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## 228 Massacre: The Origin of the Injustices in Postwar Taiwan

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### 1. Surrender, Takeover, and Occupation

The end of a war does not arrive with the firing of the final bullet. Instead it emerges from the process of surrender, expropriation of assets, occupation of territory, and the subsequent agreement of a peace settlement between the warring sides.

On July 16, 1945, the US, the UK, and the Soviet Union met at the Potsdam Conference, during which US President Harry S. Truman proposed conditions for Japanese surrender. As the Soviet Union had yet to declare war on Japan, the statement of July 26 was made under the name of the other three Allied nations: the US, China, and Britain.

The statement proposed thirteen articles, of which the eighth read, "*The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku, and such minor islands as we determine.*"

On August 6 and August 9, the US dropped atomic bombs on Hiroshima and Nagasaki, respectively, events which led to Japan declaring its willingness to surrender on August 10. On August 14, Japan formally proclaimed unconditional surrender and the following day, the Broadcast of Instrument of Surrender was

given by Japanese Emperor Hirohito (Showa). It announced to the Japanese people that the Japanese Government had accepted the Potsdam Declaration to end the Pacific War. President Truman of the United States then approved **General Order No. 1** to be issued by the Supreme Commander of the Allied Powers (SCAP), General Douglas MacArthur. The order stipulated that the senior Japanese commanders and all ground, sea, air, and auxiliary forces within China (excluding Manchuria), Formosa [Taiwan] and French Indo-China north of 16 degrees north latitude, shall surrender to Generalissimo Chiang Kai-shek. The General Order provided the basis for Generalissimo Chiang Kai-shek to accept the surrender of all territories in the China theater.

In a telegram on August 18, in his capacity as Chairman of the Military Affairs Commission (MAC), Chiang Kai-shek appointed representatives for each of the fifteen surrendering regions, and appointed Commander-in-Chief of the Chinese Army Ho Ying-chin as the overall representative for the surrender of the China theater. The telegram instructed General Ho to:

- 1. Handle all matters of the surrender of the China theater;*
- 2. Direct all areas of the theater and all military forces therein and handle all matters regarding the receipt of the respective regions surrendered by the enemy at the appropriate time;*
- 3. Deliver all orders to the commander-in-chief of the enemy forces in the China theater.*

On August 21, General Ho relayed this in a memorandum to the Commander-in-Chief of Japan's China Expeditionary Army, Okamura Yasuji:

- 1. As Commander of the Chinese Army, in adherence to orders from the Supreme Commander of the China Theater Chiang Kai-shek, I accept the surrender of the senior Japanese commanders and all ground, sea, air and*

*auxiliary forces in the Republic of China (excepting the provinces of Liaoning, Jilin, and Heilongjiang), Formosa, and the territories in Vietnam north of 16 degrees north latitude;*

- 2. The regulations set out in this memorandum should be accepted by the commander-in-chief of the Japanese army in China, General Okamura Yasuji, and immediately put into effect. Japanese troops in Formosa and the territories in Vietnam north of 16 degrees north latitude should, in accordance with these regulations, follow the command of General Okamura Yasuji and accept the terms of surrender.*

Separately, on August 23, Chiang Kai-shek wrote in a telegram:

*The document of surrender drafted by General Robert Battey McClure was flown from the US headquarters together with the General Order No. 1, after both received approval from the Joint Staff Office (Attached is the original document and the amendments proposed by the US side. One hopes that the document can be amended accordingly. Also enclosed are the US Memorandums No. 710-7 of August 22 and their attachments.). However, prior to the signing of the document by Japan and the Allies, this draft can only be considered of a temporary nature, or otherwise in need of revision.*

The details presented above demonstrate that the question of the authority for accepting surrender, as well as the details of the terms of the surrender agreement, had passed through layers of bureaucratic assessment, beginning with the SCAP. Moreover, the plan for the handover of territories could not be put into effect by the Chinese military until it had first gained approval from the US Army Staff Headquarters. At this time, the US had stationed the U.S. Military Liaison

Group in Taiwan. The Liaison Group was a relatively large basic unit of the US military, with an initial complement of 34 staff led by Colonel Cecil J. Gridley. Its duties included surveying the post-war situation to ensure that peace was maintained throughout the process of surrender, takeover, and occupation.

The division of work during the process of occupation was explicitly discussed in a joint meeting of the Sino-American military staffs in Taiwan, during which it was decided that the advance command post in Taiwan should include personnel from both China and the US. Ko Yuan-fen, Staff of Taiwan Garrison General Headquarters proposed that, *“our department's orders for Japan will be drawn up after discussion and investigation in collaboration with the US, and will be drafted by the Chinese or the US side in accordance with the nature of the order,”* to which US Lieutenant Colonel Reginald L. Hatt responded, *“The drafting of various orders for Japan should be the responsibility of your department. We only hope that the American side will be notified prior to the issuing of any orders, to leave sufficient time for analysis or suggestions.”* This illustrates that while the Chinese side was to have the main responsibility for occupation, the US were to be given advance notice of any developments, and would furthermore have the right to object to policy development and implementation.

On September 2, 1945, the Allies held a ceremony for the surrender of Japan on board the battleship USS Missouri in Tokyo Bay. Articles 1, 2, and 6 of the Instrument of Surrender by Japan are particularly of note.

Article 1 stated that the surrender of Japan was to be accepted by the Allied nations led by the US, China, Britain, and the USSR:

*We, acting by command of and in behalf of the Emperor of Japan, the Japanese Government and the Japanese Imperial General Headquarters, hereby accept the provisions set forth in the declaration issued by the heads of the*

*Governments of the United States, China and Great Britain on 26 July 1945, at Potsdam, and subsequently adhered to by the Union of Soviet Socialist Republics, which four powers are hereafter referred to as the Allied Powers.*

Article 2 concerned the unconditional surrender:

*We hereby proclaim the unconditional surrender to the Allied Powers of the Japanese Imperial General Headquarters and of all Japanese armed forces and all armed forces under Japanese control wherever situated.*

Article 6 related to the representatives of the surrendering parties:

*We hereby undertake for the Emperor, the Japanese Government and their successors to carry out the provisions of the Potsdam Declaration in good faith, and to issue whatever orders and take whatever action may be required by the Supreme Commander for the Allied Powers or by any other designated representative of the Allied Powers for the purpose of giving effect to that Declaration.*

Article 8 then enlisted the signatories:

*Supreme Commander for the Allied Powers; representatives of the United States of America, Republic of China, United Kingdom, Union of Soviet Socialist Republics, Commonwealth of Australia, Dominion of Canada, Provisional Government of the French Republic, Kingdom of the Netherlands, and Dominion of New Zealand.*

The surrendering ceremony for the China theater was held in Nanjing, at 9 a.m. on September 9. Japan was represented by seven delegates, including Commander-in-Chief of the China Expeditionary Army General Okamura Yasuji, Chief of Staff of the Imperial Japanese Army Lieutenant General Kobayashi Asasaburo, Vice-Chief of Staff of the Army Major General Takeo Imai, Lieutenant Colonel Kiyoshi Ogasawara, Commander of the China Area Fleet Vice Admiral Fukuda Ryoza, Chief of Staff of the Taiwan Army Lieutenant General Isayama Haruki, and Chief of Staff of the 38th Army of the Southern Army Colonel Misawa Masao.

Hung above the venue were the flags of the four Allied Powers, China, the US, Britain, and the USSR. The decree for Japan's surrender in the China theater instructed forces in the China theater to surrender to Chiang Kai-shek, in accordance with the order issued by the Supreme Commander of the United Nations (Allied Powers):

*The Emperor of Japan, the Japanese government, and the Japanese Imperial General Headquarters, having recognized the complete military defeat of the Japanese military forces by the Allied forces and having surrendered unconditionally to the Supreme Commander for the Allied Powers, and the Supreme Commander for the Allied Powers having directed by his General Order No. 1 that the senior commanders and all ground, sea, air and auxiliary forces within China (excluding Manchuria), Formosa and French Indo-China north of 16 degrees north latitude shall surrender to Generalissimo Chiang Kai-shek. We, the Japanese Commanders of all the Japanese forces, and auxiliaries in the areas named above... hereby surrender unconditionally all of the forces under our command to Generalissimo Chiang Kai-shek.*

To operationalize this, it stipulated their surrender to Commander-in-Chief Ho Ying-chin, the appointed representative of the Supreme Commander of the China Theater, as well as the commanding officers appointed by Chiang for each of the sixteen surrendering regions. These procedures demonstrate that orders and authorization were distinct at all levels from the Supreme Allied Commander to the commanders of the major military regions, and even the regional generals.

