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CONVERGENCE AND DIVERGENCE IN TAIWAN'S U.S. POLICY, 2004-2008: ANALYSIS AND RECOMMENDATIONS

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I. Preface

U.S.-Taiwan relations entered into a fresh new stage when presidential nominee of Taiwan's then-opposition Democratic Progressive Party (DPP), Chen Shui-bian, won an historic election in March 2000. Though the DPP had long espoused a "pro-independence" policy for Taiwan, during the 2000 presidential campaign, candidate Chen tried to move to a "middle way" by adopting a moderate approach to the People's Republic of China.

After he won the election with less than 40 percent of the popular vote, Chen decided to lead his DPP to forge normalization with Beijing by appealing to the concept of "a future one China." In 2001, Chen continued his good will toward his Chinese counterpart by suggesting the "European integration model" as the basis for cross-strait rapprochement.

As the most powerful leader from the DPP and the so-called pro-independence "pan-green" camp, Chen could have led his party and its allies toward the middle ground of the independence-unification dichotomy if Beijing had accepted the olive branch he offered in 2000 and 2001. An internal DPP poll tracking sentiment for independence and unification between 1995 and 2009 showed that these forces were fairly equal in 2000 when Chen sought reconciliation with Beijing, with 35.1 percent supporting independence and 36.1 percent favoring unification.

Regretfully, Beijing failed to seize the opportunity and forced Chen to adopt a more Taiwan-centric policy following its establishment of diplomatic tie with Taipei's former ally Nauru in 2002. In late 2002 the president announced that "Taiwan and China are two countries on each side of the Taiwan Strait," and the notion of independence began to be more appealing to Taiwan voters, while unification became less attractive. The division reached a high point of 49.3 percent for independence and a low point of 25.9 percent for unification in the 2004 presidential election, in which President Chen was re-elected with just over 50 percent of the vote.

Earlier studies have analyzed the decision-making process in the first Chen administration and have suggested that Taipei's swing from reconciliation toward independence initiatives was a result of the leadership's penchant to launch "surprise" moves which endangered cross-strait relations. Furthermore, the studies show that a major implication of Beijing's refusal to deal with President Chen was the undermining of mutual trust between Taiwan and the United States.

This paper seeks to understand the variations in Taiwan-U.S. relations during President Chen's second term, March 2004-May 2008. It centers on the decision-making processes regarding key foreign policy issues and their implications for U.S.-Taiwan relations, and analyzes those processes on four levels-leadership initiatives, bureaucratic influence, domestic politics, and external constraints. The objective is to determine what

levels of influence initiate, reinforce, change, intertwine with, and determine the outcomes of policy.

Four cases from the second Chen administration were chosen for study. The paper explores how the DPP government interacted with the George W. Bush administration on issues related to: A) China's passage of the so-called "Anti Secession Law" (ASL) in March 2005; B) Chen's attempt to abolish the National Unification Council and National Unification Guideline (NUC and NUG) in early 2006; C) Chen's change of strategy to apply for full membership in the World Health Assembly in 2007; and D) Chen's push for a the referendum on joining the United Nations under the name of Taiwan in early 2008.

The goal of the paper is to construct a model of a decision-making process for future leaders of Taiwan that weighs as many levels of analysis as possible when making foreign policy decisions in order to get an outcome which balances all consequences.

Theoretical framework of the four levels of analysis

The study identifies four major levels of influence and tries to detect the extent to which each level determines policy outcomes. The typical assumption of Taiwan's policy-making is that it is predominantly the top leadership- the President -which initiates and dominates the whole process without sufficient consultation with the bureaucrats or taking into account a balanced view of external and internal pressures and implications.

However, a review of internal documents, memos, media reports, interviews with various actors from each level of influence, as well as the author's working experience within Taiwan's decision-making system show that the relationships between different levels of influence are often intertwined and are mutually affected.¹

Definition of different levels of players

The four levels of analysis included in this paper are:

- 1. the leadership
- 2. the bureaucracy
- 3. internal political and social groups
- 4. external actors

On the leadership level, the president is obviously the leading actor. The bureaucratic level contains actors from the president's key staff in the Presidential Office, key members of the National Security Council, the National Security Bureau, the Ministry of Foreign Affairs including Taiwan's representative to the United States, the Ministry of

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¹ The author served as counselor and senior counselor to the president of Taiwan (2000-2006) and as vice chairperson of the Research and Planning Committee of Taiwan's Ministry of Foreign Affairs (2006-2008). He has also been a frequent political columnist for Taiwan's major English newspapers for more than a decade.

National Defense, the Mainland Affairs Council and advisors outside the government. Political parties are also included in this category given Taiwan's unique party-state relationship.

On the level of internal politics, actors such as influential media, public polls, and major political and social groups are included. External pressure originates largely from the U.S. government. China is obviously another source of external pressure.

External and internal environments contribute to the transformation of the decision-making process

This study suggests that, contrary to the conventional wisdom, there are institutional incentives for the President to play a more dominant role in Taiwan's foreign policy-making process. In addition to the constitutional authorization of exclusive powers in defense, foreign and cross-strait policies to the president, the direct election of Taiwan's presidents since 1996 constitutes a driving force in the dominance of the presidents in foreign policy decision-making. For example, the need to play to the electorate, as manifested largely in Chen's case, further complicates and politicizes the process of decision-making.

The external environment, constituted mainly of China's continued military threat and diplomatic isolation of Taiwan and the U.S. government's sometimes ambiguous and explicit statements regarding policy initiatives of the Taiwan government, has often been used by the three other levels of actors to justify, increase or otherwise adjust their influence in the decision-making process. For instance, the need to rebuild Taiwan's image as a "peace maker" - a concept contrary to the controversial image of "trouble maker" that most international analyses used to portray Chen and the DPP - has been a major concern of Chen's successor Ma Ying-jeou and his administration since he took office in May 2008.

Fluctuation of cross-strait relations, and convergence and divergence of U.S.-Taiwan relations under the Chen administration

Initial studies and interviews with key advisors and close observers of President Chen, show that he did in fact adopt a relatively centralized decision-making structure in his first term but later adjusted to a more decentralized and diverse approach. However the bureaucracy, which was dysfunctional in the very beginning of the past decade, has gradually regained its influence in some decision-making processes in recent years.

A closer look at the fluctuations in Taiwan's policy toward China and the U.S. in President Chen's first term shows that there was a "window of opportunity" for cross-strait relations immediately after Chen's inauguration in May 2000, when the new president suggested both sides talk about a "future one China" and called for "political

integration" as the goal for resuming dialogue in 2001. This period is the first "strategic convergence" between Taipei and Washington under Chen's presidency.

The window of opportunity closed as Beijing refused to accept Chen's olive branch and continued to buy out Taiwan's diplomatic allies, including on the eve of Chen's taking over the DPP chairmanship in August 2002. This ignited Chen's decision to "walk on his own path" and led him to declare that "Taiwan and China are two countries on each side of the Taiwan Strait." According to some observers, this incident marked a strategic divergence in U.S.-Taiwan relations; the divergence was plain for all to see when Chen orchestrated a "defensive referendum" on missile defense coinciding with the March 2004 presidential election.

Figure 1, below, illustrates the general direction of Taiwan's cross-strait policy during both Chen administrations and the first year of the Ma Ying-jeou administration. It shows that Chen was very conciliatory in 2000 and 2001, but that he never quite returned to that state of mind after Beijing spurned his advances. It also shows a mild attempt to return to the middle ground in the early months of Chen's second term and a self-restrained reaction to Beijing's enactment of the "Anti-Secession Law." However, as Beijing continued to overlook his good-will, Chen felt a need in the remainder of his term to divide his political opponents at home and build his own political legacy.

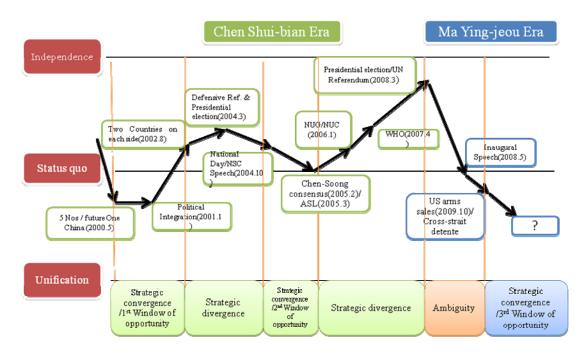


Figure 1: Impetus toward independence and unification during Chen Shui-bian's presidency

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² Richard Bush, "Thoughts on the Taiwan Relations Act," *The China Times*, April 9, 2009, http://www.brookings.edu/opinions/2009/04_taiwan_bush.aspx; accessed November 6, 2009.

II. Case studies of the second Chen Shui-bian administration

CASE ONE: Taiwan's reaction to China's Anti-Secession Law in 2005

In March 2004, Chen Shui-bian and his vice president literally dodged two bullets, and the next day were re-elected by a razor thin margin. The opposition KMT demanded a recount, but the Central Election Commission upheld the result: with a new mandate, President Chen implemented a bold agenda.

Initially, Chen adopted a two-pronged strategy. One was to seek another window of opportunity to resume dialogue with Beijing. In his inaugural speech in May, Chen called for the establishment of a "Cross-Strait Peace and Stability Framework" with the PRC. Then, in his National Day Address on October 10, Chen proposed that the two sides of the Taiwan Strait establish a "Code of Conduct" to reduce military tension and guarantee peace. In a National Security Council meeting presided over by the president on November 10, he stressed that "on the basis of the 1992 Hong Kong meeting," between representatives of Taiwan and China, his government would actively push for trade, economic, and cultural exchanges with the other side of the Taiwan Strait, including the opening of the "big three links"—direct shipping, transportation, and mail between Taiwan and China.

