



Backgroundunder

Executive Summary

No. 1226

October 13, 1998

PROMOTING FREEDOM AND SECURITY IN U.S.–TAIWAN POLICY

STEPHEN J. YATES

On June 30, in what his advisers described as a “low-key setting,” President Bill Clinton surprised many in the United States, and especially in Taiwan, when he decided to summarize publicly his Administration’s Taiwan policy while in Shanghai, China: “we don’t support independence for Taiwan, or two Chinas, or one Taiwan—one China. And we don’t believe that Taiwan should be a member of any organization for which statehood is a requirement.”

Although the President and his Administration view this as a restatement or clarification of long-standing U.S. policy, the fact is that the President has changed U.S. policy toward Taiwan. His statement, which outlined a policy called the “Three No’s,” reflects a pattern of appeasement that is a far cry from March 1996, when the U.S. upheld the terms of the Taiwan Relations Act and sent carriers into the Taiwan Strait to counter China’s military maneuvers and landing of missiles off the coast of Taiwan’s two most important ports. The Administration’s new policies will make conflict with China more likely in the future and undermine U.S. credibility.

U.S. policy toward Taiwan is bound first by legal obligations under the 1979 Taiwan Relations Act and secondarily by diplomatic obligations outlined in three joint communiqués with the People’s Republic of China. Each U.S. administration is

charged with formulating its own strategy for conducting extensive and friendly unofficial relations with Taiwan under this broad and sometimes ambiguous framework. The Clinton Administration took nearly two years to release its first attempt at Taiwan strategy, called the 1994 Taiwan Policy Review.

In the Taiwan Policy Review, the Clinton Administration declared that top-level Taiwan officials could enter the United States for “transit only” and must not engage in any public activities. This strategy not only placed draconian restrictions on where and with whom Taiwan’s “unofficial” representative could conduct government-to-government business, but also declared as a matter of policy that the United States will not support Taiwan’s membership in state-based international organizations.

The Administration’s new policy led to a crisis in May 1995, when Congress voted almost unanimously to demand that the Administration grant Taiwan President Lee Teng-hui entry into the

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United States to deliver the commencement address at his alma mater, Cornell University, in June. Beijing responded to President Lee's celebrated commencement address with a nine-month campaign of military intimidation against Taiwan.

Afraid that it had erred in allowing President Lee to enter the United States, thereby incurring Beijing's wrath, the Administration in July 1996 sent National Security Advisor Anthony Lake to Beijing to begin the process of tilting U.S.–China policy toward the PRC. The security of the Taiwan people, who were democratic and friendly to America, would be sacrificed as the Clinton Administration moved from condemnation to appeasement of China.

By appeasing Beijing through policies like silencing Taiwan officials when they go abroad and barring them from private visits to the United States, the Administration invites conflict with both Beijing and Congress. By opposing Taiwan independence and professing non-support for Taiwan's membership in almost every international organization, the Administration risks polarizing Taiwan's domestic politics and provoking the kind of public debate and international activity in Taiwan that both the Administration and Beijing are trying to avoid. The Administration's policy makes the United States an accomplice in Beijing's diplomatic campaign to isolate Taiwan, and it hides Taiwan's fledgling but bright democracy under a bushel—instead of using it as a clear example of what free people can achieve in a Chinese society. Finally, by failing to protect security and promote freedom in Taiwan, the Administration's Taiwan policy runs counter to long-standing U.S. interests in the Asia–Pacific region and violates the spirit, if not the letter, of U.S. law.

To restore clarity and consistency to U.S.–Taiwan policy, the Administration and Congress should make every effort to:

- **Promote process, not outcomes, in the cross-strait dispute.** The United States should not take a policy position that prejudices the out-

come of the standoff between China and Taiwan. It should neither endorse nor oppose Taiwan's independence or reunification with the mainland; but it should insist that any eventual resolution of this conflict come through peaceful means and with the consent of the people of Taiwan.

- **Distinguish between long-term obligations and short-term Administration policy.** To avoid miscalculation and miscommunication with Taipei and Beijing, the Administration should make clear to both governments which aspects of U.S.–Taiwan policy constitute binding long-term obligations and which reflect the Administration's own interpretation of how best to implement those obligations.
- **Deter Beijing's military aggression.** The United States must recognize that China's military modernization efforts and willingness to use force to impose its will on Taiwan are the primary sources of danger and instability in the Taiwan Strait. Adequate deterrence, specified in the Taiwan Relations Act, is the best guarantee against military intimidation or attack.
- **Promote Taiwan's democracy in China and abroad.** If the United States is to have any credibility in advocating democracy on the Chinese mainland, it must properly recognize and reward the Taiwan people for their success in establishing a democracy in their republic.

