




A One-China Policy Primer

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Key Findings

The One-China policy of the United States is not the same thing as the One-China principle of the People's Republic of China (PRC). The One-China policy contains more elements, such as the U.S. interest in a peaceful process of cross-Strait dispute resolution, and its differing interpretation of Taiwan's legal status as compared to Beijing's interpretation.¹

Today, the U.S. One-China policy is a distillation from key documents such as the three U.S.-China joint communiqués and the Taiwan Relations Act (TRA), and a series of policy statements made over the years, such as the “six assurances.”

The United States had a One-China policy from 1900 to 1949 that was a response to the fragmentation of China into multiple power centers. Since 1949, the U.S. One-China policy has addressed the existence of two rival governments: the PRC in Beijing and the Republic of China (ROC) in Taipei. During the Cold War, Washington was forced to choose between the two governments, because each side rejected any idea that the United States could have diplomatic relations with both. Washington maintained diplomatic relations with Taipei until 1979, when it switched to Beijing. The PRC still imposes its forced choice on Washington.

At the time that the Carter administration established diplomatic relations with the PRC in 1979, it pledged to have unofficial relations with Taiwan. It created an organization—the American Institute in Taiwan (AIT)—that was nongovernmental in

its legal form, but carried out the substance of U.S. government policy in relations with Taiwan. More generally, Washington has found “workarounds” to the limitations imposed by unofficial relations.

The United States takes no position on the substance of a solution to the differences that divide Beijing and Taipei, whether it be the unification of Taiwan with China or any other scenario. But it does oppose either side unilaterally changing the status quo, and has consistently stated its “abiding interest” in a peaceful resolution of cross-Strait differences. More recently, Washington has stated that any solution should have “the assent of the people of Taiwan.”²

Since 1979, there is at least an implicit linkage between Washington's implementation of the One-China policy, including unofficial ties with Taiwan, and Beijing's stated preference for a peaceful resolution of differences with Taiwan. The linkage also goes the other way: if Beijing chooses to use force against Taiwan, it would likely trigger a sharp deterioration in U.S.-PRC relations.

Recommendations: Dos and don'ts for the Trump administration

1. DO NOT state as the position of the U.S. government that Taiwan is a part of China.
2. DO NOT use the phrase “One-China principle” (the PRC term). Instead, continue the practice of referring to “our One-China policy.”

¹ In this essay, I use the term “China” on its own to refer to the state of that name that is a member of the international system and in international organizations. The governments of the People's Republic of China and the Republic of China each claim to be the representative of that state.

² “Full Text of Clinton's Speech on China Trade Bill,” *New York Times*, March 9, 2000, <https://www.nytimes.com/library/world/asia/030900clinton-china-text.html>.

3. DO NOT take a position on the merits of one country, two systems as a substantive formula for resolving the Taiwan Strait dispute.
4. DO continue to restate the “abiding interest” of the U.S. in a resolution of the dispute that is peaceful and acceptable to the people of Taiwan.
5. DO urge both Beijing and Taipei to conduct cross-Strait relations with flexibility, patience, creativity, and restraint.
6. DO emphasize to Beijing that the principal obstacle to its achieving its goal of unification is not U.S. arms sales to Taiwan, but the opposition of the Taiwan public to its unification formula.
7. DO continue to provide weaponry to Taiwan that is tailored to meet the existing and likely future threat from the PRC.
8. DO continue interactions with Taiwan’s defense establishment on how to strengthen deterrence.
9. DO deepen our substantive interaction with Taiwan on bilateral issues.
10. DO work with Taiwan to find ways to enhance its international role and participation in international governmental institutions where it is not a member.
11. If it is in the U.S. interests to take steps to improve bilateral relations with Taiwan, DO NOT implement those changes in ways that create a public challenge to Beijing.
12. DO consult in advance with leaders of Taiwan on any changes in U.S. policy toward the island—either positive or negative—before making them. Taiwan’s leaders are the best judges of whether those steps will serve their interests.

A One-China Policy Primer

Introduction

It was Donald J. Trump who inspired me to write this essay. On December 2, 2016, 25 days after his surprise election to the presidency, he took a congratulatory phone call from Taiwan's president Tsai Ing-wen. This was the first time to anyone's knowledge that a U.S. president or president-elect had spoken to his counterpart in Taiwan, and questions quickly arose whether Trump had violated the One-China policy governing U.S. relations with China and Taiwan. Most observers inferred that the president-elect had committed a diplomatic gaffe and so demonstrated that he was not ready for the office that he would soon occupy.

Two things quickly became clear. The first was that Trump believed he knew what he was doing, and that the phone call was part of a calculated strategy. He told *Fox News Sunday* on December 11 that, "I fully understand the One-China policy, but I don't know why we have to be bound by a One-China

policy unless we make a deal with China having to do with other things, including trade." The second was that most pundits who commented on the One-China policy didn't really know what they were talking about. Perhaps Trump didn't either. With the encouragement of my friend and colleague Jeffrey Bader, I was moved to join the discussion. I wrote "An open letter to Donald Trump on the One-China policy," which was posted on the Brookings website on December 13. The short essay was generally well received as a brief explainer on the nuances of the One-China policy.³

Trump's statement on One-China alarmed the Chinese government, which feared that he might abandon what it regarded as the framework of the bilateral relationship, the basis on which all other cooperation was possible. Observers of Taiwan were also worried that the U.S. president intended to use the island as leverage or a bargaining chip in negotiations with China. From within and outside the U.S. government, voices encouraged Trump to avoid a

³ Richard C. Bush, "Open Letter to Donald J. Trump on the One-China Policy," *Order from Chaos* (blog), *The Brookings Institution*, December 13, 2016, <https://www.brookings.edu/blog/order-from-chaos/2016/12/13/an-open-letter-to-donald-trump-on-the-one-china-policy/>.

fight on the One-China issue. Consequently, Trump walked back his position soon after his inauguration. On February 9, 2017, he told Chinese President Xi Jinping during a phone call that he would “honor our ‘one China’ policy.”⁴ The issue seemed to blow over.

I remained worried, however, that the issue is not settled once and for all. The president could have used a stronger verb than “honor,” and the White House statement about the phone call said that Trump made this commitment at Xi’s request. Moreover, and much more so than in previous administrations, Trump’s personality dominates the policymaking process. Just because the president has set the issue aside does not mean that he will not reopen it at a moment’s notice. Moreover, during the election campaign, he blamed China for America’s economic malaise, with some success. Some of his advisers would like to reduce, if not end, American companies’ reliance on the global economic system in general and China in particular. So it may be politically difficult for him to do nothing on U.S.-China economic relations. Finally, as he approaches negotiations, he can be expected to try to accumulate bargaining leverage and then apply it in a tough-minded way. I for one cannot rule out the possibility that he personally might choose to use Taiwan as such a point of leverage in negotiating with China, or being willing to make Taiwan-related “side payments” to Beijing that would damage the island’s interests.

I decided, therefore, that I should expand on my quick and dirty blog post from December 13 and provide a longer, yet still relatively short, explanation of the U.S. One-China policy: what it means; what it doesn’t mean; how it came about; and why

putting it in play in bargaining with China is actually quite reckless, if only because it puts Taiwan’s interests at risk. Hence this report, which draws considerably on my past work, particularly *At Cross Purposes: U.S.-Taiwan Relations Since 1942* and *Untying the Knot: Making Peace in the Taiwan Strait*. I also draw heavily on the work and insights of Alan Romberg of the Stimson Center, particularly his *Rein in at the Brink of the Precipice*.⁵

Many who write about the One-China policy rely in making their case on textual analysis, going back to the “sacred texts” of U.S.-China-Taiwan relations. I do so to an extent, because some of the principles in those documents remain highly relevant. But, I also place emphasis on how those tenets are interpreted and applied in the present. China, Taiwan, and the United States have all changed since Richard Nixon initiated a rapprochement with the People’s Republic of China in 1971-72, Jimmy Carter completed the process of normalization of relations in 1978-79, and the U.S. Congress passed the Taiwan Relations Act in 1979. Most importantly, China’s turn to a basic policy of reform and opening up, initiated in late 1978, and Taiwan’s democratic transition, which began in 1986 and was completed in 1996, altered the way each pole of this triangle interacted with the others. But that was a long time ago. The priesthood of Americans who first mastered the “sacred texts” of U.S. policy is small and getting smaller. New generations of political leaders cannot always figure out why they must take so seriously the principles accepted by Presidents Nixon, Carter, and Reagan, and their relevance to 21st century circumstances. It is not always possible to deduce from the principles in those old texts how

⁴ “Readout of the President’s Call with President Xi Jinping of China,” Office of the White House Press Secretary, February 9, 2017, <https://www.whitehouse.gov/the-press-office/2017/02/09/readout-presidents-call-president-xi-jinping-china>.