After the NSC meeting, Chen also invited leaders from all political parties to collaborate on establishing a Committee for Cross-Strait Peace and Stability (CCPS) after Taiwan's December 2004 legislative election. DPP polls showed that over 70 percent of the public supported the idea of a CCPS as a bi-partisan mechanism to generate domestic consensus on cross-strait relations.

The other aspect of President Chen's strategy was to seek to divide his political opposition, the more China-friendly "pan-blue" camp which comprised the KMT and the People First Party (PFP). Following the DPP's defeat in the December 2004 legislative election Chen resigned as DPP chairman and reached out to PFP Chairman James Soong on the advice of former president Lee Teng-hui. In his 2005 New Year Address President Chen proclaimed a new era of "reconciliation."

Facing tremendous opposition from the KMT-led blue camp, Chen tried to ally with Soong by agreeing to support a "constitutional one China framework" for future Taiwan-China relations; this did not please Chen's pan-green camp, and earned him fierce criticism from his own party.

Despite President Chen's conciliatory words from May 2004 through early 2005, Beijing perceived his election victory as the first step toward *de jure* independence and decided to launch a "legal war" against Chen by seriously thinking of passing a "unification law" in late 2004. The legal warfare was initiated by some hawkish Chinese scholars with the aim of deterring the Taiwan independence forces led by Chen. On March 14, 2005, China's National People's Congress passed an "Anti-Secession Law"

(ASL) which authorized the People's Liberation Army to use "non-peaceful means" to solve the Taiwan question. This was perceived by the DPP government not only as a tactic by Beijing to divide and conquer with the aim of weakening Chen's leadership, but also as a long-term threat to Taiwan's security as well as dismissal of Chen's good-will.

The KMT leader (and Chen's opponent in the 2000 and 2004 presidential elections), Lien Chan, undertook a friendly visit to China in April and James Soong made his own visit in May. Soong hoped to outflank Lien by working with Chen to dominate cross-strait affairs, but the "Chen-Soong consensus" did not last long. In China, Soong failed to stick to the four principles insisted on by Chen—sovereignty for Taiwan (under the name of the Republic of China), democracy, peace and parity. Soong was not firm, and the Chinese did not even accept the use of the term "ROC" (Republic of China, Taiwan's formal legal name) during the trip, largely because they did not want to give credit to Soong and Chen. The Chinese also believed that the foundation of the "Chen-Soong consensus" was fragile, and therefore they preferred Lien as a counterforce to Chen's political maneuvering.

CASE ONE: Levels of analysis

After he secured his second term, President Chen sought both dialogue with China and a "strategic-convergence" to repair U.S.-Taiwan relations, which had been damaged in late 2003 and early 2004 by the March 2004 defensive referendum. Particularly after President Bush unveiled the American foreign policy goal of "promoting a community of democracy" in his inaugural address in early 2005, the Chen administration took Washington's advice and highlighted democracy as the center of gravity of Taiwan's foreign policy.

The U.S. was much more receptive to this new tone than Beijing. The Chinese government responded to Chen's overtures with discussion of the Anti-Secession Law in late 2004, and passage of the law by the National People's Congress in March 2005.

During this period, Chen's decision-making process was buffeted by three contending policy approaches. First, the moderate force within Taiwan's NSC, led by the senior China national security adviser Chen Chung-hsin, suggested that Chen give cross-strait détente another try with the hope of fully restoring Washington's trust. The other line, advocated by NSC Secretary-General Chiou I-jen, insisted on reacting to Beijing's legal warfare by collaborating with the Bush administration. Chen took both approaches in late 2004 but also introduced a more aggressive policy track—including name rectification (using the name "Taiwan") and a referendum on a new constitution in 2006. The DPP, facing elections for the Legislative Yuan, promoted pro-independence candidates and platforms in order to attract votes and support from the fundamentalist Taiwan Solidarity Union (TSU). The DPP hoped that it and the TSU could form a pan-green majority in the legislature.

On the issue of the Anti-Secession Law, the intelligence agencies, led primarily by the NSC and the National Security Bureau (NSB) in Taipei, recommended that Chen come up with a countervailing strategy.

Internal polls conducted by the DPP showed an overwhelming objection to the Anti-Secession Law by the Taiwanese people. 54 percent of poll respondents suggested holding a large-scale demonstration to express their displeasure, 63 percent agreed to hold a defensive referendum and 61 percent supported the idea of a legislative response, such as an "anti-swallow law." The pro-independence Taiwan Independence Union (TIU) was the main social force which exerted political pressure to the Chen administration over this issue.

Chen's team engaged in a series of talks with its American counterparts, including a high-ranking delegation to Washington in late February 2005, led by Taiwan NSC head Chiou I-jen and President Chen's close aide Ma Yung-cheng, to exchange views with the Bush administration. The Taiwan team, speaking on behalf of President Chen, stated that the Taiwan president would uphold the name "ROC" as the bottom line of Taiwan's sovereignty according to the "Chen-Soong consensus" and would put aside the sovereignty issue in cross-strait negotiations. Chen hoped such a pragmatic stance could urge Beijing to resume dialogue with the DPP government.

The response from Washington was to ask Taipei to be patient and refrain from over-reaction to the Anti-Secession Law, and officials told the delegation that they had warned Beijing of the severe consequences it might face if the National People's Congress passed the law. Through other diplomatic efforts, Washington also convinced its allies in the European Union to postpone the possible lifting of an arms embargo against China.

Washington persuaded Taipei that Beijing had adjusted its original and more provocative version of the law and that the final version was more of a compromise between PRC President Hu Jintao and hardliners in his party, government, and military.

In response, the Chen administration agreed to moderate its response by only holding a large-scare public demonstration soon after the passage of the ASL in late March and not enacting policy countermeasures.

Chen and his government hoped such a "self-restrained" response would increase political leverage for Washington to talk Beijing into holding dialogue with the democratically-elected government of Taiwan.

The cooperation and crisis management between Taipei and Washington was "successful and excellent," as one official from the Bush administration described it, because of the following reasons:

- (1) Good and prior communication between Washington and Taipei;
- (2) Washington's multilateral efforts to convince the EU to counteract the passage of the ASL by stopping the planned lifting of the arms embargo on China; countries such as Canada and Australia also expressed worries about the law;
- (3) Chen's acceptance of Washington's advice to replace the "sovereignty card" with the "democracy card" in dealing with China;
- (4) The Bush administration's strong warning to the Chinese of the negative consequence that the act might have on Chen's reputation (though it did not directly interfere in China's legislative process);
- (5) Chen's intention to downplay the negative effect of the Anti-Secession Law and forge cross-strait talks on opening special cargo flights;
- (6) Chen's anticipation of reciprocal good-will from Beijing after Taiwan's moderate response;
- (7) Taipei's perception that Washington had successfully talked the Beijing leadership into reaching out to Chen if he restrained his reaction to the Anti-Secession Law; and
- (8) Taipei's hope of continued bilateral talks with China on "functional" issues related the opening of direct links and special charter flights.³

As the governments in Washington and Taipei sought to align their strategic goals in the first year of Chen's second term, Chen, faced with China's intransigence, was fluctuating between moving toward the middle way in late 2004 and ultimately going back to a more Taiwan-centric stance in mid 2005.

This "divide and conquer" strategy reaped dividends when the Chen-Soong consensus broke down after former KMT Chairman Lien's embrace of Beijing in April 2005 and PFP chairman Soong's China trip in May. This, together with military and diplomatic threats including the Anti-Secession Law, pushed Chen back into a corner where he had no choice but to admit the failure of his attempt at moderation for its own ends and that Taiwan was now in a more dangerous position than before.

In addition to feeling threatened, the DPP was frustrated and disappointed by the Anti-Secession Law. When Jiang Zemin was in power, he set out a goal of near-term unification and prevention of Taiwan independence(防獨促統). Jiang's successor, Hu Jintao, adjusted the policy and replaced it with a more patient one. Hu stressed no fear of

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³ This summary was discussed and agreed by the author with a former official of the Bush administration, who requested anonymity, on April 1, 2009.

delaying unification but wished to effectively deter Taiwan independence(防獨漸統). The compromise version of the ASL was an endorsement of such a preventive strategy.

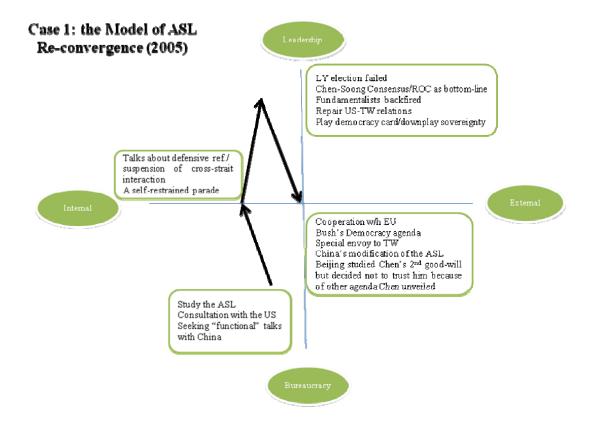
Considering their original hopefulness regarding Hu Jintao, Chen and his DPP were especially frustrated by Hu's reluctance to return Taipei's good-will gestures.

Though some of Chen's initiatives, such as name rectification and seeking to enact a new constitution, made Beijing feel that the Taiwan leader was pushing the envelope and was untrustworthy, cross-strait relations could have moved in a constructive direction if Beijing had appreciated "the second window of opportunity" opened by the Chen administration in late 2004 and early 2005. In fact, the Taiwan Affairs Office of China analyzed Chen's good-will attempt in late 2004 in a very comprehensive way but in the end, the top leader decided to show no trust in Chen because of his maneuvering on other issues such as a referendum on constitutional reforms.

