Taiwan: Allied Occupation or American Occupation?

Some persons read General Order #1 of Sept. 2, 1945, issued by the Supreme Commander for the Allied Powers General Douglas MacArthur, together with the San Francisco Peace Treaty, and arrive at a different conclusion regarding the nature of the military occupation of Taiwan.

While agreeing that this military occupation was not undertaken by Chiang Kai-shek’s ROC/KMT under their own authority, they claim that it was/is conducted on behalf of the Allied Powers, and not on behalf of the United States.

As an initial point of rebuttal, we must stress that that this analysis appears to be attempting to establish a conceptual framework where the “surrender ceremonies” and the “military occupation” are treated as one and the same thing. But this is incorrect. Neither the Hague Conventions (HC) nor the Geneva Conventions (GC) give any special rights to the troops or personnel that “accept the surrender.” In other words, this role is largely ceremonial.

Contrastingly, the HC and GC specifically delineate the legal occupier’s responsibilities in governing occupied territory, while at the same time categorizing large numbers of actions and activities which are forbidden in occupied territory. Also notable is that in regard to conducting the military occupation, the HC and GC use the terminology of “the occupying power,” or “the occupying state,” and this is given in the singular.

With the coming into force of the SFPT on April 28, 1952, we find no clauses in the treaty which make provision for the establishment of an Allied Powers Headquarters to facilitate any continuing operations, or to assist in continuing liaison between any individual members, in regard to any perceived “group responsibilities” under the treaty.

Contrastingly, it is clear that the United States of America’s continuing responsibilities under the treaty, particularly in fulfilling the role of “the principal occupying power” in Article 23(a), and in exercising United States Military Government (USMG) jurisdiction over the Ryukyu Islands, Taiwan, etc. as specified in Article 4(b), will be handled by the U.S. Dept. of Defense, headquartered in the Pentagon.

In truth, with the coming into force of the SFPT, the Allied Powers have disbanded, and the remaining “military responsibilities” have been assigned to the United States of America, to undertake in any appropriate manner which she sees fit.

Thus, the conjecture that Taiwan is/was under an occupation by the Allied Powers is incorrect.

For additional information on this subject, please see our webpage –

Taiwan after the Surrender Ceremonies: American Occupation? Allied Occupation?

Is Taiwan an Allied Occupation?

Additionally, the historical and legal record does not support such a conclusion. The following points are noteworthy.

First, other than the United States, two other major members of the Allies in WWII were Russia and the United Kingdom. With the founding of the People's Republic of China on October 1, 1949, Russia gave it official recognition the same month.

The United Kingdom followed suit, and gave official diplomatic recognition to the PRC effective January 6, 1950.

Thus by early January 1950, both Russia and the U.K. had cut off all ties with Chiang Kai-shek's Republic of China. Accordingly, the suggestion that these two major members of the Allies would have agreed to have any part in a supposed Allied occupation of Taiwan is nonsensical.

Second, some people claim that the Taiwan Provincial Government (TPG) is actually an agency of the Allies which has historically exercised jurisdiction over Taiwan. However, the information given on its website makes it clear that the TPG is a

government organ of the Republic of China.

Specifically, the ROC central government promulgated the Taiwan Province Administrative Official Public Ministry Organization Statute on Sept. 20, 1945. It then established the Taiwan Province Administrative Official Public Ministry temporarily under the Executive Yuan to serve as the highest local administrative agency in Taiwan Province. The Taiwan Provincial Government was formally established in

April 1947.

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Subject: Allies = United States of America

Excerpt from p. 79 - 80

With respect to the island of Taiwan, the term "Allied Powers" or "Allies" in this Article essentially refers to the United States. To clarify, in describing the Second World War and the Peace Treaty of San Francisco, this Article has referred to the victorious States over Japan as Allied Powers or Allies. But it is clear that it was the United States that fought with and defeated Japan. It was to the United States that Japan surrendered. It was the United States that, as the victorious State, won the right to dispose of Japan's territory as it wished. It was the United States that assigned Chiang Kai-shek's R.O.C. government to occupy and administer the island of Taiwan on its behalf. So, fifty years later, the R.O.C. government still acts as an agent of the United States. The passage of time will not change, and has not changed, the legal relationship of agent and principal.

Excerpt from p. 13 (footnote 58)

(58) General MacArthur recalled that "none of these powers [Russia and the United Kingdom] had been forthcoming with troops to fight the Pacific war when we [the United States] needed them. We had borne the burden with Australia . . . . " DOUGLAS MACARTHUR, REMINISCENCES 291 (1964).

However, although the Australian military forces participated in battles and other military activities in the Southwest Pacific Theatre, they never went further north than the Philippines.

REFERENCE

One-China Policy and Taiwan

by Y. Frank Chiang

Fordham International Law Journal Vol. 28:1, December 2004

This 87-page article may be downloaded from the Vol 28, Iss. 1 page of the

Fordham International Law Journal website

https://www.taiwanbasic.com/lawjrn/onechina-tai3.htm

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<https://en.wikipedia.org/wiki/Australia%E2%80%93Taiwan_relations>

Draft version

Jan. 20, 2019