

DIPLOMATIC MEMORANDA OF KAHARAGIA

Diplomatic Memorandum on the Status of Taiwan

DM-2026-009



Diplomatic Memorandum on the Status of Taiwan

Effective statehood, the limits of resolution 2758 and a claim asserted from outside

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Issued by the Secretariat of State, Section II — Foreign Affairs. A Diplomatic Memorandum states the position of the State of Kaharagia on a question of recognition or contested sovereignty, the grounds on which that position rests, and the reservations to which it is subject. Recognition, accreditation, immunity and privilege are conferred by the appropriate Sovereign instrument; this publication records the position those instruments give effect to.

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The Determination

POSITION OF THE STATE	
Kaharagia recognises the Republic of China (Taiwan) as a sovereign and independent state within the Taiwan Area, with an express reservation excluding any title to the Mainland Area	
SELF-DETERMINATION	Recognised. The people of Taiwan determine their political status through institutions they elect and replace, and no other population may determine it for them.
FAMILY OF CLAIM	None of the three. The claim alters no existing sovereign arrangement. Unfinished decolonisation is the nearest and does not carry the case.
EXTERNAL CONTROL	None found over the entity whose status is in issue. Ordinary dependency only. The state asserting title exercises no control at all.
STATE RECOGNITION	Extended, subject to an express territorial reservation. Statehood itself is recognised without condition.
DISPOSITION	Recognition with reservations, the second of the five in DM-2026-001.
GOVERNMENT	The constitutional institutions of the Republic of China (Taiwan) are recognised as entitled to act for the state. No administration in office is endorsed.
DIPLOMATIC RELATIONS	Not established by this instrument. Reserved to a separate decision.
TERRITORIAL RESERVATION	Recognition covers the Taiwan Area as defined by that state's own law. No title to the Mainland Area is recognised, in Taipei or in Beijing.
RESOLUTION 2758 (XXVI)	Settled which delegation represents China in the United Nations. It names no territory, determines the status of neither Taiwan nor its people, and calls upon no State to withhold recognition of anything.

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1. Executive Position

Kaharagia recognises the Republic of China, which its own government renders as the Republic of China (Taiwan), as a sovereign and independent state. It governs Taiwan, Penghu, Kinmen and Matsu. Its Government records a population of 23,400,220 for December 2024. Its President and Vice President are directly elected every four years, its Legislative Yuan has 113 members elected for four-year terms, and it has been a member of the World Trade Organization in its own right since 1 January 2002. Statehood is recognised without condition.

One reservation is part of the act. That state's own law divides the territory it claims in two. Article 2 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area defines the Taiwan Area as "Taiwan, Penghu, Kinmen, Matsu, and any other area under the effective control of the Government", and the Mainland Area as "the territory of the Republic of China outside the Taiwan Area". Kaharagia recognises the state within the Taiwan Area. It recognises no title to the Mainland Area, and no party may cite this act as recognition of one.

The case reaches a limb no earlier publication in this series has reached. Abkhazia, South Ossetia and Transnistria are decided by a patron's hold on the entity seeking recognition. Western Sahara turns on a choice never made. Somaliland carries districts it does not hold by consent. Northern Cyprus is closed by a duty the Security Council created. Taiwan presents none of these. The objection to its recognition is made by another state about that state's own claim, and not about any defect in the government, the territory, the population or the freedom of choice in Taiwan.

1.1 The Decisions Taken Here and the One Reserved

DM-2026-001 holds four decisions apart, and answers to three of them are taken here:

- **The right of self-determination.** Recognised. The people of Taiwan determine their political status through institutions they elect, and no other population may determine it for them.
- **Statehood.** Recognised, subject to the territorial reservation set out above and applied below.
- **Government.** The constitutional institutions of the Republic of China (Taiwan) are recognised as entitled to act for the state. No administration in office is endorsed and no party's programme is adopted.
- **Diplomatic relations.** Not established here. They remain reserved to a separate decision of the Sovereign.

The disposition is recognition with reservations, the second of the five in DM-2026-001. The reservation excludes a claim, not the state. Nothing in the conditions set out below attaches to statehood, and none of them can unmake it.

2. Resolution 2758 and the Limits of What It Decided

The General Assembly adopted resolution 2758 (XXVI) at its 1976th plenary meeting on 25 October 1971, under the title “Restoration of the lawful rights of the People’s Republic of China in the United Nations”. Recalling the principles of the Charter, and considering that the restoration of those rights was essential both for the protection of the Charter and for the cause the United Nations must serve under it, the Assembly recognised “that the representatives of the Government of the People’s Republic of China are the only lawful representatives of China to the United Nations and that the People’s Republic of China is one of the five permanent members of the Security Council”. It then decided “to restore all its rights to the People’s Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it”.

