

prior treaties between the two countries. However, their unilateral repudiation of the Treaty of Shimonoseki did not effectively change Taiwan's legal status. It is a well-established principle under contemporary international law that one party cannot unilaterally terminate a dispositive treaty involving the transfer of a territory.

## 2. From 1945 to 1952: The ROC Undertook a Military Occupation on Behalf of the Allied Powers

After the Second World War, Taiwan was a Japanese territory under military occupation by the Allied Powers. Pursuant to General Order No. 1 by General MacArthur, Supreme Commander for the Allied Powers, Chiang Kai-shek and his ROC forces were tasked with accepting the Japanese surrender on Taiwan and overseeing the military occupation of the island. The ROC's presence on Taiwan during this period did not amount to ownership or sovereign rule. In October 1949, the Chinese Communists established the People's Republic of China in Beijing. Chiang Kai-shek and his ROC forces fled to Taiwan and undertook what would become thirty-eight years of authoritarian rule under martial law. In 1949, as a matter of international law, Taiwan was still a territory of Japan; hence, Chiang's Nationalists were a regime in exile there. When the San Francisco Peace Treaty came into force in 1952, Taiwan's international legal status was undetermined. In April 1952, the ROC government and the Japanese government signed the Treaty of Taipei, in which Japan relinquished Taiwan in accordance with the San Francisco Peace Treaty but remained silent on whether the ROC was the beneficiary state. Accordingly, the Treaty of Taipei did not change Taiwan's status; Taiwan belonged neither to the ROC, nor the PRC. At the time, both the ROC and the PRC insisted that Taiwan was a part of China, as proclaimed in the Cairo Declaration and affirmed in the Potsdam Proclamation. However, under international law, terms defining the cession and transfer of territo-