

Commemorating the 70th Anniversary of Victory in the War of Resistance Against Japan and the Treaty of Peace between the ROC and Japan

I. The War of Resistance Against Japan: background and historical significance

This year marks the 70th anniversary of victory in the War of Resistance Against Japan, as well as the retrocession of Taiwan. This pamphlet has been published to pay tribute to the struggle and bravery of ROC citizens in this brutal war, and expound on the historical significance of Taiwan's return to the Republic of China after 50 years of Japanese occupation, so that today's people take to heart the lessons of the past and use them as guidance for the future.

In 1894, Japan launched the First Sino-Japanese War. China was defeated and forced to sign the Treaty of Shimonoseki, stipulating that it cede Taiwan and Penghu to Japan and pay a war indemnity of 230 million Kuping taels. This news sent shockwaves throughout China, and saddened and angered the people of Taiwan, who began a 20-year campaign opposing Japan's aggression and violence. Japan staged the Mukden Incident in 1931 as a pretext for its invasion of Manchuria in northeastern China, and established the puppet Manchukuo regime. It continuously created incidents that led to military confrontations. On July 7, 1937, Japan instigated the Marco Polo Bridge Incident, with the aim of taking all of northern China. The government and people of the ROC, their patience severely tested, were left with no recourse but to rise in resistance against the aggressors. Clashes erupted, escalating into a full-scale war that was to last for eight years.

Placed at a disadvantage due to inadequate equipment and inferior capabilities, the ROC armed forces engaged Japanese troops in countless battles during the eight-year war. While fighting valiantly to protect their country, they suffered 3.22 million casualties (1.45 million dead or missing and 1.76 million injured), among them 268 generals and commanders. In addition, innocent civilians were killed or raped by Japanese troops—more than 20 million civilians lost their lives in the war—and property loss was inestimable. This defensive war against foreign encroachment was the largest conflict in the nation's history,

It is an undeniable historical fact that the National Government led the War of Resistance Against Japan. In 1937, the Japanese military entered Shanghai. In the subsequent Battle of Shanghai, the ROC army held its ground against enemy forces for three months, thereby toppling Japan's vainglorious assumption that it would conquer China in three months.

claimed the highest number of casualties, and had the most wide-ranging ramifications. The heroic efforts of the ROC armed forces and people are fresh in our memory and well-documented in historical records. Today, 70 years later, ROC citizens continue to be moved by, and have great respect for, the courage shown in this period.

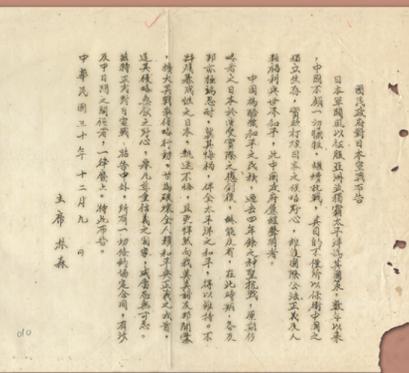
The historical significance of the eight-year War of Resistance Against Japan is reflected in numerous aspects that should be properly understood by ROC citizens and forever remembered by ethnic Chinese people.