That is the whole of the text. It decided a question of representation and it decided it conclusively. Since 25 October 1971 the seat of China in the General Assembly, in the Security Council and in the related organizations has belonged to the Government in Beijing. Kaharagia does not dispute that, does not ask any body to revisit it, and treats the seating as settled.

What the resolution does not contain governs the rest of this publication. The word Taiwan appears nowhere in it. No territory is named, ceded, transferred or assigned. No population is placed under any sovereignty. The persons expelled are identified by reference to Chiang Kai-shek, a man, and not by reference to a state, a territory or a people. A resolution that disposes of a delegation has not disposed of an island.

DM-2026-001 records that a resolution of the General Assembly is a recommendation and not a binding decision. That proposition is stated about resolutions addressed to States and it is not to be misapplied here. Resolution 2758 was addressed to the Organization about the Organization’s own proceedings, and inside them it took effect. The Assembly seated one delegation and removed another and was competent to do so. The limit is one of subject matter and not of form. The Assembly did not admit a state, which under Article 4 of the Charter requires a decision of the General Assembly upon the recommendation of the Security Council, and it did not purport to determine the status of any territory or of anyone living in one.

Overstatement in the other direction is refused with equal firmness. The resolution is not a nullity, it is not a political preference dressed as a decision, and it did not leave the Chinese seat open for competing claims. Kaharagia reads it for what it says and declines to read it for what it does not. The discipline is the one DM-2026-001 applies to an advisory opinion quoted as a judgment and to a commission of inquiry quoted as a court.

WHAT RESOLUTION 2758 DECIDED

Resolution 2758 settled which delegation represents China in the United Nations. It names no territory, transfers no territory, decides nothing about the status of the people of Taiwan, and calls upon no State to withhold recognition of anything.

2.1 The Instruments Read Alongside the Resolution

Paragraph 8 of the Potsdam Declaration of 26 July 1945 provides that “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”. The Secretariat did not obtain the text of the Cairo Declaration for this publication and therefore states nothing about its contents. A declaration of terms to be carried out is not an instrument of cession, and this one names no recipient of anything.

The operative treaty is exact and its exactness is the point. By Article 2 (b) of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951, “Japan renounces all right, title and claim to Formosa and the Pescadores”. Article 2 (a) of the same treaty runs differently: Japan renounces Korea “recognizing the independence of Korea”. Where the drafters intended a destination for what was renounced they wrote one. For Formosa and the Pescadores they wrote none.

Kaharagia does not build its determination on that silence. A treaty that transfers title to nobody supports no positive claim by anybody, and an argument that the status of the island was left undetermined in 1951 answers no question about the government there now. The silence also fails to cover the ground. Article 2 (b) names Formosa and the Pescadores. It does not name Kinmen or Matsu, which the same Government administers today and which its own statute places inside the Taiwan Area. A theory of title assembled out of the 1951 text would leave two of the four island groups outside its reach on the first page. This case is decided where DM-2026-001 puts it, on the facts of government and on the freedom of the choice the people concerned are able to make.

3. The Indicia of Statehood Applied to Taiwan

The indicia DM-2026-001 takes from Article 1 of the Montevideo Convention are a permanent population, an identifiable territory, institutions capable of public government, and the capacity to conduct external relations, weighed together with legality and popular legitimacy and applied to the facts rather than by formula.

The population is permanent and it is not uniform. The Government records 23,400,220 people for December 2024, of whom 14.28 per cent are under 18 and 19.18 per cent are 65 or older. Sixteen Indigenous peoples are officially recognised and together make up just over 2.6 per cent of the population. More than 600,000 residents are recorded as new immigrants, most from China and Southeast Asia. Those figures decide nothing by themselves and they shape the reservations and conditions below.

The territory is identified by that state in its own legislation, which is stronger evidence than a map drawn by an interested observer. The Taiwan Area is Taiwan, Penghu, Kinmen, Matsu and any other area under the effective control of the Government. The Mainland Area is defined as everything the same statute places outside it. A government that draws that line in its own law has named the territory it governs and marked off the territory it does not.

The institutions govern and they change hands. Martial law in force since 1949 ended in 1987, together with the bans on new political parties and news publications. The

first direct presidential and vice presidential elections were held in 1996. In 2000 Chen Shui-bian and Annette Hsiu-lien Lu were elected, ending more than fifty years of Kuomintang rule and marking, in the Government's own words, the first transfer of executive power in Taiwan between political parties. In 2024 Lai Ching-te and Hsiao Bi-khim were elected, the first time a party had held the office for three consecutive terms since direct elections began. The presidency sits alongside five yuans, the President may be re-elected once, and voters cast one district ballot and one at-large ballot for the legislature.

