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Introduction

Taiwanese scholar Wu Yushan has pointed out: “To interpret the process of cross-Strait interaction and future development, certainly the first step is to look for general theoretical rules applicable to relations across the Taiwan Strait, and then to analyze cross-Strait relations with the explanatory and predictive ability of the general theoretical rules.”¹ Nevertheless, cross-Strait relations are not only about issues and complexes left over by history but also conflicts and disputes brought by reality, compared with which words of theory appear to be pale and weak. Moreover, there is not even a single precedent to compare to cross-Strait relations in world history and reality. Thus, the theoretical models produced based on certain other political structures in comparative politics are flawed when used to interpret and predict cross-Strait relations.² The complexity of cross-Strait relations has determined the multistructural nature of the analytical method, especially for the issue of Taiwan’s participation in the international space. Sovereignty disputes are the most fundamental contradiction across the Strait.³ To resolve this contradiction, we need to find a path for Taiwan to participate in the international space in an orderly manner, which requires the boldness and courage of political figures as well as the wisdom and assistance of theories.

During the 8 years between 2008 and 2016, Taiwan and the mainland gradually resumed and expanded negotiations on specific issues, advancing toward the new structure of “governance across the Strait.”⁴ In 2012, the public opinion in Taiwan reaffirmed this change and offered time for more in-depth peaceful development of

¹ Wu Yushan, *Contending Approaches to Cross-Strait Relations*, in *Contending Approaches to Cross-Strait Relations*, ed. Bao Zonghe and Wu Yushan (Wu-Nan Book Inc., 2002), 5.

² For relevant criticism, see Shaw Chong-hai and Su Houyu, *Application of Theories in the Study of Cross-Strait Relations*, data source: www3.nccu.edu.tw/~chshaw/xmu_cor_th.doc, the last access time: January 20, 2019.

³ See Chang Ya-chung, *Issues of Sovereignty Between Mainland China and Taiwan*, Sheng-Chih Book Co., Ltd., 1998, 2.

⁴ See Zhou Yezhong and Zhu Jie, *Cross-Strait Governance: A Structure Being Formed*, *Law Review* 6 (2010).

cross-Strait relations. Taiwan and the mainland once had sufficient time and opportunities for promoting cross-Strait negotiations to develop from negotiations on specific issues to administrative negotiations and political negotiations, establishing a cross-Strait interaction mechanism, and ultimately resolving issues such as the political alignment of Taiwan and the mainland. That was an unusual period of strategic opportunity for the Chinese nation to resolve the issue of national reunification. However, on May 20, 2016, the transition of political power happened again in the Taiwan Region; elected as the leader of Taiwan, Tsai Ing-wen no longer recognized the “1992 Consensus,” which the mainland thought undermined the foundation of political mutual trust across the Strait and brought cross-Strait relations into a political impasse again.⁵ In terms of external relations, the Tsai Ing-wen authorities have adopted a series of “desinification” measures to open up the international space in a more independent name.

The task of this book is to conduct theoretical discussions to resolve the issue of Taiwan’s participation in international space and develop a potential solution with the possibility of realization, hoping to contribute to the resolution of the issue of Taiwan’s participation in international space.

Significance of the Study

With emphasis on the summarization of past historical experience, this book also strives to provide a set of general theoretical rules of realistic feasibility for interpreting and predicting the reality and prospect of Taiwan’s participation in the international space through the construction of a theoretical model. The significance of this study mainly includes the following:

First, finding the proper resolution of the issue of Taiwan’s participation in the international space and fulfilling Taiwanese people’s wishes for participating in the international community is conducive to cooperation across the Taiwan Strait and protection of the common interests of the Chinese nation in the international community. The participation of the Taiwan Region in the international space can be construed as a means for the Taiwan authorities and Taiwan independence supporters to advocate the so-called “Taiwan’s subjectivity,” but at the same time, Taiwanese people’s subjective wishes and objective needs for participating in the international space can also be recognized. Therefore, finding an appropriate method to properly resolve the issue of Taiwan’s participation in the international space in an orderly manner is of great significance for fulfilling Taiwanese people’s wishes to participate in the international space. How to join hands to protect the overall interests of the Chinese nation through an institutionalized path when the overall interests of the

⁵ See Zheng Zhenqing, Duan Zhezhe, and Yang Zishen, *Political Preference, Economic Interest, and Deterrence Perception—Influencing Factor Analysis of the Standpoint of Taiwanese People on the ‘1992 Consensus’ during the Tsai Ing-wen Administration*, *Taiwan Research Quarterly* 3 (2018).

Chinese nation represented by maritime interests are being harmed also requires an appropriate path for the Taiwan Region to participate in the international space.

Second, the issue of Taiwan's participation in the international space and the alignment of cross-Strait political relations are two sides of the same coin. Studying them as a whole is conducive to promoting their mutual adaptation and coordinated development and interaction. This book studies the issue of Taiwan's participation in the international space and the alignment of cross-Strait political relations as a whole. If the alignment of cross-Strait political relations is an internal affair across the Taiwan Strait, then Taiwan's participation in the international space is an issue created during the interaction of both sides with the outside world. Whether the Taiwan Region can participate in the international space and how it is going to participate depend on the degree of resolution of the alignment of cross-Strait political relations; meanwhile, the issue of Taiwan's participation in the international space serves as the best observation point in the alignment, which is also one of the motivating powers that promote the continuous deepening of the alignment of cross-Strait political relations. Thus, these two actually constitute "two sides of the same coin," and there is no need to separate them for discussion. Regarding Taiwan's participation in the international space and the alignment of cross-Strait political relations as a whole, this book attempts to promote their continuous mutual adaptation and coordinated development by probing into their relations.