⁵ Richard C. Bush, *At Cross Purposes: U.S.-Taiwan Relations Since 1942* (Armonk, NY: M. E. Sharpe, 2004); Richard C. Bush, *Untying the Knot: Making Peace in the Taiwan Strait* (Washington, DC: Brookings Institution Press, 2005); Richard C. Bush, *Uncharted Strait: The Future of China-Taiwan Relations* (Washington, DC: Brookings Institution Press, 2013); Alan D. Romberg, *Rein In at the Brink of the Precipice: American Policy Toward Taiwan and U.S.-PRC Relations* (Washington, DC: Henry L. Stimson Center, 2003).

they should be defined and applied today. Hence the value of exploring what the One-China policy means *and doesn't mean*, what it restricts and what it allows.

"We have a One-China policy"

In the United States' relations with both China and Taiwan, the verbal formulations used to describe policy are more important than perhaps in any other foreign policy relationship. Indeed, words themselves become policy.

Sometime in the 1980s, U.S. officials began to refer to "our One-China policy" and to say "we have a One-China policy." This practice, which continues today, contrasts with the practice of Henry Kissinger, the national security adviser and then secretary of state in the Nixon administration. He referred usually to "the One-China principle." The shift from "principle" to "policy" was welcome, if only because Beijing has its own version of the One-China principle, which differs from the U.S. approach in a couple of important respects.

The PRC definition of the One-China principle for international consumption is that, "there is only one China in the world, Taiwan is a part of China and the government of the PRC is the sole legal government representing the whole of China."⁶ As we shall see, the United States has associated itself in various ways with the first of these points for over a century. It effectively accepted the third point in 1978 in the communiqué that established diplomatic relations with Beijing (hereafter the "normalization communiqué"). On the second point, and in the same document, Washington took a more ambiguous position. Moreover, over

time successive administrations have found ways to work around a strict constructionist view of its normalization commitments.

The U.S. government does not have such a concise rendering of its One-China policy as Beijing does. When American officials say that "we have a One-China policy," they usually elaborate by listing several defining elements: adherence to the three U.S.-PRC communiqués of 1972, 1978, and 1982; implementation of the Taiwan Relations Act enacted in April 1979; an abiding interest in the peaceful resolution of the differences between the two sides; opposition to either side unilaterally changing the status quo and non-support for *de jure* independence of Taiwan; the "six assurances" conveyed to Taiwan in August 1982; and a preference for continuing dialogue and cooperation between Beijing and Taipei, among others. (More on all of these elements later.) Not all of these points is mentioned every time a U.S. official speaks about the One-China policy. Some are important for Taiwan and others important for China. Beijing wants to hear about the three communiqués and non-support for Taiwan independence. Taipei likes Washington to reaffirm the Taiwan Relations Act and the six assurances.

In his confirmation hearing to be secretary of state in January 2017, Rex Tillerson made only general statements about the One-China policy, mainly that there were no plans to revise it and that the new administration reaffirmed the U.S. commitment to Taiwan. In response to a written question from a senator, however, the State Department provided a more detailed statement:

The Three Communiqués, Taiwan Relations Act, and Six Assurances provide the foun-

⁶ "White Paper—The One-China Principle and the Taiwan Issue," Taiwan Affairs Office and The Information Office of the State Council, issued February 21, 2000, <http://www.taiwandocuments.org/white.htm>.

dation for U.S. policy toward China and Taiwan. The United States should continue to uphold the One China policy and support a peaceful and mutually agreeable cross-strait outcome. Under this policy, the United States recognizes the People's Republic of China as the sole legal government of China and acknowledges the Chinese position that Taiwan is part of China. As required by the Taiwan Relations Act, the United States continues to provide Taiwan with arms of a defensive character and maintains the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people of Taiwan. The United States also upholds the Six Assurances on U.S. policy toward Taiwan.

It may seem odd to readers unfamiliar with the theology of U.S.-China-Taiwan relations that the three governments place so much emphasis on verbal formulations and on their consistent repetition. Yet as American officials new to working on U.S. policy regarding China and Taiwan quickly learn, part of their on-the-job training is to master the vocabulary, syntax, and grammar of these verbal formulations and to repeat them earnestly and without hesitation whenever the situation demands. In my time serving in such a role, I was struck by how carefully Chinese and Taiwan readers examined my speeches to identify textual changes and assess what such changes might mean. This is a set of relationships like no other.

One reason for this phenomenon is that diplomats from both sides of the Taiwan Strait are all culturally Chinese. Both in Beijing and Taipei, the governments place high priority on getting the words right and vigilantly watching how both friends and adversaries pick their words. In China especially, a key phase of both the internal policy

process and diplomacy is precisely defining the words attached to any policy. Changing the terms used to refer to basically the same thing has policy significance, or so people in Beijing believe. In both Beijing and Taipei, officials and scholars have mastered the record of past diplomatic understandings, and they will correct Americans who do not use the proper formulations.

But this is not just a cultural phenomenon at work. Power asymmetries are also at play. Words can be the weapons of the weak, used to constrain a more powerful party whose behavior begins to differ from its past verbal commitments. At one time, both the PRC and the ROC were weak relative to the United States and each sought to use words for their respective advantage and protection. China is stronger today, but old habits die hard and its officials are unlikely to abandon a policy tool that they believe has served them well.

U.S. officials can and do adapt the elements of the U.S. One-China policy that they cite depending on the situation. For example, they stress the need for dialogue between Beijing and Taipei most of all when dialogue is not happening. The two sides initiated a dialogue in 1993 and Washington endorsed it. Then talks were suspended in 1995 after then-President Lee Teng-hui's visit to the United States that year, and so the need to resume dialogue became a more salient element in U.S. statements.

No element is ever dropped, and the way to shift rhetorical policy is to introduce a new element. In 1998, when I was serving as chairman of the American Institute in Taiwan, I concluded that U.S. statements should give attention to the fact that Taiwan was a democracy. That, I believed, was important for its own sake but also because this political transformation had given the Taiwan public a seat in any cross-strait negotiations. That meant that if Beijing was to achieve its goal

of unification with Taiwan, it would have to convince not just the Taiwan government but also the Taiwan people. I added a paragraph to that effect to the end of a speech I was to give at a Taiwan event in Arizona. I sent the draft text of my remarks to the State Department for clearance, as I always did. I would have understood if that final paragraph had been excised, but to my delight it was approved basically unchanged. My initiative was rewarded 18 months later when then-President Bill Clinton, in a speech on economic policy toward China, said that the United States should be “absolutely clear that the issues between Beijing and Taiwan must be resolved peacefully and with the assent of the people of Taiwan.”⁷ To my regret, the George W. Bush administration undercut my small achievement a couple of years later by changing the last part of the formulation to refer to the assent of people on both sides of the Taiwan Strait. Of course, the people of the PRC have no way to register their assent, and the Chinese Communist Party (CCP) arrogates to itself the right and power to speak for the Chinese people. As originally stated, the principle constituted rhetorical pressure on Beijing to creatively reshape its policy in ways that Taiwan voters might find appealing. In the end, that value was diminished.

The United States’ One-China policy before 1949

For the first half of the 20th century, the division of China into different power centers was a central focus of U.S. policy. In its rhetoric, Washington emphasized the sovereignty and territorial integrity of China. Most of the time, however, the U.S. possessed neither the ability nor the will to back up its words.

The United States’ One-China policy goes back at least to 1900, but its focus has varied according to circumstances. Indeed, the word “one” in the phrase “One-China policy” has a couple of different connotations, each of which contains within it one or more alternatives to “one.” In recent decades, the alternative to “One China” is two Chinas, a subject which I address in the next section. But the word “one” also can refer to both unity and its opposite, division and separation. That connotation is present today, of course. Chinese nationalists regard Taiwan’s ongoing separate existence as a continuing obstacle to their country’s return to greatness (in this sense, unity also implies strength and division connotes weakness). Taiwan nationalists regard the very idea that Taiwan should be a part of Beijing’s One China as an affront to their own political aspirations for independence. For the first half of the 20th century, however, the focus was on the internal division of China, and, in an important sense, the subject of One China was as much about state- and nation-building and domestic politics as it was about international relations.

Two hundred and fifty years ago, the question of One China would not have come up. China—Imperial China—was a unified and imposing entity. It was the world’s largest country, both in territory and the size of its economy. It was the dominant power in East Asia. To be sure, there had been times previously when the Chinese empire had broken up into competing power centers, but the last occasion was in the mid-to-late 17th century. And that division didn’t last forever. As the beginning of a famous Chinese novel, *The Romance of the Three Kingdoms*, put it, “They say the momentum of history was ever thus: the empire long divided must unite; long united, must divide.”⁸

⁷ “Full Text of Clinton’s Speech on China Trade Bill.”

