

**From “Strategic Ambiguity” to “Strategic Clarity”? The  
Role of the Taiwan Relations Act in the U.S.–China–Taiwan  
Relations under Trump’s Era**

By

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# INTRODUCTION

## Background

Forty years ago, after President Jimmy Carter announced a shift of diplomatic recognition from the Republic of China (ROC) to the People's Republic of China (PRC), the shocked and furious U.S. Congress immediately crafted a bill named Taiwan Relations Act (TRA),<sup>1</sup> which allows the U.S. to continue unofficial but substantive relations with Taiwan while maintain diplomatic relations with China until today.

Experiencing the tremendous changes both in Taiwan's politics and the international society over the past forty years, the TRA undoubtedly has been the most durable and effective laws for regulating the U.S.–Taiwan relations. As the AIT Chairman James F. Moriarty said, “the Taiwan Relations Act offered an adaptable framework for a wide-ranging relationship and provided a firm foundation for growth of those ties,” during his remarks at the “TRA and AIT@40: Celebrating 40 Years of Friendship” reception.<sup>2</sup> The TRA declares its main policies as follow: (1) peace and stability in the Western Pacific area are in the political, security, and economic interests of the U.S., and are matters of international concerns; (2) the U.S. expects that the future of Taiwan will be determined by peaceful means and considers any efforts 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 region and of grave concern to the U.S.; 3) the U.S. will continue to provide Taiwan with arms of a

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<sup>1</sup> "Taiwan Relations Act (Public Law 96-8, 22 U.S.C. 3301 Et Seq.)," American Institute in Taiwan, <https://www.ait.org.tw/our-relationship/policy-history/key-u-s-foreign-policy-documents-region/taiwan-relations-act/>.

<sup>2</sup> "Ait Chairman Moriarty's Remarks at Ait Taipei's Tra/Ait@40 Event," American Institute in Taiwan, <https://www.ait.org.tw/ait-chairman-moriartys-remarks-at-ait-taipeis-tra-ait40-event/>.

defensive character.<sup>3</sup> Due to the ambiguous textual contents of the TRA, it can be and has been flexible interpreted and implemented by the successive U.S. government since 1979, as the cornerstone of maintain peace in the Taiwan Strait. Yet, the U.S. administration's policy toward Taiwan seems to have entered a new stage after President Donald Trump won the presidency of the United States in 2016, and whether the TRA still can retain its meaning— is remained to be seen.

Since Trump took office, his “America First” foreign policy seems to make the relations between the U.S. and Taiwan more and more tight than before. We can see this point from several signs. Before Trump's inauguration, he took a congratulatory telephone call from Taiwan's President Tsai Ing-wen.<sup>4</sup> It apparently violated a long-standing one china policy of no direct contact between the U.S. and Taiwan presidents. Then, in last year, three bills which extend the spirit of the TRA enacted by the U.S. Congress and signed by Trump: the National Defense Authorization Act (NDAA),<sup>5</sup> the Taiwan Travel Act (TTA)<sup>6</sup> and the Asia Reassurance Initiative Act (ARIA).<sup>7</sup> The NDAA recommends that hold joint military exercises between the U.S. and Taiwan and strengthen the U.S. arms sales to Taiwan; the TTA encourages the reciprocal visits by high-level officials between Washington and Taipei; the ARIA reaffirms the above calls and all existing commitments to Taiwan, and reiterates the U.S. support for Taiwan's key role in its Indo-Pacific strategy.

Besides, with the trade war between U.S. and China has entered the stage of

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<sup>3</sup> Harvey J. Feldman, *The Taiwan Relations Act—Past, and Perhaps Future*, ed. Chi-Chuan Yang and Cheng-Feng Shih, The Taiwan Relations Act at Twenty (Taiwan: Vanguard Publishing Company, 1999), 71.

<sup>4</sup> Nadia Tsao, "Tsai-Trump Telephone Call Scheduled," *TAIPEI TIMES*, December 03, 2016.

<sup>5</sup> "H.R.5515 - John S. McCain National Defense Authorization Act for Fiscal Year 2019," <https://www.congress.gov/bill/115th-congress/house-bill/5515/text>.

<sup>6</sup> "H.R.535 - Taiwan Travel Act," <https://www.congress.gov/bill/115th-congress/house-bill/535/text>.

<sup>7</sup> "S.2736 - Asia Reassurance Initiative Act of 2018," <https://www.congress.gov/bill/115th-congress/senate-bill/2736/text>.

white heating and Taiwan once again did not participate in the 72nd World Health Assembly (WHA) due to the pressure from Beijing, the U.S.–Taiwan relations has shown unprecedented development. Earlier this year, the national security chiefs from two sides, David T. Lee and John Bolton, met each other during Lee’s undisclosed itinerary in the United States.<sup>8</sup> Then, a week after that, the Coordination Council for North American Affairs (CCNAA), an institution which Taiwan set up to manage ties to the U.S after 1979, changed its name to Taiwan Council for U.S Affairs (TCUSA).<sup>9</sup> This is the first time that “Taiwan” appeared in the name of formal institution between the U.S. and Taiwan.

What does this trend mean? Does this mean that Washington’s policy toward Taipei has gradually shifted from “ambiguity” to “clarity”? For the Taiwanese government, the tendency of more robust relations between the U.S. and Taiwan is positive and like what President Tsai Ing-wen said, “we have made significant progress in advancing this relationship.”<sup>10</sup> Yet, Trump's fickle and transactional mindset traits bring uncertainty to this relationship. He said the U.S. did not necessarily have to be bound by “one China” policy before his inauguration, and later he changed tack and honor it during a phone call with Chinese leader Xi Jinping after he tenured in office.<sup>11</sup> On the other hand, on the aspect of Taiwan’s security, Trump once asked: “What do we get from protecting Taiwan?”, during a meeting with his national security team.<sup>12</sup>

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<sup>8</sup> Matthew Strong, "Taiwan and U.S. National Security Chiefs Meet for First Time since 1979," *Taiwan News*, May 25, 2019.

<sup>9</sup> "Coordination Council for North American Affairs to Be Renamed Taiwan Council for Us Affairs," <https://english.president.gov.tw/News/5740>.

<sup>10</sup> "Vtc Speech and Q&a with Her Excellency President Tsai Ing-Wen of the Republic of China (Taiwan)", (paper presented at the The Taiwan Relations Act at Forty and U.S.-Taiwan Relation, CSIS Headquarters, April 9, 2019).

<sup>11</sup> Ben Blanchard and Steve Holland, "Trump Changes Tack, Backs 'One China' Policy in Call with Xi," *REUTERS*, February 10, 2017.

<sup>12</sup> Richard C. Bush, "Danger Ahead? Taiwan’s Politics, China’s Ambitions, and Us Policy," (Brookings

The triangular relationships between the U.S.–China–Taiwan has long been in a delicate balance. With Washington and Beijing have entered the stage of long-term “strategic competitive” relations, and cross-strait relations have deteriorated since President Tsai took in office, therefore, it is vital to explore and understand the meaning of Trump administration’s policy toward Taiwan. Does Washington regard Taiwan as a “bargaining chip” to contain the rise of China? And whether the TRA, still can thrive under Trump’s era?

### **Motivation**

Three reasons motivated me to do this research.

First, the victory of Donald Trump for the U.S. presidency in 2016 sent shockwaves throughout the world, affecting both profound alarm and uncertainty to the international political and economic order. The relations between U.S and Taiwan also seems to have undergone subtle changes under Trump’s “America First” policy, which is still shaping and full of uncertainties. As a result, ensuring that Taiwan's national interests and security are not compromised, the authors believe it is important to understand the meanings of Trump administration’s policy toward Taiwan.

Moreover, the implementation of the TRA has also entered in the 40th year. It has always been solid foundation for the U.S. to maintain its relations with Taiwan since 1979. Yet, with Trump took a new foreign policy which completely different than his predecessors before, it is time for us to explore the meaning of the TRA toward Trump’s Taiwan policy.

Serving mainly as an intern “advisor” at the U.S. Political Affairs Section, the Department of North American Affairs in the Ministry of Foreign Affairs (ROC) this

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Institution, April 15, 2019).



summer, I have opened my strong interest on the U.S.–Taiwan relations. I got opportunities for doing the research on the bilateral relations between the U.S. and Taiwan, Sino–U.S. relations and the U.S. domestic and foreign policy, as well as providing the reports and policy recommendations to the superiors.

### **Research Purpose**

The purpose of the study is to examine the role of the Taiwan Relations Act plays in the U.S.–China–Taiwan relations under Trump’s era. In order to answer the research purpose, this study mainly examines the interactions between the Trump administration and Taiwan, from January 2017 to August 2019.

### **Research Questions**

In order to answer the research purpose, the author designed two research questions as follows:

1. What is the meaning of Trump administration’s Taiwan policy?
2. What does the role of the Taiwan Relations Act play under Trump’s era?