Third, the Taiwan Region has already been participating in several international organizations in various names. Through this study, an analytical framework and solution will be provided to resolve the issues arising from the coexistence of the mainland and Taiwan in the same international organization. Undeniably, Taiwan's participation in the international space is already an objective reality, and the possibility of Taiwan participating in the international space in a proper name has also been affirmed by the mainland. General Secretary Xi Jinping once proposed that about the long-standing political differences across the Strait, within the one-China framework, we are willing to have consultations with Taiwan on an equal footing to make fair and reasonable arrangements; whatever ideas there are can be exchanged; many issues in the world cannot be resolved with a one-time effort, but so long as there are conversations, there is hope.⁶ During the Meeting between Xi Jinping and Ma Ying-jeou (Xi-Ma Meeting) at the end of 2015, Xi Jinping expressed: we understand the thoughts and feelings of Taiwan compatriots about the issue of participation in international activities, and we value and promote the resolution of many related issues; so long as it does not result in "two Chinas" or "one China, one Taiwan," both sides can make fair and reasonable arrangements through pragmatic consultations.⁷ At present, the mainland and Taiwan have coexisted in the same international organization in various names under increasingly more circumstances, and their political

⁶ Xinhuanet, *Xi Jinping: Compatriots Across the Strait Should Join Hands to Realize the Chinese Dream Together with a United Resolve*, data source: http://www.xinhuanet.com/politics/2014-02/18/c_119393683.htm, the last access date: January 18, 2019.

⁷ Xinhuanet, *Meeting Between Xi Jinping and Ma Ying-jeou*, data source: http://www.xinhuanet.com/politics/2015-11/07/c_1117071846.htm, the last access date: January 20, 2019.

differences have been carried over into the activities of international organizations, e.g., disputes between both sides over the translation of the “Chinese Taipei” delegation in 2008 and the attack and defense between both sides in the World Trade Organization (WTO) with regard to trade disputes, which have become an important part of cross-Straits intercourse. Realizing harmonious coexistence of both sides in the same international organization and more effectively achieving their respective goals of participation in international organizations according to the common rules followed by the international community and the constitutions of certain international organizations are of important significance for future intercourse between the mainland and Taiwan in the international community.

Fourth, the resolution of the issue of Taiwan’s participation in the international space necessarily requires sufficient theoretical evidence and system construction, which is why it bears positive significance for enriching and perfecting the theoretical systems of subjects, including law, politics, and the study of the Taiwan issue. A mainland scholar once proposed the concept of “Taiwan study”⁸ “to take dispersed studies of Taiwan-related issues to the research level of ‘Taiwan study’.”⁹ It is a rather far-sighted problem-oriented thinking to take studies of the Taiwan issue and cross-Straits relations to the level of a subject. Undeniably, the Taiwan issue as a problem and the study of cross-Straits relations necessarily involve the application of plenty of knowledge and methods of social sciences. The issue of Taiwan’s participation in the international space is a theoretical growth point of the current Taiwan issue and the study of cross-Straits relations. The resolution of this issue inevitably involves the application of mature knowledge of related subjects as well as innovation and breakthroughs of new theories. Therefore, the driving role played by this book can enrich related subjects and further augment the theoretical system of the Taiwan issue study. In this sense, this study not only provides countermeasures but also has features of dogmatics.

In conclusion, the issue of Taiwan’s participation in the international space is one of the cruxes of cross-Straits relations. Responding to, studying, and resolving this key problem and the resultant problem group is of important and far-reaching significance for constructing a framework for the peaceful development of cross-Straits relations and promoting harmonious intercourse between the mainland and Taiwan over a long period of time.

Study Paradigm: The “Strategy-Oriented” Study Paradigm

The issue of Taiwan’s participation in the international space must be imbedded in the background of cross-Straits relations. Likewise, the study of this issue must also be embedded in the study of cross-Straits relations. Scholars in the mainland and

⁸ See Chen Kongli, *Introduction to Taiwan Study*, Boyang Cultural Undertakings Co., Ltd., 2004.

⁹ Zhang Nianchi, *The Study of Taiwan is Additionally, a Science—Comment on Chen Kongli’s Introduction to Taiwan Study*, *China Review* (May 2006).

Taiwan have already recognized the study of cross-Strait relations as a *Xian Xue* [popular subject of study].¹⁰ Due to the “*Xian Xue*” effect of the study of cross-Strait relations, there have been an immense number of monographs and papers on cross-Strait relations in the mainland and Taiwan. Abundant discussions have been carried out on the abovementioned issue by scholars across the Strait based on their respective positions, and discussions on certain issues will be unfolded in this book during the elaboration of specific issues. In the following, a brief introduction is made to the study paradigm of academia across the Strait and the paradigm to be adopted by this book.

The paradigm is a theorized set of coordinates or compasses, the foundation for classifying or planning a certain scope of research. It determines the perspective of researchers and decides which questions are allowed, how to answer the specific questions proposed and the methods and means to resolve these questions.¹¹ The meaning of the “paradigm” concept for resolving the issues involved in this book lies in that the issues involved in the participation of the Taiwan Region in the international space have already formed a “set of phenomena”; the selection of viewpoints and perspectives for a phenomenon determines the degree of understanding of this phenomenon and its essence. A reasonable paradigm will help researchers pinpoint the most appropriate viewpoint and perspective and then grasp the essence of the issue of Taiwan’s participation in the international space more precisely and profoundly while providing theoretical support for the quest for an effective and accurate response.

The “position-oriented” paradigm is followed in existing studies within the scope of the mainland and Taiwan, i.e., Based on certain political positions, cross-Strait scholars preconceive results for their theoretical studies and then apply the research method of policy discourse or theoretical construction to obtain preconceived results based on political positions. Take relevant studies in Mainland China as an example. Based on the “one-China” stand, literature in the mainland about the issue of Taiwan’s participation in the international space can be divided into two schools: the first expounds on and discusses the basic viewpoints and policies of the Chinese government about Taiwan’s participation in the international space and endorses the policy discourse of political figures; the second comments on and criticizes the policies, opinions, and practices of Taiwan’s political figures and academia with regard to Taiwan’s participation in the international space. In fact, relevant literature in the Taiwan Region also reflects the “position-oriented” paradigm but is characterized by pluralistic positions due to a diversity of choices. Nevertheless, on the whole, Taiwanese scholars mainly carry out discussions from aspects including highlighting Taiwan’s “subjectivity” and demonstrating the necessity and feasibility of Taiwan’s participation in international space.