1. The ROC government led soldiers and civilians in resisting Japanese aggression and protecting the homeland.

It is an indisputable fact that the National Government played a leading role in the eight-year War of Resistance Against Japan. When war broke out, soldiers and civilians united as one under the leadership of Generalissimo Chiang Kai-shek in the arduous fight against the aggressors. The Chinese Communist Party acted in line with popular will, organizing its troops into the 18th Army Group led by the National Government to form a united front against Japan. With most of the international community focused on appeasement, the ROC solitarily fought a grueling war with very little external assistance. The National Government aimed for a protracted war, forcing the Japanese army to change their line of attack from a north-south to an east-west direction, thereby trading space for time. Major battles in the eight-year war included the Battle of Shanghai in 1937, the Battle of Tai' erzhuang in Xuzhou and the Battle of Wuhan in 1938, the Battle of South Guangxi in 1939-40, the three Battles of Changsha in 1939, 1941, and 1942, the Battle of Yenangyaung in 1942 to rescue British troops and reopen the Yunnan-Burma Road, counteroffensives in western Yunnan and northern Burma in 1943 and 1944, and the Second Guangxi Campaign in 1945. These battles compelled the Japanese army to engage in drawn-out and arduous fighting. Even though the ROC armed forces suffered heavy casualties, these confrontations ensured that a million Japanese troops had to remain in China and were therefore unavailable for the Pacific War. Indeed, the ROC made invaluable contributions to the Allied war against Japan.

2. The War of Resistance Against Japan was an important part of World War II; the ROC worked with other Allied powers to counter Axis aggression, contributing significantly to the defense of world freedom and democracy and the creation of post-war order.

After Japan launched a surprise attack on Pearl Harbor on December 8, 1941, Allied nations declared war on Japan. The following day, the ROC officially declared war against Axis nations—Japan, Germany, and Italy—and joined the Allied camp, becoming a member of the anti-Axis coalition. Lin Sen, Chairman of the National Government, issued a declaration of war



After Japan staged the Marco Polo Bridge Incident in 1937, Generalissimo Chiang Kai-shek, in remarks at Lushan, expressed the ROC's determination to staunchly resist the Japanese (photo left). The ROC declaration of war against Japan stated that all treaties, agreements, and contracts involving relations between China and Japan had become null and void—including the Treaty of Shimonoseki, which had ceded Taiwan (photo above).



In 1943, the leaders of the ROC, US, and UK held the Cairo Conference and announced the Cairo Declaration, which confirmed that Taiwan would be returned to the ROC.



The National Government led the country in the War of Resistance Against Japan. More than 20 million soldiers and civilians gave their lives to ensure victory for the ROC. Japan conceded defeat in 1945, with ROC General Ho Ying-chin accepting in Nanjing Japan's unconditional surrender in the China theater (photo above). In the same year, Taiwan was returned to the ROC, and a ceremony was held at the Taipei City Public Auditorium (currently known as the Zhongshan Hall) to mark this event (photo right).



In 1952, President Chiang Kai-shek signed the instrument of ratification for the Treaty of Peace between the ROC and Japan. Article 4 of the Treaty of Peace between the ROC and Japan clearly stated that all previously concluded treaties between China and Japan had become null and void as a consequence of the war, officially returning Taiwan to the ROC.



United Nations Charter. The ROC became a founding member of the United Nations, as well as one of five permanent members of the UN Security Council, significantly enhancing the ROC's international status.

II. The Treaty of Peace between the ROC and Japan: background and historical significance

Following Japan's defeat in World War II, the situation in East Asia underwent dramatic changes, and it was not until 1951—six years after the end of the war—that the San Francisco Peace Conference was held. With China embroiled in civil war at the time, neither the Nationalists nor the Communists attended the conference, at which the San Francisco Peace Treaty was signed by 48 countries—including Japan and the United States—on September 8. Article 26 of the San Francisco Peace Treaty authorized other nations which fought in World War II but were not signatories to the treaty to conclude separate peace accords with Japan, so as to resolve post-war territorial issues. This formed the legal basis for the signing of the Treaty of Peace between the ROC and Japan (hereinafter the "Treaty of Peace") in Taipei in 1952.

On April 28, 1952, ROC Minister of Foreign Affairs Yeh Kung-chao and Japan's plenipotentiary Isao Kawada signed the Treaty of Peace in Taipei on behalf of their respective governments, seven hours before the San Francisco Peace Treaty was to enter into force. The signing included one protocol and three exchanges of notes. On August 5 of the same year, the Treaty of Peace came into effect through an exchange of instruments of ratification.