⁸ Lo Kuan-chung, trans., *Three Kingdoms: China’s Epic Drama* (New York: Pantheon Books, 1976), 3

The first part of 20th century was a time of break-up in China. At the beginning of the century, the anti-foreign Boxer Rebellion swept over many parts of the country and almost brought the imperial regime to an end. By 1911, a constitutional movement worked alongside a modernizing military to force the abdication of the emperor. The Republic of China was declared on New Year's Day 1912 and hopes for a democratic system were high. Quickly, however, military leaders began competing for power, geographic spheres of influence, and the customs revenues that control of the capital provided. Diplomats did their best to conduct foreign relations, but the unity of China quickly became a thing of the past. Decentralized, political power flowed from the barrels of opposing guns.

With its Soviet-trained armies, the Kuomintang (the Nationalist Party or KMT) entered into this military competition in the late 1920s and began a temporary process of unification. Chiang Kai-shek knocked off rival warlords in a series of campaigns, and his government, now recognized as the government of China with its capital in Nanjing, increased both its capacity and effective jurisdiction. All that was reversed in the 1930s as two new military adversaries emerged. The first was the communist Red Army in the mountains of southeastern China. The second was Imperial Japanese Army, which took over the three north-eastern provinces of Manchuria in 1931 and then proceeded incrementally to expand its control into North China. Chiang was able to evict the communists from their mountain bases and then chase them into northwestern China, but the Red Army survived to fight another day. In 1937, war broke out in the area around Beiping (Beijing's name at that time) and spread through eastern China. Af-

ter losing Shanghai and Nanjing late in the year, Chiang moved his government first to Wuhan and then to Chongqing (then called Chungking). At this time, China was both divided internally and partially occupied by a foreign power.

Like other outside powers, the United States had to base policy on the sober reality that China presented. Yet rhetorically at least, the United States favored the unity of the country and opposed division, as illustrated by its actions at several key historical junctures:

- As China descended into the chaos wrought by the Boxer Rebellion and as other foreign powers were competing for special privileges in different parts of the country, on July 3, 1899, Secretary of State John Hay called on those countries to respect China's "territorial and administrative integrity."⁹ This was the second of his "Open Door" notes and became a sort of One-China policy. Yet it was driven by national self-interest, not a high-minded concern for China. The McKinley administration worried that its foreign competitors in China were "carving up the melon" to improve their competitive advantage, to the detriment of American companies (similarly, the first of the Open Door notes called for equality of commercial advantage).
- At the Washington Naval Conference of 1921-22, which took place as Chinese militarists fought each other for territory and resources, Washington sponsored the Nine-Power Treaty. In this pact, the countries with the greatest stake in China pledged to respect its territorial integrity.¹⁰
- In the late 1920s, the United States looked with favor on the formation of the new ROC

⁹ "Secretary of State John Hay and the Open Door in China, 1899-1900," Department of State, Office of the Historian, <https://history.state.gov/milestones/1899-1913/hay-and-china>.

¹⁰ "The Mukden Incident of 1931 and the Stimson Doctrine," Department of State, Office of the Historian, <https://history.state.gov/milestones/1921-1936/naval-conference>.

government led by Chiang Kai-shek and his Nationalist Party. The new regime took some steps to unify China and improve its strength, but Washington did little to help China after the Japanese military occupied Manchuria in September 1931. It simply reaffirmed its principles and said it would not legally recognize this seizure of Chinese territory.¹¹ Japan later established a puppet government—Manchukuo or Manzhouguo—under its tight control, and Washington did not recognize that either.

During this period, the focus of U.S. policy toward China was practical and relatively modest: preserving adequate access to the Chinese economy for American businesses and protecting American citizens living in China. But each time Washington intervened rhetorically, it did not act on its pro-unity principles. It had neither the will nor the capability to make China whole.

Once Japan and China went to war in 1937, the Roosevelt administration took China's side rhetorically (FDR spoke of a "quarantine" against Japan), and it eventually provided financial and material aid. Yet it was not until 1940 that the United States began to impose economic sanctions against Japan, in an effort to get Tokyo to end its occupation of China. Those sanctions were one factor motivating Japan to attack Pearl Harbor in late 1941. Only then did the United States ally with China in a serious way. As early as the end of 1942, FDR had decided that not only Manchuria but also that Taiwan would be returned to China after the war, a decision that advanced Chiang Kai-shek's goal of putting China back together again after the war and restoring the country's territorial reach to what it had been during late imperial times.

Even so, the alliance was fraught with problems. The United States placed its focus and its resources

on Europe and the Pacific, not on the mainland of Asia. While Washington's priority was the defeat of Japan, Chiang Kai-shek's priority increasingly was defending his regime against Mao Zedong's communists, who had emerged from their bases in the northwest to penetrate many areas of North China. Even the return of Taiwan reflected a difference in objectives. Chiang wanted it back so it could serve as a fortress for the forward defense of China; FDR saw it as a base for international security operations.

Still, even with the end of the war, the unity of China was up for grabs. The ROC was the internationally recognized government, but war with Japan had degraded its military capabilities, and inflation had undermined public morale. The communists had used the war to good effect, expanding their military forces, penetrating new territory, and building their governing capacity. Soon after Japan's surrender, the Truman administration sought to mediate the postwar conflict between the KMT and Mao's CCP, and avoid a destructive internal war. General George Marshall spent a year trying to create a set of understandings that would contain the military conflict and create a political structure in which the KMT and CCP would share power and together address China's many postwar problems. Marshall failed in this effort, but not for lack of trying. Ultimately, he decided that the mistrust between the two sides was too deep and that their goals were in irreconcilable conflict, so he returned to the United States in February 1947. Thirty months thereafter, the communists had gained control of most of mainland China and Mao declared the establishment of the People's Republic of China on October 1, 1949. The KMT government and armed forces retreated to Taiwan, where Chiang hoped in vain to resume his fight with Mao at a later time and regain control of the mainland.

¹¹ *Ibid.*

The Truman administration chose not to challenge the looming communist victory. Although the “loss of China” and the PRC’s alliance with the Soviet Union was a clear strategic setback for the United States, Truman and his secretary of state, Dean Acheson, believed that sooner or later a unified but nationalistic China would split with the Soviet Union, to America’s benefit (which ultimately happened). And despite opposition from Republicans in Congress, the administration was even willing to let Taiwan fall to the communists and see the ROC disappear. But North Korea’s invasion of South Korea in June 1950 caused the United States to quickly change course, and gradually it increased the protection it was willing to provide to Taiwan. After Chinese “volunteers” entered the war on North Korea’s side in late 1950 and fought against American soldiers, there was no longer any political support in the United States for recognizing the PRC and letting it join the United Nations.

In sum, China was anything but unified—or “one”—for the first half of the 20th century, and some observers had doubted whether the country would ever become one again. The CCP ended those doubts with its victory over the ROC government in 1949. But the ROC survived and thrived on Taiwan, and the issue of One China took on a new and different character.

Forced choice: America’s One-China/ two-China problem

From the victory of the Chinese Communist Party in 1949 until the 1990s, the PRC and the ROC each insisted that the United States and other countries had to choose between them regarding diplomatic relations and which of them would represent China in international organizations. Beijing still takes that position. Wash-

ington sided with the ROC until 1979 but then switched to the PRC. Yet Taiwan still existed in fact, and maintaining a substantive relationship with its government was still in the interests of the United States.

After 1949, the United States and other countries had to face competing claims over who was the government of China. On one side of the argument was the ROC government, which was founded in 1912 and was under the control of Chiang Kai-shek’s KMT after 1928. That regime had led China’s fight in the destructive eight-year war with Japan, and it was the ROC government that helped found the United Nations in San Francisco in 1945. But by 1979, Chiang’s government only controlled Taiwan and some other smaller islands. On the other side was the PRC government, which soon had control of the entire Chinese mainland and began a program of revolutionary social, economic, and political change. In the communist view, the ROC had ceased to exist and the PRC was its successor state. In the KMT view, the communists were bandits who had no right to rule nor a claim international legitimacy.

For the foreign powers, including the United States, this was a new situation. Throughout the decades of disunion, there had never been a long-term rivalry between any two Chinese entities each claiming internationally to be the government of China. From 1949 on, however, the PRC and the ROC competed in an intense, zero-sum rivalry over diplomatic relations with other countries and over membership in international governmental organizations. These two Chinese governments did not give foreign governments the luxury of having diplomatic relations with each. Instead, all countries had to choose.

Framing this competition were the principles of international relations established in the Treaty

of Westphalia of 1648, after 100 years of religious wars. To simplify, these principles stated that sovereign states were the constituent members of the international system; each state had a clearly defined territory and no territory was shared by two or more states; and, each state had the right to rule in the territory under its jurisdiction (thus excluding the authority of the church).

