

China, Taiwan and the One China Principle

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Abstract

The contemporary world is looking at the China-Taiwan issue as a challenge to democracy and international law. The Communist Party of China seeks to integrate Taiwan within its sovereignty, either peacefully or coercively by the year 2049. There is an overall disagreement to China's approach mainly coming from the USA and its allies. Its strategic ambiguity in dealing with the China and Taiwan has, if anything, complicated peaceful resolution of the issues between these two. Even at the international stage, United Nations on its part tries to maintain formal relations with the PRC while unofficially promoting relations with Taiwan, thereby challenging the Chinese conception of 'One China Principle'. The mainstream arguments appear to have taken a biased approach without examining China's own interpretation of what the One China Principle entails. Using this as a focal point, the paper uses descriptive and analytical methods, relying upon primary and secondary data (such as official government documents), to encapsulate the Chinese arguments in order to evolve possible solutions to the China-Taiwan conflict. This empirical study concludes by looking at peaceful bilateral negotiations and compromise as the only way to reduce tension and conflict, keeping in mind the aspiration of the Taiwanese government and its people.

Key Words: People's Republic of China, Taiwan, One China Principle, Communist Party of China, Kuomintang, America's Strategic Ambiguity, Sovereignty, Integration, USA

Introduction

Taiwan/ Formosa or Republic of China has been an issue of contestation to People's Republic of China ever since the Chinese civil war. The civil war occurred between the Communist Party under the leadership of Mao Zedong and the Nationalist Party, the Kuomintang under Chiang Kai-shek. The Communist Party won the civil war and dismissed the Kuomintang out of Mainland China, establishing the People's Republic of China. The Kuomintang was exiled and the regime established their own government in Taiwan by 1949. Therefore, the historical context of Taiwan and China's issue regarding the position of Taiwan brings us to the present

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international context. The concern stems from Taiwan's position as being an integral part of China and this continues to persist till date. The present Chinese government under the leadership of Xi Jinping has sought to integrate Taiwan with mainland China under its One China Principle which states that, there is only the People's Republic of China in opposition to the contestation of two China's i.e., Republic of China represented as Taiwan (Ministry of Foreign Affairs of the People's Republic of China, This paper has been deleted by the corporate author). The Communist government of China is persistent to ensure that Taiwan's consolidation takes place by 2049, (Maizland, August 3, 2022) the year which celebrates the centenary of the Communist regime. The Chinese government's claim to Taiwan is legitimate according to the various signatories they have with the international community as well as corresponding to the consensus shared between both the Chinese and Taiwanese government. China holds on to these international agreements to point towards Taiwan being a part of China and China being the sole representer of the Chinese people. There seems to be no official document which gives adherence to Taiwan being an independent nation state. Taiwan nevertheless still claims to be an independent state but only a handful of small countries have recognised its international status. The Cairo Declaration, the Potsdam Proclamation/Declaration, the 26th session Resolution 2758 of the UN, The Joint Communiqué as well as the controversial 1992 Consensus between China and Taiwan, all point towards Taiwan being an innate part of the People's Republic of China. But the current geopolitical situation has made it difficult for China to ensure peaceful transition and integration. The problem arises with the present Taiwanese democratic government under "Tsai Ing-wen who explicitly endorses the 'Consensus,' (referring to the 1992 Consensus) which implicitly excludes the possibility of Taiwan's independence from China" (Yu-Jie Chen, 2019). Taiwan has established itself to be a democratic country and with the present Taiwanese government, opting to take measures to dismiss China's offer on "one country, two systems" to accommodate Taiwan's current de facto independence and democratic legal system, relations between the two have only strained. The pressing issue for China would be to partake in negotiations with the Taiwanese government in order to move ahead with its vision for a peaceful integration in accordance with the One China Principle. Taiwan is a vital asset to China and it would be in China's interest to bring Taiwan into the People's Republic of China at the earliest.

