

# Heritage Lectures

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## The Taiwan Relations Act at 25

*The Honorable Sam Brownback*

Thank you very much for the opportunity to be with you here today, and thanks to The Heritage Foundation for organizing this important event commemorating the 25th anniversary of the Taiwan Relations Act. The TRA is the cornerstone of our Taiwan policy, which is itself part of the foundation of our relationship with China and East Asia.

Before I begin my detailed remarks, I wish to congratulate the people of Taiwan and Chen Shui-bian on the recent presidential election. The pace of democratization on the island has been astounding, and the recent election is a mark of just how far Taiwan has come in a short period of time.

Consider this: The United States held its first presidential election in 1789. It marked the first peaceful transfer of executive power between parties in the fourth presidential election in 1801, and it took another 200 years worth of presidential elections before the courts had to settle an election.

By contrast, Taiwan's first presidential election occurred in 1996. The very next election involved a transfer of power between parties, and now the third election has required a judicial stamp of approval. No one said democracy is easy, but Taiwan seems to meet every challenge head-on, and I have no doubt that they can ultimately find a way to resolve any questions that have arisen from this election and move forward.

I must also register my disappointment with China's reaction to the Taiwanese presidential election. Beijing, much as it has done with Hong Kong, persists in equating "people power" with instability. I

### Talking Points

- Only one side of the cross-strait rivalry threatens "peace, security and stability" in the western Pacific. China's threatening posture compels us to underline the basic promise of the TRA: The people of Taiwan have the right to chart their own future, free of threat or coercion.
- Taipei's successful experiments with an open society, democracy, and free markets provide a stirring example of what is possible for all of Southeast Asia.
- U.S. engagement in this region has been critical to the development of several new democracies, and the cornerstone of that engagement is the U.S. commitment to Taiwan.
- As the PRC hardens its position against democracy in Hong Kong and in Taiwan, we learn a familiar lesson again: The promotion of democracy should never be compromised. If the cross-strait rivalry is ever to be resolved, China must change. Any discussion of reunification without democratic reform in China is premature.

This paper, in its entirety, can be found at:  
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hope that instead of fearing democracy, the PRC will take note of Taiwan's prosperity and vibrancy and initiate its own political reforms. Such reforms are the surest way to avoid war and promote prosperity on both sides of the strait.

### **The Pace of Change**

Taiwan's elections are merely the most obvious ways to measure the breathtaking pace of change there. Twenty-five years ago, Taiwan was an authoritarian society under a martial law regime, and few experts—if any—could have predicted that the seeds of democratic government present at that time would have grown into such a vibrant democracy today.

When the Taiwan Relations Act passed in 1979, our biggest concern was preventing the use of military force against Taiwan. Little did we know that our friends on Taiwan could so effectively use the space created by our friendship to revolutionize their political system. Taiwan's change from authoritarianism to democracy in turn changed U.S. policy on Taiwan. As the Cold War melts into history, our first concern should be the preservation and extension of human rights and democracy.

Alongside political changes came strategic ones. Both sides originally expected to rule the other; reunification was merely a choice between Mao and Chiang. But while Beijing's position on reunification is not all that different today, Taiwan no longer lays claim to mainland China.

This reassessment of priorities strengthens the Taiwan Relations Act. After all, only one side of the cross-strait rivalry threatens "peace, security and stability" in the western Pacific. China's threatening posture compels us to underline the basic promise of the TRA: The people of Taiwan have the right to chart their own future, free of threat or coercion.

### **America's Commitment to Taiwan**

Having said that much has changed over the life span of the Taiwan Relations Act, we must also be careful not to overstate some things that have not changed and will not change. Indeed, if you'll forgive the cliché, the more things have changed across the Taiwan Strait, the more things have indeed stayed the same.

Congress intended for the Taiwan Relations Act to preserve a relationship with a traditional ally of the

United States after President Jimmy Carter decided to transfer diplomatic recognition from Taipei to Beijing. The U.S.–Taiwan relationship was important because it embodied a U.S. commitment to stand against communism and for human rights in East Asia.

Particularly after Vietnam, our commitment to stand with our friends in the region gave us credibility as the promoter of peace and stability in East Asia. This was especially true at a time when many in the region perceived that we were embracing a major communist power. Had we not restated our commitment to the people of Taiwan, some in Asia might very well have concluded that Communist China was the power of the future, and one with which they had better curry favor.

While, as I have noted, the nature of the cross-strait rivalry has changed, the need for a strong U.S. commitment to its allies in Taiwan has not diminished. Taipei's successful experiments with an open society, democracy, and free markets provide a stirring example of what is possible for all of Southeast Asia. U.S. engagement in this region has been critical to the development of several new democracies, and the cornerstone of that engagement is the U.S. commitment to Taiwan. Support for Taiwan back in 1979 and today is essential.

Still, we all know that the question is not quite so easy. Taiwan clearly represents the most difficult challenge to the already complex relationship between Washington and Beijing. Because of its delicate and controversial nature, what happens elsewhere in the U.S.–China bilateral relationship may affect U.S. Taiwan policy.

But despite this, and despite the myriad complex issues, ranging from intellectual property to trade to non-proliferation policy, which are encompassed by the Sino–American relationship, it is essential that we remain clear and consistent in our policy toward Taiwan.

### **Enduring Importance of the TRA**

It is, of course, at this point that the real value of the Taiwan Relations Act becomes apparent. The embodiment of foreign policy in law is an increasingly rare occurrence. Yet, as the world has grown smaller and as technology has made potential threats to national security more potent and more immediate, foreign policy decision-making has passed, in large part, to the executive branch. And though it is

occasionally in vogue for the House and Senate to pass symbolic sense-of-Congress resolutions, it is rare that the national legislature makes its preferences legally binding. Congress is expected to play a structural role in foreign affairs, providing the resources and creating the bureaucracies that facilitate executive wish lists.