The Treaty of Peace was thus signed in accordance with Article 26 of the San Francisco Peace Treaty, not only demonstrating that it was a peace accord signed by the two sides to end the war between them, but also confirming that the Treaty of Peace was in line with the stipulations of the San Francisco Peace Treaty. In addition to ending the state of war, establishing diplomatic relations, and fostering cordial relations, the Treaty of Peace also reaffirmed that Taiwan and Penghu, as well as the Shisha (Paracel) Islands and Nansha (Spratly) Islands, were to be returned to the ROC. Furthermore, as a result



D.C., and London on December 1, 1943, reaffirming that Taiwan and Penghu should be returned to the ROC. The Allied forces continued to counter Japanese offensives and eventually defeated Japan, freeing Taiwan and Penghu from 50 years of Japanese colonial rule and returning them to the ROC.

3. Following Japan's surrender, Taiwan and Penghu were finally returned to the ROC.

On August 15, 1945, the Japanese Emperor announced his country's unconditional surrender and acceptance of the Potsdam Proclamation signed by the ROC, the United States, the United Kingdom, and Soviet Union. In its Instrument of Surrender signed on September 2, 1945, Japan officially declared its surrender to Allied forces and explicitly accepted the terms of the Potsdam Proclamation, Article 8 of which stated that "the terms of the Cairo Declaration shall be carried out." This meant it accepted that "all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores (Penghu), shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed."¹

Supreme Commander of the Allied forces General Douglas MacArthur issued General Order No. 1, instructing Japanese forces in the Chinese combat zone and Vietnam north of 16 degrees north latitude to surrender to Generalissimo Chiang Kai-shek. On September 9, Commander-in-Chief of the ROC Army Ho Ying-chin

accepted, on behalf of Generalissimo Chiang, an instrument of surrender from Japan's Commander-in-Chief of the China Expeditionary Army Yasuji Okamura in Nanjing. In Taiwan, Japanese forces surrendered to ROC armed forces on October 25, officially returning Taiwan and Penghu to the ROC.

4. Victory in the War of Resistance Against Japan elevated the ROC's international status.

During the war years, the National Government negotiated with the United States and the United Kingdom and demanded that they relinquish their consular jurisdiction and other privileges in the ROC. This led to the signing of equal treaties in accordance with international law on January 11, 1943. Other countries followed suit, giving up special rights in the ROC. The unequal treaties that had shackled China since the 1842 Opium War were finally annulled, realizing one of the wishes of ROC founding father Dr. Sun Yat-sen, who passed away in 1925.

On September 2, 1945, representatives of the ROC and other victor nations boarded the *USS Missouri* in Tokyo Bay to attend the Japanese surrender ceremony and accept the Japanese Instrument of Surrender. In addition, the ROC judge to the International Military Tribunal for the Far East was appointed. In recognition of ROC contributions to the Allied victory through years of resistance against Japan, the ROC delegate was the first to sign the

¹ Article 8 of the Potsdam Proclamation reiterated the terms of the Cairo Declaration, while Articles 1 and 6 of the Japanese Instrument of Surrender clearly accepted the provisions of the Potsdam Proclamation. Therefore, these three texts form a distinctive set of closely related historical legal documents. Meanwhile, the US and Japanese governments have both included the Cairo Declaration, Potsdam Proclamation, and Japanese Instrument of Surrender in their respective collections of treaties. Examples are *Treaties and Other International Agreements Series of the United States of America, 1776-1949* by Charles I. Bevans published by the US Department of State in 1969, which includes the three aforementioned treaties on pages 858, 1204-1205, and 1251-

1253 of Volume 3; the 1946 *United States Statutes at Large*, which includes the Japanese Instrument of Surrender on pages 1733-1739 of Volume 59; a collection of treaties published by the Japanese Ministry of Foreign Affairs in 1948, which includes the three aforementioned treaties on pages 1-4, 5-7, and 9-10 of Volume 1 of Series 26; and the 1952 *United Nations Treaty Series*, which includes the Japanese Instrument of Surrender on pages 387-393 of Volume 139. This demonstrates that the ROC, the United States, and Japan all regard the Cairo Declaration as a treaty, and that the United Nations considers the Japanese Instrument of Surrender, which adopted stipulations of the Cairo Declaration and Potsdam Proclamation, to possess the effect of a treaty.