History

The island of Taiwan 1st came to be known in the 1540's as Ilha Formosa, a name given by Portuguese sailors who were passing through the region (Morris, 2004). It is accounted that the island's original people were aboriginal Austronesians who were closely related to the Philippines. The Dutch were the 1st to step into Taiwan. They established themselves in Southern Taiwan in 1622 and established the Dutch East India Company. They resorted to employing thousands of Chinese sojourners and traders as well as aborigines. Their presence on Taiwan forced the outgoing Ming dynasty and the new Manchu Qing of China to pay more attention to the island. It was in the context of this new Chinese consciousness of Taiwan that Zheng Chenggong (Koxinga), Chinese military leader of the late Ming period sought to make the island the base of his movement to overthrow the newly founded Qing dynasty in the name of restoring the vanquished Ming. In 1662, the Dutch were defeated by a military force under the command of the Chinese warlord Zheng Chenggong (1624-1662). In place of the Dutch colonial dispensation, Zheng established what he declared to be a vassal state of crumbling Ming China. Thus, the Zheng regime was significant for being the first "state" on Taiwan with a Chinese-style governmental system (Lai, 2008). The dawn of centralized Qing administration of the island came in 1683, and in 1885 it was granted provincial status under the Qing dynasty. Only under the Qing in the mid-seventeenth century was the name "Taiwan" officially adopted to refer to the whole island. In 1895, less than ten years after it was made a province, Taiwan was abruptly ceded by the Qing emperor to Meiji Japan signing the 'Treaty of Shimonoseki'. For the Japanese, this introduced the sudden responsibility to administer a subject population. From 1895-1945 Imperial Japan ruled Taiwan. Meanwhile in China, by 1911 the Qing dynasty was overthrown and in 1912 a new Republic of China was established, headed by the Nationalist Party, also known as the KMT (Kuomintang) or GMD (Guomindang). In 1937, Japan under an extremist military faction, invaded China capturing much of the Eastern part of the country and imposing a brutal administration that lasted until the end of World War II in 1945. After World War II and the defeat of Japan by the allied forces, Taiwan was turned over to the Republic of China. From 1945 to 1949, the government of the Republic was engaged in a vicious civil war with forces of the Communist Party. The Communists prevailed and established a new People's Republic of China, whereas the Kuomintang established their own government in Taiwan by 1949.

People's Republic of China- One China Principle

After the Communist Party came to power, they established themselves as the only legal government of entire China and its sole legal representative in the international arena. Thus, it brought the old status of the Republic of China to an end. The government of the PRC claimed to assert and exercise China's sovereignty, including its sovereignty over Taiwan. The One-China Principle is the foundation stone for the Chinese government's policy on Taiwan (Ministry of Foreign Affairs, People's Republic of China). It shows Taiwan as an inalienable part of the PRC. The State Council Information Office in Beijing issued a white paper on the "Taiwan Question and the Cause of China's Reunification in the New Era" (Xinhua, 2022). This important document was released as a statement to remind the West and the international forum that China will not budge on its position on Taiwan. The White Paper as published by the Communist party, asserts that the One-China principle is universally accepted in the international community and is in accordance with the international norms. The White Paper claims that it is an "indisputable fact supported by history and the law. Taiwan has never been a state; its status as part of China is unalterable," (Embassy of the People's Republic of China in the United Arab Emirates, 2022). Ever since 1949, the territories on either side of the Straits have been divided and governed separately, with neither side having jurisdiction over the other. The government of the PRC has never ruled Taiwan; and since 1991 Taiwan has witnessed a form of government that has nothing to do with that of the Chinese mainland. This has only instigated the Communist Party of PRC to push forward its claims through diplomatic and military strategies. On January 30, 1995, President Jiang Zemin, made a statement "Adhering to the One-China Principle is the basis and prerequisite for peaceful reunification " (Ministry of Foreign Affairs, People's Republic of China, The paper has been deleted by the corporate author). Following this statement, the need was to ensure a peaceful reunification of Taiwan into the People's Republic of China. Given the distinct social systems and ideologies between PRC and Taiwan, the White Paper has proposed the 'one country, two system' approach to establish Taiwan's peaceful integration. But there seems to be no adherence to this approach by the Taiwanese government. This alas has caused a stir in the international community especially with the US behind the heels of the China- Taiwan issue. Therefore, the One China Principle is essential to ensure Taiwan's peaceful integration into the PRC and is a major concern for both parties.

Legal Records Pertaining to People's Republic of China's Claim on Taiwan

The Cairo Declaration

The 1943 Cairo Declaration came out of the Cairo Conference which was held among President Franklin Roosevelt of the United States, Prime Minister Winston Churchill of the United Kingdom, and Generalissimo Chiang Kai-shek of the Republic of China with regards to fighting the war to restrain and punish the aggression of Japan. They sought to eject the Japanese forces from all the territories it had conquered, including the Chinese territories, Korea, and the Pacific Islands (U.S. Department of State, 2009). The declaration stated "It is their purpose that Japan, shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China" (Digital Archive, 2015).

The Potsdam Declaration

The Potsdam Declaration/Proclamation signed by Republic of China, the United States and Britain in 1945 (later adhered to by the Soviet Union) stipulated that "The terms of the Cairo Declaration shall be carried out." In August of that year, Japan declared surrender and promised in its Instrument of Surrender that it would faithfully fulfil the obligations laid down in the Potsdam Proclamation. On October 25, 1945, the Chinese government recovered Taiwan and the Penghu Archipelago, resuming the exercise of sovereignty over Taiwan.

Japanese Instrument of Surrender

On September 2, 1945 Japan proclaimed the unconditional surrender to the Allied Powers. It stated as follows: "We hereby undertake for the Emperor, the Japanese Government and their successors to carry out the provisions of the Potsdam Declaration in good faith." It called into putting the Potsdam Declaration into effect. (State Historical Society of IOWA, n.d.)