External capacity is exercised and not merely asserted. Twelve states maintain diplomatic relations with it: Belize, Eswatini, Guatemala, Haiti, the Holy See, the Marshall Islands, Palau, Paraguay, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Tuvalu. Under DM-2026-001 that count is a fact about those twelve states and not an answer to the question asked here. The membership carries more weight than the count. Since 1 January 2002 it has been a member of the World Trade Organization in its own right, under the name Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei).

That name is a condition of participation and not a finding about status, and Kaharagia does not adopt it. The same holds for administrative designations used elsewhere. The United Nations Statistics Division states of its own country and area codes that "The designations employed and the presentation of material at this site do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries". Kaharagia takes the Secretariat at its word. A statistical label is not a determination, and a label repeated in enough databases is still not one.

3.1 Genuine Sovereignty and Whether the Dependency Scale Engages

The scale in DM-2026-001 runs dependency, effective control, absorption, and it decides most of this series. It engages here and it returns nothing that qualifies the recognition.

The scale measures the hold a patron has over the entity whose status is in issue, and the arithmetic of this case runs against the ordinary suspicion. Security assistance is real. The United States enacted the Taiwan Relations Act on 10 April 1979, declaring the policy of providing Taiwan with arms of a defensive character and of maintaining the capacity of the United States to resist any resort to force or other forms of coercion, and in the same year it acknowledged "the Chinese position that there is but one China and Taiwan is part of China". The state most engaged in Taiwan's defence therefore withholds the very recognition Kaharagia is extending, and has withheld it for more than four decades. A patron does not manufacture a claim it declines to endorse. Acknowledging another state's position is not recognising it, and Kaharagia records the difference because both governments concerned have an interest in blurring it.

The indicators DM-2026-001 supplies are applied in turn.

- **Whether the claim to self-government predates the patron.** The end of martial law in 1987, the first direct presidential election in 1996 and the change of govern-

ing party in 2000 were not produced by an external sponsor, and the sponsor most often named has not recognised what they produced.

- **Whether the institutions have refused the patron something the patron wanted.** No arrangement is before the Secretariat by which any state directs Taiwan's security institutions or its foreign policy, and no material examined for this publication records a patron's instruction for the institutions to refuse. The indicator is answered structurally rather than by episode: the relationship on which the burden would rest does not carry recognition, so it cannot be the source of the claim.
- **Whether the trajectory runs toward independence or toward incorporation.** No instrument merging the Taiwan Area into another state is before the Secretariat, no transfer of state functions appears in the materials examined, and no mass conferral of another state's citizenship on the population is recorded in them. Nothing in the file points toward absorption by anyone.
- **Whether the argument against the relationship can be made and survived.** The presidency has passed between parties by counting, and the constitutional machinery for arguing a different status is in the electorate's hands. Article 4 of the Additional Articles allows the national territory to be altered on a proposal of one quarter of the Legislative Yuan, passed by at least three quarters, and sanctioned by the electors of the free area at a referendum.

Kaharagia therefore finds no external control over the entity whose status is in issue. Dependency in the ordinary sense is present, it is ordinary among recognised states, and it defeats nothing. The state asserting title exercises no control over the territory at all, and the materials before the Secretariat record continuous administration of the Taiwan Area by the Government in Taipei since 1949 and no administration of any part of it by the People's Republic of China.

4. The Claim of the People's Republic of China, Stated as a Claim

The Preamble to the Constitution of the People's Republic of China provides that "Taiwan is part of the sacred territory of the People's Republic of China" and that "It is the sacred duty of all the Chinese people, including our fellow Chinese in Taiwan, to achieve the great reunification of the motherland". The Constitution was last amended by the First Session of the Thirteenth National People's Congress on 11 March 2018.

The Anti-Secession Law, adopted at the Third Session of the Tenth National People's Congress on 14 March 2005, states at Article 2 that "There is only one China in the world. Both the mainland and Taiwan belong to one China. China's sovereignty and territorial integrity brook no division". Article 5 states that reunification through peaceful means best serves the fundamental interests of the compatriots on both sides of the Taiwan Straits. Article 8 provides that where secessionist forces act under any name or by any means to cause the fact of Taiwan's secession from China, the state "shall employ non-peaceful means and other necessary measures".

The legal character of those texts must be stated with the same care applied to resolution 2758. A constitutional preamble states what a state holds. A statute binds inside the state that enacts it. Neither is a judgment, an advisory opinion, a decision of the

Security Council or a determination by any body with authority over the question. The claim is asserted, and it is asserted over a territory the claimant has never administered. DM-2026-001 holds that effective control is not sovereign title. A claim unaccompanied by even effective control stands further from title, not nearer to it.