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of the Treaty of Peace, the ROC and Japan resumed normal diplomatic relations, laying the foundation for the subsequent bilateral friendship and cooperation.

III. Treaty of Peace: goals and content

The Treaty of Peace consisted of 14 articles, and the two signatories also conducted three exchanges of notes. These documents aimed to achieve the following:

1. Officially end the state of war: Even though actual hostilities between the ROC and Japan had already ended on August 15, 1945, and Japan had signed the Instrument of Surrender on September 2 of the same year, international law stipulated that the two sides still had to conclude a peace accord, so as to officially confirm that the state of war between them had been terminated.
2. Foster cordial and peaceful relations: After the end of the war, the two sides, in order to develop peaceful and cooperative ties, had to appropriately

The key points of the Treaty of Peace included the following:

1. The state of war between the ROC and Japan was terminated. (Article 1)
2. In accordance with the San Francisco Peace Treaty, Japan renounced all right, title, and claim to Taiwan, Penghu, the Nansha Islands, and the Shisha Islands. (Article 2)
3. The disposition of property of each side's nationals, as well as related claims, was made the subject of special arrangements between the ROC and Japanese governments. (Article 3)
4. Japan recognized that all treaties concluded before 1941, including the Treaty of Shimonoseki, had become null and void as a consequence of the war. (Article 4)
5. Nationals of the ROC were deemed to include all inhabitants of Taiwan and Penghu. (Article 10)
6. To advance cordial relations, the two sides should discuss the signing of bilateral agreements in such areas as trade and economy, air transport, and fisheries. (Articles 7, 8, 9)
7. In addition, according to Exchange of Notes No. 1, which entered into effect on the same day as the Treaty of Peace, the Treaty of Peace applied to all current and future territory under ROC control. This, of course, included Taiwan, Penghu, Kinmen, and Matsu, as well as other appertaining islands. Furthermore, in judgments issued in the 1950s and 60s, Japanese courts—based on the Treaty of Peace as well as the Exchange of Notes No. 1—recognized that sovereignty over Taiwan belonged to the ROC.

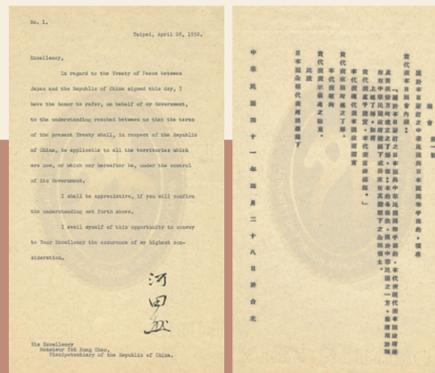
deal with issues related to territory, war reparations, property, and nationality. Therefore, the primary aim of the Treaty of Peace was to quickly establish cordial and cooperative ties between the two sides following the resumption of normal diplomatic relations.

From the perspective of international law, such documents as the Cairo Declaration, the Potsdam Proclamation, the Japanese Instrument of Surrender, the San Francisco Peace Treaty, the Treaty of Peace, as well as the Exchange of Notes No. 1, make it abundantly clear that Taiwan and Penghu were already returned to the ROC. According to the same legal principles and facts, the Diaoyutai Islands, which appertain to Taiwan, and the Shisha and Nansha Islands, which were occupied by Japan during its invasion of China, would have to be returned to the ROC together with Taiwan and Penghu.

