc. also repeat this general "Background Information" in every story that goes to press. In fact, however, such a recounting of events is both legally and historically inaccurate.

"We must remember that in the WWII period, all military attacks against the four main islands as well as [Japanese] Taiwan were conducted by US military forces. Hence, at the close of the fighting, the United States will be the principal occupying power of these areas," clarified Dr. Roger C. S. Lin at a recent Taiwan Nation Party conference. "After the Oct. 25, 1945, Japanese surrender ceremonies in Taiwan, the military occupation began. However, the military troops under Chiang Kai-shek were only exercising delegated administrative authority for the military occupation of Taiwan under the supreme authority of the United States of America."

"When the ROC moved its central government to occupied Taiwan in December 1949, it became a government in exile," Dr. Lin continued. "Importantly, under international law, there are no actions which a government in exile can take to make itself recognized as the legitimate government of its current locality of residence."

"The Allies did not recognize any transfer of the territorial sovereignty of Taiwan to the ROC at the Japanese surrender ceremonies, or upon the coming into force of the post-war SFPT." Based on this statement alone, it is then obvious that the ROC is neither the legitimate government of China, nor the legitimate government of Taiwan. The world community upholds a "One China Policy" for this very reason. At the same time, Taiwan cannot be admitted to the United Nations because it is not a "country." Currently, Taiwan is still an overseas territory under the jurisdiction of USMG.

"Under the Constitution and laws of the United States, the Taiwanese people should be carrying US national non-citizen passports," asserted Chang Ming-hsien. "In fact, a group of 228 Taiwanese applied for US passports at the American Institute in Taiwan (AIT) in March 2006, but no action on these applications has been taken to date."

In order to more effectively promote its goals, the members of the Taiwan Civil Alliance will all join together for a Mass Protest Sit-in in front of the Taipei Office of AIT on Monday, October 1, 2007, 10:00 am.

An important new essay "The Status Quo in the Taiwan Strait as defined by the US Constitution" was recently posted on the Taiwan Civil Alliance's website at www.taiwanadvice.com/ A previous essay, the "Declaration of the Taiwan Status" was released in late March 2006, and is also available on the website.

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About TCA:

The Taiwan Civil Alliance is an organization that promotes the recognition of Taiwan as an insular area of the United States of America. Such recognition is fully supported by international law and US constitutional law.

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