

Lessons from the Taiwan Relations Act

by Jaw-ling Joanne Chang

Twenty years ago the United States severed its diplomatic relations with the Republic of China (ROC).¹ The Taiwan Relations Act (TRA) was then enacted in 1979 to preserve and promote commercial, cultural, and other relations between the United States and Taiwan, and has been instrumental in maintaining peace, security, and stability in the Taiwan Strait.

Joseph S. Nye, Jr., former assistant secretary for international security affairs in the U.S. Department of Defense, observed that the rise and fall of great powers has historically been accompanied by severe instability in international state systems.² The power structure in East Asia today is marked by just such a rise and fall of great powers. The Soviet Union has collapsed, North Korea is dangerously volatile, Japan's role is evolving, and China's power is rapidly rising. Moreover, the Taiwan Strait crises of 1995–96 demonstrate that peace and stability in the region can no longer be taken for granted. According to a Pentagon report, the People's Republic of China (PRC) now has 150–200 ballistic missiles aimed at Taiwan, and the island has a dangerously limited capacity to defend against missile attacks and threats.³

On July 9, 1999, President Lee Teng-hui told a German radio interviewer that the cross-strait relationship is a “special state-to-state relationship,” in sharp contrast to Beijing's long-standing position that Taiwan is a renegade province of China and its government merely a local one. Since July 9, the PRC has mounted a publicity barrage against President Lee and used the Hong Kong media to conduct psychological warfare against Taiwan. PRC fighter planes flew more than a hundred sorties over the Taiwan Strait in the month after President Lee's remarks, on two occasions in July crossing the

¹ An earlier version of this article was presented at an international conference sponsored by the Institute of European and American Studies, Academia Sinica, Apr. 9–10, 1999.

² Joseph S. Nye, Jr., “The Case for Deep Engagement,” *Foreign Affairs*, July/Aug. 1995, p. 91.

³ Representative Peter Deutsch speaking in support of H. Con. Res. 22, *Congressional Record*, vol. 145, no. 37 (Mar. 9, 1999), p. E371; John Pomfret, “Chinese Missiles Menace Taiwan,” *Washington Post*, Feb. 11, 1999.

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“center line” of the 100-mile-wide strait, which was formerly respected by both sides as the limit of their military activities.⁴

The Taiwan Relations Act makes clear that any threat to Taiwan would be considered a threat to the security of the entire western Pacific, and therefore a clear matter of U.S. concern. The act also provides explicit language to the effect that the United States will make available defense articles and services in such quantities as may be necessary for Taiwan to maintain a sufficient self-defense capability. Clearly the time has come to evaluate Taiwan’s self-defense needs.

Assessment of the Taiwan Relations Act

The TRA provided a legal framework for the continuation of relations between the United States and Taiwan, and has stood the test of time. Trade between the two countries has grown spectacularly over the last twenty years, from \$9.2 billion in 1979 to \$51.2 billion by 1998.⁵ Taiwan is now America’s seventh-largest trading partner. In 1998 Taiwan imported \$18.15 billion in American goods and services; the PRC, by contrast, only imported \$14.25 billion.⁶ Cultural relations between the United States and Taiwan have also deepened significantly. In 1997 people from Taiwan made more than 588,000 trips to the United States, and more than 30,000 students from Taiwan are currently studying there. Scientific, technological, and cultural exchanges have also been frequent, and some 117 bilateral treaties, agreements, and memoranda of understanding promote and regulate intercourse between Taiwan and the United States.⁷

To be sure, the ROC government was criticized at the time of the TRA’s passage for its ban on new political parties, imposition of martial law, and limited censorship. However, Taiwan’s record on human rights has improved rapidly since the mid-1980s. Martial law was lifted in July 1987, the ban on travel by residents of Taiwan to mainland China in November 1987, and restrictions on publishing newspapers and founding political parties in 1988 and 1989, respectively. The ROC became a fully democratic country with its first direct presidential election in 1996, and today enjoys a free press, free elections, stable democratic institutions, and guarantees of human rights. As a result, Taiwan has gained even more support and respect in the United States.

⁴ Michael Laris, “Taiwan Shrugs Off Threat,” *Washington Post*, Aug. 11, 1999; Christopher Bodeen, “Taiwan Confirms Chinese Jets Violated Its Airspace,” *Washington Times*, Aug. 11, 1999.

⁵ *United States Department of Commerce News* (Washington, D.C.: Department of Commerce, Feb. 19, 1999), p. 19. All figures are in U.S. dollars.

⁶ *Ibid.*

⁷ Chen Chien-jen, “US Should Adjust Policy to Reflect New Realities,” *The Free China Journal*, Oct. 9, 1998, p. 7.

The main purpose of the TRA is to help maintain peace, security, and stability in the western Pacific. Section 2(b)(4) of the TRA considers “any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.” The act further asserts that it is U.S. policy to maintain the capability “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.”⁸ Finally, American arms sales to Taiwan have bolstered Taiwan’s confidence in its dealings with the PRC. Just seven months after President George Bush decided to sell 150 F-16 aircraft to Taiwan in September 1992, the PRC’s Wang Daohan, chairman of the Association for Relations across the Taiwan Straits (ARATS), agreed for the first time to meet Dr. Koo Chen-fu, chairman of the Taipei-based Straits Exchange Foundation (SEF), in Singapore. U.S. arms sales have contributed to maintaining peace and stability in the Taiwan Strait and to creating an atmosphere conducive to the improvement of cross-strait relations.⁹

The U.S. Retreat from the TRA Framework

Its past successes notwithstanding, the TRA framework is perhaps less sturdy today than in 1979 because, to put it bluntly, the United States has lived up to neither the letter nor the spirit of the act. Notable among the failures to implement the TRA have been: (1) the August 17, 1982, Sino-American communiqué; (2) the 1994 policy review to ban visits to the United States by Taiwan’s top leadership; and (3) the recent “three no’s” pledge made by President Clinton to his hosts in Beijing. Each setback merits brief analysis.