At 10 a.m. on October 25, 1945 the surrender acceptance ceremony for the Taiwan region of the China theater at the Taipei City Public Auditorium [now Taipei Zhongshan Hall], during which Chen Yi, the Governor-General of Taiwan Province, proclaimed:

*The Japanese Army in Taiwan has surrendered in Nanjing on September 9, 1945. Under the command of Supreme Commander of the China Theater Chiang Kai-shek, via Commander-in-Chief Ho, and as Commander Accepting the Surrender of Taiwan, I now hand the Order No. 1 to General Ando Rikichi, Governor-General of Taiwan and Commander of the Ten<sup>th</sup> Front Army of Japan, for his acceptance, with the hope that he acts accordingly.*

As soon as Chen Yi finished his speech, Order No.1 issued by Chen Yi along with the document of acceptance of surrender was handed to the Chief of Staff to present to Ando Rikichi. Once Ando had signed the document, the Japanese representative, Chief of Staff of the Taiwan army, Isayama Haruki, presented the signed document to Governor-General Chen Yi. After examining and finding no fault with the document, Chen Yi instructed the Japanese representative to leave. It is worth mentioning that, as with the venues of other international ceremonies, the flags of ROC, the United States, Britain, and the Soviet Union hung in the Taipei City Public Auditorium. Of the distinguished guests seated during the

ceremony, most were US and UK delegates, which further demonstrates that during the task of implementing the surrender of Taiwan, expropriation of assets, and occupation of territory, China was acting as a representative of the allied forces of the United Nations.

On October 25 in Taipei, Chen Yi made an announcement by radio broadcast:

*From this day forth, Formosa and the Pescadores have been formally re-incorporated into the territory of China, and all matters of her land, citizens, and politics are placed under the sovereignty of the Nationalist Government of the Republic of China. This historic fact is hereby proclaimed to all Chinese compatriots and to the entire world.*

Such claims about the sovereign status of Taiwan were in contravention of international law. Aside from the fact that sovereignty is not automatically transferred as the result of occupation, nationality. While a nation is permitted the use of an enemy state's real estate during the occupation of said state's territory, before the settlement of formal agreements, this real estate may not be confiscated or transferred to a third party. The Office of Governor-General of Taiwan and Taiwan Garrison General Headquarters Order No. 1 issued by Chen Yi as Governor-General of Taiwan to Andō Rikichi at the ceremony for the surrender of Japan on October 25 clearly specified that Chen was to accept the surrender of the Japanese land, sea and air forces and auxiliary troops in Formosa and the Pescadores, and, with full authority, to receive the territory, people, governing authority, and military and administrative facilities and other assets. Here, governing authority does not equate to sovereignty, but rather refers to military and administrative management.



## 2. US Policy Toward Taiwan

On November 16, 1945, the Chief of the US Department of State Division of Chinese Affairs, Everett F. Drumright, stated in a memorandum that, *“At the Potsdam Conference of 1945, the Government of the USSR signified its adherence to the terms of the Cairo Declaration. It thus appears that we are bound under the terms of the Cairo Declaration to see to it that Manchuria and the other areas mentioned therein are restored to the Republic of China.”* On March 11, 1946, the State-War-Navy Coordinating Subcommittee for the Far East responded in a memorandum to Supreme Commander of the US in the China Theater Albert Coady Wedemeyer which addressed the subject of the sovereignty of Taiwan. It stated in part:

I. (a) The Cairo Declaration of December 1, 1943 provides that *“Formosa...shall be restored to the Republic of China”*. [items b, c, and d lay out the chain from Cairo to Postdam to the Surrender Instrument]

(e) By virtue of the assumption and exercise of governmental authority by the Republic of China in Formosa pursuant to the Cairo Declaration and the signature of the representatives of the governments of China and Japan, the State Department considers that Formosa has been restored to the Republic of China but that this transfer may eventually have to be formalized by appropriate treaty arrangements.

The Subcommittee also believed that *“The disposition by the Chinese of Japanese property in Formosa and the national status of residents of Formosa (as distinguished from the operational task of repatriation of Japanese) are considered*

*to be political matters which may best be handled through normal diplomatic channels.”*

On January 10, 1947, the US Consul at Taiwan, Ralph Joseph Blake, reported to the US Ambassador to China, John Leighton Stuart, that there were rumors in Taiwan that the US and the Soviet Union were on the brink of war, and that the US would launch large-scale military activities in Taiwan, using Taiwan as a military base. The most fanciful story was that Chiang Kai-shek had traveled to Taiwan in secret in October and had agreed with MacArthur to exchange Taiwan for US aid which Chiang Kai-shek needed in his fight against the Communists. The report also mentioned that the occurrence of the “Shibuya Incident” led to some Taiwanese becoming anti-American or criticizing Taiwanese who was involved in the incident.

The “Shibuya Incident” occurred because the political issue of the national identity of Taiwanese residents in Japan had not yet been handled diplomatically. After the surrender of Japan, the country was suffering a lack of basic commodities, which led to thriving black markets, which some Chinese and Taiwanese citizens living in Japan also became engaged in. According to overseas Chinese sources, the profitability of the black markets in Japan led to the emergence of over 2,000 overseas Chinese vendors in Tokyo, Osaka, and Kobe. After the end of the war, overseas Chinese were considered expatriates of the victorious Allied nations. They thus not only enjoyed extraterritoriality but also received the same ration of daily necessities as citizens of other Allied nations. In addition, they were exempted from property taxes and certain other taxes. While the Taiwanese in Japan were not treated as Allied expatriates, they were granted the same food rations and tax exemptions. Some Taiwanese who considered themselves as being Chinese citizens refused to abide by Japanese laws, which led to Chinese and Taiwanese in Japan having frequent conflicts with Japanese police and businessmen. In one instance, in mid-March 1946, some Taiwanese rented

land in front of Shimbashi Station from the Matsuda-gumi to open a vendor's stall but refused to return the leased land. Consequently, the two sides became engaged in repeated negotiations and further disputes. On the morning of July 19, rumors spread that the staff of the Matsuda-gumi were planning to carry out attacks on Taiwanese. Over six hundred Chinese and Taiwanese assembled to debate the increasing hostility. Lin Ting-ping, a member of the Overseas Chinese Affairs Office, was sent by the recently-established Chinese Mission in Japan to mediate. After the gathering, a group of Chinese and Taiwanese were traveling in four trucks to return to their homes when they encountered a large number of police in front of the Shibuya Police Station blocking their way. At some point, a firearm was discharged and then a melee broke out, resulting in a reported five deaths and eighteen injuries among the Chinese and Taiwanese, and forty-three of them were arrested.

The head of the Chinese Mission, Chu Shih-ming, believed that the main factors which led up to this event were the consistently unruly behavior exhibited by Taiwanese based in Japan, as well as their misunderstanding that they would benefit from the same privileges as citizens of Allied nations. Chinese Mission to negotiate with the Allied Headquarters, on the basis of the following demands:

1. The dismissal and strict punishment of the chief of police of Shibuya station and any police who discharged their firearms, as well as the dismissal of the Superintendent General;
2. An apology from the Japanese government for the incident;
3. Compensation of ¥300,000 to be paid for each overseas Chinese citizen killed in the incident (approximately US \$20,000 at the time), to cover medical costs and as consolation;
4. Chinese that were severely injured or disabled in the incident to be compensated in accordance with the degree of their injuries for life-long

costs incurred as a result;

5. Compensation to be paid for the Chinese vendor's stall in Shimbashi for loss incurred by the damage caused by Matsuda-gumi staff;
6. The black market to be thoroughly eradicated, while avoiding any discrimination on the basis of race or nationality;
7. A guarantee will be provided that any similar incident shall not occur in the future.

At the same time, related memoranda were to be sent to the Allies to seek Chinese participation on the bench. However, with the exception of the request for participation, all other requests were unsuccessful. Following widespread outrage, Chiang Kai-shek ordered the Ministry of Foreign Affairs to carry out a thorough investigation.

On October 1, 1946, the Eighth Military Tribunal held by the Allied Powers in Tokyo began its trial of the Taiwanese arrested during the Shibuya Incident, with Judge Chiu Shao-heng appointed by the Chinese side.

