

WebMemo



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Defrost the U.S.–Taiwan Relationship

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The U.S.–Taiwan relationship today is all but frozen, increasing the level of anxiety in Taiwan as it tries to cope with a rising China. One hears this anxiety in conversations with officials in Taipei and in the flurry of public exhortations recently offered by President Ma Ying-jeou concerning Taiwan's defense needs.¹ Taiwan's outreach to the mainland is predicated on strong U.S.–Taiwan ties. Ma has delivered on the outreach; it is the U.S. that is failing to do its part. And that makes the Taiwanese nervous about their future.

Reason for Hope. The U.S. has given President Ma a bit more space than was afforded his predecessor. He has been permitted stopovers in the U.S., where he has received selected American Congressmen and made calls to others from his hotel. The Administration has held regular working-level consultations with the Taiwanese on their key concerns and interests, including the state of U.S.–China relations.

In fairness, it must also be acknowledged that it was only a year ago that the Administration followed through on the second half of the long-delayed \$13 billion arms sales package from 2001. It took the Bush Administration seven years to make good on the first half of that sale. Of course, the key variable in this turn of events was the change of administrations in Taiwan that bridged both sales. Nevertheless, movement on the arms sales package last year is a clear illustration that the Obama Administration does harbor friends of Taiwan—friends who are capable of winning an occasional interagency battle.

This makes it all the more perplexing that they cannot seem to move forward on the many other priorities at stake in the relationship.

The most important thing the Obama Administration can do for U.S.–Taiwan relations is provide Taiwan the price and availability data for 66 F-16C/Ds that it first sought in July 2006. By every account—including that of the Administration's own Defense Intelligence Agency²—Taiwan desperately needs new fighter aircraft. More than that, it needs *real* commitment to the Taiwan Relations Act (TRA). The TRA requires the U.S. to “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.” Today, Taiwan does not possess that capability, and it has only the U.S. to help it. Talk is cheap. Taiwan—and by extension the U.S. position in the Western Pacific—requires action.

So Many Things Waiting to Be Done. Unfortunately, the anticipated vociferous Chinese reaction to the F-16C/D sale has greatly complicated the Administration's decision-making process. There is no other conceivable reason why it cannot be concluded. Setting aside the highest priority merited by the F-16 decision (and the ever-inconvenient TRA requirement that such decisions be made without regard to China's interests), it may be constructive to focus on some easier things the Administration can do to defrost the U.S.–Taiwan relationship:

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- **Trade Talks.** The Administration could resume the Trade and Investment Framework Agreement (TIFA) talks that have been on ice for more than three years, largely over Taiwan's action against U.S. beef imports. It is understandable that the U.S. is miffed, but isn't that what trade talks are for, to discuss areas of disagreement and resolve disputes? American exporters face far greater difficulties accessing China's markets, and yet the U.S. holds annual Joint Commission on Commerce and Trade (JCCT) talks with the Chinese.
- **Extradition Treaty.** Taiwan has identified an extradition treaty as a top priority, and we have been talking about it now for more than two years.
- **Cutting Diplomatic Red Tape.** There are delays in minor routine congressional notifications on arms sales. There is the matter of lining up an American Cabinet-level visit—although it is completely in keeping with America's bipartisan China policy, the U.S. has gone without it for more than a decade. There are also the many accumulated minor prohibitions on Taiwan that State Department lawyers have dreamt up over the years, like the ban on American flag and general officer visits to Taipei, the ban on Taiwan's ministers of defense and foreign affairs visits to Washington, and the prohibition on Taiwan's officials visiting the State Department for consultations.

Visa Waiver Program. The biggest no-brainer has to be admission of Taiwan into America's Visa Waiver Program (VWP). The U.S. allows nationals from 36 countries to visit the U.S. visa-free for a period of 90 days. Most of our friends in Europe are in the program, as are several of our most important allies and friends in Asia. Among the specific criteria that must be met for inclusion in the program is a visa refusal rate of less than 3 percent. Taiwan's rate is now at 2.2 percent. Passport security and

identity verification requirements have resulted in Taiwan instituting in-person application procedures for passports. A pilot program beginning March 1 will begin to bring it into compliance on that score. Remaining requirements involving the exchange of passenger information and stolen or lost passports, law enforcement cooperation, and other security certifications will be accepted eagerly by the Taiwan side. At that point, it will be fully eligible for visa-free travel.

The American Institute in Taiwan (AIT), America's un-flagged, unofficial embassy in Taipei, says this is all purely a legal matter, not a political decision.³ Perhaps it is in substance. But issues—especially involving Taiwan—have a way of languishing in Washington without a *political* decision to get them done. So while the Administration should not skimp on the requirements for Taiwan, it should actively spur the process to completion. It should also take note that nearly 100 countries, including Canada and the EU countries, have found Taiwan perfectly appropriate for their own visa waiver programs.⁴

Don't Just Stand There; Do Something. Friends of Taiwan are grasping at straws to get movement in the U.S.–Taiwan relationship. Arms sales are the most critical need. It is also necessary to integrate Taiwan into the emerging regional economic order. But virtually anything that could defrost the relationship would be useful, even if it means following the EU's lead on visa waiver. After all, if the Obama Administration cannot muster the courage to do something as innocuous as allowing the Taiwanese to visit the U.S. visa-free, honoring the word of the TRA by selling it the F-16s it needs looks all but impossible.

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1. "Transcript: Post's Interview with Taiwanese President Ma Ying-jeou," *The Washington Post*, February 17, 2011, at <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/17/AR2011021702519.html> (February 28, 2011).

2. Wendell Minnick, "U.S. Intel Report on Taiwan Air Power Released," *Defense News*, February 22, 2011, at <http://www.defensenews.com/story.php?i=4508720&c=ASI&s=AIR> (February 28, 2011).

3. American Visa Bureau, "Taiwan reaches US Visa Waiver Program Requirements," November 4, 2010, at <http://www.visabureau.com/america/news/04-11-2010/taiwan-reaches-us-visa-waiver-program-requirements.aspx> (February 28, 2011).

4. "Number of Countries Granting Taiwan Visa-Waiver Privileges Hits 97," *The China Post*, January 8, 2011, at <http://www.chinapost.com.tw/taiwan/foreign-affairs/2011/01/08/286829/Number-of.htm> (February 28, 2011).