According to the Cairo Declaration, Potsdam Proclamation, and Japanese Instrument of Surrender, the United States and the United Kingdom pledged along with Japan that Taiwan and the outlying Penghu Islands would be restored to the ROC. Therefore, following the victory of the Allies in World War II, the ROC government began exercising its sovereignty over Taiwan on October 25 1945, by accepting a document of surrender from the Japanese army, declaring the restoration of Taiwan as an integral part of the ROC's territory, and restoring ROC citizenship to the people of Taiwan and Penghu. Additionally, establishing a provincial

government and arranging elections to choose representatives of the people. Taiwan and Penghu have thus, been a part of the ROC's sovereign territory since 1945.

The 26th session Resolution 2758 of UN

On October 25, 1971, the UN General Assembly passed United Nations Resolution 2758 (XXVI) stating that the People's Republic of China is the only legitimate government of China. The resolution replaced the ROC with the PRC as a permanent member of the Security Council in the United Nations. This Resolution was passed in response to the United Nations General Assembly Resolution 1668 that required any change in China's representation in the UN to be determined by a two-thirds vote referring to Article 18 of the UN Charter. Recalling the principles of the Charter of the United Nations: "Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council" (American Institute in Taiwan, n.d.).

1992 Consensus

The 1992 Consensus was a verbal agreement between China and Taiwan on the One China principle. The meeting was held on November 1992 in Hong Kong. It was between the Association for Relations across Taiwan Straits, headed by Wang Daohan of China and the Straits Exchange Foundation (SEF) of Taiwan, led by Koo Chen-fu ("1992 Consensus" on "one-China" principle, 2004). The SEF suggested that both sides would adhere to the "one China" principle but reserve rights to interpret the term "one China" differently. This suggestion gave rise to the so-called "One China, different interpretations" concept, one that is later termed "1992 Consensus" by the SEF former official Su Chi (Lin, What is the "92 Consensus?" Analysis of major players' views and implications for future cross-Strait relations, 2008). Beijing refused to sign on to the SEF's proposal of "One China, different interpretations." In response to the SEF's suggestion, the ARATS agreed to the SEF's suggestion of stating the 'One China Principle,' but both sides were to pursue reunification without talking about the political meaning of 'One China' when negotiating over policy affairs of mutual interests (Lin, 2008).

Further talks held in Hong Kong evaluated on to how the SEF was to express the One China principle. It therefore, proposed 8 formulas to display its spirit of mutual understanding. Out of an earnest desire to solve the problem, the ARATS immediately gave a positive response and made matching concessions, agreeing that both sides could express the one China principle

through oral declarations and confirming the specific contents of the oral declarations through letters (Shiquan, 2001). A Summary of the Wang-Koo Talks published by the SEF in August 1993 stated that the consensus reached by ARATS and SEF were quite clear: both sides had worked hard to seek common points while reserving differences in explaining the political content of one China ("1992 Consensus" on "One-China" principle, 2004).

Taiwan's approach to Chinese intrusion

The 2020 Taiwanese democratic elections ended in Tsai Ing-wen of the ruling Democratic Progressive Party winning the presidential elections and retaining its legislative majority. She defeated Han Kuo-yu of the Chinese Nationalist Party or Kuomintang (KMT) and commanded 57 percent of the votes. Ever since her election campaign, the party had undergone pressure from the Chinese government. Taiwan's major political parties are opposed to de-Sinification and are sceptical of PRC's plan regarding Taiwan. On 2nd January 2019, Xi Jinping restated the core PRC position on Taiwan in a speech. He stressed for peaceful unification under "One Country Two Systems" (Templeman, Taiwan's January 2020 Elections Prospects and implications for China and the United States, 2019). Tsai responded to Xi Jinping within hours, denouncing his definition of the One-China Principle and asserting that the "vast majority of Taiwan-ese . . . resolutely oppose" OC2S (One Country Two Systems). The forcefulness of her rebuttal, and the attention and support across party lines that it received in Taiwan has caught PRC off guard (Templeman, How Taiwan Stands Up To China, 2020).

Tsai administration has been effectively responding to such challenges by setting measures to squash disinformation, ban government procurement of Chinese communications technology, including services and equipment from Alibaba, Huawei, and Lenovo as well as banning the online-meeting app Zoom. The Ministry of Foreign Affairs Republic of China (Taiwan), state Taiwan as a democratic nation, which enjoys full statehood but is widely commended by the international community and is not part of China nor has ever been under the jurisdiction of the Chinese government. It further states: "Taiwan's sovereignty belongs to the Taiwanese people, and only their democratically elected government can duly represent them. These objective facts will not change even under China's relentless bullying" (From Public Diplomacy Coordination Council, 2019).

The Taiwanese government also rejects the 1992 Consensus as asserted by PRC. They state that Taiwan did not agree with the Mainland's "One China" principle; rather it suggested "One

China with respective interpretations" (Mainland Affairs Council Republic of China (TAIWAN), 2015).