These principles have evolved over the centuries and they are not always applied in practice. For example, some states are members of the U.N., where membership is open to sovereign states, but they lack the capacity to rule within their territory (the situation in China before 1949 and in a number of African and Middle Eastern countries today). The Republic of China today is not a U.N. member but its government is much more capable than what exists in most developing countries. In some states, there are arrangements to create dual, pooled, or shared sovereignty (for example, the United States and the European Union).¹² Still, these principles remain at the core of the international system, and they shaped the PRC-ROC competition after 1949.

Under this framework, the state called China has existed for centuries, even though its political unity has waxed and waned. In the first half of the 20th century, the ROC was a member of the League of Nations and many other international organizations. The post-1949 competition between the PRC and the ROC was essentially to establish which government represented China in the international system, and at present, the PRC has basically won that contest. It has diplomatic relations with most countries around the world. It represents China in most international organizations and has resisted Taipei's current effort to

have some role in international governmental institutions, even if the desired participation is less than formal membership.

On the issue of territory, as noted, the Westphalian approach is that all geographic territory belongs to one state or another and that each state has its well-defined territory. Specific procedures exist to delineate and mark borders between states. States may disagree over which of them owns a specific piece of territory, and they sometimes go to war to end the disagreement, but the principle remains.

In the China case, the question is whether the geographic territories of Taiwan and the associated Penghu Islands are part of the sovereign territory of the state called China. The consistent answer of the PRC is that they do. Traditionally, the position of KMT governments was the same. But with Taiwan's democratization, the view has emerged among some on the island that Taiwan is not a part of China and that it should be its own state. That remains a minority view, but it exists. The more widespread view is that if Taiwan's belonging to China means that it belongs to the PRC and all that entails, then they want no part of it. As I have written elsewhere, *how* Taiwan is to be part of China will determine the verdict of the Taiwan public on *whether* they are willing to agree that Taiwan is a part of China.¹³

Returning to the post-1949 period, the United States put up with the zero-sum competition between the ROC and the PRC, and the opposition by each to a two-China solution. Sooner or later, most American foreign policy professionals likely concluded that the best thing for U.S. diplomacy would have been for Washington to have diplomatic relations with both the PRC and the ROC, and

¹² Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999).

¹³ Bush, *Untying the Knot*.

for each to become members of the U.N. But neither Beijing nor Taipei would allow that. So Washington accepted that it would have to choose which of the two governments represented China in the international system and have diplomatic relations with one or the other. In the early 1950s, Washington chose the ROC, and did so for both strategic and political reasons. Its basic Asia policy was the containment and isolation of the communist PRC, in part through alliances with and military forward deployment to friendly countries on the PRC's periphery. Politically, Chiang Kai-shek and the ROC retained strong political support in the U.S.

For the Truman administration, this was a reluctant default choice, because it had little confidence in the capacity of Chiang Kai-shek's regime to survive. Thus, it refused to appoint an ambassador from 1950 through 1952. In any event, the beginning of the Korean War negated any possibility of recognizing Beijing. But the Eisenhower administration was more forward leaning. Strategically, it regarded Taiwan as one link in the chain of containment against China and so normalized relations with the ROC. Washington upgraded diplomatic relations with Taipei and appointed an ambassador (the U.S. would have no diplomatic presence in Beijing until 1973). Taiwan became the leading recipient of American economic aid, and the U.S. military re-established its ties with Taiwan's armed forces and established a significant presence on the island. Washington supported the ROC's continued presence in the U.N. This comprehensive rapprochement culminated in the U.S.-ROC mutual defense treaty, which was concluded in late 1954 and ratified in 1955. U.S. domestic politics reinforced this strategic choice: Congress and the media strongly supported the ROC in general and Chiang Kai-shek in particular.

Washington's approach on the territory issue was more interesting. The Truman administration initially took the position that Taiwan was a part of China, but once the Korean War began, U.S. officials were afraid that an all-out communist offensive had begun in Asia. It therefore shifted its position to say that the status of Taiwan was yet to be determined. The rationale was that if Taiwan were legally deemed to be a part of China, then its conflict with Beijing was a civil war, into which neither the United States nor the United Nations could legally intervene. That created the ironic situation that Washington recognized the ROC as the government of China but reserved judgment on whether Chinese sovereign territory included Taiwan, the only territory the ROC controlled.¹⁴ Both Beijing and Taipei rejected the U.S. position categorically.

Yet the Eisenhower administration realized that it could not totally ignore Beijing, even though it sided with the ROC when it came to diplomatic relations and membership in the United Nations, and despite its strategy of containment against the PRC with Taiwan's help. The PRC existed and its actions affected U.S. interests. Even though Washington officially recognized one China (the ROC), in fact it accepted the reality of two Chinas.

A tense episode in the fall of 1954 and early 1955 brought home the imperative of dealing with the PRC. It began when the People's Liberation Army shelled the ROC-controlled island of Jinmen, just off the coast of Fujian province. Eisenhower and his secretary of state, John Foster Dulles, knew both that Jinmen and other offshore islands had no military value, but that their loss to the PRC would damage morale on Taiwan and the reliability of the U.S. defense commitment. Nonetheless,

¹⁴ The only exceptions were some small islands just off the Chinese coast that the Nationalist military held and that were generally recognized to be part of Fujian province.

the islands were so vulnerable to communist attack that Washington might have to go to the extreme length of using nuclear weapons to protect them, which would likely trigger the Soviet Union's security commitment to the PRC.

So in the spring of 1955 the Eisenhower administration agreed to open a communications channel with Beijing at the ambassadorial level in order to reduce tensions and manage crises. In effect, the United States took these and other steps in order to work around the forced choice that both Taipei and Beijing imposed. Chiang Kai-shek strenuously opposed these initiatives because he believed that they granted legitimacy to a "bandit" regime and had the unacceptable political effect of creating two Chinas. In a sense, he was correct: *de jure*, Washington had a One-China policy; *de facto*, a two-China policy.

Unfortunately for the ROC, the status quo of the 1950s could not be sustained. The world was changing, particularly in two ways. First, a large number of African nations were gaining their independence and were more ideologically inclined to the PRC than the ROC. Forced to choose between the two, they picked Beijing. Second, a deep rift was emerging between the PRC and the Soviet Union over a wide range of ideological, foreign policy, and security issues. Sooner or later, it would occur to U.S. decisionmakers that the enemy of their enemy might be their friend.

The United Nations was the ROC's Achilles' heel. During the 1950s the United States had been able to block any consideration of membership for the PRC, but with the change in the composition of the organization's membership, that was no longer possible. Together, Taipei and Washington had to fight an annual battle to prevent the ejection of the ROC from the U.N. Washington devoted considerable time and political clout to preserving

Taipei's membership, but the trend was clear. To prevent the ROC's expulsion, U.S. officials began in the late 1950s to proactively explore ways that Beijing and Taipei might both be U.N. members and in a manner consistent with international law. These efforts accelerated in the Kennedy and Johnson administrations. The most creative approach was to posit that there were two "successor states" to the ROC that had been present at the founding of the U.N.: the PRC and the ROC on Taiwan. Actually, officials were realistic enough to assume that Beijing at least would reject such approaches out of hand. But, they reasoned, if Taipei went along with what could be portrayed as a reasonable compromise, it would be harder for countries that had supported PRC membership so far to do so in the future. The immediate challenge was to convince Chiang Kai-shek. On that, U.S. diplomats failed. Ideologically opposed as he was to anything that hinted of two Chinas, Chiang rejected the proposal out of hand.

More important was the fundamental strategic shift occurring in international politics: the Sino-Soviet split. American China specialists and Democratic members of Congress had begun in the mid-1960s to argue for a new policy approach toward the PRC, and through skillful signaling during the Vietnam War, the United States and the PRC had managed to limit the possibility that their support for South and North Vietnam, respectively, would lead to direct conflict, as had happened in Korea a decade before. But it was Richard Nixon who best understood the logic of cultivating Beijing in order to use it as a counterweight against Moscow. As soon as he became president in 1969, he took steps to initiate that cultivation. This effort culminated first in National Security Adviser Henry Kissinger's secret trip to Beijing in July 1971 and Nixon's own visit to China in February 1972. The Nixon opening both removed the last obstacle to the PRC's assuming

China's membership in the U.N. in October 1971 and laid the foundation for Jimmy Carter's normalization of relations with the PRC in 1978-79.

