

REVIEW ESSAY:

**Between *De Jure* and *De Facto* Statehood: Revisiting the Status Issue for Taiwan**

*Barry Bartmann*

*University of Prince Edward Island*

*Canada*

[bartmann@eastlink.ca](mailto:bartmann@eastlink.ca)

**Abstract**

This paper revisits the status prospects for Taiwan in light of recent events in Kosovo and Tibet. In both cases, and certainly in Taiwan itself, the long standing contest between claims for self determination and the tenacious defence of the principle of the territorial integrity of states has emerged once again to dominate the analysis of these cases. This contest is particularly dramatic in the divided international response to the independence of Kosovo. In the case of Tibet, widespread international support for Tibet is in sharp contrast to the furious and determined resistance of China. Taiwan's anomalous status remains that of a legal sovereign state, the Republic of China, enjoying some measure of recognition and formal diplomacy and a *de facto* state whose international relations are confined to paradiplomatic channels, extensive though they are. The paper considers the prospects for changes in the current anomalous status of the island state.

*Keywords:* Taiwan, China, statehood, sovereignty, *de facto* states, self-determination, secession

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**Introduction**

In the early days of 2008, major political events in peripheral areas thousands of miles apart sparked renewed debate over central issues at the root of norms and practices in the international system. The independence of the former autonomous republic of Kosovo in Serbia ignited a major debate over the requisite elements of statehood, even among those states normally at one on such issues: the European Union, the Atlantic alliance and the larger world of Western democracies. Most were immediately responsive in favour of Kosovo's declaration of independence on February 17: France, Germany, Great Britain, Italy and the United States; indeed a clear majority of Atlantic partners (Hamilton, 2008). Even Canada, which has had a long history of opposing any movement that might be seen as a precedent for secession, even in little Nevis, soon joined the larger Western lobby for Kosovo. But, there were still major states within the Western group which sided with China and Russia in the view that the recognition of Kosovo as an independent state would set a precedent for scores of other separatist movements or *de facto* governments in place with similar claims (Kulish & Chivers, 2008; BBC News, 2008). For Russia, the issue was bound to be vexing. The Putin government warned that recognition of Kosovo could lead to Russian, and presumably some international recognition following this lead, of

Abkhazia and Ossetia or even Trans-Dniestra. But what plays for the goose, plays for the gander. That would also give the international community, particularly among sympathetic Muslim states, a green light to recognize Muslim Caucasus separatist entities within the Russian Federation (Mitic, 2008).

A few weeks later, on the other side of the world, Buddhist monks in Lhasa were in the streets challenging the imperial rule of the Han Chinese in their ancient land. The cause of Tibet, autonomy at least and independence at best, had long been a powerful issue in Western countries, led often by celebrities such as Brad Pitt and Richard Gere, and personified in the beatific personality of the Dalai Lama, who, in exile, urged peaceful accommodation, some measure of generous autonomy on the part of the Beijing regime, but never civil resistance to the point of violence or civil war. The Dalai Lama's Gandhian approach to his country's future only enhanced his reputation outside of China but as such served as a running canker in China's attempt to achieve international status and respect as a Great Power. Currently, supporters of Tibet are overwhelming the official Chinese ceremonies for the global run of the Olympic torch. In Greece, and particularly in London, Paris and San Francisco, the run of the torch bearer was marred by the determined interference of pro-Tibet and other human rights activists in their highly public interruptions of the ceremonial course of the torch.

Both these events, the largely favourable recognition of Kosovo, the last episode in the wars of Yugoslav succession, and the eruptions in Tibet with the successive and determined efforts of the international human rights lobby to pursue the Tibet question to the opening of the Games, have raised again the long-standing and persistent question of Taiwan. The Kosovo issue reminds us of familiar but still gnawing questions about the credentials of statehood and the norms and practices of the recognition of states. The Tibet question tugs at the very core of Western values, themselves in contest in Kosovo: the rights of self-determination, particularly when ratified by democratic processes; and the respect for the territorial integrity of states, and most vividly when those borders are recognized and held to be sacrosanct in international law. The issues in Kosovo and Tibet speak to the longstanding questions of status, legitimacy and recognition, which are at the heart of the Taiwan issue. Taiwan was "de-recognized" and thus diminished in international legal personality by the decision of the Carter administration in 1979 to recognize Beijing as the sole legitimate government of China with the understanding that Taiwan was part of China. A separate agreement allowed for the United States to maintain intimate relations with Taipei but through elaborate *de facto* non-diplomatic offices that were in effect Potemkin artefacts. We will return to the importance of this elaborate, pardiplomatic mock structure of foreign relations for Taiwan shortly.