The reservation of non-peaceful means is answered now rather than after the event. DM-2026-001 holds that invasion, annexation, military occupation and the implantation of dependent authorities create no lawful sovereign title, and that no territorial acquisition resulting from the threat or use of force is to be recognised as legal. A statute providing for non-peaceful means to prevent a status cannot produce a title Kaharagia would recognise, and any acquisition of the Taiwan Area achieved by those means would be met by the rule rather than by a fresh assessment of the merits.

None of this treats the claim as frivolous. It is the constitutional position of a permanent member of the Security Council, held consistently, and it is the reason Taiwan sits outside the ordinary machinery of international life. Kaharagia records that the claim is a claim and that no instrument before the Secretariat has converted it into anything else.

4.1 Who Is Permitted to Choose

DM-2026-001 asks who was permitted to choose before it asks what was chosen. The Taiwanese answer is unusual in this series, because the dispute is not about which residents may vote. It is about whether the residents are the constituency at all.

The Preamble quoted above describes reunification as the duty of “all the Chinese people, including our fellow Chinese in Taiwan”. Read as a constituency rule, that formulation hands the decision to a population which has never lived under the institutions whose status is in question and which takes no part in the elections that constitute them. DM-2026-001 requires eligibility, registration and the framing of a status question to be settled in advance by a body no interested party controls, and it requires the choice to be the free and genuine expression of the will of the people concerned. The people concerned are the people whose political status is at stake and who live under the government whose status is at stake.

The instruments on the other side answer the same question in a form capable of being tested. Article 2 of the Additional Articles provides that the President and Vice President are directly elected by the entire populace of the free area of the Republic of China. Article 4 places any alteration of the national territory in the hands of the electors of the free area at a referendum, after a proposal by one quarter of the Legislative Yuan and passage by at least three quarters of it. Kaharagia does not endorse that constitutional scheme and records where it puts the decision, which is where DM-2026-001 puts it.

Two limbs of the constituency rule that decide other files find little to attach to here. No population expelled from the territory is being kept out of a status process, because no such expulsion appears in the materials before the Secretariat. The settlement limb requires care rather than dismissal. The Government’s own history records that 1.2 million people came from China with the Government that relocated in 1949, and its own statistics record more than 600,000 new immigrants, most from China and

Southeast Asia. DM-2026-001 bars the disqualification of residents on grounds of origin, ethnicity, religion or date of arrival, and Kaharagia applies that bar to every one of them. Their presence confers sovereignty on no state, and their origin costs them no vote.

The sixteen recognised Indigenous peoples raise the question DM-2026-001 calls a nested claim. Their connection to the territory precedes every administration that has governed it. A people asserting self-determination against another state acquires no licence to deny it to a community inside the territory it claims. Recognition of the state settles no Indigenous claim within it, extinguishes none, and may not be cited against any. Their standing in a status process is a matter for them, and this publication does not decide it.

TAIWAN PRINCIPLE

A claim asserted by one state over a territory it has never administered is a claim. Nothing before the Secretariat has converted it into a determination, and only the free choice of the people who live there could convert it into a title.

5. Why Kosovo, Somaliland, Northern Cyprus and Palestine Do Not Decide This Case

DM-2026-005 recognises Kosovo on the exhausted-remedy route: autonomy dismantled by the parent state, exclusion from institutions, repression found by a tribunal, an international administration, and status negotiations that were attempted and failed. Taiwan needs none of that apparatus, because it is not asking to leave anything. There is no parent state whose internal remedy could have been exhausted and no autonomy for anyone to have dismantled. The advisory opinion of 22 July 2010 does not carry this file either. It held, on a request from the General Assembly, that Kosovo's declaration of independence did not violate international law, and it is an advisory opinion and not a judgment. Taiwan has issued no declaration for such an opinion to address.

DM-2026-007 recognises Somaliland with a reservation over districts it claims and does not hold by consent. The reservation entered here is that one's mirror. Somaliland's reserved territory is contested ground its electoral administration could not enter, and the reservation protects the communities living in it. The territory reserved here has never been administered by the state being recognised, and the reservation protects the position of the state that does administer it. Both rest on the same rule in DM-2026-001, that recognising a state is not recognising every boundary that state claims.