### **Limits**

The study has two limits. First, the observation of this study only based on the public media and opinions from experts, they did not represent the actual and complete governmental interactions between the U.S. and Taiwan between January 2017 and August 2019. The author cannot obtain and observe the classified documents during this period.

The researcher and the interviewees are the second source of limits in the study.

The personal subjective views are hardly avoidable during the research process and interview. Therefore, the findings could be subject to other viewpoints.

### **Delimits**

The findings of the study only represented the Trump administration's policy toward Taiwan between January 2017 and August 2019. It did not manifest the whole term of Trump's Taiwan policy.

## LITERATURE REVIEW

### The Birth of the Taiwan Relations Act

#### Political Realism of International Relations

The advent of the Taiwan Relations Act is the result of inter-state competition under the realism of international relations, more specifically, the triangular competition between the United States, People's Republic of China (PRC) and Soviet Union (USSR) during the cold war.

In 1950, the slaughter between American soldiers and People's Volunteer Army in the battlefield of Korean War impelled Washington to construct a tight cooperative relationship with the Republic of China (ROC), who lost to Chinese Communist Party (CCP) in the Chinese Civil War. Over time, in order to deter PRC from using force against Taiwan and contain the expansion of communism, the President Eisenhower and President Chiang Kai-shek signed the U.S.-ROC Mutual Defense Treaty in 1954,<sup>13</sup> which stabilized the security and peace of the Taiwan Strait.

However, considering the threat of the Soviet Union increased dramatically and the Sino-Soviet border conflict since 1970s, the U.S. started to embrace the enemy of its enemy –PRC, through the goal of normalizing its relationship to contain the USSR. In 1972, after President Nixon visited China and signed the Shanghai Communiqué with Premier Zhou Enlai, with the wording “the United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is part of China,” the road to establish the diplomatic relations between two

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<sup>13</sup> Richard C. Bush, *At Cross Purposes: U.S.–Taiwan Relations since 1942* (New York: M.E. Sharpe, Inc, 2004), 59.

sides in the future has been paved.<sup>14</sup> This momentous journey of Nixon is like what he repeatedly described “The week that changed the world,”<sup>15</sup> yet, for Taiwan, it was “the week that open its nightmare.”

Both internal and external political turmoil for Washington and Beijing, the Water Gate Scandal, the Great Proletarian Cultural Revolution, the downfall of the Gang of Four and the Vietnam War, prevented Nixon and his successor Gerald R. Ford from completing the normalization. Besides, President Ford also faced the pressure of winning the 1976 presidential election.

Yet, it was Jimmer Carter who entered the White House and finished this sacred mission. Although he repeatedly claimed that he would not abandon Taiwan, under the influence of his staffs, promoting the establishment of diplomatic relations with Beijing is still the government's top priority. Despite the twists and turns in the negotiation process with China, Washington finally accepted Beijing’s three conditions that demanded by Deng Xiaoping during the Ford administration– the termination of formal diplomatic relations with the ROC, the abrogation of the 1954 U.S.-ROC Mutual Defense Treaty, and removal of all U.S. troops from Taiwan.<sup>16</sup> Later, on December 15, 1978, without prior consultation to the Congress, President Carter formally announced that the United States will establish diplomatic relations with China, and the U.S. thereafter would retain unofficial relations with Taiwan, on January 1, 1979.

But how should the U.S. conduct this so called “unofficial” relations with Taiwan? And how should more than sixty treaties and agreements between

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<sup>14</sup> David Shambaugh, *Tangled Titans: The United States and China* (Maryland: Roman & Littlefield Publishers, Inc, 2013).

<sup>15</sup> David Ignatius, "Nixon's Great Decision on China, 40 Years Later," *The Washington Post*, February 10, 2012.

<sup>16</sup> Dennis Van Vranken Hickey, "The Taiwan Relations Act: A Mid-Life Crisis at 35?," in *Taiwan Relations Act: Time For a Change?* (The Wilson Center, Mar 18, 2014), 2.

Washington and Taipei be maintained? In fact, the Carter administration anticipated that result early and therefore had a plan. After Secretary of State Cyrus Vance visited Beijing in August 1977, Richard Holbrooke, assistant secretary of state for East Asian and Pacific Affairs, ordered Harvey J. Feldman, director of the Office of Republic of China Affairs, to devise a system “whereby all essential U.S. ties with Taiwan could be maintained, but in the absence of any official American office.”<sup>17</sup> As a result, Feldman designed a private, non-governmental organization without official name but it would carry out the same functions like the U.S. Taiwan Embassy, which provide such as the consular, cultural, trade, investment and travel services, in Taipei. This organization is the American Institute in Taiwan (AIT) that we are familiar with today.

Feldman’s mission was suspended due to the renegotiating Panama Canal treaties and the Middle East peace process in November 1977.<sup>18</sup> One year later, his effort resumed and worked with Lee Marks, the senior deputy legal adviser in the State Department, drafted the text of the bill— the omnibus bill (S.245), which represented the Carter administration’s thoughts and became the basis for the Taiwan Relations Act.

### **Congressional Reaction**

Two main reasons that infuriated the 96th U.S. Congress. One was the President Carter ignored the prior consultation with congressional members, and second, was the administration drafted bill disregarded the Taiwan’s security.

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<sup>17</sup> Harvey J. Feldman, *The Taiwan Relations Act— Past, and Perhaps Future*, ed. Chi-Chuan Yang and Cheng-Feng Shih, *The Taiwan Relations Act at Twenty* (Taiwan: Vanguard Publishing Company, 1999), 2.

<sup>18</sup> *Ibid.*, 3.

According to an amendment to the International Security Assistance Act of 1978, it requested the U.S. Executive Branch hold prior consultation with the Congress if any policy changes affecting the Mutual Defense Treaty with Taiwan.<sup>19</sup> The reason that this amendment came out was there were some reports and rumors saying that Washington was considering a vital policy shift to Beijing. Therefore, Carter's decision astonished and angered the members in Congress like Rep. Lester L. Wolff, chairman of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, said he was "unhappy with methods to inform Congress of the decision and the failure of the Administration to consult with Congress on the substance of the decision."<sup>20</sup>

Then, perhaps the most key factor catalyzing both Republicans and Democrats to craft the TRA, was the omnibus bill drafted by the Carter administration, it only had three titles:<sup>21</sup>

Title I: Authorizes continued relations with the people of Taiwan, despite the lack of diplomatic recognition of the government of Taiwan. Provides for relations between the United States and Taiwan to be conducted by or through the American Institute in Taiwan and an instrumentality established by the people on Taiwan.

Title II: Authorizes U.S. departments and agencies to furnish and accept service to and from the Institute. Stipulates that alien employees of U.S. departments and agencies be transferred to the Institute. Authorizes U.S. departments and agencies to allow Federal officers and employees to separate from Federal service and accept employment with the Institute. Provides for the reinstatement of such employees with their former department or agency with no loss of rights and benefits.

Title III: Authorizes the appropriation of funds necessary to carry out the provisions of this Act. Authorizes the Secretary of State to use such funds to maintain commercial, cultural, and other relations with Taiwan.

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<sup>19</sup> David Tawel Lee, *The Making of the Taiwan Relations Act: Twenty Years in Retrospect* (New York: Oxford University, 2000), 39.

<sup>20</sup> Ibid.

<sup>21</sup> 96th Congress, "S.245 - Taiwan Enabling Act," <https://www.congress.gov/bill/96th-congress/senate-bill/245>.

All of these three provisions presenting the core ideas from the Carter administration—the creation of the AIT. Title I of the bill expressed that the U.S. would conduct bilateral unofficial relations with Taiwan through AIT despite establishing the diplomatic relations with PRC, and therefore the U.S. laws and regulations would continue to apply to the people on Taiwan as they had in the past; Title II enabled the U.S. government and agencies to give support to the AIT and ensured the rights and benefits of the federal employees; Title III authorized the appropriation of funds for AIT. Yet, this Act totally ignore the security issues of Taiwan as Senator Church described “the most glaring deficiency is the failure of the legislation to provide a statement of official policy concerning the future security of Taiwan.”<sup>22</sup>

Thereafter, once the administration’s bill was introduced to Congress, the legislative process must be started. Two congressional committees were responsible for this scared task, the Foreign Relations Committee from the Senate, respectively, the Foreign Affairs Committee from the House.

Starting from February 5, 1979, the Senate Foreign Relations Committee held four days hearings which dealt with the omnibus bill (S.245) sent by the Carter administration to the Capital Hill. The purpose of the hearings was to gather the witnesses such as the interested members of Congress, governmental officials and scholar experts, then, they used this platform to express their thoughts and insights on the legislation. After debated and compromised, the Senate passed its version— the Taiwan Enabling Act, on March 13. On the other hand, the House side started its hearings from February 7 to 8 which also invited the relative governmental and folk

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<sup>22</sup> David Tawel Lee, *The Making of the Taiwan Relations Act: Twenty Years in Retrospect* (New York: Oxford University, 2000), 50.

witness. The Foreign Affairs Committee passed its own act— H.R. 2479.