So, Chen's year-long experiment of seeking "reconciliation" and "coexistence" with his opponents failed. External and internal constraints together then propelled Chen to adopt a more rigid approach by tightening his cross-strait policy and pursuing other items on his agenda. In late 2005, the DPP suffered another electoral loss in local elections, which strengthened the impulse to rally the party's base supporters and cease outreach to Beijing.

Some in the U.S. argued that President Chen should have capitalized on the goodwill and momentum of the successful management of the Anti-Secession Law episode and worked closely with Washington to forge a stable cross-strait relationship. Rather, he disregarded the price of alienating his American ally by pursuing other goals. The main reason was Chen's frustration that even playing "the U.S. card" and the "conciliatory card" did not convince Beijing to deal with him directly. And the fact that the pan-green camp was a minority alliance in the legislature, facing endless boycotts and pressure from the pan-blue camp, forced him to pursue his own political goals for the remainder of his second term regardless of how the U.S. perceived him. The strategic divergence between the U.S. and Taiwan continued.

Figure 2: Impetus for reaction to the Anti-Secession Law



CASE TWO: The National Unification Guidelines/Council episode in 2006 and a second breakdown of U.S.-Taiwan trust

Following the KMT victory in the December 2005 local government elections, then-KMT chairman Ma Ying-jeou reiterated the idea of "ultimate unification" as the goal for his party. Ma's popularity was growing in Taiwan, and Chen recognized him as a potential contender in the 2008 presidential election. At the same time, Chen was faced with an intensification of the military threat form China and continued diplomatic isolation. To check Ma and the Chinese, and to reduce the chance of promoting unification in Taiwan, Chen decided to launch a campaign in late January 2006 to "abolish" the National Unification Council (NUC) and National Unification Guidelines (NUG).

The NUG was passed by the KMT Central Standing Committee in early 1990s as a guideline for short-term, mid-term and long-term stages of unification. Based on the NUG, the KMT government established the NUC to implement the unification agenda.

Feeling there was no chance for a cross-strait rapprochement following China's intransigence in 2005, as well as an intensification of the Chinese military threat and diplomatic isolation, Chen decided to abolish the NUG and NUC to consolidate Taiwan's independent status and preserve a democratic choice for Taiwan's future as well. Chen also felt that the move also served an external purpose, namely urging international society to re-examine the "one China" policy.

In his 2006 New Year Address, Chen replaced his earlier characterization of cross-strait economic policy as "active opening with effective management," with "active management with effective opening," indicating an important shift in emphasis. In the speech, Chen also called for a referendum on a new constitution for Taiwan. In late January, he launched the campaign to scrap the NUG and NUC.⁴

To mobilize pan-green support for such a Taiwan-centric agenda, Chen replaced the more moderate Frank Hsieh with the more charismatic Su Tseng-chang as the new Premier, and supported Yu Shyi-kun, a fundamentalist Taiwan independence advocate, as the candidate for the DPP chairmanship in mid-February.

The opposition KMT Chairman Ma Ying-jeou said Chen's credibility would be questioned because he had promised before both his election and re-election that he would not abolish the NUC and NUG. When questioned by local media, Ma said publicly that "consultation with different agencies, a meeting with the National Security Council and consideration of the U.S. response should be carried out before making such a decision. From the decision-making process, it's obvious that the president did not follow any of those steps." 5

However, Ma asked his KMT to publish a newspaper ad in the more Taiwan-centric *Liberty Times* in mid-February after Chen's political maneuver on the NUG/NUC. In the ad, for the first time the KMT accepted "Taiwan independence as one of the options" for Taiwan.

Washington was surprised by Chen's move without prior consultation and saw it as a violation of "five nos" pledges that he made in his first inaugural address in May 2000 - no declaration of independence if Beijing does not use force against Taiwan, no change of the name of the ROC, no push for the "two-state" theory into the constitution, no referendum on Taiwan independence or unification with mainland China and no abrogation of the NUC and NUG—and the Bush administration immediately undertook diplomatic efforts to manage the crisis.

⁴ In his January 2006 New Year Address, a strong speech following the DPP's poor performance in the December 2005 local elections titled "Democratic Taiwan: Thriving Onward," Chen highlighted China's military threats to Taiwan and said he would adopt a tougher cross-strait policy. He also apologized for his unsatisfactory performance. Weeks later, Chen launched the campaign on the NUC and NUG to implement the messages delivered in the speech. See Chiu Yu-tzu, "Chen to tighten cross-strait policies," *Taipei Times*, January 2, 2006.

⁵ See *Taipei Times*, February 2, 2006.

After a month-long internal coordination and diplomatic communication, including a delegation led by a special envoy sent directly by President Bush to Taipei, the two sides came to a compromise on the terminology of how to deal with the NUG/NUC: the NUC would "cease to function" and "the NUG would cease to apply."

Nevertheless, the mutual trust between Washington and Taipei deteriorated further when some DPP leaders gloated afterward about "abolishing" the NUG and NUC.

CASE TWO: Levels of analysis

Unlike his unilateral and surprise announcement that "Taiwan and China are two countries on each side of the Taiwan Strait" in August 2002, Chen made the decision to launch the NUG/NUC campaign following prior consultation with some of his senior advisers.

Chen adopted a six-step agenda to pursue this issue:

- (1) he criticized Ma's idea of "ultimate unification" in his 2006 New Year Address;
- (2) he further highlighted China's increasing military threat to Taiwan despite his call for reconciliation early in his second term;
- (3) he instructed his NSC to study the legitimacy of the NUC and NUG before he made the announcement;
- (4) he floated a trial balloon by leaking his idea to an independence-driven local magazine called the *New Taiwan Weekly(新台灣週刊)* in early January;
- (5) he chose the first day of the Lunar New Year to make the announcement that the government was "seriously considering the question of abolishing the NUG and NUC"; and
- (6) he supported Yu Shyi-kun, an independence fundamentalist, to run for the DPP chairmanship and had the Yu-led DPP Central Standing Committee back up his plan by passing a resolution to support the abolition of NUC and NUG.

To rationalize his decision, Chen emphasized in his New Year Address that China had set the goals of establishing contingency-response combat capabilities by 2007, building up combat capabilities for large-scale military engagement by 2010, and ensuring victory in a decisive battle by 2015.

Chen's National Security Adviser Chiou I-jen supplemented Chen's elaboration by revealing Beijing's plan to take over Taiwan by 2020 argued that this was a matter of life or death for Taiwan. Unless the U.S. could guarantee that it was capable of stepping into

a Taiwan Strait crisis immediately, Chiou argued, Taiwan would have to "protect its security, sovereignty and democracy by itself."

Chen's maneuvering on the NUG/NUC was driven largely by domestic concerns and aimed primarily at preserving the Taiwan-centric majority opinion he and his DPP had cultivated as well as at balancing the increasing influence of KMT Chairman Ma. Chen feared that Ma's increasing popularity might also lead to a strengthening of pro-unification sentiment.

The NSC was asked in advance to provide evidence of the legitimacy of the NUC and NUG, which had not functioned since the late 1990s. The DPP was supportive, especially after Yu took over the chairmanship.

Internally, Chen scored political points by forcing Ma to readjust his idea of "ultimate unification" and to embrace the dual principles of "letting Taiwanese people decide their future" and "independence is one of the options for Taiwan." As a February 16 *Taipei Times* editorial stated: "Ma has begun to distance him from his anachronistic unification fantasy. This is a victory for the pan-green camp."

But the NUC/NUG episode generated heated debate in Taiwan. Pan-green supporters welcomed Chen's effort as it highlighted the fact that unification was not the only option for the future. The opposition argued that Chen was moving from a moderate stance to a more radical position for the sake of creating a presidential legacy and to avoid a public image of being a "lame-duck" president.

As domestic constraints could not stop Chen from scrapping the NUC and NUG, Washington stepped in. On February 4, 2006, State Department Special Assistant for East Asian Affairs James Keith called on Taipei to communicate fully with Washington to avoid a repetition of President Chen's "surprise" Lunar New Year proposal.

However, a former official of the Bush administration, who requested anonymity, said that at a mid-level interagency meeting on Chen's NUG/NUC announcement, officials from the Bush government argued that the case would "not matter much" at the upcoming Bush-Hu meeting in April. One official in the meeting launched the discussion with a recitation of China's unhelpful behavior in the Taiwan Strait over the past year, and urged a policy of "balance."

President Chen himself believed that Washington might not totally oppose the NUG/NUC agenda, for three reasons. The first was that he felt he had earned some political capital through his restrained reaction to the passage of Anti-Secession Law a year earlier. The second was Beijing's continued reluctance to talk to the DPP government. Finally, on January 15, Chen had honored his earlier promise to lift the ban

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⁶ Author's interview with Chiou I-jen on December 5, 2008.

⁷ "Time to push Ma off the fence," editorial, *Taipei Times*, February 16, 2006.

⁸ Author's interview with a former official of the Bush administration on May 5, 2009.

of importing American beef to Taiwan.