(1) *The August 17, 1982, Communiqué.* Section 3(a) of the TRA sets forth the provisions for implementing arms transfers by stating that the United States “will make available to Taiwan such defense articles and defense services in such quantity as may be *necessary* to enable Taiwan to maintain *sufficient* self-defense capability” (italics added). The vagueness of the italicized words prompts the question of who decides what arms are necessary or sufficient for Taiwan’s security. Section 3(b) appears to supply the answer, as follows:

The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with the procedures established by law. Such determination

⁸ The Taiwan Relations Act, Apr. 10, 1979, Public Law 96-8, 222 U.S. Code, secs. 3301–3316, reprinted in *International Legal Materials*, vol. 18 (1979), pp. 873–77.

⁹ William Cohen, *The United States Security Strategy for the East Asia–Pacific Region* (Washington, D.C.: Department of Defense, Nov. 1998), p. 35.

CHANG

of Taiwan's defense needs shall include review by United States' military authorities in connection with recommendations to the President and the Congress.

Thus, the TRA appears unambiguous: sole responsibility for determining Taiwan's security needs rests with the U.S. military, the president, and the Congress without any regard to the sensibilities of PRC authorities. What is more, the Carter administration insisted on continuing arms sales to Taiwan after the U.S.-PRC normalization in 1979 for three reasons. First, arms sales to Taipei would give Taiwan more confidence in its defense capability against the PRC. Thus, Taiwan would not need to panic or seek radical solutions such as the nuclear option which would be contrary to American interests. Secondly, continued arms sales to Taiwan could reduce suspicions and doubts from other allies in the region about U.S. reliability in keeping its defense commitments. Finally, if Taiwan remained strong militarily, the PRC would be less likely to launch an attack on the island.

And yet, at the behest of Beijing, the 1982 communiqué stated the intention of "the United States Government . . . to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution." The PRC interpreted this phrasing to imply the eventual termination of U.S. arms sales to Taiwan altogether, whereas President Ronald Reagan considered "final resolution" to apply to the Taiwan issue generally and not in particular to U.S. arms sales.¹⁰

Senator John Glenn, chairman of the East Asia and Pacific Affairs Committee when the TRA became law, flatly stated that in his opinion the August 17 communiqué truly did "undermine the spirit and intent of the TRA." He explained:

Now, because we anticipated the PRC would pressure us to end or limit Taiwan arms sales, we provided in the act's framework for the executive branch to resist such pressures. . . . The communiqué discards that very carefully crafted framework, the heart of the TRA, in favor of an arms sale formulation negotiated under Chinese threats of retrogression of United States-PRC relations.¹¹

Beijing has continued to pressure the Americans to reduce and eventually terminate U.S. arms sales to Taiwan, and as a result this issue has been a continuing source of tension between Washington and Beijing. That is hardly surprising, since the original motivation for arms sales to Taiwan was to enhance, not reduce, U.S. leverage and flexibility in its East Asian diplomacy.

¹⁰ Lester L. Wolff and David L. Simon, eds., *Legislative History of the Taiwan Relations Act: An Analytical Compilation with Documents on Subsequent Developments* (Jamaica, N.Y.: American Association for Chinese Studies, 1982), pp. 314–15, 321–22; Richard Bush, "Helping the Republic of China to Defend Itself," in *A Unique Relationship*, ed. Raymon H. Myers (Stanford, Calif.: Hoover Institution Press, 1989), p. 89.

¹¹ U.S. Congress, House Committee on Foreign Affairs, *Implementation of the Taiwan Relations Act*, Hearings, 96th Congress, 1st Session, Oct. 23 and Nov. 8, 1979, p. 51.

(2) *The Ban on Visits by Taiwanese Officials.* In September 1994 the U.S. State Department completed its first thorough review of policy toward Taiwan since 1979.¹² The resulting adjustments in policy made by the Clinton administration included a prohibition on visits to the United States by Taiwan's top leaders (including the president, vice president, premier, and vice premier) except for brief transit stops when necessary. Between 1979 and 1994, Taiwan's vice president and premier visited America in private capacities and were treated with dignity by U.S. administrations. The 1994 policy adjustment was clearly a step backward, as the Clinton administration repeatedly assured Beijing that Taiwan's president would not be admitted to the United States. However, responding to pressure from the Congress, Clinton reversed that decision in May 1995 and allowed President Lee Teng-hui to visit his alma mater, Cornell University. Chinese authorities were so enraged—or professed to be—by what they saw as a broken promise that they retaliated with military exercises and “test firings” off Taiwan's shores, obliging the United States, in turn, to dispatch an aircraft carrier force to the region. It would seem that the administration's promise failed both to reflect U.S. public opinion and to serve American national interest insofar as it prompted a dangerous crisis.

