



## Recognition function in relations between China and Taiwan

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### Abstract

Taiwan's legal status is still unclear, although Taiwan whose official name is the Republic of China or (ROC) has all the characteristics of an independent state and has a different political system from China, but there is still uncertainty and confusion regarding Taiwan's governance as a separate country. Chiang's ROC government claimed to represent all China and wanted to reoccupy it. At first Taiwan held China's seat on the UN Security Council and was recognized by many Western countries as the sole government of China. In the 1970s there were arguments from some countries that the government of Taiwan could no longer be considered as the sole representative of the hundreds of millions of people living in mainland China. Then in 1971, the UN switched diplomatic recognition to Beijing and the ROC government was force out. China itself until now still adheres to the principle of 'one China' or what is called the *one-China principle* as conveyed by the Chinese Ministry of Foreign Affairs (2/8/2022), the statement reads " There is but one China in the world, Taiwan is an inalienable part of China's territory, and the Government of the People's Republic of China is the sole legal government representing the whole of China." Can the tension between China and Taiwan end? What is the international role in the relationship between China and Taiwan which continues to heat up?

**Keywords:** Taiwan independence, one china policy, state recognition

### Introduction

Taiwan (ROC) was founded in 1912, after the collapse of the Qing Dynasty. The ROC, which has been controlled by the leader of the Nationalist Party known as the KMT (Kuo Min Tang), has faced various upheavals, from coups to having to face factions and groups, both military and political that are trying to dominate mainland China. One of the groups that later became the biggest enemy of the nationalist government was the communist group. This communist group began to gain great influence in the 1930s, and after the end of World War II (WWII), the communist group succeeded in gaining the support of most of the people of mainland China. On October 1, 1949, the Communist group succeeded in controlling most of mainland China and established the government of the People's Republic of China (People's Republic of China, PRC). The Nationalist Government was force to flee to Taiwan. Since then, two Chinese governments have emerged which have continued to the present day, one named the PRC and the other the ROC (Taufiq, 2017) <sup>[1]</sup>.

Until now, the PRC is still implementing the One China Principle, a policy that emphasizes that there is only one Chinese nation in the world. Meanwhile, Taiwan then implemented pragmatic steps by not prohibiting other countries from giving dual recognition. The rejection of the 'one China' principle was also later emphasized by Taiwanese President Tsai Ing-wen who said that "I call on China that it must face the reality of the existence of the Republic of China (Taiwan)" (Kumparan, 2022) <sup>[2]</sup>

Because now the PRC continues to apply the One China Principle, meaning that the PRC still considers Taiwan to be part of its country, thus during that time the PRC will not recognize Taiwan's independence (ROC), even though Taiwan itself has succeeded in holding its first democratic legislative elections since 1992 and then the first

presidential election in 1996, this is state in the book International Security and the United States as follows: "President Lee came to power in 1988 and initiated ROC's first democratic elections legislative in 1992, Lee won the first presidential election in 1996" (James Coner, 2007) <sup>[3]</sup>

In fact, in 2015 Eric Chu as the leader of Taiwan's ruling party at the time, named the Kuomintang Party (KMT) held talks with Chinese President Xi Jinping, the meeting which took place in Beijing was expect by Chu as a peace effort. But, in January 2016, opposition candidate Tsai Ing-Wen from the pro-Taiwan independence Democratic Progressive Party, or ROC, won the presidential election. On the day of his inauguration, in May 2016, China warned that peace would be impossible if he made steps to secede (BBC, 2015) <sup>[4]</sup>.

Tensions between Taiwan and China are still ongoing, in 2017 Taiwan continued to strengthen its military cooperation with the United States, in that year the administration of US President Donald Trump approved the sale of weapons worth 1.3 billion US dollars to Taiwan. Then on October 22, 2021, US President Joe Biden said that the US would defend Taiwan if China attacked it (Kompas, 2022) <sup>[5]</sup>.