Once both the Senate and House offered their own versions, the final step was to reconcile the differences from two sides through the Committee of Conference. Notwithstanding both the two bodies from Congress worked on one similar issue, they need to provide only one Act to President for signature. Therefore, after the congressional representatives from Senate and House discussed, two versions were merged into one bill. Two Committees from the House and Senate passed that bill by overwhelming votes on March 28 and 29, respectively. Later, President Carter, who went through hesitation and careful consideration, signed the Act on the April 10, 1979, the last day must make decision required by law. The TRA thus formally became the Public Law 96-8 in the United States, and it is the only U.S. domestic law regulates relations with foreign government.

### **Taiwan's Reaction**

The scenario on December 27, 1978, revealed the ominous beginning to the TRA. When Deputy Secretary Warren Christopher and his delegation came to Taiwan in order to convey Washington idea of maintaining “unofficial” relations with Taipei, their motorcade was pelted with eggs, tomatoes, mud and rocks and attacked with sticks by the crowd.<sup>23</sup> Welcoming these U.S. officials at the airport, Fredrick Chen, the ROC Deputy Foreign Minister, clearly expressed to them “the future U.S.–Taiwan relations must be based on government-to-government ties.”<sup>24</sup> This was the embodiment of President Chiang Ching-kuo’s “five principles” of negotiation to

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<sup>23</sup> Don Oberdorfer, "Taiwanese Mob Pelts U.S. Diplomatic Team," *The Washington Post*, December 28, 1978.

<sup>24</sup> "Premier Sun Yun-Suan's Oral Report on Administration to the First Meeting of the 63rd Session of the Legislative Yuan," *Taiwan Today*, April 01, 1979.



Washington: “reality, continuity, security, legality and governmentality.” This includes requiring the U.S. to continue to recognize Taiwan’s legal and international status; reaffirming the assurance of Taiwan’s security through providing defensive weapons; establishing the intergovernmental representative institutions. Unfortunately, Warren’s mission was failed because the U.S. still insisted that only “unofficial” relations with Taiwan could be maintained while President Chiang maintaining his position.

However, with the pressure increased from Washington and faced political reality, Taipei finally accepted the “unofficial” relations with the U.S. by established the Coordination Council for North American Affairs (CCNAA) as a counterpart to the AIT in Taiwan, through a series of negotiations. Besides, the provisions of Taiwan’s security and arms sales added by the U.S. Congress to the TRA also reassured the Taiwanese government.

## **Objectives of the TRA**

The Taiwan Relations Act (TRA) presents five vital objectives: the unofficial political and economic relations between Washington and Beijing; human rights issue on Taiwan; the congressional oversight on the TRA; the Taiwan's security issue; the Taiwan's international participation.<sup>25</sup>

The last two objectives mainly formulated the role of “strategic ambiguity” under the U.S. policy toward Taiwan in the past forty years.

### **Unofficial Political and Economic Relations**

Once the United States established official ties with the People's Republic of China, it must maintain “unofficial” relations with Taiwan. The TRA provides this framework in subsection 2 of Section 2(a) of the TRA, it states that “to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan.”

Hence, the bilateral unofficial relations between the U.S. and Taiwan conducted through by two de facto “embassies”, the American Institute in Taiwan (AIT) in Taipei and its counterpart, the Taiwan Economic and Cultural Representative Office (TECRO) in Washington, DC. Both two representative offices handle the consular affairs and facilitate and boost communication with local authorities, as well as represent their governments to negotiate the economic, commercial, cultural and other agreements.

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<sup>25</sup> See the full text of the Taiwan Relations Act on the Appendix, 59.

## **Human Rights**

Not only contemplating the Taiwan was not democratic and controlled by the one-party autocracy under martial law in 1979, but also considering the external threat imposed by the PRC, the members of Congress determined to promote the spirit of human rights to the people on Taiwan during the post-normalization period, which reflected in the TRA's Section 2 (3):

“Nothing contained in this Act shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately eighteen million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.”

Thanks to the wise and foreseeable thoughts of the congressional members, Taiwan later became a vibrant democracy in the 1990s. This outcome also was the most vital driver which boost both the U.S. Congress and government to strengthen ties with Taipei.

## **Congressional Oversight**

The Carter administration's deception behavior was bound to increase the distrust of Congress on the Executive Branch. Thus, the Congress has started to play the role of “supervisor”. In the Section 14(a) of the TRA, it clearly says the House Foreign Affairs Committee, Senate Foreign Relations Committee and other relative committees of the Congress shall monitor 4 points:

1. The implementation of the provisions of this Act.
2. The operation and procedures of the Institute.

3. The legal and technical aspects of the continuing relationship between the United States and Taiwan.
4. The implementation of the policies of the United States concerning security and cooperation in East Asia.

Besides, the Congress has also stepped in on the security and arms sales issue of Taiwan which demonstrated in the Section 3(b) and (c) of the TRA. It declares that 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 “the president and the Congress shall determine, in accordance with constitutional processes, appropriate action.”

### **Security and Arms Sales Issues**

The security issues are the most important parts in the TRA, which demonstrates in the declaration of policy, subsections 2 through 6 of Section 2(b), and Section 3 in the implementation of policy. The political compromise between the Congress and the Carter administration created the ambiguous wording that stated in the security provisions. Therefore, this is mainly why the TRA be described as the role of “strategic ambiguity.”

Before Washington shifted its diplomatic relations from Taipei to Beijing, the ROC–U.S. Mutual Defense Treaty was the cornerstone for protecting Taiwan’s security and preventing the invasion from the PRC. The Article V in the treaty declared:

(V) Each party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be

dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Compared to this explicit meaning, the subsection 4 and 5 of section 2(b) of the TRA expresses:

(4) 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.

(5) 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.

Take a closer look and compare the wording of these two security guarantee mechanisms in two different eras, we can find that there is only one condition for the former to be activated, that is, the territory of the U.S. or Taiwan is attacked by the enemies like People's Liberation Army (PLA), stated by the words "armed attack". On the contrary, the TRA lists more possible non-peaceful methods, such as "boycotts" and "embargoes", as threats to the United States. From the positive viewpoint, this has greatly expanded the scope of the application of the TRA and is broader than the commitments made by the Mutual Defense Treaty. Hence, the U.S. can intervene in the Taiwan Strait for more reasons in a variety of ways. On the contrary, yet, the TRA does not require Washington to defend Taiwan when there are conflicts across the Taiwan Strait. Its only states that the U.S. have the "capacity" to resist any coercion that would harm Taiwan rather than making a clear commitment to use that capacity.

This ambiguous interpretation has created the "flexibility" to the decision-makers in Washington. Therefore, the successive U.S. government can decide its policies according to its own interests.

One classical example was the 1995–1996 Taiwan Strait Crisis (Third Taiwan Strait Crisis). In June 1995, former President Lee Teng-hui made a private visit to the U.S. and gave a rather politicized speech at his alma mater, Cornell University. Beijing therefore saw his move as created “two Chinas” or “one China, one Taiwan” purpose. Aftermath is the PRC government started several actions that directed against Taiwan.

Beijing first unilaterally withdrew from the ongoing series of Koo-wang cross-strait talks began from 1993.<sup>26</sup> Later, the PLA launched several missiles close to the northern coast of Taiwan in July of 1995 during its first round of military maneuver. Tension between cross-strait reached its peak in March 1996. While Taiwan was holding its first direct presidential election, Beijing conducted the second round of military exercise in the Taiwan Strait, including missile tests with target areas just thirty to forty miles away from Keelung and Kaohsiung. This catalyzed the U.S. dispatched two aircraft carrier battle groups, the USS Independence and USS Nimitz, to the international waters outside Taiwan and monitor Beijing’s missile test. The Clinton’s national security advisor also warned that any military attack on Taiwan would lead to “grave consequences”.<sup>27</sup>

The best way for the U.S. to guarantee the safety of Taiwan is through arms sales. Thus, the TRA prescribes this position on the subsections (a) and (b) of Section 3:

(a) In furtherance of the policy set forth in section 2 of this Act, the U.S. will make available to Taiwan such defense articles and defenses services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

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<sup>26</sup> "Former Ait Head Bullish on US-Taiwan Ties," *Taiwan Today*, August 11, 2006.

<sup>27</sup> David Tawel Lee, *The Making of the Taiwan Relations Act: Twenty Years in Retrospect* (New York: Oxford University, 2000), 191.

(b) The President and the Congress shall determine the nature and quantity of such defense articles and services solely based upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan's defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress.

Yet, several ambiguities instantly emerged. First of all, in the Section 3(a), the Congress designed the word “will” rather than a more forceful word “shall”, which will be used in practice if the legislative branch wants to require the executive branches to do some actions. And it actually be used in the first sentence of the following paragraph, Section 3(b).