¹⁰ For the *Xian Xue* theory of mainland scholars, see *An Introduction to Taiwan’s Politics*, ed. Liu Guoshen (Jiuzhou Press, 2006), 1; for the *Xian Xue* theory of Taiwanese scholars, see *Between Homelands: Dynamic Opportunities for Developing Cross-Strait Relations*, ed. Shih Chih-yu (Hanlu Book Publishing Co., Ltd., 2003), 281.

¹¹ See Hans Poser, *Science: What is Science*, translated by Li Wenchao, Shanghai SDX Joint Publishing Company, 2002, 118–119.

The “position-oriented” paradigm has the advantage of academically strengthening the position held in the study and the disadvantage of being still weak in observation, analysis, and interpretation in terms of detailed system construction and strategy selection for the Taiwan Region to participate in the international space. Therefore, the so-called “position-oriented” paradigm is to a large extent a theoretical representation of a certain political position. Again, take relevant studies in Mainland China as an example. The majority of study results have indeed taken a correct political position with regard to the one-China principle; nevertheless, the proposed theoretical models and suggested countermeasures often become scholars’ monologues on policies, which are of limited help for resolving the issue of Taiwan’s participation in the international space. The same is also true for the study results of Taiwanese scholars, which are colored by self-imagination even more due to the pluralistic “positions” taken by Taiwanese scholars. For instance, judging from the cross-Strait reality, the viewpoint of “one China, two states” to settle the issue of cross-Strait political alignment and the viewpoint of “three seats across the Strait” to resolve the issue of Taiwan’s participation in the international space proposed by Chang Ya-chung have practically zero possibility of realization and are therefore merely scholars’ subjective imagination of “one-China” theories.

The stand taken by this book on the “position-oriented” paradigm is as follows: considering its relatively mature application in cross-Strait academic circles and the fact that this book is within the one-China framework both in theory and in practice, this paradigm must be upheld as a basic principle, while the “position-oriented” paradigm is the background of the study in this book. However, taking the “position-oriented” paradigm as the study background does not mean that this book will follow the train of thought of existing study results. Instead, the “strategy-oriented” paradigm is adopted. From the perspective of “position realizability,” the “strategy-oriented” paradigm reflects on and explores the question of how to realize a specific position in reality, rather than simply repeating or elucidating this position. The “strategy-oriented” paradigm can be understood from two aspects. First, a specific strategy serves a specific position. The “strategy-oriented” paradigm cannot do without the “position-oriented” paradigm; otherwise, the strategy will become water without a source and a tree without the root. Second, the “strategy-oriented” paradigm mainly studies how to convert the political position advocated in the “position-oriented” paradigm from political discourse to legal discourse and technical discourse and how to design a reasonable path for realizing the political position to promote the realization of political position and improve the acceptability of political position at the same time.

Study Method: The Method of Theoretical Construction

If we say the research paradigms of scholars across the Strait for the issue of Taiwan’s participation in the international space are basically the same—following the “position-oriented” pattern, then the research methods of cross-Strait scholars

regarding this issue have shown great differences. Research methods are sorted out on the basis of two observational directions: first, with specific microscopic methods as observation points, observe the application of specific methods, including literature review, comparative study, historical research, and normative research, which is the primary direction for observation; second, with macroscopic methodology and consciousness as observation points, observe the overall thinking, analytical framework, and argumentative structure of the issue of Taiwan's participation in the international space. The second observational direction has received relatively less attention from scholars across the Strait. More specifically, the second observational direction can be divided into "policy discourse" and "theoretical construction."¹² Based on the classification of "policy discourse" and "theoretical construction," in the following, the research methods of the literature will be evaluated and analyzed, and the research method of this book will be presented.

First, the research method of policy discourse refers to researching cross-Strait relations with the cross-Strait policies of the mainland and Taiwan as well as the cross-Strait policies of various countries (mainly the United States, Japan, and Europe) as the research object by analyzing the background of the introduction of these policies and their main content and development direction.

The literature with policy discourse as the main research method mostly revolves around speeches of official leaders as well as important policies and legal documents across the Taiwan Strait. Policy discourse is the most commonly used method by mainland scholars. In general, with a series of speeches on developing cross-Strait relations given by leaders of the Central Committee of the CPC (including Mao Zedong, Deng Xiaoping, Jiang Zemin, Hu Jintao, Xi Jinping, Zhou Enlai, Ye Jianying, Qian Qichen, Jia Qinglin, and Yu Zhengsheng) as the foundation, mainland scholars analyze the main spirit and development process of these speeches and make them the foundation and basis of research, interpret the cross-Strait policies of Mainland China, comment on relevant policies and viewpoints of the Taiwan Region, or forecast the development of cross-Strait relations. Due to the sensitivity of cross-Strait issues on the mainland, studies of Taiwan have been kept in "secrecy" on a long-term basis. Judging from the results published by mainland scholars, most are limited to the "repetition" of leaders' propositions, while studies in the true sense are still lacking. For unpublished studies by mainland scholars, due to difficulty in obtaining comprehensive and accurate data, a scientific judgment cannot be made in this book.

There are also many results of research on cross-Strait relations with the adoption of the policy discourse method in the Taiwan Region, among which the book *Cross-Strait Relations* authored by Taiwanese scholar Shaw Chong-hai is a typical representative. *Cross-Strait Relations* is a comprehensive treatise on cross-Strait relations by Shaw Chong-hai, consisting of 20 chapters, over 500,000 characters in total. Within the length of 500,000 characters, on the basis of speeches of leaders and relevant persons in charge and important statements across the Taiwan Strait, Shaw

¹² See Zhu Jie, *The Peace Agreement of the Both Sides Across the Taiwan Strait*, Hong Kong Social Science Publishing House, 2010, 4 and after.

