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RECOGNITION OF TAIWAN AS A STATE: A STUDY

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INTRODUCTION

State recognition is an integral part of a country's development. It helps in representing the state better and making treaties and agreements with recognizing states. It is an essential part as it helps in getting some rights and privileges from the agreements made. The de jure recognition is important so that a country can have some political influence in the international community. This is why this paper is dealing with the issue of Taiwan's recognition where Taiwan has attained de facto recognition by fulfilling all the conditions specified in the Montevideo Convention, but it struggles to attain recognition in the international space. China actively tries to deny Taiwan's sovereignty and forces for re-unification by also threatening other countries who are trying to recognize Taiwan officially. So, this paper will extensively deal with Taiwan's relation with China and the challenges it faces for independence, and list down a few suggestions regarding the steps Taiwan can take in the future.

HYPOTHESIS

Some contend that Taiwan operates as a distinct and independent state. They cite Taiwan's military, constitution, governance, and independence in both its domestic and international affairs. Even though Taiwan is not generally acknowledged as a sovereign state, they think it possesses all the characteristics of one. Taiwan is viewed by the People's Republic of China as a portion of its land. This point of view is supported by historical assertions and official Chinese government policies. Taiwan is not regarded by the PRC as a separate state, but rather as a province of China.

RESEARCH OBJECTIVES

- To find out the current status of Taiwan as a state.
- To understand the challenges Taiwan faces in gaining recognition.
- To study the relations Taiwan has with China and US in terms of recognition

HISTORY OF TAIWAN & CHINA

In 1683, Qing dynasty ruled both China and Taiwan. This dynasty was overthrown by the Sino – Japanese war and Japan took control of Taiwan, in 1895. After the Xinhai Revolution, the Republic of China (ROC) took over the mainland China. There were lot of internal civil wars between the Communist Party of China and Party led by KMT. But all these wars took a pause as Japan had captured Taiwan. In World War II, Japan lost to the Allied Powers and Taiwan was relinquished. Taiwan was a Japanese colony for the first fifty years of the previous century (1895 to 1945). The second half of Taiwan's history (1945–1995) saw an astounding level of economic prosperity, four decades of authoritarian Kuomintang government under perpetual martial law under Chiang Kai-shek and his son Chiang Ching-kuo, and a military occupation by Nationalist Chinese forces following World War Two.

But People's Republic of China (PROC), led by Mao claimed that there was an agreement between China and Allied Powers, that, through instrument of surrender, Japan gave Taiwan back to mainland China. So, Mao claimed that KMT can't take control of Taiwan and wanted to 'liberate' it. But in 1945-49, US intervened in civil war to stop Communist China from expanding and helped KMT to gain control over Taiwan.

The intervention of US was the first step, where Taiwan gained some autonomy for itself, away from the Communist ideas. Taiwan was also recognized to be the real China at the time of Cold War as the UN was trying to stop the expansion of communist regime in the world. Taiwan's economy suffered drastically because of war with China, but Taiwan soon gained rapid economic growth with growing labor efficiency, overseas investment, and trade. Taiwan was no more a slump island but an important part of global trade. China also grew tremendously and now one of the world leaders in terms of technology, science, research, etc. Due to China gaining a power internationally, soon Taiwan was questioned on whether it held the effective control of mainland China. In 1971, UN switched their decision and held that PROC is the real China, as it

holds the effective control of China. Other countries also believed China on the point that Taiwan was part of China and not the other way around. Hence, after losing its seat in the UN, Taiwan also lost its independence in terms of how other countries perceived it. The most pertinent question that's asked on Taiwan's statehood is basically this that whether Taiwan fulfils all the aspects of State.