In September 1972, Japan severed diplomatic relations with the ROC and unilaterally annulled the Treaty of Peace. However, Article 70 of the 1969 Vienna Convention on the Law of Treaties states that the termination of a treaty “does not affect any right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination.” Moreover, the ROC had already resumed sovereignty over Taiwan and Penghu in 1945. Many events have borne testimony to this fact, such as the return of ROC nationality to local inhabitants and the organization of local elections. The legal status of Taiwan and Penghu as part of the ROC has not changed.

IV. Restoration of peaceful relations following the signing of the Treaty of Peace

When the Treaty of Peace entered into force on August 5, 1952, the state of war between the ROC and Japan was officially terminated. Japan assigned Kenkichi Yoshizawa to serve as its ambassador in Taipei, while the ROC designated Tung Hsien-kuang as its ambassador to Japan. Normal diplomatic relations between the two sides were thereby restored. Even though diplomatic ties were again severed on September 29, 1972, the ROC and Japan established the Association of East Asian Relations and the Interchange Association,



According to Exchange of Notes No. 1, which entered into effect on the same day as the Treaty of Peace between the ROC and Japan, the Treaty of Peace applied to all current and future territory under ROC control. This, of course, included Taiwan, Penghu, Kinmen, and Matsu, as well as other appertaining islands. In accordance with the Treaty of Peace and the Exchange of Notes No. 1, Japan recognized that sovereignty over Taiwan had been returned to the ROC.

Japan, respectively, maintaining substantive bilateral relations and exchanges. Through the efforts of successive ROC administrations, relations with Japan have continued to grow in a stable manner.

When President Ma Ying-jeou assumed office in 2008, ROC-Japan ties were positioned as a special partnership. Japan, meanwhile, stated that it regarded Taiwan as an important partner. Currently, relations between the two sides are the best they have been for over 40 years. From 1972—when Japan severed diplomatic ties with the ROC—to 2014, the two sides signed 58 agreements—including protocols, memorandums of understanding, and exchanges of letters—through the Association of East Asian Relations and the Interchange Association, Japan. Since President Ma took office, 25 agreements have been concluded between the two sides, including an investment arrangement and a fisheries accord. Examples of concrete progress in bilateral relations include the following:

1. The signing of the Taiwan-Japan fisheries agreement—a concrete result of the East China Sea Peace Initiative

In light of tensions in the East China Sea, the ROC government proposed the East China Sea Peace Initiative in 2012, emphasizing the concept that, even though sovereignty cannot be divided, resources can be shared. Then Japanese Minister of Foreign Affairs Koichiro Genba responded by saying that Japan could accept the basic principles of the East China Sea Peace Initiative and its implementation guidelines. The two sides subsequently started consultations and in April 2013 signed the Taiwan-Japan fisheries agreement, which resolved a fisheries dispute between the two nations concerning the waters surrounding the Diaoyutai Islands that had lasted for 40 years. With this agreement, the ROC did not cede an inch on sovereignty but made great progress in terms of fishing rights. In fact, the fisheries pact was a concrete result of the initiative and helped advance regional peace and stability. US Secretary of State John Kerry, US Assistant Secretary of State for East Asian and Pacific Affairs Daniel Russel, and Australian Minister for Defence David Johnston all publicly affirmed this form of dispute settlement, which focuses on diplomacy instead of military force, and adopts peaceful means instead of confrontation.

2. Deepening economic and trade cooperation and exchanges

Total trade between the ROC and Japan amounted to US\$61.6 billion in 2014. Japan is Taiwan's third-largest trading partner, as well as an important source of foreign investment and technology. Taiwan, meanwhile, is Japan's

The Diaoyutai Islands fall under the administrative jurisdiction of Toucheng Township in Yilan County. In view of tensions in the East China Sea, President Ma Ying-jeou proposed the East China Sea Peace Initiative in 2012, which emphasized the concept that sovereignty cannot be divided but resources can be shared, gaining widespread international recognition. (Photo courtesy of the Coast Guard Administration)



