



Author: **Gonzalo Barceló**
Attorney

ISSUES AROUND THE SUCCESSION OF STATES: THE CASE OF TAIWAN



*Author: **Gonzalo Barceló***

Attorney expert in Public International Law

Taiwan Fellowship Program 2022

Research Professor at National Chengchi University



Author: **Gonzalo Barceló**
Attorney

Issues about the succession of States: case of Taiwan

*Author: **Gonzalo Barceló**,
Lawyer expert in Public International Law (Cremades & Calvo
Sotelo International Law Firm in Spain),
Taiwan Fellowship Program, Department of Diplomacy, National Chengchi
University.*

1. Introduction and historical influence:

The Republic of China, more popularly and internationally known as Taiwan, together with Japan and South Korea, are the only reflections of Western-style democracy with full freedoms established in the Asian continent. Their representative political systems, with elective and representative democracies before parliaments, have turned these countries into models of prosperity and growth and examples of paradises of public freedoms only comparable to the countries that are included in the European Union, the United States, Canada, the United Kingdom, Australia or New Zealand.

These systems of public freedoms are eminently guaranteeing and have also made it possible for these well-established Asian democracies to become the most advanced countries in the Far East.

It is not by chance, and it is still an open debate in the academic doctrine, whether it is the commitment to be politically constituted under systems of parliamentary constitutional democracies that has driven its vertiginous development, above other countries with enormous potential but which have not been able to consolidate their growth, probably due to the



Author: *Gonzalo Barceló*
Attorney

impositions of their closed or autarchic political systems. Such is the case of the People's Republic of China: the debate continues to rage about the development of one of the largest countries in terms of population, whose resources should have made possible a development that is historically behind schedule. Has its political system been a limitation?

The comparative case of Korea is essential to analyze these differences. It is not the task of this paper to assess the very different realities of the two states on the Korean peninsula: the Democratic People's Republic of Korea (DPRK), or North Korea, and the Republic of Korea (ROK), or South Korea. The former is totalitarian and communist in nature, the latter is a full constitutional and parliamentary democracy with free political elections and political parties.

It is striking, in the case of the Korean peninsula and being the same people with the same ancestral culture and implanted in the same territory, the degrees of distance in economic and human development are so pronounced: while South Korea is a highly developed country that occupies the 22nd position in the HDI published by the UNDP for 2018, the totalitarian North Korea, of communist cut, maintained in 2017 the 177th position in estimated data, since North Korea lacks an updated HDI. One of the Koreas at the top of the world podium, the other at the bottom of the developed countries.

In this regard, on September 27, 2008, the magazine "The Economist" (1) published an extensive analysis of the situation in North Korea, contrasting it with South Korea, reaching the conclusion that it does not stand up to comparison in any aspect analyzed, whether social, economic or scientific.

The case of Korea can serve as a thread to our main argument about Taiwan's situation: up to 25th place in the global HDI, all the countries on the list are parliamentary democracies, excluding Hong Kong (now part of the People's Republic of China and until then a British colony). In the course of the last 20 years, there have only been 4 countries that have been at the top in human development: Norway, Switzerland, the United



Author: *Gonzalo Barceló*
Attorney

States and Australia, all of them democratic nations in which a capitalist market economy is in place.

Contrary to popular belief, it is not necessary for the most advanced countries to be located in Europe: the United States is America, and Australia is Oceania. Nor is it necessary for them to be small, like Switzerland or Norway, to guarantee a high quality of life: Australia or the United States are gigantic and at the same time meet the requirements of very advanced countries. In other words, for a country to be rich and advanced, the requirements have nothing to do with size, area or population, nor with having natural resources. Countries such as Switzerland or Japan lack special resources and their wealth has nothing to do with the initial conditions of the territory or population. The success of a country is therefore due to its management, which makes possible a steady progression over time, and is more related to the preparation of its population, its social habits and the freedoms with which citizens can make their own decisions and also take their own risks.

This is the great difference between rich and poor countries: the systems of centralized economic planning want to control the decisions of their citizens, preventing the advancement of the collective to be related to individual advancement. Because the success of the most advanced countries is due to the success of many individualities, which is not possible in countries with totalitarian systems.