Another setback in the 1994 policy review stemmed from the U.S. decision to prohibit meetings between high-level Taiwanese and American officials in U.S. government offices, including the White House, the State Department, and the Old Executive Office Building, whereas American officials are welcome anywhere in Taipei. From Taiwan's perspective, the new policy stipulations are manifestly inequitable and amount to a humiliating loss of face for an old American ally.

(3) *Clinton's Acceptance of the “Three No's.”* Another setback occurred in October 1997, when Clinton, during a meeting with Jiang Zemin in Washington, endorsed the so-called “three no's” position of the PRC, promising (1) not to support Taiwan's independence; (2) not to support “two Chinas” or “one China, one Taiwan”; and (3) not to support Taiwan's membership in any international organization based on statehood. These three pledges were repeated by Secretary of State Madeleine Albright during her visit to Beijing in April 1998. Clinton publicly reiterated this pledge during a question-and-answer session in Shanghai on June 30, 1998.

A different tune was sounded by Chairman Richard Bush of the American Institute on Taiwan (or AIT, the unofficial U.S. diplomatic office), who immediately reassured the people of the ROC that “the United States policy toward Taiwan, in all its elements, remains the same today as it was before the summit.” This was soon followed by a *Newsweek* interview with Albright in which she reportedly asserted that “the president said exactly the

¹² For details, see Jaw-ling Joanne Chang, “How Clinton Bashed Taiwan and Why,” *Orbis*, Fall 1995, pp. 567–82.

kind of thing that previous presidents have said. I think there's an over-interpretation here. We have been for peaceful dialogue. The authorities on Taiwan understand the one-China policy and the need for peaceful cross-straits dialogue."¹³ But the wording of the 1972 Shanghai communiqué is clear: "The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and Taiwan is a part of China. The United States Government does not challenge that position." Thus, prior to 1997, the United States never recognized or endorsed Beijing's position regarding Taiwan; it simply "acknowledged" it. Unfortunately, the present U.S. administration is now on record as supporting the PRC line. The first of the three no's represents a clear deviation from the standard policy since 1979, namely, that "the U.S. does not respond to questions of support or non-support of independence."¹⁴

Furthermore, there is no statement at all in the three communiqués about forbidding Taiwan's participation in international organizations. In fact, Section 4(d) of the TRA specifically states: "Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization." Still, Clinton maintains that his public statement that the United States will not support Taiwan's membership in any international organization based on statehood is not anything new. The Clinton administration has conveniently "over-interpreted" the three communiqués with the PRC in an attempt to portray his statements as entirely harmless and inoffensive. The claim made by the Clinton administration that nothing has changed is deceptive and simplistic. The U.S. policy toward Taiwan has changed, albeit subtly, and clearly to Taiwan's disadvantage.

Washington is being dragged into explicit support of China's agenda.

Perhaps the administration believes that stating its acceptance of Beijing's position on these issues somehow will discourage China's leaders from acting rashly over Taiwan, as they did in 1996. However, the opposite is more likely to be true because Washington is allowing Beijing to drag it step by step into explicit support of China's agenda while reducing its own room for maneuver.

Kent Wiedemann, the deputy assistant secretary of state for East Asian and Pacific affairs, testified at a 1995 hearing before the House International Relations Committee that the United States should support Taiwan's participation in the United Nations only if Taiwan and China reached an agreement on that issue. He stated, "we should not seek to insert the United States into

¹³ Melinda Liu, "Secretary of State Madeleine Albright on the Impact of the U.S. President's Historic Nine-Day Visit to China," *Newsweek*, July 13, 1998, p. 22.

¹⁴ Natale H. Bellocchi, "The Taiwan Relations Act—20 Years Experience" (paper presented at the International Conference on 1998 Taiwan National Security, Taipei, Nov. 6, 1998), p. 22.

the middle of this issue.”¹⁵ However, with the third pledge the United States forecloses the possibility of Taiwan’s membership in the United Nations and other international organizations composed of sovereign states, thereby inserting itself into the middle of the issue at the expense of Taiwan’s interests.

Two Decades of Lessons for U.S.-Taiwan Relations

In his book *Why Nations Go to War*, John G. Stoessinger observed that the most important single precipitating factor in the outbreak of war is misperception.¹⁶ Distorted views of the adversary’s intentions and character often help to precipitate a conflict. One of the major causes of the Taiwan Strait crisis of 1995–96 was Beijing’s misperception of Washington’s and Taipei’s motives. In addition, Washington’s mismanagement of the decision to allow President Lee’s visit and Taipei’s miscalculation of Beijing’s reactions contributed to the outbreak of the crisis.¹⁷ In order to maintain peace and prevent conflict in the Taiwan Strait, some hard lessons from the past twenty years need to be learned.

Lesson Number 1: Taiwan should be aware that the TRA’s ambiguities may be exploited by U.S. administrations to justify “situational” policies.

As we have observed, divergent interpretations of the TRA have complicated the issue of U.S. arms sales to Taiwan and put Taiwan’s security at risk.

