

# **Charles University**

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**Department of Sinology**

**Master`s Thesis**

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**Taiwan and “One China”: The Republic of China's Status according  
to International Law and Practical Politics**

(Tchaj-wan a „Jedna Čína”: Postavení Čínské republiky z pohledu  
mezinárodního práva a praktické politiky)

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## **Declaration**

This work contains no material, which has been accepted for any other degree or diploma in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due references have been made in the text.

In Prague, May 13, 2022

Simona Fantová

## **Prohlášení**

Prohlašuji, že jsem diplomovou práci vypracovala samostatně, že jsem řádně citovala všechny použité prameny a literaturu a že práce nebyla využita v rámci jiného vysokoškolského studia či k získání jiného nebo stejného titulu.

V Praze, 13. května 2022

Simona Fantová

## **Keywords**

Taiwan, Republic of China, ROC, People's Republic of China, PRC, One China, Cross-Strait relations

## **Klíčová slova**

Taiwan, Tchaj-wan, Čínská republika, Čínská lidová republika, ČLR, jedna Čína, vztahy přes úžinu

## **English Abstract**

The question of Taiwan and One China constitutes one of the most important problems of current geopolitics. However, it is based on a vague construct, which is interpreted differently by different parties involved. The interpretations, as well as manipulations of this vague concept, have an impact on practical politics and directly affect not only the Taiwanese people, but also stability in the region, and its destabilization would pose a grave security threat for the whole international community.

This thesis thus examines the relationship between the construct and reality. It analyses the practical effects of the different interpretations of the construct of One China. Applying critical discourse analysis, the text first examines the history of Taiwan and its usage in various national myths of both the Republic of China and the People's Republic of China, then describes the view of international law on the sovereignty over Taiwanese territory, after that examines the practical politics of the PRC, ROC, USA and the UN, and finally analyses

the Taiwanese people`s identity and agency to defend their identity, way of life, political freedoms, and ultimately, their statehood.

### **Czech Abstract**

Otázka Tchaj-wanu a jedné Číny představuje jeden z nejdůležitějších problémů současné geopolitiky. Je však založena na vágním konstruktu, který si všechny zúčastněné strany vykládají po svém. Interpretace, ale i manipulace tohoto nejasného konstruktu má dopady na praktickou politiku a přímo ovlivňuje nejen obyvatele Tchaj-wanu, ale i stabilitu v regionu, jehož destabilizace by představovala vážnou bezpečnostní hrozbu pro celé mezinárodní společenství.

Tato práce si proto klade za cíl prozkoumat vztah mezi tímto konstruktem a skutečností. Analyzuje praktické dopady rozličných interpretací konceptu Jedné Číny. Za použití kritické diskurzivní analýzy nejprve zkoumá historii Tchaj-wanu a její využívání v národních mýtech Čínské republiky a Čínské lidové republiky, dále popisuje pohled mezinárodního práva na otázku suverenity nad tchajwanským územím, poté se věnuje praktické politice Čínské republiky (Tchaj-wanu), Čínské lidové republiky, Spojených států a OSN a nakonec zkoumá identitu obyvatel Tchaj-wanu a jejich vůli bránit nejen svou identitu, ale i způsob života, politické svobody, a v posledku svou státnost.

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## **Acronyms**

CCP - Chinese Communist Party

DPP - Democratic Progressive Party

ICJ - International Court of Justice

KMT - Kuomintang

MOFA - Ministry of Foreign Affairs

PRC - People's Republic of China

ROC - Republic of China

PLA - People's Liberation Army

SCIO - State Council Information Office

UK - United Kingdom

UN - United Nations

US - United States

USA United States of America

USSR - Union of Soviet Socialist Republics



## Introduction

The question of Taiwan 台灣 and the so-called One China (*Yige Zhongguo* 一個中國) constitutes one of the major problems of today's geopolitics. Since the democratization of Taiwan, the probability of the so-called peaceful reunification (*Heping Tongyi* 和平統一) appears less and less likely. The People's Republic of China (*Zhonghua Renmin Gongheguo* 中華人民共和國), however, has been intensifying its pressure on Taiwan as well as on the international community to facilitate the unification. While the majority of Taiwanese people strongly refuse the PRC's conditions for unification, the PRC is growing more and more impatient, which raises the concern whether the PRC might use force to carry out the unification.

The rising tensions across the Taiwan Strait (*Taiwan Haixia* 台灣海峽) cause many worries not just among the Taiwanese, but also in the international community. Taiwan is an important part of critical supply chains for the global economy. Not only do many maritime as well as flight routes lead through its territory, but it is also a technologically sophisticated economy producing some of the most advanced and hard-to-replace chips. Taiwanese democracy is one of the freest in the whole of Asia, as well as the only full democracy in the Chinese-speaking world. Boasting a vibrant civil society, Taiwan currently sees the formation of a unique Taiwanese identity with democracy as its core element.

Despite its global importance, Taiwan's position in the international community is complicated. Due to its turbulent history, it maintains, as of May 2022, diplomatic relations with just 13 minor countries, while it carries out vibrant "unofficial" relations with most countries including its major ally, the United States (MOFA of the ROC 2022). Its meaningful participation in the vast majority of international organizations including the United Nations is also impossible, under China's pressure.

The current situation of Taiwan is the result of a complicated and contested history that gave rise to the vague construct of One China subscribed to by all the parties involved. However, this construct is the subject of conflicting interpretations and frequent misunderstandings, as well as intentional misinterpretations. The ambiguous situation caused by the vague construct of One China and its different interpretations, at the same time, affects international

politics and directly influences the security in the region with possible spill-over to the whole world.

This work thus describes the construct of One China and traces the sources and realities informing and driving the construct. It examines the relationship between the construct and reality and analyses the real-world impact of the various One China interpretations.

The thesis is divided thematically into four parts. The first part deals with history and its interpretations by various parties involved, as well as the ideology based on various historical interpretations. The second part describes the situation through the prism of international law and examines the arguments dealing with sovereignty over Taiwan. The third part investigates practical policies toward Taiwan and China, both by the two parties in relation to each other and by concerned third parties in the outside world. Specifically, it deals with the ROC, as well as the PRC's policies toward Taiwan and China and examines the policies of the USA toward the PRC and the ROC including its understanding of the concept of One China. It also briefly describes the UN policies toward the above-mentioned entities. The last part examines the agency of the Taiwanese people themselves. It describes Taiwanese identity, its difference from the Chinese identity, as well as the trends in support, respectively, of a formal declaration of the Taiwanese statehood and a unification with China, in the context of political changes unfolding in Taiwan, as well as in the PRC, Hong Kong, and other related entities.

## **Sources and literature**

My sources are legal documents including PRC and ROC constitutions, laws of the PRC (especially the Anti-Secession Law and the National Security Law), ROC (the National Security Act) and USA (the Taiwan Relations Act), international treaties (i.e., the Treaty of Shimonoseki, the Treaty of San Francisco) and joint communiqués (the Cairo and Potsdam declarations, the Three Communiqués), as well as official declarations of governments (the 1993 and 2000 white papers on Taiwan), politicians (i.e., the inauguration speeches of the presidents) and governments involved, as well as relevant public opinion surveys (especially the surveys of the Election Study Center, National Chengchi University).

Secondary literature constitutes the publication of Taiwanese and Chinese history and the ideology surrounding the myths of Chinese nationality and statehood. Literature dealing with this topic is numerous. I found especially useful Bill Hayton's *Invention of China*, Denny Roy's *Taiwan: A Political History*, as well as Michael J. Coles's recent publications on this topic. Secondary literature on the status of Taiwan under international law is extremely scarce, which is revealing in itself. While some authors mention the situation of Taiwan comparing it to other disputed territories, only Frank Chiang's *The One-China Policy: State, Sovereignty, and Taiwan's International Legal Status* examines in detail arguments related to the sovereignty over Taiwanese territory, as well as the statehood of the ROC. Although Beijing habitually bases its claim on Taiwan as one of its provinces on international law, the only PRC publication elaborating on its position is an article written by Chen Xinxin called Taiwan Falü Diwei De Guojifa Liju 台灣法律地位的國際法理據 [The Legal Status on Taiwan on the Basis of International Law].

The literature depicting practical policies is abundant. In addition to the publications mentioned above, Taiwanese politics toward the PRC after the ROC's democratization is described in quite some detail in former president Lee Teng-hui's *The Road to Democracy*. The US policies toward ROC and the PRC are well described in above-mentioned Frank Chiang's book and some of the pieces of information specifically connected to the switch of recognition are to be found in Henry Kissinger's book *On China*. The PRC's politics toward Taiwan is depicted in Gang Lin's *Taiwan's Party Politics and Cross-Strait Relations in Evolution (2008-2018)* among others. While the origins and main features of Chinese historical consciousness are described in Bill Hayton's book mentioned above, other important details can be also found in *Never Forget National Humiliation: Historical Memory in Chinese Politics and Foreign Relations*. Michael J. Cole's book *Convergence or Conflict in the Taiwan Strait: The Illusion of Peace?* deals with Taiwanese identity and its major features.

## **Methodology**

Since I am researching diverse aspects of a complex problem from different angles, a mix of various methodologies is applied. The first chapter dealing with historical myths and nation-state building mostly uses critical discourse analysis.

The second chapter examining Taiwan's Status under international law is based on a survey of existing literature and thus applies a critical literature review.

The third chapter investigating foreign policies toward Taiwan, Taiwan's foreign policies, and Taiwan as a political problem is approached through policy review and analysis, as well as critical discourse analysis.

In the fourth chapter dealing with preferences on the independence-unification issue and national identity in Taiwan, a critical review of available public opinion surveys and other relevant sources on self-identification is applied.

Overall, the methodology applied is based on critical theory and aims at revealing the real factors and motivation hidden behind the historical, judicial, and ideological constructs emerging from the complex and ambiguous situation Taiwan has been facing.

## **Language conventions, Chinese characters, and transcriptions**

As the work is dealing with a Taiwan-connected topic, traditional Chinese Characters are applied. The primary transcription of Chinese used in the work is pinyin 拼音. Where the transcription differs either due to the historic reasons (i.e., the well-known personal or geographical names traditionally used in Western literature) or due to personal preferences (i.e., contemporary Taiwanese personal names), the relevant transcription is applied accompanied by pinyin. In the cases of Japanese names and terms, the standard Japanese set

of characters (slightly different from both traditional and simplified Chinese) is used accompanied by the traditional Hepburn transcription.

# 1. Historical Myths and Nation-State Building

## 1.1 Historical Background

The first inhabitants of Taiwan 台灣 were the aborigines (today called *yuanzhumin* 原住民 in Chinese) of Austronesian origin who formed sixteen major tribes with different languages and customs<sup>1</sup> (Council of Indigenous Peoples 2010). Before the arrival of the Dutch East India Company in 1624, they formed the overwhelming majority of Taiwan's population (Fairbank 2010: 379).

Taiwan's territory was historically of low importance to the Chinese Empire (Roy 2003: 11). Although there were a few Chinese settlements founded before the 17<sup>th</sup> century, massive immigration only started as late as the 1600s (Roy 2003: 12). People coming from China were mostly young men of Hoklo (*Heluo ren* 河洛人<sup>2</sup>) and Hakka (*Kejia* 客家) Chinese subgroups, who settled on the west coast of Taiwan and mingled with the aboriginal population (Barclay 2005: 325). However, until the 19<sup>th</sup> century, ethnic Chinese had not constituted the majority of the Taiwanese population (Davidson 1903: 561).

Due to its distance from the mainland, unfavorable climatic conditions, and presence of “wild” aborigines, Taiwan was considered a savage territory either outside the borders or later on the periphery of the Chinese Empire (Hayton 2020: 188).

For that reason, the Qing 清 government in the late 19<sup>th</sup> century had little interest in the population of the undeveloped territory, which was considered different from people living in mainland China. When the First Sino-Japanese War (*Jiawu Zhanzheng* 甲午戰爭) broke out in 1894 and the Chinese Empire was defeated the next year, the Qing government did not hesitate much to cede Taiwan to the Japanese Empire (Roy 2003: 33).

The period of Japanese occupation, lasting for 50 years, further enlarged the differences between the Chinese people living on the mainland and the Taiwanese population. In the early

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<sup>1</sup> However, the classification of the aboriginal population differs widely among scholars. Sixteen tribes are currently officially recognized by the government (Hualien Indigenous Peoples Department 2021).

<sup>2</sup> While the Hoklo people (people of southern Fujian 福建 descent) call themselves *Hok-loh*, or *Hô-ló*, none of the terms used in Mandarin Chinese are considered correct and proper translation is still discussed. While Hoklo people usually prefer the term *Helao* 河老, terms *Fulao* 福佬, *Helao* 鹤佬 and *Xuelao* 学老, or *Xuelao* 学佬 are also used (Baidu Baike 2021).

1900s when the Chinese identity was forming, Chinese intellectuals as well as revolutionaries (including Liang Qichao 梁啟超, Zhou Enlai 周恩來, Mao Zedong 毛澤東 and Sun Yat-sen [Sun Zhongshan 孫中山]) often considered the Taiwanese a different nation (*minzu* 民族) (Hayton 2020: 189, 208).

The Chinese approach toward Taiwan changed during World War II. The Republic of China (*Zhonghua Minguo* 中華民國) made its first claims over Taiwan in 1941 (Hayton 2020: 208), designated it one of its provinces in 1945, and put it under military government (Roy 2003: 60). At that time Taiwan became vital for the ROC government not only because it was the second most developed territory in Asia (after Japan), which could boost China's economy, but later on also because the ROC government was forced to find exile in Taiwan after being defeated by the Communists in 1949 (Roy 2003: 54; Hayton 2020: 210).

Due to its presence in Taiwan, the ROC government needed to justify its governance over the island. Claiming its right over this territory became vital for its historical myth in nation-state building. After the People's Republic of China (*Zhonghua Renmin Gongheguo* 中華人民共和國) was established, questions regarding national sovereignty, unified culture, and territorial integrity gained importance and today these questions play a vital role in the PRC's foreign policy, as well as in legitimizing its domestic rule.

## **1.2 The Importance of Taiwan for the People's Republic of China**

The so-called Taiwan Issue (*Taiwan Wenti* 台灣問題) plays a vital role in the PRC's politics since its establishment in 1949 (The White Paper on the One-China Principle and the Taiwan Issue 2000: Foreword). The importance of Taiwan for the PRC does not lay just in its strategic position or developed infrastructure, but more importantly, the Taiwan Issue became highly ideologized and even mythologized. There are many reasons why the PRC pushes

the question of the so-called reunification<sup>3</sup> of Taiwan with the Chinese Mainland (*Zhongguo Dalu* 中國大陸).

The first one has roots in Chinese history, or more precisely in the interpretation of the history of China promoted by the Chinese Communist Party (*Zhongguo Gongchandang* 中國共產黨), which stresses the importance of unity of the territory perceived as Chinese, emphasize the former glory of China, and the later humiliation caused by imperialist powers in the second half of the 19<sup>th</sup> and first half of the 20<sup>th</sup> (Liu Junchuan 2017). The CCP considers itself to be the sole power that can restore China's former position (Liu Junchuan 2017). At the same time, the CCP also acts as a leader for all people of Chinese descent regardless of their actual citizenship (Constitution of the PRC 2004: Chapter II, Article 50; Peng Guanghan 2006).

Another reason is the fact that the PRC has already made Taiwan a key part of its politics, both domestic and international, and cannot step back without losing face or even endangering its legitimacy. The more the PRC stresses the importance of the Taiwan Issue, the more importance it gains (Cole 2020: 16).

The existence of a different, and thriving, political system can constitute another ideological obstacle, which might pose a threat to the PRC's authoritarian regime (Blanchard 2019). Taiwan is the only fully democratic country with a Chinese-speaking majority; thus it can challenge the CCP's argument that democracy is incompatible with Chinese values and cannot exist in countries with a major Chinese population (Wang Chi 2019).

There are other significant reasons why the question of the unification of Taiwan with the "motherland" is so important for the PRC, or the CCP respectively, but as they do not have a connection with the historical myths related to nation-state building, they will be explored in other chapters.

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<sup>3</sup> While the PRC uses the English term reunification to emphasize its connection with Taiwan, people opposing the PRC's view prefer the English term unification (Cole 2016: 40–41).



### 1.2.1 Historical Importance of Taiwan

In the PRC documents dealing with the questions concerning the so-called Taiwan Issue, the stress on ideological background stemming from historical events is clearly visible. The CCP actively promotes its interpretation of history and does not allow any other perspectives which do not confirm its leading role in the whole Chinese society (Chinese Academy of Social Sciences 2015). Taiwan has gradually gained a key role in the CCP's interpretation of history.