The common denominator is therefore, for all of them, the form of government they have adopted, which contributes to an advanced lifestyle for all their citizens, which is more balanced and fair, which allows progress and technological advancement and which also offers more and better legal guarantees for its citizens, is tolerant of foreign residents and, in short, for social and economic advancement, allowing a horizon of prosperity that is assured for the future. Regulatory regimes and the legal framework are an integral part of collective security, and the freedom of the judiciary and the system of law is a guarantor for the future horizon.



Author: *Gonzalo Barceló*
Attorney

These common denominators are the ones that Taiwan, an advanced, free country and a model of development for the Asian continent, has today. It is a mirror in which many would like to see themselves.

Taiwan currently has an HDI (2) of 0.911, about the same as the United Arab Emirates, higher than Spain and just below Austria. Its position would now be around number 25 in the world ranking.

It so happens that the UN does not recognize the Republic of China (Taiwan) as a sovereign state. Ourre also does not count its data in the HDI report as part of the People's Republic of China in the calculation of China's total figures, nor does it count Hong Kong or Macau. In 2016 the Government of Taiwan (3) calculated its HDI to be 0.882, based on 2010. The new UNDP methodology for calculating human development indices from 2011 has introduced changes that favor some but disadvantage others. In the case of Taiwan, its level of development is steady and secure and is growing steadily and in parallel with the progress of its citizens.

For more than ten years, the total number of nations included in the HDR increased from 169 in 2010 to 187 in 2011, although Taiwan remains unlisted and can only be traced to estimates from data provided by its government, one of the most established democracies in the Far East along with Japan and South Korea.

The question would be if the consequence of the political system that Taiwan has opted for is that its level of development is among the most advanced, why give it up?

The limited and difficult degree of openness of the People's Republic of China, with a government based on a dictatorial communist one-party system, has also made it possible for small "city states" such as Macao and Hong Kong, former Portuguese and British colonies respectively, to survive, despite having been colonies, as some of the most developed territories in Asia. This analysis is controversial, as it indicates that it is the



Author: *Gonzalo Barceló*
Attorney

political system that is important, even above the fact that the territory was a colony of secular origin. Ironically, Hong Kong or Macau are more prosperous and their citizens more free than those of the rest of China.

The reading of these data inevitably leads us to the conclusion that the choice of the political system on which the government of a country is based is a determining factor for the degree of development and progress of its citizens: the degree of social and economic progress of a society is directly proportional to the political system chosen.





2. Indirect or tacit recognition:

The countries that once recognized the international legitimacy of the Republic of China have now re-established diplomatic, commercial and economic ties with this Asian country, which is one of the world's leading technological powers.

These countries, let us take the example of the European countries, which indirectly recognize the Republic of China as a country, make this recognition and this differentiation between the PRC and the ROC feasible. So we can ask ourselves, how can this indirect recognition of the state be determined?

In the case of the ROC, it has been determined mainly by the increase of Commercial Offices that act as embassies in those countries that do not have official embassies (let us remember that today there are 14 countries that internationally recognize the ROC and have official embassies with diplomats issuing visas and passports, as is the case of Honduras). These offices represent the country and establish trade and cross-border agreements, in which the host country implicitly and indirectly recognizes the ROC as a subject of international law capable of signing treaties and agreements, in this case trade agreements.

Regarding multiple platforms whether messaging, multimedia or social networks, these give the status of country to the Republic of China, since if we test for example in Spotify and select the country from which our account is being used, Taiwan appears as a country distinct from China, so it is even popularly recognized as an independent state although today it does not enjoy a declaration of independence.

It is true that the embassies of European countries that operate and have competence in the territory of the ROC, are not official embassies as the laws establish, but they are Chambers of Commerce, mainly attached to the Embassy of the corresponding country in Manila, not to the one



established in the People's Republic of China, Therefore, the State to which this consulate belongs defends Taiwanese neutrality and independence and therefore does not recognize that Taiwan is a province of the People's Republic of China, because if they recognized that it is a province, these chambers of commerce established in Taipei would be attached to the Embassy based in the PRC.

Prof. Fort Fu-Te Liao, honorable professor of the Academia Sinica, Department of Jurisprudence, specifies that there cannot be an indirect recognition of a State, since it is not possible and there is no place for this recognition within the thesis of international law, since the States support each other and the recognition has to be express and multilateral.