Taiwan's current international status is perhaps the most glaring anomaly in the international system. By all the conventional attributes of statehood, as understood in the 1933 Montevideo Convention on the Rights and Duties of States., for example, Taiwan is an effective, independent state with a permanent population of 23 million and clear authority over a defined area (Williams & de Mestral, 1979: 34-5). The question of its capacity to enter into relations with other states is the vexing issue. And here the question is murky because the evidence of diplomatic recognition by other states to support arguments for capacity is not helpful in this case. There is no benchmark as to the number

of recognizing states that are required to conclude that the capacity for entering into relations with other states is established beyond question. Nor is there any suggestion that that recognition must also reflect the acknowledgment of certain Great Power states, such as the permanent members of the UN Security Council. Indeed, in contrast to Taiwan, the Sahrawi Arab Democratic Republic (Western Sahara) is recognized by 48 states (though not by the Permanent Five), its right to self-determination reaffirmed by General Assembly resolutions and it is a full member of the African Union (Western Sahara Online, 2008). But its “permanent” population” is largely confined to a huge refugee camp in neighbouring Algeria and its government exercises no authority within the territory of Western Sahara itself. In contrast, Taiwan, as Cameron Otopalik put it:

“... (Taiwan) lies in a ‘recognition limbo’ between the People’s Republic of China (PRC) that regards it as a renegade province, and those countries that consider it a self-standing state ... Taiwan meets all of the traditional criteria for statehood as found under international law and is one of the most developed nations of the world populated by a people who largely identify themselves as a distinct nation” (Otopalik, 2006: 83).

If it once seemed an absurd departure from reality to argue that the Kuomintang government in Taipei should be seen as the legitimate government for hundreds of millions of mainland Chinese, so it is now also unrealistic to view Beijing as the sovereign authority for 23 million Taiwanese who have never experienced a day under the effective jurisdiction of the mainland. Noted Alan James:

“It seems very strange to see Taiwan referred to as an effective territorial entity which is none the less not a state. It certainly fulfils all the criteria for sovereign statehood which are applied in other contexts. It would be more realistic to draw upon the distinction between a sovereign state’s existence and its participation in international life. Taiwan could then be described as a sovereign state which is unable to play an international part on account of its insistence on being referred to by a name which others are not free to use” (James, 1986: 138).

Thus, it is the One-China policy which is at the root of Taiwan’s dilemma. Ironically, this was the one policy on which both Taipei and Beijing agreed. There was one China and Taiwan was an integral part of that China. When the United States recognized the PRC on January 1, 1979, Washington agreed to this formulation, and with it Beijing’s assumption of China’s Security Council seat., The United States ended all diplomatic and official relations with Taiwan, withdrew all American military personnel from the island and ended the Mutual Defence Treaty of 1954. Thus, Taiwan’s long, lonely position on the margins of organised international relations began. The United States maintained a large paradiplomatic mission in Taipei, and accepted a similar Taiwanese mission in Washington, and, more important, remained committed to the defence of Taiwan ensuring its military support in the event of a mainland attempt to annex the island. The United States continued to sell military technology and weapons systems to Taiwan (the 1979 Taiwan Relations Act). Still, in the years since, Beijing’s One-China policy has remained unyielding. At the same time, the Kuomintang government was shifting its position. In 1991 President Lee Teng-hui acknowledged Beijing’s sovereignty over the mainland which in effect ended the Kuomintang’s long-standing assertion of its own claim as the

sole legitimate government of China. When Lee further proposed a two-state solution in 1999, Beijing rejected any such notion out of hand and broke off all unofficial discussions with Taipei.

Beijing's continuing hostility, and even occasional bellicosity, such as the military exercises in the Strait in 1994 and 1995, did not weaken the resolve of the Taiwanese to push for further democratization, Taiwanization and the declaration of an independent state of Taiwan. In 2000 and again in 2004 the Democratic Progressive Party under the leadership of Chen Shui-bian won fair and free elections with a platform committed to an independent Taiwan. Alarmed by the prospects of being dragged into a military conflict with China should Taipei declare independence, the United States repeatedly reaffirmed its support for the status quo of the One-China policy and warned Taiwanese leaders to avoid any such provocation. Over the last decade opinion polls have consistently demonstrated a growing support for the primacy of Taiwanese identity on the island. And the government continues to promote its case for United Nations membership in spite of Beijing's intransigence (Kulish & Chivers, 2008).