If the Administration wishes to avoid military conflict in the Taiwan Strait, it must shelve the restrictive recommendations in its Taiwan Policy Review and faithfully implement the spirit and the letter of the Taiwan Relations Act. Only when the United States resolves to deter aggression and promote democracy will the 50-year standoff in the Taiwan Strait be likely to find peaceful resolution with the consent of the Taiwan people.

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Backgrounder

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PROMOTING FREEDOM AND SECURITY IN U.S.–TAIWAN POLICY

STEPHEN J. YATES

On June 30, in what his advisers described as a “low-key setting,” President Bill Clinton surprised many in the United States, and especially in Taiwan, when he decided to summarize publicly his Administration’s Taiwan policy while in Shanghai, China: “we don’t support independence for Taiwan, or two Chinas, or one Taiwan—one China. And we don’t believe that Taiwan should be a member of any organization for which statehood is a requirement.”

Although the President and his Administration view this iteration of what has become known as the “Three No’s” as a restatement or clarification of long-standing U.S. policy, most media and congressional observers did not agree. The fact is that the President has changed U.S. policy toward Taiwan. His Shanghai statement departed from the carefully nuanced language of the past that has allowed the United States to conduct relations with both sides of the Taiwan Strait in a manner that promotes peace and prosperity.

The free and democratic people of Taiwan and their supporters in the U.S. Congress might have expected more from a President who had traveled four times to the Republic of China on Taiwan before taking office without ever setting foot in the People’s Republic of China on the mainland. The

only positive thing to say is that Clinton’s statement in Shanghai touched off a healthy debate over the merits of the long-standing U.S. policy toward Taiwan.

The Administration’s new Taiwan policy violates basic American values, misinterprets U.S. obligations under the 1979 Taiwan Relations Act (TRA) and three U.S.–China joint communiqués, and increases the likelihood of conflict in the Taiwan Strait. It was formulated in an ad hoc and reactive manner, incorrectly identifying the debate about Taiwan independence as causing heightened tensions with China and the risk of war in the Strait. To correct these flaws, the Administration should return U.S.–China policy to the principles and policies outlined in the Taiwan Relations Act.

Only when the United States resolves to deter aggression and promote democracy will a peaceful and democratic resolution of this conflict be possible.

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FROM NEGLECT TO APPEASEMENT

U.S. policy toward Taiwan is bound first by legal obligations under the 1979 Taiwan Relations Act and secondarily by diplomatic obligations outlined in three joint communiqués signed with the People's Republic of China.¹ The joint communiqués place Taiwan issues within the context of broader U.S. relations with all of China. The United States acknowledges Beijing's view that Taiwan is a part of China, recognizes Beijing as the sole legal government of China, declares the U.S. interest in peaceful resolution of differences between Taipei and Beijing over Taiwan's status, and calls for the gradual reduction of arms sales to Taiwan as long as cross-Strait differences are being resolved peacefully.

The Taiwan Relations Act identifies U.S. policy obligations more specifically. It obliges the United States to deter Beijing from militarily intimidating or invading Taiwan, to provide defensive arms for Taiwan's self-defense needs, to preserve and enhance the human rights of the Taiwan people, and to preserve and promote extensive, close, and friendly commercial, cultural, and other relations with the people of Taiwan.

Each U.S. administration is charged with formulating its own strategy for conducting extensive, close, and friendly unofficial relations with Taiwan under this broad and sometimes ambiguous framework.² The Clinton Administration's attempt at devising a Taiwan strategy, called the Taiwan Policy Review, was reported to Congress in September 1994. In that Policy Review, the Administration declared that top-level Taiwan officials could enter the United States for "transit only" and must not engage in any public activities while in this country. The policy placed draconian restrictions on where and with whom Taiwan's "unofficial" representative could conduct government-to-

government business, and declared as a matter of policy that the United States will not support Taiwan's membership in state-based international organizations. The President's "Three No's" in Shanghai on June 30 were consistent with this Taiwan Policy Review, but they do not follow the TRA-joint communiqué framework. Taiwan has become a casualty of the Clinton Administration's major China policy shift.