DM-2026-008 closes on non-recognition required, and it is the file this one must be measured against. That disposition rests on a duty rather than on a judgement of the merits: the Security Council considered the declaration of 15 November 1983 legally invalid and called upon all States not to recognise any Cypriot State other than the Republic of Cyprus. DM-2026-001 provides that a duty of that kind displaces discretion and cannot be cured by attaching reservations. No instrument of that character is before the Secretariat here. Resolution 2758 is not one and does not read as one. It calls upon no State to do or withhold anything, it addresses no State's recognition

policy, and it identifies no entity whose recognition is in issue. Kaharagia declined in DM-2026-007 to treat a regional organisation's communiqué as engaging the duty and applied the duty in DM-2026-008 where the Council had created it. The same test, unaltered, produces the answer here.

DM-2026-010 affirms Palestinian sovereignty that survives occupation. Taiwan is not occupied, and the state claiming it administers no part of it, so the configuration that governs there is absent. DM-2026-002, DM-2026-003 and DM-2026-004 turn on a patron's hold over the entity seeking recognition and reach three different answers on it. No such hold is found here, and the state pressing the competing claim is patron of nothing inside the territory. DM-2026-006 treats Western Sahara as unfinished decolonisation, and that vocabulary is examined below rather than borrowed.

5.1 The Family of Claim and Why None of the Three Fits

DM-2026-001 requires each case to be placed in one of three families before any further test, because the claimant's burden differs according to where the claim begins. Classification is a question of history and neither party chooses it.

Separation from a settled state does not describe this case. That family concerns a community seeking to leave a state whose sovereignty is not otherwise in question. The Government in Taipei relocated in 1949, has administered the territory continuously since, and has never been administered by the state that claims it. There is no departure to perform and no parent state to depart from.

Restored statehood after a contested union does not describe it either. No union between the two was ever constituted, ratified or operated, and a family that resumes a status interrupted by a union has nothing here to resume.

Unfinished decolonisation is the nearest and it does not carry the case. Japan renounced right, title and claim to Formosa and the Pescadores in 1951 without a named recipient, and the inhabitants were consulted on status by nobody in that period. The obligation that family enforces is owed by an administering power to a people it has not permitted to choose. The government administering this territory is now chosen by the people of the territory at four-yearly elections, under a constitution they may amend by their own referendum, and it has been replaced by them at the ballot. An obligation discharged from inside, by the people to whom it was owed, leaves the classification without work to do.

The case accordingly stands outside the three families, and DM-2026-001 supplies what remains: the indicia of statehood, the degree of external control, the freedom of the choice expressed, and any duty of non-recognition. Each has been applied above. Where a case does not fit a classification the honest course is to say so and apply the tests, rather than force the case into the nearest family and then reason from a burden it never carried.

5.2 The Objections at Full Strength

The strongest objection is not that Taiwan is unfree or ungoverned. It is that Taipei's own constitutional text does not say what recognition would make it say. The Additional Articles are enacted "To meet the requisites of the nation prior to national

unification”. They divide the country into a free area and a mainland area rather than into two states, and they contemplate a unification this act would appear to foreclose. Both Chinese governments make that point, in different words and for opposite reasons.

DM-2026-001 answers it. The political existence of a state is independent of recognition by other states, and recognition records a judgment about a thing that either exists or does not. Kaharagia recognises the state that exists, governs, taxes, legislates, elects and negotiates. It adopts no party’s theory of that state’s relationship to China and requires none. Integration and union are among the modes of implementing self-determination that DM-2026-001 lists. If the people of Taiwan freely choose unification, this determination falls to be reviewed and Kaharagian recognition will not be held up against their choice. Recognition here protects the decision. It does not take it.

The second objection is that recognition raises the risk of war and that prudence counsels silence. Kaharagia does not accept the premise as a legal argument. A risk of instability is a reason to act carefully and is not a finding about who holds title. DM-2026-001 forbids the purchase of recognition and forbids with equal force a refusal designed to avoid the cost of holding a position. It also provides that no recognition decision is a warrant for force, and this one is not. Kaharagia asks no state to act on it and offers no party a justification for anything.

The third objection is that recognition supplies a precedent to every separatist movement. It does not, and the classification above is the reason. This is not a separation claim. Nothing here assists a community seeking to divide a state, which would fall in the third family and carry the heaviest burden. What this file establishes is narrower and harder to abuse: a state that governs its territory, elects and replaces its government and conducts its own external relations is not deprived of existence by another state’s claim to it.

6. What Recognition Gives Taipei, and What It Does Not

Under the Sovereign instrument giving effect to this determination, Kaharagia recognises the Republic of China (Taiwan) as a state under its own constitutional name, within the Taiwan Area. It recognises that state’s constitutional institutions as entitled to act for it. It treats it as a state in Kaharagian terminology, publications and legal analysis. And it holds that no other state possesses a sovereign, tutelary or annexationist right over it.