Despite the strategic imperative of the U.S.-PRC rapprochement, neither the Nixon nor Carter administrations could (or would) avoid the forced choice concerning One-China.¹⁵ In Nixon's first meeting with Chinese Premier Zhou Enlai, he stated a set of principles relating to Taiwan. The first was "There is one China, and Taiwan is a part of China. There will be no more statements made... to the effect that the status of Taiwan is undetermined." The second was that the United States did not and would not support Taiwan independence.¹⁶ The text of the Shanghai Communiqué, which was issued at the end of Nixon's visit was more ambiguous on these issues. It said, "The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States does not challenge that position."¹⁷ That is, the Nixon administration did not adopt for itself what "all Chinese" maintained. Leaving aside the issue of how Nixon and Kissinger could have known what people on Taiwan believed since it was still an authoritarian system, there is also the difficulty of interpreting what it means to acknowledge a position and then not challenge it. Yet privately at least, the Nixon administration had made a choice of one China instead of two, had associated itself with the view that the territory of Taiwan was a part of China, and had begun a shift toward regarding the PRC as the government of China.

The more important document was the communiqué on establishment of diplomatic relations, is-

sued simultaneously on the morning of December 16, 1978, in Beijing and the evening of December 15, 1978, in Washington. It did not just state policy but it announced fundamental actions. The first sentence of the normalization communiqué read: "The United States of America recognizes the government of the People's Republic of China as the sole, legal government of China." Washington would continue to formulate a formal One-China policy, but it now viewed the PRC, not the ROC, as the government of China.

The rhetorical position of the United States on "one China, not two" was elaborated in the August 1982 communiqué on American arms sales to Taiwan. Therein, the Reagan administration stated that the United States "reiterates that it has no intention of... pursuing a policy of 'two China's or one China, one Taiwan.'" Bill Clinton elaborated further in June 1998, when he uttered the so-called "three nos," that the United States did not support two Chinas or one China/one Taiwan, Taiwan independence, or Taiwan's membership in international organizations for which statehood was a prerequisite. Yet all of these elements arguably reiterated past American policy.

The issue of territory—whether the geographic entity of Taiwan is a part of the state called China—is surrounded with confusion. General observers believe that through the normalization communiqué, the United States recognized both that Taiwan was a part of China and that the PRC was the sole legal government of China. Therefore, in this view, the U.S. government regarded Taiwan was a part of the PRC.

¹⁵ It is interesting to speculate what might have happened if Nixon and Carter had tried to avoid a forced choice. The premise would have been that a weak and threatened China needed the United States more than the U.S. needed China. Would Beijing have accepted a less rigid approach to Taiwan? It is impossible to know.

¹⁶ Romberg, *Rein In at the Brink*, 42-43.

¹⁷ This discussion of the Shanghai Communiqué, the normalization communiqué, the arms sales communiqué, and the Taiwan Relations Act, including direct quotes, are drawn from Bush, *At Cross Purposes*, 124-178.

In fact, the normalization communiqué and subsequent statements did not state a U.S. position that Taiwan was a part of China. During the negotiations in the fall of 1978, Chinese diplomats tried to attribute to the United States its own position that Taiwan was a “province of China,” but President Carter gave strict instructions to reject this view.¹⁸ In the end, the communiqué’s second sentence said that the U.S. government “acknowledges *the Chinese position* that there is but one China and Taiwan is a part of China.” Gone was the awkward formulation of “all Chinese on either side of the Taiwan Strait,” and in its place was a vague reference to “the Chinese position.” Moreover, the sentence from the Shanghai Communiqué that the United States “did not challenge” the Chinese view was gone. By only acknowledging “the Chinese position,” the United States did not adopt as its own. The one flaw in this interpretation is that U.S. diplomats allowed the PRC side to use the stronger verb, “recognize,” in the Chinese text of the communiqué for the sentence stating the U.S. position on territory. The Carter administration claimed with justification that the English text was binding, but any PRC or Taiwan citizen who read the communiqué in their own language would believe that Washington had gone further than it said it did.¹⁹ The Reagan administration reinforced the interpretation of the English version of the communiqué in 1982 when it stated to Congress that the United States took no position on Taiwan’s sovereignty (i.e. whether the island belonged to China) and that this was an issue the two sides of the Strait should resolve.²⁰ This suggests that the previous U.S. position—that the status of Taiwan was undetermined—had not changed, Chinese views to the contrary notwithstanding.

¹⁸ *Ibid.*, 93

¹⁹ *Ibid.*, 99-101.

²⁰ Bush, *At Cross Purposes*, 174. An international law rationale for continuing to say that Taiwan’s status has yet to be determined, a logic that goes back to the 1950s, says that as long as that is the case, Taiwan is a matter of international concern regarding which other states have the right to act (e.g. by selling arms or coming to the island’s defense). Once the island is deemed to be a part of China and the United States recognizes the PRC as the government of China, it really is Beijing’s internal affair.

Bilateral relations and international organizations

Recognizing the PRC as the government of China cleared the way for Beijing to enter most international organizations. Although Taiwan was excluded from membership in organizations in the U.N. system, Washington sought to preserve its place in others and secure its participation even in some U.N. institutions.

Several concrete steps flowed from the U.S.-PRC rapprochement. First of all, the United States terminated diplomatic relations with the ROC and established them with PRC. The American embassy in Taipei was closed and the liaison office that had opened in Beijing in 1973 was converted to an embassy. This shift by the United States accelerated the trend of other countries recognizing Beijing instead of Taipei. Second, the path was now cleared for the PRC to take China’s seat in a number of international organizations. The United States would no longer work to facilitate dual representation by both Beijing and Taipei in these organizations, as it had tried to do within the United Nations in 1971. The organizations most important for China’s future economic development were the World Bank and the International Monetary Fund. The ROC was further isolated. (Changes in U.S. relations with Taiwan are covered in the next section.)

Yet in spite of Washington’s official One-China position in favor of the PRC when it came to international organizations, U.S. officials saw a value in having Taiwan be a member of certain organizations, if possible, or at least participate in some

way. So from time to time, the United States sought to find workarounds that would allow Taiwan to participate wherever possible. Thus, in 1983, under pressure from Congress and in spite of resistance from Beijing, the Reagan administration worked out a formula by which Taiwan could remain a member of the Asian Development Bank when the PRC entered. In 1990, the George H. W. Bush administration developed a formula under which the PRC, Taiwan, and Hong Kong *economies* all joined the Asia-Pacific Economic Cooperation grouping at the same time. The Clinton and George W. Bush administrations facilitated the entry of the PRC and Taiwan into the World Trade Organization at the same time. Different terms of art were created to refer to Taiwan—the most common being “Chinese Taipei”—but that was a small price to pay to ensure that Taiwan had a presence in the multilateral economic architecture.

But these three organizations were special cases. First of all, they were all economic organizations so having Taiwan as a member made sense since even Beijing acknowledged that the island was an economic entity. More importantly, the PRC was not already a member of these three organizations and thus could not exert leverage on other countries to block Taiwan’s full membership. In organizations in the United Nations system, where the PRC had replaced the ROC from 1971 on, it did have that ability to preclude Taiwan’s accession. In the 1990s, there was growing domestic pressure within Taiwan for some degree of participation in organizations like the United Nations and the World Health Organization. The Clinton administration was supportive, at least rhetorically, saying in 1994 that it supported Taiwan’s “voice being heard” in organizations for which statehood was required for membership. The Bush administration worked harder to push for Taiwan participation, but the hard fact was that Beijing could mobilize its friends to oppose the consensus these

organizations required to allow a role for Taiwan. In such multilateral settings, even significant U.S. efforts were unavailing. Beijing chose to regard Taipei’s efforts during the Lee Teng-hui and Chen Shui-bian governments to expand “international space” as part of a separatist plot, and so requiring intense opposition. The only partial exception to this exclusionism occurred during the presidency of Ma Ying-jeou, whom the PRC trusted to stay within a One-China framework. Even here, the concessions were small and grudging.

Unofficial ties with Taiwan

Although the Carter administration pledged that the United States would conduct ties with Taiwan on an unofficial basis, “unofficiality” was subject to a range of different interpretations by successive administrations. Generally, the trend has been toward more flexible interpretation. Quiet implementation of the changes resulting from this flexibility usually avoided diplomatic opposition from Beijing.

When the United States recognized the PRC, there was one more practical consequence for the conduct of policy. The 1978 normalization communiqué stated: “Within this context [of recognizing the PRC government as the sole legal government of China], the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan.” In making this pledge, the Carter administration was accepting Beijing’s demand that it terminate relations with Taipei. It then had to create *de novo* a new structure through which substantive relations would be conducted.