At the Global Taiwan Institute Annual Symposium on October 5th 2022, President Tsai Ing-wen expressed the Taiwanese government's commitment to working with like-minded partners worldwide to defend freedom and democracy. She also stated how China's persistent military activity undermined the Taiwan Strait status quo and encroaches upon Taiwan's sovereignty threatening peace and stability of the Indo-Pacific region (Taiwan Today, 2022).

The re-election of Tsai Ing-wen and the DPP was a significant setback for Xi Jinping's Taiwan policy. Taiwan's democracy stood up well to a relentless CCP pressure campaign intended to sway the outcome of the 2020 elections.

Taiwan's Status as an Independent Nation

Historically, Taiwan was not incorporated as a province of China until 1885. The Chinese claim to Taiwan is compelling given the Cairo as well as the Potsdam Declarations. The declarations as convened by the United States, United Kingdom, Soviet Union, and China stated that Taiwan would be given to China after the defeat of Japan. But these declarations were not binding to its members (Allied). The argument continues to observe that Taiwan at that time was legally part of Japan and its status would only be changed by Japan as per the San Francisco Peace Treaty of 1951. The question of Taiwan's status and jurisdiction, Article 2 of the San Francisco Peace Treaty stipulates that "Japan renounces all right, title and claim to Formosa and the Pescadores." On April 28, 1952, in accordance with the stipulations of the San Francisco Peace Treaty, the Treaty of Peace between the Republic of China and Japan (also known as the Treaty of Taipei) was signed between the Nationalist government and Japan. The Treaty of Taipei, in dealing with the question of territory, stipulates in its Article 2 a reconfirmation of the statement in the San Francisco Treaty, saying: "It is recognised that under Article 2 of the Treaty of Peace which Japan signed at the city of San Francisco on 8 September 1951 (hereinafter referred to as the San Francisco Treaty), Japan has renounced all right, title, and claim to Taiwan (Formosa) and Penghu (the Pescadores) as well as the Spratley Islands and the Paracel Islands" (Cheng-jung, *The San Francisco Peace Treaty and the Lack of Conclusions on Taiwan's International Status*, 2001). Hereby there is no mention under whose jurisdiction Taiwan would be under and therefore, its status remains undefined. It is observed that, even if the Allied declarations were binding, they indicated specifically that Chiang Kai-shek's Republic of

China, then still in power in China, would be the recipient of the territory. It is not clear that the P.R.C. could succeed to the R.O.C.'s claim in this regard since the R.O.C. government is still in existence. (Carolan, 2000)

Another argument in favour of Taiwan comes from the Crimea (Yalta) Conference of 1945. The future of Taiwan was partly determined in this Conference. Under the “Territorial Trusteeship” of “World Organizations” of Protocol Proceedings it read: “the acceptance of this recommendation is subject to its being made clear that territorial trusteeship will only apply to (a) existing mandates of the League of Nations; (b) territories detached from the enemy as a result of the present war” (Yalta Conference Agreement, Declaration of a Liberated Europe, 1945). According to this agreement, Formosa, the Pescadores, and other Japanese colonies should be placed under trusteeship after World War Two, because the Cairo Conference decided to strip them off from Japan (Kiantek, 2000).

This indicates to look into the future of Taiwan according to the aims and principles as laid down by the UN Charter. These principles are of self-determination by its inhabitants, by means of a public referendum, which would ask about the direction desired by the inhabitants of the region, before a verdict can be reached. Charter of the United Nations Article 77 (1945) confirmed Crimea Agreement by regulating that “The trusteeship system shall apply to such territories as...b. territories which may be detached from enemy states as a result of the Second World War.” This meant Taiwan should be put under trusteeship after the War (Kiantek, *The True Legal Status of Taiwan*, 2000). Further, United Nations Charter Article 76 lay down The basic objectives of the trusteeship system, one being- “to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement” (United Nations, n.d.). Thus, both Charters of the UN stipulate Taiwan for having documented evidence for self-determination.

The question for self-determination is crucial, mainly because of the Chinese assertion and claim for Taiwan being part of the People’s Republic of China. The United Nation Charter as per Article 4 states that the admission of any state to membership in the United Nations will be affected by a decision of the General Assembly upon the recommendation of the Security Council. There is no consistency and coherence in the definition, criterion and attributes of

“state” adopted by the U.N. Security Council for the purpose of membership. It also satisfactorily meets the Montevideo criteria which stipulates that state as an international juristic person should possess (a) a Permanent population (b) a defined territory (c) a stable government and (d) capacity to enter into relations with other states (University of Oslo, n.d.). Also, it meets the other criteria such as Democracy and State responsibility. Taiwan has control over its internal affairs (Domestic sovereignty) and is able to keep outsiders from operating within its borders or influencing internal decisions (Westphalian sovereignty) (SV, 2008). Undoubtedly Taiwan fulfils those conditions set by the UN Charter.