A delegation with a special envoy sent by President Bush secretly visited President Chen in mid-February. During the six-hour conversation, Chen detailed the main rationale behind his decision, including:

- (1) The NUG and NUC were products of the KMT's party-state era. The DPP had no legitimate reason to accept and implement them.
- (2) The NUG stipulated clearly the goal of ultimate unification. Such a goal violated the democratic rights of the people(主權在民) to make their choice for the future. The future of cross-strait relations should be decided by the Taiwanese people.
- (3) The notion of "ultimate unification" embedded in the NUG is also at odds with the U.S. "one China" policy, which is to support a "peaceful resolution" of the cross-strait dispute and does not take a position on the end result.
- (4) Taiwan's restrained reaction to the ASL did not result in Chinese good-will. Although the U.S. expressed objections to the ASL, Beijing not only passed the law but also increased its military and missile deployments against Taiwan. Furthermore, the PRC invited leaders of Taiwan's opposition parties to Beijing as an attempt to divide Taiwan society.
- (5) The month-long NSC study under Chen's direct order suggested abolishing the NUC and ceasing the function of the NUG based on their illegitimacy, as the KMT-dominated-legislature had resolved the abolishment of all special task forces attached to the Office of the President. In this case, the NUG would be frozen and therefore had nothing to do with the violation of Chen's "five nos" pledge.
- (6) Chen cited a public poll showing that 60 percent of the Taiwan people preferred the maintenance of the cross-strait status quo, 17 percent supported independence and only 4 percent favored unification. Chen's interpretation was that 77 percent of the Taiwanese people opposed ultimate unification. Therefore, his move to scrap the NUC and NUG met with public expectations. 9

The U.S. stance, as expressed by the special envoy, was:

(1) Washington shared Chen's concerns about Beijing's intentions to deal only with Taiwan's opposition parties and not with him. The Bush administration understood Chen's frustration and his hope that the U.S. could urge Beijing to talk directly to him. However, the NUC/NUG was still a problem to the U.S. It was difficult for Washington to reconcile the abolition of the NUC/NUG with Chen's

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⁹ Data from the DPP's internal poll conducted in February 2006 following Chen's announcement to deal with the NUC and NUG.

promise in 2000 not to do so. The U.S. concern was, abolition of the NUC, it would give Beijing a legitimate excuse to divide Washington and Taipei. Beijing might have a "stupid and dangerous" reaction.

- (2) If Taiwan did not cease the campaign to abolish the NUC and NUG, the U.S. would have no choice but to criticize Chen. It would only put Chen and the U.S. "in a place of conflict" which was not what Washington wished. In addition to that, President Bush hoped President Chen would reiterate his "five nos" pledges.
- (3) The bottom line for the Bush administration was to accept the decision of "freezing" the NUC and NUG without formally "abolishing" them. ¹⁰

Underlying this dialogue was the fact that the U.S. was not overly worried about the NUC/NUG because they were not "functional." Most people in the Bush government felt a "freeze" would not really be damaging to cross-strait relations. But Washington felt it would be better if Chen could reiterate his "five nos" pledges when he dealt with the NUC and NUG.

According to the *Nelson Report* on February 23, "the Bush administration is sympathetic to Chen's domestic constraints on the issue. And such sympathy could help sway Washington's attitudes on cross-strait issues in the event that Chen can convincingly reassure the U.S. on his longer-term intentions, an opportunity which was offered by envoys Wilder and Hart last week, apparently to no avail."¹¹

After a thorough and mutual communication between Taipei and Washington, conducted by the American Institute in Taipei and Taiwan's representative office in Washington, Chen announced after chairing a meeting of the National Security Council on February 27 that the UNC would "cease to function" and the NUG would "cease to apply."

Chen said the decision was based on the principle of popular sovereignty and was prompted by China's ongoing military buildup and attempts to use "non-peaceful means to unilaterally change the status quo in the Taiwan Strait." Chen reiterated, "We do not intend to change the status quo, and strongly oppose the use of any non-peaceful means to unilaterally change the status quo." Chen said, "We do not rule out any form of future development in cross-strait relations as long as the decision is made via democratic means and by the free will of the 23 million people of Taiwan." ¹²

NSC Secretary-General Chiou spoke for Chen, saying "All promises remain valid, including the four nos." ¹³

¹⁰ Author's interview with a former official of the Bush administration on May 5, 2009.

¹¹ Chris Nelson, "The Nelson Report," February 23, 2006.

¹² Ko Shu-ling and Charles Snyder, "Chen Says the NUC Will 'Cease," *The Taipei Times*, February 28, 2006.

¹³ Ibid.

White House spokesman Scott McClellan saying, "We welcome President Chen's reaffirmation of his administration's commitment to cross-strait peace and stability, and Taiwan's commitment to the pledges that President Chen made in his inaugural address to not unilaterally alter the status quo in the Taiwan Strait."

McClellan stressed that "Chen's decision did not abolish the NUC." According to State Department spokesman Adam Ereli, Chen agreed to use the terminology of "freezing," rather than "abolishing," the workings of the council and applicability of the guidelines. 14

For Chen and the DPP, the NUC/NUG episode had come to an end. For the U.S. government, they were frozen and most importantly, the Taiwan government had reiterated Chen's "four nos" pledges. Both Taipei and Washington shared the understanding that this incident represented "one case with individual interpretation." The KMT maintained its objection to the move because it still advocated the ultimate goal of unification with China. Beijing was the most unhappy, perceiving the decision as a move away from unification.

However, a Voice of America article afterward reported that Chiou and Mark Chen, President Chen's chief of staff, had said there was no distinction between "ceasing the activity of" and "abolishing" the NUC and NUG." Taiwan officials quickly clarified to their American counterparts that the report was a mistake, but it was too late.

President Bush himself felt that Chen had taken advantage of his earlier support for Taiwan, and that Chen's agenda was not in line with U.S. interests. President Bush's trust in Chen was ruined absolutely after the NUG/NUC incident. One ex-official admitted that "the incident made people 'distrustful' of Chen. The official admitted in the interview that "holding one to agreements is important. It made people wonder if they can make agreements with Chen and he could hold to that promise." ¹⁵

The remarks in the Voice of America article deepened "the impression among many in Washington is that there has been a breach of faith and that Taipei's claim of 'maintaining the status quo' rings hollow," according to leading scholar Alan Romberg of the Stimson Center. Romberg told Taiwan's Central News Agency that the U.S. was concerned about President Chen's "next steps," as was China. 16

Chen told his American interlocutors that he had been advised by some of his policy advisers to abolish the NUC and NUG, and that some local media had already reported it

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¹⁴ For quotes by Scott McClellan, see "Press Briefing by Scott McClellan," The White House, February 27, 2006, http://georgewbush-whitehouse.archives.gov/news/releases/2006/02/20060227-1.html#o; for quotes by Adam Ereli, see "Daily Press Briefing," U.S. Department of State, February 27, 2006, http://2001-2009.state.gov/r/pa/prs/dpb/2006/62221.htm.

Author's interview with a former Bush administration State Department official on April 15, 2009. Central News Agency, "U.S. Academic Warns About U.S. Frustration over NUC," in *The Taipei Times*, March 5, 2006.

in early January. Therefore it was not a "surprise." However, Chen admitted that he spun the news by leaking it to the *New Taiwan Weekly* in early January and blamed the U.S. for not picking up on it. The fact that the *New Taiwan Weekly* was not a popular journal in Taiwan de-legitimatized Chen's argument.

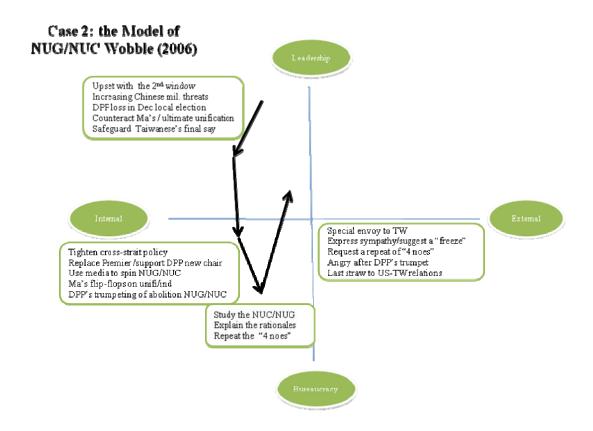
In terms of bureaucratic influence, the NSC played a pivotal role in communicating with Washington during this episode. Chen's representative to Washington, David Lee, was portrayed by most Americans as faithfully explaining to the U.S. what Chen intended to do and feeding American concerns back to Chen. Communication was not a problem, as some observers claimed; channels were open.

James Huang was the new minister of foreign affairs at this time, and had been on the job less than one month when he was faced with this challenge. Huang revealed in late 2008 that he tried to convince Chen of the downside of playing the NUC/NUG card but was blamed by Chen for not doing his job. The roles played by Huang and the Ministry of Foreign Affairs (MOFA) were more or less nominal and procedural.

Overall, Chen successfully made the case to the Bush administration that the NUC and NUG needed to be frozen. President Bush's special envoy felt sympathetic to Chen's domestic constraints after communicating with Chen and his staff and was therefore willing to reach a compromise with him. Some in Washington felt that the Bush administration owed Chen an opportunity, especially after China's refusal to talk to the DPP government following the passage of the ASL. The NUC/NUG incident was to some extent compensation from the Bush administration to Chen.

Nevertheless, Chen paid a huge political price by "trumpeting" the abolition of the NUC and NUG, which further eroded mutual trust between his government and the Bush administration.

Figure 3: Impetus of developments in the NUG/NUC episode



CASE THREE: Chen's campaign for WHA membership in 2007

Taiwan's annual applications for observer status in the World Health Assembly (the annual gathering of representatives of members of the World Health Organization or WHO) dated back to the mid-1990s. The DPP government followed the KMT's old practice in this regard for the first few years, but the strategy changed in 2003.

In the spring of 2003, the threat of SARS presented the DPP government with an opportunity. Taiwan began to stress the pragmatic medical and political benefits of its potential participation in the WHA, and the bureaucracy coined the concepts of "health entity" and "meaningful participation." "Meaningful participation" referred to the strategy of increasing Taiwan's presence at WHO technical meetings before becoming an observer of the organization. The U.S. and Japan strongly supported this approach.

Chen gave MOFA a two-year deadline to secure accession to the WHA. In 2004, Taiwan launched the campaign for a vote for observer status. With promises from the U.S. and Japan to vote in favor of the motion, Taipei called for a vote in May 2004, but as in the past there was no vote due to opposition from Beijing.