President Chen's stance on independence was marked by greater caution than was his pre-election rhetoric in 2000. And the recent parliamentary and presidential elections confirmed a widespread sentiment on the island that Taiwan's relations with the PRC should avoid undue provocation. President Chen's plan to hold a referendum on applying for United Nations membership under the name of Taiwan drew hostile reactions from both Beijing and Washington. Secretary of State Condoleezza Rice called the planned referendum "... a provocative move that would needlessly raise tensions across the Taiwan Strait without delivering any benefit to the Taiwanese people" (Lague, 2008). This rebuke combined with the continued Chinese military buildup across the Strait gave the Kuomintang a landslide victory in the parliamentary elections of January 12 this year (*ibid.*). This paved the way for the Kuomintang leader, Ma Ying-jeou, to recapture the presidency in the presidential elections of March 22, 2008. Ma's campaign was based on a much less confrontational approach to relations with China. He called for a formal peace treaty that would demilitarize the Strait, an increase of Taiwanese investment on the mainland, and direct air and sea links. Important too was the fact that the electorate rejected two referenda in support of pursuing United Nations membership (Electoral Geography 2.0, 2008; New York Times, 2008). Yet, at the same time, Taiwan seized the opportunity to recognize the unilateral declaration of independence in Kosovo and Ma was forced to acknowledge and condemn the repression of Buddhist monks in Lhasa (New Kosova Report, 2008; Goodspeed, 2008).

What then is the current status of Taiwan in the international system? In one sense, the Republic of China on Taiwan may be superficially regarded as a government-in-exile. The government, since Lee Teng-hui's shift in 1991 to a nationalist stance, has continued to promote its interests and profile in the international system as Taiwan. However, officially the government still maintains, after nearly 60 years, that they are the legitimate government of the whole of China. Of course, the island government exercises its jurisdiction only over Taiwan itself and a handful of offshore islands. Still, 23 countries in the world, albeit most of them poor and very small, recognize Taiwan as the Republic of China, and therefore send and receive full diplomatic missions. For most other countries,

however, many with extensive and hugely important economic ties with Taiwan, relations are of a purely paradiplomatic nature with a highly sensitive nomenclature to describe 'non-official' missions, though they may very well act as *de facto* embassies. Given China's own anxieties on these issues, in such circumstances, appearance is all! Similar cosmetic fudging has allowed for some Taiwanese participation in international bodies such as the Olympics and for direct personal links between Taiwanese representatives and officials in other states. Taiwan also issues its own passports which are internationally recognized (Rosenberg, 2007). In 2002 Taiwan became a member of the World Trade Organization and participates in both the Asian Development Bank and the Asia-Pacific Economic Forum (Otopalik, 2006: 85). In short, Taiwan is at once a normal state, a government-in-exile and a *de facto* state engaging in both official and internationally recognized channels of diplomacy in some cases and in cloaked paradiplomatic exchange in others. Taiwan is an international anomaly both in and out of the antechamber of international diplomacy (Bartmann, 2006: 541-559).

We can appreciate the extent to which Taiwan functions as a *de facto* state by comparing its formal legal ties as the Republic of China with those of its paradiplomatic network with an extensive range of partners. The most striking feature of the four tables below is that Taiwan, a major regional military power, an important economic force within the region and the global economy and one of the most stable democracies in Asia, is still very dependent on paradiplomacy. "Paradiplomacy can be best understood as a field of international interaction apart from the conventional channels of international diplomacy. Within this field are many players with different objectives and, most important, different levels of sanction ... Paradiplomacy is a field of international activity which simulates and approximates official and conventional international relations" (Bartmann, 2006: 543-4). As noted, the official and recognized delegations which Taiwan sends and receives as the Republic of China are confined to very small states, themselves on the margins of the international system. In contrast, Taiwan's paradiplomatic reach is dramatic in the status of her state partners and in the sheer numbers of her own paradiplomatic operations abroad. Similarly impressive is the number of states (48) which maintain paradiplomatic missions on the island. In short, in spite of its economic clout and its strategic stature, Taiwan continues to engage the international system on two different levels and it is the more informal, unofficial paradiplomatic level which clearly provides for this controversial island's most critical relationships. Of course, this speaks to the depth of the taboo of Taiwanese separation and the paramount urgency of the territorial integrity principle for mainland China. Still, these tables also reflect the very elasticity of the paradiplomatic mission. The nomenclature can convey simply a non-government relationship so as to stress the distance between the emissary state and Taiwan. Note that some of the designations of foreign missions in Taipei are those of non-governmental bodies such as the Swedish Trade Council or the Spanish Chamber of Commerce. Others, perhaps less sensitive to mainland sensibilities, even go so far as to include The Republic of China in the registration of their offices in Taipei. Taiwan's own offices abroad indicate a fairly common standard with an emphasis on trade, investment and cultural exchanges. In any case, both the paradiplomatic Taiwan missions abroad and the foreign paradiplomatic missions in Taipei carry on many of the substantive diplomatic duties which are common to sovereign states. Taiwan's unique position in the international system is that it is able to follow established diplomatic protocols in some situations but must resort to