The Carter administration went a long way in meeting Beijing’s requirements, at least formally. Even the phrases “people of the United States” and

“people of Taiwan” were diplomatic terms of art that were consistent with the principle of unofficiality. Legally, the American Institute in Taiwan, which Congress authorized in the Taiwan Relations Act, was a private, nongovernmental organization. Taiwan had an analogous institution, whose name initially was the Coordination Council on North American Affairs (note the absence of any reference to Taiwan)

Operations were adjusted to preserve the façade of unofficiality. For many years, AIT’s employees had to formally separate from the government agencies where they worked (e.g. the Departments of State and Commerce) to serve in either AIT’s small Washington office or in a much larger office in Taipei. Once their tours were over, they returned to their home agencies (but magically their time at AIT was counted as time-in-service for their government pensions). Meetings between AIT officers and their Taiwan counterparts took place outside of government offices. For example, I served as chairman and managing director of AIT from 1997 to 2002 and headed its Washington office. There were certain places in Washington, where State Department and White House officials met with Taiwan officials. My AIT colleagues or I attended those meetings, which, so the logic went, made them unofficial.

The U.S. government had not negotiated with Beijing over these rules of engagement, and it always reserved the right to define what was official and what was unofficial. Yet in the first years after the end of diplomatic relations, Washington’s definition was strict, as if to demonstrate to Beijing that it was living up to its normalization commitment. These arrangements required the utmost forbearance on the part of Taiwan’s officials, for whom the form of diplomacy still had (and has) substantive meaning. They had to live with the daily marginalization that Beijing had imposed on them by

forcing Washington to make a choice. But because the United States was key to Taiwan’s security, its government had no choice but to accept unofficiality and all of the baggage that came with it.

As far as the substance of U.S.-Taiwan relations was concerned, AIT and its Taiwan counterparts became an effective workaround to cope with formal unofficiality. In fact, AIT was an arm of the U.S. government that conducted U.S. government business. From the inside, and in most respects, the Taipei office of AIT operates like an embassy.

There were, of course, no objective definitions of officiality and unofficiality. In some cases, American officials had an easy time deciding which was which. A clear-cut case of officiality was the visit of Lee Teng-hui to the United States in June 1995, to give a speech at Cornell University, his alma mater. It had long been within the ambit of unofficiality for Taiwan’s president and other very senior officials to *transit* a U.S. city on the way to and from another country, assuming the two governments agreed on the length of the stay and what the official would do during that brief stop. But a *visit*, coming to the United States and participating in public events, was seen as another case entirely. How, the logic went, could we say with a straight face that a visit by Taiwan’s president was not official? The Clinton administration therefore opposed Lee’s proposed visit, but broad and strong congressional pressure forced it to reverse its stance. The Congress either did not appreciate the importance of unofficiality as a key element in U.S.-China policy, or it did not care.

In between the clearly official and clearly unofficial, there are a lot of grey areas. For example, Taiwan’s foreign minister may visit the United States but not the Washington area. The rationale is that the foreign minister is Taiwan’s leading diplomat-

ic official, and diplomacy is by definition official for purposes of U.S. policy. In fact, the U.S. definition of unofficiality changed over time, in the direction of looser interpretations. Practices that early on were regarded as official were now seen as being within the parameters of the unofficiality commitment. The most well-known liberalization occurred during the Clinton administration with the formal “Taiwan Policy Review” of 1994. Among the steps taken were the following:

- The name of the Taiwan government’s office in Washington was changed from the Coordination Council for North American Affairs to the Taipei Economic and Cultural Representative Office (TECRO), thus signaling that the organization was related to Taiwan.
- Taiwan’s diplomats in Washington and visiting Taiwan officials could visit U.S. officials in their offices, except for those working in the State Department, the Eisenhower Executive Office Building, and the White House. For example, as AIT chairman, I, on several of occasions, accompanied Taiwan’s minister of economic affairs to meetings with the secretary of commerce and the U.S. trade representative in their offices.
- U.S. employees of the Taipei office of the AIT could visit their counterparts in their offices no matter how high their level or jobs were.
- U.S. cabinet-level officials in economic and functional agencies were now permitted, when appropriate, to visit Taiwan.
- The transits of very senior Taiwan officials through the United States “for their convenience, safety, and comfort” was formalized.
- The United States would help Taiwan’s “voice to be heard” in international organizations for which statehood was required for membership.

Because it was well-known that the Clinton administration was conducting the Taiwan Policy

Review, expectations and worries were higher than otherwise might have been the case. Beijing, Taipei, and the members of Congress who had pressured the administration to go through the exercise in the first place were all dissatisfied with the result, but for different reasons.

Subsequent improvements occurred, which caused less ruckus because they received less publicity. For example, after the Taiwan Strait crisis of 1995-96, the Clinton administration realized that it was in the American interest that senior U.S. national security officials meet with their Taiwan counterparts periodically in the United States to clarify and coordinate the two governments’ respective policies. Similarly, meetings between defense officials began during that same period and over time expanded the security relationship well beyond arms sales. By 2016, a Pentagon official described the broad scope of those interactions:

As part of our broad defense and security assistance agenda, we are constantly engaged with Taiwan in evaluating, assessing, and reviewing its defense needs. Together we have, and will continue to work with Taiwan, in areas that include: the development and implementation of joint doctrine, improving service interoperability, increasing overall readiness, making training more demanding and realistic, identifying measures of effectiveness, and developing a professional non-commissioned officer corps. These actions enable self-defense and force development.

High-level talks with Taiwan represent another element of our comprehensive and durable partnership. From defense policy to foreign policy, from senior-leader political-military dialogues to pilot training, these exchanges between the U.S. and Tai-

wan are strategic, professional, focused, and objectives based. Our common goal is to have a credible and visible deterrent to potential coercion and aggression against Taiwan.²¹

The George W. Bush administration decided, among other things, that the requirement in the Taiwan Relations Act that U.S. diplomats separate from the foreign service to work at the AIT office in Taipei wasted administrative resources and created a burden for the individuals concerned. So in 2003, working with the relevant congressional committees, the State Department secured legislation that authorized it to detail diplomats to AIT, thus negating the original requirement. In 2011, the Obama administration changed its previous guidance on where TECRO could hold its annual reception on the anniversary of China's October 1911 revolution, which the ROC has always celebrated as its national day. Previously the reception was held at a downtown hotel. Now, the reception could be held at Twin Oaks, the estate in northwest Washington that before 1979 was the residence of the ROC ambassador. Previous administrations had judged that using Twin Oaks for the reception would be "too official," but the Obama administration chose to interpret unofficiality in a more flexible way.

Four factors govern U.S. decisions on these matters. The first is an assessment of U.S. interests and whether improving existing practices would serve those interests. The changes in the late 1990s concerning high-level meetings and military-to-military contacts are examples. If there was even a small chance that the United States had to act on its stated concern for Taiwan's security, building prior relationships with the island's senior civilian

leaders and military establishment would facilitate cooperation during a conflict.

Second is the likely PRC reaction. Beijing has its own definition of what constitutes officiality in U.S.-Taiwan relations, and not surprisingly it is stricter than Washington's interpretation. For example, it vociferously opposed the Lee Teng-hui visit to Cornell in 1995, and once it happened Beijing triggered a downturn in both U.S.-China relations and Beijing-Taipei relations. But the PRC government has adjusted its approach as well. What it might have opposed at one time was tolerated later on. Indeed, it may judge that closer contact between U.S. and Taiwan senior officials may constrain actions by Taipei that Beijing regards as a challenge to its interests. The PRC is more likely to object to an action carried out very publicly than one that is done more quietly, by both Washington and Taipei. The Lee visit and the Taiwan Policy Review of 1994 were too overt to ignore. But Beijing accommodated changes like the shift from separation to detailing regarding U.S. diplomats serving in Taipei, and it tolerated the use of Twin Oaks for TECRO's reception every October.

The third factor governing Washington's degree of flexibility on officiality is the policy approach by the Taiwan government. If Taipei's objectives overlap well with U.S. interests and if the two sides conduct relations professionally and follow the norm of "no surprises," then a looser interpretation of flexibility is possible. If U.S. officials perceive that there is a difference over goals that might undermine peace and stability in the Taiwan Strait, they will be reluctant to accommodate liberalizing changes. For instance, Washington grew increasingly reluctant to accommodate Taipei during the Lee Teng-hui and Chen Shui-bian

²¹ David Helvey, "Remarks to the U.S.-Taiwan Business Council Defense Industry Conference," (speech, Williamsburg, VA, October 3, 2016), <http://china.usc.edu/david-helvey-remarks-us-taiwan-business-council-defense-industry-conference-oct-3-2016>.

administrations, but was more flexible during Ma Ying-jeou's presidency.

The fourth factor is political pressure in the United States. This can come from Congress, as in the Clinton administration, or from a new administration that believes that greater flexibility is both possible and necessary. That was true in the early George W. Bush administration and appears true of the Trump administration thus far.