And then, in 2005, Taiwan focused on "participation" through the WHO's International Health Regulation (IHR), hoping to increase its presence at WHO technical meetings. More broadly, Taiwan hoped, according to a government statement, to act as a role model in adhering at an early date to the principle of the "universal application" of the IHR, and active participation in the WHO's Global Outbreak Alert and Response Network (GOARN). It was hoped that Taiwan would be included in the global disease prevention system in order to cooperate with other members against outbreak of disease, including avian flu. ¹⁷

The Ministry of Foreign Affairs of the DPP government pushed the issue of accession to the IHR very hard, with support from Washington and Tokyo.

But in February 2007, Taiwan discovered that Beijing and the Secretariat Office of the WHA had signed a Memorandum of Understanding in early 2005 limiting Taiwan's "meaningful participation." The Chen administration perceived the original strategy of "meaningful participation" to have been sabotaged by China and the WHA Secretariat Office itself. It decided to launch a campaign to safeguard its sovereignty and to correct the international image that Taiwan is a part of China. Chen decided to apply for full membership in the WHA in the name of Taiwan (rather than Republic of China or Chinese Taipei), and also suggested holding a referendum on the use of the name of "Taiwan" to join the UN. A major factor in this strategy was the need to gear up public support for the upcoming presidential election, in March 2008.

Since 2004, the U.S. had openly endorsed and supported Taiwan's "meaningful participation" in the WHA, but it was not pleased when it perceived that Chen's new attempt to join the organization as a full member under the name of Taiwan highlighted "sovereignty" rather than more pragmatic issues. Washington felt that the new approach actually risked Taiwan's "real autonomy" rather than safeguarding it, and was therefore counterproductive.

CASE THREE: Levels of analysis

The decision to attempt to join the WHA under the name of Taiwan derived from both external and internal considerations. Recognizing that the chances of success in the new WHA campaign were slim, Chen's main goal was to highlight the PRC's "political quarantine" of Taiwan and Taiwan's unequal treatment by the WHA. Internally, Chen wanted to set the agenda and frame the debate for the upcoming legislative and presidential elections in early 2008. The political price for this move was a further deterioration of U.S.-Taiwan relations.

¹⁷ "Promoting Taiwan's Participation in the World Health Organization," Government Information Office of the Republic of China, May 16, 2006, http://info.gio.gov.tw/fp.asp?xItem=31658&ctNode=2499&mp=1; accessed November 6, 2009.

Believing that better communication with Washington could prevent misunderstandings, in April 2007 Chen replaced David Lee as Taiwan's representative to the U.S. with his close staffer Joseph Wu.

Wu explained Taipei's strategic thinking to Washington by pointing out Rule No.3 of the WHA bylaws: the Secretary-General can invite an applicant for WHO membership to attend the WHA as an observer. This rule, if the Secretariat took advantage of it, would allow the situation to be resolved in a win-win fashion: Taiwan would gain the observership it had always pursued, and the WHA (and China) would be seen as making concessions. Meanwhile, Taiwan would simultaneously pursue "meaningful participation" in the WHO and IHR in a multi-lateral strategy to prevent Taiwan's sovereignty from being sabotaged.

Washington's reaction to Chen's political move was strong. The U.S. did not accept Chen's argument that in order to deal with China's divide and conquer strategy and continued diplomatic oppression, Taiwan needed to play the "sovereignty card" to prevent the international image of "Taiwan-is-a-part-of-China."

From the perspective of practicability, Washington believed that pushing forward with a bid for WHO membership would not help Taiwan's bid for observer status and meaningful participation in the WHA. Instead, it would decrease Taiwan's chances. If the U.S. opposed such a move, it is hard to imagine any other non-ally of Taiwan supporting the DPP government. Taiwan had already earned support and sympathy from the U.S., Japan, and the United Kingdom for its WHA bid, but applying for full membership was more of a sentimental move and was not helpful for Taiwan's international participation.

On the UN referendum, the U.S. did not oppose the use of "Taiwan" as a name for the United Nations membership in 2006, but felt that using a referendum to decide the policy would result in a change of national title which would violate one of Chen's pledges.

Some Americans argued that the problem between the Chen administration and the Bush administration was not a lack of communication but "real differences" on key issues such as sovereignty. The Taiwan leader, it seemed to them, tended to ignore Washington's sometimes differing goals while trying to persuade it to accept his ideas. Without seriously considering how to solve the differences, Taipei would have to pay a price.

Taipei, on the other hand, argued that the majority of public opinion supported the use of Taiwan as the name under which it should apply for UN membership. As the government, the DPP must react to public demand.

But Washington saw Taipei's use of public polls to push for joining the WHO and UN as more of a "political scheme" than a response to public will. What the U.S. cared about was war and peace.

After surviving the "red shirt" upheaval in late 2006, large-scale street demonstrations against the administration, Chen decided to utilize the remainder of his term to push forward "hard issues" such as referenda for WHO and UN membership. Chen made three political calculations that informed this strategy. One was that, in his calculation, progress on these issues would boost the DPP's chances in the upcoming legislative and presidential election campaigns. Another was that it would strengthen his legacy as a strong defender of Taiwan's international participation and national sovereignty. Finally, this strategy would set the tone for the DPP presidential candidate. The initiative came solely from Chen; the government bureaucrats and the DPP were simply the tools he used to implement the policy.

However, since mutual trust between Washington and Taipei had deteriorated due to the series of issues pushed by Chen since 2005, the negotiating roles played by Joseph Wu in Washington and Chiou I-jen in Taipei were less effective than expected. Bush administration officials perceived Chen's top two messengers as more eager to convince Washington about what Chen was doing than to understand how the Bush administration perceived Chen's irresponsible leadership.

According to one official from the Bush administration, the Chinese, especially the Taiwan Affairs Office (TAO), had been repeatedly warning Washington about Chen's agenda. The Chinese were not reassured by American references to Taiwan's legal process, which would have served to constrain Chen. They believed that Chen would push forward his political goals through both an "extra-legal process" and "double-dealing." His actions were seen as manifestations of TAO's predictions and deepened Chen's image as a "trouble-maker."

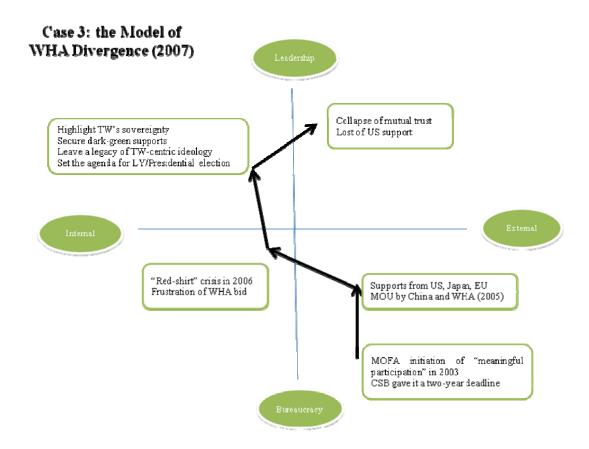
To the decision-makers in Washington, Chen's promotion of a personal agenda might be attractive to his domestic audience, but given Taiwan's unique external challenges, it would hurt Taiwan's image internationally and Taiwan would have to pay the price.

At this point, the continued deterioration of U.S.-Taiwan relations had less to do with poor communication than it did with fundamentally different perceptions of individual goals. As the end of his presidency approached, Chen resorted to a more unrealistic strategy to hopefully consolidate hard-core green support regardless of sacrificing Taiwan's relations with the Bush administration in pursuit of this goal.

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¹⁸ Author's interview with a former official of the Bush administration National Security Council on April 15, 2009.

Figure 4: Impetus of developments in the WHA/WHO campaign



CASE FOUR: UN referendum and U.S. interference in Taiwan's election

In a closed-door meeting with American Institute in Taiwan Chairman Raymond Burghardt on June 14, 2007, President Chen expressed his government's plan to hold a national referendum on using the name of Taiwan to join the United Nations at the time of the presidential election that would take place the following March.

According to the Chen administration, the new policy was a reaction to UN Secretary-General Ban Ki-moon's misinterpretation of Taiwan's status as "an un-alienated part of the People's Republic of China" following Taiwan's request to join the Convention on the Elimination of All Forms of Discrimination against Women earlier that year.

But Chen made a formal announcement when he met with the president of the Heritage Foundation, Edwin Feulner, on July 17. Internal documents of Taiwan government and interviews with former officials of the Bush administration showed that

Washington considered Chen's decision "a breach of trust between the U.S. and his government and that was a real crisis for U.S.-Taiwan relations." ¹⁹

Washington believed it had helped Taiwan by ordering its UN delegation to submit a "demarche" to Ban, and officials of the Bush administration could not accept the rationale behind Chen's unilateral decision.

Following Chen's announcement and several diplomatic interactions to express Washington's opposition, the Bush administration felt angry and disappointed and decided to "go public" with its disagreement. Washington immediately began a course of crisis management by issuing a tough and strong "opposition" to the referendum. Washington called such a plan a move to unilaterally change the status quo and urged Chen to "exercise leadership by rejecting the referendum proposal."²⁰

Despite U.S. objections, the Chen administration formally applied for UN membership on July 19. The U.S. perceived Chen's move as "unreasonable, unproductive and unfortunate," and was "unhappy" about it.²¹

Regardless of mounting pressure from Washington, Chen later urged his supporters to vote for the referendum as "a way to reject unification." The goal was to build momentum for the UN referendum in March 2008, but Chen's wording and the possible interpretations that it enabled concerned the U.S.