paradiplomacy in most of its critical relationships with other states. Taiwan's major activity in an international organization is her membership in the World Trade Organization where she maintains a regular permanent mission, although it comes under the awkward title of the Special Customs Territories of Taiwan, Penghu, Kinmen and Matsu, a humiliating designation that echoes the absurd insistence that Macedonia must be seated in the United Nations as the Former Yugoslav Republic of Macedonia.

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***Table 1: The Diplomatic Representation of the Republic of China (Taiwan): 23***

Embassy in: Asuncion, Banjul, Basseterre, Belize City, Castries, Funafuti, Guatemala City, Holy See, Honiara, Kingstown, Koror, Majuro, Managua, Mbabane, Ouagadougou, Panama City (with Consulate General in Colón), Port-au-Prince, San Salvador, Santo Domingo, São Tomé, Tarawa, Tegucigalpa, Yeren.

Permanent Mission of the Separate Customs territories of Taiwan, Penghu, Kinmen and Matsu to the World Trade Organization in Geneva.

Source: (Ministry of Foreign Affairs, Republic of China (Taiwan): [www.mofa.gov.tw](http://www.mofa.gov.tw))

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***Table 2: Foreign Embassies resident in the Republic of China (Taiwan) (15)***

Belize	Palau
Burkina Faso	Panama
Dominican Republic	Paraguay
El Salvador	St. Kitts and Nevis
The Gambia	São Tomé and Príncipe
Honduras	Solomon Islands
Marshall Islands	Swaziland
Nauru	

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**Table 3: The Paradiplomatic Missions of Taiwan (65)**

Taipei Economic and Cultural Office in: Bangkok; Brasilia and São Paulo (Brazil); Buenos Aires; Canberra, Brisbane, Melbourne and Sydney (Australia); Daarussalam; Hanoi and Ho Chi Minh City (Vietnam); Kuala Lumpur; Macau; Manila; Muscat; New Delhi; Ottawa, Toronto and Vancouver (Canada); Santiago; Tel-Aviv; Tokyo, Osaka and Osaka-Fukuoka (Japan); Wellington and Auckland (New Zealand); Washington, Atlanta, Boston, Chicago, Guam, Honolulu, Houston, Kansas City, Los Angeles, Miami, New York, San Francisco, Seattle (USA).

Taipei Liaison Office in: Johannesburg, Pretoria and Cape Town (South Africa).

Offices with other Official Titles in: Abuja (Trade Mission of the Republic of China (Taiwan)); Amman (Commercial Office of the Republic of China (Taiwan)); Ankara (Taipei Economic and Cultural Mission); Bogotá (Commercial Office of Taipei); D'jakarta (Taipei Economic and Trade Office); Dhaka (Taipei representative Office); Dubai (Commercial Office of the Republic of China); Hong Kong (Chung Hwa Travel Services); Kuwait City (Taipei Commercial Representative in Kuwait); La Paz (Commercial Office of Taiwan); Lima (Economic and Cultural Office of Taipei); Manama (Trade Mission of Taipei to the Kingdom of Bahrain); Moscow (Representative Office in Moscow for the Taipei-Moscow Economic and Cultural Coordinating Commission); Port Moresby (Trade Mission of the Republic of China); Quito (Commercial Office of the Republic of China); Riyadh (Taipei Economic and Cultural Representative Office of the Kingdom of Saudi Arabia); Jeddah (Taipei Economic and Cultural Representative Office); Seoul and Busan (Taipei Mission in Korea); Singapore (Taipei Representative Office in Singapore); Suva (Trade Mission of the Republic of China); Ryukyu, Japan (Sino-Ryukyuan Cultural and Economic Association); Yokohama, Japan (Taipei Economic and Cultural Representative); Ulaanbaatar (Taipei Trade and Economic Representative).