Surprisingly, President Clinton's "constructive strategic partnership" with China in 1998 stands in stark contrast with Governor Clinton's moralistic demonization of China and criticism of the Bush Administration's policy in 1992. In fact, in his 1992 campaign manifesto, *Putting People First*, Governor Clinton accused the Bush Administration of turning its back on those struggling for democracy in China. Clinton promised that his administration would "never forge strategic relationships with dangerous, despotic regimes. It will understand that our foreign policy must promote democracy as well as stability. We cannot...ignore the link between the two."³ And yet, in 1998, President Clinton is trying to forge a strategic relationship with the "dangerous, despotic" government of China. In the six years between issuing *Putting People First* and building a "constructive strategic partnership," the interests of Taiwan's democracy have been sacrificed by neglect and by design.

Administration Neglect. It took nearly two years for the Clinton Administration to issue its first comprehensive articulation of its policy toward Taiwan—the 1994 Taiwan Policy Review. This policy led to a crisis in May 1995, when Congress voted 493 to 1 to demand that the Administration grant Taiwan President Lee Teng-hui entry into the United States to deliver the commencement address at his alma mater, Cornell University, in

1. See Appendix, "United States Legal Obligations to Taiwan Under the Taiwan Relations Act" and "Statements of United States Taiwan Policy in the Three Sino-U.S. Joint Communiqués."
2. See Appendix, "Reagan Administration Interpretation of U.S. Policy Obligations to Taiwan" and "Clinton Administration Interpretation of U.S. Policy Obligations to Taiwan" to contrast the approach different administrations have taken to implementing the same obligations.
3. Governor Bill Clinton and Senator Albert Gore, *Putting People First* (New York: Times Books, 1992), p. 138.

June.⁴ Following the policy articulated in its Taiwan Policy Review, Administration officials, including Secretary of State Warren Christopher, had assured Beijing both publicly and privately that the United States would not grant President Lee an entry visa. After the congressional vote, the Administration was forced to reverse course and grant the visa.

Beijing responded to President Lee's celebrated commencement address with a nine-month campaign of military intimidation against Taiwan.⁵ It was a failed attempt to undermine support for President Lee as he campaigned for re-election. In late February to early March 1996, a reluctant Clinton Administration was forced to follow the legal obligations in the Taiwan Relations Act and deploy two aircraft carrier battlegroups to the Taiwan Strait to support Taiwan and deter Beijing from further military aggression.

Administration Appeasement. Frightened by this brush with possible war with China, the Administration decided to change course again. Convinced that it had incurred Beijing's wrath by allowing President Lee to enter the United States, the Administration sent National Security Advisor Anthony Lake to Beijing in July 1996 to begin the process of tilting U.S.–China policy back again toward Beijing. Taiwan would be sacrificed in this transformation of Clinton Administration China policy from condemnation to appeasement. Indeed, after being threatened by China's flagrant displays of military aggression in 1995 and 1996, the President rewarded Beijing with two high-profile summit meetings and a pro-Beijing presidential statement of Taiwan policy (the "Three No's").

Beijing then began pressuring Taiwan's leadership to "face reality" and reunify with China.⁶

By appeasing Beijing with policies like silencing Taiwan officials when they go abroad and barring them from private visits to the United States, the Administration only invites conflict between Beijing and Congress. By stating U.S. opposition to Taiwan independence and non-support for Taiwan's membership in almost all international organizations, the Administration risks polarizing Taiwan's domestic politics and provoking the kind of public debate and international activity that both the Administration and Beijing hope to avoid. The United States becomes an accomplice in Beijing's campaign to isolate Taiwan diplomatically, and it hides Taiwan's democracy under a bushel instead of using it as an example of what free people can achieve in a Chinese society. Finally, by failing to protect security and promote freedom in Taiwan, the Clinton Administration's China policy runs counter to long-standing U.S. interests in the Asia-Pacific region and violates the spirit, if not the letter, of U.S. law.