But, a political entity, which has the four qualifications prescribed in the Montevideo Convention, does not become a state unless and until it declares that it is a state. This requirement is derived from international custom. In state practice, such a declaration may take a formal or an informal form (Chiang, 1999).

Events Advocating Taiwan’s Status as Sovereign Nation

The Battle of Kuningtou/ Guningtou (Oct 25, 1949- Oct 27, 1949)

The Battle of Kuningtou was fought over Kinmen in the Taiwan Strait during the Chinese Civil War in 1949 (Google Arts and Culture (source has been deleted), n.d.). After the Kuomintang government under Chiang Kai-shek was defeated from mainland China, they relocated to Taiwan along with 1.2 million people. On October 25th 1949, the Communist Party of China tried to take over Kinmen, located in the north-western coast of the island. But they were defeated by the ROC forces and martial law was declared in Taiwan until 1987 (History, n.d.).

For Chiang Kai-shek and the Nationalists, the victory secured their stance on Taiwan from Communist invasion and invigorated their cause after a succession of defeats during the previous year (Chen, n.d.).

Therefore, the Battle of Kuningtou indicates the defeat of CCP and ROC’s right over Taiwan.

Taiwan’s entry into ICAO (1976)

The Convention on International Civil Aviation, drafted in 1944 by 54 nations, led to the creation of the International Civil Aviation Organization (ICAO). It was established to promote cooperation and “create and preserve friendship and understanding among the nations and peoples of the world” (The History of ICAO and the Chicago Convention , n.d.). Taiwan was

able to gain a seat at ICAO in the year 1976 (United States Government Publishing Office , 2014). Taiwan's call to be included in ICAO has been increasingly recognized by the international community as an important stakeholder in the international aviation community (Kwo-tsai, Why ICAO Needs Taiwan, 2022). It calls to question USA's interest in the region. Taiwan entry into ICAO would provide US with real time air safety information, especially those emanating from China and the Taiwanese Strait.

1995-1996 Taiwan Strait Crises

The root cause of the crises started on 22 May 1995, when the Clinton Administration announced that President Lee Teng-hui would be granted a visa to visit Cornell University from 8-12 June 1995. While ostensibly a private visit, this was to be the first time a President from the Republic of China on Taiwan had set foot on American soil. China was opposed to Lee's visit and had received repeated assurances from the US State Department that it would not be allowed. These assurances were passed on to President Jiang Zemin by Chinese Foreign Minister, Qian Qichen. In early May 1995, the US Congress passed majority resolutions urging President Clinton to allow Lee to make a private visit to Cornell because he was 'the President of a model emerging democracy and America's fifth largest trading partner'. For Taiwan, in its contest with China for the hearts and minds of the US Congress, the decision was a great moral victory. Lee Teng-hui said it was Taiwan's 'most remarkable achievement' and it would bring international attention to the separate existence of the Republic of China on Taiwan. Chinese leaders were furious, and perplexed, by America's green light for the Lee visit (Klintworth, The content has been archived). During the ten months following Lee's visit to Cornell, the United States and China reopened their difficult negotiations over U.S. policy toward Taiwan. The negotiations reached a climax in March 1996, when China displayed a dramatic show of force consisting of military exercises and missile tests targeted near Taiwan, and the United States responded with an equally dramatic deployment of two carrier battle groups. The 1995–96 Taiwan Strait confrontation was the closest the United States and China had come to a crisis since the early 1960s. It saw the era of a new regional order and became a turning point in post–Cold War U.S.-China relations. The confrontation continues to influence Chinese and American security policies and the bilateral relationships between the United States, China, and Taiwan (Ross R. , 2009).

The year 1996 also saw the first official direct presidential elections for the ROC wherein KMT's Lee Teng-hui won the elections and officially took the position of being the president of Republic of Taiwan (Government Portal of Republic of China, n.d.).

America's Strategic Ambiguity on the China-Taiwan issue

The US has been ambiguous in its position on the China-Taiwan issue. They have a functional relation with Taiwan as well as official formal relations with China. Relations between the two states took a major turn after they undertook 3 major joint statements called the Joint Communique.

The Joint Communique

1. Joint Communiqué of the United States of America and the People's Republic of China/ Shanghai Communiqué (February 28, 1972). In 1972, US President Richard Nixon visited the People's Republic of China and established the framework within which relations between the two countries would progress. The two sides agreed on normalizing relations, respecting sovereignty and non-interference in the internal matters of other States (Asia for Educators, Weatherhead East Asian Institute, Columbia University, n.d.). The United States formally acknowledged that "all Chinese on either side of the Taiwan Strait maintain there is but one China". They also recognized Taiwan as part of China and 'reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves' (Wilson Centre, Digital Archive, International History Declassified , 1972).
2. Joint Communiqué on the Establishment of Diplomatic Relations (January 1, 1979)
The United States of America and the People's Republic of China in this Communique agreed to recognize each other and formally established diplomatic relations from January 1, 1979. The US proceeded by recognizing the Government of the People's Republic of China as the sole legal government of China. Within this context, the people of the United States also sought to maintain cultural, commercial, and other unofficial relations with the people of Taiwan (Choices Program, Brown University, n.d.).
3. Joint U.S.-China Communiqué (August 17, 1982)
This Communique reaffirmed the statements made about the Taiwanese issue in the previous communiqué. It re-enforced the statement on respecting each other's sovereignty and territorial integrity and non-interference in each other's internal affairs. Although no definitive conclusions were reached on the issue of arms sale to Taiwan, the United States declared its intent to continue selling arms to Taiwan and to gradually

