

## Taiwanese unwilling to identify as Chinese

Written by Chen Mao-hsiung 陳毛雄

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During an exclusive interview with Agence France-Presse late last month, President Tsai Ing-wen (蔡英文) called on the international community to constrain “China” together.

Former National Security Council secretary-general Su Chi (蘇起) commented that as Tsai used the word “China,” and not the phrase “mainland China,” she revealed her concept of “one country on each side.”

Su said that as Tsai advocates winning over the world against China, she is walking from cross-strait reconciliation to confrontation, and reconciliation is unreachable unless Taiwan recognizes itself as a part of China.

However, legally and from the Taiwanese public’s subjective self-awareness, Taiwan is not a part of China.

For the former, the issue can be divided into three aspects according to international convention: succession of state, international treaties and de facto occupation.

First, in terms of succession of state, the People’s Republic of China (PRC) did succeed the Republic of China (ROC) in China. The problem is, when the ROC’s draft constitution was announced on May 5, 1936, Article 4 divided the nation’s territory into 30 areas, but Taiwan was not included, because it was under Japanese colonial rule.

When the ROC Constitution was promulgated in 1947, it did not alter the territory of the nation. Obviously, Taiwan does not belong to China under such circumstances.

Second, in terms of international treaties, China often likes to cite the 1943 Cairo Declaration. As a matter of fact, that was merely a joint communique after the Cairo meeting: It was not an international treaty. How could a treaty on sovereignty be signed when Japan, which claimed sovereignty over Taiwan at the time, was absent from the meeting?

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As for the 1951 San Francisco Peace Treaty, Japan renounced “all right, title and claim to Formosa and the Pescadores.” However, neither the Soviet Union nor the PRC attended the San Francisco meeting, so Japan certainly did not give Taiwan’s sovereignty to China.

Third, in terms of de facto occupation, China likes to cite that Taiwan was taken over by Chiang Kai-shek’s (蔣介石) regime. However, the Chiang regime did not occupy Taiwan as a Chinese government. It enacted the Temporary Provisions Effective During the Period of National Mobilization for Suppression of the Communist Rebellion (動員戡亂時期臨時條款), while freezing the Constitution until 1991. What took over Taiwan in the past was a hegemony, not a Chinese government.

Some self-proclaimed experts have claimed that since the Taiwanese government was formed according to the Constitution, Taiwan is therefore a Chinese territory.

However, such an opinion is wanting. After Taiwan ended the temporary provisions, it amended the Constitution immediately. Intriguingly, in several rounds of amendments, it simply added some articles to the Constitution without changing existing articles, so the Taiwanese government was formed completely according to the additional articles, which were stipulated by representatives of Taiwanese. Such additional articles are equal to Taiwan’s “basic laws,” which are completely irrelevant to China.

Finally, from the perspective of Taiwanese’s subjective self-awareness, Taiwanese and Chinese belong to two different worlds, and the majority of Taiwanese are unwilling to be Chinese. As for the few people who identify with China, they should be allowed to return to their motherland.

*Chen Mao-hsiung is a retired National Sun Yat-sen University professor and chairman of the Society for the Promotion of Taiwanese Security.*

Translated by Eddy Chang

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