Second, what is so-called the term “defense articles and services”? In fact, this was the compromise between the Senate and House. During the legislative process of the TRA, the Senate said that the U.S. will assist the people on Taiwan to maintain a sufficient self-defense capability through the provision of “arms of a defensive character”.<sup>28</sup> On the contrary, the House proposed the U.S. will make available to Taiwan “conventional defense articles and services of modern technology” in such quantity as can be effectively utilized. Through the negotiations, the Senate accepted the House language “defense articles and services”, which can be explained to “any possible security assistance” that Taipei get from Washington. It also more blurred. The House also gave up the terms “modern technology” and “effectively utilized”. Members from both sides knew that if the languages were too strong or too clear, the Carter administration would reject it.

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<sup>28</sup> David Tawel Lee, *The Making of the Taiwan Relations Act: Twenty Years in Retrospect* (New York: Oxford University, 2000), 91.

Third, the “defense articles” basically refers to the defensive weapons, which stated in Section 2(b)(5). The U.S. will provide such weapons to Taiwan in order to ensure its self-defense capability. But there is no definition of what the defensive weapons actually are. Does this mean that it can only be used as the weapons of defense when attacked by the enemy, or does it mean that the weapons can also be used to counter the enemy?

Fourth, although the first sentence of Section 3(b) used the word “shall” just mentioned above, the terminal phrase states “in accordance with procedures established by law”. That actually refers to the Arms Export Control Act which badly limits the role of Congress in arms sales decisions.<sup>29</sup> It shows confusion and contradiction.

Finally, Section 3(b) also states that the President and the Congress shall determine the arms sales “based solely upon their judgement of the needs of Taiwan”. There is no any U.S. policy or statement to regulate or guide how should they decide the actual Taiwan’s needs. They can make decisions just base on the intention of China, the PLA’s capability or even depends on the U.S.–China relations or cross-strait relations.

### **International Participation**

In 1972, Taiwan was forced to drop out the United Nations and its seat replaced by the PRC. All international organizations under the UN framework such as the World Bank and the International Monetary Fund thus discarded Taiwan. In order to take affirmative action to support Taipei back to the international community, the Section 4(d) states that,

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<sup>29</sup> Richard C. Bush, "The Taiwan Relations Act at 35," (The Brookings Instiution, April 16, 2014).



Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.

However, the vague and ambiguous meaning emerged in this provision if we take a closer look at its wording. Instead of saying in more direct way like Washington should support the “membership of Taiwan”, it used the term of “continued membership”, which can be interpreted as Taiwan’s membership in relative international organizations at the time of and before the passage of the TRA. It would be contradictory to use such an explanation because Taiwan must to seek the support from other countries and thereby rejoin the international organizations as Taiwan itself, instead of maintaining its membership under the threat of being replaced by the PRC.

Furthermore, unlike the Congress served as “monitor” on the issue of Taiwan’s security and arms sales that mentioned above, it did not require president or the Executive Branch to do anything.

Two classic examples presented this kind of ambiguity during the Clinton administration— 1994 Taiwan Policy Review and “Three Noes” Policy.

Considering the Tiananmen Incident in Beijing and the significant progress of the Taiwan’s democratization, in September 1994, Winston Lord, assistant secretary for East Asian and Pacific Affairs, represent the Executive Branch to announce the Taiwan Policy Review on the Senate Foreign Relations Committee. Statements that related to participation of the international organizations are as follows:

“Recognizing Taiwan’s important role in transnational issues, we will support its membership in organizations where statehood is not a prerequisite, and we will support opportunities for Taiwan’s voice to be heard in organizations where its membership is not possible.”<sup>30</sup>

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<sup>30</sup> American Institute in Taiwan, "Taiwan Policy Review," [https://web-archive-2017.ait.org.tw/en/19940927-taiwan-policy-review-by-winston-lord.html](https://web.archive-2017.ait.org.tw/en/19940927-taiwan-policy-review-by-winston-lord.html).

After the U.S. presidential election in 1996 and under the new international political reality, the Clinton Administration implemented the policy so called “constructive engagement” with PRC, and therefore the unfortunate product for Taiwan, the “Three Noes” Policy was born. During his first state visit to the PRC in June 1998, Shanghai, the President Clinton said,

“I had a chance to reiterate our Taiwan Policy which is that we don’t support independence for Taiwan; or ‘two Chinas’, or ‘one Taiwan, one China’, and we don’t believe that Taiwan should be a member in any organizations for which statehood is a requirement.”<sup>31</sup>

The story of Taiwan’s successful democratization did not lead to progress in the Clinton administration’s policy toward Taiwan’s participation in the international organizations. Its actions are more inconsistent with the spirit that should have been shown in the TRA. On the contrary, this kind of ambiguous wording like security provisions in the TRA creates the flexibility and durability for the successive U.S. administrations which they can interpret in different ways under different international environment.

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<sup>31</sup> Embassy of the People’s Republic of China in the United States of America, "Clinton Publicly Reiterates U.S. "Three No's" Principles on Taiwan," <http://www.china-embassy.org/eng/zmgx/zysj/kldfh/t36241.htm>.

## The TRA and the Cross–Strait Relations

### The TRA for Beijing: Intervene in its Internal Affairs

If we say that the 1972 Shanghai Communiqué opened the nightmare of Taiwan, then the TRA in 1979 can be said was brought the nightmare to Beijing. During the legislative process of making the TRA in Washington, the Chinese Ambassador Chai Zemin expressed “grave concern” to Secretary of State Cyrus Vance over the Taiwan security language<sup>32</sup>. Later, after both the Senate and House passed their own version of the TRA on 16 March 1979, Huang Hua, the Chinese Foreign Minister, told Leonard Woodcock that it was “unacceptable to the Chinese government” and warned if the TRA signed into law will “caused great harm to the U.S.–China relations.”<sup>33</sup>

Several factors that make Beijing consider the TRA is unacceptable. First, the U.S. intervenes in the Taiwan Strait issue through the form of law. The subsection 2 of section 2(b) of the TRA declares that peace and stability in the Western Pacific are not only in the interests of the U.S. but also are “matters of international concern”. This mean that is not just an internal affair of China. Moreover, any threats be used like “boycotts” or “embargoes” rather than peaceful means to determine the future of Taiwan will be “grave concern” to the U.S., stated in the subsection 4. It is a naked intimidation for China.

Second, the TRA keeps Washington and Taipei maintain paramilitary alliance relations after the abolishment of the ROC-U.S. Mutual Defense Treaty. The TRA says that the U.S. will provide defensive weapons to Taiwan, stated in the Section 2 (b)(5) and Section 3, respectively. Besides, the Section 3(c) of the TRA reveals that when there is any threat danger Taiwan, “the President and the Congress shall

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<sup>32</sup> David Tawel Lee, *The Making of the Taiwan Relations Act: Twenty Years in Retrospect* (New York: Oxford University, 2000), 172.

<sup>33</sup> *Ibid.*

determine... appropriate action in response to any such danger.”

Although the wording of these provisions is ambiguous, it provides the effect of “deterrence” to the PRC. Therefore, the PLA will take into account the possibility of U.S. involvement when they are making any military attack on Taiwan. It also reduces Beijing's willingness to take military action against Taiwan to some extent because Beijing do not want to have military conflict with Washington.

### **The TRA versus Three Communiqués**

“The basis of our policy toward Taiwan is the Three Communiqués and the Taiwan Relations Act”, the most common lying phrase that people hear from the U.S. diplomats, administration officials and presidents when they speak on Taiwan policy in public. Indeed, the TRA is not the only document that guides the U.S. policy toward Taiwan. It along with other three documents— the 1972 Shanghai Communiqué, the 1978 Normalization Communiqué and 1982 U.S.-PRC Joint Communiqué. (817 Communiqué), respectively, formulating the so-called U.S. “One-China Policy.”

However, the contradiction immediately shows between the TRA and the 817 Communiqué, on the issue of arms sales.

After President Ronald Regan, who said he would upgrade relations with Taiwan making them “official” or “governmental” during his campaign, took office in 1982. The Beijing government reacted strongly to his behavior.<sup>34</sup> In order to resolve this increasingly serious threat to relations between the Washington and Beijing, the two countries signed a joint communiqué on August 17, 1982, as well as referred to the

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<sup>34</sup> Katharine Macdonald and Robert G. Kaiser, "Reagan Declares He Seeks Only to Hold to Taiwan Relations Act," *The Washington Post*, August 26, 1980.

“817 Communiqué.”<sup>35</sup> In this communiqué, the U.S. intentions regarding arms sales are stated in paragraph six:

The United States Government states that it does not seek to carry out a long-term policy of arms sales to Taiwan, that its arms sales to Taiwan will not exceed, either in qualitative or in quantitative terms, the level of those supplied in recent years since the establishment of diplomatic relations between the United States and China, and that it intends to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution...