On December 6, Deputy Assistant Secretary for East Asian Affairs of the State Department Thomas Christensen counteracted Chen's new elaboration by arguing, "President Chen in his inaugural pledges promised not to pursue referenda on topics related to unification with mainland or Taiwan independence. So, we're concerned by his recent statements that imply that the UN referendum drive provides the Taiwan people with an opportunity to accept or reject unification with the mainland."²²

AIT Chairman Burghardt sent a "strong and authoritative" message against the referendum from President Bush to President Chen. Meanwhile, Secretary of State Condoleezza Rice, Deputy Assistant Secretary of State Thomas Christensen, and others also made public statements against the UN referendum.

Due largely to voters' dissatisfaction after eight years of DPP governance, the party fared very poorly in the legislative election in January 2008, indicating that the March 22 presidential election would most likely also go against it. Despite this, the Chen administration continued to prepare for the UN referendum coinciding with the

¹⁹ Author's interview with a former official of the Bush administration on May 5, 2009.

²⁰ Author's notes from internal meetings of the Chen administration that reviewed the U.S. responses to the referendum proposal.

²¹ Ibid.

²² Thomas Christensen, "Briefing with Taiwan Media," U.S. Department of State, December 6, 2007, archived by the U.S. National Defense University at http://merln.ndu.edu/archivepdf/china/State/96691.pdf; accessed November 6, 2009.

presidential election. But the dramatic loss in the legislative election had also created a severe split between Chen and DPP president candidate Frank Hsieh, and Hsieh decided to renounce the use of the "referendum card" in the last two months of his campaign. The DPP was divided and demoralized, and KMT candidate Ma Ying-jeou won the presidential election.

CASE FOUR: Level of analysis

In a visit to Washington in early 2007, Chen's chief national security adviser Chiou I-jen raised the issue of a UN referendum with his American counterpart. Unfortunately, the two sides left the discussion with different understandings of the result of the conversation. The U.S. believed both sides agreed to further discuss it before Taipei made any moves. AIT Chairman Raymond Burghardt's June 14 meeting with President Chen in Taipei was considered by Washington as a continuation of such communication rather than the end of the discussion, as Chen seems to have considered it.

Washington called the plan for a UN referendum a move to unilaterally change the status quo and, as noted above, urged Chen to "exercise leadership by rejecting the referendum proposal." Washington's strategy was to separate Taiwan's UN bid from the referendum on the UN bid. Washington "opposed" the UN referendum but supported Taiwan's "meaningful participation" in the UN.

By this point, Washington saw Chen as a "reckless" person. Washington decided to escalate and intensify pressures on the Chen administration by adopting a two-pronged strategy:

- (1) conduct a series of public statements by senior officials of the Bush administration; and
- (2) encourage other countries to express the same view and exert pressure on the Chen administration.

Washington first sent a strong message to the Chen administration via a diplomatic channel in August by warning that if Taiwan did not cancel the UN referendum, the U.S. would take various steps against Taiwan. Namely, senior officials of the Bush administration would issue negative public statements about Chen and this would severely undermine U.S.-Taiwan relations. Further, the U.S. would be forced to express its "opposition" to Taiwan's bid for the UN.

The U.S. believed that the UN referendum violated Chen's second "no" by trying to change the name of the country. Washington therefore urged Chen to withdraw the referendum, change the topic of the referendum, or to express his personal objection to the referendum.

On September 11, 2007, Deputy Assistant Secretary of State Thomas Christensen identified the UN referendum as "an apparent pursuit of a change in Taiwan's name that appeared to the U.S. government to be 'a step intended to change the status quo." Christensen elaborated Washington's bottom line was that "the downsides of such an initiative for Taiwan and U.S. interests are potentially large, and, as with any UN referendum, the benefits for Taiwan's international status are non-existent, so we must oppose such an initiative strongly." ²³

After Chen appealed to the voters by portraying UN referendum as a way to reject unification, Thomas Christensen counteracted this new elaboration by issuing a statement to Taiwan media in Washington on December 6, 2007. In the statement, Christensen argued, "President Chen in his inaugural pledges promised not to pursue referenda on topics related to unification with the mainland or Taiwan independence. So, we're concerned by his recent statements that the UN referendum drive provides the Taiwan people an opportunity to accept or reject unification with the mainland."²⁴

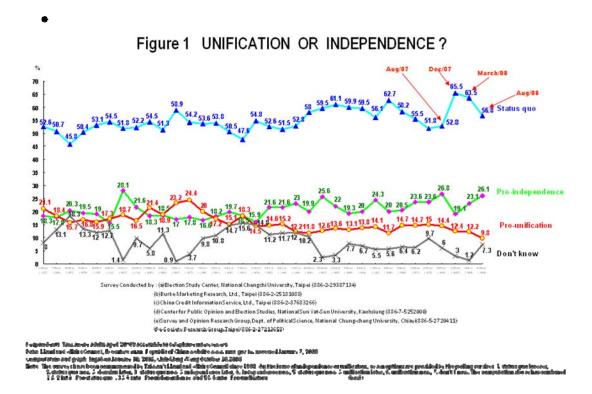
President Bush's "strong and authoritative" message to President Chen sent by AIT Chairman Burghardt in mid-December, and Secretary of State Condoleezza Rice's following public statement against the UN referendum, were part of Washington's strategy to shape the environment of the UN referendum by constantly reminding the Taiwan voters of the U.S. position. The results show that the strategy was successful in reducing support in Taiwan for the referendum—as manifested by a rise of pro-status-quo public opinion and a decline of both pro-independence and pro-unification forces.

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²³ Thomas Christensen, "Speech to U.S.-Taiwan Business Council Defense Industry Conference," September 11, 2007, http://www.us-taiwan.org/reports/2007 sept11 thomas christensen speech.pdf; accessed November 6, 2009.

²⁴ Thomas Christensen, "Briefing with Taiwan Media," December 6, 2007.

Figure 5: Support for independence and unification in Taiwan



DPP internal polls showed later that U.S. interference in Taiwan's election did lower the support for independence from 55.8 percent in mid-August 2007 to 47.2 percent in January 2008, but that the U.S. did not necessarily contribute to the DPP's loss in the legislative and presidential elections in January and March 2008, respectively. Rather, the DPP lost the two consecutive elections largely because voters were disappointed by the party's poor governance and corruption allegations related to the first family and other DPP officials.

Despite Chen's response that UN referendum was irreversible because of public support, what exactly contributed to the U.S.'s strongest reaction to Chen's pushing forward the UN referendum?

- (1) Washington felt cheated again because Chen unilaterally made his decision, with no prior communication.
- (2) The Bush administration could not understand the public rationale behind Chen's move, that such a referendum would not increase the chances for Taiwan's international participation.
- (3) Taipei believed that the U.S. government did not perceive that President Chen

respected mutual communication. His announcement disregarded the communication between Chiou and Burghardt and himself. Without notifying Burghardt of his decision, Chen's move forced Washington to close any doors to constructive discussion. ²⁵

In interviews in late 2008 and early 2009, after the Chen administration had left office, ex-officials of the Bush administration raised several questions, as quoted: "Why would Chen believe the use of "Taiwan" in an application for UN membership was not a dead end? Why would the DPP keep hitting its head against the wall in this way? It was not worth it to adopt this approach. It would cost a lot in Taiwan-US relations and could not achieve Taiwan's goal. As long as the issue of UN referendum keeps moving, Taiwan-US relations will become even worse until Chen's term ends." ²⁶

U.S. officials, up to the highest level according to some reports, felt that if Chen continued to exercise his leadership in this way, the U.S. government would have no choice but to separate Chen as an individual from Taiwan as a country.²⁷

The U.S. impression was that Chen had been pushing the envelope, but Washington could and would constrain Chen's move within his own promises and the "one China" policy framework. The U.S. adopted what it hoped was a "two-track policy": no interference with Taiwan's democratic evolution, but no allowance of Taiwan's unilateral change of the status quo.

Although there was no two-way discussion between Taipei and Washington about cancelling or changing the referendum, there were two major debates between the two governments. The first was whether the Taiwan government underestimated Beijing's possible reaction to the UN referendum. Taiwan's Mainland Affairs Council (MAC) estimated that Beijing would limit its response to the UN referendum to rhetoric and would not undertake any further actions. This interpretation was based in part on the fact that Beijing saw the UN referendum as "a step" toward de jure independence, but not as actual de jure independence, as stated by Sun Yafu, the deputy chairman of China's Taiwan Affair Office.

Nevertheless, Washington believed that Taiwan underestimated Beijing's reaction to the UN referendum, arguing that even the PRC did not know how it would react. The U.S. government saw the referendum as a dangerous gamble that it could not accept. Washington pointed out that Sun Yafu's argument continued to say that the referendum met with the condition stipulated in Article 8, Section 2 of the Anti-Secession Law that "it would result in a separation of Taiwan from China," and therefore could enact the ASL. Although there were diverse views on whether the UN referendum crossed Beijing's "red

²⁵ Author's discussion with decision-makers within the Chen administration on Washington's reaction to the referendum agenda.

²⁶ Author's interview with a former official of the Bush administration on May 5, 2009.

Notes from the author's participation in the Chen administration's internal meetings on how to deal with the U.S. reaction to the referendum agenda.

line," it is clear that the PRC put heavy pressure on the U.S. to try to contain Taiwan.

According to ex-officials of the Bush government, U.S. intelligence information showed that some in the PRC were suggesting the use of military means to counter the UN referendum, and the National Security Council wondered that Washington might act immediately to prevent crisis. One the one hand, the official admitted that the U.S. had warned Beijing privately not to issue a strong statement regarding Taiwan, but on the other hand, Washington decided to make more public statements starting with John Negroponte, Thomas Christensen, and Secretary Rice. President Bush fully supported such a decision. ²⁸

The second question was whether the UN referendum crossed the so-called "red line." The Chen administration argued that whatever Taiwan did in terms of highlighting its sovereignty, Beijing perceived it as crossing the "red line." American decision-makers contended that the U.S. could not make a judgment on whether the UN referendum approached the "red line," since the red line was Beijing's creation and was ill-defined; the U.S. could not understand Chinese thinking but hoped that Taiwan would stay away from the red line. The referendum itself may not have constituted a declaration of Taiwan independence as far as U.S. officials were concerned, but the more important question was how the PRC interpreted it.