RELATION OF TAIWAN WITH CHINA

The tension in the Taiwan Strait region has increased as a result of recent events involving the triangular relations between Taiwan, China, and the United States. The issue of Taiwan's international status was once again brought to the public's notice during Taiwanese President Lee Teng-hui's widely reported "private" visit to the United States in June 1995. Since President Lee's visit, China has conducted massive military drills and missile launches in an effort to terrorise Taiwanese citizens and subjugate the rest of the world. China is trying to convince the international community that Taiwan is "an indivisible part of China" by doing these acts. In fact, the People's Republic of China's growing threats have been matched by the growing demands of the Taiwanese people to strengthen their international standing and Taiwan's pragmatic diplomacy. As the United Nations marked its 50th anniversary, it once more declined to place the issue of Taiwan's membership on the General Assembly's agenda due to China's adamant opposition, continuing the injustice carried out in 1971 when Taiwan was denied membership.

Since Tsai was elected president in 2016, China has increased its use of coercive methods that do not include violence. Its goal is to exhaust Taiwan and convince its citizens that joining the mainland is their best course of action. In order to achieve this, China has upped the number and size of PLA bombers, fighter fighters, and observation aircraft patrols over and surrounding Taiwan. Additionally, it has been increasingly displaying its might by sailing warships and aircraft carriers across the Taiwan Strait.

Thousands of cyberattacks from China are reportedly directed at Taiwanese government institutions every day. Recent years have seen an increase in these attacks. Taipei accused four Chinese organisations in 2020 of breaking into at least ten Taiwanese government organisations and 6,000 official email accounts in an effort to gain access to sensitive data and personal information.

Beijing has also put Taiwan under pressure without using force. China and the main Taiwan liaison office's cross-strait communication channel was shut down in 2016. It curbed travel to Taiwan, resulting in a drop of mainland visitors from a high of over 4 million in 2015 to just 2.7 million in 2019. Global businesses, including airlines and hotel chains, have come under pressure from China to classify Taiwan as a Chinese province. In 2021, China broke of commerce with Lithuania for setting up a Taiwanese representative office in its capital, thus intimidating nations that have relations with Taiwan.

TAIWAN AS A PART OF CHINA

According to Beijing, Taiwan is a component of the "one China" that exists. It adheres to the idea of the One-China concept, which holds that the PRC is the only legitimate government in China, and advocates Taiwan's eventual "unification" with the mainland.

Beijing asserts that the 1992 Consensus, an agreement negotiated between representatives of the Chinese Communist Party (CCP) and the Kuomintang (KMT) party that ruled Taiwan at the time, binds Taiwan. This 'agreement' was never meant to settle the issue of Taiwan's legal status, and the two parties disagree on its specifics. The 1992 Consensus, according to Chinese President Xi Jinping, indicates an understanding that "the two sides of the strait belong to one China and would work together to seek national reunification." The KMT interprets this as "one China, different interpretations," with the ROC serving as the "one China."

The South China Sea, Tibet, China, Mongolia, and Taiwan are still regarded as being a component of the ROC according to Taiwan's KMT-drafted constitution. The KMT has often demanded tighter ties with Beijing and opposes Taiwan's independence. But KMT leaders have debated whether to alter the party's position on the 1992 Consensus in light of recent electoral defeats.

The Democratic Progressive Party (DPP), the KMT's main adversary, has never embraced the agreement outlined in the 1992 Consensus. President Tsai, who is also the DPP's leader, has steadfastly refused to acknowledge the agreement. She has instead tried to come up with a different phrasing that Beijing would accept. A reliable survey organisation hosted by National Cheng Chi University also reveals that among people living in Taiwan, those who self-identify as solely Taiwanese have steadily increased from 17.6% in 1992 to 63.7% in 2022, whereas those

who self-identify as Chinese have steadily decreased from 25.5% to 2.4% over the same period. These results are reflective of the decisions made by the Taiwanese population in relation to critical national identity issues. Importantly, over the same time period, the percentage of people who self-identify as both Taiwanese and Chinese (dual-national identities) has declined from 46.4% to 30.4%. Due to these supporting elements, Taiwanese people have consistently shown that they have a unique national identity that is different from that of the PRC.