On December 11, a verdict was reached: two defendants were acquitted, one received a sentence of three years imprisonment - the most severe punishment, and another thirty-five received sentences of two years imprisonment. The five remaining defendants were sentenced to six months probation. All sentences of two years and above would be suspended if the defendant agreed to be repatriated. After the verdict was issued, the Nationalist Government repeatedly appealed to the Allied Headquarters in vain for the judgment to be overturned, as well as for the Japanese policemen to be severely punished. However, by the end of January 1947, the three Japanese policemen had been acquitted in military court. In May 1947, the convicted men were returned to Taiwan on the ship Tachibana Maru; however, since by that time the tense atmosphere of the island wide "country sweeping campaign" after the 228 Incident was underway, and the

Shibuya Incident was largely forgotten.

On January 12, 1946, the Executive Yuan of the Nationalist Government issued a decree stating that on October 25, 1945, the people of Taiwan had regained their Chinese nationality without exception. Then on June 22, 1946, the Executive Yuan promulgated the "Regulations Regarding the Nationality of Overseas Taiwanese," Article 1 of which stated, "When Overseas Taiwanese regained their Chinese nationality on October 25, 1945, the Ministry of Foreign Affairs should have telegraphed all diplomatic missions in other nations to make the government of their respective locations aware of this and notify their respective authorities." The Nationalist Government unilaterally settled the issue of the Taiwanese people's nationality by notifying the people of Taiwan in a single order. In accordance with Article 3, if Taiwanese residing in other countries "do not wish to regain their Chinese nationality, they must declare this with the Chinese embassy, consulate, or representative office abroad before December 31, 1946." However, this regulation was not internationally recognized. After the Shibuya Incident, the problem of the citizenship and jurisdiction over Taiwanese people had become a concern for the Nationalist Government, who had repeatedly declared to the SCAP that the Taiwanese people regained their Republic of China nationality on October 25, 1945 and should thus, be considered overseas Chinese citizens. Regarding these issues, SCAP maintained that it had no right to decide on the changing of nationality, and therefore "the State Department has already been consulted". At the same time, for administrative convenience, SCAP also expressed that if Taiwanese in Japan were registered as overseas Chinese, then they could be regarded as citizens of Allied nations, to enable repatriation at an early date. The Chinese Mission thereupon began the registration of Taiwanese in Japan as overseas Chinese citizens, with a deadline for completing the administration set in

late December 1946. According to the delegation:

*All Taiwanese who have regained their nationality and have been issued certification by the China Mission should be treated as equals by citizens of Allied nations, particularly in the areas of judicial jurisdiction and tax obligation. The assets of Taiwanese in Japan are substantial. If they were to bear the same fiscal duties as the Japanese, the result would be the plight of their assets.*

As a result, approximately 18,000 Taiwanese people were registered as overseas Chinese. However, in accordance with necessary military measures, the SCAP considered that Taiwanese in Japan were still subject to the Japanese judicial system and police jurisdiction.

With regard to the status of Taiwanese in Japan and the related question of their exemption, as United Nations nationals, from the jurisdiction of Japanese police and in Japanese criminal courts, the opinion of the US State Department was:

*It is the view of the Department that the removal of United Nations nationals from the jurisdiction of Japanese police and courts was a measure designed primarily to facilitate the work of the occupation authorities and to safeguard occupation personnel. Americans and most other nationals of members of the United Nations who are not engaged in occupational duties have in general been repatriated from Japan, and there do not exist there the facilities which would be necessary for properly maintaining order and administering justice were the privilege of exemption from Japanese jurisdiction to be extended to a large community of persons for whom it was not intended.*

As regards the national identity of overseas Taiwanese, the State Department said that these persons throughout the war were enemy nationals and according to Japanese law still retain Japanese nationality, excepting only those who have individually divested themselves thereof in accordance with established procedure.

The response of the British Foreign Ministry was as follows:

*His Majesty's Government in the United Kingdom continues to adhere to the Cairo Declaration of 1st December 1943, regarding the restoration to China of the island of Formosa. This Declaration of the Allied Powers, however, could not of itself transfer sovereignty of Formosa from Japan to China, which must await the conclusion of a peace treaty with Japan or the execution of some other formal diplomatic instrument. Therefore, although the Chinese government has been handed the right to rule over Taiwan, the British government regrets that it cannot accede to the demand that the people of Taiwan resume their Chinese nationality.*

In other words, before the signing of a treaty with Japan to decide the sovereignty of Taiwan, the nationality of the Taiwanese people could not be determined, and thus, they would still remain as citizens of Japan.

The response from the US Department of State is particularly noteworthy. In accordance with Japanese law, approximately twenty thousand Taiwanese people still retained Japanese nationality. From a legal perspective, the sovereignty of Taiwan had not yet been officially transferred. At such a time that a treaty was negotiated, one would imagine that said treaty would include provisions for the transfer of sovereignty, as well as those concerning relevant changes to the nationality of the Taiwanese residents. But at this point, it could not be asserted

whether the provisions would change the nationality of those who had already left their homes in Taiwan and relocated abroad. The response further indicated that most Taiwanese living in Japan did not hold Chinese citizenship or have identification documents.

The resumption of Chinese nationality by overseas Taiwanese had been vetoed by both the US and British governments. Thus, China's Ministry of Foreign Affairs considered that since the US and British opinions on the resumption of Taiwanese nationality were in agreement, from a legal standpoint, China should not argue, but was still able to retain its opinion on the issue the Chinese resolution lacked any legal basis, and thus, reserved its arguments.

From as early as late April 1945, in his position as chairman of the Taiwan Investigation Committee in the Central Planning Bureau, Chen Yi inquired in a letter to the Ministry of Foreign Affairs regarding measures for the disposition of land and personal real estate. The Vice-Minister of Foreign Affairs, Wu Kuo-chen (K. C. Wu), wrote in response:

*Taiwan's relations with China and Japan are similar to those of Alsace and Lorraine with France and Germany during the last war in Europe. Therefore, the provisions of the Treaty of Versailles regarding France's handling of all issues of Alsace and Lorraine may serve as a reference for China's handling of Taiwan. ... It also may serve as a reference that in accordance with Article 5 of the Sino-Japanese Treaty of Shimonoseki, "The inhabitants of the territories ceded to Japan who wish to take up residence outside the ceded districts shall be at liberty to sell their real property and retire. For this purpose, a period of two years from the date of the exchange of ratifications of the present Act shall be granted. At the expiration of that period those inhabitants who shall not have left such territories shall... be deemed to be Japanese subjects.*



The right to decide one's own nationality in Article 5 of the Treaty of Shimonoseki signed by the Qing and Japanese imperial courts appears to emulate the Treaty of Frankfurt signed on May 10, 1871, at the end of the Franco-Prussian War. Article 2 of the Treaty of Frankfurt stipulated that prior to October 1, 1872, French nationals living in the cession area could freely choose to retain their French nationality. Likewise, after the First World War, following negotiations at the Paris Peace Conference, the Treaty of Versailles was signed at the Palace of Versailles on June 28, 1919, and it formally entered into effect on January 20, 1920. In the annex to Section V, Article 53 of Part III of the Treaty, France granted the residents of Alsace and Lorraine the right to choose their own nation within the first year following the entry into effect of the Treaty. 41 Thus, the Ministry of Foreign Affairs of the Nationalist Government was well aware that under the norms of international law, territory and nationality could not be transferred unilaterally without the prior provisions of a treaty.

Yet, on March 18, 1946, the Office of Governor-General of Taiwan Province drew up the "Detailed Rules for the Implementation of Household Enumeration in Counties and Municipalities of Taiwan Province," and carried out a such an enumeration between April and June of the same year. Then, on September 13, they drafted "Procedures for the Implementation of Household Registration in Counties and Municipalities of Taiwan Province," in order to carry out the first registration of citizenship, which would begin on October 1 and be completed by the end of December. This task was to be conducted by police who would visit each household individually. The registration of citizenship would use a "one household registration card per person approach. The household registration book was to be issued the following February (1947), and national identity cards would be issued between May and the end of December to all nationals above the age of

eighteen. During the period of Japanese occupation Taiwan had had a strict system of household registration. By investigation of identity and registration of household members, the occupying ROC authorities brought the people of Taiwan within the scope of citizenship of the Republic of China.

### 3. Taiwan's International Legal Status

On March 1, after the 228 Incident broke out, Minister-Counselor of the US Embassy in China, William Walton Butterworth, transferred the report of Consul General Blake to the State Department regarding the unrest in Taiwan, in which he noted that Blake was requesting evacuation of persons seeking refuge in the Consulate.