Kaharagian usage follows. Kaharagia uses the state’s own name and the ordinary short form Taiwan. It does not use participation formulas adopted for membership of other bodies, and it does not use administrative designations whose own publishers disclaim any opinion on legal status. The name belongs to the state and may be changed by it, and Kaharagian recognition does not depend on which name it carries.

No mission opens and no representative is accredited. Recognition endorses no administration, validates no election and adopts no party’s account of history. It fixes no boundary beyond the Taiwan Area and recognises no title to the Mainland Area. It says nothing about the statehood of the People’s Republic of China, which is not in

question in this series and is not diminished by a word of this publication. It asks no other state to change its position, and it treats the positions of other states as facts about them.

6.1 What This Determination Does Not Authorise

Recognition is addressed to a state. It confers nothing on anyone against any person in Taiwan, in the People's Republic of China or anywhere else. Recognition does not authorise:

- Any use of force by any party, or the citation of this act by any state as a justification for military action, basing, blockade or coercion.
- Adverse treatment of citizens of the People's Republic of China, of their relatives, or of residents of Taiwan with family, property or commercial ties across the strait.
- Treating residents of Taiwan who favour unification as disloyal. Peaceful advocacy of union with another state is a political position, not an offence.
- The exclusion of Indigenous peoples from any status process, or the citation of this recognition against Indigenous claims to land, language or standing within the territory.
- Discrimination against people who arrived from China in 1949 or their descendants, against new immigrants from China or Southeast Asia, or against anyone on grounds of origin or date of arrival.
- The treatment of the residents of Kinmen and Matsu as a bargaining position, or the withdrawal from them of services, movement, documentation or protection on account of where they live.
- Reprisal against any person, in Taiwan or elsewhere, on account of this decision or of the recognition policy of any other state.

6.2 Conditions Attaching to Kaharagian Support

The following conditions attach to Kaharagian support and engagement. None attaches to statehood. Each can be satisfied by the government addressed and assessed by an observer, because a condition no government could meet is a refusal wearing the language of encouragement.

- Continued domestic legal effect for the human rights protection provisions of the two Covenants, which were given domestic legal status by the implementing Act of 22 April 2009.
- Protection of the political rights of parties, candidates, publications and voters who advocate unification, including their access to the ballot and to the ordinary means of campaigning.
- Consultation with the sixteen recognised Indigenous peoples on measures affecting their lands, languages and standing, and their participation in any process affecting the status of the territory.
- Equal treatment of new immigrants and their families in documentation, residence, employment and civil status, without distinction by place of origin.

- Preparation of any status process on the terms DM-2026-001 requires, with eligibility, registration and the framing of the question settled in advance by a body no interested party controls.
- No arrangement conferring on another state decisive control over Taiwan's security institutions or foreign policy, and no security arrangement Taiwan could not lawfully terminate.

6.3 Review and Reversibility

Review follows DM-2026-001, and the territorial reservation is held in place by it. This determination falls to be reviewed on any of the following:

- A freely expressed decision of the people of Taiwan in favour of another status, including union with the People's Republic of China, taken through a process meeting the conditions above.
- A settlement freely negotiated between the two governments and accepted by the people of Taiwan.
- The extinction of the state's independence by force or annexation, or the transfer of its state functions to another state.
- The conferral of another state's citizenship on the population at scale, or the progressive replacement of local institutions by another state's.
- A decision of the Security Council addressing the status of the territory, or any instrument by which a competent international organ calls upon states to withhold recognition, which would engage the duty limb of DM-2026-001 and displace this disposition.
- A material change in the territory the recognised state claims, in either direction, which would engage the reservation entered here.
- A material deterioration in the conditions of free political choice inside the territory, which would engage Kaharagian support, official contact and public criticism, and would not by itself unmake a state.

7. Operative Declaration

The State of Kaharagia recognises the Republic of China (Taiwan) as a sovereign and independent state within the Taiwan Area, being Taiwan, Penghu, Kinmen, Matsu and the other areas under the effective control of its Government. Recognition rests on a permanent population, an identified territory, institutions the people of Taiwan elect and replace, and external relations conducted in its own right, and it does not depend upon the policy of any third state. Kaharagia recognises no title to the Mainland Area and takes no position on the statehood or internal affairs of the People's Republic of China. Kaharagia holds that the political status of Taiwan belongs to the people of Taiwan to determine, that independence, union and any other status they freely choose are open to them, and that no title over the territory may be acquired by force. Diplomatic relations are not established by this instrument and remain reserved to a separate decision.