In her inaugural speech for 2016, Tsai stated that she was "elected president in accordance with the Constitution of the Republic of China," which is an agreement between all of China, and that she would "safeguard the sovereignty and territory of the Republic of China." In addition, Tsai vowed to "conduct cross-strait affairs in accordance with the Republic of China Constitution, the Act Governing Relations Between the People of [the] Taiwan Area and the Mainland Area, and other relevant legislation." Beijing, however, disregarded this statement and ceased all formal communications with Taiwan.

Xi restated China's long-standing suggestion for Taiwan in a speech in 2019: that it be merged into the mainland under the premise of "one country, two systems." The same process was used to secure Hong Kong's capacity to maintain its political and economic systems and to offer it a "high degree of autonomy." A structure like that is utterly despised by Taiwanese citizens. Tsai and even the KMT have rejected the "one country, two systems" approach, citing Beijing's most recent onslaught on freedoms in Hong Kong.

RELATION OF TAIWAN WITH UNITED STATES

The PRC and the United States began formal diplomatic ties in 1979. It also dissolved its mutual defence pact with the ROC and broke all diplomatic ties with it at the same time. However, the United States continues to have a strong, unofficial relationship with the island and continues to provide its military with defence equipment. Beijing has frequently pushed Washington to halt arms sales to Taipei and break off communication.

The One-China policy of the United States directs its strategy. It is based on a number of documents, including the Taiwan Relations Act, which was passed by the U.S. Congress in 1979, three U.S.-China communiqués from 1972, 1978, and 1982, and the recently disclosed "Six

Assurances" that President Ronald Reagan delivered to Taiwan in that year. According to these documents, the United States:

- "acknowledges the Chinese position that there is but one China and Taiwan is part of China" and that the PRC is the "sole legal government of China" (some U.S. officials have stressed that the word "acknowledge" implies that the United States doesn't necessarily accept the Chinese position).
- rejects using force to resolve the conflict.
- maintains ties with Taiwan on a cultural, commercial, and other levels through the American Institute in Taiwan (AIT),
- pledges to sell Taiwan weapons for self-defense, and
- maintains the option of defending Taiwan while not actually pledging to do so—a strategy known as strategic ambiguity.

The major objective of the United States is to keep the Taiwan Strait peaceful and stable, and it has pleaded with both Beijing and Taipei to keep things as they are. According to Washington, Taiwanese independence is not supported.

The United States has spent decades trying to balance assisting Taiwan while averting confrontation with China through its strategy of strategic ambiguity. However, President Joe Biden appears to have rejected the approach, repeatedly asserting that the United States would defend Taiwan if China invaded. Although White House officials have retracted his remarks and stated that the policy has not changed, the president ultimately has the last decision in how to proceed. Biden's remarks have been praised by a number of lawmakers and academics, including CFR President Richard Haass and Research Fellow David Sacks, who claim that China's rising assertiveness demands clarity. This opinion has been challenged by other specialists.

TAIWAN AS A DE FACTO STATE

Taiwan has established itself well as a de facto state, fulfilling all the terms of the Montevideo Convention, 1933. It has developed so much over the years with its democratic government, and its limited restriction on freedom of speech, and its advancement in livelihood. According to the Article 1 of Montevideo Convention, a state needs – i) permanent population, ii) defined territory,

iii) government and iv) capacity to enter into relations with other states. Taiwan has made progress in this field more than many other countries. Those are:

- I. Permanent Population – The current population of Taiwan is currently around 24 million. During the 1950's the population was growing at the rate 4% but in the last decade or so, it has seen a steady decline in population growth. Now the growth rate lies somewhere less than 1%. Also, there's a decline in immigration in recent years, which shows the willingness of people to stay in Taiwan.
- II. Defined Territory – Taiwan has a defined territory, presently called the Republic of China, consisting of main island Taiwan and other 168 small islands are under the control of Taiwan. It also holds area around 36,000 km square land. Taiwan also has a capital called Taipei, largest metropolitan area in Taiwan.
- III. Government – From KMT's dictatorship to present day full democracy under the leadership of Tsai Ing-wen, Taiwan has seen many changes in its policies over the period of time. President Tsai has vowed to keep Taiwan free for many generations even after the pressure of China on reunification. In one her speeches she said that it's her duty to, 'safeguard our national sovereignty, free and democratic way of life.' She further said that 'to protect Taiwan's democracy is to protect universal value of democracy.' Taiwan has become 8th strongest democracy in the world according to the 2021 EIU Democracy Index and Taiwan now has attained No. 1 'full democracy' in Asia.
- IV. Capacity to enter into relations with other states – Taiwan has entered into many trade agreements with other states, especially free trade agreements (FTA) with Panama, Guatemala, El Salvador. Taiwan was EU's 15th biggest trading partner in 2018. Taiwan has also made trade agreements with China and US in its democratic state.