MYTH VS. REALITY IN CLINTON'S TAIWAN POLICY

The Clinton Administration's Taiwan policy—as outlined in the 1994 Taiwan Policy Review and the President's Shanghai statement of the "Three No's"—is based on several faulty assumptions, a misinterpretation of U.S. obligations under the Taiwan Relations Act and the three joint communiqués, and the misreading of current developments in Taiwan. The faulty assumptions, or myths, upon which the Administration's Taiwan

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4. H. Con. Res. 53 passed the House (396–0) on May 2, 1995, and was agreed to by the Senate (97–1) on May 9, 1995.
 5. From June 1995 through March 1996, China engaged in a series of provocative military exercises which included the test firing of nuclear-capable missiles within 50 miles of Taiwan's two largest commercial ports. For additional details, see Richard D. Fisher, "China's Threats to Taiwan Challenge U.S. Leadership in Asia," *Heritage Foundation Asian Studies Center Backgrounder* No. 139, March 6, 1996, and Richard D. Fisher, "China's Missile Diplomacy: A Test of American Resolve in Asia," *Heritage Foundation Backgrounder Update* No. 269, March 12, 1996.
 6. Days after Clinton's Shanghai statement, Beijing Foreign Ministry spokesman Tang Guoqiang said that Clinton's statement has "positive implications for the resolution of the Taiwan question," and added: "We hope that Taiwan authorities will get a clear understanding of the situation, face reality and place importance on the national [Beijing's] interest." See "China Tells Taiwan to 'Face Reality'; Reunification Talks Urged," *The Washington Post*, July 10, 1998, p. A28.

policy rests make the cross-Strait relationship less stable and U.S. policy goals less achievable.

MYTH #1: Avoiding conflict with Beijing at all costs will lead to peace in the Taiwan Strait.

REALITY: Appeasing Beijing only invites increased demands and future aggression.

The key lesson the Administration's officials drew from the 1995–1996 confrontation with China over Taiwan was the paramount need to devise policies that, no matter the cost, would avoid conflict with China. The priority placed on avoiding conflict has led to further concessions, such as the “Three No's” in Shanghai.

But adopting the “Three No's” Taiwan policy has not guaranteed peace. Instead, it has guaranteed new calls from Beijing for further concessions, and should future conflict occur, Taiwan will be at a greater disadvantage. As long as Beijing is determined to use force if necessary and Washington is determined to avoid conflict at all costs, Beijing will continue to threaten to use force against Taiwan. Washington's policy of appeasement will trap the Administration in a cycle of appeasing China for any aggression toward Taiwan.

MYTH #2: The debate about independence within Taiwan is the primary source of instability in the Taiwan Strait.

REALITY: Beijing's military modernization efforts and its threat to use force against Taiwan are the primary sources of danger and instability in the Taiwan Strait.

Two former Clinton Assistant Secretaries of Defense, Joseph S. Nye, Jr., and Chas W. Freeman, Jr., have identified Taiwan's “steps toward independence” as the primary threat to peace and stability in cross-Strait relations and U.S.–China relations. Both also have advocated that the United States discourage decisions and actions by Taipei (such as a declaration of independence or public referendum on the

definition of Taiwan's identity) that could leave Beijing with little choice but to react militarily.⁷

The reality is that China is militarizing even as Taiwan is democratizing. China seeks to impose its will by force or intimidation; Taiwan debates whether to allow its people to exercise their right of self-determination. The independence debate is an outgrowth of Taiwan's democratic development. Democracy has opened the way for people to debate how best to constitute their government and how to define their national identity. It is a matter of freedom of expression and self-determination. If Taiwan formally declares independence, the mainland has stated repeatedly that it is likely to use military force against Taiwan. But this does not make the use of force legitimate or just. The side that threatens to use military force to impose its will on another can be identified legitimately as the source of danger and instability in a dispute. The People's Liberation Army, not democracy, is the problem.

MYTH #3: The independence movement is tempting the Taiwan people to separate formally and permanently from China.

REALITY: Beijing's military intimidation keeps the people of Taiwan from considering reunification.

Administration officials seem to assume that the people of Taiwan, persuaded by a populist campaign for independence and a belief that the United States will unconditionally guarantee their security, are exercising their right to self-determination flippantly and with no regard for the consequences. The truth is that independence rhetoric gains an audience in Taiwan not as the result of a proactive campaign, but as a consequence of Beijing's heavy-handed use of the military to intimidate those it deems under its sovereign control.

The brutal crackdown on democracy activists in Tiananmen Square on June 4, 1989, and

7. Joseph S. Nye, Jr., “A Taiwan Deal,” *The Washington Post*, March 8, 1998; Chas W. Freeman, Jr., “Preventing War in the Taiwan Strait,” *Foreign Affairs*, July/August 1998, pp. 6–11[10].

thereafter dashed the Taiwan people's belief that the Communist Party—after a decade of free-market economic reforms—was becoming more tolerant of democracy. The use of military exercises to intimidate the Taiwan electorate prior to the 1996 presidential election fatally undermined Beijing's professed determination to seek peaceful reunification.

