



# Backgrounder

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## A PRIMER ON U.S. POLICY TOWARD THE “ONE-CHINA” ISSUE: QUESTIONS AND ANSWERS

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The Bush Administration has just faced its first foreign policy crisis. China announced on April 11 that the crew of a U.S. Navy surveillance aircraft, held since April 1, would be released. The U.S. plane and a Chinese jet fighter collided in mid-air over international waters. The damaged American airplane made an emergency landing on China’s Hainan Island, where it and its 24 crewmembers were detained.

This incident came on the heels of another diplomatic crisis involving China: A U.S.-based Chinese scholar is being held on charges of spying. Her husband and young son, both American citizens, also were held for a time—the five-year-old boy separate from either parent. China apparently breached a bilateral consular agreement in failing to inform the U.S. embassy in Beijing about their detention. The same is true of an American-citizen scholar who teaches in Hong Kong.

China appears to be testing the new U.S. President. After enjoying eight years of foreign policy weakness under the Clinton Administration, China’s leaders are likely concerned that the White House will at last stand up to their provocations. And no issue concerns them more than the possibility that the United States will sell defensive arms to Taiwan. President George W. Bush is scheduled to decide this month whether to agree to a request

from Taiwan to purchase ships equipped with air defense systems that can repel missiles.

China considers that Taiwan is part of its sovereign territory which the U.S. conspires with Taiwan independence supporters to keep separate. The United States, on the other hand, believes that the ultimate decision on the status of Taiwan must be worked

out peaceably by the governments on both sides of the Taiwan Strait. To this end, and in accordance with the Taiwan Relations Act (Public Law 96–8), it sells defensive weapons so that the island republic can “maintain a sufficient self-defense capability.”

U.S. policy toward Taiwan and China is built upon carefully chosen nuances and discreet silences. Given that this set of statements—and omissions—so obviously departs from what is

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seen in the real world, it is not surprising that even White House spokesmen and senior officials over the past two decades have misspoken and added to the confusion.

The questions and answers that follow are an attempt to demystify the unique diplomatic rhetoric surrounding U.S. policy toward Taiwan.

**Q: When the United States recognized the People's Republic of China (PRC) in 1979, didn't it also recognize or accept the proposition that Taiwan is a part of China?**

A: No. In extending diplomatic recognition to the PRC, in a Joint Communiqué dated January 1, 1979, the United States said it “acknowledges the Chinese position that there is but one China and Taiwan is a part of China.” The word “acknowledges” is polite, diplomatic speech for *we understand that this is the position you take*. In fact, neither then nor since has the United States formally stated that Taiwan is a part of the People's Republic of China or officially agreed to this claim of the PRC.

**Q: What then is the U.S. view of Taiwan's status?**

A: In formal statements, such as communiqués, the U.S. has remained completely agnostic, taking no position at all on Taiwan's status. But this unique situation has been complicated by less than formal or truly official statements by past administrations. For example, answering a question at a public meeting in Shanghai in June 1998, President Bill Clinton said that “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 in any organization for which statehood is a requirement.” This echoed the Chinese position, sometimes called the “three nos.”

But to say that “we,” meaning the Clinton Administration, will not support indepen-

dence for Taiwan, or a solution that results in a Taiwan separate from the PRC, is not the same thing as saying, formally or informally, that Taiwan lacks the qualities necessary for independence or existence separate from China.

In fact, American law, in the form of the 1979 Taiwan Relations Act, Public Law 96–8, directly contradicts Mr. Clinton's statement that Taiwan should not be a member of any organization that requires statehood for membership:

Whenever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.<sup>1</sup>

Whenever authorized by or pursuant to the laws of the United States to conduct or carry out programs, transactions, or other relations with respect to foreign countries, nations, states, governments and similar entities, the President or any agency of the United States Government is authorized to conduct and carry out...such transactions and other relations with respect to Taiwan....<sup>2</sup>

Specifically on the subject of membership in international organizations of all types, the Act says, “Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any financial institution *or any other international organization*”<sup>3</sup> The Legislative History of the Taiwan Relations Act makes plain that Congress intended the United States to support Taiwan's membership in international organizations.