On March 3, Blake reported to US Ambassador John Leighton Stuart that:

*Consul has today received petition addressed to General Marshall containing 141 signatures in behalf of 807 persons stating in conclusion |shortest way of reformation of Provincial Government (of Taiwan) is wholly to depend upon United Nations joint administration in Formosa and cut political and economic concern with China proper for years until Formosa becomes independent.*

On March 3 at 10 a.m., in cable No. 34, the Taipei Consulate also concludes that:

*only practicable solution would be immediate American intervention in its own right or on behalf of UN to prevent disastrous slaughter by Government forces if loosed on capital, which was imminent possibility March 3. American prestige high and intervention profoundly desired by Formosans who believe representations at Nanking and direct intervention here justifiable for UN*

*under present Japanese de jure sovereignty status. Then Government might yield to opportunity to be relieved of serious and continuing military liability during present mainland difficulties. China could feel assured that interim government by UN, with China represented, would terminate in Formosa's return to a responsible Chinese administration in which Formosans have large share. Formosans assume UN control would be predominantly American. They frequently express desire for democratic political training and desire ultimate government of Formosa by Formosans representing the island in Central Government. Civil war on Formosa is most probable alternative.*

However, Ambassador John Leighton Stuart held onto the telegram for three days, not sending it to the State Department until the evening of March 6.

On March 6, Ambassador Stuart reported to the US Department of State that he had issued a directive to the Taipei Consulate prohibiting government or private intervention in the situation in Taiwan. The same day, Stuart visited Chiang Kai-shek to discuss the grave situation in Taiwan and to relay that Consul General Blake had contacted him asking for an aircraft to be sent for the close family members of American staff to leave Taiwan. Stuart had instructed the Consulate in Taipei to wait until the severity of the crisis had been determined before deciding on a time to retreat and requested that US Embassy personnel rely on "the constituted authority, whose responsibility it is to afford you adequate protection. In his diary, Chiang Kai-shek lamented that "It is extremely grievous that the impetuous and frivolous American personnel are easily manipulated by the reactionaries, bringing China more difficulties and shame." On March 7, Chiang also telegraphed the Chen Yi, the Governor-General of Taiwan Province:

*According to the telegram from the US Consul in Taiwan to the US Embassy,*

*they feel that the situation in Taiwan will soon deteriorate and asked the ambassador to send an aircraft to Taiwan to take family members home from Taiwan. The Embassy first delayed the dispatch of aircraft while telegraphing their consul to clarify the situation. The Embassy later received another telegram from the Taiwan Association for Political Construction to transfer a message to overseas embassies, instructing them to refrain from sending troops to Taiwan in the meantime, so as not to exacerbate the situation. This is surely the result of terror created by reactionaries in foreign consulates. A further reply is expected to provide more details on the situation.*

Instead of reflecting on his personal contribution to the situation, Chiang blamed the “impetuous and frivolous American personnel” and “terror caused by reactionaries in foreign consulates” for bringing them disgrace. In a telegram to Chen Yi on March 5, Chiang had ordered an infantry regiment and a battalion of military police to be dispatched to Taiwan to calm the chaos. On March 7, he telegraphed instructions for the dispatch of a directly-controlled unit of the 21<sup>st</sup> Division headquarters and the 1 Regiment. On March 8, Li Yi-chung and Liu Yu-ching were sent to Taiwan to provide a “detailed picture” of the situation for Chen Yi. On March 9, Chiang ordered Defense Minister Pai Chung-hsi to go to Taiwan in an operation to “promote official decrees and pacify the people,” meanwhile instructing Chen Yi to “maintain contact with the US Consul and not to develop any negative feelings towards the US side.” This illustrates that Chiang Kai-shek attached a great importance to the US perception of the situation.

On the evening of March 27, Chiang Kai-shek met with Ambassador Stuart and raised the matter of the plan for US dollar bonds and short-term treasury bills to be issued in the near future; however, Stuart expressed his doubts regarding the

plan's feasibility. Stuart broached the subject of rebuilding an uncorrupt government in Taiwan, and proposed to establish Taiwan as a Special Economic Zone and to employ a large number of American technical advisers to help develop the island's economic resources, a plan which would gain the cooperation of the people of Taiwan and allow profits from exports to be used for loan repayment or to guarantee future US loans.

After the meeting, Stuart reported to Secretary of State Marshall that Chiang had agreed with the recommendation to establish the Special Economic Zone and had asked the ambassador to draw up a detailed plan. However, Chiang Kai-shek's wrote in his diary the next day, "They attach great importance to the economy of Taiwan and Qiongzhou (Hainan). They wish to employ Americans as advisers. What is more, they exploit the disturbance in Taiwan for their own ends."

Assistant Secretary of State Dean Acheson felt that the US should assess the capital required for economic development and dispatch advisers. While he believed that "Assistance in economic development of Formosa appears sound in principle but at first blush we question practicability of sending technical advisers without reasonable prospect of supporting credits." At the very least, this shows that sections of the US government had decided to begin feasibility research, which may be equated as initial considerations for the removal of Taiwan from the jurisdiction of China and moving towards making it independent.

By April 2, 1948, the US Congress had issued the ROC with \$463 million in aid, of which, \$338 million was used for food, fertilizer, raw materials, and construction projects. Aside from his dissatisfaction that the US side only allowed \$125 million to be used for military purposes, Chiang Kai-shek further berated Marshall for having had a hand in the Senate Foreign Affairs Committee report on aid for China, stating of the report, "the vile wording is no doubt owing to the manipulations of Marshall. It is very strange. How can Marshall's powers be this strong?" He further

lamented that Marshall could not help “but deceive and manipulate those beneath him.” Nevertheless, on April 5, Chiang sent a telegram thanking President Truman for signing the China Assistance Act, declaring, “Our country should cooperate closely with your Excellency's government in the implementation of this Act.”

#### 4. International Views on the 228 Massacre

##### a. The United States

On March 1, Chiang Kai-shek received the telegram from Chen Yi from which he first learned of the “228 Incident.” Meanwhile, the US Consulate General in Taipei began issuing reports on a daily basis, or even several times a day, to the US Embassy in Nanjing; therefore, the US side should have been well aware of the situation in Taiwan. On April 1, Ambassador Stuart reported to the Secretary of State that, “Arrests still being made and evidence points to continued executions. Fresh bodies still being removed from Keelung harbor. He added, “Governor-General Chen Yi told American pressmen that Wang Tien-teng, principal liaison between Government and former settlement committee, shot dead while ‘resisting arrest’.” It is clear that the massacre was still underway, and that the international community had begun to question the situation of Chinese rule in Taiwan. Medical officers of the Taipei branch of the United Nations Relief and Rehabilitation Administration (UNRRA) also declared that it had been a mistake for the United States to hand Taiwan over to China.

On April 18, Ambassador Stuart sent Chinese and English versions of the Memorandum on the Situation in Taiwan by the Vice Consul at Taipei George

Henry Kerr to Chiang Kai-shek. The memorandum “recapitulated the events beginning in Taiwan on February 28 and which supplied suggestions for a possible amelioration of the situation there.” It emphasized that:

*Halfway measures and palliatives now will only postpone a larger repetition of the current protests against corruption, maladministration, and autocracy in the provincial government. Formosa can be restored to its former high level of political allegiance and of economic production by prompt and fundamental reform.*

To which Chiang Kai-shek responded that he would personally read the Chinese text.

Under this strong scrutiny from the US, Chiang Kai-shek revoked his former support for Chen Yi and on April 22, appointed former ambassador to the US Wei Tao-ming as chairman of the Taiwan Government. Wei began to implement various reforms based on suggestions in the memorandum in response to the interests of the United States.

In mid-May, Vice Consul George Henry Kerr was transferred back to Washington. On May 26, he presented a memorandum on the 228 Incident to Director of the Office of Far Eastern Affairs of the State Department. The memorandum stated that Chen Yi had shifted the blame towards the central government and the United States, and it proposed placing Taiwan under the trusteeship of the United Nations or the United States, rather than risk it falling to the hands of the Communists. Kerr proposed legislation to regulate US aid and investment in Taiwan and to enable Taiwan to retain its legal status under temporary international control, in order to become a stable foothold for the future reconstruction of freedom in China. On June 9, Chief of the Division of Chinese

Affairs, Arthur R. Ringwalt, presented the report to Secretary of State Marshall.

On July 8, Ambassador Stuart forwarded the latest Taipei Consulate's report to the State Department, which stated that there were still a large number of Taiwanese citizens who were missing, particularly in the central region where there had been several instances of military personnel capturing people and holding them for ransom.

On July 11, US President Truman sent General Wedemeyer to China on a fact-finding tour as a special representative. Wedemeyer stayed in Taiwan from August 11 to 19 and met with the first Chairman of Taiwan Provincial Government, Wei Tao-ming.