These flagrant displays of force have done far more to turn the people of Taiwan away from considering reunification than has the independence debate within Taiwan. To turn the Taiwan people away from talk of independence, Beijing needs to emphasize what it is prepared to do *for* Taiwan, rather than what it is prepared to do *to* Taiwan.

MYTH #4: Since Henry Kissinger's 1971 trip to China, the United States has consistently opposed Taiwan independence.

REALITY: No such opposition is stated in the Taiwan Relations Act or any joint communiqué.

Administration officials have indicated that, as early as 1971, National Security Advisor Henry Kissinger stated that the U.S. did not support independence for Taiwan. They also point out that Ronald Reagan declared in the 1982 U.S.–People's Republic of China Joint Communiqué that the United States did not have a one-China, one-Taiwan, or two-Chinas policy.⁸ However, the reality is that even if Kissinger did state U.S. opposition to Taiwan independence in his meetings with China's top leadership in 1971, his word could bind only the policy of the Nixon Administration.

The President alone has the authority to bind future administrations by signing laws, treaties, and communiqués. Opposition to Taiwan independence simply is not stated anywhere in the Taiwan Relations Act or joint communiqués. Given the fact that Beijing and Taipei both objected strenuously to Taiwan

independence at the time each of these documents entered into force, the only reasonable explanation for the omission of such a policy from these documents is that Washington objected to stating its opposition to Taiwan independence. Even in the 1982 communiqué—in which the United States declares that it has no intention of “pursuing a policy of ‘two Chinas’ or ‘one China, one Taiwan’”—the United States does not state its objection to such an outcome, only its intention not to create that outcome.

MYTH #5: Taiwan President Lee Teng-hui advocates permanent separation from China.

REALITY: President Lee advocates eventual reunification with China after the mainland has undergone a democratic transformation.

The Republic of China (ROC) has never ceased to exist since its establishment in 1911. After its Nationalist government fled to Taiwan in 1949, the ROC capital was established in Taipei and was recognized by the United States as the legal government of all of China until 1978. President Lee's position that the ROC has been an independent sovereign state since 1911, and that Taipei effectively governs Taiwan and its surrounding islands (not the Chinese mainland), is closer to reality than either Beijing's or Washington's official position.

Lee's assertion of ROC sovereignty does not translate into a call for permanent separation from the mainland. Indeed, the ROC constitution and the platform of Lee's Nationalist (Kuo-mintang) Party declare an official policy of eventual reunification. Lee's contribution is his insistence that reunification can take place only after the mainland undergoes a democratic political transformation. If President Clinton believes his own past assertions about China moving inevitably toward democracy, how can his Administration view Lee's position as unreasonable?

8. High-level Administration official speaking on background at July 23, 1998, National Press Club symposium hosted by the United States China Policy Foundation. Quote from “New Trends in U.S.–China Relations,” *Lecture Notes*, United States China Policy Foundation, Washington, D.C., August 1998.

The tragedy of this myth is that President Clinton and Chinese President Jiang Zemin risk wasting the best opportunity to date (as well as for the foreseeable future) to negotiate a peaceful settlement of many controversial cross-Strait issues with an enormously popular, democratically elected, and native-born leader of Taiwan. Instead, Clinton has chosen to follow Jiang's lead in undermining Lee's legitimacy and questioning his intentions.

MYTH #6: The United States legally should not be permitting Taiwan's president or other top leaders to make private visits to, or engage in public activities in, the United States.

REALITY: Such a policy has no basis in principle or law.

Administration officials have argued, as in the Taiwan Policy Review, that for the United States to be consistent with its unofficial relationship with Taiwan, visits as opposed to transits by Taiwan's top leadership must not be permitted. Moreover, while in transit, Taiwan's top leaders are not permitted to engage in public activities.

There are two critical problems with this policy. First, it violates Section 221 of U.S. Public Law 103-416, which provides that the President of Taiwan and any other high-level official of Taiwan shall be welcome in the United States at any time to discuss a host of important bilateral issues.⁹ Second, the Clinton Administration has allowed the heads of other states and non-states with which the United States does not maintain diplomatic relations to visit the United States and engage in public activities. Most notably, Fidel Castro was welcomed in New York City by Members of Congress and permitted to speak publicly

there, and Yasser Arafat met with President Clinton in the White House.