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1. Taiwan Relations Act, Section 4(b)(1).  
 2. Taiwan Relations Act, Section 4(b)(2).  
 3. Taiwan Relations Act, Section 4(c), emphasis added.

**Q: So is Taiwan a state or not? What is its status in international law?**

A: Taiwan meets all the qualifications laid down in international law for statehood: defined territory, defined population, and the capability of entering into international agreements with other states. Taiwan is recognized diplomatically by 29 other countries, all of which are members of the United Nations. It is important to bear in mind that the absence of U.S. diplomatic recognition does not alter status in international law.

One can look at it this way: At one minute before midnight on December 31, 1978, the United States recognized the Republic of China on Taiwan as a state, and as the sole legal government of China. At one minute after midnight on January 1, 1979, the United States no longer recognized Taiwan diplomatically. But *nothing happened on Taiwan itself to change its status from one thing to another.*

**Q: Does the government on Taiwan still claim to be the sole legal government of China?**

A: No, it does not. It claims to be the legitimate government of Taiwan and associated islands, chosen and elected by its people, and goes on to say that within the broad historic and cultural entity of China, there are now two separately governed jurisdictions, with each qualified for international recognition and membership in international organizations.

Taiwan is a multiparty, free-market democracy that ranks 13th in the world in trade. Its population of 22.4 million is larger than two-thirds of the members of the United Nations. On a per capita basis, Taiwan buys more American products than any country except Canada.

**Q: Didn't the U.S. sign a communiqué with the PRC in August 1982 saying it would end arms sales to Taiwan? How come the U.S. is still selling them?**

A: The communiqué of August 17, 1982, said that the U.S. "intends to reduce gradually its sales of arms to Taiwan, leading over time to a final resolution." In signing this communiqué, President Ronald Reagan said this policy was based on China's statements that peaceful resolution of the Taiwan question was its "fundamental policy," and that America's "future actions will be conducted with this peaceful policy fully in mind."

Meanwhile, the Taiwan Relations Act specifies: "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 a sufficient self-defense capability."<sup>4</sup> The law goes on to state that "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...*"<sup>5</sup>

As the PRC increased its verbal threats to use military force against Taiwan, emplaced ground attack missiles opposite the island republic, and began a program of acquiring advanced arms from Russia, successive U.S. administrations have concluded it was necessary to continue to provide the military articles and services necessary to Taiwan's defense—just as American law provides.

**Q: Does this mean the United States has some kind of military alliance with Taiwan?**

A: No, it does not. But the Taiwan Relations Act does state that our diplomatic relationship with the PRC "rests upon the expectation that the future of Taiwan will be determined by peaceful means."<sup>6</sup>

4. Taiwan Relations Act, Section 3(a).

5. Taiwan Relations Act, Section 3(b).

6. Taiwan Relations Act, Section 2(b)(3).

It goes on to say the U.S. would “consider 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.”<sup>7</sup> That section of the law concludes by saying that the United States will “maintain the 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 on Taiwan.”<sup>8</sup>

**Q: Does the United States have any other commitments to Taiwan?**

A: Yes. At the same time as he agreed to the August 17, 1982, communiqué, President Reagan gave six specific assurances to the government of Taiwan. These were:

The United States has not agreed to set a date for ending arms sales to Taiwan.

The United States has not agreed to hold consultations with the PRC prior to agreeing on arms sales to Taiwan.

The United States will not act as a mediator between Taiwan and the PRC.

The United States has not agreed to revise the Taiwan Relations Act.

The United States has not altered its position on the question of sovereignty over Taiwan.

The United States will not pressure Taiwan to enter into negotiations with the PRC.

**CONCLUSION**

The issue of Taiwan is certain to play a major role in U.S.–China relations for some time to come. If all of those who try to explain American policy on this thorny subject can stick to the basic texts—the Taiwan Relations Act, the three Joint Communiqués<sup>9</sup>, and the Six Assurances given Taiwan by President Reagan—U.S. policy will appear less confusing and less contradictory.

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7. Taiwan Relations Act, Section 2(b)(4).

8. Taiwan Relations Act, Section 2(b)(6).

9. The three Joint Communiqués are dated February 28, 1972; January 1, 1979; and August 17, 1982.