To fully understand the importance of Taiwan for the CCP it is first necessary to grasp the nature of Chinese nationalism actively cultivated by the Chinese government. The way Chinese nationalism looks today was shaped during the late 19<sup>th</sup> century and the early 20<sup>th</sup> century. It took inspiration from social Darwinism, as well as Western ideas about the nation and nation-state, but also included perceptions of traumatic events happening to China in the past (Hayton 2020: 109–111). Although some aspects of nationalism have changed since then (for instance gradual shift toward promoting Sinicization (*Hanhua* 漢化) of non-Han minorities in the third millennium [Hayton 2020: 130]), the core ideas promoted today by the CCP have not changed much since they were formed by Chinese intellectuals, especially Liang Qichao 梁啟超, during the late Qing dynasty. Chinese nationalism is thus based on chauvinism mixed with traditional Confucian ideas of world order and feelings of superiority of its race, which however suffered mistreatment during the so-called Century of Humiliation (*Bainian Guochi* 百年國恥) (Hayton 2020: 92; 109–111).

One of the core ideas forming Chinese nationalism revolves around the above-mentioned Century of Humiliation between 1839 and 1949<sup>4</sup> (Bajoria 2008; Kaufman 2010: 25). It refers to the mistreatment (both the real and alleged) the Chinese people suffered in the past, including territorial losses, especially in the border areas, as well as the change of worldview which needed to be adopted under new circumstances. While the Chinese traditionally considered their land the center of the world and the Emperor the only legitimate ruler on Earth, they suddenly needed to accept state to state relationships based on theoretical

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<sup>4</sup> Dating differs widely. The above-mentioned dates were established by Mao Zedong 毛澤東 and the end of Century of Humiliation follows the establishment of the PRC (Kaufman 2010: 25). However, different interpretations exist and when, or whether it ended is under discussion. As this sub-chapter deals with the CCP's propaganda, it uses the same dates.

equality not only with the Western powers but also with the states traditionally considered part of the Empire and paying tribute to the throne (Gries 2004: 47; Zheng Wang 2012: 89–93). More parts of the Chinese Empire were seized by foreign powers during those times. While there was unrest at the borders of the empire, especially in the territories inhabited by the non-Han population, the Western powers together with Russia and the Japanese Empire gained control of many areas within the Chinese territory either through territorial treaties turning them into foreign concessions, or even seizing pieces of Chinese territory (including Taiwan) and incorporating them into their states (Fairbank 2010: Part II and III). Chinese intellectuals were trying to find the answer to the question of why the once-great nation suffered so many losses, how to help it to gain its former strength and how to unify the people living within Chinese borders to attain this goal. This intellectual debate, as well as the rhetoric of the then revolutionaries, together with the historical experience, gave rise to the concept of the Century of Humiliation, as well as the kind of nationalism described above (Tu Wei-ming 1991: 2).

The CCP uses the concept of the Century of Humiliation to support nationalist feelings through its propaganda. One of the sources the CCP derives its legitimacy from is its role supposedly taken up in the process of the so-called Great Rejuvenation of the Chinese Nation (*Zhonghuaminzu Weida Fuxing* 中華民族偉大復興) which, among other implications, bears the promise of recovering China's rightful place and redress the consequences caused by the mistreatment suffered from Western Powers, Russia, and Japan during the Century of Humiliation (Allison 2017). This propaganda not only arouses the feeling of mistreatment in the past but also the fear that the same situation can happen again, which produces extreme sensitivity to the matters concerning Chinese territorial claims (Hayton 2020: 185–186). The CCP propaganda describes the so-called Three evils (*San Gu Shili* 三股勢力) which endanger the stability of the country, one of which is splittism (*Minzu Fenlie* 民族分裂). The only way to restore national dignity and erase former grievances is to unify any territory which the PRC claims as its own (Hayton 2020: 186).

In this sense, Taiwan is a constant reminder of these alleged grievances which still have not been put right. Ceded to the Japanese Empire by one of the so-called unequal treaties (*bu-pingdeng tiaoyue* 不平等條約) and then administered by a hostile government supported by the USA, Taiwan is considered a piece of Chinese territory stolen from the Chinese motherland by enemy countries during the Century of Humiliation and not yet reunified with

its motherland due to the intervention of the USA during the Cold War (The One-China Principle and the Taiwan Issue 2000: Foreword). After Hong Kong (*Xianggang* 香港) and Macao (*Aomen* 澳門) were handed over to China, Taiwan has become the last remaining place to be “reunified”.

Chinese tradition tends to stress the importance of a unified country under central rule. While the times when China was under the rule of a central government are considered stable and flourishing, the historical periods when China was divided into several states under different rulers are considered disastrous (Fairbank 2010:56). The CCP uses this motive in its propaganda and declares itself the only legitimate ruler of the Chinese territory. While the scope of what can be considered Chinese territory frequently changed during history, and whether Taiwan is or is not part of it is disputable, the ambiguity in the exact size of Chinese territory raises fear of losing a part of it even more (Hayton 2020: 186).

### 1.2.2 Unified Chinese Ethnicity Under the CCP Rule

Since the 1980s, the PRC has also changed its approach toward minorities living within its borders. While there are 55 officially registered minorities since 1949 (including Taiwanese aborigines as a single group [The State Council, PRC 2014]), who according to the Chinese constitution enjoy the right to promote their own culture, as well as language (Constitution of the PRC 2004: Chapter III, Article 119 and 121), minorities with a unique culture different from the major Han population have been gradually considered dangerous for the political system and the central government has been promoting their Sinicization, or more precisely – Han-ization (Sinopsis 2021).

While carrying out the Han-ization of the non-Han population within its borders, the PRC government also tries to promote ties among Overseas Chinese and People of Chinese origin (*Huayi* 華裔 / *Huaqiao* 華僑<sup>5</sup>) and their “motherland”. The PRC acts as the defender of the

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<sup>5</sup> The term *Huaqiao* 華僑 refers to the Chinese living abroad just temporarily, while another term *Huayi* 華裔 is rather used for people of Chinese descent without actual connection to China. The PRC prefers to use the term

Chinese people all around the World (Constitution of the PRC 2004: Chapter II, Article 50; Peng Guanghan 2006). In this sense, it also tries to extend its jurisdiction over the Taiwanese people, both living in Taiwan and overseas. It extends ties between the Taiwanese people and the PRC through the propagation of its official culture, but also through adopting new coercive laws aimed at the Taiwanese (for instance, Anti-Secession Law adopted in 2005).

The trend of developing a unique Taiwanese identity not only reduces the willingness of the Taiwanese population to voluntarily opt for unification with the PRC but also weakens the Taiwanese people's connection to the PRC (which is already weakened due to the generation change and losing ties with relatives living in the PRC) and goes directly against PRC's plans for a unified Chinese nation under a single rule.

### 1.2.3 Taiwan's Democratic System as a Challenge to the PRC's regime

Some scholars consider the Taiwanese democratic system of government another ideological reason why Taiwan must be unified with China. Taiwan is one of the most effective democracies in Asia and by far the freest civil society in the Chinese-speaking world (Cole 2016: 187). Its existence lies in sharp contrast with the PRC's claims that a democratic system of government is not suitable for the Chinese and it is incompatible with traditional Chinese values (Wang Chi 2019). The freewheeling Taiwanese democracy might be seen as a viable alternative to the system of socialism with Chinese characteristics (*You Zhongguo Tese De Shehuizhuyi* 有中國特色的社會主義) – the system the PRC claims the best suitable for people of Chinese cultural heritage (He Yiting 2019).

While Hong Kong gradually loses its autonomy and the PRC's central government seizes its freedoms, Taiwan is becoming by far the biggest source of uncensored media for the Chinese-speaking world, relatively easily accessible for the PRC citizens (Cole 2016: 188). Dissemination of uncensored materials can be considered dangerous for the PRC.

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*Huaqiao* to emphasize the ties of all the people of Chinese origin to their "motherland". For this reason, the Southeast Asian countries rather chose the term *Huayi* (Hayton 2020: 78).

On the other hand, J. Michael Cole states that Taiwanese democracy does not pose a threat to the Chinese system of government as long as Taiwan is not a de facto part of the PRC. While Hong Kong is small compared to Taiwan and its society has never enjoyed the democratic rights Taiwan's citizens take for granted, Taiwan maintaining its current level of democracy within the PRC's jurisdiction under One Country – Two Systems formula would pose a far bigger challenge to the PRC's political system (2016: 190).

At the same time, PRC citizens have already had plentiful opportunities to experience democracy. Since the beginning of the Economic Reforms (*Gaige Kaifang* 改革開放) in 1978 around 6.56 million Chinese students have received their education overseas and 86 % of them have returned to the PRC after graduation. The number of Chinese students receiving education at Western universities is constantly increasing (Global Times 2020). These students must have had plentiful opportunities to gain first-hand experience of democratic systems of government, but the effect on their perception of democracy seems to have been the opposite of what was expected as the Chinese who had studied and lived in democratic states tend to have generally more hostile approach toward democracy than the ones who have not experienced it (Fish 2018).

There is also a rich intellectual tradition in the PRC, so its citizens do not need to search abroad and import new ideas. If there is a demand for democracy, there are many sources to take from within China (Cole 2016: 189).

#### **1.2.4 Potential Consequences of the De-Escalation of the Current Situation for the CCP**

Taiwan was not important for the KMT, or the CCP before 1949. The so-called Taiwan Issue gained importance after 1949 for ideological reasons outlined in this chapter, but also for several other reasons changing throughout the time. While the unification of Taiwan with China was considered a matter of continuation of the Civil War during the 1950s, later when Taiwan went through an economic boom it became a possible source of enrichment for the PRC (Zhu Feng 2004). Today, its economic and technological importance is supplemented

by its strategic position in the so-called First Island Chain (*Di Yi Daolian* 第一島鏈), as well as its control of important maritime routes (Cole 2020: 81).

Regardless of which of the reasons above were most important for the PRC, it made the Taiwan Issue one of the core aspects of both its domestic and foreign politics (The One-China Principle and the Taiwan Issue 2000: Conclusion). The PRC government has been more and more emphasizing the concept of national rejuvenation together with stressing the role of a unified nation, Taiwan included. In its view, the question of Taiwan cannot be left unresolved forever.

The PRC claims over Taiwan have been growing more vocal, while the Taiwanese people are less and less willing to accept the so-called reunification, especially under the conditions the PRC offers (Election Study Center, National Chengchi University 2021; 2020 Report to Congress: 440–441). Even the biggest Taiwanese proponents of unification with China cannot agree on the conditions under which the unification is offered. At the same time, Chinese leaders are growing more impatient because none of them wants to be seen as the one who would have lost Taiwan to the PRC (Cole 2016: 145).

Following the political climate in the PRC which increasingly emphasizes ideological purity, as well as more control over its citizens, the claims toward Taiwan are gradually rising. This can be demonstrated by the recently more frequent omitting of the word “peaceful” when the PRC politicians speak of reunification, or by the increased military activities around Taiwan (2020 Report to Congress: 437). It is nearly impossible to de-escalate the current situation as the PRC fears losing face if it would step back on the issue it has already made a key part of its policies, as well as propaganda.

As the PRC has made the Taiwan issue a fundamental aspect of its policies, carrying out incessant pro-unification propaganda toward its citizens, any change in Taiwan’s status would be interconnected with its legitimacy (Zhu Feng 2004). The Taiwan issue can be used as a topic to turn public opinion on when the government faces internal problems (Cole 2016: 142). But at the same time, it needs to be treated with extreme caution, because if the PRC fails to unify with Taiwan successfully, it could directly endanger its legitimacy (Zhu Feng 2004). If the process of unification turns into an armed conflict, people in China might be reluctant to engage in a long war, which could lead to economic depression, and in which many families might lose their only child. The PRC cannot let Taiwan declare independence

without an intervention either, because that would be a sure way to lose its legitimacy (Cole 2020: 167–169).

## **1.3 The Importance of Taiwan for the Republic of China**

### **1.3.1 The Perception of Taiwan before 1949**

The government of the Republic of China on the mainland, as well as its citizens, paid little attention to Taiwan before declaring war on Japan in 1941. While it claimed sovereignty over territories already not under its jurisdiction (i.e., Mongolia, Eastern Turkestan, Tibet), it did not include Taiwan in its maps until it formally declared war on Japan and pronounced all the unequal treaties signed with Japan abrogated (Hayton 2020: 189).

During World War II, Taiwan gradually gained importance not only because of its strategic position and its developed industry and infrastructure but also due to ideological reasons. As the USA joined World War II, the ROC could hope for the first time the war against Japan can be won (Roy 2003: 56). As the position of the ROC improved, it could now make its claims to Taiwan, as well as other territories occupied by the Japanese Empire.

After the end of World War II, the ROC was eager to take control of Taiwan. The unification with Taiwan was highly desirable not merely as it was the second most developed territory in Asia, while China itself had been devastated by both World War II and the ongoing civil war (Roy 2003: 54, 57), but also as a confirmation of the ROC's position among the victorious powers over the Japanese Empire, bearing an important symbolic meaning. Reaffirming its position was important for the ROC as it did not otherwise contribute much to the victory over Japan militarily (Chiang 2018: 256).

Another reason why the unification of the ROC with Taiwan was ideologically important was the narrative of the Century of Humiliation, a concept frequently stressed by KMT propaganda since 1942 (Hayton 2020: 209). As the Japanese Empire was considered one of the powers mistreating China the worst during the Century of Humiliation, unification with Taiwan would mark the end of this shameful period in Chinese history. The ROC regime presented itself as the savior of its Taiwanese compatriots (although in fact treating the Taiwanese as traitors and Japanized enemies [Roy 2003: 57]).



### **1.3.2 The Role of China in Taiwanese Politics from 1949 to 1988**

After the ROC had taken refuge in Taiwan, the question of whether Taiwan is or is not part of China gained new importance. The ROC government was defeated by the Communists and lost the support of the USA and needed to find a suitable ideological explanation of its current situation to legitimize its presence in Taiwan (as well as explain its absence from China).

Following its relocation to Taiwan, Chiang Kai-shek's regime seized control over the whole Taiwanese society, severely limited civil liberties, and restricted the freedoms guaranteed by the constitution adopted in 1949 through temporary provisions and a declaration of martial law. These drastic measurements were explained as a continuation of the civil war and preparation to reconquer China, often called the liberation of the Mainland (Roy 2003: 78). While the civil war was not considered over by either party involved after the establishment of the PRC government in China, both the PRC and ROC were preparing for another clash to defeat the enemy (Manthorpe 2005: 195). However, following the outbreak of the Korean War, which marked the beginning of the Cold War in Asia, the conflict did not end as quickly as expected. The PRC came to be considered a dangerous, expansive regime, and the ROC accordingly gained the US military support in order to preserve its position in Taiwan and form the opposing force against the PRC (Manthorpe 2005: 195).

To justify its presence in Taiwan, as well as to persuade the Taiwanese people to cooperate with the relocated ROC regime and gain support for its military campaign, the ROC government promoted forceful Sinicization of all aspects of Taiwanese society (Roy 2003: 95–96). It was vital to depict Taiwan as an inalienable part of Chinese territory and suppress any manifestation of a distinct Taiwanese identity. Had Taiwan not been depicted as an inalienable part of China, the KMT would need to admit its defeat in the civil war with the Communist regime, and admit it became an exiled government, which does not possess the right to claim itself the sole legitimate government of China. Taiwan depicted as a Chinese territory constituted a connection to China (Stockton 2002: 157). This connection was emphasized by the fact that Taiwan was designated as a province, while the islands of Matsu and Kinmen were considered part of Fujian province (Forsythe 2016).

As the ROC considered itself the only legitimate government of China exercising its sovereignty without abruption at least over a small part of Chinese territory, it could not have

admitted Taiwan might be separate from China. During Chiang Kai-shek's rule, there were still plans to reconquer the Mainland through military action and Chiang Kai-shek actively lobbied the US government for support (Manthorpe 2005: 196). While military conflict was a real option during the 50s, it was less likely to happen during the 60s. Although Chiang Kai-shek had not given up this rhetoric till his death in 1975, it was clearly visible that the ROC would not recapture the Mainland military (Roy 2003: 155).

Suppression of a distinct Taiwanese identity, forceful Sinicization, and promotion of the unification of China under the Three People's Principles was still exercised during Chiang Ching-kuo's (*Jiang Jingguo* 蔣經國) regime. During the 70s and 80s, many countries expressed their support and willingness to recognize Taiwan if it proclaimed itself a de facto state, as well as possible double representation of China, but these offers were all turned down for ideological reasons. The core of the unification ideology had not changed until the martial law was lifted shortly before Chiang Ching-kuo's death (Cole 2016: 22).

### **1.3.3 The “Mainland Issue” and Taiwanese Politics since Lee Teng-hui's Presidency**

During the presidency of Lee Teng-hui (*Li Denghui* 李登輝), the role of China in ROC's state mythology changed. Following the democratization of the society, the promotion of a distinctive Taiwanese culture and identity (often inclusive), as well as movements supporting Taiwanese independence were not suppressed anymore (Manthorpe 2005: 220). President Lee expressed the view that there is just one historical, cultural, and geographical China, while the PRC and the ROC in Taiwan constitute two separate entities within its borders. In his view China should be unified into one entity; however, due to many regional differences, the most suitable form of government would be a federation of several autonomous regions (Lee Teng-hui 1999: 182) – an idea absolutely unacceptable for the PRC allowing only the One Country – Two Systems formula (*Yi Guo Liang Zhi* 一國兩制) (The One-China Principle and the Taiwan Issue 2000: Part II). Lee would also frequently stress his role in leading Taiwan to democracy and the role of Taiwan as a model for a democratic form

of government for all of China. Taiwan could teach China how to reach an economic boom while preserving traditional Chinese values (Lee Teng-hui 1999: 122–125).