The Bush administration tried to de-link Chen from Taiwanese voters, and urged Beijing to do the same. Since Chen was about to step down, the U.S. argued, the PRC should not allow a reaction that affected the entire Taiwanese people. But it was difficult for the U.S. to convince Beijing of this logic.

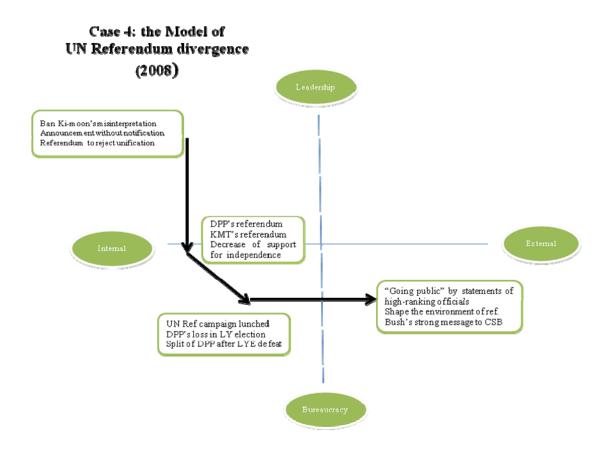
Washington and Beijing held diverging views about the implication of the UN referendum. The U.S. thought that China overestimated how harmful it could be, while China felt the U.S. was underestimating its consequences. The U.S. further thought that if there were no recognition of the outcome, the situation would be under control. The Chinese side has its own views on this.

While dealing with external pressure, the Chen administration and the DPP launched a "UN for Taiwan" campaign in Taiwan and in major cities across the world coinciding with the January 2008 legislative election. A coordination and propaganda task force was formed in the Presidential Office, under supervision of Deputy Secretary-General Chen Chi-mai; the task force comprised key members from the DPP, MOFA, Government Information Office (GIO), the DPP's legislative caucus, and opinion leaders outside the government. However, the DPP had lost the trust of most Taiwanese voters and the opposition KMT won a landslide victory. In the end, the referendum was held along with the presidential election on March 22, but the referendum failed to attract the requisite 50 percent participation so the results were invalid according to Taiwanese law. Participation in the presidential election itself was over 80 percent, indicating that Taiwan's voters agreed with the notion that the referendum was unrealistic and unfeasible.

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²⁸ Author's interview with a former official of the Bush administration on May 5, 2009.

Figure 6: Impetus for developments surrounding the UN referendum



III. Perception gaps between Taipei and Washington

A detailed review of the decision-making process on certain issues during the second Chen administration—Taiwan's reaction to China's 2005 Anti-Secession Law, the freezing of the NUC and NUG in early 2006, the spring 2007 campaign for WHA membership, and the implementation of a referendum on UN membership in 2007-2008—shows that U.S.-Taiwan relations experienced a three-stage transformation, catalyzed by:

- (1) <u>"ASL re-convergence":</u> The U.S. and Taiwan overcame earlier disagreements to cooperate in formulating a response to the passage of the ASL by China's National People's Congress and to play the "Taiwan democracy card."
- (2) <u>The "NUG/NUC wobble"</u>: This event first demonstrated Washington's tolerance and sympathy toward Chen, but ended up with Chen taking advantage of the U.S. accommodation. Trust between the two governments deteriorated and a second strategic divergence occurred.

(3) "Referenda divergence": A series of bold agenda items implemented by the Chen administration from 2006 on forced the Bush administration both to interfere aggressively in Taiwan politics and separate Chen from the Taiwanese people. Through a careful evaluation of Taiwan's internal politics and Chen's decline in popularity starting from 2006, Washington carefully launched its campaign of separating Chen from the Taiwanese voters to minimize the downside of the UN referendum without becoming directly involved in Taiwan's elections.

Such a "strategic re-divergence" originated from the following gaps in perception between Washington and Taipei:

(1) The "five nos" and their precondition

Chen admitted that three of his famous "five nos," announced in his first inaugural address in May 2000 and reaffirmed in his second inaugural in 2004 – no declaration of Taiwan independence, no incorporation of his predecessor Lee Teng-hui's special state-to-state concept into the constitution, and no referendum for unification or independence, were direct responses to requests from Washington. (The other two nos were no change of the name of the ROC, and no abrogation of the NUC and NUG). However, the president had from the very beginning argued that all "five nos" were based on a precondition, namely that they would be in effect if and only if China did not "intend" to use force against Taiwan.

President Chen and his national security advisers believed that China had set the goals of establishing contingency-response combat capabilities by 2007 and building up combat capabilities for large-scale military engagement by 2010, to ensure victory in a decisive battle by 2015 and to take over Taiwan by 2020. Those constituted not just the "intention" but "preparation" for using force against Taiwan.

Before 2006, Washington urged President Chen to maintain the "five nos" pledges after Chen pursued several controversial agenda items; the U.S. did not believe that Beijing possessed both the "intention" and the "capability" to use force against Taiwan. In fact, the U.S. recognized China's growing missile capability but did not equate it with an imminent threat. Washington did not believe Beijing had the "capability" to act on Taiwan at that time.³⁰

But after President Chen initiated the series of political initiatives, described above, U.S. intelligence agencies believed by late 2007 that there was some risk that Beijing might make the wrong decision in response. Some academics argued that what Washington really cared about was preventing war across the Taiwan Strait and, therefore,

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Author's private conversation with President Chen in several occasions when serving as a senior councilor to the president from 2004 to 2006.

³⁰ Interview with a former official of the Bush administration on May 5, 2009.

maintaining the "five nos" was more important than the precondition that China must not intend to use force. Obviously, this interpretation placed Taiwan on a very "slippery slope," at risk of sliding down the list of American priorities as China increased its military capabilities and hinted at willingness to use them.³¹

(2) Taiwan's sense of insecurity

President Chen hoped that the United States would urge China to cease applying military and diplomatic pressure on Taiwan, pointing out that this pressure did not contribute to an atmosphere conducive to goodwill from Taipei or negotiations between the two sides. But as China's military buildup increased and even intensified, Chen perceived insufficient results from Washington's appeals to Beijing. Early on, the Chen administration fulfilled its promise to Washington and showed some self-restraint, but Beijing passed the Anti-Secession Law and continued to sabotage Taiwan's sovereignty and international space. Meanwhile, Washington felt it had done enough to downplay the impact of the ASL and to reduce potential cross-strait tension.

Taipei worried that U.S. would be "hijacked" by Beijing because it needed Beijing's cooperation on a wide range of bilateral and international issues, a concern that Washington refuted. Officials from the Bush administration kept reminding Taipei that they clearly and consistently told Beijing not to link Taiwan with North Korea; that is, that China should not expect American concessions on the North Korea nuclear challenge for Beijing's flexibility on Taiwan. For example, in December 2004, Hu Jintao asked President Bush to call Chen a "trouble maker," but President Bush refused to do so. Therefore, officials told Taiwan, if Chen continued to honor his pledges, President Bush would stick to his as well.³²

The U.S. approached this concern from a different angle: it worried that Taiwan's unilateral provocations would give Beijing a legitimate excuse to divide Washington and Taipei. It also feared that Beijing might have a "stupid and dangerous" reaction to President Chen's initiatives. Despite claims of goodwill and support from the Bush administration, Chen and his DPP felt a deepening American tilt toward Beijing from Washington.

(3) The status quo and Taiwan's identity

President Chen's wanted to use the concept of a "Taiwan identity" as a tool to, at a minimum, preserve the Taiwanese people's right to decide their future. He did not rule out any other options for cross-strait resolution, but insisted that the process must be democratic and peaceful; his immediate objective was to ensure that Taiwan's de facto independent status quo was not unilaterally changed by China's military means. The U.S.

32 Ibid.

³¹ Ibid.

recognized the Taiwan identity but insisted that it, like Chinese military power, it should not be used to effect a unilateral change in Taiwan's sovereignty, name and the cross-strait status quo—as these were defined by Washington.

The Chen administration argued that its policies were in line with the DPP's 1999 Resolution Regarding Taiwan's Future, which stipulated that any move to change the status quo must have the Taiwanese people's consent through a national referendum. It defined the status quo as Taiwan being an independent and sovereign state under current name of the Republic of China. 33

The passage of the Resolution was Chen's attempt to lead the DPP toward a moderate position in the independence and unification debate in 1999 when he was nominated as the party's presidential candidate. Since the Resolution out-weighted DPP's original goal of establishing a Republic of Taiwan—as stipulated in the party's charter—it alleviated international concerns that Taiwan would immediately announce independence if Chen were elected president in 2000.

Washington respected Taiwan's democratic consolidation but did not accept the "measures" adopted by the Chen administration, for example, on name changes and the referendum on seeking UN membership. The U.S. insisted on its own definition of the status quo of the Taiwan Strait.

(4) Chen Shui-bian's pursuit of his domestic agenda

President Chen argued that the agenda he pursued (including constitutional reform, freezing the NUC and NUG, name rectification, and conducting various referenda) was intended to deepen Taiwan's democracy. Washington believed Chen was taking advantage of U.S. good-will and disregarding U.S. national interests and cross-strait stability by solely promoting his domestic agenda.

Washington did not agree with many of Chen's "interpretations" of his domestic agenda, including the high threshold of legislative and popular support required for constitutional reform and the passage of certain referendum. What Washington cared about was Chen's attempts to promote ideas that might be perceived by Beijing as attempts to change the status quo and might therefore cause it to react recklessly. For Washington, the process of those initiatives mattered more than the result.