In that provisions, Washington states that it will reduce the amount of arms sales to Taiwan gradually. It is clearly violated the spirit of the TRA which Washington will provide Taiwan with arms of a defensive character. In order to appease Taiwan, the Regan administration conveyed “six assurances” through appropriate channels to Taipei:<sup>36</sup>

1. Not set a date for ending arms sales to the ROC.
2. Not hold prior consultations with Beijing on arm sales to Taiwan.
3. Not play any mediation role between Taipei and Beijing.
4. Not revise the TRA.
5. Not alter the U.S. position regarding sovereignty over Taiwan.
6. Not exert pressure on Taiwan to enter into negotiations with Beijing.

The U.S. Congress was strongly dissatisfied with the Reagan administration's two-sided policy. Therefore, the Congress immediately began a series of actions to weaken and resist the effectiveness of the 871 Communiqué and firmly defend the legal authority of the TRA's arms sales to Taiwan.

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<sup>35</sup> "Communiqué of 1982 and Reagan's Assurances," National Policy Foundation, <http://www.taiwannpfnews.org.tw/english/page.aspx?type=article&mnum=115&anum=3107>.

<sup>36</sup> Willia Lowther, "Us Resolution Reaffirms Tra, 'Six Assurances'," *Taipei Times*, April 2016.

For example, on the day of the announcement of the 1982 Communiqué, the Senate Foreign Relations Committee urgently held a hearing and asked John Holdridge, assistant secretary of state for Asia-Pacific Affairs, to attend the testimony. Many senators criticized this the 817 communiqué violates the spirit of the TRA and ignored Taiwan's security interests and needs. Ultimately, the Regan administration was forced to clarify that the U.S. will reassess the sale of weapons to Taiwan once the mainland changes its policy toward Taiwan in the future. Subsequently, President Reagan publicly announced that arms sales to Taiwan will continue to be conducted in accordance with the TRA, and that the peaceful settlement of the Taiwan issue is a condition for the United States to stop arms sales to Taiwan.<sup>37</sup> Then, in the following year, the United States sold 500 million U.S. dollars military equipment, including 60 F-104 fighters, to Taiwan.<sup>38</sup> Since then, especially Taiwan transformed into a democratic changed from its "totalitarianism" to "democratization" after 1990, Washington has continued to sell weapons to Taiwan, notwithstanding Beijing has always opposed. We can say that the U.S. government's guiding principle for arms sales to Taiwan have changed from the original "one Act and Three Communiqués" to one Act— the Taiwan Relations Act.

However, contrary to that "contradiction", the TRA and the Three Communiqués also have the consensus on one vital principle— the disputes between the cross-strait relations should be resolved peacefully. The wording of these four documents all mention this principle. The successive U.S. governments have also indicated that Washington against anyone from both sides to change the status quo in the Taiwan

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<sup>37</sup> 信強, "美台關係的「守夜人」: 美國國會與《台灣關係法》,"

美中台關係總體檢: 《台灣關係法》30年, ed. 林碧炤、林正義 (台北: 巨流圖書股份有限公司), 39.

<sup>38</sup> Shambaugh, *Tangled Titans: The United States and China*, 296.

Strait.

### **From “Troublemaker” to “Peacemaker”**

Taiwan’s first political rotation in 2001 symbolized the results of its democratic reforms. Washington was full of expectations for the U.S.–Taiwan relations at the beginning due to President Chen Shui-bian’s “four noes, one without” policy. The Bush administration also demonstrated Taiwan’s support through several actions.

During a three-day stopover in New York, President Chen received the 2003 award from the International League for Human Rights and made a public speech.<sup>39</sup> He also met with the New York Mayor Michael Bloomberg. However, such a wonderful scene did not last long. Due to domestic political pressure, President Chen started to take a series of initiatives in order to enhance the international status of Taiwan which opened the “nightmare” for Washington: promoting a new constitution, pressing for referendums on issues related to Taiwan’s sovereignty, filling application for the United Nations membership for “Taiwan”, and so on.<sup>40</sup> Washington strongly opposed these actions because it thought the Chen administration was trying to promote Taiwan’s independence.

After President Chen officially announce that he would hold a defensive referendum, President Bush sent James Moriarty to Taiwan to express the U.S. concern in late 2003. “The United States against anyone from both sides to change the status quo across the Taiwan Strait”, stated in Bush’s personal letter.<sup>41</sup>

Yet, the failure of Moriarty’s task made Bush very unhappy. Hence, during a

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<sup>39</sup> ALEXANDER K. YOUNG, “Chen Winning Back Respect for Taiwan's Position,” *The Japan Times*, November 21, 2003.

<sup>40</sup> Shelley Rigger, “Taiwan in U.S.–China Relations,” in *Tangled Titans: The United States and China*, ed. DAVID SHABAUGH (Maryland: Rowman & Littlefield Publishers, 2013), 299.

<sup>41</sup> David Sanger, “U.S. Asks Taiwan to Avoid a Vote Provoking China,” *The New York Times*, December 9, 2003.

meeting with PRC Premier Wen Jiabao, Bush told reporters, "... comments and actions made by the leader of Taiwan indicate that he may be willing to make decisions unilaterally to change the status quo— which we oppose."<sup>42</sup>

The UN referendum which proposed by President Chen in 2007 brought U.S.–Taiwan relations to a new low. The U.S. State Department spokesperson said in public, "we oppose Taiwan's membership in international organizations, which will include a referendum on Taiwan's call to join the United Nations."<sup>43</sup>

Washington, therefore, reduced its bilateral relations with Taiwan through practical actions. President Chen's transit in the U.S. was met with a cold reception. It only allowed his private plane to stay in Alaska outside the homeland for 50 minutes.<sup>44</sup> Besides, the Bush administration even delayed its arms sales to Taipei.

However, the low mood between the U.S.–Taiwan relations changed after President Ma Ying-jeou came to power in 2008. Both Beijing and Taipei have reached consensus on the so-called "1992 Consensus", then bilateral relations between two sides gradually restored and reached its apex in the meeting between PRC leader Xi Jinping and President Ma in Singapore, 2015.

Cross-strait relations during this period are in line with the principle of maintaining peace in the Taiwan Strait, which the U.S. has long emphasized. Neither Beijing nor Taipei has changed the status quo in the Taiwan Strait. As a result, Washington has gradually strengthened its political, economic and military ties with Taipei. For instance, the Obama administration gave President Ma more flexibility in

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<sup>42</sup> Office of the Press Secretary, "President Bush and Premier Wen Jiabao Remarks to the Press in Photo Opportunity, the Oval Office," news release, December 9, 2003, <https://georgewbush-whitehouse.archives.gov/news/releases/2003/12/text/20031209-2.html>.

<sup>43</sup> Kerry Dumbaugh, "Taiwan-U.S. Relations: Recent Developments and Their Policy Implications," (CRS Report for Congress, October 27, 2008).

<sup>44</sup> Republic of China (Taiwan) Office of the President, "President Chen Makes Transit Stop in Alaska," <https://english.president.gov.tw/NEWS/2754>.



his stopovers in the United States. Furthermore, the amount of arms sales during the Ma administration was also the highest, compare to the previous Taiwanese government.<sup>45</sup>

## **Conclusion**

The birth of the TRA was due to international political realism. The U.S. Congress crafted the TRA in a short period of time to enable Washington and Taipei to maintain "unofficial" but substantial bilateral relations.

The vague language of the TRA has not only formulated its role as “strategic ambiguity”, but also created "flexibility" for the U.S. government. And because of its "flexibility," the TRA has been able to adapt to different cross-strait relations and U.S.-China relations in the past 40 years. Hence, we can see the three features reflected by the TRA— flexibility, adaptability and durability.

Washington also uses the TRA to balance the cross-strait relations. The U.S. opposes any leader from both sides to change the status quo across in the Taiwan Strait. It emphasizes that "the dispute between the Taiwan Strait must resolved peacefully”. When Beijing is changing the status quo, the U.S can expand the interpretation space of the TRA’s “flexibility”. Conversely, when Taipei is changing the status quo, Washington can also narrow the "flexibility" of the TRA

However, we have seen that both the cross-strait relations and U.S.–China relations have deteriorated in these three years. What do these trends mean for Taiwan? Does the TRA still play the ambiguous under the Trump administration?

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<sup>45</sup> 蕭旭岑, *拓展臺灣的生路— 活路外交與對美關係*, 八年執政回憶錄 (天下文化, 2018), 172.

Throughout the literature review, we also can know that the way of exploring the role that the TRA plays is to mainly examine the interactions between the U.S. and Taiwan.

# METHODOLOGY

## Research Design

Both content analysis and in-depth interview were used by the author as the research methodology, as well as the author's personal experience in dealing with the governmental affairs between the Taiwan and the United States, in this study.

Constructing the research design, the author must explicitly understand the research purpose and the research problems of the study.