However, given the more aggressive rhetoric from the PRC, his expressed views on China do not necessarily reflect his own beliefs, but would rather be considered a part of practical politics in an effort to deal with the complicated situation of Taiwan in relation to China and other states. While Taiwan could not declare independence as this move was not supported by the USA (Chiang 2018: 328–329), Lee needed to find a way to express his politics ideologically, making his views sometimes contradictory. For instance, he called the relationship between the ROC and the PRC a state-to-state relationship, or at least a special state-to-state relationship (Wu Weixing 2000: 135). Despite his proclamations his government would not declare an independent state, it made amendments to the constitution calling Chinese territory “Mainland area (*Dalu Diqu* 大陸地區)” and Taiwanese territory “free area (*Ziyou Diqu* 自由地區)” (Additional Articles of the Constitution of the ROC 2005). In his inaugural speech, he talked about peaceful reunification with China (Lee Teng-hui 1999: 61), yet he also claimed the ROC had been a sovereign state since 1912, and the constitutional amendments made the basis for having a state-to-state relationship with China, so there is no need to proclaim sovereignty because the ROC has been already a sovereign state on Taiwan, i. e. the Republic of China on Taiwan (Lee Teng-hui 1999: 120). His remarks confused many people who considered them a proclamation of sovereignty, which Lee later denied (Chiang 2018: 213–214).

Lee Teng-hui’s concept of the Republic of China on Taiwan was later used by his successor Chen Shui-bian (*Chen Shuibian* 陳水扁) and turned into a four-stages theory to justify the evolution of the ROC established in China into a sovereign state in Taiwan separate from China (Chiu Yu-Tzu 2005). Chen pushed the idea of a free Taiwanese state independent of China. He often interchanged the term ROC for the term Taiwan and called Taiwan and China two separate countries, insisting on the sovereignty of Taiwan. He also used the words state and government interchangeably, claiming the ROC was a sovereign state, although the ROC might be more accurately, according to Frank Chiang (2018: 218–220) considered a (stateless) government. He tried to justify this view by adding the world Taiwan after the ROC (Chiang 2018: 218–220). He also pushed forward an idea of a distinct Taiwanese identity as opposed to the Chinese identity (Sullivan and Lowe 2010: 623). However, even his

comments were on occasion contradictory and were often followed by political statements calling Taiwan a part of China (Chiang 2018: 219).

The presidency of Ma Ying-jeou (*Ma Yingjiu* 馬英九) was characterized by a rapprochement with the PRC. Ma called Taiwan a Chinese region and his policies toward China were aimed not to offend the PRC government. Another aspect of his presidency was a closer economic integration of Taiwan with the PRC.

When Tsai Ing-wen (*Cai Yingwen* 蔡英文) won elections in 2016, she spoke of the ROC and the PRC in a way that stressed these were two parts of one entity. However, she often makes remarks supporting Taiwanese distinct identity, as well its de-facto independent status.

Nevertheless, since the Lee Teng-hui presidency, the question of unification with China has been gradually losing its ideological dimension in Taiwan and rather constitutes a matter of practical politics. It is due to the fact that after democratic changes the Taiwanese government does not connect its legitimacy with the question of whether Taiwan constitutes part of China. The approach toward China taken by Lee Teng-hui and his successors will thus be examined in more detail in Chapter 3.

## **2. Taiwan's Status under International Law**

### **2.1 State, Sovereignty, and International Law**

Origins of contemporary international law lay in the Peace of Westphalia, which gave rise to modern states and the concept of sovereignty. It evolved by consensus among sovereign states which agreed to limit their sovereignty to ensure that sovereignty of one state does not threaten the sovereignty of another state. There are three sources of international law identified by the International Court of Justice: 1) international conventions (both general and particular); 2) international custom, as evidence of a general practice accepted as law; and 3) the general principles of law recognized by civilized nations. Judicial decisions and scholarly studies are recognized as subsidiary means (ICJ 1945).

The three main sources of international law, as well as the fourth additional one, provide us with definitions of sovereignty, give us theories concerning the emergence of states, their definition, and explain the nature of relations among them.

Although many different views on the emergence and definitions of a state exist, it is universally agreed that an essential element of a state is a defined territory in which it can exercise its sovereignty. The most widely accepted definition is the one provided by Montevideo Conventions (1933) which claims that a territorial political institution becomes a state if it meets these four criteria: 1) a permanent population; 2) a defined territory; 3) government; and 3) capacity to enter into relations with the other states. However, some authors argue that there is one more condition for a territorial political institution to become a state – a proactive declaration of independence demonstrating the political will for statehood after the four criteria above are met (Chiang 2018: 111).

From the definition provided by the Montevideo Convention, we can see that a state is an entity with a defined territory and a permanent population living within its borders. A state has a government that exercises sovereignty over its citizens without any limitations (apart from cases of violation of human rights which allow other states to interfere [Charter of the UN 1945: Chapter VII]). In theory, all states are equal before international law and have the capacity to enter into relations with other states, recognize a state or its government, enter a war, or sign international treaties.

A state can acquire sovereignty over territory either by signing a territorial treaty with another state which previously owned it or by the annexation of another state (in that case a defeated state ceases to exist so there is no party to sign a territorial treaty). When signing territorial treaties, all states are on equal footing even though one of the signatory states signs the treaty due to losing a war with another state. This comes from the fact that a state chooses not to continue in war but sign a territorial treaty and cede part of its land to secure its future rather than being defeated and cease to exist (Chiang 2018: 121).

Territorial treaties differ from other types of international treaties. Their aim is to transfer a piece of territory to another state, which involves a transition of sovereignty over the territory to another state. They settle disputes that happened in the past, usually take effect immediately after ratification, and their nature is both contractual and proprietary (Chiang 2018: 155). Territorial treaties are realized just between the states directly involved in the territorial transfer and cannot be carried out by third parties. They provide signatory states with the final settlement of territorial disputes, cannot be canceled by one party, nor by all parties involved, and must be respected by third parties. In case a territory transferred by a territorial treaty needs to be given back to a state which had previously lost it, it can legally be achieved only through signing a new territorial treaty (Chiang 2018: 156–157).

## **2.2 History of Sovereignty over Taiwan**

As already stated in the 1<sup>st</sup> chapter, at least until the 17<sup>th</sup> century Imperial China not only did not attempt to make any territorial claim to Taiwan 台灣<sup>6</sup> and considered it a barbarian territory, but even sentenced its own citizens who tried to emigrate there to death. When the Dutch attempted to build a settlement on Penghu 澎湖 (formerly known as Pescadores Islands) in 1622, they were told by the Ming 明 government to move to Taiwan instead and not to operate within Imperial China's territory (Roy 2003: 15). However, during the 17<sup>th</sup>

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<sup>6</sup> However, several different interpretations of history exist. While some sources state during 14<sup>th</sup> century Taiwan might have been part of Chinese empire under jurisdiction of Jinjiang 晉江 country, Fujian 福建 (Ahl 2020), The PCR government finds roots of Chinese sovereignty over Taiwan as early as 1700 years ago (China Internet Information Center 1993).

century, Taiwan became a serious threat to Imperial China governed by the Qing 清 dynasty as it was a hub of many illegal activities, especially for pirates, but also for people loyal to the former dynasty. The most notable loyalist was Zheng Chenggong 鄭成功, better known as Koxinga, who came to Taiwan in 1661 and tried to establish there a successive government loyal to the Ming dynasty after it was defeated by the newly established Qing dynasty (Roy 2003: 17–19). Foreigners trying to settle on the island also were considered a dangerous element for the Chinese Empire. The Qing government first asked the Dutch to buy Taiwan off, but as they refused, the Qing government decided to incorporate it to stop activities that would jeopardize its regime (Roy 2003: 19).

In 1683 Taiwan became a prefecture of Fujian 福建 province after Koxinga's grandson surrendered to the Qing dynasty. However, the central government did not exercise its sovereignty over the whole territory. Until the 19<sup>th</sup> century, the Chinese did not constitute a major part of Taiwan's population and the central government had just about a half of the land under its nominal control (although even there the actual power laid in the hands of wealthy local families [Roy 2003: 20]).

Taiwan's status was upgraded to a province in 1885. During that time Taiwan's first governor Liu Mingchuan 劉銘傳 made some attempts to Sinicize local people and enlarge the territory under Chinese control (Roy 2003: 28).

However, in 1894 the first Sino-Japanese War (*Jiawu Zhanzheng* 甲午戰爭) broke out and Imperial China was defeated a year later. The Qing court agreed to the terms of capitulation posed by the Japanese Empire and signed a peace treaty with it, which became known as the Treaty of Shimonoseki (*Maguan Tiaoyue* 馬關條約 / *Shimonoseki Jōyaku* 下関条約). The treaty was territorial by its nature and its articles 2 and 3 transferred the sovereignty over Taiwan and Penghu Islands to the Japanese Empire (MOFA, ROC). The decision of the court caused a grievance among the Chinese people inhabiting the island. They made a complaint to the Qing government, but the government was unwilling to listen to them as Taiwan was considered of low importance, expensive to manage and the government was afraid of provoking another conflict with the Japanese Empire (Roy 2003: 33). After being abandoned by the Qing government the local people declared independence and established the Republic of Formosa (*Taiwan Minzhuguo* 台灣民主國) (Manthorpe 2005: 159).

The republic was defeated in less than a year by the Japanese, who imposed colonial rule in Taiwan and Penghu in 1895. Following attempts to Japanize the Taiwanese, the territory was later incorporated as an integral part of the Empire (Roy 2003: 34).

After the USA entered World War II followed by the Republic of China (*Zhonghua Minguo* 中華民國) in 1941, the ROC declared all the so-called unequal treaties between China and Japan including the Treaty of Shimonoseki invalid (Chiang 2018: 256). In 1943 when Franklin Roosevelt, Chiang Kai-shek (*Jiang Jieshi* 蔣介石), and Winston Churchill met in Cairo to discuss the collective action against Japan, they signed a joint communiqué which, among other issues, expressed a common will to give Taiwan back to China after defeating Japan (Cairo Declaration 1943). Following the capitulation of Nazi Germany, Harry Truman, Winston Churchill, and Chiang Kai-shek signed another communiqué known as the Potsdam Declaration, which called for the occupation of the territory of the Japanese Empire by the Allies and intended to limit Japan's territory to the islands of Honshū 本州, Hokkaidō 北海道, Kyūshū 九州, Shikoku 四国, and other minor islands (Potsdam Declaration 1945).

As the USA was by far the strongest power in the Far East, it became the occupying power over the Japanese territory, including Taiwan and Penghu. In accordance with the common wish expressed in the Cairo Declaration and following the instructions issued by the US government, the American forces in the Far East led by General MacArthur arranged the surrender of the Japanese in Taiwan to the ROC army in 1945 (Chiang 2019: 256).

After the end of World War II, the ROC government lost the ongoing civil war with the Communists and was forced to flee into exile. They chose Taiwan mainly due to the developed infrastructure built up during the Japanese era and the strategic location. While the Communists founded a successive government replacing the ROC government and established the People's Republic of China (*Zhonghua Renmin Gongheguo* 中華人民共和國), the ROC government took exile in Taiwan and started to administer the islands of Taiwan, Penghu, Kinmen (*Jinmen* 金門), and Matsu (*Mazu* 媽祖) (Chiang 2019: 259). Although being in exile, the ROC government located in Taiwan has been officially claiming its sovereignty over the whole Chinese land and according to its constitution considers itself the only legitimate government of the whole territory of China (ROC Constitution 1947: Chapter 1, Article 4).



Following the Japanese capitulation to the ROC forces, Taiwan became a territory occupied by the USA in the administration of the ROC government (Chiang 2018: 256). The post-war situation left Taiwan in an ambiguous situation that needed to be settled. While the USA as the victorious power together with the United Kingdom were drafting a peace treaty with Japan, the situation in China and Taiwan was rapidly changing due to the ongoing civil war. When signing the peace treaty, there were already two different governments claiming their sovereignty over China. As a result, China was not represented while signing the Treaty of Peace with Japan in 1951, and for the same reason, the treaty only states that Japan renounces all right, title, and claim to Formosa (i.e., Taiwan) and Pescadores (i.e., Penghu) without specifying which country had gained the sovereignty over Taiwan and Penghu (Chiang 2018: 274–277) (Treaty of Peace with Japan 1951).

### **2.3 Taiwan's Legal Status According to International Law**

As already explained in the first section of this chapter, according to international law a new state emerges after fulfilling basic conditions which a territorial political institution needs to meet to be considered a state, plus actively proclaiming sovereignty. Sovereignty transfer over territory can be achieved only through a territorial treaty, or when a state is defeated in war and capitulates unconditionally. Territorial treaties cannot be renounced, and later transfers of a territory can be achieved only by another territorial treaty.

Sovereignty over the territory of Taiwan was changing through the centuries. Although the Qing government (which is the predecessor of the ROC government and the PRC government) nominally owned Taiwan for 211 years, they ceded the island of Taiwan and the Penghu archipelago to the Japanese Empire in 1895 through the Treaty of Shimonoseki, a territorial treaty transferring territory ownership. After World War II, the Empire of Japan capitulated unconditionally, and its former territory was occupied by the United States. In 1945 the USA acting as the occupying power entrusted the ROC government with the administration of Taiwan and Penghu<sup>7</sup>. After signing the Treaty of Peace with Japan drafted

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<sup>7</sup> Kinmen and Matsu Islands are a different case as they are part of Chinese territory (Chiang 2018: 432).

by the USA in 1951, Japan renounced its right over Taiwan and Penghu. Since then, the territory of Taiwan, Penghu, Kinmen, Matsu, and other minor islets is administered by the ROC which considers itself the only legitimate government over China.

Although the Treaty of Peace with Japan was first intended to bring a final settlement over the territorial disputes, it did not happen due to the unstable political situation in the region. Even the people involved in drafting and representatives of the signatory parties to the Treaty considered the problem of sovereignty over Taiwan and Penghu unresolved (Chiang 2018: 277). Due to the fact that the Japanese renounced their claims over the former territory without specifying who is the transferee, there is in theory currently no state possessing the right to exercise its sovereignty over Taiwan and Penghu. With the unconditional capitulation of the Japanese Empire, the United States as an occupying power has gained the right to dispose of the occupied territory at will. The Treaty of Peace with Japan just renounced Japan's right over Taiwan and Penghu and has not changed the position of the USA as an occupying power.

When the Revolutionists in 1911 overthrew the Qing dynasty, they clearly stated that they were founding a new government, not a new state. They established a successive government in China, which together with the Qing Empire's territory inherited all its debts and obligations, including the unequal treaties with the Japanese Empire (Chiang 2018: 176–179). The Treaty of Shimonoseki, a territorial treaty, cannot be renounced by the ROC government, nor by both the ROC (and the PRC government) together with the Japanese government. It can be changed only by signing a new territorial treaty (Ahl 2020). For that reason, the ROC government has become entrusted with the administration of the territory, which was acquired by the USA through winning the war over the Japanese Empire but has not gained the right to exercise its sovereignty over Taiwan (Chiang 2018: 270–271).

The situation of the ROC government in Taiwan is complicated. It claims sovereignty over a territory it has not governed since 1949 and at the same time administers a territory which it, according to international law, does not have the right to possess. While Taiwan can be called a *de facto* state as it has a defined territory with a permanent population, and a government administering its territory as well as having the capacity to enter into relations with other states, the ROC cannot be considered a *de facto* government as international law knows only the term *de facto* state and does not acknowledge the term *de facto* government (Chiang 2018: 124). For the reasons expressed above, Taiwan, as well as Penghu may

be considered in strictly legalistic terms a land no one has currently the right to exercise sovereignty over.

## **2.4 Legal Framework of the Republic of China (Taiwan)**

The basic legal document of the Republic of China (Taiwan) is the Constitution adopted in 1947. At that time, Taiwan was formally part of the Japanese Empire (occupied by the USA), although the ROC government (still based in China) was claiming rights over it and made it one of its provinces under its administration. The Constitution was aimed at all the citizens living in the whole Chinese territory, but it has never been effectively used due to the ongoing civil war and the 1949 retreat of the ROC government to Taiwan. Later, the martial law imposed on Taiwan in 1949 limited the Constitution, turned the system of government into a one-party regime, and severely restricted civil rights till 1987, when it was lifted.

Although amendments reflecting actual political situations were added between 1991 and 2005 (Chiang 2018: 210), the Constitution is antiquated. It still claims the right over the whole Chinese territory according to its existing national boundaries from 1947 and allows only The National Assembly (dormant and then defunct in 2005) to alter it, as well as defines the system of government for the Chinese territory.