8. Publication and Legal Effect

This memorandum is a public statement of the foreign policy of the State of Kaharagia, adopted by the Sovereign and issued through the Secretariat of State, Section II. Under Kaharagian constitutional practice, the recognition or non-recognition of a state, the recognition of a government, the establishment of a diplomatic mission, the imposition of sanctions and the entry into formal diplomatic relations remain decisions reserved to the Sovereign and implemented through the appropriate instrument. This memorandum states the grounds, scope, reservations and consequences of the policy adopted; it does not by itself confer accreditation, immunity or privilege, and the recognition it states was effected by Sovereign instrument.

This memorandum is published in the Diplomatic Memorandum Series by the Office of the Sovereign's Printer. Its serial reference shall be preserved in every separate or electronic edition. Organs of State shall conform their terminology, publications, procurement, entry decisions and official contact to the determinations recorded here. Material changes in facts, control, legal proceedings or the formally expressed position of the people concerned shall trigger review under the heading above.

Selected Authorities and Official Materials

Every authority in this list was retrieved and read in the preparation of this publication. Titles are followed by the issuing body, the date and a source link. Links to a host other than the issuing body are marked Source. Legal character is kept on the face of each entry. A resolution of the General Assembly deciding the representation of a Member within the Organization is separated from a determination of territorial status; a constitutional preamble and a domestic statute are separated from a judgment, an advisory opinion or a decision of the Security Council; a treaty renunciation naming no recipient is separated from a cession; an administrative statistical designation is separated from a status finding; an acknowledgement of another state's position is separated from recognition of it; and a name adopted for participation in an international organisation is separated from the name of a state.

1. *Resolution 2758 (XXVI), Restoration of the lawful rights of the People's Republic of China in the United Nations.* United Nations General Assembly, adopted at the 1976th plenary meeting, 25 October 1971. Recalls the principles of the Charter; recognises the representatives of the Government of the People's Republic of China as the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council; decides to restore all its rights to the People's Republic of China and to expel forthwith the representatives of Chiang Kai-shek. The word Taiwan does not appear in the text. A decision of the General Assembly upon representation within the Organization, not a determination of territorial status and not a call upon States to withhold recognition.
[https://documents.un.org/api/symbol/access?s=A/RES/2758\(XXVI\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=A/RES/2758(XXVI)&l=E&t=pdf)
2. *Charter of the United Nations.* United Nations, full text as published by the Organization. Article 1, paragraph 2 on equal rights and self-determination of peoples; Article 2, paragraph 1 on sovereign equality; Article 4, paragraphs 1 and 2, under which admission to membership is effected by a decision of the General Assembly upon the recommendation of the Security Council; Article 96 on requests for advisory opinions.
<https://www.un.org/en/about-us/un-charter/full-text>
3. *Treaty of Peace with Japan, signed at San Francisco on 8 September 1951.* United Nations Treaty Series, volume 136, No. 1832; registered by the United States of America on 21 August 1952. Article 2 (a): Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea. Article 2 (b): "Japan renounces all right, title and claim to Formosa and the Pescadores." No recipient of the renounced title is named, and Kinmen and Matsu are not named in the Article.
<https://treaties.un.org/doc/Publication/UNTS/Volume%20136/volume-136-I-1832-English.pdf>