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**Table 4: Foreign Paradiplomatic Missions in Taiwan (48 States)**

Argentina: Argentina Trade and Cultural Office  
Australia: Australian Commerce and Industry Office  
Austria: Austria Tourism Office & Austria Trade Office  
Belgium: Belgian Office  
Bolivia: Bolivian Commercial and Financial Representative  
Brazil: Brazil Business Centre  
Brunei: Brunei Darussalaam Trade and Tourism Office  
Canada: Canada Trade Office in Taipei  
Chile: Chilean Trade Office in Taipei  
Czech Republic: Czech Economic and Cultural Office  
Denmark: Danish Trade Organizations

European Union: European Economic and Trade Office  
Fiji: Fiji Trade and Tourism Representative Office in the Republic of China  
Finland: Finpro  
France: French Office  
Germany: Deutsches Institut; German Trade Office; German Cultural Centre  
Hungary: Hungarian Trade Office  
India: India-Taipei Association  
Indonesia: Indonesian Economic and Trade Office to Taipei  
Ireland: Institute for Trade and Investment of Ireland  
Israel: Israel Economic and Cultural Office  
Italy: Italian Economic, Trade and Cultural Promotion Office  
Japan: Interchange Association of Taipei; Interchange Association of Kaohsiung  
Jordan: Jordan Commercial Office  
Malaysia: Malaysia Friendship and Trading Centre  
Mexico: Mexican Trade Services; Mexican Trade, Documentation and Cultural Office  
Mongolia: Ulaanbaatar Trade and Economic Representative in Taipei  
Netherlands: Netherlands Trade and Investment Office  
New Zealand: New Zealand Commercial and Industrial Office  
Nigeria: Nigeria Trade Office in Taiwan, Republic of China  
Oman: Commercial Office of the Sultanate of Oman  
Peru: Commercial Office of Peru in Taipei  
Philippines: Manila Economic & Cultural Office; Kaohsiung: Economic & Cultural Office;  
Taichung: Economic & Cultural Office  
Poland: Warsaw Trade Office  
Russia: Moscow-Taipei Economic and Cultural Coordination Commission in Taipei  
Saudi-Arabia: Saudi-Arabian Trade Office  
Singapore: Singapore Trade Office In Taipei  
Slovakia: Slovakian Economic and Cultural Office  
South Africa: Liaison Office of South Africa  
South Korea: Korean Mission in Taipei  
Spain: Spanish Chamber of Commerce  
Sweden: Exortradet, Swedish Trade Council  
Switzerland: Trade Offices of Swiss Industries  
Thailand: Thai Trade and Economic Office  
Turkey: Turkish Trade Office in Taipei  
United Kingdom: British Trade & Cultural Office; Kaohsiung: British Trade & Cultural Office  
United States: American Institute in Taiwan; Kaohsiung: American Institute in Taiwan  
Vietnam: Vietnam Economic and Cultural Office in Taipei

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If we return to Alan James' distinction between "a state's existence and its participation in international life," (James, 1986: 138) then Taiwan's status may not be as diminished as it first appears. While most Taiwanese would wish for the formal and unencumbered recognition of a normal state (Li-Pei Wu, 2007), for the issue of dignity is at the very core of sovereign statehood, it is clear that a creative use of paradiplomacy allows Taiwan a huge reach into the centres of

