

WebMemo



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Taiwan's Defense Hobbled by U.S. Arms "Freeze"

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The word is sweeping Washington—or at least the Taiwan-watchers in Washington (including those in the Chinese embassy)—that the Bush Administration is continuing its “freeze” of eight major defense packages necessary to Taiwan’s security. President Bush’s failure to submit congressional notifications for the multibillion-dollar Taiwanese arms tranche raises the prospect that he is washing his hands of Taiwan’s security concerns.

As Taiwan engages Beijing directly with new initiatives across the Taiwan Strait, its leaders now lack the single most important asset they need to negotiate successfully with Beijing: a strong military defense. The clock is winding down on the current U.S. congressional session, so it is looking increasingly likely that the decision to meet Taiwan’s defense needs will fall to the next Administration.

A New Respect for China. The President’s hesitation to move on Taiwan may be related to his conversation Monday, September 22, with Chinese President Hu Jintao in which the two leaders discussed how China could help with the current “financial turmoil” on Wall Street and “particularly” how the two leaders could “properly handle the Taiwan question.”¹

But on its face, denying Taiwan’s request for defense articles that the Pentagon considers a military necessity violates at least the spirit if not the letter of the Taiwan Relations Act (TRA), which requires that “the United States will make available to Taiwan such defense articles ... in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.” Perhaps now that

the Bush Administration has facilitated China’s embrace of Taiwan, it believes Taiwan no longer needs much of a “self-defense capability.” The act goes on to say that decisions regarding arms sales shall be “based solely upon the judgment of the needs of Taiwan”—language that was inserted precisely to keep Chinese views out of the decision-making process.²

President Bush did not always feel this way about Taiwan’s defense. In April 2001, President George W. Bush approved a \$2–6 billion defense sales package for Taiwan that included submarine designs, Mark-48 anti-submarine torpedoes, Harpoon submarine-launched anti-ship cruise missiles, Patriot PAC-3 missile defense systems, self-propelled howitzers, and various helicopters. In August 2007, Taiwan also formally requested 66 F-16 C/D fighter aircraft that the Pentagon informally determined were essential to maintain the military balance in the Taiwan Strait given the rapid buildup in China’s fourth generation fighter fleet. With appropriated funds in hand, Taiwan’s new president, Ma Ying-jeou—locked in tense negotiations with China and in need of some moral support from the U.S. if he is to secure his country’s future—has pleaded with the U.S. Administration to move the sales ahead.

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But President Bush has backed away from his support of Taiwan and reportedly frozen all arms sales to Taiwan, probably until he leaves office. Taiwan's de facto ambassador in Washington, Jason Yuan, last week told *The Washington Times* that he was confident the White House would send the Taiwan arms package notification to Congress before it either recesses or adjourns for the year. But the latest word remains that the White House is blocking notification.

In point of fact, a post-session or recess notification to Congress is legal. The Arms Export Control Act allows the President to submit arms notifications to Congress at any time of the year, and the Pentagon then has authority to issue a "letter of offer" to (in this case) Taiwan 30 calendar days later unless the Congress passes a joint resolution barring the proposed sale. Congress can still receive the 30-day statutory arms notifications (as well as the "informal" and confidential 20-day "prenotifications" to the House and Senate foreign affairs committees) from the executive branch even after going into recess or adjournment.

A Reversal of Reagan. Why would the White House whip-saw a loyal ally and one of America's three most important security partners in East Asia? Perhaps because of its increasingly sanguine view of China's record and potential as a security partner. Chinese "help" with North Korea's "dismantlement" of its nuclear weapons program—now being reassembled—has perhaps persuaded the Administration of the value of being China's friend.

A complementary view in Washington is that Taiwan simply cannot defend itself, even with the submarines, missile defense systems, anti-submarine aircraft, and so forth included in the current package, so it should not even try. This line of reasoning suggests that Taiwan adopt a "porcupine

strategy" of mining all 180 miles of beaches on its west coast with surf-zone sea mines and weapons designed for waters less than 10 feet deep, then engage whatever invaders manage to actually land on those beaches with truck-mounted Harpoon missiles and assorted other last-ditch weapons. These are weapons that will not offend China, so the U.S. could sell these weapons without harming its relations with China.

The President's action may not be unambiguous "noncompliance" with the TRA, but it is certainly a reversal of President Ronald Reagan's 1982 "six assurances" to Taiwan that the U.S. would not "hold prior consultations with the Chinese on arms sales to Taiwan" and of Reagan's own confidential directive to the State and Defense departments that "it is essential that the quantity and quality of the arms provided Taiwan be conditioned entirely on the threat posed by the PRC [People's Republic of China]. Both in quantitative and qualitative terms, Taiwan's defense capability relative to that of the PRC will be maintained."³

The Next President's Challenge. Senior Bush Administration officials, current and former, say privately it is a safe bet that Chinese President Hu will pocket President Bush's Taiwan arms freeze and confront the next U.S. President to maintain the Bush "baseline." The Chinese will threaten the next Administration with "serious consequences" if the U.S. "backslides" on the issue. If a President Obama or a President McCain fails to withstand China's pressure on Taiwan, the rest of democratic Asia must prepare itself for a major blow to American leadership in the Pacific and accommodation of China as rule-maker.

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1. This quote appeared on the front page of the Communist Party's flagship newspaper, *People's Daily*, on September 23, 2008, at http://paper.people.com.cn/rmrb/html/2008-09/23/content_107475.htm. For the English language version, see "Chinese, U.S. presidents talk over phone about ties, U.S. financial turmoil," *Xinhua* (Beijing), September 22, 2008, at http://news.xinhuanet.com/english/2008-09/22/content_10091587.htm (September 27, 2008).
2. See Lester L. Wolff and David L. Simon, *Legislative History of the Taiwan Relations Act* (Jamaica, N.Y.: American Association for Chinese Studies, 1982), pp. 140–149.
3. For the full text of this short memo, see James R. Lilley and Jeff Lilley, *China Hands: Nine Decades of Adventure, Espionage, and Diplomacy in Asia* (New York: PublicAffairs Books, 2004), p. 248. See also Jim Mann, *About Face: A History of America's Curious Relationship with China, from Nixon to Clinton* (New York: Alfred A. Knopf, 1999), p. 127.