## **2.5 Legal Base for the People's Republic of China's Claims over Taiwan**

The claims the People's Republic of China makes to Taiwan are described in the White Paper on the One-China Principle and the Taiwan Issue published (*Yi Ge Zhongguo De Yuanze Yu Taiwan Wenti* 一個中國原則與台灣問題) in 2000. In the White Paper, the PRC expounds its claims and constitutes them on the four main bases: 1) previous ownership; 2) its claims

and declarations; 3) intentions expressed in the Cairo Declaration and the Potsdam Declaration; and 4) administration of Taiwan by the ROC government (Chiang 2018: 263).

The first argument is based on the ground that previous ownership can determine the current right to claim sovereignty over territory (The SCIO of the PRC 2000). As international law clearly states a territory can be transferred only through signing a territorial treaty or by winning a war over a state which capitulates unconditionally. When the Qing Empire was defeated in the First Sino-Japanese War in 1895, it chose to transfer the territory of Taiwan and Penghu to the Japanese Empire rather than continue to engage in war and suffer even more losses (Roy 2003: 32–33). When the Qing Empire decided to cede its territory to the Japanese Empire, it, as well as its successive governments lost the right to claim the territory unless another territorial treaty transferring the territory back under its governance would be signed.

The second argument stands for the two proclamations the ROC government made in 1941 and 1945. The first one happened in 1941 when declaring war against the Japanese Empire. As the ROC government followed the USA in fighting against Japan, it pronounced all the so-called unequal treaties signed with the Japanese Empire including the Treaty of Shimonoseki abrogated on the basis the Chinese Empire was forced to sign and could not decide freely. The 1945 declaration made by the ROC government was claiming the establishment of Taiwan Province under the sovereignty of the ROC government (Chen Xinxin 2017: 38–39). However, international law does not allow such annulment of a territorial treaty and does not know the term unequal treaty either. A territorial treaty can be revoked neither by one signatory party, nor by both (Ahl 2020). If a decision ruled by a territorial treaty needs to be changed, it must be done through another territorial treaty. Territory can be also transferred after a defeated state loses a war and capitulates unconditionally. As Taiwan and Penghu Islands were part of the Japanese Empire during the World War II and the Japanese Empire capitulated unconditionally to the USA, it was the USA, not the ROC government or the PRC government that gained the right to claim Taiwan and Penghu (Chiang 2018: 403-404).

The intentions expressed in the Cairo Declaration and the Potsdam Declaration constitute the base for the third argument used by the PRC (Chen Xinxin 2017: 38). In these declarations, the allied powers express their common will to give Taiwan and Penghu back to China. However, none of the declarations were legally binding, both expressed rather a common

desire of the Allies. Even Winston Churchill firmly declared such character of both declarations (Chiang 2018: 268). At the time the declarations were signed, the Japanese Empire still had not capitulated, so no one could dispose of any part of its territory. Even though the Allied powers first expressed their will to give Taiwan back to China, both declarations were based on peaceful intentions and their aim was to secure a free sovereign state in the Korean peninsula. However, when North Korea invaded South Korea in 1950, the peace in the Korean peninsula was violated, thus one of the key intentions expressed in both declarations was breached (Chiang 2018: 271).

The last argument brought by the PRC is grounded in the fact that Taiwan's territory is administered by the ROC government and the ROC government regards itself as a Chinese government, thus administering the territory as part of China (Chen Xinxin 2017: 43–44). Even this claim does not constitute a legal basis for considering Taiwan part of Chinese territory for the same reason already expressed above: Taiwan was part of the Japanese Empire during World War II. When the Japanese capitulated unconditionally to the USA, the USA became the occupational power gaining power to dispose of Taiwan at will. The ROC government was entrusted to administer Taiwan but has never gained the right to exercise sovereignty over it. For that reason, Taiwan has not been part of Chinese territory since 1895 even though the ROC government administers it.

### 3. Specific Policies to Deal with One China and the Taiwan Issue

#### 3.1 Historical Overview

Imperial China first needed to deal with Taiwan 台灣 in its practical politics when the Ming 明 dynasty was defeated by the Manchus (*Manzu* 滿族) and later established the Qing 清 dynasty in the 2<sup>nd</sup> half of the 17<sup>th</sup> century. At that time Taiwan became a base for pirates, as well as Ming regime loyalists. To stop the potentially dangerous activities on the island the Qing empire decided to annex Taiwan in 1684 (Chow 2008: 28). Until the Sino-Japanese War (*Jiawu Zhanzheng* 甲午戰爭) in 1894-1895 Taiwan was nominally part of the Empire, but several restrictions limiting immigration from the mainland were periodically imposed and lifted (Roy 2003: 23). Although the Qing dynasty nominally claimed sovereignty over Taiwan, it was willing to deny its jurisdiction over the territory when necessary<sup>8</sup>.

Although Imperial China nominally entered the Westphalian system in 1689 when signing the Treaty of Nerchinsk (*Nibuchu Tiaoyue* 尼布楚條約), the first international treaty signed on the premise of the equal relationship of Imperial China with another state (Hayton 2020: 20), the traditional Sinocentric worldview lasted until 2<sup>nd</sup> half of the 19<sup>th</sup> century when the old tributary system collapsed (Hayton 2020: 59). While the Western powers were defeating Imperial China on many fronts, the Qing government was reevaluating the strategic role of Taiwan and decided to upgrade its status to a province in 1885 (Manthorpe 2005: 151).

Nevertheless, when the Sino-Japanese war broke out in 1894, the Qing government was thinking about giving Taiwan to the Japanese Empire partly because it was not easily defensible as the Qing fleet was destroyed during the Opium War (*Yapian Zhanzheng* 鴉片戰爭) and also because it constituted a part of Chinese territory where the foreign powers had the least interests, thus its relinquishment was least likely to provoke a foreign military intervention (Roy 2003: 32).

Taiwan was ceded to the Japanese Empire through the Treaty of Shimonoseki (*Maguan Tiaoyue* 馬關條約 / *Shimonoseki Jōyaku* 下関条約) in 1895 (MOFA of the ROC 2012).

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<sup>8</sup> For instance, when the ship with Ryukyuan sailors sank off the Taiwanese coast in 1871 and the crew was killed by the aborigines, the Qing government denied its responsibility claiming it does not exercise sovereignty over parts of Taiwan inhabited by the aborigines (Chow 2008: 29).

Although the decision of the court stirred many grievances among the Taiwanese, the court ignored their complaints and did not show any support in the fear of provoking another conflict with Japan (Roy 2003: 33). This marked an era of Japanese governance over Taiwan lasting for the next 50 years.

The USA recognized Japanese sovereignty over Taiwan in 1905 in exchange for the Japanese recognition of US sovereignty over the Philippines (Chow 2008: 30). After the Republic of China (*Zhonghua Minguo* 中華民國) had been founded in 1912, foreign powers recognized the new government in exchange for its recognition of debts and obligations inherited from Imperial China - including the Treaty of Shimonoseki (Chow 2008: 30).

## **3.2 Policies of the ROC**

### **3.2.1 Policies of the ROC (before 1949)**

After the revolution, Sun Yat-sen (*Sun Zhongshan* 孫中山) (as well as Liang Qichao 梁啟超, for instance) were not interested in Taiwan much. Sun considered the Taiwanese different from the Chinese living on the mainland mainly due to the language barrier, and more importantly, as he was receiving support from Japan, he wanted to maintain good relationships with his donors and not to make any claims over a part of Japanese territory (Hayton 2020: 188). Before the adoption of the current constitution in 1947, there had already been two provisional constitutions in use since the establishment of the Republic of China (*Zhonghua Minguo* 中華民國) in 1912, and Taiwan was not mentioned as a Chinese territory in either of them.

At that time, the Japanese Empire turned Taiwan into a model colony not only to gain profit from it but also to set an example of a model colony for other countries. Following the stabilization of the situation, as well as Taiwan's economic development, it put Taiwan under civil administration in 1919 instead of a military government (Manthorpe 2005: 172).

Although there were strong anti-Japanese sentiments during the Republican era and any infringement of a territory considered part of China stirred a strong public reaction, as can

be seen in the example of the Paracel Islands (*Xisha Qundao* 西沙群島), Spratly Islands (*Nansha Qundao* 南沙群島) and Pratas Island (*Dongsha Dao* 東沙島) (Hayton 2020: 217), there was no public pressure on the government in connection to Taiwan. While the Nationalists paid little attention to Taiwan, the Communists brought the matter up at the 6<sup>th</sup> Central Committee session in 1928 and called the Taiwanese together with the Koreans a separate ethnicity different from the Chinese. Later in 1931, the Chinese Communist Party (*Zhongguo Gongchandang* 中國共產黨) acknowledged the right to self-determination for non-Han minorities in China and also included the Taiwanese as a subject of self-determination (Hsiao and Sullivan 1979: 447). In 1938 the importance of a foundation of independent Taiwanese and Korean states was discussed at the session of the Kuomintang (*Guomindang* 國民黨) Standing Committee, a mainstream opinion held by the officials before the outbreak of World War II (Hayton 2020: 208). The need for a sovereign Taiwanese state was later supported both by Zhou Enlai 周恩來 and Zhu De 朱德 in 1941 (Hsiao and Sullivan 1979: 450).

However, the discourse about Taiwan in Chinese politics changed after the declaration of war on Japan in 1941 which also pronounced all the so-called unequal treaties (*bu-pingdeng tiaoyue* 不平等條約), including the Treaty of Shimonoseki, abrogated (ROC Declaration of War with Japan 1941). During the 1940s Taiwan gradually started to be seen as important and strategic. Following the USA entering World War II, a possibility Japan might be defeated emerged and Taiwan taken back (Hayton 2020: 208). Another reason why the topic of Taiwan was introduced to Chinese politics was the influx of Taiwanese migrants to China speaking both Japanese and Chinese serving the government during the war. These migrants were also lobbying for Taiwan to become part of China<sup>9</sup>. The migrants founded the Taiwan Revolutionary League (*Taiwan Geming Tongmenghui* 台灣革命同盟會) (Jacobs 1990: 89) in 1941, whose aim was to promote the unification of Taiwan with China. The League was acknowledged by the KMT and influenced KMT's view on Taiwan. Since its foundation, the KMT officials had gradually considered Taiwan a lost territory (Hayton 2020: 208). Another reason why the KMT promoted the unification of Taiwan with China and its

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<sup>9</sup> It is questionable whether their commitment to unify Taiwan with China represented a common desire shared by the majority of Taiwanese population. The Taiwanese were generally reluctant to be unified with the ROC not only because of the differences among them and the Chinese from Mainland, but also because they perceived KMT corrupted. Many Taiwanese also profited during the Japanese era, had a considerably higher living standard and maintained business relations with Japan (Manthorpe 2005: 189).



position as a territory taken away from its Chinese motherland was the conflict with the Communists. While the communists were supporters of a confederate form of government, as well as Taiwanese independence at that time (Hsiao and Sullivan 1979: 446-450), the KMT proponents wanted to distance themselves from the Communist politics and thus promote a different form of government with Taiwan forming a part of Chinese territory (Hayton 2020: 209).

This policy was followed by the Cairo Declaration promoting the joint position of the Allied Powers against the Japanese Empire issued in 1943 and the Potsdam Declaration issued in 1945. At that time Taiwan gained both ideological and strategic importance for the ROC (Hayton 2020: 209). While its unification with ROC would prove ROC's position among the Allies, prove an example of Japanese aggression toward China, and would end the Century of Humiliation (*Bainian Guochi* 百年國恥), a concept discussed in Chapter 1, it was even more important to incorporate Taiwan into Chinese territory as its developed economy and living standard, next only to Japan, would boost the ROC's economy heavily destroyed by World War II (Roy 2003: 57). Japanese surrender to the ROC's military was thus arranged in 1945.

When the ROC took control of Taiwan in 1945, they treated the island and its inhabitants as enemies and Japanese traitors<sup>10</sup>. The island of Taiwan was seen as a fast source of easy income, thus the ROC troops stationed in Taiwan were seizing both private and public property. They went so far in looting that they were taking even metal components in the hospitals, telegraph wires, or the railroads and shipping them to Shanghai 上海 for the price of metal trash (Kerr 1965: 72).

However, the situation changed rapidly when the ROC was losing the Civil War to the Communists (*Di-er Ci Guo Gong Neizhan* 第二次國共內戰). ROC officials were searching for a safe place to escape to. They first considered Hainan 海南, but later turned their eyes to Taiwan as there were no Communists on the island, the distance from the Mainland was big enough to make it a safe haven (Hayton 2020: 210) and although the ROC soldiers engaged in heavily looting, Taiwan's economy, as well as the infrastructure were still by far the best

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<sup>10</sup> By far the most infamous example of this era is the February 28 Incident (*Er'erba* 二二八) a violently suppressed anti-government uprising, which happened in 1947 during the governance of the KMT governor Chen Yi 陳儀 (Roy 2003: 67).

KMT could hope for. When the KMT was defeated in 1949, Chiang Kai-shek (*Jiang Jieshi* 蔣介石) ordered the government to evacuate to Taipei (*Taipei* 台北).

Shortly after the KMT government relocated to Taiwan, the USA together with the United Nations abandoned the idea that the Taiwanese could hold a plebiscite about their future - and the possibility of solving the question of Taiwan through a declaration of independence if the Taiwanese would express such a wish (Chiang 2018: 20).

### 3.2.2 Policies of the ROC (after 1949)

After the ROC government moved to Taiwan in 1949, its policies were aimed at establishing itself in Taiwan, as well as recovering from the losses suffered in the Civil War and recapturing the Mainland. Due to the heavy losses, it was, however, just a matter of time before the Communist troops from the Mainland would seize Taiwan and annex it (Manthorpe 2005: 194).

The situation changed rapidly when the North Korean troops invaded South Korea and the USA entered the Korean War in 1950. Taiwan suddenly gained strategic importance for the US Army and the USA supported the Taiwanese regime against a Mainland invasion. Chiang Kai-shek wanted to take the opportunity and lobbied for US support to recapture the Mainland, but it was not in the US interest to support the ROC's invasion (Roy 2003: 106). The US Army nevertheless helped to settle the conflicts between the two governments when the ROC and the PRC were shelling each other's territory during the 1954 and 1958 Strait Crises (*Jiu San Baozhan* 九三炮戰, and *Ba Er San Baozhan* 八二三炮戰).

In the early 1960s, the ROC government's approach toward the PRC was still heavily influenced by the KMT's ideology. According to KMT, Taiwan was considered part of China, while (Mainland) China was just a territory temporarily lost and soon to be reconquered. The ROC government's policies were aimed to promote such ideology. However, at that time it was more complicated to justify such aspiration, and the image of the regime in Taiwan was marred by its repressive domestic policies. This changed again after 1966 as the PRC saw the

outbreak of the Cultural Revolution (*Wenhua Da Geming* 文化大革命) and Chiang Kai-shek's regime was perceived as a better option compared to the PRC (Kissinger 2011: 194). But in the 70s the international pressure to lift the martial law in Taiwan rose amidst the changed political situation, especially after the UN switched its membership from ROC to PRC in 1971 (Chow 2008: 47) and it became clear the ROC will not be able to recapture the Mainland. In 1972, the Taipei government canceled the Project National Glory (*Guoguang Jihua* 國光計劃), in effect since 1961, aimed at the preparation of an invasion (Friedman 2009: 60). Nevertheless, Chiang Kai-shek never abandoned the idea of the invasion until his death.

During the Chiang Kai-shek's rule over Taiwan, the policies toward China were thus aimed at preventing any contact between the ROC and the People's Republic of China (*Zhonghua Renmin Gongheguo* 中華人民共和國). No direct telephone, postal, or personal contact was possible. Neither official nor unofficial channels of communication between the two governments existed (Bush 2005: 23). The ROC also engaged in propaganda warfare trying to depict the Communists as bandits and life in their territories as hell (Roy 2003: 81).

The situation started to change slowly after Chiang Ching-kuo (*Jiang Jingguo* 蔣經國) became the premier in 1972, and after Chiang Kai-shek died three years later, the president of the ROC. First, Chiang Ching-kuo followed his father's steps and in 1979 he promulgated the Three-Noes Policy (*San Bu Zhengce* 三不政策) - no contact, no negotiation, and no compromise with the Communists - as a reaction to the PRC's proposal to establish direct contact with the ROC, as well as the US decision to switch the recognition at the PRC (Roy 2003: 148).

But in the 80s, following the liberalization of the whole Taiwanese society, as well as the reform and opening-up in the PRC resulting in more freedoms for the PRC citizens, economic contacts between the ROC and the PRC slowly emerged (Chow 2008: 182). The need to establish official contacts between the two governments became vital after a Taiwanese pilot hijacked the cargo flight no. 334 in 1986 and landed in Guangzhou 廣州 together with the crew. While both sides needed to negotiate the repatriation of the crew and the aircraft, it must have been done through business associations as these were the only ones to keep cross-strait contacts (Roy 2003: 149).

The above-mentioned incident ended the Tree-Noes Policy and was a catalyst in establishing direct contact between the two governments, as well as the possibility for the Taiwanese to visit their families living in the PRC, which the ROC government allowed in 1987 following the end of the martial era. While some perceive this policy as a pragmatic move, others argue the motifs were rather sentimental as Chiang Ching-kuo, himself at the end of his life, wanted to enable elderly soldiers and other people who came to Taiwan from the Mainland to see their relatives before death (Rigger 2019).