international relations. Issues concerning statehood and recognition are ever-changing particularly in the practice of states. This is especially evident in the post-Cold War milieu and the emergence of so many *de facto* states, most of which also rely on paradiplomacy to maintain a network of international relations. The extent of *de facto* statehood is especially evident in the territories of the former Soviet Union and Yugoslavia. But there are also cases where *defacto* governments have had a very long history in the struggle for recognition and international acceptance. Eritrea, for example, was forcibly annexed by Ethiopia in 1962. This led to a 31 year “underground” struggle with the unrecognized institutions of Eritrea functioning in the shadows and below the authority of Addis Ababa. Independence finally came in 1993 when the Ethiopian regime collapsed in the face of a coalition of rebels including the Eritreans. Similarly, the constitution of the Republic of Cyprus in 1960, which was to be guaranteed by Greece, Turkey and Great Britain, remained in effect for only three years, truly a case of cradle death (Bahcheli, 1990: 51-94). The Turkish minority remained unrepresented in the institutions of the Republic and in 1974 when a coup brought to power a Greek-Cypriot government committed to *enosis* (union with Greece) the Turkish army invaded the island with a mandate to protect the Turkish minority. In 1983 the Turkish Cypriots declared a separate state in the north, the Turkish Republic of Northern Cyprus, which has continued to function as a separate *de facto* state subject to international economic boycott and non-recognition for a quarter of a century (Dodd, 1999: 1-15). But the proliferation of unrecognized states since the end of the Cold War has raised questions about the impact of such fragmentation on the future of international security and stability. It also raises difficult issues concerning the principles of self-determination and democracy when pitted against the nearly sacrosanct tenet of territorial integrity. These issues surfaced most dramatically in the international reaction of Kosovo’s unilateral declaration of independence on February 17, 2008. It is not surprising that Taiwan should be in the fulcrum of this debate.

During most of the post-war period the principle of territorial integrity trumped calls for self-determination outside the parameters of decolonization. Self-determination was widely viewed as a right confined to colonial peoples, the subjects of European salt-water colonial empires. There was no residual right to self-determination for minority peoples once the colonial state achieved sovereignty. The borders of the new state were sacrosanct. Nor did colonial peoples apply to the non-Russian minority nationalities within the Soviet Union. The Russian Empire had many parallels with other European imperial ventures but their colonial subjects, the Chechens, for example, were contiguous with no blue water between them and the imperial centre. During this period there was only one successful case of self-determination through secession: the independence of Bangladesh from Pakistan in 1971. The attempted secession of Biafra won some support from a few African leaders but it eventually succumbed in early 1970 to superior Federal military force which was backed by the majority of states in the international system.

A reluctance to recognize self-determination through secession was evident even in the early stages of post-Communist political change. President George H. W. Bush advised the people of the Baltic republics to remain within the Soviet Union, an obvious attempt to support Mikhail Gorbachev, in spite of the fact that the United States and other Western countries had never granted *de jure* recognition to the Soviet incorporation of the Baltic states. The European Union warned the Czechs and Slovaks that they could not expect EU membership if they pursued a path to separation. And European Union members were divided over Germany’s early recognition of the independence of Slovenia and Croatia. Kosovo is now the last chapter in the Yugoslav story

and once again the international community is divided. Vladimir Putin has been at the forefront of supporting Serbia's rejection of Kosovo independence. For the Serbs the case of Kosovo is a powerful historical and emotional core at the centre of their identity. As Dusan Batakovic, Serbia's ambassador to Canada, put it:

“Kosovo is not just a territory of 1,300 Serbian monuments and churches. It is a constituent part of Serbian identity. I am a Serb, a Christian and also a European, and Kosovo is a very important part of my identity. Kosovo is in the heart of every Serb. There are 200,000 Serbs in Canada, two million in the United States and one million in Europe, and they all celebrate one holiday on June 28: Kosovo Day” (Vincent, 2008).

This is analogous to fervent Han Chinese nationalism raged against “splittism” anywhere in China, including Tibet and Taiwan.

Other states oppose independence for Kosovo on grounds of process and precedent. For Russia the declaration of independence is illegal:

“because Serbia . . . has not agreed to independence for Kosovo, . . . there is no Security Council resolution authorising the detachment of Kosovo from Serbia and that therefore its independence is illegal” (Reynolds, 2008).

In reference to UN Security Council Resolution 1244 (June 10, 1999) which called for the withdrawal of all Yugoslav forces from Kosovo and for the province to be administered by the United Nations, Serbia and her supporters argue that no mention was made in the resolution of independence. Indeed, the very fact that 1244 authorizes substantial autonomy with the Federal Republic of Yugoslavia actually precludes independence (Reynolds, 2008). On February 12, 2008, Russian Foreign Minister Sergei Lavrov put it this way:

“We are speaking here about the subversion of all the foundations of international law . . . about a subversion of those principle on which the Organization for Security and Co-operation in Europe rests, those (principles) laid down in the fundamental documents of the UN” (Reynolds, 2008.).