The research purpose is to examine the role of the TRA plays in the U.S.–China–Taiwan relations. The main research concepts include understanding “what is the meaning of the Trump administration’s Taiwan Policy” and “what does the TRA mean under Trump’s era.” In order to answer the research purpose, the author created two research questions:

1. What is the meaning of Trump administration’s Taiwan policy?
2. What does the role of the Taiwan Relations Act play under the Trump’s era?

Therefore, the study first used the approach of content analysis to answer the research questions by examine the interactions between the U.S.–Taiwan relations after Trump took in office, from January 2017 to August 2019.

Besides, due to the Trump administration’s Taiwan policy is a continual and relatively complex issue, the author also uses the approach of in-depth interview to increase the research validity. The interview structure adopted the semi-structured approach, which means main questions and script are fixed, but interviewers are able to improvise follow-up questions and to explore meanings and areas of interest that

emerge.<sup>46</sup> The interview questions included a mix of closed and open questions.<sup>47</sup>

The reason why the author adopted this approach was that the main theme of the interview discussed the “interactions between the U.S.–Taiwan relations after Trump took office.” The interactions between two sides includes a wide range of areas, such as the visit between governmental officials, the promotion of relative bills, the issue of arm sales, the cooperation of economic and trade and so on. For instance, the author asked interviewees questions like “what factors will affect the U.S. policy toward Taiwan” or “what is the meaning of the Taiwan Relations Act for the Trump administration,” then, the different respondents may have inconsistent answers and further lead the author to discuss the new emerge concepts based on the main theme of the U.S.–Taiwan relations.

Furthermore, the author got the chance and completed his internship during summer vacation this year at the U.S. Political Affairs Section, the Department of North American Affairs in the Ministry of Foreign Affairs (ROC). Serving mainly as an intern “advisor”, the author via this opportunity deeply did the research on the bilateral relations between the U.S. and Taiwan, Sino–U.S. relations, as well as the U.S. domestic and foreign policy, providing the reports and policy recommendations to the superiors. Except that fruitful experience, the author also had chance to exchange views with diplomats, therefore gained more critical thoughts on the Taiwan Relations Act and the current U.S.–Taiwan relations.

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<sup>46</sup> Hilary Arksey and Peter Knight, *Interviewing for Social Scientists* (London: SAGE Publications Ltd, 1999), 7.

<sup>47</sup> See the Appendix, 67.

## **Source of Data**

### **Content Analysis**

The data of content analysis mainly came from the official documents, research reports and news articles.

The data sources of official documents can be collected from the government agencies in the United States and Taiwan. On the U.S. side, it included the White House, the U.S. State Department, the American Institute in Taiwan, and the U.S. Congress, both House and Senate. On the other hand, on the side of Taiwan, it included the Ministry of Foreign Affairs (MOFA) and the ROC Presidential Office.

In order to further understand the viewpoints from foreign scholars and experts, the author selected 4 think tanks from the United States as data sources: (1) The Brookings Institution; (2) Center for Strategic and International Studies; (3) The Heritage Foundation; (4) Foreign Policy Research Institute. The reason for choosing these think tanks is because they have long been focused on the U.S.–Taiwan relations.

Moreover, both the news medias from Taiwan and the U.S. have been used in the content analysis, such as the Central News Agency (CNA) and the New York Times.

### **In-depth Interview**

There are four interviewees and mainly divided into two categories— scholars and diplomat. The interviewee A to C are the scholar experts and the interviewee is a Taiwanese diplomat. The information of the interviewees presented as follows (anonymous):

Interviewee A is a scholar expert in National Taiwan University (NTU). His research mainly concentrates on the cross-strait relations, PRC's foreign policy and international relations.

Interviewee B is a scholar expert in National ChengChi University (NCCU). His research interests focus on U.S. foreign policy, public diplomacy and cross-strait relations. He is familiar with the affairs of the United States.

Interviewee C is a scholar expert in Tamkang University (TKU). His research interest included the U.S. foreign policy, cross-strait relations and Asia-Pacific security affairs and policy. He has long been focused on the trilateral relations between the U.S., China and Taiwan.

Interviewee D is a senior Taiwanese diplomat who works in the ROC Ministry of Foreign Affairs. He handles the political affairs between the U.S. and Taiwan.

### **Data Collection**

The author collected the data and through the Nvivo12 during the summer vacation this year. In the data collection process, on the aspect of the content analysis, the key words for accessing the data are “The Taiwan Relations Act”, “U.S.–Taiwan relations” and “U.S.–China–Taiwan relations”. The time period is from January 2017 to June 2019. On the other hands, the author conducted the interview with 4 interviewees in Taipei during the August 2019.

In sum, more than 300 numbers of data have been used by the author in this study.

## DATA ANALYSIS

### Political Relations: Symbolism Prevail

#### Taiwan Travel Act

On March 20, 2018, Alex Wong, Deputy Assistant Secretary of State for North Korea in the Bureau of East Asian and Pacific Affairs, became the first State Department official to visit Taiwan just four days after the Taiwan Travel Act (TTA) signed by Trump.<sup>48</sup> This reflected the core spirit of the TTA: “to encourage visits between the United States and Taiwan at all levels, and for other purpose.”

As expected, the Chinese government expressed its strongly discontent to this Act. In a routine press conference, Foreign Ministry Spokesperson Lu Kang said, “although the TTA does not legally binding, it is a serious violation on the one-China principle and the provisions of the three Sino–U.S. joint communiqués.” He also urged that official exchanges and improvement of substantive relations between the U.S. and Taiwan must be stopped, otherwise it will cause serious damage to U.S.–China relations.<sup>49</sup>

However, China’s reaction did not need to be as strong, because, as what they said, “this Act does not have legally binding force.” The three key provisions of the TTA are stated in its Section 3 (See the Table 1).

First, the three provisions are belonged to the “Sense of Congress” and the “Statement of Policy”. The way of “Sense of Congress” can be applied at four levels of legislation in the U.S. Congress, from highest to lowest— “Bill”, “Joint

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<sup>48</sup> AIT - Taipei Main office, "Deputy Assistant Secretary of State Alex Wong to Taiwan March 20-22, 2018," news release, March 20, 2018, <https://www.ait.org.tw/deputy-assistant-secretary-state-alex-wong-taiwan-march-20-22-2018/>.

<sup>49</sup> "2018年3月16日 外交部发言人陆慷主持例行记者会," news release, March 16, 2018, [https://www.fmprc.gov.cn/web/fyrbt\\_673021/jzhsl\\_673025/t1542945.shtml](https://www.fmprc.gov.cn/web/fyrbt_673021/jzhsl_673025/t1542945.shtml).

Resolution”, “Concurrent Resolution” and “Simple Resolution”. These provisions merely indicate the attitude of the Congress and have no substantive legal binding force.

Second, this Act uses the word such as “should” or “encourage” rather than “must”. It shows that Congress just advised the president to do this and did not order him to implement it.

Third, the ambiguous wording appears in the Sec (b)(2), it allows high-levels Taiwanese officials to enter the U.S. but “under conditions which demonstrate appropriate respect for the dignity of such officials.” Under what kind of conditions? This creates a vague room for interpretation. Is that under the conditions of not angering China? If so, it would be contradictory because Washington certainly knows that China has always been dissatisfied and angry with Taiwan’s official visit.

Fourth, the TTA does not encourage or call for the state visit by leaders (presidents or vice presidents) between Washington and Taipei.

Several examples showed that Washington still has considered over China’s reaction and restrained itself after the passage of the TTA. Celebrating the AIT’s new office complex in Neihu on June 12, 2018, the U.S. only sent Marie Royce, Assistant Secretary of State for Educational and Cultural Affairs, to attend the opening ceremony.<sup>50</sup> Her rank is low and she is not responsible for sensitive political affairs.