One ambiguity arises from the provision that “the President and the Congress shall determine” Taiwan’s defense requirements, suggesting a greater-than-normal congressional role. Ever since a Supreme Court decision of 1936 concerning U.S. arms sales to South American countries, the president alone has had the constitutional power to speak or listen as a representative of the nation in its external relations.¹⁸ On the other hand, Congressman Robert Lagomarsino told Deputy Secretary of State Warren Christopher in a Foreign Affairs Committee hearing in November 1979: “As the [TRA] states, . . . this body and specifically this committee take a direct interest in the nature and quantity of arms sold to Taiwan and intend to be a full partner in any decision made on this matter.”¹⁹

Regardless of the TRA language that imputes shared decision-making by Congress and the president over the issue of arms sales to Taiwan, the Carter administration—by referring to the TRA language that decisions about

¹⁵ U.S. Congress, House Committee on International Relations, *H. Con. Res. 63 Relating to the Republic of China (Taiwan’s) Participation in the United Nations*, Hearing, 104th Congress, 1st Session, Aug. 3, 1995, p. 70.

¹⁶ John G. Stoessinger, *Why Nations Go to War*, 6th ed. (New York: St. Martin’s Press, 1993), pp. 214–15.

¹⁷ For details of the causes of the crisis, see Jaw-ling Joanne Chang, “The Taiwan-Strait Crisis of 1995–1996,” in *Postwar Taiwan in Historical Perspective*, ed. Chun-chieh Huang (College Park, Md.: University Press of Maryland, 1998), pp. 280–303.

¹⁸ *United States v. Curtiss-Wright Export Corporation*, 299 U.S. 304 (1936).

¹⁹ Bellocchi, “The Taiwan Relations Act—20 Years Experience,” p. 17.

arms sales to Taiwan be made “in accordance with procedures established by law”—proceeded to exclude Congress from the process altogether. According to Natale H. Bellocchi, former AIT chairman, the Carter administration established a process for considering and either approving or rejecting specific requests from Taiwan. Congress was notified only after the process was complete and the U.S. decision conveyed to Taiwan. Congressional objections did not prevail, and decisions regarding U.S. arms sales to Taiwan thereafter have been exclusively made by the president.²⁰

A second ambiguity exploited by the executive branch to exclude congressional participation stems from Section 3(c) of the TRA:

The President is directed to inform the Congress promptly of any *threat* to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger. [italics added]

Over the past twenty years, according to Bellocchi, the executive branch has avoided using the operative word “threat” in describing *any* situation regarding activities in the Taiwan Strait, thereby absolving it of responsibility to consult Congress.²¹ During the 1995–96 missile crisis, for example, the Clinton administration labeled the PRC’s missile tests “irresponsible” or “psychological warfare” or “risky and provocative,” but never characterized them as threatening or tantamount to a prelude to an attack. Even when the administration deployed two U.S. carriers to the waters near Taiwan in March 1996, Secretary of Defense William Perry tried to downplay the significance of the move: “We do not believe China plans to attack Taiwan. We do not expect military conflict there.” However, he added, “we are increasing our naval presence in the region as a precautionary measure.”²²

Lesson Number 2: The United States should never make promises that contradict its fundamental values.

In September 1994 the State Department announced the ban on visits by Taiwan’s top leadership. Beijing argued that if someone called “President” should visit, in whatever capacity, that visit would ipso facto be “official.” Unfortunately, the Clinton administration accepted Beijing’s position. In 1994–95, senior U.S. officials assured the PRC that permitting an American sojourn by President Lee would be inconsistent with U.S. policy. Secretary of State Warren Christopher then iterated the administration’s position on April 17, 1995, at a meeting in New York with Foreign Minister Qian Qichen. To be sure, Christopher indirectly warned Qian that “many people in Congress, including good friends of Beijing, do not understand why a visit to the *alma*

²⁰ Ibid.; see also Bush, “Helping the Republic of China,” p. 86.

²¹ Bellocchi, “The Taiwan Relations Act—20 Years Experience,” p. 17.

²² Steven Mufson, “China Warns U.S. Against Taiwan,” *Washington Post*, Mar. 12, 1996.

mater to pick up an honorary degree would have to be seen as official in nature. . . . The mood in the country was such that the administration position was not receiving overwhelming accolades.”²³ But this veiled hint of a possible policy reversal was lost on Qian and a crisis ensued.²⁴ In 1972 and 1975 Presidents Nixon and Ford visited Beijing officially while recognizing the Republic of China on Taiwan as the legal government of China. At that time the PRC leaders did not think these visits were violations of the one-China principle. If official visits of U.S. presidents to Beijing did not violate unofficial U.S.-PRC relations, then why should a private visit of President Lee be considered a violation of unofficial ties between Washington and Taipei? Clearly, the Clinton administration should never have made any promise in violation of its fundamental national values, if only because it could never enjoy the support of the American people and Congress. American decision makers should avoid making similar mistakes in the future.

Lesson Number 3: Great nations, like battleships, should make U-turns slowly.

In May 1995 PRC leaders were furious over Clinton’s reversal concerning Lee’s visit because the United States had made an abrupt U-turn without any warning or preparation in Beijing. As President Jiang Zemin complained in an interview:

After we got information that Lee Teng-hui was going to visit Cornell University, we raised this issue officially before the State Department of the United States. Secretary of State [Warren] Christopher firmly replied that if Lee Teng-hui’s visit took place, it would represent [a] violation of the joint U.S.-Sino communiqués. However, after seven or eight days, all of a sudden, the White House announced the decision allowing Lee Teng-hui to make the visit, and they said that it was consistent with the principles enshrined in the communiqués. According to a Chinese proverb, with one turn of the hand you can produce clouds, with another turn of the hand you can produce rain. What I mean is, they always have a justification. They think they are always right. . . . This is a hegemonic act. This is not the right way to treat others as equals.²⁵

Likewise, Foreign Minister Qian expressed his sense of betrayal in a statement issued on May 23, 1995:

The U.S. administration has stated on many occasions that to allow Lee Teng-hui’s visit to the United States would be inconsistent with the unofficial nature of U.S.-Taiwan relations. . . . The sound of these remarks had barely subsided when the U.S. administration suddenly made a U-turn. Does the administration have any regard for

²³ U.S. Department of State, Office of the Spokesman, *Background Briefing by Senior Administration’s Officials after Secretary Christopher’s Bilateral Meeting with Chinese Foreign Minister Qian*, New York City, Apr. 17, 1995, p. 13.

