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THE CASE OF SELF-DETERMINATION FOR FORMOSA/TAIWAN

by

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Of the 14 million inhabitants on Taiwan, 12 million are native Formosans (Taiwanese) whose ancestors began to settle in Formosa four centuries ago from southeastern China to be free from authoritarian Chinese rule, and 2 million are Chinese, who fled to Formosa with Chiang Kai-shek in 1949 when the Chinese Communists took over the Chinese mainland.

During the seventeenth century, foreign powers, notably the Portuguese, Spaniards and the Dutch, as well as dissident Chinese forces, vied for control of the island. In 1683 the Ch'ing Dynasty of China nominally annexed Formosa and kept it under very loose control for about two centuries. In fact, in 1871 the Ch'ing government of China stated to Japan that Formosa was 'outside its jurisdiction' and thus it could not be held responsible for what Formosans had done to Japanese nationals in Formosa. Not until 1887 did the Ch'ing government proclaim Taiwan a province of China. But shortly afterward, defeated in the Sino-Japanese War of 1894-1895, China ceded Formosa to Japan. From 1895 to 1945, Formosa was ruled by Japan.

When Japan surrendered, the Allied Supreme Commander authorized the Nationalist Chinese authorities to accept the surrender of Formosa from the Japanese and to temporarily undertake military occupation of the island as a trustee on behalf of the Allied Powers, which took place on October 25, 1945. The subsequent atrocities, corruption, deprivations of human rights and maladministration of the Nationalist Chinese occupation authorities were such that Formosan rage exploded on February 28, 1947, after the Chinese police killed a Formosan woman for selling untaxed cigarettes. During the '2-28 Incident', as the event is remembered by Formosans,

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about 20,000 Formosan leaders were massacred in March, 1947, by the occupation forces and reinforcements sent by Chiang Kai-shek from the Chinese mainland. The Formosan leaders who survived either went abroad or underground to struggle for self-determination and independence for Formosa. Thus began the worldwide Formosan Independence Movement of today.

On January 21, 1949, at the height of the Chinese civil war between the Communists and the Nationalists, Chiang Kai-shek legally resigned as the President of the Republic of China, a post he assumed on May 20, 1948, in Nanking, and was succeeded by the Vice President Li Tsung-jen.

When Mao Tse-tung defeated the Nationalist Chinese (Kuo-mintang) forces in October 1949 and proclaimed the establishment of the People's Republic of China, Chiang Kai-shek fled with the remnants of his military and civilian personnel to Formosa. On March 1, 1950, Chiang Kai-shek unconstitutionally and illegally reimplemented himself on Formosa as the 'President' of the 'Republic of China' and the actual ruler of Formosa.

This was done against the wishes of the Formosan people and in defiance of the trust of the Allied Powers, for, at that time, Formosa was legally still a Japanese colonial territory under the Allied military occupation of 1945, as reaffirmed in the Japanese Peace Treaty of 1951. Under that treaty Japan renounced all her 'rights, title and claim' to Formosa but the Treaty did not specify any beneficiary. The sovereignty of Formosa was not transferred to either the so-called Republic of China or the People's Republic of China.

Only a mandate from the people living on Formosa could have justified the legitimacy of the continued rule of Formosa by Chiang's Nationalist Chinese regime. Knowing the free will of the Formosan people, the Chiang Kai-shek regime does not dare hold a plebiscite in Formosa. It has continued to occupy Formosa illegally by terroristic and police state tactics against the wishes of the Formosan people. The domination, subjugation and exploitation of the people of Formosa by the corrupt Chiang regime has made Formosa a de facto non-self-governing territory under the despotic rule of a foreign invader and aggressor. Formosa is a captive territory.

The exiled Nationalist Chinese regime represents neither the people of China nor the people of Formosa. Members of the three national congressional bodies, who were elected on the Chinese mainland in 1947 and 1948 for 3- and 6-year terms and later fled to Formosa, are still in office, in Formosa, without ever having been elected by the Formosan populace.

The Formosans comprise over 85% of the island's population yet are allowed only a 3% token representation in the three congressional bodies. 32 out of 1448 in the National Assembly (which elects the President and the Vice President), 17 out of 447 in the Legislative Yuan (in charge of legislation and appropriation), and

6 out of 74 in the Control Yuan (empowered to censure, impeach, audit, and give consent to certain key Presidential appointments).

Formosans have no civil rights. There is no freedom of expression and no freedom of association and assembly; the judiciary is under military domination; ex post facto laws are enforced for political acts committed prior to the passage of the prohibition statutes; there is no remission of punishment for political offences committed by persons under-age; leniencies are denied a political offender's family; and there is no parole for political offenders. In sum, there is a total denial of due process of law.

The 14 million people living on Formosa – a larger population than more than two thirds of the U.N. Member States – are self-sufficient and capable of managing their own affairs. They want to become masters of their own destiny and establish a free and independent country of their own.

The fundamental principle of self-determination embodied in the Charter has been affirmed and reaffirmed, applied and reapplied in many concrete cases since the United Nations came into being. In its Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960, Resolution 1514 (XV), the General Assembly declared, among other things, that :

(1) The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation; and

(2) All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

This Declaration, buttressed by numerous other Assembly resolutions and international practice, and the International Covenants on Human Rights adopted by the General Assembly in 1966 have solemnly established that :

All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (Article 1, Paragraph 1 of both Covenants).

A legally, politically and morally sound solution to Formosa's indeterminate status is to hold a plebiscite in Formosa under the auspices of the United Nations so that the Formosan people can freely express their will and determine their future.

Only when Formosa becomes free and independent can the China question be answered. There is only one China. When it fulfils the Charter requirements, it should be seated in the United Nations. There is only one Formosa, which should be free and independent.