Chong-hai conducted a panoramic exposition on the history, present, and future of cross-Strait relations from aspects including policies, negotiations, conflicts, communication, and prospect. Throughout the book, policy discourse is the main method, and thus the analysis of policies constitutes the main body of the book. Amid numerous volumes of literature on cross-Strait relations, Shaw Chong-hai combed out threads by the category of studies of cross-Strait relations, which provides full and accurate data for studies of cross-Strait relations. Meanwhile, despite the adoption of policy discourse as the methodology, the content of Shaw Chong-hai's research is not limited to the interpretation of policies; instead, it proposes a number of suggestions about the development of cross-Strait relations on the basis of policy interpretation. For instance: discussion on political alignment across the Strait, prospect of signing an agreement to terminate cross-Strait hostilities, feasibility of meeting between cross-Strait leaders, possibility of political negotiations across the Strait, and Taiwan's participation in the international space.

Second, theoretical construction is a methodology recently popular in the Taiwan Region for studies of cross-Strait relations. It first establishes a complete set of theoretical models in studies of cross-Strait relations, then analyzes cross-Strait relations with the explanatory power and predictive power of theoretical models, and predicts the development of cross-Strait relations. The above-cited exposition of Wu Yushan about "general theoretical rules" precisely epitomizes the importance of theoretical construction in studies of cross-Strait relations. Regarding the source of theories, the "theories" constructed mostly originate from politics, law, international relations, and economics—especially politics and international relations. The most representative research results include the "ideology of Cross-Strait relations" of Taiwanese scholar Chang Ya-chung and the book *Contending Approaches to Cross-Strait Relations* coauthored by nine Taiwanese scholars.

The three monographs of Chang Ya-chung—*Issues of Sovereignty Between Mainland China and Taiwan*, *On Integration Across the Taiwan Strait*, and *Globalization and Integration Across the Taiwan Strait*, published in 1998, 2000, and 2003, respectively, constitute his "overall ideology" about cross-Strait relations.¹³ Borrowing the sovereignty theory and the divided state theory, Chang Ya-chung's first monograph *Issues of Sovereignty Between Mainland China and Taiwan* proposes the "one China, two states" model for cross-Strait relations, which is the start of his "cross-Strait ideology."¹⁴ Borrowing the theories about integration formed during the process of European integration and German reunification (referred to as "integration theory" by Zhang), his second monograph *On Integration Across the Taiwan Strait* explores the solution to the issue of cross-Strait relations through the "integration" method, puts forward concepts including "China as a whole," "a third subject" and "three seats across the Strait," and preliminarily demonstrates the conception of concluding

¹³ See Chang Ya-chung, *Globalization and Integration Across the Taiwan Strait*, Linking Publishing Company, 2003, 23.

¹⁴ See Chang Ya-chung, *Globalization and Integration Across the Taiwan Strait*, Linking Publishing Company, 2003, 23; Chang Ya-chung, *Issues of Sovereignty Between Mainland China and Taiwan*, Sheng-Chih Book Co., Ltd., 1998, 117.

a “basic cross-Strait agreement” between the mainland and Taiwan.¹⁵ Based on the abovementioned two books, from the perspective of the security and development of the mainland and Taiwan in the context of globalization and utilizing the analytical methods of politics and international relations, his third monograph *Globalization and Integration Across the Taiwan Strait* proposes the idea of “governance across the Strait” and further reinforces the concepts proposed by Chang Ya-chung, including “China as a whole” and “cross-Strait integration.”¹⁶ In fact, Chang Ya-chung’s “ideology of cross-Strait relations” is a theoretical discussion based on the theories and experience during the process of European integration and German reunification, and the origins of most of his concepts can be found in European integration and German reunification. Nevertheless, cross-Strait relations are completely different from the relations between two Germanies, and the European Union model is not entirely applicable to cross-Strait relations. Therefore, the abovementioned opinions of Chang Ya-chung lack the foundation for implementation in the reality of cross-Strait relations. Nevertheless, Chang Ya-chung has proposed a relatively complete theoretical system of cross-Strait relations and offered constructive suggestions targeting the development of cross-Strait relations on the basis of this theoretical system. Thus, his contribution to the study of cross-Strait relations is constructive and positive.

The book *Contending Approaches to Cross-Strait Relations*, which is compiled by nine Taiwanese scholars studying cross-Strait relations, including Bao Zonghe and Wu Yushan,¹⁷ introduces theories of cross-Strait relations from different theoretical perspectives. Most of the theoretical viewpoints held in this book stem from theories of international relations, and the title “Contending Approaches to Cross-Strait Relations” also directly comes from the book *Contending Approaches to International Relations*. In addition to theories of international relations, this book also utilizes political, economic, sociological, and psychological theories, including integration theory, divided state theory, power asymmetry model, vote maximizing model, state and society theory, psychology and game theory, to conduct in-depth discussions on the “cross-Strait interaction dimension,” “domestic politics dimension,” and “international environment dimension” in the study of cross-Strait relations from different perspectives.¹⁸ A forest of opinions stands in this book, which is of great reference value to the study of cross-Strait relations, especially the analysis and verification of cross-Strait relations on the theoretical level.

The dependency of the Taiwan issue and cross-Strait relations on policy determines the effectiveness of the policy discourse method in the study of cross-Strait relations. However, the study of cross-Strait relations mostly through interpreting

¹⁵ See Chang Ya-chung, *On Integration Across the Taiwan Strait*, Sheng-Chih Book Co., Ltd., 2000.

¹⁶ See Chang Ya-chung, *Globalization and Integration Across the Taiwan Strait*, Linking Publishing Company, 2003.

¹⁷ See Bao Zonghe and Wu Yushan ed., *Contending Approaches to Cross-Strait Relations*, Wu-Nan Book Inc., 1999.

