



Signposts Signify Troubled Waters Ahead for Taiwan-U.S. Relations

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ABSTRACT

The issue of Taiwan's independence and protection is reminiscent of Poland's position in the late 1930s, facing unbridled aggression from Nazi Germany. Great Britain and France promised to declare war if Germany attacked Poland. However, after Germany attacked Poland on September 1, 1939, neither Great Britain nor France deployed troops to Polish soil to rebuff the attack and restore Poland's sovereignty. The promise of assistance was an empty promise that the Polish people paid dearly. History teaches us that an ambiguous assistance policy will not stop naked aggression. A firmer stance and a more transparent approach are warranted from a diplomatic standpoint. This article is an essay that sets forth and supports the premise that the United States should clarify and strengthen its position of support for Taiwanese independence.

Keywords: Taiwan, Independence, Foreign Policy, Taiwan Foreign Relations Act, Sino-American Mutual Defense Treaty, COMAC, Boeing, Airbus

INTRODUCTION

The United States has a complicated history with Taiwan. The United States involvement with Taiwan stems from decisions made during World War II. In World War II, Japan, as a member of the Axis powers, was engaged in an expansionist drive to conquer significant parts of mainland China for raw materials and resources to feed its domestic economy.¹ To oppose the Japanese expansion, the United States supported the separate Chinese national groups (consisting of Chinese Nationalists and Communists) that joined together in their fight against the Japanese.² This support manifested in the United States allying itself with the Chinese Nationalist government led by Chiang Kai-Shek.³ However, as the war raged on the Chinese Communists gained large swaths of territory.⁴ In the aftermath of World War II, the peace between the Chinese factions ended. In the ensuing Chinese civil war, the Chinese Communist party, led by Mao Tse-tung, gained control of mainland China.⁵ Chiang Kai-Shek fled with his Nationalist supporters to Taiwan, or the Republic of China.

Both leaders professed to be the true representative of the Chinese people.

HISTORICAL BACKGROUND

Prior to 1979, the United States officially recognized Taiwan as the capital of the

Republic of China based on the Sino-American Mutual Defense Treaty.⁶ Pursuant to this treaty, the United States promised to come to the defense of Taiwan should another country, such as China, attempt to conquer it through an invasion.⁷ From 1955 to 1979, China understood that any military action that it took against Taiwanese independence would trigger an armed response from the United States.

Therefore, during this time period, Taiwan was protected from a Chinese invasion.

Then in 1979, President Jimmy Carter unilaterally nullified the Sino-American Mutual Defense Treaty.⁸ The move officially removed recognition of Taiwan's sovereignty as

¹ Japan's Quest for Power and World War II in Asia, http://afe.easia.columbia.edu/special/japan_1900_power.htm (Last accessed Sep. 7, 2021).

² Second Sino-Japanese War, <https://www.britannica.com/event/Second-Sino-Japanese-War> (Last Accessed Sep. 7, 2021).

³ Id.

⁴ Id.

⁵ Chiang Kai-shek, <https://www.history.com/topics/china/chiang-kai-shek> (Last Accessed Sept. 7, 2021).

⁶ *What is the 'One China' policy?*, BBC NEWS, (Feb. 10, 2017), <https://www.bbc.com/news/world-asia-china-38285354>, last visited Aug. 30, 2021.

⁷ Id.

⁸ Terrence Smith, *Link to Taiwan Ends*, N.Y. TIMES (Dec. 16, 1978), <https://www.nytimes.com/1978/12/16/archives/link-to-taiwan-ends-carter-in-tv-speech-says-we-recognize-reality.html>, last visited Aug. 30, 2021.

an independent country by the United States. The nullification of the treaty was done in an effort to strengthen economic ties with Mainland China.