Another thing that changed the discourse on China was the recognition of the opposition and the official foundation of the Democratic Progressive Party (Minzhu Jinbudang 民主進步黨) in 1986. As the opposition held pro-independence views, its recognition helped to establish the topic of Taiwanese independence, as well as its unique culture, in the mainstream debate (Roy 2003: 172).

The slow democratization of Taiwanese society after the end of the martial era also had an effect on the behavior of the people who were born in China and their children (the so-called *waisheng ren* 外生人). While they mostly held political power before 1987 and wielded it to control the Taiwanese-born people (called *bensheng ren* 本生人) who possessed the economic power, they needed to make their political views more appealing to the Taiwanese-born population to maintain power in the new democratic environment (Kau 1996: 293).

After Chiang Ching-kuo died in 1988, Lee Teng-hui (*Li Denghui* 李登輝), already vice-president since 1984, assumed the presidency and became a formal leader of the KMT (an acting leader two years later). Unlike Chiang Ching-kuo, he abandoned claims on the Chinese territory and supported Taiwanese culture, as well as independence, however carefully as any official steps could constitute a *casus belli* for the PRC.

While Lee acted as an appointed president, the PRC - ROC relations flourished. Both governments agreed on the terms under which the Taiwanese entrepreneurs could invest in China. Lee Teng-hui established the National Unification Council (*Guojia Tongyi Weiyuanhui* 國家統一委員會), a non-statutory governmental agency issuing the National Unification Guidelines (*Guojia Tongyi Gangling* 國家統一綱領) specifying that the prerequisite for unification would be a denial of force by either side together with acceptance of the existence of both political entities, communication based on equal footing including co-

existence in international organizations, and democratic, free and equitably prosperous environment on both sides of the Taiwan Strait (Mainland Affairs Council of the ROC). Lee also boosted the relationship through the foundation of the Strait Exchange Foundation (*Haixia Jiaoliu Jijinhui* 海峽交流基金會) in 1991, nominally private, but in fact, a state-run organization dealing with the political, as well as business matters at a semi-official level (Strait Exchange Foundation). The exchanges between the Strait Exchange Foundation and its PRC counterpart, the Association for Relations Across the Taiwan Straits (*Haixia Liang'an Guanxi Xiehui* 海峽兩岸關係協會) culminated in 1992 when the representatives of both the above-mentioned organizations on behalf of the governments they represented allegedly agreed on the existence of the so-called One China under different interpretation (*Yige Zhongguo Gezi Biaoshu* 一個中國各自表述) by both sides, respectively. Although the interpretation and even the actual existence of the so-called 1992 Consensus (*Jiu'er Gongshi* 九二共識) are still disputed in the ROC (Manthorpe 2005: 231), the PRC considers adherence to it a prerequisite for future cross-strait talks (Taiwan Work Office of the CCP Central Committee 2020).

The cross-strait relations took a more hostile turn when Taiwan started to prepare for its first free presidential elections in 1996, facilitated by the amendments to the constitution passed in 1991 (replacing the Temporary Provisions against the Communist Rebellion [*Dongyuan Kanluan Shiqi Linshi Tiaokuan* 動員戡亂時期臨時條款] and thus formally ending the period of mobilization for the suppression of Communist rebellion [*Dongyuan Kanluan Shiqi* 動員戡亂時期]), which moreover claimed the ROC's sovereignty just over the Taiwan region, not the whole of China (Additional Articles of the Constitution of the ROC, Articles 1, 2, 4, 5, 11 and 12). The elections in 1996 saw another Strait Crisis (*Taiwan Haixia Feidan Weiji* 台灣海峽飛彈危機) when the People's Liberation Army (*Renmin Jiefangjun* 人民解放軍) conducted military drills and missile tests close to Taiwan to deter people from voting for the Democratic Progressive Party. Another reason for PRC's threat was the gradual shift of powers from the National Assembly (*Guomin Dahui* 國民大會), with the candidates representing all of China, in favor of the Legislative Yuan (*Lifa Yuan* 立法院) (Roy 2003: 189). The National Assembly delegates, being in service for more than 40 years, were already of advanced age, and due to the constitution, the new ones could not be voted in as the elections had to be conducted in China (The Constitution of the ROC, Chapter 26).

Despite the PRC threats, Lee Teng-hui won the first Taiwanese free elections in 1996. In his inaugural speech, he mentioned peaceful reunification with China (Lee Teng-hui 1996), but on other occasions he frequently made remarks supporting the idea of Taiwanese independence. As he could not openly proclaim independence, or make steps leading to independence (i.e., a plebiscite), he came up with the doctrine of the Republic of China on Taiwan (*Zhonghua Minguo zai Taiwan* 中華民國在台灣), which argued that the PRC and Taiwan were two states together constituting a single entity called China, popularized by Lee's remarks about the so-called special state-to-state relations (*Teshu de Guo yu Guo Guanxi* 特殊的國與國關係). These steps led to the end of semi-official talks between the ROC and the PRC in 1998. Lee's views on Taiwanese independence were probably most clearly stated in his 1999 interview for Deutsche Welle where Lee explained Taiwan did not need to proclaim sovereignty as it already constituted a sovereign state, which was by some seen as the actual proclamation of independence, though Lee himself later denied this (Chiang 2018: 213–214).

When Chen Shui-bian (*Chen Shuibian* 陳水扁) from the Democratic Progressive Party won the elections in 2000, he made a promise in his inaugural speech later known as the Four Noes and One Without Policy (*Si Bu Yi Meiyou* 四不一沒有). This meant that provided the PRC would not use force against Taiwan, Chen's administration would not declare Taiwanese independence, change the national title to the Republic of Taiwan, include the doctrine of special state-to-state relations in the Constitution, and hold a referendum on independence, as well as not abolishing the National Unification Council together with National Unification Guidelines (Gang Lin 2019: 100). A year later in 2001, Chen came up with the so-called Mini Three Links (*Xiao San Tong* 小三通) which allowed limited direct contact between the ROC and the PRC in some situations. Meanwhile, Chen also lifted the ban on direct imports, exports, and investment in the PRC (Mainland Affairs Council of the ROC).

While the PRC became Taiwan's biggest export market in 2002, Chen came up with a claim that ROC is an independent state different from China (Chiang 2018: 228). In the same year, he also introduced his ROC on Taiwan doctrine, which tried to circumvent the impossibility

of claiming independence by explaining the slow four-stage evolution of the ROC into an independent Taiwanese state<sup>11</sup>.

In 2003 Chen first started thinking about holding a referendum on Taiwanese independence. A year later, Chen won the elections again and assumed his second term of presidency. In 2005, he made a joint statement with his rival James Soong (*Song Chuyu* 宋楚瑜) claiming the Taiwan question was both de facto, and de jure unresolved (Chiang 2018: 219). In the same year, he also began sending his yearly applications to the UN asking for Taiwanese membership, since 2007 sent in Taiwan's name.

During the second term of his presidency, Chen Shui-bian made even more claims supporting Taiwanese independence. Not only was he sending the yearly applications to the UN, but also in 2006, Chen closed the National Unification Council as a defunct body, claiming the National Unification Guidelines ceased to apply (Chow 2005: 62). In the same year, Chen also gave an interview for the Financial Times, where he once again called Taiwan a sovereign country (Financial Times 2005).

In 2007 Chen wanted again to hold a referendum. He claimed Taiwan's sovereignty belongs to its 23 million people and they should decide whether Taiwan should enter the UN under the name Taiwan (Chiang 2018: 334).

After Chen, the presidential elections in 2008 were won by the KMT candidate Ma Ying-jeou (*Ma Yingjiu* 馬英九), who again changed the discourse on the ROC's position toward the PRC. The first year of his presidency saw a rapprochement with China. While both his democratically elected predecessors indicated the relations between Taiwan and China were state-to-state, Ma in 2008 in an interview with the Mexican press came up with the explanation that PRC-ROC relations are special non-state-to-state (*teshu de fei liang guo* 特殊非兩國) (Gang Lin 2019: 161). Although Ma did not explain this term in more detail and thus it probably does not constitute a clearly-defined policy, he frequently called Taiwan a region and instructed his administration to call Taiwan Chinese Taipei (*Zhonghua Taipei* 中華台北

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<sup>11</sup> The first stage is The ROC on the Mainland (*Zhonghua Minguo Zai Dalu* 中華民國在大陸) lasting from 1912 to 1949. The second stage, the ROC arrival to Taiwan (*Zhonghua Minguo Lai Taiwan* 中華民國來臺灣), was from 1949 until Chiang Ching-kuo's death. The third stage called the ROC on Taiwan (*Zhonghua minguo Zai Taiwan* 中華民國在臺灣) was identical with Lee Teng-hui's presidency. The last stage, the ROC is Taiwan (*Zhonghua Minguo Shi Taiwan* 中華民國是臺灣), according to Chen's theory, started with his own presidency and marked the evolution of the independent Taiwan (Liberty Times 2005).

<sup>12</sup>). The same year, Ma also accepted the Chinese proposal and established the so-called Three Links (*San Tong* 三通) - direct postal services, transportation, and trade between the ROC and the PRC, which the PRC approved after he had accepted the One China (*Yige Zhongguo* 一個中國) concept as defined by the 1992 Consensus (Chen 2013: 23). The adherence to the 1992 Consensus was mentioned often after Ma won the elections when the officials of both governments held numerous meetings and called it the base for further debates.

Another act of rapprochement with the PRC was the ROC Financial Supervisory Commission's (*Jinrong Jiandu Guanli Weiyuanhui* 金融監督管理委員會) decision to open Taiwan's money markets for Chinese investors in 2009 if the amount of investments did not exceed one-tenth of total shares (Financial Supervisory Commission of the ROC). This was followed by an even bigger agreement - the 2010 Economic Cooperation Framework Agreement (*Haixia Liang'an Jinji Hezuo Jiagou Xieyi* 海峽兩岸經濟合作架構協議) signed between the ROC Strait Exchange Foundation and the PRC Association for Relations Across the Taiwan Straits. The agreement, deemed to be the most important act of rapprochement between the two governments since the split in 1949, was expected to boost the Taiwanese and Chinese economies, as well as appease the PRC which would then stop its pressure against other states in the region to sign similar agreements with Taiwan (Cole 2016: 24).

In 2014 the first state visit to the PRC by ROC officials was held in Nanjing 南京. On the basis of the 1992 Consensus, which Ma, unlike his predecessor Chen, recognized, the ROC minister of the Mainland Affairs Council (*Dalu Weiyuanhui* 大陸委員會) Wang Yu-chi (*Wang Yuqi* 王郁琦) met with the PRC minister of Taiwan's Affairs Office (*Guowuyuan Taiwan Shiwu Bangongshi* 國務院台灣事務辦公室) Zhang Zhijun 張志軍.

However, the rapprochement between Taiwan and China was halted the same year due to the mass protests which became known as the Sunflower Student Movement (*Taiyanghua Xueyun* 太陽花學運). The protests were sparked by the controversial Cross-Strait Service Trade Agreement (*Haixian Liang'an Fuwu Maoyi Xieyi* 海峽兩岸服務貿易協議), which was signed between the ROC and the PRC in 2013 and the KMT administration wanted

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<sup>12</sup> While the English translation used by both sides is the same, i.e., Chinese Taipei, there are two possible Chinese terms. The Taiwanese administration prefers the term *Zhonghua Taibei* 中華台北, which bears the connotation of Chinese as a term referring to a culture, while the PRC prefers *Zhongguo Taibei* 中國台北 to stress its claims Taiwan is part of the state of China (*Zhongguo* 中國).



to pass it without a clause-to-clause review. While the proponents of the trade agreement argued it would boost the stagnating Taiwanese economy by opening more opportunities for Chinese investors and businesspeople, the protesters feared it would make the Taiwanese market more vulnerable to Chinese pressure. After occupying the Legislative Yuan, the movement stopped the government from ratifying it. This incident also showed the limits to which the Taiwanese people were prepared to tolerate the politics of rapprochement toward China (Cole 2016: 105).

Despite this development, president Ma met with the PRC's paramount leader Xi Jinping 習近平 in 2015 in Singapore. They both discussed their ideas on the One China Principle (*Yige Zhongguo Yuanze* 一個中國原則) based on the 1992 Consensus. The meeting was seen as an effort to boost the KTM's chances in the upcoming presidential elections (Cole 2016: 180).

If that was the intention, it backfired badly. In 2016, Tsai Ing-wen (*Cai Yingwen* 蔡英文), a DPP presidential candidate, won the elections in a landslide victory. In her inaugural speech, she called Taiwan and China two parts of one entity. But she refused to adhere to the 1992 Consensus and denied that any consensus was reached at that time (Cole 2020: 6).

To ease Chinese influence over the Taiwanese economy, Tsai introduced in 2016 the New Southbound Policy (*Xin Nanxiang Zhengce* 新南向政策). This policy is aimed at moving the Taiwanese factories from the PRC to Southeast Asia and deepening the economic cooperation with this region (MOFA of the ROC, New Southbound Policy Portal). As of 2020, the policy had mixed results as China was still Taiwan's biggest partner for the sixth year in a row, making up one-quarter of the total economic activities. Nevertheless, Chinese investments in Taiwan dropped by 60 % since 2016 while Taiwanese investments in China peaked in 2010 and since then have been steadily dropping in favor of Southeast Asia (Cole 2020: 144).

In 2018, the Formosa Alliance (*Xile Dao Lianmeng* 喜樂島聯盟) was formed from the political parties and civic organizations and later transformed into a political party. Formosa Alliance was formed to promote Taiwanese independence through holding a referendum on independence, changing the national title and symbols, drafting a new constitution, and joining the UN under the Taiwan name in 2019. Its members included Chen Shui-bian and Lee Teng-hui (Formosa Alliance). Although the referendum was not held, the mere existence of this political entity clearly shows the views of former Taiwanese democratically elected

presidents, as well as the need to determine the Taiwanese situation, evidently considered unresolved.

In the same year, a referendum on whether the ROC Olympic Committee (*Zhonghua Aolinpike Weiyuanhui* 中華奧林匹克委員會) shall participate in the 2020 Summer Olympics in Tokyo was held. However, 55 % of the eligible voters coming to the elections were against it. The reason was probably the fear that if the new name of the Olympic Committee was approved, Taiwan might lose its chance to participate in the Olympics and similar events (Rich 2018).

In 2020, President Tsai Ing-wen clearly stated Taiwan was already an independent country called the Republic of China (Taiwan), and the Chinese needed to accept this fact (Gu Li 2020). In the same year, both KMT and the DPP made a joint statement in which they refused the One country - two systems (*Yi Guo Liang Zhi* 一國兩制) scheme proposed by Beijing as the only option for unification (Yang, Pan, Maxon 2020). Both parties also called for deeper cooperation with the USA. Next year, the KMT leader Johnny Chiang (*Jiang Qichen* 江啟臣) also promised to review the party's politics toward China in reaction to the situation in Hong Kong (Xianggang 香港) (Brown 2020).

### **3.3 Policies of the PRC**

After the PRC was founded, the biggest problem Taiwan posed was not the fact the newly established government on the Mainland considered it an inalienable part of its territory, but the fact that the KMT government, which claimed to be the government of the whole of China, took refuge there. This can be clearly seen from the fact that in the 50s the official atlas of China (made in 1934) used as a standard in the PRC did not contain Taiwan as a part of Chinese territory (Hayton 2020: 203). The Common Program (*Gongtong Gangling* 共同綱領) drafted by the First Plenary Session in 1949, which made up an interim constitution until 1954, did not mention any boundaries of the newly established state, but frequently spoke

of the need to get rid of the remnants of the KMT government and laws oppressing the people (the National Committee of the Chinese People's Political Consultative Conference).

During the 1950s, the PRC aimed its policies at establishing the new government and suppressing the remaining KMT forces after the communist victory in the civil war. The existence of the Nationalist government in Taiwan posed a threat not because the Chinese territory would be incomplete without Taiwan, but because there was another government claiming sovereignty over the whole of China on the opposite side of the Taiwan Strait, thus the victory in the civil war was still not reached.

The Constitution of the PRC drafted in 1954 did not mention either the exact size of the Chinese territory or Taiwan as a part of it. Its biggest concern was still establishing a new form of government and overthrowing the remaining reactionary forces (the 1954 Constitution of the PRC). The government policies also aimed at establishing good relations with the USSR, as well as the other people's democracies, and opposing the imperialist powers. Taiwan administered by the KMT government was thus seen as an example of imperialist aggression led by the USA (Gang Lin 2019: 138).

The approach of the PRC toward Taiwan changed during the 1970s. First, the PRC won a seat in the UN when the resolution no. 2757 switched the representation of China from the ROC in favor of the PRC.

A year later, when drafting the Shanghai Communiqué of 1972, Taiwan was mentioned by the PRC officials as the biggest obstacle in the USA-PRC relationship, as well as the key part of the PRC's foreign policies. At the same time, the PRC called the Taiwan problem its domestic issue (Roy 2003: 131).