¹⁸ The three directions constitute the general framework for the study of cross-relations proposed by Wu Yushan in the first chapter of his book. See Wu Yushan, “Contending Approaches to Cross-Strait Relations” in *Contending Approaches to Cross-Strait Relations*, ed. Bao Zonghe and Wu Yushan (Wu-Nan Book Inc., 1999), 5–25.

policies and repeating leaders' speeches has at least three shortcomings. First, the resulting confusion of academic discourse with policy discourse obscures the facilitating effect of theory in cross-Strait relations. Second, policy discourse is usually characterized by immediacy. Even though it plays a guiding role in cross-Strait relations over a certain period of time, due to a lack of predictability over the long term, the results of studies conducted with policy discourse are inadequate for the prediction of cross-Strait relations. Third, policy discourse is basically proposed based on a certain political position; therefore, literature with the application of the policy discourse method mostly follows the "position-oriented" paradigm, resulting in the inadequacy of results in adaptability to cross-Strait relations and realizability. In this light, under the premise of adhering to relevant central policy toward Taiwan as the general policy, this book attempts to utilize the method of theoretical construction to overcome the shortcomings of the policy discourse method and form a theoretical model for the alignment of cross-Strait political relations and the study of the issue of Taiwan's participation in the international space.

The general train of thought of this book in utilizing the theoretical construction method is as follows: first, rely on relatively mature theories of politics, law, international relations, etc. to construct a theoretical model, instead of coining groundless "theories" that are "astonishing remarks made on purpose"¹⁹; second, verify the theoretical model with facts of cross-Strait relations to prove its effectiveness, during which process the verification of theoretical model is supported by the method of policy discourse; in the end, analyze and predict the development trend of cross-Strait relations with the verified theoretical model and offer countermeasures and suggestions accordingly.

¹⁹ "Astonishing remarks made on purpose" is the comment of Wang Pengling on *The Commonwealth of China* model proposed by Tao Baichuan, Zhou Yangshan, etc. See Wang Pengling, "Commonwealth Theory and Two States Theory," *Lianhe Zaobao* (April 29, 2000).

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Chapter 1

Origin: The Issue of Chinese Representation in Making Peace with Japan



The issue of Taiwan's participation in the international space is one left over by the Chinese Civil War yet with a profound international background, which can be traced back to the arrangement made for Taiwan in the *Treaty of Shimonoseki*. However, according to the arrangement for Taiwan's international standing before the 1950s, Taiwan had been a part of a certain country and was never regarded as an "independent country." The origin of the issue of Taiwan's participation in the international space should date from making peace with Japan in the 1950s.

1 Outline of Historical Facts of the Chinese Representation Issue in Making Peace with Japan

After World War II, the conclusion of peace between various allied states and Japan was not only necessary for implementing the gist of all previous declarations to Japan during wartime and clarifying the status of Japan as a nation but also constituted an important event establishing the pattern in the postwar Far East.¹ After the establishment of the People's Republic of China in 1949, different views appeared in the international community as to who was more entitled to represent China to make peace with Japan, i.e., The "Chinese representation" dispute in making peace with Japan. As the pattern of the postwar Far East was not yet formed, the issue of Chinese representation along with the issue of Taiwan's status became the pivot for the United States to shape the postwar pattern in the Far East. The Chinese representation issue was also among the main political disputes between the mainland and Taiwan (hereinafter referred to as the "two sides") before 1992. Making peace with Japan is a historical event during which the two sides showed their respective viewpoints, propositions, and strategies about the Chinese representation issue for

¹ Shen Zhihua, "Sino-Soviet Alliance, Korean War, and Japanese Peace Treaty—The Trilogy of Cold War Pattern in East Asia and Its Interaction", *Social Sciences in China* 5 (2005).

the first time in the international arena and an important opportunity for observing the attitude of each major country toward the Chinese representation issue in the early years of the Cold War. With the help of the main countries involved in the declassification of documents, when discussing the Chinese representation issue in making peace with Japan, academia is no longer confined to discourses made up with ideology but is capable of revealing the original appearance of history more objectively and completely. Since there has been quite a number of works on these historical facts already, this book will not go into the facts in detail but rather make use of literature to give a brief account of the generation, evolution, and shelving of the Chinese representation issue in making peace with Japan as follows:

The allied states began to study peace-making with Japan as soon as World War II came to an end, but the issue of Chinese representation did not appear until gradually after the situation of the Chinese Civil War became clear in 1948 and the establishment of the People's Republic of China on October 1, 1949. Out of consideration for its national interest in the Far East, the United States prevented the People's Republic of China from participating in making peace with Japan, while both the Soviet Union and the United Kingdom maintained that the People's Republic of China should be the sole legal government of China to participate in peace making with Japan. After the outbreak of the Korean War, the United States intervened in affairs across the Taiwan Strait again and set forth the "seven principles of making peace with Japan" on September 11, 1950, among which the principle of the "undetermined status of Taiwan" was established. From April 17–23, 1951, the United States and Japan reached a consensus, and Japanese Prime Minister Shigeru Yoshida promised orally that Japan would not sign a peace treaty with the People's Republic of China. From June 4–14, the "Dulles-Morrison agreement" was reached in London between British and American representatives; the United Kingdom compromised with the United States, agreeing that China will not participate in peace making with Japan, and Japan shall decide its attitude toward China at its sole discretion after the conclusion of treaty. On August 13, on the basis of the "Dulles-Morrison agreement", the United Kingdom and the United States completed the draft of the peace treaty with Japan. The draft excluding China from participating in peace making with Japan was objected by both sides as well as countries such as the Soviet Union. From September 4–8, 1951, the peace conference was convened in San Francisco, during which the *Treaty of Peace with Japan* was signed without the presence of Chinese representatives, and the principle of the "undetermined status of Taiwan" was defined. On September 18, on behalf of the Chinese government, Zhou Enlai issued a statement regarding the *Treaty of Peace with Japan*, making it clear that China refused to accept the Treaty. After the conclusion of the *Treaty of Peace with Japan*, based on the opinion of the United States, Japan chose Taiwan as the object of peace making. On January 16, 1952, Japan and the United States published the "Yoshida Letter" and established the principle of the "Japan-Taiwan Treaty", which refused to recognize the legitimate rights and interests of the People's Republic of China and limited the scope of application of the "Japan-Taiwan Treaty" to the Taiwan Region

under the actual control of the KMT government,² foreshadowing the splitting of China. On April 28 of the same year, the “Japan-Taiwan Treaty” was signed between Japan and the KMT government.