In response, Congress moved swiftly on this topic and passed the Taiwan Relations Act which guaranteed that the United States would safeguard the peace of the Taiwanese nation.⁹

Commenting on the action taken by Congress, then Senator Jacob Javits voiced the sentiment of many legislators when he said, "...the important point is that we must substantively protect our responsibility to Taiwan, and it is in our highest national interest to do so."¹⁰

While the language in the Taiwan Relations Act stopped short of guaranteeing an armed response, under the law, the United States would have to provide some form of assistance to Taiwan to preserve its sovereignty and peace if it were attacked.¹¹

Protection of Taiwan is a principle clearly enunciated in the legislative intent of the Taiwan Relations Act.

The Taiwan independence and protection situation is somewhat reminiscent of Poland's position in the late 1930s facing unbridled aggression from Nazi Germany. Great Britain and France promised to declare war if Germany attacked Poland. However, after Germany attacked Poland on September 1, 1939, neither Great Britain nor France deployed troops to Polish soil to rebuff the attack and restore Poland's sovereignty.

The promise of assistance was an empty promise for which the Polish people paid dearly. History teaches us that an ambiguous policy of assistance will not stop naked aggression. From a diplomatic standpoint, a firmer stance and clearer policy is warranted.

IS TAIWAN ABOUT TO BE INVADED BY CHINA?

China's actions in recent years serve as a testament to the need for not just promises but meaningful action by the United States.

In January 2019, the Chinese President, Xi Jinping, made a speech in which he unequivocally stated that China would use force if necessary to reunite Taiwan with mainland China.¹² China's actions prior to and subsequent to President Xi's speech support this aggressive stance and serve as a threat to the national security and peace of Taiwan.

For instance, in 2018 China engaged in a series of acts against Taiwan rightfully perceived as confrontational. China sent fighters and bombers from its air force to violate Taiwanese airspace, which prompted Taiwan to scramble its jets in response.¹³ In April 2018, China released footage of its army conducting a mock invasion of a Taiwanese village.¹⁴ Then in June 2018, the Chinese navy conducted military drills in the Taiwan Strait simulating an invasion of Taiwan.¹⁵ In August 2018, China issued a rebuke to the United States seeking to block Taiwanese President Tsai Ing-wen's visit to the National Air & Space Administration (NASA).¹⁶

Recently, on June 15, 2021, and again on September 5, 2021, China again sent a large armada of aircraft into airspace adjacent to Taiwan, which prompted Taiwan to scramble fighter jets to observe and protect its airspace.¹⁷

China's overtly provocative acts have been accompanied by a diplomatic strategy in trade that has led many of Taiwan's allies to sever ties with the country in order to foment an economically prosperous relationship with China.¹⁸ Collectively, President Xi's speech; the provocative military moves; and the economic isolation send a clear message that China is pursuing a path designed to achieve repossession of Taiwan's territory and culture. With the proverbial noose tightening, Taiwan,

⁹ Michael J. Green, *What Is the U.S. "One China" Policy, and Why Does it Matter?*, CSIS: Center for Strategic and International Studies, (Jan. 13, 2017) <https://www.csis.org/analysis/what-us-one-china-policy-and-why-does-it-matter>, last visited Aug. 30, 2021.

¹⁰ U.S. Senate Comm. On Foreign Relations, *Hearings Before the Committee on Foreign Relations United States Senate Ninety -Sixth Congress*, U.S. GOV'T PRINTING OFFICE, 11 (1979).

¹¹ Id.

¹² Xi Jinping says Taiwan 'must and will be' reunited with China, BBC NEWS (Jan. 2, 2019), <https://www.bbc.com/news/world-asia-china-46733174> (last visited Aug. 30, 2021).

¹³ John Ruwitch, *China Sends a Record 28 Military Planes Into Airspace Controlled by Taiwan*, NPR (June 15, 2021), <https://www.npr.org/2021/06/15/1006921645/china-sends-a-record-28-military-planes-into-airspace-controlled-by-taiwan> (last visited Aug. 30, 2021).

¹⁴ *Chinese military flaunts footage of its tanks destroying 'Taiwanese troops' in simulated combat amid growing tensions*, DailyMail.com (Dec. 18, 2020), <https://www.dailymail.co.uk/news/article-9067689/China-flaunts-footage-battle-tanks-engaging-simulated-street-combat-against->

Taiwan.html?ns_mchannel=rss&ns_campaign=1490&ito=1490 (last visited Aug. 30, 2021).