Besides, compared with the high-profile Taiwan’s visit of Alex Huang that accompanied a lot of media coverages, the meeting between the National Security Chiefs from Taiwan and the U.S. during the May 2019, David Lee and John Bolton, was private and rather low-key. The ROC Ministry of Foreign Affairs first revealed

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<sup>50</sup> "Remarks by Assistant Secretary Marie Royce at the Dedication Ceremony of Ait’s New Office Complex," <https://www.ait.org.tw/remarks-by-assistant-secretary-of-state-for-educational-and-cultural-affairs-marie-royce-at-dedication-ceremony/>.



that meeting happened during David Lee's nine-day trip to the United States, in its press release which regards to Coordination Council for North American Affairs (CCNNA) was renamed to Taiwan Council for U.S. Affairs (TCUSA). Its content did not even mention Bolton's name.<sup>51</sup>

**Table 1 Taiwan Travel Act**

<p>Taiwan Travel Act Public Law 115–135 115th Congress</p> <p>SEC. 3. SENSE OF CONGRESS, STATEMENT OF POLICY</p> <p>(a) Sense of Congress. — It is the sense of Congress that the United States Government should encourage visits between officials from the United States and Taiwan at all levels.</p> <p>(b) Statement of Policy. — It should be the policy of the United States to—</p> <ol style="list-style-type: none"><li>(1) allow officials at all levels of the United States Government, including Cabinet-level national security officials, general officials, and other executive branch officials, to travel to Taiwan to meet their Taiwanese counterparts;</li><li>(2) allow high-level Taiwanese officials of Taiwan to enter the United States, under conditions which demonstrate appropriate respect for the dignity of such officials, and to meet with officials of the United States, including officials from the Departments of State and Defense and other Cabinet agencies.</li><li>(3) encourage the Taipei Economic and Cultural Representative Office, and any other instrumentality established by Taiwan, to conduct business in the United States, including activities which involve participation by Members of Congress, officials of Federal State, or local governments of the United States, or any high-level official of Taiwan.</li></ol>
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\*Source: sorted by the author

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<sup>51</sup> 公眾外交協調會, "外交部宣布「北美事務協調委員會」將更名為「台灣美國事務委員會」, 象徵台美關係緊密·意義非凡," news release, 2019/05/25, [https://www.mofa.gov.tw/News\\_Content\\_M\\_2.aspx?n=FAEEE2F9798A98FD&sms=6DC19D8F09484C89&s=33CF4E31EE16DB0E](https://www.mofa.gov.tw/News_Content_M_2.aspx?n=FAEEE2F9798A98FD&sms=6DC19D8F09484C89&s=33CF4E31EE16DB0E).

## CCNAA renamed to TUSCA

Just a few days after David Lee's U.S. trip, Washington showed its support for Taipei through another move—the name change of the CCNNA that just mentioned above. It was renamed to the “Taiwan Council for U.S. Affairs” (TCUSA).

This was the first time that the words “Taiwan” and “U.S.” have been placed in Taiwan's institution which responsible for handling the U.S. affairs.

Why was the name changed announced at this time? Some people thought that the U.S. made that decision based on the current relations between the U.S. and China or the cross-strait relations. Yet, this was not the case.

When the author interned at the Department of North American Affairs in the Ministry of Foreign Affairs (MOFA) this summer, my superior told me it actually was the result of Taiwan's long-term diplomatic efforts. The Interviewee A (Scholar) also expressed the same perspective, “the name change of the CCNAA was a long-term effort by Taiwan, not because of the current situation”.<sup>52</sup>

The Taiwan government was very satisfied with the result. Joseph Wu, Taiwan Foreign Minister, stated that he “really got to love the new name.” in twitter.<sup>53</sup> However, the renamed of the CCNAA has no substantive influence on U.S.–Taiwan relations. It is more in favor of U.S. political spiritual support for Taiwan. The main reason is due to the CCNAA itself.

During the interview with the Interviewee C (scholar), he mentioned:<sup>54</sup>

I have often joked that if the president asks me to pick a government position, the most I want to go is the CCNAA, mainly because the workload there is not so much. Therefore, I can do what I want to do and sometimes give advice to the government. I am not under that much pressure.

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<sup>52</sup> See the Appendix, 75.

<sup>53</sup> (ROC) Taiwan Ministry of Foreign Affairs, [https://twitter.com/mofa\\_taiwan/status/1132088931044843520](https://twitter.com/mofa_taiwan/status/1132088931044843520).

<sup>54</sup> See the Appendix, 75.

Indeed, the CCNAA is more like a “façade” institution. The U.S. has been negotiating vital diplomatic and political affairs with Taiwan through the MOFA rather than CCNAA in recent years. For example, in order to visit Minister Wu, the AIT Director Brent Christensen came to the MOFA personally several times during my internship. Besides, when the Taiwanese diplomats at the Taipei Economic and Cultural Representative Office in the United States (TECRO) need to handle the U.S.–related affairs, they also directly contact with the Department of the North American Affairs in MOFA.

The real political breakthrough should be, as the Interviewee B (scholar) put it, “Taiwan’s representative offices in the U.S. need to be renamed.”<sup>55</sup> All Taiwan representative offices in the United States, as usual, are still in the name of "Taipei".

### **President Tsai Ing-wen Stopovers in the United States**

The first vital task that the author did in the MOFA was to analyze the views of domestic and foreign media on President Tsai Ing-wen stopovers in New York and Denver during her “Journey of Freedom, Democracy, and Sustainability”.<sup>56</sup>

A lot of media called it a “major breakthrough”, such as her four-day stopovers in the U.S. broke the diplomatic practice that Washington usually requires the president of Taiwan to leave the country after 24 hours of transit through the United States. However, it was wrong information. President Chen Shui-bian also spent two nights in New York in May 2001, during the time that U.S. and China were unhappy over the Hainan Island incident.

Calling President Tsai’s stopovers in the U.S. a major breakthrough was too

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<sup>55</sup> Ibid.

<sup>56</sup> "Journey of Freedom, Democracy, and Sustainability," <https://english.president.gov.tw/Page/499>.

exaggerated. Several examples can explain it if we take a closer look at the itineraries of six cities that she transited since Trump took in office— City of Honolulu (twice), Guam, Los Angeles, Huston, New York and Denver (See the Table 2), and compare it to the past.

First, President Tsai did not meet U.S. higher-ranking government officials than before. As usual, she only met the AIT chairman, congressional members from the Senate and House, local politicians, governors and mayors. Her predecessors did the same things before. President Ma Ying-jeou even made phone calls with Hillary Clinton, the 2016 Democratic presidential candidate, and Deputy Sectary of State Heather Higginbottom, during his stopover in Los Angeles in 2014.<sup>57</sup> President Tsai not only did not meet any senior officials of federal government during her stopovers, she also did not meet with the Mayor of New York, unlike President Ma and President Chen did before.

Second, the U.S. federal government agencies visited by President Tsai are all belonged to “functional” institutions, such as NASA space center, National Renewable Energy Laboratory and Ronald Regan Presidential Library, rather than politically sensitive ones. President Ma also visited to the Regan library in 2014.

Furthermore, in the case of President Tsai’s speech in the Columbia University, she is not the first Taiwanese president to give a talk in the U.S. university. President Lee and President Ma both spoke at the American university before, Cornell University and Harvard University, respectively. Compared to President Lee’s public speech in Cornell, the speech that President Tsai made even was non-public.

However, Washington has indeed increased its support for President Tsai’s U.S.

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<sup>57</sup> 蕭旭岑, *拓展臺灣的生路— 活路外交與對美關係*, 148.

transit this year via a creative way. For instance, the U.S. allowed her to meet the Representatives to the United Nations of Taiwan's diplomatic allies at the Taipei Economic and Cultural Office in New York (TECO-New York). It was the first time that the president of Taiwan conducted public activities in Taiwan's representative offices in the United States.

It is clear that the U.S. still has its own bottom line. The Trump administration has so far not invited President Tsai to visit to the national capital, Washington DC. It still upholds the principle of "safety, convenience, comfort and dignity" in arranging for Taiwanese president to transit through the United States. In the face of the Chin's routine protest against President Tsai's U.S. stopovers, the State Department responded as usual: "The U.S. has maintained its long-term 'One-China Policy', which is based on the 'Three Communiqués' and the 'Taiwan Relations Act'."

As the Interviewee D (diplomat) expressed, "the U.S. will consider its own national interests and its relationship with China"<sup>58</sup>

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<sup>58</sup> See the Appendix, 76.

**Table 2 President Tsai-Ing wen Stopovers in the United States**

President Tsai-Ing wen Stopovers in the United States		
Time Zone: 2017/01/20 – 2019/08/31		
Year/Month/Date	City	Itineraries
2019/07/19 – 2019/07/21	Denver	<ol style="list-style-type: none"> <li>1. Attends expatriate banquet</li> <li>2. Meets U.S. Senator Cory Gardner and Colorado Governor Jared Polis</li> <li>3. Meets U.S. Senator Cory Gardner for lunch, visits National Renewable Energy Laboratory</li> <li>4. Visits US National Center for Atmospheric Research and Earth Observing Laboratory</li> <li>5. President Tsai holds reception in Denver for traveling press corps</li> </ol>
2019/07/11 – 2019/07/13	New York	<ol style="list-style-type: none"> <li>1. Meets Taiwan allies’ permanent representatives to the United Nations at TECO reception</li> <li>2. Attends Taiwan–US Business Summit</li> <li>3. Attends discussion session at Columbia University</li> <li>4. Attends reception with US Congressmen</li> <li>5. Attends expatriate banquet</li> <li>6. President Tsai and young Taiwanese–Americans stroll in NYC Central Park</li> </ol>
2019/03/27 – 2019/03/28	City of Honolulu	<ol style="list-style-type: none"> <li>1. Attends Luncheon with Taiwanese expatriates</li> <li>2. Attends video conference with US-based Heritage Foundation think tank</li> <li>3. Attends opening ceremony for exhibition commemorating the</li> </ol>