The game played by the great powers, including the United States, the Soviet Union, and the United Kingdom, around the postwar pattern in the Far East and the need for Japan to restore its international status are the main reasons why Chinese representation was eventually laid aside during peace-making with Japan. Nevertheless, during this history, which has already been revealed quite clearly, some questions still remain unexplained: (1) It is understandable that the United States denies the Chinese representation by the People’s Republic of China due to ideological differences, the need for confronting the socialist camp in the Far East, and the outbreak of the Korean War; however, why would it reject Chinese representation by the KMT government as well and arrange for the “Japan-Taiwan Treaty” to be signed between Japan and the KMT government in the end? What is the intention behind such seemingly contradictory behaviors? (2) As a main ally of the United States, why did the United Kingdom disagree with the United States on the issue of Chinese representation to the extent that the dispute between them and its solution even became the proximate cause for laying aside the Chinese representation issue? What was the reason why the United Kingdom supported the People’s Republic of China to represent China? And why did it give up in the end? (3) At the time the KMT government in Taiwan had always advocated its “legitimacy” and “representation” of China, why did it eventually accept the plan of the United States and gave up attending the peace conference in San Francisco? How did it handle the Chinese representation issue when concluding the peace treaty with Japan separately? (4) How can we observe the arrangement of Taiwan’s status in the *Treaty of Peace with Japan* and the “Japan-Taiwan Treaty” from the perspective of Chinese representation? How much say did Japan have in this issue? And so on. A reasonable explanation of the abovementioned questions is of important theoretical value to understanding cross-Strait disputes over Chinese representation and observing the attitude of each great power. After the 1990s, the intention of the Taiwan Region to participate in the international space gradually intensified, and the *Treaty of Peace with Japan* as well as the “Treaty of Taipei” (hereinafter referred to as the “Japan-Taiwan Treaty”) again became the focus of attention of various parties, while the effect and scope of application of these two documents are associated with the Chinese representation issue at the time. Therefore, the study of the Chinese representation issue in making peace with Japan after World War II is of not only historical significance but also extremely important realistic significance.

² After retreating to Taiwan, the Kuomintang government still kept the name of the “National Government of the Republic of China.” The academia of the mainland often refers to the “National Government of the Republic of China” after 1949 as the “Taiwan authorities.” However, considering that the issue being discussed in this book is “Chinese representation”, to avoid misunderstanding by readers, in this chapter the “National Government of the Republic of China” is referred to as the “KMT government.” It is hereby noted that this form of address does not constitute a comment on the role of the KMT in cross-Strait relations.

2 Explanatory Framework for the Issue of Chinese Representation

In the literature, the explanatory framework for the Chinese representation issue in making peace with Japan is established based on the constructivist method by most scholars, i.e., Attributing the origin and evolution of the Taiwan issue in making peace with Japan to the constructivist behavior of the United States based on its interests in the Far East. This framework is meaningful in that it explains the power source for the origin and evolution of the Taiwan issue in making peace with Japan relatively good. However, in regard to the specific issue of Chinese representation, even though the American predominance advocated by constructivism remains valid, the game played by the mainland and Taiwan, the United Kingdom and Japan against the United States surrounding the Chinese representation issue—even though such a game is more of an asymmetrical game—also has an impact on the final outcome of the Chinese representation issue. Thus, the constructivist explanatory framework in fact cannot offer a reasonable explanation of the opinions and behaviors of related subjects, including the mainland and Taiwan, the United Kingdom and Japan. Therefore, based on the status-and-order theory of Taiwanese scholar Chang Chi-hsiun, this book attempts to construct an explanatory framework for the Chinese representation issue.

2.1 *Status-and-Order Theory: “Chinese Status” in the “Principle of Chinese World Order”*

The status-and-order theory was proposed by Taiwanese scholar Chang Chi-hsiun in the context of Oriental political culture, which is mainly used to explain the behaviors of the mainland and Taiwan participating in international activities. From the perspective of status-and-order theory, the purpose of the participation of the mainland and Taiwan in international activities is contending for the “legitimate China” status.

According to status-and-order theory, the international order principle of the “Empire of China” is based on historical and cultural values with emphasis on the doctrine of the rule of rites. Unlike the Western rule of law—“law checks the development of undesirable situation only after its occurrence”, the rule of rites “prevents the occurrence of undesirable situation.” Therefore, when participating in international activities, the mainland and Taiwan should determine their respective statuses first and then “seek the corresponding ‘ethical boundary’ and the ‘relation between title and fact’ following the statuses.”³ According to the status-and-order theory, under the “principle of Chinese world order”, various different subjects interacting with

³ Chang Chi-hsiung, “Construction of Theories on Cross-Strait Relations—Research Approach of the Status-and-Order Theory” in *Revisiting Theories on Cross-Strait Relations*, ed. Bao Zonghe, etc. Wu-Nan Book Inc., 2012, 118.

each other should first clearly define the respective “statuses” they are entitled to and then establish an order following the sequence of their “statuses.” Upon the establishment of such an order, various subjects must engage in communicative actions in conformity with the feudal order of seniority of the “World Empire of China” according to their respective “statuses” established. Accordingly, the primary task of the mainland and Taiwan when participating in international activities is to determine their “statuses” as participants of international activities to complete the “rectification of name.”⁴ This behavioral pattern of “determining status according to the title”, “seeking order based on the status”, and “operating following the order” reflected in operational approach is “to determine status, first rectify name; after rectification of name, status can be determined accordingly; with status determined, order can be established on its basis; when there is order, the state can be rightly governed; the state being rightly governed, the world is made tranquil and happy.”⁵

The status-and-order theory reveals that the cross-Strait dispute over “Chinese representation” is essentially the contention for the “legitimate China status.” Based on the assumption of the status-and-order theory, “rectification of name” is the first step for the Oriental society to participate in international activities, which constitutes the basis for “status determination” and “order establishment.” With regard to the issue of Chinese representation, the mainland and Taiwan insist on the “name” of the People’s Republic of China and the “Republic of China”, respectively, which makes the problem of “rectification of name” insolvable. According to the status-and-order theory, “after rectification of name, status can be determined accordingly.” Nevertheless, since the “rectification of name” cannot be solved, “determination of status” seems especially important. First, “determination of status” functions to “determine *zheng* and clarify *run*” in the “World Empire of China” constituted by “legitimism” and “suzerain-vassal state relationship.” Here, “*zheng*” refers to the central regime worshiped as the legitimate ruler (suzerainty, center of power, “*zhengsuo*” [legitimate status]), while “*run*” refers to another regime existing side by side with the central regime (vassal state, local government, “*weichao*” [pseudo court]). Since October 1, 1949, the two sides of the Taiwan Strait have been in a state of political antagonism.⁶

⁴ Chang Chi-hsiung and Zheng Jiaqing, “*The International Status of Taiwan’s Participation in the WHO/WHA*”, *Bulletin of the Institute of Modern History, Academia Sinica* 66 (December 2009).