In International Law there are two ways in which the acknowledgment is made and two ways of how an State can be recognized: express and tacit. Express recognition is granted by means of a formal, written or verbal declaration or international treaty for example with the NATO. Tacit recognition is carried out by acts that implicitly imply the will of a State to recognize a certain situation, such as, for example, the establishment of diplomatic relations, the reception of the head of State or the conclusion of bilateral international treaties like the commercial agreements.

The conclusion by a State of multilateral treaties to which another State to which it has not recognized is a party does not imply its recognition. Nor does the fact that a State is a party to an international organization to which other States to which it has not recognized are also parties imply recognition. However, if in the latter case, the State has expressed its willingness for another State to become a member of the international organization, this would imply its tacit recognition.

In the case of the Republic of China we can say that the usual way in the international paradigm for that recognition is the tacit one, because the states sign agreements and treaties related with commerce or exports or for example they have an “embassy”, called commercial chamber or office that have functions as an embassy, so we can say that more than the

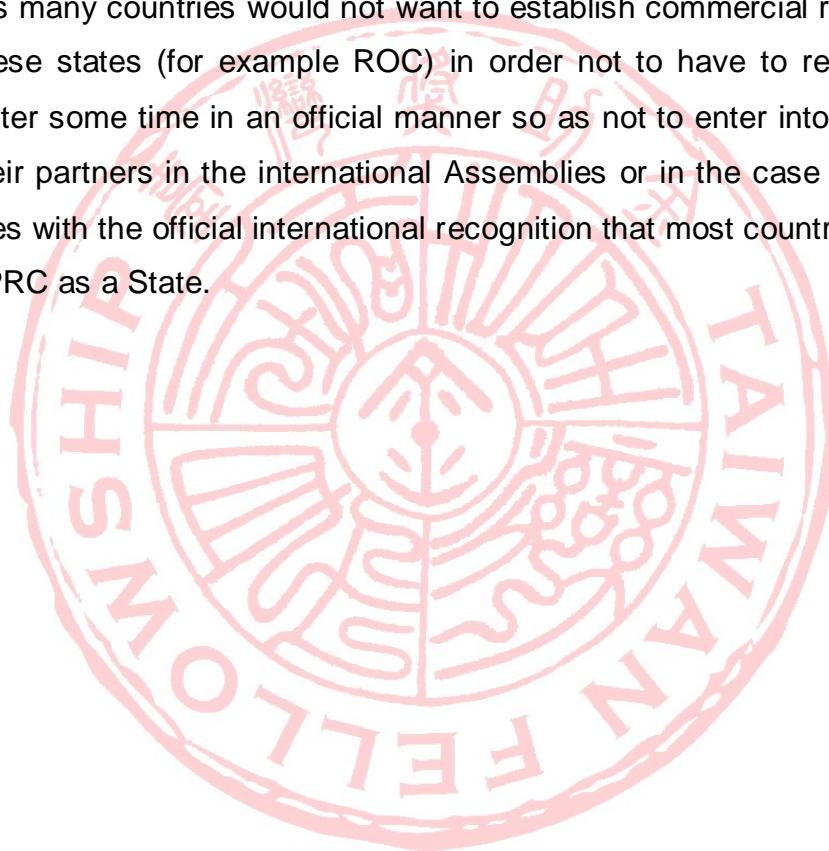


Author: *Gonzalo Barceló*
Attorney

60% of the States of the world recognize the ROC but in that way.

There's not in International Law a figure that says what happens when this tacit relations are extended over time, for example ten years or more than this. Under my point of view and after doing that investigation, I can say that when that relations extended for a long time, the state should make this recognition official or give it official Embassy status.

This could be detrimental on the other hand, being self-critical, since perhaps many countries would not want to establish commercial relations with these states (for example ROC) in order not to have to recognize them after some time in an official manner so as not to enter into conflict with their partners in the international Assemblies or in the case of most countries with the official international recognition that most countries give to the PRC as a State.





3. Elements of the State:

In a territory, a state can be determined according to the elements that compose it. Many international jurists, including the renowned Verdross, define the State as a perfect and permanent community that is fully governed and united by three elements: sovereignty, territory and population.