The latest international event related to Taiwan and China is the visit of the Speaker of the United States House of Representatives (DPR), Nancy Pelosi in the Taiwanese capital Taipei on Tuesday 2 August 2022 (CNN Indonesia, 2022) <sup>[6]</sup>. Regarding the arrival of the speaker of the US parliament in Taiwan, officials in Beijing have argued that the visit attacks the national integrity of the People's Republic of China by questioning Beijing's sovereignty over Taiwan. China's claim is always repeated, but repetition does not make it true. Taiwan was never part of the People's Republic of China founded in 1949, and the Chinese Communist Party has never ruled the island (dw.com, 2022) <sup>[7]</sup>.

Reporting from Reuters, exactly one day after Pelosi's visit to Taiwan, on Wednesday, August 3, 2022 Taiwan must fly its fighter jets to repel 27 Chinese warplanes that are carrying out combat training in areas that are included in Taiwan's air defense zone. China demonstrated its outrage over the highest-level U.S. visit to the island in 25 years by U.S. House of Representatives Speaker Nancy Pelosi with a burst of military drills around Taiwan, summoning the American ambassador in Beijing and halting several agricultural imports from the island (Reuters, 2022)<sup>[8]</sup>.

### Research method

The approach method used in this study is a normative juridical approach. The normative juridical research method is library law research which is carried out by examining library materials or mere secondary data. (Bam bang-Sugono, 2003)<sup>[9]</sup>. The secondary data that has been obtained will then be processed by sorting out data that is relevant or not with the problem under study and then compiling it into the form of systematic research results.

### Discussion

#### a. Possibility of Peace between China and Taiwan.

##### 1. If Taiwan's independence is recognized by the International.

If we try to compare this case with other similar events such as the existence of West Germany and East Germany, then North Vietnam and South Vietnam and North Korea and South Korea, it seems that there will be no problem for Taiwan with its position in global politics. Taiwan has fulfilled the requirements as a country according to the definition of a country, the Oxford Dictionary of English mentions the Country as "a nation with its own government, occupying a particular territory" (Angus Stevenson, 2010)<sup>[10]</sup>.

Furthermore, according to state experts Oppenheimer and Luterpacht, stated the conditions for the establishment of a state include four things, namely:

1. There is a united people,
2. There is an area or region,
3. Sovereign government,
4. Recognition from other countries<sup>[11]</sup>.

As we already know that Taiwan has a united people, has its own territory and has a sovereign government. Yet, has the international community accepted Taiwan as a country?

Taiwan's government claimed to represent all of China, for a time holding China's seat on the United Nations Security Council and recognized by many Western countries as the sole government of China. But in the 1970s, some countries began to argue that the Taipei government could no longer be considered as the sole representative of the hundreds of millions of people living in mainland China. Then in 1971, the UN switched diplomatic recognition to Beijing and the ROC government was forced out (Kumpanan, 2022)<sup>[12]</sup>.

Taiwan lost UN membership in 1971 and 16 attempts to rejoin the world organization have always been thwarted by Beijing. Only 23 countries officially recognize Taiwan and both sides accuse each other of using "dollar diplomacy" to woo other countries to become their allies (Antara, 2015)<sup>[13]</sup>.

The United Nations is an intergovernmental international organization that aims to maintain international peace and security, foster friendly relations between nations, and build

international cooperation, where the membership of the United Nations itself to date is 193 countries. The non-acceptance of Taiwan as a member of the United Nations can be used as a reference that the international community has not been able to accept Taiwan as an independent country.