MYTH #7: The United States should not support Taiwan's membership in state-based international organizations.

REALITY: This policy violates the spirit of the Taiwan Relations Act and has no basis in principle or law.

President Clinton stated in Shanghai that "we don't believe that Taiwan should be a member of any organization for which statehood is a requirement." Supporters of this Administration policy assert (as does Beijing) that in order to be consistent with the so-called one-China policy, the United States must oppose Taiwan's membership in organizations that admit only states.

The reality is that the United States has no such policy, and the Administration's policy of excluding Taiwan from most international organizations does not follow from the Taiwan Relations Act and the three joint communiqués. Aside from the fact that lack of official U.S. diplomatic relations does not change Taiwan from a state to a non-state any more than it does Cuba, Taiwan's participation in international organizations receives no mention in any of the joint communiqués and is mentioned only once in the Taiwan Relations Act. Section 4(d) of the TRA states that "nothing in this act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any...international organization." To be consistent with the TRA, if the United States is to have any policy at all concerning Taiwan's participation in international organizations, it should err on the side of supporting Taiwan's membership.

9. H.R. 783, the Immigration and Nationality Technical Corrections Act of 1994, was signed into law (Public Law 103-416) by President Clinton on October 25, 1994, one month after the announcement of the Administration's Taiwan Policy Review. Ironically, Section 221 of this act was a key provision in the congressional resolution (H. Con. Res. 53) that forced the Clinton Administration to contradict its Taiwan Policy Review and grant Taiwan President Lee Teng-hui an entry visa for his private visit to Cornell University in June 1995.

RESTORING CLARITY AND CONSISTENCY TO TAIWAN POLICY

Inconsistency and neglect have characterized Clinton's Taiwan policy for too long. Ill-conceived and politically untenable policies with regard to the travel, public activities, and meetings of high-level Taiwan officials in the United States, as well as positions taken on Taiwan's international participation and internal political debate, have undermined U.S. credibility. To restore clarity and consistency to U.S. policy toward Taiwan, the Administration and Congress should take every opportunity to:

- **Promote process, not outcomes, in the cross-Strait dispute.** The United States should not take a policy position that prejudices the outcome of the cross-Strait standoff. It should neither endorse nor oppose Taiwan's independence or reunification with the mainland; it should insist only that any eventual resolution of this conflict come through peaceful means and with the consent of the people of Taiwan.
- **Distinguish between long-term obligations and short-term Administration policy.** To avoid miscalculation and miscommunication with both Taipei and Beijing, the United States should make clear to both sides which aspects of Taiwan policy constitute long-term binding obligations and which reflect the Administration's chosen interpretation of how to implement those obligations. It would be useful for Members of Congress to tell officials in Taipei and Beijing that the measures advocated in the Taiwan Policy Review are the short-term policy of the Clinton Administration, and may be rescinded or replaced by a future Administration.
- **Deter Beijing's military aggression.** The United States must recognize that China's military modernization efforts and its willingness to use force to impose its will on Taiwan are the primary sources of danger and instability in the Taiwan Strait. The TRA requires the President and Congress to ensure that the United States has the capability to deter and, if necessary, defeat any potential Chinese threat to Taiwan's security and U.S. interests in Asia. In addition, the TRA instructs the United States to sell Taiwan arms of a defensive nature in order to provide for its own self-defense needs. Adequate deterrence is the best guarantee against military intimidation or attack.
- **Promote Taiwan's democracy in China and abroad.** If the United States is to have any credibility at all in advocating democracy on the Chinese mainland, it must properly recognize and reward the Taiwan people for their success in establishing a democracy. The Taiwan people deserve better than a well-armed cold shoulder from Beijing and exile from the international community. Taiwan should be held up as an example of what free people can achieve in a Chinese society. The United States should make clear that democracy allows for the free and open debate of controversial views, such as independence. It should not view such a debate as just cause for Chinese military intimidation.

CONCLUSION

American policy toward Taiwan has challenged nearly every President since Harry Truman. Effective presidential leadership requires a broad strategic vision within which to define Taiwan's role. Even President Jimmy Carter was convinced of the need to preserve U.S. options regarding Taiwan when he signed the 1979 Taiwan Relations Act into law.