¹⁵ Ben Westcott & Serentie Wang, *Xi Jinping sends warning to Taiwan, United States with live-fire drills*, CNN (April 16, 2018), <https://www.cnn.com/2018/04/15/asia/taiwan-us-china-xi-jinping-drills-intl/index.html> (last visited Aug. 30, 2021).

¹⁶ Keoni Everington, *The right stuff: Tsai first Taiwanese president to visit NASA*, Taiwan News (Aug. 20, 2018), <https://www.taiwannews.com.tw/en/news/3510465> (last visited Aug. 30, 2021).

¹⁷ Taiwan scrambles jets against renewed Chinese military activity, Reuters.com (Sep. 5, 2021), <https://www.reuters.com/business/aerospace-defense/taiwan-scrambles-jets-against-renewed-chinese-military-activity-2021-09-05/> (last visited Sep. 7, 2021).

¹⁸ Rob Schmitz, *Taiwan Loses 2 More Allies to China and Scrambles Jets to Track Chinese Bomber Drills*, NPR (May 25, 2018), <https://www.npr.org/sections/parallels/2018/05/25/613620512/china-poaches-2-more-allies-from-taiwan-as-beijing-continues-military-drills> (last visited Aug. 30, 2021).

especially after observing the sequence of events in Hong Kong¹⁹, may be forced into the position of declaring independence from China in order to protect its sovereignty. The potential for disaster exists if the issue of Taiwanese independence is not handled with sound policy decisions, diplomacy, and forethought in lieu of as a reaction to aggressive economic and military moves by China.

Since the passage of the Taiwan Relations Act, different U.S. administrations have taken different approaches to foreign policy with respect to Taiwan. Some administrations have directly provided Taiwan with the resources that it needs to mount a defensive posture against Chinese aggression. Other administrations pursued a more muted policy designed to appease mainland China wherein the United States did not supply significant military hardware. During the Trump Administration, there were advisers who favored providing big ticket military items such as fighters for an air force, armed drones, and smart mines. Those advisers faced pushback based on the President's stated position of asking the United States' allies to increase their own spending on self-defense versus relying on costly military aid supplied by the United States at the expense of its taxpayers. In the end, the United States sold more than \$1.8 Billion worth of arms to Taiwan which was significantly more than previous administrations.²⁰

An examination of different administrations' policies towards Taiwan since President Carter's abandonment of the Sino-American Mutual Defense Treaty shows a record of inconsistent long-term policy toward Taiwanese independence and the scope of military aid provided by different United States Presidents. As a result, some forty years on since abandonment of the Sino-American treaty, the US still does not have a clear policy on the scope of assistance to be rendered to Taiwan in order to protect its sovereignty and independence if the country were attacked as part of a reclamation effort by China. Taiwan sees itself as an independent state empowered and imbued with sovereignty and the right to decide its own affairs. China, as part of its two systems one nation policy, sees Taiwan as an extension and territory subject to its governance.

Examining the economic impact of an ambiguous assistance policy lends credence to the premise that a clearer stance is needed. In 2019, Taiwan's Gross Domestic product (GDP) was estimated at \$586.1 billion with a population of 24 million people.²¹ Trade between the United States and Taiwan in 2019, was estimated at \$103.9 billion with more than \$40 billion worth of trade

exported from the US and more than \$60 billion worth of trade imported into the US from Taiwan.²² For the United States, Taiwan is the 13th largest goods export market.