⁵ Chang Chi-hsiung, “*Construction of Cross-Strait Relations Theory—The Research Approach of Status-and-Order Theory*”, in *Revisiting Theories on Cross-Strait Relations*, ed. Bao Zonghe, etc. Wu-Nan Book Inc., 2012, 118.

⁶ During the speech at the gathering to commemorate the 30th anniversary of issuing *Message to Compatriots in Taiwan* on December 31, 2008, Hu Jintao proposed: “Although the mainland and Taiwan have not yet been reunited since 1949, the circumstances per se do not denote a state of partition of Chinese territory and sovereignty. Rather, it is merely a state of political antagonism that is a legacy—albeit a lingering one—of the Chinese civil war waged in the mid- to late 1940s. Nevertheless, this does not alter the fact that both the mainland and Taiwan belong to one China. For the two sides of the Strait, to return to unity is not the recreation of sovereignty or territory, but an end to political antagonism.” This has been referred to as “political antagonism theory” by the academia. See Hu Jintao, “*Let Us Join Hands to Promote the Peaceful Development of Cross-Strait Relations and Strive with a United Resolve for the Great Rejuvenation of the Chinese Nation*”, *People’s Daily* (January 1, 2009), 1.

Which side represents China in the international community is a problem faced by both the mainland and Taiwan. “Chinese representation” was claimed by both sides in making peace with Japan, which was in fact a reflection of their “competition for legitimacy” in the international community. Second, after the “determination of status”, the “title” can be derived from the “status” reversely. As both sides insisted on the principle of “one China” at the time, once the “legitimate status” is determined, the other side will inevitably be disqualified from representing China, and the ownership of the title “China” shall thus be determined.

Since all major powers were involved in making peace with Japan, the conclusion of the Japanese peace treaty was a perfect opportunity for the mainland and Taiwan to strive for the “legitimate China” status since 1949. The propositions and attitudes of both sides with regard to the issue of Chinese representation can all be explained within this framework.

2.2 Comparison and Integration of Status-and-Order Theory and the Discourse of Contemporary International Law

The status-and-order theory explains the propositions and attitudes of both sides about Chinese representation but not the propositions and behaviors of major countries, including the United States, the United Kingdom, Japan and the Soviet Union, because in reality, the great powers involved in peace making with Japan were not restrained by the “Chinese world order” but rather abided by the international order based on the discourse of contemporary international law. Therefore, the establishment of an explanatory framework for the interactive relations between both sides of the Strait and various major countries also requires contrasting the status-and-order theory with the discourse of contemporary international law and forming a unified pattern for explaining the Chinese representation issue.

The logical starting point of status-and-order theory is as follows: “different international systems have varied international order principles to standardize their international orders and explain their international behaviors.”⁷ Status-and-order theory attempts to create a theoretical system different from the Western discourse of international law and “reduce the Oriental affairs to the Oriental theories, to elucidate the international order of the Orient, and avoid Western values centralism.”⁸ Nevertheless, the “Empire of China” has disintegrated since 1840, as a result of which the “principle of Chinese world order” cannot be independent of basic principles of the world order. In addition, several nouns in the status-and-order theory can

⁷ Chang Chi-hsiung and Zheng Jiaqing, “*The International Status of Taiwan’s Participation in the WHO/WHA*”, *Bulletin of the Institute of Modern History, Academia Sinica (Taipei)* 66 (December 2009).

⁸ Chang Chi-hsiung, “*Construction of Cross-Strait Relations Theory—The Research Approach of Status-and-Order Theory*”, in *Revisiting Theories on Cross-Strait Relations*, ed. Bao Zonghe, etc. Wu-Nan Book Inc., 2012, 118.

also be defined with the discourse of contemporary international law. Take as an example the three core concepts of the status-and-order theory—"name" "status" and "order": "name" refers to the official name used in international activities, such as the names "Chinese Taipei" and "Taiwan, Penghu, Kinmen and Matsu" currently used by the Taiwan Region when participating in international organizations; "status" means the status under a certain name, such as "official member", "observer", "local government" and "fishing entity"; and "order" implies the rights and obligations resulting from the "status." From here, we can see the strong connection between the status-and-order theory and the discourse of contemporary international law.

The intention of the mainland and Taiwan to obtain international recognition through Chinese representation is also supported by corresponding theories of contemporary international law. Athure Stinchcombe considers the legitimacy of power as mutual recognition between "rights holders."⁹ The "rights holders" here include both internal and external rights holders; the former in a democratic society is embodied by the owners of sovereignty—the people, while the latter mostly refers to important international organizations and major powers. Therefore, participation in international activities, including entry into major international organizations such as the United Nations and recognition by major powers such as the United States and the United Kingdom, has become an important manifestation of the international recognition of a regime. Joseph S. Nye once proposed that the reason for a modern state to take an active part in the international community and participate in international organizations, in addition to striving for national interests, is to take the opportunity to determine the completeness of its sovereignty.¹⁰ These viewpoints describe the expanded function of participating in international activities, i.e., International activities have become an important channel and place for a new state or regime to strive for international recognition.