Applying these concepts to the Republic of China we could develop that:

Sovereignty, which resides in the people (another element of the State) is a legal strength before other States of the international community. Sovereignty implies that the State adopts the ultimate decision since it is endowed with all the powers over its territory, which it administers and distributes according to its current legislation and among which is the government of the nation, the good government with its politicians and its system established in the legal framework of that territory, in the case of the Republic of China its form of government would be the semi-presidential Republic through which they apply, develop and elaborate the policies, laws and international decisions in an autonomous manner.

It is also worth mentioning that in relation to the next point and element of the State, which is the population, the latter is the one that makes sovereignty and the government of the nation possible, since in this case there are democratic elections through which its representatives are elected in the respective assemblies and which elaborate the laws according to the needs of the people.

The Population is a very important element, without this element it is not possible to develop Sovereignty and it is not possible to develop a State internationally without trade, business and without the people who support and validate the political actions. The population element is very



Author: *Gonzalo Barceló*
Attorney

important, in the Republic of China this element is very important because without population there is no nation and also in the population come into play the languages spoken within the borders of that country, as well as customs, religion and ethnicities.

These characteristics are key to determine that there is a different population from the neighboring country, independent and managed with its own currency (the new Taiwanese dollar - NTD) and its own economy which for decades has been one of the most prosperous in the world.

The language is very important since in the Republic of China the official language is Mandarin Chinese, but there are other languages specific to the territory in which the State is located and which are spoken frequently and daily by the citizens that are the Taiwanese and the Formosan languages, languages completely different to the ones spoken on the People's Republic of China.

Territory in the Republic of China is a determining factor since it is clearly delimited thanks to its land borders bordering the China Seas and the Philippine Seas.

Regarding its maritime borders, these are more complex, since it is where the People's Republic of China has violated the Treaties and has gained unauthorized access.

This violation has also occurred in recent years in the airspace corresponding to part of the territory of the Republic of China, i.e. that the airspace corresponds to the underlying State over such airspace, a theory defended by the Anglo-Saxons.

With the Chicago Convention of 1944, it is established as a legal norm that the sovereignty is complete of the State over the airspace above its territory, understood as above the territory and the internal waters and territorial sea.

For example, on February 24, 2023, an incursion of Chinese ships and



Author: *Gonzalo Barceló*
Attorney

aircraft into air and maritime space of the Republic of China has again been detected.

Beijing broke its agreement with Taiwan by crossing this border that had always been respected before, the middle line of the Fromosa Strait.

4. International status:

In the 1970s, UN Resolution 2758 was passed, which began to recognize the People's Republic of China as the sole legal representative of China in the international paradigm, leaving the Republic of China (Taiwan) as an orphan, having been until then recognized as a representative and recognized by many countries around the world as the true China.

Several historical milestones as pointed out by Prof. Ping - Kuei Chen, honorable Professor of Diplomacy at the National Chengchi University, who clarifies that the Cold War was the determinant of the loss of this seat at the UN.

At the beginning of the Cold War, since the Western bloc did not want to recognize the People's Republic of China because it belonged to the Eastern or Communist bloc, the Republic of China was recognized until the 1970s, when everything changed due to the Sino-Soviet break in the 1960s.



Author: *Gonzalo Barceló*
Attorney

During those years the PRC did not invade Taiwan because of the armed conflict in Korea, but there were always threats and attempts to recover that vital territory.

After this break and this change of position regarding state recognition by the countries of the Western bloc, Prof. Ping-Kuei notes that the problem with the PRC is more a political than a legal problem, since the Treaties are very clear and, as we mentioned in the previous chapter on the elements of the state, the Professor emphasizes that these elements are present and that Taiwan is a state subject to international law.

Another point to highlight, which is recent but which may have a great influence on the day-to-day and the decisions that the PRC may take, is the war in Ukraine. With this conflict, can we anticipate future events or moves on the board by the PRC?

Following Professor Ping-Kuei's knowledge, we can say that as an internationalist, he does not see a clear invasion by the PRC, why?

Mainly because if Taiwan were to be invaded, there would be a personal erosion (on a personal level of Xi Ying Ping as a figure independent from the rest of the country) and his image would decline as it has happened to Putin in Russia, where he has lost much charisma and strength from the people and from an international point of view.

This would also weaken its economy and would erode all the work and commercial relations that the PRC has with all the countries of the world, since today it is one of the world's major powers in terms of raw materials, product creation and technology.