Unfortunately, President Clinton has no such strategic vision and has approached Taiwan policy in an ad hoc and reactive manner. If the Administration truly wishes to avoid military conflict in the Taiwan Strait, it must shelve the restrictive recommendations of its own Taiwan Policy Review and

faithfully implement the spirit and the letter of the 1979 Taiwan Relations Act.

Only if the United States resolves to deter aggression and promote democracy will it be possible for the 50-year standoff across the Taiwan

Strait to be resolved peacefully and with the consent of the Taiwan people.

—*Stephen J. Yates is China Policy Analyst in The Asian Studies Center at The Heritage Foundation.*

APPENDIX

United States Legal Obligations to Taiwan Under the Taiwan Relations Act¹⁰ (P.L. 96–8, approved April 10, 1979)

- Preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people of Taiwan.
- Consider any effort to determine the future of Taiwan by other than peaceful means, including boycotts or embargoes, a threat to regional peace and security and of grave concern to the United States.
- Provide Taiwan with arms of a defensive character, based solely upon the judgment of the President and Congress of the needs of Taiwan.
- Maintain the U.S. capacity 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 of Taiwan.
- Preserve and enhance the human rights of all the people on Taiwan.
- Do not support the exclusion or expulsion of Taiwan from membership in any international organization.

Statements of United States Taiwan Policy in the Three Sino–U.S. Joint Communiqués Shanghai Communiqué, Signed February 28, 1972¹¹

- The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a

part of China. The United States government does not challenge that position.

- It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves.
- It affirms the ultimate objective of the withdrawal of all United States forces and military installations from Taiwan.

Normalization Communiqué, Signed January 1, 1979¹²

- The United States of America recognizes the government of the People's Republic of China as the sole legal government of China. Within this context, the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan.

Arms to Taiwan Communiqué, Signed August 17, 1982¹³

- The United States government has no intention of...pursuing a policy of “two Chinas” or “one China, one Taiwan.”
- The United States government understands and appreciates the Chinese policy of striving for a peaceful resolution of the Taiwan question.
- The United States government states that it does not seek to carry out a long-term policy of arms sales to Taiwan.
- The two governments will make every effort to adopt measures and create conditions conducive to the thorough settlement of this issue.

10. See <http://ait.org.tw/tra.html>.

11. See <http://ait.org.tw/shanghai.html>.

12. See <http://ait.org.tw/prc.html>.

13. See <http://ait.org.tw/817.html>.

Reagan Administration Interpretation of U.S. Policy Obligations to Taiwan¹⁴

(Known as the Six Assurances of the United States to the Republic of China on Taiwan)

July 14, 1982

- The United States has not agreed to set a date for ending arms sales to Taiwan;
- Has not agreed to hold prior consultations with Beijing on arms sales to Taiwan;
- Will not play any mediation role between Taipei and Beijing;
- Has not agreed to revise the Taiwan Relations Act;
- Has not altered its position regarding sovereignty over Taiwan;
- Will not exert pressure on Taiwan to enter into negotiations with Beijing.

Clinton Administration Interpretation of U.S. Policy Obligations to Taiwan¹⁵

(Known as the Taiwan Policy Review)

As Reported to Congress in September 1994

- Consistent with our unofficial relationship, visits as opposed to transits, by Taiwan's top leadership will not be permitted.

- While in transit, Taiwan's top leadership shall conduct no public activities.
- Taiwan Representative is not permitted access to State Department, Old Executive Office Building, or White House.
- U.S. will not support Taiwan membership in organizations that admit only states.
- U.S. will actively support Taiwan's membership in international organizations which do not require statehood and will look for ways for Taiwan's voice to be heard in others.
- U.S. officials authorized to travel to Taiwan may meet with officials at whatever level necessary to achieve their objectives.
- U.S. Cabinet officials from economic and technical departments may meet with Taiwan representatives in official settings.
- State Department officials from economic and technical divisions must meet with Taiwan representatives in unofficial settings.
- U.S. and Taiwan will conduct sub-cabinet economic dialogue.
- U.S. will send high-level officials from U.S. economic and technical agencies to visit Taiwan.

14. Robert L. Downen, *The Tattered China Card: Reality or Illusion in United States Strategy?* (Washington, D.C.: Council for Social and Economic Studies, Inc., 1984), p. 125.

15. See testimony of Assistant Secretary of State Winston Lord and others in hearings, *Review of U.S. Policy Toward Taiwan*, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations, U.S. Senate, 103rd Cong., 2nd Sess., September 27, 1994.