4. *Potsdam Declaration, 26 July 1945*. Text reproduced by the National Diet Library of Japan. Paragraph 8: “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.” A declaration of terms, not an instrument of cession. The Cairo Declaration itself was not retrieved and nothing is asserted here about its contents.
<https://www.ndl.go.jp/constitution/e/etc/c06.html>
5. *Constitution of the People’s Republic of China*. National People’s Congress; as amended by the First Session of the Thirteenth National People’s Congress, 11 March 2018. The Preamble provides that “Taiwan is part of the sacred territory of the People’s Republic of China” and that “It is the sacred duty of all the Chinese people, including our fellow Chinese in Taiwan, to achieve the great reunification of the motherland.” A constitutional assertion by the claimant state, not a determination by any international body. Published by the State Council of the People’s Republic of China.
https://english.www.gov.cn/archive/lawsregulations/201911/20/content_WS5ed8856ec6d0b3f0e9499913.html
6. *Anti-Secession Law of the People’s Republic of China*. Adopted at the Third Session of the Tenth National People’s Congress, 14 March 2005. Article 2: “There is only one China in the world. Both the mainland and Taiwan belong to one China. China’s sovereignty and territorial integrity brook no division.” Article 5 on peaceful reunification; Article 8 providing that in the events it specifies the state “shall employ non-peaceful means and other necessary measures”. A domestic statute of the People’s Republic of China. Full text as published by China Daily.
https://www.chinadaily.com.cn/english/doc/2005-03/14/content_424643.htm
7. *Additional Articles of the Constitution of the Republic of China*. Office of the President, Republic of China (Taiwan). Enacted “To meet the requisites of the nation prior to national unification”. Article 1 provides for referendums by the electors of the free area; Article 2 provides that the President and Vice President shall be directly elected by the entire populace of the free area; Article 4 requires a proposal by one quarter of the members of the Legislative Yuan, passage by at least three quarters and sanction by the electors of the free area at a referendum before the national territory may be altered; Article 11 provides that rights and obligations between the people of the mainland area and those of the free area may be specified by law.
<https://english.president.gov.tw/Page/95>
8. *Act Governing Relations between the People of the Taiwan Area and the Mainland Area*. Legislative Yuan, Republic of China (Taiwan); last amended 8 June 2022. Article 2 defines the “Taiwan Area” as “Taiwan, Penghu, Kinmen, Matsu, and any other area under the effective control of the Government”, and the “Mainland Area” as “the territory of the Republic of China outside the Taiwan Area”. Published in the Laws and Regulations Database of the Republic of China (Taiwan), Ministry of Justice.
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=Q0010001>
9. *Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights*. Republic of China (Taiwan), 22 April 2009. Article 2 provides that the human rights protection provisions of the two Covenants have domestic legal status. Published in the Laws and Regulations Database of the Republic of China (Taiwan), Ministry of Justice.
<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=I0020028>
10. *Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei) and the WTO*. World Trade Organization. Records membership of the World Trade Organization since 1 January 2002 under that name. A name adopted for participation, not a determination of status.
https://www.wto.org/english/thewto_e/countries_e/chinese_taipei_e.htm
11. *Political System*. Government Portal of the Republic of China (Taiwan), Ministry of Foreign Affairs. The presidency and five yuans; the President and Vice President directly elected every four years and eligible for one further term; a Legislative Yuan of 113 members serving four-year terms, each voter casting one district ballot and one at-large ballot.
https://www.taiwan.gov.tw/content_4.php
12. *History*. Government Portal of the Republic of China (Taiwan), Ministry of Foreign Affairs. Records the acceptance of the Japanese surrender in Taiwan in 1945; the relocation of the ROC government to Taiwan in 1949 followed by 1.2 million people from China; the end in 1987 of martial law in effect since 1949 and of the bans on new political

parties and news publications; the first direct presidential and vice presidential elections in 1996; the election of Chen Shui-bian and Annette Hsiu-lien Lu in 2000 as the first transfer of executive power in Taiwan between political parties; the passage of resolution 2758 on 25 October 1971 and the withdrawal of the ROC from the United Nations; and the election of Lai Ching-te and Hsiao Bi-khim in 2024.

https://www.taiwan.gov.tw/content_3.php

13. *People*. Government Portal of the Republic of China (Taiwan), Ministry of Foreign Affairs. Population of 23,400,220 for December 2024, with 14.28 per cent aged 0 to 17 and 19.18 per cent aged 65 and over; sixteen officially recognised Indigenous peoples comprising just over 2.6 per cent of the population; over 600,000 new immigrants, most from China and Southeast Asia.
https://www.taiwan.gov.tw/content_2.php
14. *Diplomatic Allies*. Ministry of Foreign Affairs, Republic of China (Taiwan). Lists twelve states: Belize, Eswatini, Guatemala, Haiti, the Holy See, the Marshall Islands, Palau, Paraguay, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Tuvalu. Under DM-2026-001 a count of recognitions is a fact about the recognising states and not a title.
<https://en.mofa.gov.tw/AlliesIndex.aspx?n=DF6F8F246049F8D6&sms=A76B7230ADF29736>
15. *Standard country or area codes for statistical use (M49)*. United Nations Statistics Division. Prepared by the Statistics Division of the United Nations Secretariat primarily for use in its publications and databases, and carrying the statement that “The designations employed and the presentation of material at this site do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.” An administrative standard of the Secretariat, not a determination of any organ.
<https://unstats.un.org/unsd/methodology/m49/>
16. *China Policy, 1977 to 1980*. Office of the Historian, United States Department of State. Records that on normalisation the United States acknowledged “the Chinese position that there is but one China and Taiwan is part of China”, and that the Taiwan Relations Act, which became law on 10 April 1979, states the policy of providing Taiwan with arms of a defensive character and of maintaining the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan. Acknowledgement of another state’s position is not recognition of it.
<https://history.state.gov/milestones/1977-1980/china-policy>
17. *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*. International Court of Justice, Advisory Opinion of 22 July 2010, on a request made by the General Assembly in resolution 63/3 of 8 October 2008. An advisory opinion, not a judgment, and not a determination of statehood. Cited for the contrast with DM-2026-005.
<https://www.icj-cij.org/case/141>



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