change its level of arms sales consistent with the PRC's militarization of the Taiwan Strait. It declares, "US government states that it does not seek to carry out a long-term policy of arms sales to Taiwan that its arms sales to Taiwan will not exceed, either in qualitative or in quantitative terms" (Portland State University, n.d.)

The Taiwan Relations Act (April 10, 1979)

The Taiwan Relations Act was passed by the US Congress and signed into law by the President within just three months after the Joint Communiqué on the Establishment of Diplomatic Relations between US and China. It calls in to "preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other people of the Western Pacific area" (Congress.gov, n.d.). The Taiwan Relations Act has played an indispensable role in shaping American policy toward Taiwan and US strategy in Asia. It has been an effective policy in matters of safeguarding security and commercial interest of the US. Over the past 20 years, the Taiwan Relations Act has allowed the United States to preserve peace, promote freedom, and maintain flexibility in balancing its relations and interests with governments on both sides of the Taiwan Strait (Yates, 1999). Enabling the American Institute in Taiwan (AIT) alongside the Taiwan Relations Act has created a space for partnership and friendship between the US and Taiwan in terms for it to prosper in the absence of diplomatic relations. (By authorizing the American Institute in Taiwan (AIT) and other provisions, the Taiwan Relations Act created a framework for relations between the U.S. and Taiwan which has enabled their partnership and friendship to thrive in the absence of diplomatic relations.)

The "Six Assurances" to Taiwan (July 1982)

In 1982, during negotiations for the third United States - China Joint Communiqué on Arms Sales to Taiwan, the Taiwanese government presented the United States with six points that were guidelines for USA-Taiwan relations. According to former Ambassador John Holdridge, the United States agreed to these points and later on July 1982 informed the Congress of the agreement. The six points were:

1. The United States would not set a date for termination of arms sales to Taiwan.
2. The United States would not alter the terms of the Taiwan Relations Act.
3. The United States would not consult with China in advance before making decisions about U.S. arms sales to Taiwan.

4. The United States would not mediate between Taiwan and China.
5. The United States would not alter its position about the sovereignty of Taiwan which was, that the question was one to be decided peacefully by the Chinese themselves, and would not pressure Taiwan to enter into negotiations with China.
6. The United States would not formally recognize Chinese sovereignty over Taiwan. (Taiwan Document Project, n.d.).

One China Policy

These Joint Communiques as mentioned above are indicative of USA's One China Policy. The United States One-China policy goes back at least to 1900, but its focus has varied according to circumstances. The United States recognizes the PRC as the sole legal government of China, acknowledging the Chinese position that Taiwan is part of China. But it does not recognize Chinese sovereignty over Taiwan. Thus, the United States tries to maintain formal relations with the PRC and has unofficial relations with Taiwan. The 'One China' policy has subsequently been reaffirmed by every new incoming U.S. administration. The existence of this understanding has enabled a sense of stability in the Taiwan Strait, allowing both Taiwan and mainland China to pursue their extraordinary political and socioeconomic transitions in relative peace. The United States does not agree with Beijing's claim to sovereignty over Taiwan, nor does it agree with Taipei that the ROC is an independent, sovereign state (Green, 2017).

Five key documents stand out among U.S. policy statements on Taiwan. Among these, since 1979, the Taiwan Relations Act (TRA) has had bipartisan support in guiding the policy with a firm foundation and flexible framework for the maintenance of the relationship with Taiwan.

- Shanghai Communique of 1972
- Normalization Communique of 1979
- Taiwan Relations Act (TRA) of 1979
- Six Assurances to Taipei of 1982
- August 17 Communique (on arms sales) of 1982.

Successive administrations have generally maintained the long-standing U.S. policy with few changes in some important areas.

The U.S. 'One China' policy has differed from the PRC's principle on 'One China,' and there have been questions about whether U.S. policy is one of support, non-support, or opposition to unification or independence. In short, U.S. policy has stressed the process of peaceful resolution, cross-strait dialogue, with the assent of Taiwan's people, and no provocations or unilateral changes by either side (Kan, 2011).

Analytical Perspective Stipulating PRC's Sovereignty over Taiwan

After analysing the legal documents and history of both the countries, it could be said Taiwan is not legally part of China as the Communist regime claims, as well as the idea they are projecting out in the international forum. Taiwan is indispensable for China because of its geological location, which, if acquired would increase its influence and power in the South China Sea, thereby threatening power plays especially for the USA.