Author: *Gonzalo Barceló*
Attorney

5. A nominal issue:

For jurists, form and appearance are very important. The name "China" swims on both sides of the Taiwan Strait. Both are "Chinese", one communist and the other free and democratic.

After the overthrow of the Empire, in 1912 China adopted the legal and generic name of Republic of China, to distinguish itself from the previous monarchical system. In 1949, at the end of the civil war, the Nationalist Party was displaced by the Communist Party from most of the Chinese territory, being limited to the territory of the Taiwan archipelago, with the name of Republic of China, while the rest of the country took the name of People's Republic of China. Both governments maintained that China remained a single country and each claimed representation and historical inheritance.

During the Cold War era, due to this ideological confrontation between the two Chinese regimes, the Republic of China was frequently referred to as Nationalist China, while the People's Republic of China was identified with the appellatives "popular" or "communist".

The current territorial reality has meant that in recent decades these names have fallen into disuse, and therefore the Republic of China - also known as Taipei China in major sporting events - is usually referred to internationally as "Taiwan" while the name "China" is applied internationally mainly to the People's Republic of China, because the vast majority of states recognize the People's Republic of China and not the Republic of China as the legitimate China.

In these definitions there is also an interesting social and cultural element to study. Taiwanese people of a certain age, over 50 years old, still consider themselves Chinese even if they are not communists, of course. However, among the younger population there is already a Taiwanese



Author: *Gonzalo Barceló*
Attorney

"nationalist" component that differentiates them from people of Chinese origin. They do not consider themselves Chinese, but "Taiwanese", with a sense of nationhood that distances them from China. Inevitably there is a cultural component that is important to address, since the Taiwanese are reluctant to assimilate with the "Chinese" of communist origin, and there is a certain elitist feeling among the Taiwanese towards the former Chinese compatriots, who are considered less advanced and more "rustic". This generational and cultural gap will become more evident as time goes by.

Taiwan's history as a nation probably has to do with the image that other countries had of China. During the 1970s, part of the world came to recognize the People's Republic of China, including the United States, which finally accepted that China's seat in the United Nations should go to the People's Republic, during the presidency of Richard Nixon, in order to counterbalance the USSR internationally, in the context of the Cold War. Taiwan would have been China's heir to the United Nations until that date. Some Central American countries have decided not to recognize the Beijing authorities, and many nations of the world, such as recently Lithuania, have chosen to establish diplomatic relations with Taiwan, in a direct affront to communist China.

It was in the wake of UN General Assembly Resolution 2758, passed in response to Resolution 1668, which requires that any change in China's representation at the UN be determined by a two-thirds majority vote. The resolution, passed on October 25, 1971, recognized the People's Republic of China (PRC) as "the sole legitimate representative of China to the United Nations" and expelled "the representatives of Chiang Kai-shek from the seat they lawfully occupy at the United Nations." This move ended the Republic of China's membership in the UN organization and remains a point of contention over Taiwan's political situation and its legal status internationally: while most countries in the world recognize Taiwan as a country, because of its functioning and formal requirements - it has a defined territory, a population, issues its passports, has its own administration, flag, coat of arms, anthem, population and administrators,



Author: *Gonzalo Barceló*
Attorney

and maintains diplomatic relations with many countries - the reality is that there is little courage in the International Community to take the step to recognize Taiwan as a formal state in its own right.

Not by chance, and as a precedent, the Vienna Convention on Diplomatic Relations, which is considered by the founders of the United Nations as the cornerstone of today's diplomacy after the Congress of Vienna, was signed and ratified by the Republic of China on April 18, 1961 and December 19, 1969.

However, up to that time, it was the Republic of China that refused to accept diplomatic recognition from countries that recognized the communist government. However, since the People's Republic became the state diplomatically recognized by most countries in the world, it is the People's Republic that refuses to admit formal diplomatic relations with those countries that recognize the Republic of China (Taiwan) as a sovereign state.

On July 15, 1971, 17 UN members requested that a question of the "restoration of the legitimate rights of the People's Republic of China in the United Nations" be included in the provisional agenda of the twenty-sixth session of the UN General Assembly, stating that the People's Republic of China, a "founding member of the United Nations and a permanent member of the Security Council, has since 1949 been deprived by systematic maneuvers of the right to occupy the seat to which it is fully entitled."

