

BASIC FACTS CONCERNING TAIWAN'S INTERNATIONAL LEGAL POSITION

FROM THE 1895 TREATY OF SHIMONOSEKI TO THE PRESENT

Compiled by the Formosa Nation Legal-strategy Association (FNLA)

We, the members of the FNLA, accept the fact that from the close of hostilities in WWII in the Pacific to the present, Taiwan's status has remained as "undetermined." However, we believe that the key parameters of this undetermined status can be completely and precisely delineated. Using this methodology, the so-called "strategic ambiguity" regarding the Taiwan question can be totally eliminated, and the civil rights of the native Taiwanese people can be more fully safeguarded.

The following legal and historical clarifications are noteworthy:

- (1) In 1894, Japan defeated China in the Sino-Japanese War. Following the war, the Treaty of Shimonoseki entered into force on May 8, 1895. Pursuant to Article 2 of the treaty, "China ceded to Japan in perpetuity and full sovereignty . . . [t]he island of Formosa, together with all islands appertaining or belonging to the said island of Formosa."
- (2) The Treaty of Shimonoseki gave Formosa and the Pescadores (today commonly known as "Taiwan") to Japan to hold as a territorial cession, not merely as militarily occupied territory. As a result, beginning in May 1895, Japan exercised sovereignty over Taiwan and held title to its territory.
- (3) The announced "cancellation" or "nullification" of the 1895 Treaty of Shimonoseki by the Chiang Kai-shek regime at various times during the 1930s and early to mid-1940s is without any legal significance whatsoever.
- (4) The intentions expressed in the Cairo Declaration (Dec. 1, 1943), the Potsdam Proclamation (July 26, 1945), and the Japanese surrender