On August 19, Chiang Kai-shek and Wedemeyer exchanged views on the situation in China in talks which lasted for six hours. Chiang believed the motive of the US was "to defeat me first, and then to achieve its goal of governing China." Chiang therefore asked Stuart to inform Wedemeyer that he could not accept the "conditions of [US] supervision and interference in internal affairs but was hopeful that the US would consider the ROC as an ally and an equal." After leaving China on August 22, Wedemeyer issued a statement which leveled many criticisms at the Nanjing government. In spite of Chiang's previously positive, encouraging statement, in which he had spoken of the necessity to "endure humiliations in order to make ourselves stronger" and to seek "thorough reform," he still remained indignant.

On August 30, Chiang reflected on the previous seven days in a private note, writing that he considered it to be "the most shameful week. I do not know how to redress this total humiliation." After returning to the United States, Wedemeyer made a secret report on Taiwan for Truman and Marshall in which he expressed his conviction that the Taiwanese would be happy to be placed under US trusteeship.



By November, the situation in Taiwan had continued to deteriorate. Chiang Kai-shek began to worry about the dissatisfaction of the Taiwanese people and to reconsider accepting Stuart's proposal. On November 17, the US ambassador reported to the Secretary of State of mismanagement by the administration in Taiwan and indicated that discontent and revolutionary activities under capable leadership continued, aimed at the goal of self-governance. Chiang was Aware of situation and expressed hearty endorsement in principle of some form joint Chinese-American administration of Formosa for a limited period of years with the emphasis on economic rehabilitation.”

On December 7, 1947, the US Consul in Shanghai, James Pilcher, reported to the State Department that on November 27, several media outlets including Sin Min Evening News and the St. Louis Post in the US had published special columns in which they alleged that the United States intended to place Taiwan under its own trusteeship. Sin Min Evening News stated that the US-owned Manila Bulletin publicly advocated the trusteeship of Taiwan, but while the jurisdiction of Taiwan had been defined by the Cairo Declaration, the Potsdam Declaration, and the Yalta Agreement, its ownership could not be formally established before the signing the treaty of peace with Japan. In accordance with the Atlantic Charter, the United States intended to affect the self-determination of the Taiwanese people. As such, under MacArthur's control, if the Taiwanese desired to separate from China and enter into trusteeship under the United States, they could file a petition to his office. The United States could help the people of Taiwan to administer their country, develop industry, and rebuild the economy, and furthermore, US trusteeship would allow all those involved in the 228 Incident to regain their freedom.

On March 8, 1947, the New York Times published an article on the 228 Incident in Taiwan, reporting that the incident occurred as the result of serious corruption,

administrative incompetence, and rapid impoverishment. As there was a lack of foreign journalists reporting in Taiwan at the time, the article could only rely on official government information. While the Nationalist government's Central Publicity Department reported approximately five hundred casualties, the US consulate's estimate was much higher.

On March 10, the article's writer, Henry Lieberman, sent news from Nanjing that martial law had been declared in Taiwan, further stating that the 228 Incident Settlement Committee claimed to have control over the situation and that they would hold an assembly on March 15. Evidently the information available in China at this time contained many inconsistencies. Despite an announcement from Minister of Information Peng Hsueh-pei on March 12 which claimed that matters in Taiwan had been resolved, foreign journalists were still not permitted entry to Taiwan to conduct interviews. When a group of foreign citizens returned to Shanghai from Taiwan in late March, they were interviewed by the press, and described that after the arrival in Taiwan of troops deployed to suppress unrest following the 228 Incident, there began three days of indiscriminate looting and killing, resulting in more than ten thousand deaths. They described how the troops employed “a policy of killing off all the best people.” The massacres in Kaohsiung and Pingtung were said to be particularly severe, and these accounts were subsequently verified with the related foreign embassies. These reports indicated that the Taiwanese were seeking UN intervention, or hoping for the island to be placed under the jurisdiction of the SCAP.

On April 5, the first-hand account of US journalist John William Powell writing about his time in Taiwan was serialized in an English language newspaper, the China Weekly Review.

Powell's account describes methods used by Chen Yi to obstruct demonstrators on February 28 as being of the sort which had not been employed for several

centuries and that Chen Yi was only stalling until troops sent by Nanjing arrived in Taiwan. Powell's reports indicated that public order on the island was being maintained entirely by the citizens of Taiwan and also described the deception employed by Chen Yi. He reported that at noon on March 8, Chang Mu-tau was still promising the 228 Incident Settlement Committees that the central government would not dispatch troops to Taiwan, yet troops from the mainland landed at Keelung that very same afternoon. By nightfall, they had reached Taipei, and would later carry out a brutal "blood bath".

Finally, Powell highlighted that at that time, the people of Taiwan were demanding to be placed under the trusteeship of the United Nations, ideally by the United States. The Washington Post's reports are frank in their discussion of the course of the "massacre" in Taiwan. As early as March 1946, the newspaper reported that the actions of the Chinese in Taiwan were akin to those previously employed by Russia, which they had previously condemned. Soldiers held people up on the street and robbed them. The style of governance that was employed in Taiwan was characterized by foolishness, greed, and incompetency, and resulted in the volatility of commodity prices, with the price of rice increasing ten-fold.

In its report on March 31, the Washington Post described unimaginable levels of extreme cruelty, including an account of a group of young Taiwanese being executed after first being castrated and having their noses and ears mutilated. It also reported Chinese soldiers shooting and killing in every region.

On April 4, the newspaper again stressed that China's rule over Taiwan was far worse than that of the Japanese, and **that future peace treaties should consider returning Taiwan to Japan or the United Nations.**

#### **b. The United Kingdom**

The United Kingdom reopened its consulate in Tamsui at the end of December 1946. The primary interest of the British in Taiwan was that of commerce and trade. Regarding the aforementioned issue of the citizenship of overseas Taiwanese, the Chinese Foreign Ministry instructed its missions abroad to demand recognition from their respective host countries. The British Foreign Ministry responded to the Chinese Ambassador in the UK, Cheng Tien-hsi, that according to international law, China did not hold sovereignty over Taiwan and this matter could only be determined after the conclusion of peace agreements with Japan, but that at present, it would not hinder China's administration of Taiwan and Penghu.

On February 12, 1947, the British Vice Consul in Tamsui, G. R. Tingle, issued his first formal report to the British Embassy in Nanjing, in which he expressed that the Taiwanese people were disillusioned and dissatisfied with the central government in Nanjing. In comparison, they felt that things had been more favorable under Japanese rule.

Tingle reported on the course of the 228 Incident in reports between March 1 and 15 and this information was also sent to the London Foreign Ministry by Sir Ralph Clarmont Skrine Stevenson of the British Embassy in Nanjing.

On March 1, Tingle reported the conflict of February 27 regarding contraband cigarettes and how the following day demonstrators had caused damage to the Taiwan Provincial Monopoly Bureau Headquarters, which prompted the armed forces to use heavy machine gun fire on civilians in front of the Office of Governor-General of Taiwan Province.

On March 3, the Tamsui Consulate sent another report to the Nanjing Embassy stating that, according to a doctor at the United Nations Relief and Rehabilitation Agency (UNRRA), the machine gun fire in front of the Office of Governor-General of Taiwan Province had caused the deaths of at least twenty-four people. The

report stressed that the central government should be prevented from increasing the number of troops in Taiwan and that the people of Taiwan hoped that foreign countries could help them to attain self-determination. It further stated that during the unrest, there were no antiforeign activities and no attacks or thefts directed against foreigners. On March 6, a telegram from the Tamsui Consulate corroborated the account that the 228 Incident had erupted as the result of long-term dissatisfaction with the governing authorities.

After an item-by-item examination and subsequent evaluation, the British Vice Consul determined that the best solution would be to separate Taiwan from China and that the people of Taiwan should be allowed the chance to hold a referendum prior to the signing of a peace treaty with Japan. The expectation was that there would be overwhelming approval for Taiwan to be separated from China. Before this could be implemented, Taiwan should first be placed under the trusteeship of the United Nations. On March 6, Ambassador Stevenson sent a message to the Ministry of Foreign Affairs which stated that since the Japanese surrender, the people of Taiwan had not exhibited any racist or xenophobic activities. On the same day, the Tamsui Consulate reported that young people in Chiayi clashed with the military and obtained a number of weapons, in order to enhance their capability for confronting the government.