Meanwhile, the new PRC Constitution was drafted in 1978 (replacing the briefly used 1975 constitution, which did not cover territorial issues or Taiwan). In its preamble, Taiwan is already mentioned as a sacred territory of China, which must be unified with the motherland.

When the USA switched its recognition from the ROC to the PRC in 1979, Deng Xiaoping 鄧小平 first came up with several proposals for Taiwan. Firstly, he offered the so-called Three Links (*San Tong* 三通) to the ROC government - direct trade, direct postal connection, and direct transportation between Taiwan and the PRC (Gang Lin 2019: 139). The second policy

proposed to the ROC was the so-called Four Exchanges (*Si Liu* 四流) aimed at relatives, tourists, academic groups, cultural groups, and sports representatives (Chow 2008: 202). The PRC hoped these measures would bring Taiwan closer to China and thus ease the unification. The last proposal was the unification of Taiwan with China under the newly introduced One Country - Two Systems formula. These proposals were all rejected by ROC officials (Gang Lin 2019 - 139-140).

Despite the official policy of the ROC disapproving any contact between the two governments, from 1979 on, the first economic contact between Taiwan and the PRC emerged. This year also saw the first mention of the term Chinese Taipei when the PRC's Olympic committee was recognized by the International Olympic Committee. The PRC did not allow the ROC to be represented by a committee whose name would bear any mention of the ROC. The term Chinese Taipei was thus proposed as a compromise and then approved through the Nagoya Resolution. Although the ROC government first protested, it officially accepted the term in 1981 (Chan 1985: 481).

In 1981, Deng Xiaoping again came up with the idea of unification with Taiwan under the One Country - Two Systems formula. After the ROC's refusal, Deng pressed Hong Kong to accept this model of unification and hoped Hong Kong could be a role model for Taiwan (Tian 2006: 19).

In 1982, the PRC changed its worldview and instead of a bipolar understanding of the world typical of the Cold War period, it started to identify itself as the leader of the Third World. In the same year, the PRC adopted a new constitution which has been in use till nowadays. In the preamble, Taiwan is mentioned as a part of a sacred territory of the PRC and the Constitution also states it is a sacred duty of every Chinese, including those living in Taiwan, to seek reunification of the motherland.

A year later, in 1983, Deng Xiaoping proposed direct talks between the CCP and the KMT on equal footing (Gang Lin 2019: 139).

In 1993, the first of the two currently existing White Papers on Taiwan was published by the PRC's government. The 1993 White Paper on Taiwan (*Taiwan Wenti yu Zhongguo Tongyi Baipi Shu* 台灣問題與中國統一白皮書) summarizes the basic position that the PRC holds up to now. It claims sovereignty over Taiwan (and other minor islands under the ROC administration) on the basis of previous ownership, its own claims and declarations, intentions

expressed in the Cairo Declaration, and the Potsdam Declaration, and administration of Taiwan by the ROC government (Chiang 2018: 263). The White Paper presents a heavily biased interpretation of history and uses the theme of the Century of Humiliation (*Bainian Guochi* 百年國恥). It also distorts the results of the Three Communiqués and attempts to claim that the USA recognizes the PRC's claims on Taiwan. More importantly, it also comes with the term One China Principle (*Yige Zhongguo de Yuanze* 一個中國的原則) – a principle formulated by the PRC, which the PRC claims is a prerequisite for any future talks with other states and international organizations. It also claims Taiwan must be expelled from all the UN organizations and other organizations which assemble the sovereign states.

In 2000 the PRC published its second White Paper on Taiwan (*Yige Zhongguo de Yuanze Yu Taiwan Wenti* 一個中國的原則與台灣問題). Besides the statements previously expressed in the 1st White Paper on Taiwan, it also deals with the current events happening during the previous seven years, i.e. Lee Teng-hui's visit to the USA or the US arms sales to Taiwan. Another new feature of this White Paper is the declared possibility of forceful reunification if the process takes too long. It more elaborately defines the One China Principle already mentioned in the first White Paper on Taiwan and it tries to claim the One China Principle, as defined by the PRC, equates to One China policies (*Yige Zhongguo de Zhengce* 一個中國的政策) as practiced by other states, especially the USA.

In 2005 the PRC passed the so-called Anti-Secession Law (*Fan Fenlie Guojia Fa* 反分裂國家法). The law explains the origins of the so-called Taiwan Question (*Taiwan Wenti* 台灣問題), as well as clarifies the PRC position similar to the previous White Papers. Besides that, it also deals with cross-strait negotiations and although not using the term One Country - Two Systems, it describes the same principles as the scheme for the so-called peaceful reunification (*heping tongyi* 和平統一). But the most controversial part of the law includes the application of force, stating that the PRC government shall use non-peaceful and other necessary means if Taiwan formally separates from China, if some major events would lead Taiwan to separation from China, or if a possibility of a peaceful unification is lost (Anti-Secession Law, Article 8). Another interesting feature of this law is the fact that it is the only law being issued under the “China (*Zhongguo* 中國)” name, not the PRC or the Decision/Resolution of the Standing Committee of the National People's Congress (*Zhonghua*

*Renmin Gongheguo Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui* 中華人民共和國全國人民代表大會常務委員會).

In 2006 the PRC's proposal to hold forums between the CCP and the KMT was submitted to the Taiwanese side for the first time. These forums were held annually until Tsai Ing-wen was elected president in 2016 (Hsu 2016).

While Ma Ying-jeou, the president of the KMT held more pro-Chinese stances than his democratically elected predecessors assumed the office in 2008, the PRC intensified its activities toward Taiwan. Espionage activities were intensified heavily and attempts to buy, or at least influence media in Taiwan increased as well. Many of these activities were aimed at businesspeople active in the PRC and thus having a more friendly approach toward the PRC (Cole 2016: 67). In the same year, the Chinese tourist groups were allowed to visit Taiwan up to the limit of 3000 people per day.

In 2009, the term Core interests (*Hexing Liyi* 核心利益) started to be used heavily in the media. Although the term had already been in use for a longer time, in 2009 it was first defined by a PRC politician Dai Bingguo 戴秉國 as mainly applying to the issues concerning PRC's sovereignty and territorial integrity. This applied especially to Taiwan. But the usage of this term has gradually widened to many more topics including meetings of various politicians with the Dalai Lama. The increasing usage of this term is one of the signs of the change in the PRC's politics toward bigger assertiveness.

Meanwhile, in 2010 a deeper cooperation between the ROC and the PRC emerged in the field of tourism. The two governmental agencies dealing with the agenda related to tourism were established - PRC's Association for Tourism Exchange Across the Taiwan Straits (*Haixia Liang'an Lüyou Jiaoliu Xiehui* 海峽兩岸旅遊交流協會) and the ROC's Taiwan Strait Tourism Association (*Taihaixia Liang'an Guangguang Lüyou Xiehui* 灣海峽兩岸觀光旅遊協會). The same year also saw the first Shanghai-Taipei City Forum (*Shanghai - Taipei Chengshi Luntan* 上海台北城市論壇) held annually between the two municipal governments.

In 2011 the PRC issued a White Paper on Peaceful Development (*Zhongguo de Heping Fazhan* 中國的和平發展) which formally established the term core interests. The White

Paper defines them as follows: state sovereignty (*guojia zhuquan* 國家主權), national security (*guojia anquan* 國家安全), territorial integrity (*lingtu wanzheng* 領土完整) and national reunification (*guojia tongyi* 國家統一). But in addition to the former usage of this term, it also claims China's political system established by the Constitution and overall social stability, and the basic safeguards for ensuring sustainable economic and social development to be a core interest of the PRC, and thus widens the usage of the above-mentioned term.

The second term of Ma Ying-jeou's presidency was marked by the shift in the PRC's strategy of influencing Taiwanese politics. While until Ma's re-election Beijing aimed mostly at the high-level politicians, his second term saw a huge manifestation of public anger concerning the ROC's politics toward the PRC. Due to that, Beijing gradually lost its patience with the high-level politicians and turned to the grassroots politicians, i.e. *lizhang* 里長, or people outside the political circles (Cole 2016: 80).

The PRC lifted its restrictions on individual travelers to Taiwan in 2012 and a year later passed the 31 new measures to promote exchange with Taiwan especially in the field of tourism and travel, but also in investment and business. Although these measures might look like an example of a more friendly approach of the PRC toward Taiwan, it is rather proof that *Beijing* 北京 uses every possible means to increase its pressure on Taiwan. One of the sharp examples of the PRC's hostility is the fact that Taiwanese President Ma called for numerous times that the PRC should dismantle the missiles pointed at Taiwan but to no avail (Cole 2016: 166).

In 2015 the PRC passed another law affecting Taiwan - the National<sup>13</sup> Security Law (*Guojia Anquan Fa* 國家安全法). It strengthens the CCP's power over the PRC and defines the new expansive articulation of Xi Jinping's view on national security and threats to it. The aim of the law, as defined by Zheng Shuna 鄭淑娜, deputy director of the Legislative Affairs Commission of the National People's Congress (*Quanguo Renmin Daibiao Dahui de Fazhi Gongzuo Weiyuanhui* 全國人民代表大會的法制工作委員會), is to maintain the core interests of the nation and other major interests (China Times 2015). The law explicitly says it is an obligation of every Chinese person, including those from Taiwan, to protect national security and territorial integrity (National Security Law, Article 12). The fact that the

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<sup>13</sup> The word *guojia* can be also translated as 'state', which would be more correct in this context, but as the translation used above is already widely used, this work applies the better-known English term.

law does not distinguish between Taiwan and the PRC, and thus tries to extend PRC's sovereignty over the territory under ROC's administration, stirred criticism among many Taiwanese, including both the KMT and DPP politicians (Cole 2016: 78).

Since the DPP's candidate, Tsai Ing-wen was elected president, the PRC's approach toward Taiwan has become more hostile. Beijing expressed disappointment over Tsai's remarks on the 1992 Consensus which Tsai refuses to adhere to. Another thing disapproved of by the PRC is the Tsai's call to hold the talks with the PRC on equal footing as Beijing wants to maintain a certain hierarchy (Spain News 2020).

Due to the growing hostility between Taiwan and the PRC, Beijing not only had restricted the quota on the amount of PRC tourists who can visit Taiwan within one day but more importantly also stopped official cross-strait talks until Tsai would have adhered to the 1992 Consensus (Gang Lin 2019: 122).

Since Tsai's presidency, there has been a sharply growing number of PLA military incursions into the territory administered by the ROC. This is probably not only because of the psychological effect on the Taiwanese citizens but also due to the possible data collecting and mapping of the Taiwanese territory for military use (Cole 2020: 59). The increasing military activity has also been accompanied by the more vocal language of the PRC's officials. For instance, Xi Jinping has allegedly made orders to the military to increase its capacities to be able to conduct an attack on Taiwan by the end of the 2020s (Military and Security Developments involving the PRC 2021: Annual report to Congress, page I). Another example is Xi's speech at the 19th plenary session of the CCP mentioning non-peaceful means of reunification if the process takes too long, as well as the call to adhere to the 1992 Consensus (The National People's Congress of the PRC 2021).

Although the PRC has been tightening the rules for the PRC citizens to travel to Taiwan, it has nevertheless allowed the ROC citizens to work in the PRC without the working permission since 2018 and allowed the Taiwanese to invest in state enterprises.

In 2019 the PRC banned all individual travel to Taiwan. In the same year, Xi wrote an open letter to Tsai. In the letter Xi again offered the unification of Taiwan and the PRC under the One China - Two Systems formula. Tsai openly refused and stated that not only does Taiwan refuse this scheme, but also refuses the 1992 Consensus as the PRC equates the 1992 Consensus with the One Country - Two Systems formula (Taipei Times 2019).



While Li Keqiang omitted the word peaceful when talking about reunification in 2020, the next year saw historically high numbers of PLA entries into the ROC's territory. Most of them were carried by the PLA jets, but the PRC also dispatched sea dredges to mine sand, especially in Kinmen (*Jinmen* 金門) area, which infringes on the Taiwanese territory but also complicates the sea fishing - a vital income for the local people, and harms the ecosystem (Jennings 2021).

Since 2021 the PRC has not allowed the pro-independence ROC citizens to enter PRC's territory, including Hong Kong and Macau (Gu Li 2021). At the same time, it also dissolved the cultural offices of Macau (*Aomen* 澳門) and Hong Kong in Taiwan (Nikkei Asia 2021).

### **3.4 Policies of the USA**

The history of the official relations between the ROC and the USA started in 1913 when the USA recognized the ROC. However, China as a state had been already recognized during the Qing era (Chiang 2018: 122). At that time, the USA had already recognized the Japanese sovereignty over Taiwan, and in exchange, Japan Empire had recognized the US sovereignty over the Philippines (Chow 2008: 30).

The US position on Taiwan changed after the ROC entered the Second World War in 1941 and declared war on Japan. The USA supported the ROC since that time against the Japanese aggression. The US support was also expressed in the Cairo Declaration of 1943, and the Potsdam Declaration of 1945. Both these documents expressed the common will to give Taiwan back to China after the Japanese would be defeated.

In accordance with the above-mentioned joint declarations, the Allied powers led by the US general MacArthur entrusted Taiwan and Penghu 澎湖 to the administration of the ROC after the Japanese Empire had surrendered (Chiang 2018: 258). As the USA knew that the question of sovereignty over Taiwan was not resolved through this step, they were briefly considering together with the UK putting Taiwan under the UN trusteeship which might then lead to supporting the foundation of a Taiwanese state (Manthorpe 2005: 194).

In 1945 the USA together with the ROC signed a mutual Chinese-US Defense Pact which was in use until the USA severed diplomatic relations with the ROC in 1979.

The fact the ROC lost the Civil War with the Communists leading to the foundation of the PRC in 1949 and the ROC's relocation to Taiwan meant that the USA was now formally recognizing the exiled government of China, while the USA did not maintain any official relations with China, now governed by the Communists. Had the USA admitted Taiwan was part of China, the ROC government would have no place to go and would have been defeated by the PRC soon (Manthorpe 2005: 194).

The importance of Taiwan to the USA rose sharply after the Korean War broke out in 1950. While Harry Truman called the PRC an invasive dangerous regime and a threat, Taiwan has become a strategic territory, frequently called the unsinkable aircraft carrier (Manthorpe 2005: 195). For that reason, Truman sent the Seventh Fleet to the Taiwan Strait to prevent the PRC from any possible attempt to invade the island. Zhou Enlai reacted that this move constituted an infringement on the PRC's sovereignty (Roy 2003: 121).

As the communist PRC was not a trustworthy partner for the USA, the USA did not support the idea Taiwan should be part of China. As it was already quite impossible for the ROC to reconquer the Mainland and the USA disapproved of the possibility Taiwan would be part of the PRC, when the peace treaty formally ending the Second World War was signed in 1951, the USA formulated the Treaty of San Francisco in the way the Japanese just declared they renounced sovereignty over Taiwan (and Penghu), but did not specify the transferee (No. 1832 Treaty of Peace with Japan, Chapter 2, Article 2b).

The USA continued to support the ROC in Taiwan through the Cold War. After the Korean War had ended, the ROC-USA Mutual Defense Act was signed between the two governments. Although the US military support of Taiwan had certain limits and the US government did not support the ROC in any attempt to reconquer the Mainland, the ROC in Taiwan survived only due to the support of the USA which considered Taiwan a strategic territory (often calling it an unsinkable aircraft carrier) and the ROC government an important ally against the PRC regime. The US intervention prevented both the PRC and the ROC from engaging in the bigger conflict, especially during the 1954-1955 and 1958 Strait Crises.

Nevertheless, the USA was aware of the fact that although the official recognition was in favor of the ROC, it actually could not represent the whole of China. It was manifested

when the federal court in 1959 decided that the two Chinese who should have been deported could not be handed to the ROC justice. At the same time, the federal judge also stated Formosa (i.e., Taiwan) is not officially recognized as part of China and it could be considered an area occupied or administered by the ROC (Manthorpe 2005: 196).

During the early 60s, US support of Taiwan was more problematic as the KMT dictatorship was very brutal and did not show any intentions of democratic transformation, the situation changed again after the outbreak of the Cultural Revolution in 1966. It put the whole PRC in a state of chaos and the USA reevaluated the need to keep the ROC as a strategic ally (Kissinger 2011: 194).

However, in the early 70s, the situation changed again. Following the de-escalation of the Cultural Revolution in the PRC, the Sino-Soviet Split (*Zhong-Su Jiao 'e* 中蘇交惡), as well as a decision of numerous countries and the UN to switch recognition from the ROC to the PRC, the USA started to maintain an unofficial relationship with the PRC.

First, Henry Kissinger, acting as a National Security Adviser, traveled to the PRC in 1971 twice (Kissinger 2011: 267). He negotiated with premier Zhou Enlai about the rapprochement of the two countries. During the negotiations, the obstacles to the rapprochement, especially the so-called Taiwan Question were brought up and the negotiations led to the US president Richard Nixon's visit to the PRC in 1972.