²⁴ Michael Dobbs, “U.S. Focuses on Better Ties of China,” *Washington Post*, July 9, 1996.

²⁵ Steven Strasser et al., “This Is Not the Right Way to Treat Others,” *Newsweek*, Oct. 23, 1995, p. 12.

its international credibility when it goes back on its own words on such a major issue of principle?²⁶

In brief, Beijing suffered a humiliating loss of face, and Jiang came under pressure from hardliners to make a strong response to Clinton's U-turn: "The question of Taiwan is a highly sensitive issue for the Chinese people. If any Chinese leader yielded on this question, he could not face the 1.2 billion Chinese people."²⁷

By contrast, President Bush handled the reversal of the decision not to sell F-16s to Taiwan in an altogether different fashion. First, in June 1992 he rejected Taipei's request. Then, on July 29 General Dynamics announced that it would have to lay off 5,800 workers as a result. In a radio interview the following day, Bush said he was taking "a new look" at the possibility of selling F-16s to Taiwan, and some 200 U.S. congressmen signed a petition urging him to approve the sale to Taiwan and save American jobs.²⁸ Finally, on September 2, Bush announced that the sale would go through. Domestic politics may have dictated the timing of Bush's announcement, and a careful policy review concerning the military balance between Beijing and Taipei

justified it. (The Bush administration was concerned about the PRC's growing military expenditures, its purchase of advanced Sukhoi-27 warplanes from Russia, and its expansive territorial claims in the South China Sea.²⁹) But according to Douglas H. Paal, former senior director of Asian affairs of the National Security Council, the administration also handled the U-turn very carefully so as to mute Beijing's reaction. Bush sent high-level personal emissaries, led by Assistant Secretary for State for East Asian and Pacific Affairs William Clark, to

The Clinton administration should avoid making hasty U-turns.

Beijing to explain the justification and military implications of the sale. He also explained the decision personally to a well-placed Chinese official who happened to be visiting Washington.³⁰ In addition, the administration decided to close out four cases of suspended arms sales to China dating from the sanctions imposed in June 1989 after the Tiananmen Square crackdown.³¹ High-level visits to the PRC were resumed as well, beginning with Secretary of Commerce Barbara Franklin.

Beijing, of course, opposed the F-16 sale. Vice Foreign Minister Liu Huaqui lodged a strong protest, and the PRC press denounced the sale with terms such as "short-sighted," "perfidious," "lying," and "treacherous," warn-

²⁶ "China Issues Strong Protest to U.S.," *Beijing Review*, June 12–18, 1995, p. 18.

²⁷ Mortimer B. Zuckerman et al., "The Problem Is Political Will," *U.S. News and World Report*, Oct. 23, 1995, p. 72.

²⁸ Harlan W. Jencks, "Taiwan in the International Arms Market," in *Taiwan in World Affairs*, ed. Robert Sutter and William R. Johnson (Boulder, Colo.: Westview Press, 1994), p. 81.

²⁹ James Mann, "Henry Clinton," *The New Republic*, Dec. 27, 1993, pp. 12, 82.

³⁰ Personal interview with Douglas H. Paal, Aug. 29, 1995, in Taipei, Taiwan.

³¹ "Presidential Decision on Military Sales to China," *U.S. Department of State Dispatch*, Jan. 4, 1993, p. 10.

ing of a terrible setback to U.S.-PRC relations. But the PRC's actual retaliation was minimal, amounting to brief delays in the import of American commercial aircraft. When, on September 28, 1992, President Bush vetoed a congressional bill (H.R. 5318) that put conditions on the renewal of China's most-favored-nation status for 1993–94, leaders in Beijing warmly welcomed the action and once again considered Bush their best friend in Washington.³²

The Clinton administration should learn from these examples and avoid making hasty U-turns in the future.

Lesson Number 4: Military action against Taiwan only thwarts Beijing's goal of unification.

The Clinton administration has repeatedly stated that U.S. policy toward China aims for “comprehensive engagement.”³³ Leaders in Beijing, however, believe that Washington has a long-term strategy of containment and that U.S. officials opposed to the rising power of China are taking a variety of measures to “hold back” and weaken China's power.³⁴

Secretary of Defense William Perry stated in 1995 that containment would only provoke reflexive and intractable Chinese opposition to U.S.-led security initiatives in the United Nations and other multilateral bodies.³⁵ By the same token, if the Chinese believe the United States is trying to contain them, they may react in reflexive and intractable ways, and the “China threat” may become real.