Consider the negative ramifications to the global aviation industry if Taiwan loses its independence. For example, the aviation industry contributes \$2.7 Trillion dollars to the world gross domestic product. China Airlines, the national airline of Taiwan, operates a fleet of aircraft that consists of 38 Airbus aircraft and 51 Boeing aircraft.²³ A major shift in the purchasing habits of Taiwan could significantly alter this segment of the economy to the detriment of the US and Europe. The Chinese Commercial Aviation Company (COMAC) is making significant inroads into carving away market share from Airbus and Boeing through its sales of recently certified commercial airliners to companies throughout Asia. If Taiwan were to be subsumed back into mainland China, then any future sales of commercial aircraft would likely be directed by the state towards COMAC. The US (Boeing) and Europe (Airbus) would lose out on billions of dollars in trade. These lost sales to China would result in significant job loss and a decline in economic activity within the aviation sector of both the United States and European countries. The impact of an unclear policy on Taiwan contains the potential to do great harm to global trade as well as Taiwanese and American trade interests.

The failure of not having a clear foreign policy on how to support Taiwan in case of an independence declaration has the potential to subsume other issues, such as global trade and immigration, into the sphere of influence and decision making. Could Alaska, Hawaii, Washington, Oregon, and California handle a sudden mass migration of fleeing Taiwanese people seeking to escape Chinese communist rule or a senseless war?

Consider how two seemingly unrelated issues could be fused together to cause the United States to seriously consider agreeing to sacrifice Taiwan's independence. First, the US wants the Korean peninsula to be denuclearized. Is the US willing to forego safeguarding Taiwan independence in exchange for China's promise to reign in North Korea to denuclearize and an end the Korean War? Alternatively, is the US amenable to sacrificing Taiwanese independence in exchange for the cessation of Chinese construction on atolls in the South China Sea? Both moves would signify major shifts in the stability of the Asian-Pacific region. The removal of a nuclear threat combined with the absence of threat of war would enable South Korea to entertain the notion of reforming its compulsory military service and possibly recharge reunification talks. Alternatively, the cessation of

¹⁹ With the passage and implementation of the National Security Act, China has successfully squashed the fight to maintain the democratic process in Hong Kong.

²⁰ "US Approves \$1.8bn weapons sale to Taiwan," Oct. 22, 2020. (BBC News).

²¹ <https://ustr.gov/countries-regions/china/taiwan> (Accessed Sept. 6, 2021).

²² Id.

²³ Airbus is a European airline transport category aircraft manufacturer, and Boeing is an American airline transport category aircraft manufacturer.

Chinese build-ups in the South China Sea would serve to guarantee the security of open sea lanes for passage of international trade. One of the results would be reduction in global insurance rates for the maritime industry, which in turn would reduce costs for trade.

Navigating complicated and thorny issues in the realm of international law is fraught with difficulties on any given day. However, with Taiwan's independence, there is the real possibility that in a worst-case scenario with missteps in foreign policy; through inexperience and a failure to appreciate the consequences of certain actions, the situation could precipitate into one that draws American soldiers into direct, armed conflict with China. President Biden has the opportunity to work with Congress to create and then pursue a policy that incentivizes China to recognize Taiwanese independent. Ignoring the problem is not going to make it go away and kicking the proverbial can down the road is not going to make resolving the issue easier later.

TO ACHIEVE LASTING PEACE TAIWAN'S INDEPENDENCE MUST BE RECOGNIZED WORLDWIDE

While the signposts on Taiwan independence signify troubled waters ahead, what appears to be missing is a thoughtful long-term policy initiative supporting Taiwanese independence with clear cut strategies to achieve those goals peacefully. Instead, the situation has been stoked to a higher level of fervor with the sale of arms to Taiwan in 2020 and the policy announced by the US State Department in 2021 encouraging federal government officials to embrace meeting with Taiwanese officials. China responded to both of these moves by increasing its military activities in the Taiwan Strait; increased incursions into Taiwan airspace, and warnings to the United States not to give support to those in Taiwan who seek to declare formal independence.²⁴ Policy makers should not sit back and allow the situation to unfold on China's timeline without having a plan. Why not? Because the outcome will be one that negatively impacts the interests of the United States and could end up costing American lives, not to mention sacrificing Taiwanese independence and sovereignty, which has been a fundamental part of the United States' foreign policy in Asia since 1949.

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²⁴ "U.S. Issues Guidelines to Deepen Relations with Taiwan," Apr. 9, 2021 (Reuters).