On September 25, 1971, a draft resolution, A/L.630 and Add.ly 2, was introduced by 23 states, including 17 of the states that had joined in placing the issue on the agenda, to "restore to the People's Republic of China all its rights and immediately expel the representatives of Chiang Kai-shek." On September 29, 1971, another draft resolution, A/L.632 and Add.ly 2, sponsored by 22 members, moved to declare that any proposal to deprive the Republic of China of representation was a major issue under



Author: *Gonzalo Barceló*
Attorney

Article 18 of the UN charter, and therefore required a two-thirds qualified majority for adoption. A/L.632 and Add.ly 2 was rejected on October 25, 1971 by a vote of 59 to 55, with 15 abstentions.

Could Taiwan ever again be recognized as an independent state? The answer is that none of this is impossible, as it already participates freely in numerous international organizations.

The evolution of recent events suggests a future situation that will break the current international status. Since 1991, the Republic of China (ROC), also known as Taiwan, has reapplied for membership in the United Nations to represent the people of Taiwan and its outlying islands, territories known or recognized by various actors as "The Republic of China (Taiwan)", "The Republic of China on Taiwan", and most recently since July 2007, under the presidency of Chen Shui-bian simply as "Taiwan".³ The ROC has also requested that the UN examine the issue of its representation in other forms, such as the granting of observer status, as is the case in some other international organizations such as the World Health Organization (WHO) or ICAO, the international civil aviation organization. Due to the opposition of the People's Republic of China, which is supported by the majority of UN member states that follow the "One China" policy, all applications have been denied, but the situation and the legal precedents created in the various international organizations suggest future developments very different from the present ones.

The ROC continues to ask international organizations to recognize the rights of the 23 million inhabitants of Taiwan, who since 1971 have had no representation at the UN and no international protection, despite the fact that their rights are internationally recognized, such as the right to use a Taiwanese passport without any problems. Taiwanese citizens are accepted all over the world, there are academic exchanges with the whole world and thousands of Taiwanese companies export their excellent products, which are at the forefront of technological and scientific advances and R&D&I, to all the countries of the world.



Author: *Gonzalo Barceló*
Attorney

Another precedent dates back to 2007, when the President of the Republic of China submitted an application for UN membership under the name of Taiwan to UN Secretary- General Ban Ki-moon on July 19. In response, the UN Secretariat returned the application, allegedly in accordance with the "one China policy of the United Nations" based on resolution 2758.

But history is often stubborn and puts everyone in their place sooner or later: it has taken Taiwan a long time to reach this full democracy: years of war, referendums, cultural renunciation and confrontations with neighboring countries.

All the historical effort of Taiwan has been rewarded with the amount of freedoms that the country possesses today and that houses its Magna Carta and its laws, one of the most advanced on the planet; within Asia it is one of the most westernized and advanced countries although the Asian aspect survives in every corner of its enormous cities, housing its temples and its street markets full of people looking for the best product.

Taiwan is today a laboratory of new cutting-edge ideas in technology, and one of the largest exporters. Its cities are hospitable and safe, and walking around Taipei is like traveling to Madrid's Paseo de la Castellana or New York's Fifth Avenue, making you feel especially nostalgic when you find yourself more than ten thousand kilometers from home, so far away but so present and living in the same way as you do in your great capital. Taiwanese cities are cosmopolitan.

The remoteness felt by the visitor on many occasions can cause bewilderment and insecurity, but it should be noted that in 2020 a survey was conducted on the crime rate in Taiwan and the same is surprising, since according to these data recently published by the Government, the Republic of China is the second safest country in the world, after the State of Qatar, this means that the crime rate is therefore higher in most European countries than in Taiwan.

Democracy and the guarantee of freedoms, fundamental constitutional



Author: *Gonzalo Barceló*
Attorney

pillars are present in Taiwanese society, and all these freedoms have made possible, in addition to the progress in security and way of life, the economic and commercial growth of the country, becoming in 2021 according to the World Trade Organization (WTO) the fifteenth largest exporter in the world, as well as the eighteenth importer of materials, reaching Taiwan to occupy an important position in the world economy. This begs the question: Will its market be strengthened after the war in Ukraine and will it leave the Chinese market in second place?