During the visit, Nixon met with Mao Zedong and Zhou Enlai. Nixon with Zhou Enlai together signed the Shanghai Communiqué, a document stating the intention to further develop good relations between the two countries, and their priorities in foreign politics in Asia and the Pacific, but also named the major obstacle in the rapprochement - Taiwan. The PRC expressed its point of view and claimed Taiwan to be part of its own territory, the Taiwan Question to be its internal affair that no foreign country has the right to interfere in. The PRC also urged the USA to withdraw all its military installments from Taiwan (Kissinger 2011: 272). The USA formulated its position on the One-China Policy by acknowledging that “all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China (*Zai Taiwan Haixia liang bian de suoyou Zhongguoren dou renwei zhiyou yige Zhongguo, Taiwan shi Zhongguo de yi bufen* 在台灣海峽兩邊的所有中國人都認為只有一個中國，台灣是中國的一部分)” (Wilson Centre: Joint Communiqué between

the USA and China). The USA also expressed the desire to solve the Taiwan Question peacefully and to slowly withdraw its army from Taiwan.

Until the late 70s, the USA was still considering the dual recognition of both the ROC, and the PRC, but since 1977 this possibility was abandoned due to the unacceptability of this idea to both the ROC and the PRC (Roy 2003: 134).

The next year saw the negotiations about the change of the recognition from the ROC to the PRC. The administration of Jimmy Carter cooperated with its PRC counterpart to draft the Second Communiqué, ratified on the 1st of January 1979. Besides the establishment of formal diplomatic relations between the two countries, it also announced the withdrawal of the US military from Taiwan, as well as reaffirmed the principles of the Shanghai Communiqué.

Following the formal recognition of the PRC, the USA founded the American Institute in Taiwan to secure the unofficial relationship. At the same time, the withdrawn Sino-American Mutual Defense Treaty was replaced with the Taiwan Relations Act - a Federal law defining the Taiwanese territory, the nature of the relations between Taiwan and the USA, but also the military provisions of the USA for Taiwan. The law also claims that Taiwan constitutes a grave concern for US security (Taiwan Relations Act, Section 2, b-4).

While searching for an ally against the USSR, Jimmy Carter considered deeper cooperation with the PRC and even considered the possibility of selling military equipment to it. In 1982 the Third Communiqué between the USA and the PRC was signed. Both parties again reaffirmed their positions formulated in the previous communiqués. In addition, both parties promised not to interfere in each other's internal affairs and respect their sovereignty. Besides that, the USA promised not to increase the amount of military equipment sold to Taiwan in comparison to previous sales (US-PRC Joint Communiqué, Article 6). Despite the US efforts, the PRC started its negotiations with the USSR the same year (Chiang 2018: 324).

The ROC government was seriously terrified by the rapprochement of the USA and the PRC. In reaction to Chiang Ching-kuo's concerns, the Jimmy Carter administration issued the Six Assurances the same year to clearly formulate the key policies of the US government toward Taiwan. They promised not to set a date of an end of the arms sales to Taiwan; not to play the role of the mediator between the PRC and the ROC; not to pressure Taiwan to negotiate with the PRC; the longstanding position of the USA on Taiwan has not been changed; the Taiwan

Relations Act is not to be changed and the arms sales for Taiwan are not to be previously consulted with the PRC (Manthorpe 2005: 218).

The rapprochement of the USA with the PRC was briefly halted after the Tian'an Men Massacre (*Tian'an Men Dat Tusha* 天安門大屠殺) in 1989. George H. Bush was criticizing the PRC, but despite the critique, he did not change his politics. One of the examples of the continuation of the rapprochement was the fact that the 80s saw the last debate about the sales of military equipment for Taiwan in Congress.

When Bill Clinton assumed the presidency in 1993, he criticized his predecessor for being too friendly toward the PRC and called for a harsher approach toward it. He granted the visa for Lee Teng-hui to make a personal visit to his alma mater, Cornell University. A year later, he also supported Taiwan during the Third Strait Crisis (*Taiwan Haixia Feidan Weiji* 台灣海峽飛彈危機) in 1996.

However, Bill Clinton's approach toward the PRC changed and in 1997 he called it a strategic partner of the USA. In 1998 Clinton traveled to the PRC and defined the so-called Three Noes Policy which made the situation over Taiwanese sovereignty less clear and enabled the PRC to intensify its demands. The Three Noes stated that the USA would not support the Taiwanese independence, any solution which would create Two Chinas or One China and One Taiwan, and it would not support Taiwan's admission into the international organizations based on statehood, especially the UN (Bush 2005: 247).

When Chen Shui-bian was elected the President of the ROC in 2000, the Clinton administration pressed him not to declare independence while in office, which he promised in his inaugural speech (Chiang 2018: 401).

After George Bush assumed the presidency in 2001, it seemed shortly that the US approach toward the PRC might change. Bush Jr. called the PRC a strategic rival and declared on television that his government would do everything it could to defend Taiwan. However, the same year saw the 9/11 terrorist attacks and when the Bush administration declared war on terror, it was searching for all the possible allies to counter-terrorism. This resulted in further cooperation with the PRC and the pressure on Chen's administration not to change Taiwan's status. George Bush criticized Chen's remarks on the possibility of a referendum

on Taiwanese independence in 2003 and also disapproved of Chen's yearly applications to the UN, especially the last one in 2007 under the Taiwan name (Chiang 2018: 401).

While the Bush administration added one more policy toward Taiwan - no support of a referendum about Taiwanese independence, it also clearly expressed that it would oppose if force were used when unifying Taiwan with China. At the same time, it supported Taiwan when the UN president Ban Ki Moon called Taiwan a Chinese province and made an intervention (Worsnip 2007).

When Barack Obama assumed office in 2008, he was probably in the worst position for negotiations with the PRC. Not only did the PRC become USA's biggest debt creditor (Chiang 2018: 338), but also the 2008 economic crisis broke out. At the same time the situation in North Korea and Iran deteriorated and the USA was searching for an ally against these two states. For this reason, Barack Obama's administration held a friendly approach toward the PRC.

Although Barack Obama was in a complicated position with the PRC, he did not hesitate to send the US military to conduct rescue operations after typhoon Morakot hit Taiwan in 2009. Obama did not wait for the PRC's approval, as during similar occasions earlier, but the PRC did not raise a protest (American Institute in Taiwan 2009).

Obama's administration supported Taiwan in yet more ways. He assured Taiwan that the US policies have remained unchanged since the Shanghai Communiqué was issued. In 2010 his administration allowed Taiwan to purchase military hardware.

In 2013 the Taiwan Policy Act was passed. The Act states that the USA supports Taiwan, codifies the conditions for Taiwanese politicians to enter the USA and conduct meetings with their US counterparts in a respectful manner, but also specifies the military equipment Taiwan can seek to purchase, and reassures Taiwan that the USA will continue to abide by the Six Assurances.

The Taiwan Relations Act Affirmation and Naval Vessel Transfer Act of 2014 helped to promote cooperation between the US and the ROC army, increase the US arms sales to Taiwan and conduct the joint military drills (US Government Publishing Office 2014).

Another measurement to support Taiwan was the foundation of the Global Cooperation and Training Framework, a platform co-founded by the USA and Taiwan in 2015. This initiative

is aimed at connecting countries especially in the Indo-Pacific region with Taiwan and shares Taiwan's strengths and expertise in many different fields such as public health, humanitarian assistance, disaster relief, law enforcement cooperation, and cybersecurity. As of 2022, 102 countries worldwide have participated in this project (Global Cooperation and Training Framework: About).

Trump's presidency saw a big uncertainty about the policies toward the PRC and Taiwan at the beginning. Before his election, Trump was publicly considering giving Taiwan to the PRC while speculating what he could gain if doing so. He claimed Taiwan might be a tool that could be used in negotiations with the PRC (Cole 2020: 101).

Despite the above, he later held a phone call with newly elected Tsai Ing-wen and congratulated her on the victory. In reaction to the complaints from the PRC he later had another phone call with Xi Jinping to assure the PRC that the USA would stick to its One China Policy (Yoon and Wu 2017).

The Trump presidency saw an increased assertiveness of the PRC in international politics and growing hostility between the two countries. This resulted in growing support for Taiwan from both the Republicans and the Democrats.

As the PRC has increased its military presence around Taiwan and has gradually adopted a more assertive approach toward international politics, the USA dispatched more of its Navy to the Taiwan Strait in 2018 (Pickrell 2018). In the same year, Trump also signed the Taiwan Travel Act to set the rules for visits of the US state officials of all levels to Taiwan and vice versa to promote bigger political exchange.

The year 2019 saw the adoption of the Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act which obliges the USA to cooperate with other states on the promotion of both official and unofficial relations with Taiwan.

While in 2019 the situation in Hong Kong had gradually deteriorated since the ratification of the Extradition Bill and the international community was shocked by the news about the massive human rights abuse in the Xinjiang Uyghur Autonomous Region (*Xinjiang Weiwu'er Zizhiqu* 新疆維吾爾自治區), the Trump administration adopted new measures to deepen its cooperation with Taiwan. Most of them aimed at military cooperation, i.e. increasing Taiwanese defense capacities, recruitment and training of new soldiers, research and

development of new military technologies, or strategic planning. At the same time, Congress must be informed about the results and fulfillment of the plan annually and must be also presented with the plan for the upcoming year (Cole 2020: 107).

During the same year, the Trump administration also made a promise to help Taiwan with preparation for an asymmetric war and act predictably when conducting the supply of the military equipment to Taiwan. At the same time, the Huawei 華為 and ZTE Technologies (*Zhongxing Tongxun* 中興通訊) were banned from public procurement and for the business activities conducted with the US government (Villas-Boas 2019).

As the situation in Hong Kong proved the PRC cannot be trusted with its promises concerning a peaceful reunification with Taiwan under the One Country - Two Systems scheme, the year 2020 saw mutual visits of the highest political representatives of Taiwan and the USA since the severance of the official diplomatic relations in 1979. While the Vice-president of the ROC William Lai (*Lai Qingde* 賴清德) visited the USA (Pin Min Ming 2020), the US Secretary of Health and Human Services Alex Azar together with the Under Secretary of State for Economic Growth, Energy and the Environment Keith Krach visited Taiwan to attend Lee Teng-hui's funeral (Qin 2020).

The tensions between the USA and the PRC deepened after the outbreak of the COVID-19 pandemic in early 2020. While the USA accused the PRC of mishandling the initial phase of the pandemic and causing the worldwide spread of the new virus, the PRC has distributed its own propaganda about the origin of the new coronavirus (Sinopsis 2021).

The year 2021 saw the inauguration of Joe Biden as the US president. Shortly before Biden assumed office, the Trump administration released the Determination of the Secretary of State on Atrocities in Xinjiang which declared the human rights abuses in Xinjiang constituted a genocide.

The new coronavirus pandemic, as well as the above-mentioned Determination, marked the beginning of Joe Biden's presidential term. Joe Biden's administration also issued a new Indo-Pacific strategy in 2022 which calls for support of the values of freedom and openness. It also deals with Taiwan as a key part of the US security strategy and states that peace in the Taiwan Strait is one of its vital features (Indo-Pacific Strategy of the USA, Article 4).



### 3.5 Policies of the UN

China represented by the ROC government was one of the five allied powers negotiating the foundation of the United Nations (National Archives: The UN Charter). After the United Nations had been founded in 1945, the ROC continued to represent the whole of China despite its later losses during the Civil War, relocation to Taiwan, and the foundation of the People's Republic of China.

Although China was already administered by the PRC in the 50s, it was impossible to bring up the question of the PRC's entry into the UN due to the ongoing Korean War, as the Communist regime in China was generally perceived as dangerous and hostile. The whole of China was thus represented by the exiled ROC government.

In the 60s the question of Chinese representation in the UN was opened by the USSR, which was at that time a major ally of the PRC (Kim 1974: 302). The USA, however, successfully blocked the negotiations by labeling the question of Chinese representation as an important question, which thus needed to be approved by two-thirds of the UN members instead of a simple majority (Kim: 1974: 303).

The following years saw other discussions about the Chinese representation which was always blocked by the USA. However, the support of other countries was slowly shifting from the ROC to the PRC. One of the reasons was the emergence of new states in former colonies which were the supporters of the PRC. After the ongoing Sino-Soviet Split, the PRC acted as the leader of the so-called Third World and many developing countries switched their recognition from the ROC in favor of the PRC (Kim 1979: 303).

As the period of the US rapprochement with China started in the 70s, US president Nixon in 1970 suggested dual representation of China by both the ROC and the PRC. Although such a situation already happened in 1954 when both the ROC and the PRC were briefly part of the International Olympic Committee, it was refused by both the governments (Roy 2003: 134).

The same year also saw the first usage of the term “One China Policy (*Itsu no Chūgoku Seisaku* 一つの中国政策)” when the Japanese ambassador to the UN was explaining his

country could not recognize the PRC as it supported the [ROC's] One China Policy (Chiang 2018: 370).

In 1971 the USA failed to label the question of the Chinese representation as an important question, and the voting by a simple majority on a motion initiated by Albania resulted in the victory for the PRC. On 25th October 1971, the PRC became the sole representative of China as well as one of the five members of the Security Council (the UN Resolution n. 2758).

Since then Taiwan has not had any representation in the UN and the question of Taiwanese representation was not brought up until democratic changes in Taiwan. When Lee Teng-hui assumed the presidency, he opened the question of Taiwanese representation again. His administration firstly applied for the UN membership in 1993, but the ROC's application was dismissed. The ROC continued in its yearly presentation of the applications until 1999 (Roy 2003: 204). When being refused in 1999, Lee Teng-hui applied again, but at that time he asked for a dual representation of China, which was also rejected (Chiang 2018: 226).

At that time the UN was already under significant Chinese influence, and when Taiwan was hit by a large earthquake in 1999, the UN refused to send aid. As the then Secretary General Kofi Annan explained, Taiwan was the PRC's province and the UN would need to obtain the PRC's approval before sending any help (Chiang 2018: 217).

The Chen Shui-bian administration continued Lee's attempts to join the UN. In 2002 Chen sent an application asking for the ROC (Taiwan)'s membership in the UN, which was refused. At that time, the USA already disapproved of Taiwan's attempts to join the UN. The USA also disapproved of Kofi Annan's answer stating the UN could not accept the ROC as the UN supported the UN's One China Policy, which actually never existed (Chiang 2018: 221).

Despite the US's disapproval, Chen's administration continued in its yearly applications to the UN. The last one, sent in 2007, was presented under the Taiwan name and it was, same as the previous ones, unsuccessful. At that time Ban Ki Moon already succeeded Annan in the office, but he held the same pro-PRC stance. When refusing the last Taiwanese application, Ban Ki Moon explained Taiwan could not be accepted as it constituted the PRC's province. The USA intervened to prevent the UN from any other such claim (Worsnip 2007).

Since Xi Jinping assumed leadership over the PRC in 2012, the PRC has intensified its pressure to prevent Taiwan from any meaningful participation in the UN bodies. This resulted

in terminating Taiwan`s observer status in the World Health Organization, Interpol, and the International Civil Aviation Organization (Everington 2016).

The question of Taiwan's participation in the UN bodies gained new importance after the outbreak of the 2019 global pandemic of coronavirus disease. The PRC in the beginning denied the existence of the new virus and its spread in China even in the UN bodies and later disseminated disinformation about its outbreak and refused the investigation of its origin. On the other hand, Taiwan was sending warnings about the outbreak of the new virus, but due to its inability to participate in UN bodies, it could not effectively inform the international community, and share information with other countries (Sinopsis 2020).

## 4 Preferences on the Independence-Unification Issue and National Identity in Taiwan

### 4.1 The emergence of Taiwanese Identity

The first people to inhabit Taiwan 台灣 were the indigenous peoples of Austronesian origin, who might have lived in Taiwan for around five millennia before the first immigrants from the mainland (*dalu* 大陸) came. The indigenous peoples formed about a dozen and a half of the major tribes possessing distinctive languages and cultures. When the first immigrants from today's China came, they divided the indigenous peoples into two different groups, the so-called raw (*sheng* 生) and ripe (*shu* 熟) aborigines (Brown 2004: 10). The first group inhabited mainly hilly areas in central Taiwan and formed hunter-gatherer societies practicing a semi-nomadic lifestyle. The second group slowly adapted to settled life, lived mostly in coastal plains on the west, and practiced primitive forms of agriculture.

The Chinese, whose presence in Taiwan started to grow rapidly in the 17<sup>th</sup> century, were of two distinctive subgroups. The first and major group was formed by the people from the Fujian 福建 province, which experienced rapid population growth and where arable land was scarce and the local population impoverished. These people self-identify as Hoklo<sup>14</sup> and speak southern Min dialects (*Minnan Hua* 閩南話). The second and smaller group was the Hakka (*Kejia* 客家) people from Guangdong 廣東 province, who faced discrimination in their homeland due to their different customs and distinctive dialect. Both the Hakka and Hoklo immigrants were mostly young men coming without families, who mingled with the aboriginal peoples coming from the so-called ripe subgroup. The overwhelming majority of today's Taiwanese population constitute their descendants (Manthorpe 2005: 27).