If Taiwan can be accepted by the international community and the United Nations as a sovereign country, then when China carries out an attack using armed forces against Taiwan, China can be categorized as an aggressor country. The definition of an act of aggression regulated in General Assembly Resolution 3314 (XXIX) in article 3 states as follows: Invasion of a State by the armed forces of another State, with or without occupation of the territory (legal.un.org, 2008)<sup>[14]</sup>

#### 2. If China repeals the One China Principle

It should be understood that the "One China Principle" and the "One China Policy" each have a different meaning. The "One China Policy" is a policy recognized by the United States in 1979 that there is only one country called China. While the "One China Principle" is between Taipei and Beijing both recognize one China but disagree about who is the legitimate government. This principle was referred to in the 1922 Consensus. In Beijing's view, the "One China Principle" is that Taipei is part of China while this idea faces strong challenges from political groups in Taiwan who continue to strive to build self-government and separate from China Mainland (idntimes, 2021)<sup>[15]</sup>.

If China revokes the "One China Principle" then in other words China recognizes the independence of Taiwan as a sovereign country, China no longer considers Taiwan as part of the Chinese State. However, this is very difficult to achieve, or in other words impossible, because we understand that a "principle" that has long been upheld by a country is very difficult to change. Unlike the case with "Policies", policies can one day be changed according to needs and situations.

#### b. International Role in China-Taiwan Relations.

##### 1. United States position

One of the observers at the Foundation for Defense Democracies (FDD), Craig Singleton, assessed that the United States government believes that what China is most afraid of is the development of democratic values in Taiwan, not the status of the country. According to him, the root of this problem is actually the struggle between democracy and autocracy. China as an autocratic country is worried about the development of relations between the United States and Taiwan which holds democratic values (CNNIndonesia, 2022)<sup>[16]</sup>.

Craig further elaborated on his opinion as follows: "Trade and security-related matters often dominate the conversation surrounding U.S.-Taiwan relations, but that is not why Taiwan matters to the United States. It matters because the island nation's very existence demonstrates that democracy and democratic values can thrive a mere 100 nautical miles from mainland China, amongst a population that is primarily Mandarin-speaking," (Newsweek, 2022)<sup>[17]</sup>. After considering the opinions above, we can now begin to understand why China was so angry when the Speaker of the United States House of Representatives, Nancy Pelosi, visited Taiwan.

## 2. Indonesia's position in relations between Taiwan and China.

Referring to data from the Indonesian Central Bureau of Statistics (BPS), Cinda and Taiwan are Indonesia's main trading partners. As of June 2022, it is recorded that China and Taiwan are the largest share of non-oil and gas exports for Indonesia. Until June 2022, Indonesia's share of non-oil and gas exports to China reached US\$ 5.9 billion or covered 20.74% of the total share of Indonesia's exports which in June 2022 were recorded at US\$ 26.09 billion, the number one share of Indonesia's largest exports. Meanwhile, Indonesia's export share to Taiwan until June 2022 reached US\$ 0.69 billion or covered 2.82% of Indonesia's total exports in June 2022. Or is in the 8th largest position for Indonesia's export destinations (CNBCIndonesia, 2022)<sup>[18]</sup>.

By paying attention to the data presented in the paragraph above, we can understand that China and Taiwan have an important position in the balance of trade between countries towards Indonesia, even though China occupies the first position for the largest share of Indonesia's exports while Taiwan is in the eighth position for Indonesia's export destinations but all chains exports must influence each other and if there are obstacles to the export chain it will definitely affect trade in Indonesia.

Military observer Connie Rahakundini Bakrie assesses that the heating up of relations between China and Taiwan could impact the world's economy, especially Indonesia. "If a war occurs, the impact will not only felt by Indonesia but also the world. Even bigger than the Russia-Ukraine war," said Connie, apart from being closer to Indonesia, Taiwan and China have quite a strong influence on the world, especially in the economic sector, because Taiwan is in the world's logistics route (Antara, 2022)<sup>[19]</sup>.

### Conclusion

China and Taiwan have quite a strong influence on the world, including in the economic sector. Whenever the relationship between the two countries heats up, the media will focus its attention on the two countries, whenever the relationship between the two countries is strained, the countries around the region will feel worried if a war between the two countries really occurs, given the wide-reaching impact that is certain will be generated. It is hoped that super power countries that have influence over China and Taiwan can suppress their egos and interests and focus on peace and security in the region.

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