Winston Lord pointed out in 1995 that there was a growing perception in some PRC quarters that the United States was trying to foster an independent Taiwan as part of an effort to “contain” China.³⁶ The decision to allow President Lee to visit Cornell only reinforced those suspicions. Beijing's sharp reactions, including widely publicized military exercises and ballistic missile tests near Taiwan, have increased fears of the “China threat” and strengthened the hands of those U.S. officials who are deeply suspicious of, or hostile to, the Beijing government.³⁷

³² “Senate Rejects MFN Override,” *Congressional Quarterly*, Oct. 3, 1992, p. 3027; Jencks, “Taiwan in the International Arms Market,” pp. 85–86.

³³ Nye, “The Case for Deep Engagement”; Anthony Lake, “From Containment to Enlargement,” *U.S. Department of State Dispatch*, Sept. 27, 1993, pp. 658–64; Winston Lord, “U.S. Maintains Comprehensive Engagement with China,” statement before Senate Foreign Relations Committee, Oct. 11, 1995, *AIT Policy File*, Oct. 13, 1995, GB-95-32, pp. 1–6; William Perry, “Engagement Is neither Containment nor Appeasement,” remarks at the Washington State China Relations Council, Oct. 30, 1995, *AIT Policy File*, Nov. 3, 1995, GB-95-36, pp. 1–10; James B. Sternberg, “Policy and Principles: The Clinton Administration's Approach,” *U.S. Department of State Dispatch*, Feb. 5, 1996, pp. 26–29.

³⁴ Robert G. Sutter, “China Policy Crisis Over Taiwan, 1995—A Post Mortem,” *CRS Report for Congress*, 95-1173F (Washington, D.C.: Congressional Research Service, Library of Congress, Dec. 5, 1995), pp. 2–3.

³⁵ Perry, “Engagement Is neither Containment nor Appeasement,” p. 4.

³⁶ Winston Lord, “U.S. Must Allocate Resources to Back Security Policies in Asia,” House International Relations Committee testimony, *AIT Text File*, Aug. 1, 1995, BG-95-24, p. 11.

³⁷ Sutter, “China Policy Crisis Over Taiwan,” p. 9; Arthur Waldron, “Deterring China,” *Commentary*, Oct. 1995, pp. 17–21; Gideon Rachman, “Containing China,” *The Washington Quarterly*, Spring 1996, pp. 129–39; James Shinn, ed., *Weaving the Net* (New York: Council on Foreign Relations Press, 1996), pp. 8–9; Denny Roy, “The

China's reactions to Lee's American visit dampened the willingness of some countries, including Japan and the European Union, to follow the U.S. lead in granting greater recognition to Taiwan's government and leaders, but this apparent success was outweighed by negative consequences for Beijing in the longer term. Increasing fears of a "China threat" ultimately led to greater security cooperation between Japan and the United States, including plans to develop Theater Missile Defense. China's missile firings and ground, air, and naval exercises were also supposed to intimidate voters in Taiwan, but they did not. Public support in Taiwan for unification with the mainland decreased, while U.S.-Taiwan military ties were strengthened. In the March 1996 election, Lee won 54 percent of the presidential vote in a four-way race. And much to Beijing's chagrin, the missile exercises off Taiwan's coast that month attracted more than 700 reporters from all over the world to Taiwan, thrusting the ROC's first presidential election into the international spotlight.

Leaders in Beijing may believe military threats and diplomatic pressures are their best tools for dealing with pro-independence advocates in Taiwan. But according to public opinion polls, Beijing's missile threats actually prompted more support for independence in Taiwan. In 1994–95, prior to Beijing's missile threats, a larger segment of the Taiwanese public favored unification than independence. But by March 1996, for the first time, more Taiwanese favored independence (20.5 percent) than unification (18.8 percent), although the majority of those polled (50.7 percent) still favored the status quo.³⁸ Leaders of the PRC should learn that military threats against Taiwan increase fears of the "China threat" and thwart its goal of unification.

Lesson Number 5: Agreements to resolve conflicts have no effect if they are not observed.

Experience suggests that the United States has tended to support agreements to resolve major conflicts long after those agreements prove

China Threat Issue: Major Arguments," *Asian Survey*, Aug. 1996, pp. 758–71; Michael Richardson, "A Resurgent China Sets off Alarms over Containment," *International Herald Tribune*, July 7, 1995; Masashi Nishihara, "Japan Has Cause to Worry about Chinese Ambition," *International Herald Tribune*, July 12, 1994; Ann Kent, "China: On the Rise or on the March?" *Canberra Times*, July 29, 1995; Robert Sutter, "China's Rising Military Power and Influence—Issues and Options for the U.S.," *CRS Report for Congress*, 96-66F (Washington, D.C.: Congressional Research Service, Library of Congress, Jan. 16, 1996), pp. 1–45; "China Goes Ballistic," "Free-for-all," "The Pekinese and the Lamp Post," *The Economist*, July 29, 1995, pp. 17–19; Bill Gertz, "Missile Tests Raise Fear of Chinese Aggression in Asia," *Washington Times*, Aug. 15, 1995; Jason Glashow and Michael J. Witt, "Boost in Chinese Buildup Fuels Asian Worry," *Defense News*, Jan. 29–Feb. 4, 1996, p. 6; Michael Leifer, "East Asia Fears Chinese Hegemony as U.S. Presence Ebbs," *International Herald Tribune*, Jan. 20–21, 1996; James Baker III, "Patchwork Asian Policy Begs Repair," *Washington Times*, May 20, 1996; Richard Bernstein and Ross H. Munro, "The Coming Conflict with America," *Foreign Affairs*, Mar./Apr. 1997, pp. 18–32.