For Russia and those supporting Serbia, the most critical of these principles is that borders should not be changed without agreement.

But in the clamour of protests it is the fear of precedent, the opening of a Pandora's box to encourage other separatist movements which has been the primary concern for those states refusing to recognize Kosovo, many of which - Spain, Cyprus, Slovakia - fear separatist movements of their own. And certainly there was immediate support from other *de facto* states. Mehmet Ali Tarat, the President of the Turkish Republic of Northern Cyprus, immediately recognized the independence of Kosovo:

“I salute the independence of Kosovo ... no people can be forced to live under the rule of another people” (Tiraspol Times, 2008).

The government of Transdniestra responded by stating that Kosovo should be “a new model for conflict resolution” (Goodenough, 2008). Georgi Petrosian, the Foreign Minister of Nagorno-Karabakh, stated that “he was confident Kosovo’s recognition would strengthen the territory’s position” (Goodenough, 2008). The South Ossetian leader, Eduard Kokoity, argued that Kosovo’s recognition would strengthen the cases of Abkhazia and South Ossetia noting that “the two territories had more political, legal, and historical grounds for claiming sovereignty than Kosovo” (Goodenough, 2008; Dzutsev, 2008). A senior aide to Mahmoud Abbas of the Palestinian Authority, made a similar argument that “the Palestinians deserved independence more than Kosovo, and should make a unilateral declaration if negotiations with Israel failed” (Goodenough, 2008).

Taiwan’s reactions were predictably in the same vein. In welcoming Kosovo’s unilateral declaration of independence, a Foreign Ministry statement said:

“Self-determination is a right recognized by the United Nations, and it is the people who are masters of their nation’s future. In no way should the independence of one nation be denied by another. Taiwan is a member of the international community that cherishes democracy and freedom, and the government is delighted that the people of Kosovo have the fruits of independence, democracy and freedom to look forward to” (Herald Sun, 2008).

The Taiwan government went a step further in a statement of formal recognition of Kosovo which could give Taiwan a second diplomatic partner in Europe beyond the Holy See (Goodenough, 2008). China’s reaction was furious and blunt. Foreign Ministry spokesperson Liu Jianchao said:

“It is known to all that, as a part of China, Taiwan has no right or eligibility to give the so-called ‘recognition’” (Herald Sun, 2008).

Australian defence analyst, Greg Copley, argued that the decision of the United States to recognize Kosovo was viewed by China as an encouragement of a similar move by Taiwan (Groening, 2008).

A number of observers are predicting that the independence of Kosovo will strengthen Taiwan’s bid to join the United Nations and other intergovernmental bodies. Patrick Wang Chen-Tai notes:

“While Kosovo can now be expected to head to the top of the queue for membership to the UN and other international organizations, Taiwan continues to be excluded. If Kosovo can make a rightful claim to join the world community, Taiwan’s claim is even stronger. Unlike Kosovo, which is just beginning in terms of building a democratic nation, Taiwan is a well-developed and full-fledged democracy” (Chen-Tai, 2008).

However, for Russia and China, and even for some Western states that support their position, the issue has little to do with appeals to self-determination or democratization. It is a matter of upholding the principle of the territorial integrity of states and mounting an unequivocal stand against separatism or, in the case of China, ‘splittism’. Moreover, it is premature to view Kosovo

“... at the top of the queue for membership in the UN and other international organizations”. It is more than likely that Russia and China will veto any application from Kosovo for many years ahead. Kosovo and Taiwan can expect to share a role as international outcasts unless there is unexpected and dramatic political change in Moscow and Beijing. Kosovo’s prospects may be somewhat more encouraging in spite of its wretched poverty and the likelihood of a long-term presence of the EU Mission in the country which compromises their newly-won sovereignty. Kosovo is recognized and supported by the community of Western states: the United States, most members of the European Union, Japan, Australia and Canada. There is widespread recognition that Serbia had forfeited its claims to Kosovo in 1998-99 and that, in any case, it was glaringly clear that the huge majority of Albanian Kosovars would never agree to Serbian rule again, however generously autonomy was devolved (Simic, 2008: 4). Moreover, while Russia can thwart Kosovo’s bid to join the United Nations, it cannot really threaten the international support which Kosovo enjoys. Indeed, even those European states which have withheld recognition have not sought to prevent the EU Mission from being deployed in Kosovo. Some, like Aleksandar Mitic, have argued that Kosovo’s fate may depend on sheer numbers, if the Western side prevails:

“The stakes are high: the side that goes over the psychological barrier and wins the majority of 192 UN member states will be well placed to fight ultimately for international legitimacy ... Without UN membership, Kosovo’s international legitimacy will remain in limbo. It is not only about abstract symbols, it is also about practicalities: no UN means no membership in most international institutions” (Mitic, 2008).