On March 7, the Consul's report listed ten of the demands of the 228 Incident Settlement Committee and indicated that Chen Yi had agreed in a live broadcast to implement reforms and for elections of mayors and magistrates to be held in July. On March 8, the Consul's report stated that the Chinese army had arrived in Keelung on the previous evening and shooting had taken place, but that the situation in Kaohsiung was unclear. The people of Taiwan understood that the arrival of troops would give some indication of the attitude of the central government towards affairs in Taiwan in the future and prepared to conduct final

negotiations over their 32 Demands. The report included the English translation of the 32 Demands in the annex.

On March 10, in his telegram Tingle gave a general overview of the situation between midnight on March 8 and the afternoon of March 10. A British businessman employed at Jardine Matheson in Keelung had reported the continuous firing of rifles, machine guns, and other automatic weapons for two hours from 2 p.m. on March 8 and that the purpose of the gunfire had been to intimidate residents. At 5 p.m., two thousand military police arrived from Haiping, Fuzhou, of whom two hundred would stay on at Keelung and the remainder would be transported by truck to Taipei at 9 a.m. on March 9. At around 9:45 p.m. on March 8, violent gunshots were reported at three separate locations in Taipei over the course of one hour.

According to Chinese accounts, the shots were fired in response to attacks by Taiwanese citizens. However, the account of a British citizen, Mr. Bolton, disputed this. At the time that the shooting had occurred, Mr. Bolton had been eating dinner with the US Vice Consul at the Keelung River Bridge (Meiji Bridge) not far from the location of the shooting. Hearing the sound of gunfire, Bolton hurriedly got in a jeep and headed north to the residence of a UNRRA employee. On the way, his car was hit three times by bullets. The following morning, the sound of gunfire began again at dawn and continued until 10 a.m. While traveling to his office, Bolton reported that the streets were empty of civilians and he was repeatedly stopped by armed soldiers. He believed the military gunfire had served the purpose of creating terror, as soldiers fired blindly on every street without discrimination, or any concern for who they may have hit. At the very least, he reported that there were no resistance forces. Bolton travelled to Keelung together with a British employee of Jardine Matheson and they were likely the first foreign citizens to arrive in the city after the shooting of the previous day. Upon their

arrival, they found the streets deserted. Bolton learned from a Chinese custom's official that two divisions of soldiers had disembarked at Keelung in five ships.

At noon, Bolton returned to Taipei. On his way to the US Consulate, he was repeatedly stopped by armed soldiers who pointed guns at his chest. At the US Embassy, he met Colonel Daw from the US Embassy in Nanjing, accompanied by a "messenger" from the Ministry of Foreign Affairs who, they learned, had travelled to Taiwan to investigate the circumstances on the island. On the morning of March 10, new troops arrived in Taipei by train from Keelung.

By midday, Taipei was totally under control. At 4:30 p.m., Bolton arrived at the Tamsui Consulate with the aforementioned news. Vice Consul Tingle also travelled to the UNRRA office in Taipei, where he received the unfortunate news that at least two hundred people had been killed in Taipei. The report of a Canadian citizen said that a Taiwanese person had been stopped by soldiers near the MacKay Memorial Hospital and died after being stabbed three times with a bayonet. By this stage, the residents of Taipei existed in a real environment of fear. Perhaps this was the reason that Governor-General Chen Yi stated that the March 10 negotiations would be sure to yield results.

On March 11, the British Embassy in Nanjing forwarded various peaceful demands of the 228 Incident Settlement Committee on topics including self-determination of Taiwan and the abolition of military control, stating that they did not believe the British Consulate in Tamsui to be in any danger. It seems that as of March 11, it was not possible for telegram dispatches to reach their targets at a normal speed, since after traveling to Taipei the Vice Consul of Tamsui discovered that the city had been split into several zones by the military, the streets were empty, the shops were closed, and soldiers stood guard. By the time he arrived at the American Consulate, he learned that Colonel Daw had already returned to Nanjing and lamented that he had missed the opportunity to send

word to the British Embassy in Nanjing. The American Consulate also did not receive any news from Nanjing. These reports also indicated that there were school closures, arrests of numerous young students, and even rumors of executions in the streets.

According to the Consul's report of March 15, between eight hundred and one thousand people were killed in Taipei alone, most of whom were killed by gunfire, but some were beheaded in the street. The report also mentions the arrest of several notable figures, including Wang Tien-teng, Lin Mao-sheng, and Sung Fei-ju. The Vice Consul believed Governor-General Chen Yi had already received military reinforcements from Chiang Kai-shek before the 228 Incident Settlement Committee proposed Nationalist Party (Kuomintang, KMT) and regarded Chiang Kai-shek's speech at the Sun Yat-sen Memorial Week of Kuomintang meeting on March 10 as evidence of this.

On March 24, Ambassador Stevenson forwarded a report from Vice Consul in Tamsui to the British Foreign Minister, Ernest Bevin. This report, titled The Conditions in Formosa had been completed on February 12, prior to the events of the 228 Incident, and contained analysis of Taiwanese demography, manufacturing, agriculture and mining, and government administration. The report concluded that, after fifteen months of Chinese rule in Taiwan, The best solution to the problem of Formosa, as it stands to-day, would be for the island to be removed from mainland China administration. It also stated that, if a referendum were held before the Peace Treaty with Japan was signed, it would show an overwhelming vote to get rid of the mainland Chinese control.

On March 24, Ambassador Stevenson's confidential report to the Ministry of Foreign Affairs framed the Incident as a reaction against corruption within the Chinese administration, noting that there was no anti-foreign, xenophobic movement, nor were their signs of communist influence, as had been stated by



government officials.

According to the report, in contrast to the admirable self-control shown by the citizens of Taiwan, the Chinese soldiers were entirely unreasonable in carrying out unjustifiable acts of barbarism.

Without question, the analysis in the reports of the embassy and foreign consulate staff came to have considerable influence on the British Ministry of Foreign Affairs' position that the rights to govern Taiwan should not be handed over to China.

As for the reports on the 228 Incident that appeared in British newspapers, the March 10 edition of the Times contained a single brief article under the title, "Riots in Formosa" contributed by the outlet's special correspondent in Washington. The article spoke of the difficulties the Chinese government faced in governing Taiwan, and that news from Nanjing indicated that reinforcements had arrived in Taiwan from Shanghai to crack down on the uprising, and that Taiwanese civil organizations were demanding self-determination.

The Guardian also contained an article with the headline, "Formosa: Chiang Orders Inquiry, Riots Continuing," based on a Reuters dispatch from Nanjing. It reported that Chiang Kai-shek had announced that day that Pai Chung-hsi would be sent to Taiwan to investigate and reinforcements would soon arrive on the island to restore order. This article also blamed the disorder on incitement by communists and Taiwanese people that had formerly served in the Japanese army.

In addition, it cited Chinese-language newspapers containing unconfirmed reports of Taiwanese people using handguns, machine guns and mortars to attack government offices, stating that they had taken control of most of Taipei, demanding a high degree of autonomy for Taiwan and an upright and decent government. The article also included a report that six civil organizations composed of Taiwanese people in Shanghai had issued a declaration demanding

that punishment be meted out to Governor-General Chen Yi, whom they deemed as being responsible for the Incident.

Another article, "Taiwan for the Taiwanese", noted that although the six million citizens of Taiwan were mostly ethnically Han Chinese and might welcome a return to the mainland, after fifty years of Japanese rule, the people had developed a sense of independence. The article opined that the Chinese government had made every possible mistake in its governance of Taiwan, and its officials were corrupt and bullying. In comparison, Japan had governed Taiwan strictly but effectively, which had produced a better quality of life in Taiwan than in most provinces on the mainland. The Taiwanese people's disappointment had turned to anger and led to increased demands for autonomy. On April 9, 1947, a Times article, Causes of Riots in Formosa, quoted Pai Chung-hsi as saying that, while the Chinese army had been asked to handle the situation in Taiwan with leniency, there were 1,860 civilian casualties during the Incident and 440 military casualties.

For the Nationalist Government, the 228 Incident was a matter of that state quelling local unrest. Instead of questioning the integrity of officials or the effectiveness of governance in Taiwan, they rationalized their conduct of massacres with excuses such as the long separation of the Taiwanese people from the motherland, the colonial Japanese education having instilled a slave mentality, and the incitement of communist traitors. For the international community, however, these acts of repression were a violation of the international laws of war and crimes against humanity.

In the Annex to the Fourth Hague Convention of 1907 (Convention IV Respecting the Laws and Customs of War on Land), Article 46 stipulates that private property cannot be confiscated; Article 47 stipulates that occupying forces shall strictly prohibit looting; and Article 55 stipulates that occupation of enemy territory entails only the right to administrate and receive income from the public

buildings, real estate, forests, and agricultural estates of the hostile state. Livestock and crops should be protected and managed properly under the principle of usufruct.