On April 10, 2013, Taiwan and Japan signed a bilateral fisheries agreement at the Taipei Guest House, which represented not only a historic milestone in Taiwan-Japan relations, but also a major step forward in realizing the goals of the East China Sea Peace Initiative. (Photo courtesy of the Fisheries Agency)

fourth-largest trading partner. Through a building-block approach, the two sides have continued to sign various economic and trade agreements, including an investment arrangement in 2011, as well as an e-commerce cooperation agreement and financial supervision cooperation MOU in 2013. Furthermore, in June 2014, the spokesperson of Japan's Ministry of Foreign Affairs publicly welcomed Taiwan's interest in joining the Trans-Pacific Partnership. Indeed, economic and trade ties between Taiwan and Japan continue to deepen.

3. Growing people-to-people exchanges

In 2009, Taiwan and Japan officially launched a youth working holiday visa scheme. In 2010, regular flights began between Songshan Airport in Taipei and Haneda Airport in Tokyo, realizing President Ma's policy goal of a Golden Aviation Circle in Northeast Asia, which also includes Hongqiao Airport in Shanghai and Gimpo Airport in Seoul. In 2011, Taiwan and Japan completed amendments to a bilateral aviation agreement, marking the inauguration of open skies between Taiwan and Japan. The number of flights between the two countries has greatly increased as a result. (Flights have also commenced between second-tier cities, such as between Chiayi and Shizuoka, and between Tainan and Kanazawa.) Furthermore, in 2014, Taiwan's National Palace Museum organized exhibitions in Tokyo and Fukuoka, attracting approximately 660,000 visitors and representing a high point in bilateral cultural exchanges. Trips made by ROC nationals to Japan in 2014 totaled 2.97 million, making Taiwan the largest source of foreign visitors to Japan. The number of trips made by Japanese nationals to Taiwan, meanwhile, reached 1.63 million in 2014, bringing the combined number of trips to about 4.6 million. This far exceeded the 2.5 million combined trips that were made in 2007—before President Ma had taken office—and set a new record.

V. Future outlook

Following the war, the ROC and Japan re-established diplomatic relations. Over the past 70 years, the two societies and peoples have actively strived to foster peace and reconciliation, developing cordial relations that are built on mutual trust. The relationship between Taiwan and Japan has come to be known as a model of peace.

As we mark the 70th anniversary of victory in the War of Resistance Against Japan, we hope that Japan will heed the lessons of history and earnestly acknowledge the



President Ma Ying-jeou announced the South China Sea Peace Initiative in May 2015. In the future, Taiwan will continue to serve as a responsible international stakeholder as well as a peacemaker.

freedom, democracy, and rule of law, and bilateral exchanges at every level are close. There exists great trust and friendship between the two sides.

In 2012, the ROC government proposed the East China Sea Peace Initiative, calling on all parties concerned to shelve disputes and engage in joint development, so as to make the region a sea of peace and cooperation. The Taiwan-Japan fisheries agreement signed in 2013 is a concrete manifestation of the aforementioned initiative's concept that, even though sovereignty cannot be divided, resources can be shared.

The ROC government will staunchly defend its sovereignty, continue to promote consultations and dialogue with relevant parties in the region including Japan, and highlight the active role it plays as a responsible stakeholder and peacemaker, so as to contribute to stability and prosperity in the Asia-Pacific region. The ROC also hopes that the East China Sea, through the joint efforts of parties concerned, will become a sea of peace and cooperation, thereby creating a solid foundation for peace and stability in East Asia. Meanwhile, President Ma proposed the South China Sea Peace Initiative on May 26, 2015, extending the concepts of the East China Sea Peace Initiative so that the South China Sea can also become a sea of peace and cooperation. The ROC sincerely hopes that the parties concerned can uphold the principles of safeguarding sovereignty, shelving disputes, pursuing peace and reciprocity, and promoting joint development, in order to jointly protect and advance regional peace and development.



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