³⁸ These figures, from the Mainland Affairs Council, Executive Yuan, Republic of China, are taken from numerous surveys of Taiwanese adults, conducted between 1994 and 1999 by the following organizations: the Election Study Center, National Chengchi University, Taipei; Burke Marketing Research, Ltd., Taipei; China Credit Information Service, Ltd., Taipei; Center for Public Opinion and Election Studies, National Sun Yat-Sen University, Kaohsiung; and Survey and Opinion Research Group, Department of Political Science, Chung-Cheng University, Chiayi.

ineffective or subsequent developments render them meaningless. For example, Henry Kissinger was lauded for the Paris Peace Accords of 1973, whereupon this so-called breakthrough proved meaningless, the war in Vietnam continued, and North Vietnam triumphed in 1975. Similarly, the 1992 Basic Agreement between North and South Korea on Reconciliation, Nonaggression, and Exchange and Cooperation, which declared the “denuclearization” of the Korean Peninsula, was strongly supported by the United States, but proved unavailing. As Kissinger himself was to warn after the Paris agreement faltered:

No settlement is self-enforcing. It is not possible to write an agreement whose terms, in themselves, guarantee its performance. Any agreement will last if the hostility of the parties is thereby lessened, if the parties have an incentive to observe it, and/or if the parties pay a penalty for breaking it. If those three conditions are not met, no matter what the terms of the agreement, there is a tendency toward erosion.³⁹

Regardless of U.S. disavowals of interference in the resolution of differences between Taiwan and the PRC, a recent statement by Assistant Secretary of State Stanley Roth that “thinking” about “interim agreements” might contribute to cross-strait dialogue suggests a continuing U.S. fondness for empty agreements.⁴⁰ According to the Mainland Affairs Council of Taiwan’s Executive Yuan, over 205 “relaxing measures” on cross-strait relations since 1987 have resulted in cultural and educational exchanges, improved economic relations between Taiwan and the PRC, official visits by representatives of SEF and ARATS, and personal visits by individuals on both sides. Nevertheless, the council has charged the PRC with breaking at least twenty-five promises from 1993 to 1997.⁴¹ In view of the current tensions and anxieties aroused by the menace of PRC missile threats, it is high time to develop more confidence-building or peace-advancing measures as precursors to more meaningful agreements.

Lesson Number 6: The U.S.-Taiwan-PRC triangle should be managed in light of regional and global strategy.

With the demise of the Soviet Union and the end of the Cold War, the PRC’s regional and global strategy has been to foster a balanced, multipolar world, rather than what it perceives as an unbalanced, unipolar world dominated by the United States. Regionally, for example, the PRC has initiated trade and diplomatic relations with South Korea while acting as a constraint on North Korean bellicosity. Perhaps more significantly, the PRC

³⁹ Allan E. Goodman, *The Lost Peace* (Stanford, Calif.: Hoover Institution Press, 1978), p. 165.

⁴⁰ Stanley O. Roth, “The Taiwan Relations Act at Twenty—and Beyond,” speech delivered at the international conference “Two Decades of U.S.-Taiwan Relations,” jointly sponsored by the Woodrow Wilson Center and American Institute in Taiwan, Washington, D.C., Mar. 24, 1999, p. 15.

⁴¹ “Broken Promises: Failure of the Chinese Communists in Honoring Cross-Strait Commitments,” Aug. 1993–Oct. 1997, Mainland Affairs Council, Executive Yuan, Taipei, Taiwan, pp. 1–10; “Cross-Strait Dialogue: Who Broke It Off? Who Tried Hard to Restart It?” May 1995–Oct. 1998, Mainland Affairs Council, Executive Yuan, Oct. 1998, pp. 1–4.

has sought to forge comprehensive partnerships or cooperative relations with other important countries—for example, Britain, Germany, France, Pakistan, Japan, and all the members of the Association of Southeast Asian Nations—while engaging in constructive strategic relationships with the preeminently powerful Russia and the United States. The purpose of this “great power diplomacy” is manifestly to reduce the influence of the United States in world affairs. To the extent that this strategy is successful, U.S. dominance in East Asia is bound to be checked, and Taiwan’s security will diminish accordingly.

Lesson Number 7: It is time the international community recognized that the ROC is a sovereign state.

The Republic of China on Taiwan has been a sovereign state since 1912, and President Lee Teng-hui’s remarks concerning a “special state-to-state relationship” between the PRC and Taiwan merely clarify a political reality that has existed for half a century.

In 1979 President Carter stated that in recognizing the PRC, the United States was only “terminating a fiction” and embracing reality. “The fiction has been that we recognized the authorities on Taiwan to be the legitimate government of 1 billion Chinese on the mainland. This has not been the case for 29 years,” Carter explained.⁴² The reality, however, was not so simple. China has two governments, each of which has effectively controlled different territory since 1949. A realistic policy would have been to recognize each government as competent in the territory it controls.

Taiwan is not a renegade province of the PRC for the simple reason that it was never part of the PRC. But Beijing has attempted to force Taipei to accept a politically inferior position in cross-strait negotiations under its “one China” principle. The international community has become accustomed to Beijing’s pronouncements and has disregarded the fact of separate and equal rule on the two sides of the Taiwan Strait. It is time for the United States and other countries to “terminate the fiction” that Taiwan is part of the PRC. To be sure, the ROC government remains committed to the long-term goal of a unified, democratic China. The purpose of clearly defining the cross-strait relationship as “special state to state” is simply to ensure the equal status of both sides in negotiations.⁴³ The international community ought to encourage Beijing to face reality and start meaningful cross-strait dialogue based upon parity.