The Taiwan Relations Act is an enduring exception to the rule. Ups and downs in Sino–American relations are hardly new, but against this ever-changing diplomatic and political landscape, the Taiwan Relations Act constantly returns U.S. policymakers to the fundamental importance of keeping our commitments and maintaining a strong relationship with our allies on Taiwan.

The TRA does not dictate every facet of U.S. policy toward Taiwan, of course, but it is the indisputable foundation for policy—a permanent requirement to preserve the long-term viability of the relationship between Washington and Taipei even as short-term considerations emerge and fade. Various Administrations may change the diplomatic nuances or points of emphasis, but American law, as stated by the TRA, fosters economic and cultural ties with the people of Taiwan and, of course, compels our “grave concern” over any attempts to determine Taiwan’s future by force. Whatever Administration may be in power is enjoined by the TRA to keep forces in the area that are sufficient to deter aggression and to see to it that Taiwan continues to have the ability to defend itself.

It is worth noting that neither the end of the Cold War nor the dawn of the war on terrorism, nor any development since 1979, has occasioned amendments to the Taiwan Relations Act. The TRA endures and, in so doing, points us toward the future.

### Looking to the Future

The United States must remain opposed to China using force against Taiwan. It should continue to cultivate and expand economic and cultural ties with the people of Taiwan. In fact, under the TRA we can and do maintain all manner of ties short of formal diplomatic relations. I believe we should consider a free trade agreement with the island republic and support their desire for permanent observer status for Taiwan at the World Health Organization.

Regarding these last two subjects, I would point out that the TRA itself states that the United States

considers Taiwan qualified for membership in the international financial institutions and “any other international organization.” The United States must affirm and support the Taiwanese people’s ability to govern themselves and determine their own future.

We can see the alternatives to the principles of the TRA, and they are not attractive. If we are silent on the question of the use of force, we will see more missiles across the strait and perhaps even their use. If we do not give Taiwan’s economy an alternative to China, we may see that economy become exclusively dependent on the mainland. If, out of an overabundance of caution vis-à-vis Beijing, we do not encourage democratic consolidation in Taiwan, we risk letting Taiwan become a second Hong Kong.

### Failure of “One Country, Two Systems”

This last point is worth some additional emphasis. As you know, Beijing claims that its “one country, two systems” formula can resolve its differences with Taipei. Logically, one would expect Beijing to cast “one country, two systems” in the best possible light. Indeed, if the formula is so essential to Beijing’s plans for the future of Taiwan, one might believe Beijing would seize every opportunity to facilitate democracy in Hong Kong.

But as the hearing I held earlier this month demonstrated, “one country, two systems” is much more about the former than the latter. The people of Hong Kong are ready for universal suffrage and full democracy. Beijing is consistently pushing back the date by which democratic reforms will be permitted, casting doubt on its tolerance for any political liberalization in the city.

If we cannot trust Beijing to adhere even to the minimal standards of its own Basic Law in Hong Kong, how can we believe Beijing would do anything less than assume ultimate political control over the island of Taiwan? As President Chen told *The Washington Post* earlier this week, recent events in Hong Kong are a clear signal that “one country, two systems” is “unacceptable” to the Taiwanese people and a “total failure.”

As the PRC hardens its position against democracy in Hong Kong and in Taiwan, we learn a familiar lesson again: The promotion of democracy should never be compromised. If the cross-strait rivalry is ever to be resolved, China must change.

Any discussion of reunification without democratic reform in China is premature.

As we consider the future of U.S. Taiwan policy and the endurance of the Taiwan Relations Act, allow me to offer one final point regarding the subject of time. One might be tempted to suggest that time is on Taiwan's side. After all, Taiwan's political reforms and economic viability are signs of endurance. Taiwan has never been part of the PRC and so may be said to already possess *de facto* independence.

But even if *de facto* independence is what Taiwan has now, the status quo is neither permanent nor stable. The Taiwan Relations Act sought to buy time for Taiwan by tying its security to the interests of the United States, but China has not been idle. It has used the intervening years to alter the military balance across the strait. While Taiwan has taken the time to develop a democracy, China has worked to isolate the island and searched for moments to undermine the ability of Taiwan's people to speak for themselves.

## Conclusion

Yes, it is tempting to assume that, given enough time, Taiwan's democracy can outlast Beijing's appetite for control of the island or its distaste for political democracy. But even the Bush Administration,

which demonstrated almost unprecedented support for Taiwan in its early days, found reason to concede some diplomatic ground in the recent debate over Taiwan's national security referenda. Time will not preserve democracy in Taiwan without active support for democracy.

The Taiwan Relations Act served our interests well during the Cold War. It has endured the many changes in Taiwan and China since that time and remains the foundation for U.S. policy. Many things have changed, but as long as the preservation of democracy is our goal, the United States and Taiwan need the Taiwan Relations Act to preserve space for Taiwan's democracy to thrive into the future.

God bless you all, and God bless the people of Taiwan.

—*The Honorable Sam Brownback has represented the people of Kansas in the U.S. Senate since 1996. He is a member of the Senate Committee on Appropriations; Committee on Commerce, Science and Transportation; and Committee on Foreign Relations, as well as the Joint Economic Committee. These remarks were delivered on March 31, 2004, as the keynote address at a conference on the 25th anniversary of the Taiwan Relations Act sponsored by The Heritage Foundation and the American Enterprise Institute.*