In short, the administrations that followed Jimmy Carter's presidency have interpreted the unofficial commitment to Beijing with increasing flexibility. Most changes have come not as the result of a formal Taiwan Policy Review like that in the Clinton administration. Rather, each new administration weighs the aforementioned factors and, as appropriate, makes adjustments in the conduct of U.S. relations with Taiwan. When they have usually done so quietly, the odds of avoiding problems with Beijing increase.

Resolution of the fundamental cross-Strait dispute

The United States takes no position on how the two sides of the Taiwan Strait should resolve their differences on substantive issues. It does, however, consistently state an “abiding interest” in peace and security in the Taiwan Strait. The Taiwan Relations Act conveys a political commitment to come to Taiwan’s defense if the PRC were to attack the island militarily. Taiwan’s democratization complicated how the United States should act on its interest in preserving peace and security, and it has, at times, employed an approach of “dual deterrence.”

Much of the One-China policy concerns how the U.S. and Taiwan governments interact in the ab-

sence of diplomatic relations. Yet a fundamental and consistent element of the policy is how the differences between the PRC and the ROC are resolved, if ever. That is because unification, somehow combining the two sides of the Taiwan Strait into one, is one of the options for resolving the perennial dispute.

It is the PRC that sees unification as the only option for resolving the dispute, and its only formula for unification has been the approach it calls “one country, two systems.” This is the same approach that Beijing has used for Hong Kong and Macau, which became special administrative regions of the PRC with fairly broad authority to manage their own affairs. Still, Beijing maintained control over which local people would be in charge. For example, Hong Kong kept the common law legal system it inherited from the British and its residents have enjoyed civil and political rights, but voters pick only half the members of the Honk Kong Legislative Council through free and fair elections. The chief executive is selected by a committee of 1,200 members, almost three-fourths of whom take Beijing's preferences into account as they make their choice.

The Taiwan public has opposed the one country, two systems formula ever since it was proffered in the early 1980s. For some, it was defective because it did not accept that the ROC was a sovereign entity. A minority of citizens has no desire for the island to be unified with China on any terms, and their idealistic solution would be that Taiwan become an independent country (something Beijing resolutely opposes). At least hypothetically, there are other options for resolving the dispute besides these two. Some type of confederal arrangement would accommodate both Beijing's desire for a political union and acknowledge the claim that Taiwan is a sovereign entity. What Taiwan most fears is that the PRC would choose sometime in the future to end the dispute by the use of force. The

possibility that it might try to intimidate Taiwan into submission without war cannot be ruled out. Because none of these options are feasible in the near term, the default for the people of Taiwan is to work within the context of a complex status quo.

The United States has always eschewed any discussion on the substance of the fundamental dispute resolution. It has dissociated itself from certain outcomes, saying that it does not pursue a policy of two Chinas and one China, one Taiwan, and that it does not support Taiwan independence. But if Beijing and Taipei were to mutually decide on their own to adopt any of these approaches, Washington would not object. At the same time, Washington has never associated itself with Beijing's reunification formula. Its key question has always been the process by which the two sides resolve their dispute.

Consistent with their goal of preserving peace and stability in the Taiwan Strait area, successive U.S. administrations have stated an "abiding interest" in the peaceful resolution of cross-Strait differences. As long ago as the late 1950s, the Eisenhower administration tried to get the PRC to renounce the use of force in handling the Taiwan issue, but to no avail. Beijing has always taken the position that Taiwan is an internal affair, not subject to foreign interference, and that it can use any means it chooses to resolve the dispute.

This conflict between Washington's "abiding interest" and Beijing's refusal to renounce the use of force was played out in the three U.S.-PRC communiqués:

- In the Shanghai Communiqué of 1972, the Nixon administration was able to include the sentence, "It [the United States] reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves." In the communiqué, the PRC reiterated in its own

statement its position that Taiwan was its internal affair that brooked no external interference.

- There was no mention of the issue in the 1978 normalization communiqué, but by prior understanding, Jimmy Carter made this statement when announcing normalization: "The United States is confident that the people of Taiwan face a peaceful and prosperous future. The United States continues to have an interest in the peaceful resolution of the Taiwan issue and expects that the Taiwan issue will be settled peacefully by the Chinese themselves." Beijing did not directly challenge those sentences, but in its own statement did say, "As for the way of bringing Taiwan back to the embrace of the motherland and reunifying the country, that is entirely China's affair."
- In the arms sales communiqué of 1982, China reiterated that the Taiwan question was its internal affair but cited two official statements from 1979 that outlined "a fundamental policy of striving for peaceful unification of the Motherland." The United States expressed its understanding and appreciation of this policy, and said that it created "a new situation... with regard to the Taiwan question." Still, China's stated policy of peaceful reunification did not constitute a renunciation of the use of force.

Other documents and statements addressed the issue of how cross-Strait differences were to be resolved:

- The Taiwan Relations Act of 1979 stated that it was U.S. policy to consider that "any effort to determine the future of Taiwan by other than peaceful means, including boycotts and embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States." But this was a statement of policy only, and had no binding effect on the executive branch.

- The “six assurances,” which the Reagan administration conveyed to Taiwan just before the release of the arms sales communiqué, included pledges that Washington would neither mediate the cross-Strait dispute nor pressure Taipei to negotiate with Beijing.
- In June 1996, in the wake of Lee Teng-hui’s visit to the United States and the intimidating PRC military exercises that followed (including test firing of missiles in waters close to the island), Secretary of State Warren Christopher stated that, “We have emphasized to both sides the importance of avoiding provocative actions or unilateral measures that would alter the status quo or pose a threat to peaceful resolution of outstanding issues.”²² This statement was notable for specifying that both Taipei and Beijing had a responsibility to preserve peace and stability.
- As noted above, in March 2000, Bill Clinton stated that the United States should be “absolutely clear that the issues between Beijing and Taiwan must be resolved peacefully and with the assent of the people of Taiwan.” Implied in this statement was the reality that Taiwan had a democratic system and that Beijing would have to satisfy Taiwan’s leaders as well as the public in any effort to resolve the dispute.

There is an implicit linkage that can be drawn from these key documents and statements that is relevant to the question of how the cross-Strait dispute should be resolved. The linkage is between the U.S. government’s recognition of the PRC as the government of China and its commitment to unofficiality in its ties with Taiwan on the one hand, and Beijing’s policy commitment to using peaceful means in settling that dispute on the other. This is

in no way a legally binding undertaking between the United States and the PRC. Beijing regards the Taiwan issue as its internal affair and has been unwilling to renounce the use of force. Over the years, it has built up military capabilities relevant to Taiwan in order, it would say, to deter Taiwan’s leaders from seeking *de jure* independence. In its 2005 anti-secession law, it stated three conditions under which it would be authorized to use “non-peaceful means” in response: “In the event that the ‘Taiwan independence’ secessionist forces should act under any name or by any means to cause the fact of Taiwan’s secession from China, or that major incidents entailing Taiwan’s secession from China should occur, or that possibilities for a peaceful reunification should be completely exhausted.”²³ In the absence of such conditions, however, Beijing would likely prefer to achieve its goals concerning Taiwan by political means rather than by military ones. One factor strengthening that preference is the adherence of the United States to the One-China policy, plus the possibility that the United States would intervene to defend Taiwan in case of an attack. So even though this linkage is not a binding commitment and should be constantly evaluated, a probabilistic statement is possible: Beijing is more likely to stick to its peaceful policy as long as Washington adheres to its One-China policy.

But the linkage also goes the other way. If Beijing were to choose to resolve the dispute through a unilateral use of force, that would fundamentally affect U.S. policy toward both the PRC and Taiwan. How it would do so has always depended, and will continue to depend, on the specific circumstances. Yet a key reason for Beijing’s restraint on the use of force has been fear of the U.S. reaction and the consequences for its interests.

²² Warren Christopher, “American Interests and the U.S.-China Relationship,” (speech, New York, May 17, 1996), <http://dosfan.lib.uic.edu/ERC/briefing/dossec/1996/9605/960517dossec1.html>.

²³ “Anti-Secession Law (Full Text),” Embassy of the People’s Republic of China in the United States, March 15, 2005, <http://www.china-embassy.org/eng/zt/999999999/t187406.htm>.

The usual focus of any discussion of the use of force by the PRC is whether the United States would come to Taiwan's defense and how credible any commitment to do so would be. In late 1954, the United States and the ROC concluded a mutual defense treaty, in which Washington said that an armed attack against Taiwan "would be dangerous to its own peace and security" and that it "would act to meet the common danger in accordance with its constitutional procedures." As with all treaties, the United States still faced challenges in reassuring Taipei about the credibility of its commitment.