Lesson Number 8: Promotion of Taipei’s international status cannot be risk free.

Because Taiwan cannot expect any U.S. administration to take the initiative in upgrading relations, it must take a proactive stance. Examples of developments brought about by Taipei’s pressure on Washington are abun-

⁴² Office of Media Liaison, *China*, background report (Washington, D.C.: The White House Press, Jan. 4, 1979), p. 5.

⁴³ “Parity, Peace, and Win-Win: the Republic of China’s Position on the Special State-to-State Relationship,” Mainland Affairs Council, Executive Yuan, Aug. 1, 1999, p. 1.

dant: U.S. support of Taiwan's standing in the Asian Development Bank; support for Taiwan in the Asia-Pacific Economic Cooperation forum in 1991; support for Taiwan's observer status in the General Agreement on Tariffs and Trade in 1992; the sale of 150 F-16 fighter planes to Taiwan in 1992; and high-level interaction between U.S. and Taiwanese leaders, including visits to Taiwan by U.S. Trade Representative Carla Hills and Secretary of Transportation Federico F. Peña in 1992 and 1994, respectively.

The PRC will always oppose attempts to upgrade relations between Washington and Taipei. Promotion of Taipei's international status, therefore, always carries risks. In 1981–82, for example, Taiwan sought to purchase FX fighter planes, only to have the 1982 U.S.-PRC joint communiqué restrict arms sales to Taiwan.⁴⁴ In 1994 Taipei sought to win permission for President Lee to visit the United States, only to have the State Department announce policy “adjustments” in September 1994 that forbade visits by Taiwan's top leadership. Taipei must bear in mind that any significant issue is always addressed in Washington in the context of U.S. relations with Beijing.

The Republic of China on Taiwan is an emerging democracy, and its people demand that their leaders take concrete actions to upgrade its international status. If U.S. interests are best served by supporting democracy and human rights abroad, as the Clinton administration claims, then it must treat the ROC and its leaders with respect and dignity. High-level communication channels between Washington and Taipei should be developed in order to promote better understanding and avert misperception.

For its part, the United States should continue to play an active role in Asia and be willing to exercise leadership and develop a coherent policy to promote freedom and democracy in the region. The United States should also send a clear and unambiguous message to the PRC that it will not tolerate the use of force against Taiwan. To emphasize this point, the United States should improve U.S.-Taiwanese military communication and continue to stand by the “six assurances” made to Taiwan in 1982.⁴⁵ Finally, the United States must begin to take a truly balanced approach toward Beijing and Taipei.

Leaders in Beijing, in turn, should realize that the use of force against Taiwan would be counterproductive, severely damage the PRC's own interests, and thwart its goal of unification. Above all, each of the parties should reexamine its own role in the recent crises and draw the right lessons from the events of the past twenty years.



⁴⁴ For details, see Jaw-ling Joanne Chang, “Negotiation of the 17 August, 1982, U.S.-PRC Arms Communiqué: Beijing's Negotiating Tactics,” *China Quarterly*, Mar. 1991, pp. 33–54.

⁴⁵ (1) The United States has not agreed to set a date for ending arms sales to the Republic of China. (2) The United States has not agreed to hold prior consultations with the Chinese Communists on arms sales to the Republic of China. (3) The United States will not play any mediation role between Taipei and Beijing. (4) The United States has not agreed to revise the Taiwan Relations Act. (5) The United States has not altered its position regarding sovereignty over Taiwan. (6) The United States will not exert pressure on the Republic of China to enter into negotiations with the Chinese Communists.

This Act is specially enacted for the purposes of ensuring the security and public welfare in the Taiwan Area, regulating dealings between the peoples of the Taiwan Area and the Mainland Area, and handling legal matters arising therefrom before national unification. With regard to matters not provided for in this Act, the provisions of other relevant laws and regulations shall apply. Article 2. The following terms as used in this Act are defined below.1. "Taiwan Area" refers to Taiwan, Penghu, Kinmen, Matsu, and any other area under the effective control of the Government.2. "Ma Taiwan relations act. Public Law 96-8 96th Congress. An Act. To help maintain peace, security, and stability in the Western Pacific and to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan, and for other purposes.Â Whenever the President determines it to be in furtherance of the purposes of this Act, the procurement of services by such agencies from the Institute may be effected without regard to such laws of the United States normally applicable to the acquisition of services by such agencies as the President may specify by Executive order. The Taiwan Relations Act has proved to be a surprisingly effective guide for U.S. policy. Over the past 20 years, the TRA has allowed the United States to preserve peace, promote freedom, and maintain flexibility in balancing its relations and interests with governments on both sides of the Taiwan Strait. It has been a source of clarity and consistency for U.S. policy from administration to administration, Democrat and Republican alike. It has maintained its relevance and effectiveness in the face of changing politics at home and in Taiwan, and remains an important safeguard against any admini The Taiwan Relations Act (TRA; Pub.L. 96â€8, 93 Stat. 14, enacted April 10, 1979; H.R. 2479) is an act of the United States Congress. Since the recognition of the People's Republic of China, the Act has defined the officially substantial but non-diplomatic relations between the people of the United States and the people on Taiwan. This summary is from Wikipedia. Continue reading Â».