

## Independence referendum needed

Written by Taipei Times Editorial  
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A Taiwanese e-sports team was on Wednesday denied entry to a competition next year after the German body overseeing it argued that Taiwan does not exist on any UN list of countries or regions. This underscores the urgent need for a referendum on independence.

Although a declaration of independence would probably not see Taiwanese sovereignty recognized in the short term, it would legally protect the nation from annexation and afford it international recognition, while putting it on the path toward sovereignty in the long term. It would also protect the democratic rights and the will of the nation's 23.5 million people.

While there is no set definition for what constitutes sovereignty, legal experts around the world largely agree on a few key requirements and generally concur that UN recognition is the standard for a successful determination of the requirements.

A BBC article on Oct. 10 last year delineated four components that comprise a state: a people, a territory, a government and the ability to conduct relations with other states on a sovereign basis.

The definition of "a people" is disputed, the article said, but added that some argue it means a permanent population with a concept of and belief in their own nationality.

Despite having these components, Taiwan remains in limbo — neither under the control of another nation nor recognized as sovereign. This is largely due to international laws being somewhat contradictory. They call for the protection of self-determination, as outlined in the UN Charter and clarified in the International Covenant on Civil and Political Rights, but disallow the fragmentation of existing sovereign states.

An article on theconversation.com says that these laws were mostly written during the period of decolonization, while self-determination in today's world is typically done by working within the confines of a pre-existing state, such as the establishment of autonomous areas.

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Areas claimed by the Republic of China are recognized by the UN as part of the sovereign territory of the People's Republic of China, whose sovereignty is protected by the 1971 UN General Assembly Resolution 2758.

Then-UN secretary-general Ban Ki-moon in 2007 cited this resolution when he rejected then-president Chen Shui-bian's (陳水扁) bid for full UN membership for Taiwan.

Three of the world's newest countries — East Timor, South Sudan and Eritrea — gained sovereignty because the nations from which they separated relinquished territory as part of internationally negotiated peace agreements.

For Taiwan, such a possibility simply does not exist in the short term. The relinquishment of claims over Taiwan by Beijing would give impetus to independence movements in Hong Kong, Tibet and Xinjiang, which would seriously weaken the Chinese Communist Party.

However, even without recognized sovereignty, there is value in declaring independence, as Kosovo's independence from Serbia in 2008 showed. Although Kosovo is still claimed by Serbia, its independence is recognized by more than half of the UN member states and its de facto statehood also means that Serbia cannot use force to reclaim it.

Citing Oxford University professor of public international law Stefan Talmon, an article on the Web site of Foreign Policy magazine says that the UN Charter prohibits the use of force against an established state as part of Cold War-era rules that protect new states not yet recognized by some governments.

Therefore, a declaration of independence by Taiwan should also be protected by UN regulations, which China, as a member of the UN Permanent Security Council, should be aware of.

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