CHALLENGES TO TAIWAN'S INDEPENDENCE

The most important challenge that Taiwan's faces is in terms of recognition from other states. Although, Article 3 of Montevideo Convention says that recognition from other states don't matter in terms of state's existence, but it heavily impacted Taiwan when China is actively trying to restrict expansion of Taiwan in international space. Only a handful of countries officially recognize Taiwan as a sovereign and independent state. These countries include Belize, Paraguay,

Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, São Tomé and Príncipe, Vatican City, Guatemala, Haiti, Marshall Islands, Nauru, and Palau. Taiwan has occasionally helped these countries economically in areas of agriculture, education, and healthcare. These countries are small island nations that rely mostly on financial aid by other states so many a times China tries to lure them away by providing more aid. Honduras has recently withdrawn its support from Taiwan.

As already discussed, Taiwan has been resilient in terms of being the topmost ‘full democracy’, and following its own Constitution. Taiwan has given many civil liberties, healthcare, and human development in its State and wishes to continue it. Through ‘One China Policy’ of China, many countries deny Taiwan’s independence. China had also recently passed a security law in Hong Kong, which was supposed to be sovereign within China, due to which Hong Kong’s democracy was threatened as it curtailed freedom of speech. The law could be violated by anyone who speaks anything against China, even foreigners. Even Hong Kong’s independent judiciary was removed, and selection process is done by Beijing. Due to this many protests happened in Hong Kong and people started leaving the country. UK offered citizenship to those leaving China.

Taiwan needs to secure its independence by relying on the aid of US, Japan, and UK as they are against the forceful re-unification of China. Taiwan must retain in position as a full democracy as it serves as an example to other transitioning from dictatorship or authoritarian government.

CONCLUSION

The status of Taiwan is hugely debated topic in the recent times, especially with the ever growing tensions with China. The Taiwan’s battle for de jure recognition is a slow process which might take a few decades. The process can be quickened if more and more countries realize the need for countries like Taiwan. India known as the largest democracy must follow the example of Taiwan in terms providing for a better society and keeping individuals’ rights above all. The freedom people have in Taiwan is what states should aspire to be to improve the livelihood of their countries.

SUGGESTIONS

These are few suggestions for Taiwan in dealing with China's reunification strategy or establishing itself as an independent state:

1. **Peaceful Diplomacy:** Taiwan and China must engage in peaceful diplomacy and dialogue to reach a win-win resolution. Without using force, disagreements can be settled through dialogue and negotiation. If Taiwan wants to remain independent, China must respect that decision.
2. **International Mediation:** Use neutral third parties and international organisations to mediate talks between Taiwan and China. International arbitration can result in a fair and unbiased platform for negotiations.
3. **Encourage closer economic connections and collaboration between China and Taiwan.** Economic interdependence frequently fosters stability and can serve as a basis for amicable interactions.
4. **Respect for the People's Will:** Make sure that any reunification proposal honors the wishes and will of the Taiwanese people. Any reunification procedure must take into consideration public opinion and consent.
5. **Exchanges of Culture and People:** Encourage cross-cultural and interpersonal interactions between Taiwan and China. Cross-cultural communication can help close gaps.
6. **Encourage the international community's participation and support in order to maintain regional peace and stability.**

It's critical to remember that the subject of reunification is extremely delicate and influenced by a number of political, historical, and social aspects. In the end, if reunification is undertaken, it should put peace, stability, and the welfare of the parties concerned first.

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