All groups of people mentioned above were often engaged in conflict with each other, from time to time forming alliances to fight one another. The animosity among these groups was sometimes used by the people governing Taiwan, either the European settlers trying to seize control of Taiwan in the 17th century, or the Chinese governing Taiwan for 211 years till 1895 and later the Japanese occupying the island from 1895 until 1945.

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<sup>14</sup> For the Chinese characters see footnote number 2.

Although the people living in 19th century Taiwan were of different cultural backgrounds and did not form a unified nation, the elite felt a connection to Chinese culture. When the Qing 清 Empire lost the First Sino-Japanese War (*Jiawu Zhanzheng* 甲午戰爭) with the Japanese Empire and ceded Taiwan to the Japanese, the Chinese elite in Taiwan expressed strong opposition, petitioned the Qing government, and when being ignored by the government, declared the Republic of Formosa (*Taiwan Minzhuguo* 台灣民主國), which lasted for less than a year (Roy 2003: 33).

Following the Japanese occupation, the people living in Taiwan faced attempts of being Japanized, however, in opposition to the Japanese started to form a more unified group, especially in terms of traditional Hoklo/Hakka division.

After the Japanese capitulated and the ROC started to administer Taiwan, it was clearly visible that the local population was different from the Chinese on the Mainland. Not only did the people living in Taiwan see differences between themselves and the Chinese, but also the Chinese looked down on them and considered them Japanized and due to that alien and potentially dangerous (Hayton 2020: 189).

In 1949 when the ROC (*Zhonghua Minguo* 中華民國) government fled to Taiwan, the past rivalry between the Hakka and Hoklo people (forming about 6 million people after World War II) was slowly abandoned due to facing a new enemy represented by the exiled government coming to the island with more than two million of its followers, mainly military personnel, and government officials. This created a distinctive duality between people residing in Taiwan, who considered themselves either foreign-born, coming with Chiang Kai-shek's (Jiang Jieshi 蔣介石 / Jiang Zhongzheng 蔣中正) government, and native-born (regardless of the Hakka/Hoklo division). The exiled ROC government was forcibly promoting unified Chinese culture and trying to erase differences among the people residing in Taiwan.

Following the lifting of martial law and democratization of Taiwanese society, as well as the generational renewal, the division between the people coming with Chiang Kai-shek in 1949 and the people of Taiwanese ancestry is less and less obvious and it is not seen as important for the younger generation (Cole 2016: 130). Since 1987 the Taiwanese society has also appreciated its multicultural heritage including not only Chinese roots, but also indigenous culture and Japanese influences (Cole 2016: 131).



## 4.2 Main Features of Taiwanese Identity

Traditional division is Mainlanders (Waishengren 外生人) vs. Native people (Benshengren 本生人). Native people can be further divided into Hoklo and Hakka subgroups, as well as the Indigenous people (*Yuanzhumin* 原住民). It is generally perceived that the family background influences how a person self-identifies, but also important are their political preferences and approach toward China (Cole 2016: 129). But if we closely examine the society, we can see that this traditional division is outdated and the majority of the population developed a common identity, as well as a consensus on major topics concerning politics in China (Cole 2016: 129).

Generally speaking, the Taiwanese self-identify as the Taiwanese people possessing Chinese cultural background. The vital feature, which distinguishes the Taiwanese from the Chinese, is the democratic lifestyle, which is not a foreign import, but a tradition that emerged in Taiwan and has a long tradition of civil society. It is evident from the protests and other activities that the division between the Mainlanders and the Natives is outdated and the society is willing to unify on many important issues regardless of family background and political affinity (Cole 2016: 110).

It can be assumed that the Chinese identity is mostly exclusive and mainly based on the shared history, culture, and ethnicity, while the Taiwanese identity is more inclusive, stems from the shared political and social norms, especially democracy (Scobell 2004: 453), and gradually embraces multicultural features.

## 4.3 Main Trends in Self-Identification and Independence/Unification Stances

The Election Study Center at National Chengchi University (*Zhengzhi Daxue Xuanju Yanjiu Zhongxin* 政治大學選舉研究中心) has been carrying out annual research among Taiwanese on changes in the Taiwanese/Chinese identity since 1992 and changes in the unification -

independence stances since 1994. The questions on the above-mentioned topic, as well as the methodology, have remained unchanged since the beginning of the research, and thus provide us with continuous data on these topics.

The survey on changing preferences in the Taiwanese (*Taiwanren* 台灣人) / Chinese (*Zhongguoren* 中國人) identity clearly shows the decrease of Chinese identity in favor of the Taiwanese identity. In 1992, 26 % of respondents stated that they considered themselves Chinese, while 46 % opted for both Taiwanese and Chinese, and 18 % identified as solely Taiwanese. The remaining declined to answer. In 2021 when the last research was made, however, only less than 3 % identified as Chinese, 32 % of respondents opted for both Taiwanese and Chinese, and the Taiwanese identity was chosen by 63 % of respondents. While in 1992 just 64 % of people embraced at least partly Taiwanese identity, the number rose to 94 % in 2021.

The support for Chinese identity has been declining steadily without any major unexpected changes and has been lower than 5 % since 2008. The same also applies to the people who refused to answer. The solely Taiwanese identity sharply rose after the Third Strait Crisis during the 2nd term of Lee Teng-hui's presidency from 24 % in 1996 to 40 % in 1999. Another obvious trend in the identity is the symmetry and the inverse proportionality of the Taiwanese and both Taiwanese and Chinese identities since the beginning of the survey. While since 2008 the number of people opting for sole Taiwanese identity has increased by more than 1 %, the Taiwanese identity first reached the historic maximum of 61 % by 2014, the year which saw the protests connected to the Sunflower Student Movement (*Taiyanghua Xueyun* 太陽花學運). At the same time, both Taiwanese and Chinese identity was at its historic minimum, 33 %. After that, the Taiwanese identity was slowly decreasing down to 55 % in 2018 while both Taiwanese and Chinese identities slightly rose to 38 %. The next year, which saw the massive violations of human rights and the provisions of autonomy under the One Country - Two Systems (*Yi Guo Liang Zhi* 一國兩制) formula in Hong Kong (*Xianggang* 香港), the preference for the Taiwanese identity rose again at the expense of both the Taiwanese and Chinese identity, peaking during the pandemic year of 2020 when the Taiwanese identity reached its historical maximum of 64 %. The preference for both Taiwanese and Chinese identity dropped accordingly to 30 %. Regardless of this, the number of people embracing at least partially Taiwanese identity has been higher than 80 % since 2000 and since 2008 it has surpassed 90 %.



The survey on the changes in unification - independence stances shows that in 1994, 4 % of people opted for unification as soon as possible, 16 % would move toward unification in the future, 39 % would maintain the status quo and decide later, 10 % preferred to maintain status quo indefinitely, while 8 % would like to move toward independence in the future and 3 % preferred independence as soon as possible. However, 20 % of people surveyed did not respond to the question. In 2021, only slightly more than 1 % of respondents preferred immediate unification, while 6 % would like to move toward unification. 28 % of respondents would prefer to maintain the status quo and decide later and 27 % preferred to maintain the status quo indefinitely. The number of people opting for moving toward independence rose to 25 % and 6 % wished for immediate independence. Only 6 % of people declined to respond.

The changes in attitudes toward unification - independence are more dynamic and also pose a bigger challenge for interpretation, especially in the terms of what do the people opting for the status quo indefinitely or status quo and postponing the decision to a later date really wish. Michael J. Cole (2016: 11) at this point states that maintaining the status quo indefinitely actually means opting for de facto (however, not de jure) independence as Taiwan has been de facto independent since 1949. If accepting this position and counting these people among the opponents of unification, 21 % of the respondents opted for independence, the year after the number rose to 27 %, then reached 34 % in 1997 and during the Chen Shui-bian's (*Chen Shuibian* 陳水扁) presidency constituted slightly more than 40 %. Although the Ma Ying-jeou's (*Ma Yingjiu* 馬英九) presidency was marked by the rapprochement with the PRC (*Zhonghua Renmin Gongheguo* 中華人民共和國), the support of independence was between 47 and 49 %, same for the first years of Tsai Ing-wen's (*Cai Yingwen* 蔡英文) presidency. While it dropped to just 44 % in 2018, it sharply rose to 55 % in 2019 and 58 % in 2020, and finally 58 % again in 2021. The people who either opted for maintaining the status quo and decide later or chose not to respond, are not included, as it is not possible to assess how many people from these groups would support either independence or unification.

When assessing the preferences for unification, it is vital to realize that the research does not distinguish between different approaches toward unification. The unification these people wish for can thus have various forms - not only the PRC's model One Country - Two Systems, but also the Lee Teng-hui's (*Li Denghui* 李登輝) proposal of a federation of different autonomous states within China ruled by democratic governments (Lee Teng-hui

1999: 182), of, for instance, the KMT's (*Guomin Dang* 國民黨) recapture of the Mainland Chiang Kai-shek wished for until his death. It also should be taken into consideration that even the biggest Taiwanese proponents of unification with China do not agree with the One Country - Two Systems scheme (Cole 2016: 152). Nevertheless, the number of people choosing immediate unification or moving toward unification in the future was 20 % in 1994 and 22 % in the two consecutive years. While the number of people choosing this option was oscillating between 17 % and 21 % until 2002, it has not surpassed 16 % after 2002 and oscillated around 10 % during most of the years since. In 2021, only 7 % of respondents supported this option, a sharp decline from 2018's 16 %.

When comparing with major historical events which could have an influence on people's decisions, we can see that the beginning of the Third Strait Crisis (*Taiwan Haixia Feidan Weiji* 台灣海峽飛彈危機) did not change preferences much about unification and de jure independence except for the fact that the number of people who would like to maintain the status quo and decide later dropped by 14 % in favor of no response and indefinite status quo. While the number of people favoring unification rose by 1 %, the proponents of unification gained 6 %, staying nearly the same the year after which the 1st democratic elections in Taiwan took place. While the number of proponents of moves toward unification dropped by 9 % during Chen Shui-bian's presidency, the number of people wishing for de jure independence rose by 7 % to 22 %. Ma Ying-jeou's presidency, including the 2014 Sunflower Student Movement, did not see any distinct changes in public opinion. The first three years of Tsai Ing-wen's presidency, on the contrary, were marketed by the increased support for unification, which rose from 6 % to 16 % in 2018, as well as the slight drop of the support for de jure independence by 3 %. However, the support for de jure independence has risen again since 2019, the year of the huge pro-democratic protests in Hong Kong, which were frequently covered in Taiwanese media. That year 27 % of people supported moves toward independence, while the support for unification dropped to 9 %. This trend continued during the pandemic year of 2020 when 32 % of the Taiwanese supported de jure independence, while only 7 % of people supported unification. These figures remained without any major change in 2021.

## 5 Conclusion

Reliable historical sources generally do not support the People's Republic of China's (*Zhonghua Renmin Gongheguo* 中華人民共和國) claim Taiwan 台灣 has always been an inalienable part of China. Even during the periods Taiwan constituted part of the Chinese state, it was a periphery of the empire, the central power was not able to exercise its jurisdiction over the whole island and the Taiwanese territory, in any case, was not considered important. During the republican period, the majority opinion held by both the Kuomintang (*Guomin Dang* 國民黨), and the Communists (*Gongchan Dang* 共產黨), assumed that Taiwan was either not part of China, or could be eligible for self-determination.

Since its establishment, the PRC has never governed the Taiwanese territory. However, the convoluted history has produced enough space for manipulation and the creation of state-forming mythologies and an ideology based on distorted interpretations of history. Ideological constructs used to be vital for the Republic of China (*Zhonghua Minguo* 中華民國) government after its relocation to Taiwan. More recently, they have gradually become more important for the PRC regime which has linked the Taiwan Issue and the One China Principle (*Yige Zhongguo yu Taiwan Wenti* 一個中國與台灣問題) with its own legitimacy.

Regardless of the former status of Taiwan within China, previous ownership would still not constitute a basis for the PRC's claim according to international law. Sovereignty over a territory can be changed only through a territorial treaty, or a capitulation without conditions enabling the victorious power to acquire or dispose of a territory at its will. It is indicative of Taiwan's contested status that the arguments of international law are seldom examined in its case and no authoritative opinion exists. The rare more thorough works on this topic suggest Taiwan (together with Penghu 澎湖) might strictly speaking still legally constitute a territory occupied by the USA.

This claim (absolutely unacceptable politically for all parties involved) is based on the fact that sovereignty over Taiwan was transferred to Japan through a territorial treaty, then Japan (together with Taiwan as its part) capitulated unconditionally to the USA, the US powers entrusted the KMT forces with its administration, and finally, Japan renounced its rights over

Taiwan without specifying the transferee. Other legal opinions exist, but they are mostly based on parallels with other disputed territories whose situations may differ.

Practical policies toward Taiwan thus cannot be based on international law whose strict interpretation satisfies no one. In the PRC, the policy is instead based on ambiguous historical claims. They underlie the concept of One China, a vague construct that leaves space for conflicting interpretations as well as manipulations. The USA likewise formulated its One China Policy (*Yige Zhongguo Zhengce* 一個中國政策) on this fragile basis, as described in the Three Communiqués and other documents codifying its policies toward the PRC and Taiwan. Other countries copied these policies with some variations.

The PRC, meanwhile, maintains that the One China Principle means that Taiwan is an inalienable part of China whose only legitimate government is the PRC. This is presented by the PRC as the sole policy option. Beijing has been trying to manipulate other countries' One China Policies and merge them with its own interpretation of the One China Principle (*Yige Zhongguo Yuanze* 一個中國原則). Taiwanese policies toward China, meanwhile, are based on its antiquated Constitution, which cannot be amended without provoking China, as well as on related legal documents.

The USA has never made any explicit obligation to recognize the PRC's claims over Taiwan or the adherence to the One China Principle. Its policies toward Taiwan are based on the Three Communiqués, the Taiwan Relations Act, as well as the Six Assurances and constitute the co-called strategic ambiguity, leaving enough space for a variety of moves and interpretations. The United Nations does not have any One China Policy and has no obligation to recognize Taiwan as the PRC's province or deny Taiwan meaningful participation in its bodies.

Neither history, international law, nor practical politics provide us with a feasible solution to the question of Taiwan and One China. In the end, the solution may lay in the Taiwanese people's own agency, as well as in the actual balance of power in the region and globally. The balance of power is not examined in this text as it is constantly shifting, and anyway beyond the scope of this work.

In my opinion, the Taiwanese people's agency can ultimately be the key to the dilemma. Taiwanese identity (like any other identity) is a construct as well, but its manifestation has a direct impact on the situation in the region as it can constitute a *casus belli* for the PRC.

At the same time, it can also demonstrate before the international community the willingness of the Taiwanese people to defend their country and values, which would have a direct impact on other actors when deciding whether to support Taiwan in its claim for statehood.

Chinese identity is constituted on a different basis than the Taiwanese one. While Chinese identity is based on shared culture, history, and ethnicity (as well as being contaminated with the CCP's ideology [Friedman 2009: 58]), Taiwanese identity is formed on the basis of shared social and political values. Since the political changes in the late 80s, Taiwanese identity has been flourishing and its core element has been democracy and openness. Despite the PRC's increasing threats, the number of people identifying as solely Taiwanese now constitutes the vast majority. The numbers of people wishing either to maintain the status quo (a de facto independence) or to move toward formal independence are steadily increasing while the support for unification with China has remained over a long period lower than 10 %. Even the most vocal Taiwanese proponents of unification do not agree with the conditions proposed by the PRC.

The PRC wants to unify with Taiwan. The main reason lies in its ideology, which links unification with the legitimacy of the CCP. But there are also other practical drivers for its designs on Taiwan, including the economy and the geostrategic importance. The PRC would rather not deploy force, as a forceful unification would be too expensive and damaging, could take a longer time than expected, and might not be supported by the public opinion at home and abroad. Instead, it has been applying since the 1970s political warfare in an effort to delegitimize Taiwan. At that time, this effort was largely successful, as the ROC in Taiwan was an undemocratic regime, the USA was searching for an ally against the USSR and the PRC did not have its current geopolitical ambitions.

The current standing of Taiwan in the international community is quite different due to its democratization, as well as the PRC's growing political ambitions. The One China rhetoric, however, has not changed fundamentally since the 1970s, offering a major tactical advantage to the PRC.

The concept of One China remains a vague construct, rather than an objective and universally accepted policy. Its interpretation and application by each concerned party forms a distinctive policy toward Taiwan, usually called a One China Policy, which varies among different

actors. The formulation and adherence to such a policy constitute each party's internal affairs and should not be mistaken for the One China Principle, as presented by the PRC.

Apart from the interpretations of the concept of One China, the policies toward Taiwan are also influenced by the Taiwanese people's own agency. The more the Taiwanese are willing to defend their identity, way of life, political freedoms, and ultimately, their statehood within the international community, the more likely it is that Taiwan will be accepted, despite the PRC pressure, by other countries, even within their interpretations of the concept of One China as expressed by their distinct One China policies that are not necessarily bound by the PRC's constructs.

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