When, in 1978, the Carter administration announced that it would terminate the defense treaty (as Beijing had demanded), the U.S. Congress tried to use the Taiwan Relations Act to create a replacement security commitment. In the end, it accomplished less than Members of Congress believed.²⁴

Section 2 of the TRA created policy statements that are relevant. Subsection 4 said that any effort to determine the future of Taiwan by other than peaceful means would be considered "a threat to the peace and security of the Western Pacific area and of grave concern to the United States." Subsection 6 said that it was U.S. policy "to maintain the capacity of the United States to resist any resort of force or other forms of coercion that would jeopardize the security, or the social or economic system of the people on Taiwan." Yet such congressional statements have no binding effect on the executive and, after all, the president is commander in chief. Moreover, although these clauses illustrate how the United States should regard an attack and how it should be prepared to respond, it says nothing about *how* to respond.

That was the subject of section 3(c), which declared: "The President is directed to inform the Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the U.S. arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger." These sentences are written as binding statements, but actually do less than they seem. The action required in the first sentence is to inform the Congress. The action required in the second "shall determine... appropriate action" that would be taken in response to any threat to the peace, and the reference to "constitutional processes" implicitly references the president's power as commander in chief. Nowhere in the TRA is there a statement analogous to the treaty's declaration to "act to meet the common danger." If there is a U.S. commitment to Taiwan's defense, it is more political than legal. Still, the belief in Taiwan, the PRC, and some quarters in the United States, is that the commitment is stronger legally than it is.

Taiwan's democratization in the 1990s complicated the U.S. commitment to Taiwan's security. The assumption all along had been that the PRC would be the one to create a conflict. But the emergence of Taiwan independence sentiment and its association with the Democratic Progressive Party now fostered fear in Beijing that a Taiwan leader might declare independence. Because the PRC regarded national unification as a fundamental regime goal, it deemed any outcome that negated the possibility of unification as an issue of war and peace. Consequently, U.S. decisionmakers had new reason to worry that they might have to act on the political commitment embodied in the TRA. Both during the late Lee Teng-hui era and most

²⁴ The other security demand that Beijing made in return for normalization was the withdrawal of U.S. military personnel and installations from the island.

of the Chen Shui-bian administration, they feared to some degree that Taiwan might actually take steps that would be considered a move toward independence. Even more, they worried that Beijing would exaggerate the challenge presented from an action taken by Taiwan and then overreact in a coercive way. At the same time, there was annoyance from U.S. policymakers that a Taiwan leader might appeal for domestic political support from Taiwan nationalists that Beijing would interpret as evidence of an intention to change Taiwan's status.

The policy approach that was deployed during the Clinton and George W. Bush administrations was what I call "dual deterrence." Washington had both warnings and reassurances for both sides of the Taiwan Strait. To Beijing, the U.S. warned against the use of force but stressed that we did not support Taiwan independence. To Taipei, the U.S. warned against political steps that objectively might provoke a coercive response from the PRC, but offered assurance that the United States would not sacrifice Taiwan's interests for the sake of good relations with Beijing. The balance of warning and reassurance shifted over time depending on the circumstances. The clearest U.S. policy statement of this approach was Warren Christopher's assertion about "both sides... avoiding provocative actions or unilateral measures that would alter the status quo or pose a threat to peaceful resolution of outstanding issues."²⁵ Dual deterrence was not necessary during the Ma Ying-jeou administration because he and his counterparts worked to stabilize the relationship with Beijing and reduce the possibility of conflict to a low level. But circumstances could emerge in the future that necessitate reviving the approach, such as the growth in Chinese military power and Taiwan's attendant vulnerability.

The hope, of course, is that political restraint on the part of Taiwan's leaders, Taiwan's own military capabilities, the presence of U.S. forces deployed in the Western Pacific, and Washington's warnings to Beijing will together deter the PRC from taking military or coercive action against Taiwan. Among other things, such PRC restraint will help to maintain the floor under U.S.-China relations. If deterrence fails, however, and the PRC decides to use force to "make China one again," it is highly likely that U.S. policy toward China would change fundamentally. American public and congressional support for Taiwan and antipathy toward the PRC would be too strong to permit a continuation of business as usual. A PRC attack on Taiwan would also be a fundamental test of U.S. credibility in Asia and the world. It is impossible to predict the scope and depth of the deterioration of relations that would occur. A reversal of the U.S.'s current One-China policy—recognizing the government in Taipei and re-establishing diplomatic relations—might not be the first action on Washington's list. If Beijing's attack were to be successful, reversal of the One-China policy would not be an option. But the deterioration of U.S.-China relations would still be profound.

Process and the One-China policy

Missing from this discussion of the United States' One-China policy has been the question of how American decisionmakers formulated that policy. In fact, there were several occasions over the last 75 years when the United States made decisions concerning Taiwan and its relationship with China without much ROC consultation. This happened both before the ROC government lost the war with the communists and then again after it relocated to Taiwan. Moreover, the decisions were

²⁵ Christopher, "American Interests and the U.S.-China Relationship."

made with little or no regard for the opinions of the people of the island. To be sure, for most of that period it was not possible to gauge the opinion of the people of Taiwan because they lived under authoritarian governments. These historical cases include:

- FDR’s wartime decision to return Taiwan to China after the end of the World War II.
- The Truman administration’s decision that it would accept the fall of the island to the communists, which it deemed likely until North Korea invaded South Korea in June 1950.
- Richard Nixon’s opening to the PRC in 1971-72 and his private statements to Chinese leaders that it was his view that Taiwan was a part of China (the Shanghai Communiqué was vague on the matter).
- Jimmy Carter’s decision to establish diplomatic relations with the PRC, put relations with Taiwan on an unofficial basis, and terminate the mutual defense treaty with the ROC.
- Ronald Reagan’s acceptance of the arms sales communiqué, which at least temporarily created concern in Taiwan that it increasingly would be vulnerable to a PRC attack.

In some of these cases, U.S. officials argued that Taiwan had the resilience to survive in spite of these changes to the bilateral relationship. These predictions turned out to be true, but not necessarily because these officials were so prescient at the time. It is very true that successive administrations improved Taiwan’s prospects by working around the formal strictures of the One-China policy, and that Taiwan’s leaders were generally willing to work within the remaining parameters. But the fact remains that several American presidents did negotiate over the heads of Taiwan’s people and their government on successive occasions. President Chiang Ching-kuo’s decision in 1986 to liberalize and democratize the Taiwan political

system made it harder—if not impossible—for the United States to do that thereafter. Bill Clinton acknowledged that new reality when he said in March 2000 that any resolution of cross-Strait differences had to have the “assent of the people of Taiwan.”

It is therefore politically—if not morally—imperative that no U.S. administration consider negotiating with Beijing concerning cross-Strait relations and Taiwan’s future without taking into account the views of the Taiwan people. There is extensive polling in Taiwan that provides ample evidence about how people feel about the island’s relationship with the PRC. Moreover, Taiwan’s president and legislators are selected through elections and to some significant measure represent the popular will. Taiwan’s president and its senior diplomats have the best-informed sense of the island’s interests and deserve to be fully consulted on any significant changes in U.S. policy that will affect those interests.

One-China policy dos and don’ts

The U.S. One-China policy is difficult to navigate, and as explained in this report, both actions and words bear equal weight of importance for Beijing and Taipei. The Trump administration would be wise to adhere to the following guidelines to ensure the One-China policy encourages stability, consistency, and peace across the Taiwan Strait.

1. DO NOT state as the position of the U.S. government that Taiwan is a part of China.
2. DO NOT use the phrase “One-China principle” (the PRC term). Instead, continue the practice of referring to “our One-China policy.”
3. DO NOT take a position on the merits of one country, two systems as a substantive formula for resolving the Taiwan Strait dispute.

4. DO continue to restate the “abiding interest” of the U.S. in a resolution of the dispute that is peaceful and acceptable to the people of Taiwan.
5. DO urge both Beijing and Taipei to conduct cross-Strait relations with flexibility, patience, creativity, and restraint.
6. DO emphasize to Beijing that the principal obstacle to its achieving its goal of unification is not U.S. arms sales to Taiwan, but the opposition of the Taiwan public to its unification formula.
7. DO continue to provide weaponry to Taiwan that is tailored to meet the existing and likely future threat from the PRC.
8. DO continue interactions with Taiwan’s defense establishment on how to strengthen deterrence.
9. DO deepen our substantive interaction with Taiwan on bilateral issues.
10. DO work with Taiwan to find ways to enhance its international role and participation in international governmental institutions where it is not a member.
11. If it is in the U.S. interests to take steps to improve bilateral relations with Taiwan, DO NOT implement those changes in ways that create a public challenge to Beijing.
12. DO consult in advance with leaders of Taiwan on any changes in U.S. policy toward the island—either positive or negative—before making them. Taiwan’s leaders are the best judges of whether those steps will serve their interests.

The Author

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