Of course, the expanded function of international activities is mostly seen in developing countries and newly independent countries. The main reason is that as the international order established by great powers has already been stable, there is no other way for developing countries and newly independent countries to manifest their independent status in the international community except through the international order established by great powers, while it is unnecessary for the creators of this international order—the great powers—to prove their existence by participating in international activities. The reason for Western sovereign states to participate in international activities is mainly to establish some functional coordination mechanisms for the specific needs between sovereign states; the reason for them to actively participate in international activities is also to take part in the making of international rules and gain profit through international exchanges. Therefore, international recognition is not the goal of Western sovereign states in international activities.

⁹ Chang Ya-chung, *Issues of Sovereignty Between Mainland China and Taiwan*, Sheng-Chih Book Co., Ltd., 1998, 22.

¹⁰ See Joseph S. Nye, John D. Donahue, *Governance in a Globalizing World*, (Brookings Institution Press, 2000), 79–80.

Based on the above understanding, the function of participating in international activities has been expanded from taking part in the making of international rules and safeguarding one's own interests toward striving for international recognition, which is the new point of view. If constructivism makes the traditional viewpoint above its starting point, with emphasis on explaining the process of pattern construction by the United States in the Far East after the Cold War, then this book attempts to base itself on the new viewpoint mentioned above and centers around the rivalry between each of the main parties and the United States to build an explanatory framework for the Chinese representation issue and study the decision-making and selection process of each subject with the aid of the exposition of historical facts in declassified documentary materials and literature.

3 Causal Relationship Between the “Undetermined Status of Taiwan” and the Chinese Representation Issue: Rivalry Between the United States and Taiwan

The status of Taiwan was one of the most important issues under discussion in making peace with Japan. Under the dominance of the United States, the principle of the “undetermined status of Taiwan” was defined in the *Treaty of Peace with Japan*, which is still not cleared up even today on the level of international law. In previous literature of the mainland and Taiwan, most studies of the issue of Taiwan's status in making peace with Japan revolve around the theory of the “undetermined status of Taiwan.”¹¹ In these studies, the issue of Chinese representation in making peace with Japan is often covered, but only as a secondary question of the issue of Taiwan's status, which does not conform to the actual status of the Chinese representation issue in making peace with Japan. The issue of Chinese representation is a question of equal importance as the issue of Taiwan's status in making peace with Japan. These two constitute the two main subjects under discussion in making peace with Japan. Therefore, there is no differentiation between what is primary and what is secondary. Because the United States and Taiwan had different intentions with regard to making peace with Japan, their understandings of the causal relationship between the “undetermined status of Taiwan” and the Chinese representation issue are also different, which reflects the differences between East and West in understanding the function of participating in international activities.

¹¹ Wang Jianlang, “*Distortion of Taiwan's Legal Status*”, *Modern Chinese History Studies* 1 (2001); Yu Zidao, “*Treaty of Peace with Japan, Japan-Chiang Treaty, and the Theory of the 'Undetermined Status of Taiwan' of the United States and Japan*”, *The Journal of Studies of China's Resistance War Against Japan* 4 (2001).

3.1 *The United States: Advocates Shelving the Chinese Representation Issue Due to the “Undetermined Status of Taiwan”*

In the early period after World War II, the tentative plan of the United States about the pattern in the Far East was to contain other great powers by supporting China, which obeyed the leadership of the United States, and at the same time eliminated Japan as a possible hotbed of war to maintain stability in Asia.¹² Under this plan, China will become a pillar ally of the United States in postwar East Asia, with Taiwan in the hands of a pro-Western Chinese government.¹³ However, as the situation of the Chinese civil war became clear in 1948, the United States had to reconsider its arrangement in the Far East, including the Taiwan issue of great significance to the U.S. national security.¹⁴ Researcher Wang Jianlang raised four options of the United States and the United Kingdom for handling Taiwan’s status after the establishment of the People’s Republic of China: (1) support KMT to resist the attack of the Communist Party of China (CPC) in Taiwan; (2) place Taiwan under the control of the supreme headquarters of the Far Eastern allied forces; (3) place Taiwan under the trusteeship of the United Nations; (4) Taiwan independence.¹⁵ In fact, the United States had another option, which is to recognize the People’s Republic of China and that Taiwan is a part of the People’s Republic of China. This is not a pure theory but one of the strategic options of the United States. On March 3, 1949, Harry S. Truman approved Documents NSC34/2 and NSC41 submitted by the State Department and determined the China policy of avoiding interference in China’s internal affairs and sowing discord between the Communist Party of China and the Soviet Union.¹⁶ On January 5, 1950, Truman made a statement declaring: “Traditional United States policy toward China called for international respect for the territorial integrity of China. ... The United States has no desire to obtain special rights or privileges, or to establish military bases on Formosa at this time. Nor does it intend to utilize its armed forces to interfere with the present situation. The United States Government will not pursue a course which will lead to involvement in the civil

¹² Shen Zhihua and Yao Yu, “Reaction of the United States to Sino-Soviet Alliance and Formation of the Cold War Pattern in Asia”, *Clio at Beida* 17 (Peking University Press, 2012).

¹³ Wang Jianlang, “Distortion of Taiwan’s Legal Status”, *Modern Chinese History Studies* 1 (2001).

¹⁴ For instance, the CIA proposed in a report in 1949: “If the Chinese communists controls Taiwan, and then there is the prospect of the Soviets entering this island, such strategic implication will be extremely disadvantageous to the security of the United States.” See “Possible Development Trend in Taiwan (No. ORE39-49)”, in *Declassified Documents of U.S. Intelligence on China (1948–1976) IV*, ed. Shuang Qionghua and Xinhua (Orient Publishing Center, 2009), 302.

¹⁵ Wang Jianlang, “Distortion of Taiwan’s Legal Status—Evolution of the Great Britain’s Policy toward Taiwan’s Position and Its Difference with USA, 1949–1951”, *Modern Chinese History Studies* 1 (2001).

¹⁶ Shen Zhihua, and Yao Yu, “Reaction of the United States to Sino-Soviet Alliance and Formation of the Cold War Pattern in Asia”, *Clio at Beida* 17 (Peking University Press, 2012).