



Taiwan: Select Political and Security Issues

Taiwan, which officially calls itself the Republic of China (ROC), is an island democracy of 23 million people located across the Taiwan Strait from mainland China. Since January 1, 1979, U.S.-Taiwan relations have been unofficial, a consequence of the Carter Administration's decision to establish diplomatic relations with the People's Republic of China (PRC) and break formal diplomatic ties with self-ruled Taiwan, over which the PRC claims sovereignty. The Taiwan Relations Act (TRA, P.L. 96-8; 22 U.S.C. 3301 *et seq.*), enacted on April 10, 1979, provides a legal basis for this unofficial bilateral relationship. It also includes commitments related to Taiwan's security.

Trump Administration Policy

Before his inauguration, President Trump signaled that he might seek closer relations with Taiwan. On December 2, 2016, President-elect Trump spoke by telephone with Taiwan's President Tsai Ing-wen, making him the first incoming or incumbent U.S. president known to speak with a Taiwan president during the era of unofficial relations. In a December 11, 2016, interview, President-elect Trump appeared to question the longstanding U.S. "one-China" policy, under which the United States maintains only unofficial relations with Taiwan. In a February 9, 2017, telephone call with PRC President Xi Jinping, however, President Trump recommitted the United States to its "one-China" policy. Asked in an April 2017 interview about whether he might speak by telephone again with President Tsai, Trump said he "wouldn't want to be causing difficulty right now for [President Xi]" and would "want to speak to him first" before agreeing to speak to President Tsai again.

The Trump Administration's National Security Strategy, released in December 2017, states that the United States "will maintain our strong ties with Taiwan in accordance with our 'One China' policy, including our commitments under the Taiwan Relations Act to provide for Taiwan's legitimate defense needs and deter coercion." In March 2018, the President signed the Taiwan Travel Act (P.L. 115-135) into law. In May 2018, the White House Press Secretary released a statement dismissing as "Orwellian nonsense" and "political correctness" the PRC's demand that foreign airlines refer to Taiwan as part of China on their websites. In June 2018, Assistant Secretary of State for Education and Cultural Affairs Marie Royce led a U.S. delegation to Taiwan for the dedication of a new complex for the American Institute in Taiwan (AIT), the entity through which the United States conducts its unofficial relationship with Taiwan. Then-AIT Director Kin Moy presented the \$255-million compound as "a tangible symbol that the United States is here to stay."

Taiwan's Modern History

China's Qing Dynasty ceded Taiwan to Japan at the end of the First Sino-Japanese War in 1895. Taiwan was a Japanese colony for the subsequent 50 years. The Republic

of China, which was founded in 1912 on mainland China and led by the Kuomintang Party (KMT), assumed control of Taiwan in 1945, after Japan's defeat in World War II. In 1949, after losing a civil war on mainland China to the Communist Party of China, the KMT moved the seat of the ROC across Taiwan Strait to Taipei, while the Communists established the PRC on mainland China. As many as two million Chinese fled with the KMT to Taiwan.

On Taiwan, the KMT maintained authoritarian one-party rule until 1987, when it lifted martial law and began allowing political liberalization. President Tsai's Democratic Progressive Party (DPP), founded in 1986, claims credit for a major role "in toppling the KMT's one-party dictatorship." Taiwan held its first direct parliamentary election in 1992 and its first direct presidential election in 1996. The May 2016 inauguration of President Tsai marked Taiwan's third transfer of political power from one party to another through a peaceful electoral process. In 2016, the DPP also ended the KMT's previously unbroken control of Taiwan's legislature.

Long after the retreat to Taiwan, the KMT continued to assert that the ROC government was the sole legitimate government of all China. In 1971, however, United Nations General Assembly Resolution 2758 recognized the PRC's representatives as "the only legitimate representatives of China to the United Nations," and expelled "the representatives of Chiang Kai-shek," the ROC's president at the time. Taiwan has remained outside the United Nations ever since. Taiwan today claims "effective jurisdiction" only over Taiwan, the archipelagos of Penghu, Kinmen, and Matsu, and a number of smaller islands. ROC sovereignty claims also include disputed islands in the East China Sea and South China Sea.

U.S. Commitments Related to Taiwan

Four documents underpin U.S. policy on Taiwan: three joint communiqués concluded with the PRC in 1972, 1978, and 1982, plus the 1979 Taiwan Relations Act. The key commitments the U.S. government made to the PRC in the three joint communiqués were that the United States would recognize the PRC as the "sole legal government of China"; acknowledge, if not endorse, "the Chinese position that there is but one China and Taiwan is part of China"; and maintain only unofficial relations with Taiwan.

Passed by Congress in April 1979, after the termination of official relations with Taiwan, the Taiwan Relations Act provides the legal basis for unofficial relations. Key provisions include:

- Relations with Taiwan shall be carried out through AIT, a non-profit corporation. (AIT Taipei performs many of the same functions as U.S. embassies around the world and is staffed by U.S. government personnel assigned or otherwise detailed to AIT.)