All this requires us to reflect and advance in an intense and deep study, but in broad outlines we can say that the war in Ukraine will indirectly strengthen the economy and the power of influence that Taiwan has in the international paradigm. This war is weakening the Eastern powers that to date have been Russia and China, both of which belonged to the former communist bloc during the Cold War. The latter, China, has been dissociating itself from Russian decisions in recent months, but the past unites them and the future continues to keep them together, so that the Eastern power will see its market damaged in the coming years if it does not manage to open up more to the needs of the most advanced democratic countries on the planet.

The international market will opt for a clean trade and away from sinister and war, since China has been collaborating with Russia and they have had a very close bond between them during these last decades and the last half century. Now China seems to be distancing itself from Russia, but this war affects it, influences it in that the West will prefer to invest in a democratic market, without the possibility of indirectly financing any conflict, and the only candidate for this in Asia is Taiwan, together with the already growing and potential markets of South Korea and Japan, born producers and strong economic engines.

The West will invest and bet on a clear and known market such as Taiwan and not on a market such as the Chinese one, however developed and productive it may be, since it would be taking too much risk to finance a



Author: *Gonzalo Barceló*
Attorney

possible and latent invasion of the Island of Formosa, as different leaders of the Chinese Communist Party have been warning during the last months. Moreover, the Taiwanese market is already known to the West due to the trade relations it maintains with these countries, mainly with the United States and a large part of the European community. It is a reliable partner.

The offshoring processes in China, and the opening to its market, have not been policies that have proven to be successful and many companies have closed their delegations in China due to the difficulties in covering a market that, although appetizing and gigantic, does not have the necessary ad-hoc distribution networks that exist in free countries.

Taiwan has other things in its favor. For example, it is also a country that many countries are betting on economically, in terms of investment and raw materials, and where many international brands have developed by implementing their market model; it is a country that fits very well with this type of free market principles, and all this because of the constitutional guarantees and the initiative of an emerging country, which a few decades ago was already considered one of the four great Asian Tigers, one of the great Asian economies and the most prosperous democracy of this continent. In a way, Taiwan is a safe bridge to Asia.

After the oil crisis of 1974, and until the 1990s, the so-called "Four Asian Tigers" experienced rapid industrialization and maintained exceptionally high growth rates of more than 7 percent per year. Among these "four tigers" or "dragons," as they were also called, was Taiwan, along with the economies of South Korea, Hong Kong and Singapore, two of them virtually city-states. Japan had already been left out of that classification because it was already considered a power in its own right and was not experiencing such high growth rates at the time.

As similar characteristics, all these countries had starting conditions that led to success, based mainly on the abundance of labor and the creation of free port zones, where companies were exempted from taxes and customs



Author: *Gonzalo Barceló*
Attorney

duties and were offered special labor legislation and infrastructure improvements by the State.

Another characteristic is that due to limited land and natural resources, overall growth could not be supported by the export of primary products, with industry being the key sector of the economies of these countries in both imports and exports, and in any case, the processing industry, for example in food, constituted another pivotal vector of growth. But these are conditions that other countries such as China or Vietnam could also have developed, although they did not.

In conclusion, Taiwan is a country that has caught up with many others in terms of rights, democracy, economy and quality of life, managing to grow at vertiginous levels and that this possible market shift that we can call "the change of the strait" may finally mean the recognition of the Republic of China in the international paradigm and finally achieve its seat in the United Nations with a status different from that of communist China, something that, sooner or later, China itself will have to accept as a fait accompli: Taiwan is another country and another system.

Finally, it can be concluded that after analyzing all the elements described in this project with the historical background and from the point of view of International Law, the Republic of China (Taiwan) is a State, a subject of international law like any other country in the world and that it has been able to develop its own prosperous democracy, its lifestyle, its welfare independently, with the help and support solely and exclusively of its citizens. I hope this project will serve to reflect on the status of Taiwan as there are 23.57 million habitants who are not internationally recognized and have rights like you and me in a prosperous, energetic and enterprising country like the Republic of China.



Author: Gonzalo Barceló
Attorney

Footnotes

1.- "A survey of the Koreas: The odd couple". *The Economist*.

Accessed November 21, 2015.2.- 2020 data.

3.- "[2016 中華民國人類發展指數 \(HDI\)](#)" (Excel) (in Chinese). Directorate General of Budget, Accounting and Statistics, Executive Yuan, R.O.C. 2016. Accessed January 4, 2016.

