



Taiwan: Select Political and Security Issues

Taiwan, which officially calls itself the Republic of China (ROC), is an island democracy of 23.6 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

After initially questioning the long-standing U.S. "one-China" policy, President Donald J. Trump used a February 2017 telephone call with PRC President Xi Jinping to recommit the United States to the policy, under which the United States maintains only unofficial ties with Taiwan, while upholding the TRA. Using language consistent with that of previous administrations, the Trump Administration's December 2017 National Security Strategy 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."

Since 2017, the Administration has at times made statements and taken actions that have diverged from past practice. In May 2019, the United States hosted a meeting between the U.S. and Taiwan National Security Advisors, reportedly the first such meeting in the era of unofficial relations. In June 2019, the Department of Defense released an Indo-Pacific Strategy Report in which it referred to Taiwan as a "country," and made no reference to the U.S. one-China policy. On September 13, 2019, the American Institute in Taiwan (AIT), the non-profit corporation through which the United States conducts unofficial relations with Taiwan, and the Taipei Economic and Cultural Representative Office in the United States (TECRO), the entity that acts on behalf of Taiwan in the United States, signed a memorandum of understanding (MOU) "regarding certain consular functions." Although consular relations usually imply official relations, the MOU refers not to governments but to "the authorities" that AIT and TECRO represent.

In September 18, 2019, testimony before the House of Representatives, however, Assistant Secretary of State for East Asian and Pacific Affairs David Stilwell signaled a commitment to the traditional framework of relations. He referred to Taiwan as a "non-state" entity and referenced 1970s-era U.S.-China communiqués addressing U.S. relations with the PRC and Taiwan, stating, "We, certainly, want to remain inside our own commitments to the PRC."

Taiwan's Modern History

China's Qing Dynasty ceded Taiwan to Japan at the end of the First Sino-Japanese War in 1895. 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 to the Communist Party of China, the KMT moved the seat of the ROC to Taipei, and the Communists established the PRC on mainland China.

Figure I. Taiwan



Source: Graphic by CRS. Map generated by Hannah Fischer using data from NGA (2017); DoS (2015); Esri (2014); DeLorme (2014).

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 some smaller islands. It also claims disputed islands in the East and South China Seas.

On Taiwan, the KMT maintained authoritarian one-party rule until 1987, when it began allowing political liberalization. Taiwan held its first direct parliamentary election in 1992 and its first direct presidential election in 1996. The May 2016 inauguration of current President Tsai Ing-wen of the Democratic Progressive Party (DPP) marked Taiwan's third peaceful transfer of political power from one party to another. In 2016, the DPP also ended the KMT's

previously unbroken control of the Legislative Yuan, Taiwan's 113-member legislature.

The DPP suffered deep losses in November 2018 local elections. It now controls 6 of Taiwan's 22 municipalities, to the KMT's 15, with one in the hands of an independent. Taiwan is to hold presidential and legislative elections on January 11, 2020. President Tsai is running for re-election. The KMT candidate is Kaohsiung Mayor Han Kuo-yu.

U.S. Commitments Related to Taiwan

Four documents have long underpinned U.S. policy on Taiwan: the TRA and joint communiqués concluded with the PRC in 1972, 1978, and 1982. In the communiqués, the United States said it would recognize the PRC as the “sole legal government of China”; acknowledge, if not affirm, “the Chinese position that there is but one China and Taiwan is part of China”; and maintain only unofficial relations with Taiwan. The United States does not take a position on Taiwan's future status, but insists that it be resolved peacefully without resort to threats or use of force.

Key provisions of the TRA include:

- Relations with Taiwan shall be carried out through AIT. (AIT Taipei performs many of the same functions as U.S. embassies elsewhere and is staffed by U.S. government personnel assigned or 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 defend Taiwan, but states that is U.S. policy 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

President Ronald Reagan communicated what became known as the “Six Assurances” to Taiwan before the announcement of the 1982 U.S.-PRC communiqué. They include an assurance that in the negotiations with the PRC, 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.” On January 2, 2019, PRC President Xi recommitted the PRC to peaceful unification, but reserved the option to use force. He called for exploring “a Taiwan plan for ‘one country, two systems,’” a reference to an arrangement under which mainland China and Taiwan would be parts of one country, but maintain different political and other systems.

Unlike her KMT predecessor, President Tsai has not endorsed the “1992 consensus,” under which Taiwan and the PRC acknowledged “one China,” but retained their own interpretations of what it meant. In March 2019, she lodged objections to Xi's “one country-two systems” plan, saying it, “unilaterally undermines the status quo, eliminates the sovereignty of the Republic of China (Taiwan), and forces Taiwan to accept unification with China.”

The PRC announced in June 2016 that it had suspended contacts with Taiwan because of President Tsai's unwillingness to endorse the “1992 consensus.” Since Tsai's 2016 election, the PRC has increased pressure on Taiwan. It has, for example, established diplomatic relations with eight countries that previously recognized Taiwan: the Gambia, Sao Tome and Principe, Panama, the Dominican Republic, Burkina Faso, El Salvador, the Solomon Islands, and Kiribati, leaving Taiwan with 15 diplomatic partners. The PRC has stepped up bomber, fighter, and surveillance aircraft patrols around Taiwan, and on March 31, 2019, allowed two of its J-11 fighter jets to cross over the median line in the Taiwan Strait for the first time in 20 years. The PRC has also blocked Taiwan's attendance as an observer at annual World Health Assembly meetings, which Taiwan attended from 2009 to 2016.

Taiwan's Security

The United States terminated its Mutual Defense Treaty with Taiwan in 1980. It engages with Taiwan's military today through dialogues, training, and arms sales. The Trump Administration has notified Congress of proposed major Foreign Military Sales cases for Taiwan on five occasions (11 cases with a combined value of about \$11.76 billion). The largest case, notified on August 20, 2019, is for 66 F-16C/D Block 70 aircraft and related equipment and support, worth an estimated \$8 billion. The PRC strongly objects to U.S. arms sales to Taiwan, as well as to U.S. Navy transits of the Taiwan Strait. The U.S. Navy conducted 7 such transits in the first 8 months of 2019.

Select Legislation in the 116th Congress

In the 116th Congress, H.Res. 273 and S.Con.Res. 13, both agreed to by their respective chambers, reaffirm the U.S. commitment to Taiwan and the TRA. The National Defense Authorization Act for FY2020 (H.R. 2500 and S. 1790), as passed by each chamber, would include provisions related to Taiwan's security. House-passed H.R. 3494, the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for FY2020, would require the Director of National Intelligence to submit a report on any PRC influence operations to interfere in Taiwan's 2020 election.

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