- It is U.S. policy “to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.”
- It is U.S. policy “to maintain 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 on Taiwan.”
- The United States “will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.”

The TRA does not require the United States to come to Taiwan’s defense, but does require it to maintain the capacity to do so, creating “strategic ambiguity” regarding the U.S. role in the event of a PRC attack on Taiwan.

The Six Assurances

The Trump Administration has stated that the U.S.-Taiwan relationship is also “guided” by “Six Assurances” that President Ronald Reagan communicated to Taiwan before the announcement of the 1982 U.S.-PRC communiqué. They include an assurance that in the negotiations, the United States did not agree “to engage in prior consultations with Beijing on arms sales to Taiwan,” and did not agree to set a date for ending arms sales to Taiwan.

The PRC, Taiwan, and “One China”

The PRC maintains that mainland China and Taiwan are parts of “one China” whose sovereignty cannot be divided. A 2005 PRC Anti-Secession Law commits Beijing to “do its utmost with maximum sincerity to achieve a peaceful unification” with Taiwan, but states that in the case of Taiwan’s “secession” from China, or in a situation in which the PRC concludes that possibilities for peaceful unification have been exhausted, “the state shall employ non-peaceful means and other necessary measures to protect China’s sovereignty and territorial integrity.”

President Tsai’s predecessor, Ma Ying-jeou of the KMT, pledged support for a political formula known as “the 1992 consensus,” under which both sides of the Taiwan Strait acknowledged Taiwan and mainland China as parts of “one China,” but retained their own interpretations of what “one China” meant. Under that formula, Taipei and Beijing held 11 rounds of quasi-official high-level talks and signed 23 cross-Strait economic and functional agreements.

The PRC has called on President Tsai to affirm “the 1992 consensus,” or to use her own words to affirm that, “both the Mainland and Taiwan belong to one and the same China and that cross-Strait relations are not state-to-state relations.” Tsai has neither refuted nor endorsed the notion that Taiwan and mainland China are parts of “one China.”

In June 2016, the PRC announced that it had suspended “communication mechanisms” with Taiwan because of President Tsai’s unwillingness to endorse “the 1992 consensus.” Since President Tsai’s January 2016 election, Beijing has stepped up pressure on Taiwan in many areas:

- Diplomatic: Since 2016, five countries that previously recognized Taiwan have established diplomatic relations

with the PRC: the Gambia, Sao Tome and Principe, Panama, the Dominican Republic, and Burkina Faso. Eighteen countries continue to recognize Taiwan.

- International space: The PRC blocked Taiwan’s attendance as an observer at the 2017 and 2018 annual meetings of the World Health Assembly (WHA), the governing body of the World Health Organization.
- Military: The PRC is increasingly dispatching military aircraft to circumnavigate Taiwan and sending naval task forces into waters east of Taiwan.
- Civil aviation: In January 2018, the PRC unilaterally announced new commercial aviation routes over the Taiwan Strait, violating a 2015 agreement with Taiwan.
- Judicial: In November 2017, PRC authorities sentenced a Taiwan activist, Lee Ming-che, to five years in prison for “subversion of state power,” the first time anyone from Taiwan is known to have faced such charges.
- Commercial: In 2018, the PRC stepped up demands that foreign airlines refer to Taiwan as part of China on their websites. Most airlines have complied.

Taiwan’s Security

The United States terminated its Mutual Defense Treaty with Taiwan in 1980, but still supports Taiwan’s military through dialogues, training, and arms sales made on the basis of the Taiwan Relations Act. In June 2017, President Trump notified Congress of seven major Foreign Military Sales to Taiwan with a combined value of \$1.36 billion. In April 2018, the State Department issued licenses to allow U.S. firms to market technology to Taiwan for its indigenous submarine program. Any sale of such technology would require a separate export license. In June 2018, Secretary of Defense Jim Mattis said that the United States “remains steadfastly committed” to arms sales to Taiwan. He also said, “We oppose all unilateral efforts to alter the status quo [across the Taiwan Strait], and will continue to insist any resolution of differences accord with the will of the people on both sides of the Taiwan Strait.”

Select Legislation in the 115th Congress

The Taiwan Travel Act (P.L. 115-135) states that it “should be the policy of the United States” to allow U.S. officials at all levels to visit Taiwan and to allow high-level Taiwan officials to visit the United States and meet with U.S. officials. The National Defense Authorization Act (NDAA) for FY2018 (P.L. 115-91) includes a “sense of Congress” statement that the United States should “consider the advisability and feasibility” of port calls between the U.S. and Taiwan navies. It also requires reports and briefings for Congress on the status of Taiwan’s arms sales requests. The conference report for the NDAA for FY2019 (H.R. 5515) would include a provision requiring the Secretary of Defense to conduct a comprehensive assessment of Taiwan’s military forces and submit a report to Congress with a plan to facilitate related recommendations, expand U.S.-Taiwan senior military-to-military engagement and joint training, and support U.S. arms sales to Taiwan.

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