The first stance, in favour of it not being part of Taiwan comes directly from history. The aboriginals of Taiwan were Austronesians who were closely related to the Philippines. It was only when the Dutch colonised the land in 1622 did they resort to employing thousands of Chinese sojourners and traders. Taiwan was then passed on to the Ming and Qing dynasties and later the integrated Republic of China. But soon after Taiwan was colonised by the Japanese. After Japan's defeat, legal documents were signed to give back Taiwan to the Republic of China. The Civil war between ROC and the upsurging Communist party saw the defeat of the Kuomintang government. Chiang Kai-shek the leader of ROC relocated to Taiwan along with 1.2 million people. The Battle of Kuningtou/ Guningtou (Oct 25, 1949- Oct 27, 1949) further proves the victory for Chiang Kai-shek against the Communist invasion, thereby reinstating Taiwan as an independent nation. By 1996 the first official direct presidential elections were held wherein KMT's Lee Teng-hui won the elections and officially took the position of being the president of Republic of Taiwan.

Taiwan's stance on not being a sovereign part of PRC is not officially backed by the USA. But USA's ambiguity when it comes to China's stance on Taiwan has helped it to take bolder moves to advocate their independent status. Taiwan's entry into ICAO (1976), the 1995-1996 Taiwan Strait Crisis, the Taiwan Relations Act (April 10, 1979) and the "Six Assurances" to Taiwan (July 1982) are all agreements and initiatives made by the US to balance off China's stringent pursuit to overtake Taiwan.

The recent visit of Nancy Pelosi, Speaker of U.S. House of Representatives on the 2nd of August 2022 has created new geopolitical implications on US-China-Taiwan relations.

Beijing responded to the visit as a threat and have had military exercises around Taiwan; with Chinese aircraft intruding more frequently across the informal median line which defines the zone of operations on each side. They had sought to use their naval ships to cruise within the Taiwan Straits and around the island itself (Saran, 2022) . The Ministry of Foreign Affairs of the People's Republic of China gave out a statement condemning Pelosi’s visit to Taiwan as violating China’s sovereignty and territorial integrity, undermining the peace and stability of the Taiwan Strait, and thereby sending the wrong signal to those in Taiwan in favour of independence (Statement by the Ministry of Foreign Affairs of the People's Republic of China, 2022). The United States views Beijing’s response as an unwarranted escalation of coercion toward Taiwan and potential evidence of the mainland’s intent to pursue a future blockade or amphibious invasion. Long term, Beijing’s military exercises could set a precedent for increased military activity in the Taiwan Strait with greater show of force. Like prior cases of Chinese military escalation during sovereignty disputes, Beijing may be keen to leverage its higher threshold of military conduct to alter the status quo in the Taiwan Strait and seek a new normal of activities that would pull Taiwan closer (Paul Haenle, 2022).

So far, Pelosi’s visit has had little impact on the United States’ strategic ambiguity towards Taiwan. There have been no formal treaties, communiqués, nor were memorandums of understanding that brokered between the United States and Taiwan to bolster the existing 1979 Taiwan Relations Act. On top of that, Pelosi’s visit unnecessarily gave Beijing opportunistic justification to stage unprecedented military drills around Taiwan without having to incur the full force of international opposition (Anthony Toh, 2022).

Documents: Implications of Various Agreements

Year	Agreement/Memorandum	Implication
1945	Potsdam Declaration/Proclamation and Japanese Instrument of Surrender	Japan surrendered and the ROC government recovered Taiwan as its sovereign part.
1971	the UN General Assembly passed United Nations Resolution 2758 (XXVI)	UNGA recognised PRC as the legitimate government for the whole of China and replaces ROC with PRC as a permanent member of the Security Council.
1972	The 3 Joint Communique between USA and PRC	US President Nixon’s visit to PRC led to it formally recognising PRC and acknowledging One China (Taiwan being its part) along

		with reaffirming non-interference.
1979	The Taiwan Relations Act	Partnership with Taiwan in order to safeguard safety and commercial interest for the US.
1982	The "Six Assurances" to Taiwan	Gave Taiwan an assurance in ensuring that the US does not alter the Taiwan Relations Act along with other consensus related to arms sales and it not formally recognising its stance on One China