It seems that Mitic is a little naive in assuming that Russia and China might be moved by the tallying of votes in the General Assembly. Moreover, it is not clear that Kosovo would be in limbo even if she remained outside the UN system for many years. She can function as a normal state within the large community of Western support. In any case, Taiwan is in a much more isolated position. Her closest Western allies do not want to provoke Beijing and thus China has a free hand to maintain a policy determined to keep Taiwan as an outcast in the organised relations of the international system.

China’s intransigence is equally evident on the question of Tibet. As Lindsey Hilsum (2008: 22) noted, the crackdown against demonstrating monks in Lhasa in mid-March, belied the notion that China was emerging “from transition to the modern world” with the 2008 Olympics as the supreme symbol of that transition. With Lhasa converted to an armed camp, journalists banned, and the language of the regime reverting to the tone of the Cultural Revolution, these events evoke more the imagery of Tiananmen Square than the prospects of a new future. In the People’s Daily, this language is clear:

“the Dalai clique ... masterminded, carefully organized and planned the riot with bloodshed, and the rioters’ evil deeds are closely related to ravings to secede the motherland” (*ibid.*).

It is not surprising that events in Tibet became a major issue in the Taiwanese elections. “What has happened in Tibet in the past three decades, and what is going on now, is a warning to us”, said Shieh Jhyywey, Taiwan’s Minister of Information. “We don’t want to have the same fate as

Tibet” (Goodspeed, 2008). Frank Hsieh, the DPP leader, lit a torch for Tibet at a rally and warned: “As we look at Tibet, we must think about our own fate” (Goodspeed, 2008). For Ma Ying-jeou, the KMT leader, whose campaign was based on better relations with Beijing, events in Lhasa threatened his 10 point lead and forced him on the defensive, even threatening to boycott the Olympic Games. He insisted:

“Taiwan is not Tibet. If elected, I would not let Taiwan become Tibetized. Taiwan is a sovereign nation. To draw an analogy between Tibet and Taiwan is an incorrect one. Tibet is under Chinese rule, Taiwan is not” (Goodspeed, 2008).

The irony is that both Taipei and Beijing support Chinese control over Tibet, though Taiwan condemns the hard-fisted tactics of the Chinese Communist Party.

Mr. Ma’s arguments underscore the weakness of Taiwan’s position. He insists that Taiwan is a sovereign nation, and clearly as Alan James noted, that may be true. However, for Beijing such assertions fall on deaf ears. They are an affront to the integrity and honour of China. For Beijing the position remains unchanged: Taiwan is a renegade province which must be reunited with “the motherland” even if this means resorting to military force. Taiwan’s economic progress and the success of democracy on the island are both useful supports in maintaining Taiwan’s *de facto* statehood. While it is true that the United States and most members of the international system continue to support the One China policy, it is also certain that the United States will continue its protection of Taiwan’s independence. Here Taiwan’s geopolitical position as an island state has worked to her advantage. When necessary the United States can from time to time demonstrate its resolve on this issue by simply appearing in the Strait with a force clearly superior to that of Beijing. As former Secretary of Defence, Admiral Perry, put it in 2005:

“U.S. deployment of two aircraft carrier groups to the Straits would handle it (a mainland military threat) ... I’ve told China’s generals this and invited them to look at our aircraft carriers” (quoted in Otopalik, 2006: 98).

It is highly unlikely that the American electorate would ever accept an abandonment of that commitment. The defence of Taiwan would be much more difficult if it was a continental enclave either within China or contiguous to it.

Taiwan is likely to remain an anomaly in the international position, primarily a *de facto* state with extensive international relations but within the confines of paradiplomatic relations. That status may be frustrating, and an affront to Taiwanese dignity, but it is a status which allows Taiwan to continue to enjoy its independence and prosperity. And it is a status that can be probed and pushed for new openings and opportunities. For the near future at least, the principle of territorial integrity will continue to prevail over self-determination. China is not Serbia, and Taiwan is not Kosovo. But then, neither is Taiwan Tibet.

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*B. Bartmann*

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