The 228 Incident in 1947 and the massacre which followed it proved that the military occupation of Taiwan had been poorly handled. Not only had the occupying authorities failed in their duty of proper management, but they had violated international laws of war. These circumstances naturally influenced the post-war disposition of territory by the United Nations.

## 5. The United Nations Disposition and Taiwanese Self-determination

Between the autumn of 1945 and the autumn of 1948, the US Joint Chiefs of Staff (JCS) did not consider that there was any "Taiwan issue." The primary reason for this is that the official US position maintained that the Chiang Kai-shek government was in rightful possession of Taiwan, even though it was understood that the Nationalist Government ultimately would need to endorse its ownership with an appropriate treaty. Moreover, Taiwan's proximity to Okinawa and the Philippines and on the sea lanes between Japan and Malaya meant that the island should be in the hands of a friendly power in order to secure the defense of the island chain.

The US National Security Council (NSC) began to study the strategic importance of Taiwan in early November 1948, after the Chinese Communist Party began rapidly expanding its control on mainland China. Since it was believed that Taiwan was also in danger of falling into the communists' hands, on November 5 the NSC instructed the JCS to advise them of the potential impact on US security should the Communist Party successfully take control of Taiwan. On November 24, the JCS

responded to the Department of Defense that the consequences would be extremely unfavorable, as the enemy would gain control of the sea between Japan and Malaya and would thereafter set their sights on the Ryukyu Islands and the Philippines. Furthermore, since Taiwan was an important source of food resources and raw materials for Japan, Japan's value to the US would be diminished if Taiwan's resources were lost. The JCS accordingly took the position that the US must employ diplomatic and economic means to ensure Taiwan remained in the hands of a friendly power.

On November 23, 1948, Chiang Kai-shek conceived of the idea to make a fresh start to rebuild the country. A day later, he relayed the details of his plan to his son Chiang Ching-kuo, stating, If we hope to bring about a great rejuvenation of the Chinese nation and reinvigorate the banner of revolution, we must abandon our existing foundations, adopt a simpler environment, narrow our scope, and transform ourselves fundamentally.

The obvious location for Chiang to establish an anti-Communist base to start rebuilding the nation was Taiwan, where he had already begun to stockpile US aid and materiel. However, Chiang worried that Taiwan's sovereignty was still controversial under international law. By chance, on the same day, US Acting Secretary of State Robert A. Lovett telegraphed the Consul General in Taipei, Kenneth C. Krentz, and expressed that if the Chinese regime were to collapse, the State Department would be more inclined to support the trusteeship of Taiwan under a separate regime, before the legal position of Taiwan was consolidated at the peace conference with Japan, as this would seem to be a feasible option for protecting US interests while also giving due consideration to the welfare of the Taiwanese people.

On December 7, 1948, in a missive to the Department of State, a counselor at the US Embassy in the Philippines, Fayette J. Flexer, relayed the details of his

conversation with General MacArthur, in which they had touched upon the possibility that if Chiang Kai-shek were to fall from power, the State Department planned for either Wei Tao-ming or Sun Li-jen to declare Taiwanese self-governance. He also mentioned that in MacArthur's point of view, allowing hostile forces into Taiwan would lead to collapse of the defensive line for the whole Far East.

In January 1949, before resigning from the presidency, Chiang Kai-shek was conscious that Taiwan was not yet a territory of the ROC. This is clear from his telegram to Provincial Chairman and Garrison Commander Chen Cheng in which he stated, "Prior to the conclusion of a peace treaty with Japan, Taiwan is but a trust territory of the Republic of China. How then may it be professed to be the last bastion for suppressing the Communists and a base for national rejuvenation? A. Johnson conveyed to the NSC the position of the JCS that, while Taiwan's strategic importance was not yet sufficient to warrant the deployment of US military aid; nevertheless, such deployment could be a wise option in the event of any future war in Taiwan.

In June, news spread that the SCAP feared that if the US were to recognize the Chinese Communist Party (CCP), Taiwan would also be placed under Communist control, which would affect the US line of strategic defense in the Far East. Therefore, it was suggested that Taiwan be ceded to the UN Trusteeship Council for temporary administration. On June 15, the head of the Chinese Mission to Japan, Chu Shih-ming, telegrammed Chiang Kai-shek stating, "The SCAP has considerable concerns regarding military matters in Taiwan and has proposed that Taiwan be transferred to the Allied Powers or United Nations for temporary administration. Despite his earlier resignation from office, Chiang Kai-shek was strongly opposed to UN trusteeship of Taiwan and sought for Taiwan to be changed from a "trust territory to a formal territory of the Republic of China.

Chiang instructed Chu Shih-ming to inform General MacArthur at the SCAP that neither he nor the Chinese government would accept such a proposal. Instead, the US should assist Taiwan to become a bastion of anti-Communism and should not recognize the Communist regime.

On June 18, Chiang Kai-shek wrote in a private note:

*Recently, there have been rumors about the so-called "Legal status of Taiwan" and about "United Nations trusteeship". Both Britain and the United States are fearful that I cannot hold onto Taiwan and that she will be captured by the communist bandits and enter the Russian sphere of influence, creating a gap in their line of defense in the South [sic] Pacific Islands. Therefore, they desire Taiwan to be placed under the management of the United States, while the British poke behind the scenes to strengthen their power in Hong Kong. This is the most worrying issue of all. Therefore, we should firmly express to the United States that we shall staunchly adhere to safeguarding the territory of Taiwan and fulfilling our duty to its inhabitants. We must never yield to the Allies. If, however, they wish to lend us help and defend [Taiwan] alongside us, then we shall not refuse.*

Six months prior, Chiang had understood that the task of accepting the surrender of Taiwan, occupying its territory, and expropriating its assets was only to be temporary until the conclusion of the peace treaty with Japan. Yet, by this point, his approach regarding the sovereignty of Taiwan and Penghu had drastically shifted near to something resembling annexation. On July 8, Chu Shih-ming reported to Chiang the details of his discussion with MacArthur, describing MacArthur's goodwill and his staunch attitude in support of aiding China in its struggle against Communism.

However, the opinions of the US military were not adopted by the US State Department. On August 5, the Truman administration issued a **white paper**, United States Relations with China: with Special Reference to the Period 1944-1949, which contained fierce criticisms of the KMT Government. The report explicitly stated that the **KMT Government should take responsibility for its own failures**, such as wasting \$4 billion in US aid through corruption and incompetence.

It stated categorically that China was beyond redemption and would eventually fall into the hands of the Communists. The white paper thoroughly dismissed the possibility of further US aid and exaggerated the level of rebellion against Chiang among KMT factions and military generals. For example, Section 11 of Chapter VI (on the Ambassadorship of John Leighton Stuart) stated:

*China found Formosa [Taiwan] in favorable circumstances since Japan had made constructive use of the great natural resources of the island and the living standards of the population were higher than anywhere on the Chinese mainland. It possessed a good industrial complex and was more than self-sufficient in foodstuffs. The native population for fifty years had been under the rule of a foreign invader and therefore welcomed the Chinese forces as liberators. During the Japanese occupation, the principal hope of the people had been reunion with the mainland. Instead of utilizing this highly favorable situation to its own advantage the National Government appointed to the governorship General Chen Yi, a long-time associate of the Generalissimo, who some years before had given up the governorship of Fukien under curious circumstances. The new Governor arrived with an imposing recognize the Chinese Communist regime, and that it is out of the question that they would try to create a Chinese Communist Tito. 3. On the subject of the sovereignty of Taiwan, he also maintains the position that there*

*is no confusion about the fact that Taiwan is part of China. 4. In regard to the hope that the US government assist China in the battle against Communism, Commander-in-Chief MacArthur believes that the US situation is in flux, and the question of future US aid is only a matter of time. His position and status currently prevent him from being able to express his opinions on the situation in China, but when the opportunity arises, as seen during last year's US Congress, he will strongly advocate aid to China. retinue who proceeded with great efficiency to exploit Formosa. In addition, the local population was ruthlessly excluded from any important role in public life and was made to feel that it was again under the role of a conqueror. The economic deterioration of the island and the administration of the mainland officials became so bad that on February 28, 1947, popular resentment erupted into a major rebellion. In the ensuing days, the Government put down the revolt in a series of military actions which cost thousands of lives. Order was restored but the hatred of the mainland Chinese was increased.*

In a similar vein, on August 17, 1947, General Wedemeyer had reported the following to the Secretary of State:

*Our experience in Formosa is most enlightening. The administration of the former Governor [General] Chen Yi has alienated the people from the Central Government. Many were forced to feel that conditions under the autocratic rule [of the Japanese] were preferable. The Central Government lost a fine opportunity to indicate to the Chinese people and to the world at large its capability to provide honest and efficient administration. They cannot attribute their failure to the activities of the Communists or of dissident elements. The people anticipated sincerely and enthusiastically deliverance*



*from the Japanese yoke. However, Chen Yi and his henchmen ruthlessly, corruptly, and avariciously imposed their regime upon a happy and amenable population. The Army conducted themselves as conquerors. Secret police operated freely to intimidate and to facilitate exploitation by Central Government officials... The island is extremely productive in coal, rice, sugar, cement, fruits, and tea. Both hydro and thermal power are abundant. The Japanese had efficiently electrified even remote areas and also established excellent railroad lines and highways. Eighty percent of the people can read and write, the exact antithesis of conditions prevailing in the mainland of China. There were indications that Formosans would be receptive toward United States guardianship and United Nations trusteeship. They fear that the Central Government contemplates bleeding their island to support the tottering and corrupt Nanking machine and I think their fears well founded.*

On August 4, Acheson expressed to the NSC his belief that Taiwan could no longer be saved from the Chinese Communists through economic or diplomatic means. On August 17, the Communist army moved south to Fuzhou, and the US Consulate in Guangzhou was ordered to close down and evacuate.

On August 24, President of the Executive Yuan Soong Tse-vung [T. V. Soong] entrusted former Ambassador to the US Hu Shih with the task of lobbying the Western Pacific Fleet Commander, Oscar C. Badger II, and General MacArthur. The belief was that if the US declared that it would not allow the Chinese Communists (or any other force they considered illegitimate) to invade Taiwan, this would aid the defense of Taiwan.

On September 27, 1949, the Chinese Permanent Representative to the UN, Chiang Ting-fu, formally raised a motion with the UN General Assembly that the Soviet Union had infringed the terms of the Sino-Soviet Treaty of Friendship and

Alliance as well as the UN Charter with its support of the Chinese Communists' rebellion. On September 29, the motion was put on the UN agenda.

On October 1, the CCP established the Government of the People's Republic of China (PRC) in Beijing, and the Soviet Union officially recognized the new government promptly on the following day. This was followed by successive announcements from other Communist nations of their mutual official recognition with the PRC Government.

On October 19, the US Central Intelligence Agency (CIA) predicted that Mao Zedong's government would capture Taiwan in 1950 unless the US decided to intervene militarily.

At the end of December 1949, at the instigation of General Lawton Collins, the JCS reassessed the situation in Taiwan. On December 23, JCS submitted a memorandum to Secretary of Defense Johnson, recommending that the KMT government should be provided with military assistance under the appropriate direction and effective supervision. At the same time, the JCS proposed that General MacArthur conduct research into the level of armaments that would be required by Chiang Kai-shek in order to defend Taiwan, as a reference for the aid program. On December 29, the NSC discussed this proposal.

Despite noting the JCS disagreement with the CIA's earlier prediction that Taiwan would soon fall into enemy hands, the NSC adopted Acheson's suggestion not to provide military assistance to Taiwan, fearing that even a successful preservation of Taiwan by military intervention would further damage the reputation of the US and the overall situation in the Far East.

In March 1950, Chiang Kai-shek announced that he would resume the office of president. On June 15, the new head of the Chinese Mission to Japan, Robert Shai-lai Ho, conveyed a message to General MacArthur via his former instructor in the US and then-Deputy Chief of Intelligence, Charles Willoughby. The message

stated, “The Generalissimo, aware of the danger of his position, is agreeable to accept American high command in every category and hopes to interest General MacArthur to accept this responsibility. ... soliciting his advice, guidance, and direction.” This would have been equivalent to the surrender of all powers of command and placing Taiwan under US administration. On June 25, when war broke out on the Korean Peninsula, US President Truman declared neutrality in the Taiwan Strait, saving Chiang Kai-shek from potential crisis.

A letter dated the 27<sup>th</sup> August, from President Truman to U.S. Ambassador to United Nations Warren Austin, reiterated the U.S. position on Formosa and the neutralization of the Strait will not affect the status of the island in a future political settlement, “The actual status of the island is that it is territory taken from Japan by the victory of the Allied forces in the Pacific. Like other such territories, its legal status cannot be fixed until there is international action to determine its future.

As early as March 19, 1947, the US had drawn up the territorial provisions in Chapter 1 of the draft treaty of peace with Japan. Article 2 stipulated, “Japan hereby cedes to China in full sovereignty the island of Formosa and adjacent minor islands, including Agincourt (Hokasho), Menkasho, Kaheisho, Kashoto, Kotosho, Shokotosho, Shichiseigan and Ryukyusho, and the Pescadore [Penghu] Islands”. After consultation with the major Allied governments (Britain, Australia, the Philippines, India, Ceylon, and the ROC) as well as with Japan, the formal Treaty of Peace with Japan was signed on September 8, 1951, in the Opera House, San Francisco [thus the treaty is commonly known as the San Francisco Peace Treaty]. Regarding the sovereignty of Taiwan and the Pescadores, Article 2b of the Treaty stipulated, Japan renounces all right, title, and claim to Formosa and the Pescadores.

John Foster Dulles, the delegate of President Truman, responsible for the peace treaty with Japan, made a speech to the representatives of 48 nations. He emphasizes on waiver of territories in Article 2 of Chapter 2 of the Peace Treaty, Clearly, the wise course was to proceed now, so far as Japan is concerned, leaving the future to resolve doubts by invoking international solvents other than this treaty.

On February 27, 1952, Kawada Isao, Minister Plenipotentiary of Japan led a delegation to Taipei to attend a separate peace conference with the Republic of China, represented by Foreign Minister Yeh Kung-chao. After eighteen rounds of talks between the two sides, on April 28, the Sino-Japanese Peace Treaty (known as the Treaty of Taipei) was signed by both parties, seven hours before the treaty of peace with Japan entered into effect.

*It is recognized that under Article 2 of the Treaty of Peace with Japan signed at the city of San Francisco in the United States of America on September 8, 1951 (hereinafter referred to as the SFPT). Japan has renounced all right, title and claim over Formosa, the Pescadores as well as the Spratly Islands and the Paracel Islands.*

In July 1952, speaking to the Legislative Yuan, Yeh Kung-chao made additional remarks on the Treaty of Taipei. On Article 2 of the Treaty he stated,

*“Following the provisions of the SFPT, other than stipulating that Japan would relinquish control [of Taiwan et al.], it does not stipulate that she would be returned to our country. However, inasmuch as these territories were originally owned by us and as they are now under our control and, furthermore, as Japan has reaffirmed in the Sino-Japanese Peace Treaty the*

*renunciation of these territories under the SFPT, they are, therefore, in fact restored to us."*

While the first half of Yeh Kung-chao's interpretation is accurate, the latter only relates to the de facto situation of governance, not de jure sovereignty. Regarding Article 10 of the Treaty of Taipei, which stipulated the nationality of residents and juristic persons in Taiwan and Penghu, Yeh stated, This supplementary provision is necessary, as neither the SFPT nor the Peace Treaty of Taipei had legally established the jurisdiction over Taiwan and Penghu. The US Embassy in Taipei reported back to Washington about Yeh's report to the Legislative Yuan on July 23, 1952, highlighting Yeh's remark that, *"The delicate international situation makes it that [Taiwan does] not belong to us. Under the present circumstances, Japan has no right to transfer [Taiwan] to us; nor can we accept such a transfer from Japan even if she so wishes."*

Meanwhile, Japanese Prime Minister Yoshida Shigeru, clarified his understanding of the Treaty in his memoirs:

*This treaty is a treaty with the Nationalist Government that are currently in control of Taiwan. In the future, we still wish to conclude a comprehensive treaty with China. The treaty that has been signed does not recognize the rights of the Nationalist Government to represent the entire nation of China. I have explained these points at every available opportunity during the review process for the treaty, in both houses of the Diet.*

This chapter provides a survey of the concerns raised about Taiwan coming under Chinese rule, especially in the aftermath of the 228 massacre, by the US, Britain, and other nations. As a consequence, the resolution of the issue of

Taiwan's sovereignty was not settled by the San Francisco Peace Treaty; rather it was deferred, to be determined in the future by the UN or in a referendum by the people of Taiwan in an act of national self-determination. As we now know, neither of these solutions was ever implemented.