Even after signing the Joint Communique with the PRC, USA has shown ambiguity with its policies regarding Taiwan. This type of foreign policy is likely to keep both sides in a stalemate position. Either one pushing each other to take in a full hold on their stance on Taiwan would cause another world war. The question is, can Taiwan really gain independence? If this were to happen and the USA pushed for Taiwan’s independence, would it provoke PRC to send in forces across to claim its sovereignty which has been breached upon? PRC is stern about Taiwan being a sovereign part of China and any attempt to take away their territory would mean an attack on PRC. The Communist Party has very well put out statements to ensure its position and that such an attack would not be tolerated. Case being, if war breaks out, consequences for both sides would be greater with the advent of new dynamics like cyber and space coming into play. PRC has no ambit in its mind that Taiwan is its sovereign part. Therefore, it would not plan on an immediate invasion of Taiwan but seek to use, what Thomas Shelling describes as diplomacy of violence. The Chinese strategy is to take a lead on an uprising crisis, while seizing the opportunity to use it to their benefit, in such a way that it is difficult to solve and break through under normal circumstances (Centre For Strategic and International Studies , 2022). Thus, given USA’s ambiguity in its relation with Taiwan, it would not push its chances for a war with the PRC. The current global events would not support such a war and it would be unpredictable for both sides to ensure victory with such power politics. Unless, there is no provocation from either end, Taiwan’s position in the international forum would remain the same.

Conclusion

PRC sees Taiwan as its indispensable part and with its Anti-secession Law which was passed in 2005, there seems to be no room for negotiations. The law contains 10 articles which asserts

Taiwan's unification with mainland China, further stating, any secession movement on their part or there being no other way to ensure peaceful reunification, PRC would be forced to choose violence to achieve its goal (General Policy Archives(1994-2008), 2005). But opting for non-peaceful means would not guarantee China a win, given the staunch 'ambiguous' opposition from the US. It would bring the world's two largest nuclear powers in confrontation leading to another world war with no evident winners. The USA's position is to take a neutral stance but with recognition to the potential gains they could acquire from the situation. On one side with the 1st January 1972 agreement, they established official relations with PRC, recognised them as the sole representative of the whole of China and withdrew recognition to the Republic of China and shifted out their embassy from Taipei. But soon after, in the same year (1979), they signed the Taiwan Relations Act, contradicting their official claims on sole recognition of PRC. They partnered with Taiwan with the intent on keeping PRC's power in check, as well as to ensure their security and commercial interest in the Taiwan Strait. This ambiguous policy of the USA makes it easy for them to exploit the situation but the complexity of the matter has only created a web of unpredictable conditions.

Future conflicts between PRC, USA and Taiwan will continue unless a peaceful solution is brokered upon. This means, either side will have to negotiate and compromise their policies to ensure peace in the Taiwan Strait. One solution would be for Taiwan to accept China's 'One Country, Two System' but with a revised plan which caters to Taiwan's aspirations. The idea 'One Country, Two System' was first proposed in May 1960, by Chairman Mao and was changed a few times to accommodate the current Taiwanese reality. The policy now states to take special conditions with regard to Taiwan and accepts its capitalist system and way of life. It will remain unchanged for a long period of time until full and peaceful integration into the PRC is ensured (A policy of "one country, two systems" on Taiwan). This policy would only work if Taiwan and PRC sat for dialogue and discussed the provisions for such a system. Taiwan would not accept a full integration into Mainland China, so it would only be feasible for the PRC to compromise to remove this clause and declare Taiwan as a special administrative zone, which would mean, not a whole but partial integration.

Another solution, would be to formalise the '1992 Consensus'; revamp the consensus and put forth a suitable agreement between the two. The main issue with the consensus was the understanding on what 'One China' meant. On November 3, 1992, Taiwan suggested an oral release on the interpretation of 'One China' wherein, President Lee Teng-hui on 1st August 1992 stated them adhering to the one China principle but differing on the meaning of 'One

China' as insisted upon by PRC (The 1992 Consensus, 2015). This remained just a consensus and no official documents were signed instating the One China different interpretations resolution. Therefore, a discussion and dialogue to formalise a new '1992 Consensus' would prove to be a much better method to end this conflict peacefully.

The China-Taiwan conflict on India is uncertain and the government has been silent on the recent developments concurring from US House Speaker Nancy Pelosi's visit to Taiwan. When questioned on India's stance on the ongoing issue, Ministry of External Affairs (MEA) spokesperson Arindam Bagchi stated "We urge the exercise of restraint, avoidance of unilateral actions to change status quo, de-escalation of tensions and efforts to maintain peace and stability in the region. India's relevant policies are well-known and consistent. They do not require reiteration," India would be in a pickle as it has trade relations with both parties, with bilateral trade with Taiwan amounting up to \$5.7 billion in 2020 (Harsh V. Pant, 2022). India is also under constant military stress from China regarding the LAC. Thereby, India does not respond to issues pertaining to the China-Taiwan conflict as it is in its best interest. Even if war broke out, India is likely to opt out to join either side and would prefer to remain non-aligned.

Peaceful bilateral negotiations and compromise is the only way to reduce tension and conflict in the Taiwan Strait. The PRC seems to be comfortable in stretching out this conflict but this would only cause more harm and a higher risk for war to break out. This would affect the entire world and there might be unforeseeable destruction if not acted upon soon. China needs to take a step down and seek out its integration in a peaceful way keeping in mind the aspiration of the Taiwanese government and its people.

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