The Chinese warned Washington about Chen's agenda repeatedly, and Chen's actions appeared to some to be manifestations of the predictions of the Taiwan Affairs Office and its director, Chen Yunlin. The Chinese believed, for example, that Chen would push forward his goals for constitutional reform—which included the controversial (to China) notion that Taiwan's sovereignty rested with the people of Taiwan—through "extra-legal

For the content of the Resolution, see http://www.taiwandc.org/nws-9920.htm

process" and double-dealing." Therefore, any changes in goals or process in the complex constitutional reform effort deepened Chen's image in parts of the U.S. government as a "trouble-maker."

Most importantly, the Bush administration came to believe Chen had a separate and superficial goal of trying to irritate Beijing simply to boost the DPP's electoral support. Such an irresponsible strategy disregarded U.S.-Taiwan relations and therefore needed to be punished.

(5) Misinterpretation of U.S. official lines

In his first term, Chen and his foreign policy team relied more on some voices from Washington and thought they were authoritative. In some way, Chen thought he could take advantage of different voices within the Bush administration to achieve his goals. But the Bush administration insisted their messages were clear and not mixed.

In the early days of his second term, Chen's team worked closely with its American counterparts to forge a strategic re-convergence by adopting the "democracy card" as Taiwan's foreign policy goal. Nevertheless, the rotation of key Asia people in the second Bush administration, together with Chen's implementation of other bold initiatives, further caused a drift in relations between Washington and Taipei.

The State Department took over Taiwan affairs, especially after the NUG/NUC episode, and the administration adopted a more hard-line approach toward President Chen, which upset him. This political reality, and his desire to leave a legacy of safeguarding a Taiwan-centric ideology, reinforced Chen's desire to play the election card and use domestic politics to highlight Taiwan's increasing political difficulties. This strategy further alienated Taiwan's best ally.

IV. Change of personal style in Chen Shui-bian's decision-making process

(1) Lee Teng- hui and Chen's first term

During his first term, President Chen created a centralized operational style that minimized checks and balances and led to misinterpretation and misjudgment about U.S.-Taiwan relations especially in times of crisis. In terms of decision-making process, Chen displayed a tendency similar to that of his predecessor Lee Teng-hui to restrict participation in decision-making and often to exclude officials who, by virtue of their positions, should have had the opportunity to comment on and be prepared for the consequences of different policy options for the mission of their agencies.

For example, Chen did not consult his close aides or advisers before he announced that "Taiwan and China are two countries on each side" of the Taiwan Strait on August 3,

2002. His approaches to other controversial issues such as a referendum for WHA membership, a new constitution, and a defensive referendum were all made public at the last-minute, particularly after he took over as chairman of the DPP in late 2002. The process of decision-making can be characterized as an "individual-led" and "state-and-party-follow" model. This process created a lot of "surprises" for Washington.

(2) Some changes in Chen's second term

In his second term, President Chen made a few adjustments to his operational style and personal leadership:

- 1. Since there was a strong check-and-balance from the opposition KMT, Chen relied more on his powers of persuasion with the public to accumulate domestic support. Through sensational rhetoric in campaign rallies and public statements, Chen continued to consolidate public support for his agenda.
- 2. Starting in 2003, Beijing changed its strategy by using Washington and the pan-blue opposition to pressure Chen. In his second term, this made Chen rely more on his domestic partners such as fundamentalist independence groups, the Taiwan Solidarity Union, and even some opponents from the pan-blue camp such as James Soong to back up his decision-making.
- 3. Chen had to seek ways outside the institutional system to push his agenda. Influential personnel from outside the government, such as friends in the media, leading characters from independence advocacy organizations, overseas Taiwanese associations and academic advisers constituted another factor in his decision-making process as illustrated by the NUG/NUC event and the UN referendum campaign.
- 4. A greater degree of decentralization was introduced into the decision-making process. For example, the National Security Council played a more important role in terms of analyzing the pros and cons of certain policy proposals. The NSC played the pivotal role of working with Washington on the response to the Anti-Secession Law and the re-convergence of strategic goals between Taipei and Washington. The role of the NSC was also strengthened in cases of the NUC/NUG and the UN referendum, when Chiou I-jen played a key role in elaborating Chen's thinking to his American counterparts.
- 5. More interagency coordination mechanisms were created. There was a "first-tier" Task Force composed of ministers from related agencies on areas of Taiwan-U.S. relations, Taiwan-Japan relations, and Taiwan-Europe relations. Below them, there were also "second-tier" Task Forces made up of policy staff. Extensive consultation with experts and academics were also very common. A special propaganda task force to implement the "UN for Taiwan" campaign was established directly by the Presidential Office.

- 6. Specific media organizations were used to float trial balloons and to lead public discussion on major initiatives. Chen chose to grant interviews to pro-Taiwan media such as the Liberty Times and SET TV in order to reach out to his supporters.
- 7. There was more collaboration between the government and DPP headquarters; when Chen was DPP chairman in 2004 and later in 2007, he combined the state and party apparatuses to implement his policies. When he was not DPP chairman, he also supported his favorite candidate for chairman to back up his agenda. In addition, he changed premiers several times in order to improve the execution of his agenda.
- 8. Later in his second term, President Chen sent his close aide Joseph Wu to serve as Taiwan's top representative to the U.S., replacing professional diplomat David Lee. Wu's task was to provide authoritative elaboration of Chen's policies, but he faced a tougher job than his predecessors Lee and C.J. Chen because U.S.-Taiwan relations were experiencing their most difficult time when he came to Washington in April 2007.
- 9. Still fearing that he was not properly understood in Washington, President Chen explored new ways to have more direct dialogue with President Bush and to get his message out loud and clear. For example, due to the lack of a direct channel of communication with U.S. national leaders, Chen sometimes used controversy to create direct dialogue with the U.S. president's special envoy. After mid-2006, the American Institute in Taiwan (AIT) and the State Department took control and refrained from recommending the Bush administration use a "special envoy" channel to talk to Chen.
- 10. President Chen also utilized public polls in order to frame debates and gear up public support for certain policy measures. The DPP government worked closely with academic institutions such as Taiwan Thinktank and the National Institute of Policy Studies to come up with supportive results of public opinion. The DPP also published its polls on a regular basis. The Chen administration also used poll results as tools in negotiations with foreign governments.
- 11. The model of Chen's "conflict, compromise and progress"; Chen is well-known for his tactic of pushing forward his political agenda through the steps of "conflict, compromise and progress." This means first to stir up tension to attract attention, then to pursue a compromise with his counterpart, and finally to make incremental progress. However, this model runs the risk of loss of his credibility.

V. Policy recommendations to the DPP

Future DPP leaders—both in government and opposition—can learn several lessons from the ups and downs in the U.S.-Taiwan relationship that took place during the second Chen administration:

- 1. The DPP should be able to identify authoritative channels for communication and avoid listening only to views from a small portion of views from the U.S. government.
- 2. In this regard, the party should create special channels with various U.S. government agencies to get its message out clearly. The use of modern technology such as video conference to directly talk to its American counterparts is important.
- 3. The DPP should refrain from sending mixed and sometimes contradictory messages to the U.S. Different people often claimed they represented President Chen but they tended to confuse the Americans on whether their messages were authoritative.
- 4. The DPP should engage in honest discussion with its American counterparts about what the U.S. views as the threshold of pushing forward some controversial items on the DPP's agenda. The Chen administration lacked well thought-out rationales for its key initiatives.
- 5. The DPP needs to believe that prior consultation and a "surprise-free" policy constitute the most important part of sustaining mutual trust. Having the U.S. understand the steps or statements that Taiwan leaders are about to make is not a disgrace to the leaders' dignity.
- 6. The DPP needs to position the U.S. so as to help it make better arguments to Beijing about not overacting to DPP policies.
- 7. The DPP needs more long-term strategic thinking about Taiwan's foreign policy and cross-strait policy, rather than relying only on domestic politics and elections to drive them. The party should maintain regular and serious involvement with a wide range of U.S., European, and Asian thought leaders in order to help develop a strategic approach to foreign policy.
- 8. The DPP should separate professionals in national security affairs from electoral affairs so that domestic political concerns won't dominate foreign policy. For example, Chiou I-jen wore two hats as Chen's election adviser and national security chief. Most of the thinking on national security was inevitably driven by electoral concerns.
- 9. In terms of its own decision- making process, the DPP should develop an inter-agency process that takes seriously the input from a wide variety of actors and

- agencies so that the pluses and minuses of any decision, even any individual word, are carefully weighed. The DPP needs to give more weight to advice and recommendations suggested by the bureaucracy and the professionals before announcing a new idea or policy.
- 10. The decision-making process should include Taiwan's key and really only strategic partner, the U.S., so that there is serious discussion with the whole interagency group within the U.S. administration that works on Taiwan policy to prevent "surprises" from happening. Through such candid and constructive communication, the DPP can weigh the U.S. position very heavily in any decision the Taiwan administration makes.
- 11. As the opposition now, the DPP should set up a representative office in Washington, DC which can be both a listening post and a learning post for DPP staffers so that they understand the U.S. process and have connections with a wide range of current and potential U.S. officials and other serious policy thinkers. The DPP should also hire U.S. lobbyists not only so they can "open doors" for DPP officials/TECRO officers when there is a need for meetings, but more importantly so that they can sit down with TECRO and DPP officials to strategize about the way forward and how to "sell" their agenda in the U.S. Congress, think tanks and the administration.
- 12. In terms of leadership style, Chen's case shows that a confrontational approach to test the "red line" of the U.S. runs the risks of destroying the Taiwan president's credibility and mutual trust between Washington and Taipei. DPP leaders need to strike a balance between seeking their own goals and convincing the American government of the rationale behind such goals.