		<p>40th Anniversary of the Taiwan Relations Act at the US East-West Center</p> <p>4. Visits Hawaii Emergency Management Agency</p>
2018/08/18 – 2018/08/19	Huston	<p>1. Attends dinner banquet with Taiwanese expatriates</p> <p>2. Visits NASA space center in Texas</p> <p>3. Attends business roundtable with Taiwanese companies</p> <p>4. Visits Texas Medical Center Innovation Institute</p>
2018/08/12 – 2019/08/13	Los Angeles	<p>1. Visits Culture Center of Taipei Economic and Cultural Office in Los Angeles</p> <p>2. Attends dinner banquet with Taiwanese expatriates</p> <p>3. Visits Ronald Regan Presidential Library</p> <p>4. Participates in 2nd Annual Taiwanese American Film Festival panel discussion</p>
2017/11/03	Guam	<p>1. Welcome reception hosted by Office of the Governor of Guam</p> <p>2. Attends expatriate banquet</p>
2017/10/28 – 2017/10/29	City of Honolulu	<p>1. Breakfast with AIT Chairman James Moriarty, retired AIT officials and local scholars.</p> <p>2. Attends luncheon with Taiwanese expatriates</p> <p>3. Attends a seminar with scholars from East–West Center and Pacific Forum CSIS</p>

\*Source: sorted by the author

## Security Cooperation

In these three years, Beijing has conducted military maneuvers around Taiwan and sends military planes to encircle the Island. The most provocative incident occurred this year, on March 31, China's PLA sent two fighter jet across the median line of Taiwan Strait, breaking a tacit agreement that has served the interests of peace and stability over the past two decades.<sup>59</sup>

China's behaviors also made Washington think that Beijing is undermining the status quo across the Taiwan Strait. The U.S. also cannot allow the PRC to threaten Taiwan which as a vital ally under the framework of the "Indo-Pacific Strategy". On June 1, 2019, the U.S. Department of Defense released its first Indo-Pacific Strategy Report, the part that mentioned Taiwan states:<sup>60</sup>

The objective of our defense engagement with Taiwan is to ensure that Taiwan remains secure, confident, free from coercion, and able to peacefully and productively engage the mainland on its own terms.

In order to maintain the peace across the Taiwan Strait and Western Pacific, Washington has demonstrated its support for Taiwan through a series of arms sales and several relevant bills.

### The U.S. Arms Sales to Taiwan

Since President Trump took in office, Washington has conducted 5 arms sales package to Taiwan, approximately \$12 billion in total.<sup>61</sup> (See the Table 3). The most important weapons are M1A2T Abrams tanks and F-16V fighter jets.

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<sup>59</sup> "總統府針對中國戰機逾越海峽中線之聲明," <https://www.president.gov.tw/NEWS/24233>.

<sup>60</sup> "Dod Releases Indo-Pacific Strategy Report," news release, May 31, 2019, <https://www.defense.gov/Newsroom/Releases/Release/Article/1863396/dod-releases-indo-pacific-strategy-report/>.

<sup>61</sup> Defense Security Cooperation Agency, "Major Arms Sales," <https://www.dsca.mil/major-arms-sales>.



**Table 3 U.S. Arms Sales to Taiwan during the Trump Administration**

U.S. Arms Sales to Taiwan during the Trump Administration		
Time Zone:2017/01/20 – 2019/08/31		
Year/Month/Date	Main Weapons	Value (U.S. dollar)
2019/08/20	66 F-16C/D block 70 fighters, 75 F110 engines, 75 Link 16 systems, 75 AN/APG-83 AESA radars, 120 AN/ALE-50 towed decoy systems, ammunition.	\$8 billion
2019/07/08	108 M1A2T main battle tanks, 14 M88 recovery vehicles, 16 M1070A1 transporters, 16 M1000 trailers.	\$2.2 billion
2019/04/15	Continuation of the pilot training program of 21st FS in Luke AFB, Arizona.	\$0.5 billion
2018/09/24	Spare parts for F-16, C-130H, F-5E/F, Indigenous Defense Fighter (IDF), and other aircraft.	\$0.3 billion
2017/06/29	50 AGM-154C JSOW Air-to-Ground Missiles, 50 AGM-88B HARMs and 10 AGM-88B Training HARM,	\$ 1.3 billion

\*Source: sorted by the author.

## **ARIA and NDAA**

Several bills which relevant to U.S. military and security cooperation with Taiwan passed under the Trump administration, such as Asia Reassurance Initiative Act (ARIA), 2018 and 2019 National Defense Authorization Act (NDAA).

The Asia Reassurance Initiative Act (ARIA), which signed by President Trump on December 31, 2018. The ARIA calls for increased U.S. engagement in the Indo-Pacific region and strengthened support, including arms sales, for the U.S. allies like Taiwan and others. It advises the U.S. government to sell arms sales to Taiwan on a regular basis to meet the country's legitimate self-defense needs, as well as recommending top administration and military officials visit Taipei in accordance with the TTA.

The U.S. Congress not only suggests that Washington should “invite the military forces of Taiwan to participate in military exercises, such as the “Reg Flag” exercises” , but also says the U.S. should consider the “advisability and feasibility of reestablishing port of call exchanges between the United States navy and the Taiwan navy” in the provision of the 2018 NDAA.

Besides, in the section of the 2019 NDAA, it states that the Secretary of Defense should “calls for expanded cooperation in humanitarian assistance and disaster relief, and recommends sending a hospital ship to improve disaster response planning.”

The TRA has never encouraged the U.S. to invite Taiwan to participate in its military exercise. It only states that Washington provides “defense articles and defense services”. And it is a bit too far-fetched to classify military exercises as “services”

However, like the TTA, both the provisions of 2018 and 2019 NDAA just mentioned above are belonged to the “Sense of Congress”. President Trump does not

necessarily to implement the congressional opinions

### **Will the “Fourth Taiwan Strait Crisis” Happen?**

“The day that the U.S. warship arrived in Kaohsiung would be the day the Chinese People’s Liberation Army ‘unifies’ Taiwan by force”, said by Li Kexin, the senior Chinese ambassador to the United States, during his speech on the Chinese embassy in Washington.

Will America's growing military ties with Taiwan lead to conflict in the Taiwan Strait? On the aspects of arms sales, as the Interviewee A said, “Taiwan's military power is severely unbalanced compared with China's, and U.S. arms sales to Taiwan have reduced it a very little.”<sup>62</sup>

Besides, the main reason why the U.S. Navy passed the Taiwan Strait is not to express support for Taiwan. With regard to the U.S. Navy’s move, the Interviewee B said, “the passage of U.S. warships through the Taiwan Strait in recent months has been based on the principle of international law.”<sup>63</sup>

The Interviewee C also holds the same view, he stated:<sup>64</sup>

The actions that the U.S. Navy has recently deepened are still based on Freedom of navigation. In other words, the United States has the power to go through the public waters that the international community recognizes.

All in all, Beijing will not have military conflict with Taipei or Washington due to the growing U.S. military relations with Taiwan in the past three years. The PRC’s leadership is also well aware that Taiwan's military strengthen is far from China's.

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<sup>62</sup> See the Appendix, 79.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

Moreover, in addition to the ongoing trade war, China still needs to deal with its internal economic and political problems, such as economic reform, the Hong Kong's protest and Xinjiang re-education camps.

## The U.S. and Taiwan's International Space

Cross-strait relations have deteriorated rapidly since President Tsai took in office, in stark contrast to the peaceful ambience emitted from the Ma-Xi meeting in 2015. Beijing has launched a series of crackdowns on Taiwan's international space as she did not recognize the so-called "92 Consensus" which acts as catalyst for maintaining peace between the cross-strait. For instance, China forced international airlines to change their reference to Taiwan as "Taiwan, China" or "a province of China" during the 2018.<sup>65</sup>

With regard to our participation in international organizations, Taiwan has been refused to participate as an observer in the World Health Assembly (WHA) for three consecutive years by the World Health Organization (WHO).

Both the U.S. Congress and the government have showed its strong support for Taiwan's continued participation in this non-political annual meeting which we did for 8 years during the President Ma era.

Bipartisan groups of 13 U.S. senators and 172 members of the House of Representatives wrote letters to WHO Director General Tedros Adhanom Ghebreyesus, urging the WHO to allow Taiwan to participate in the annual WHA.<sup>66</sup>

In these three years, the U.S. officials showed its support to Taiwan like our diplomatic allies did during the WHA. In 2019, U.S. Secretary of Health and Human Services Alex Azar spoke in support of Taiwan's participation, expressing the U.S.'s disappointment that Taiwan was not invited to observe the 72nd WHA. He also reaffirmed the U.S. support via a Twitter post attaching a photo of him with Taiwan's

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<sup>65</sup> 中華民國外交部, "107 年中國阻撓我國際空間,"

[https://www.mofa.gov.tw/Upload/WebArchive/2458/107年中國阻撓我國際空間事例\(全\).pdf](https://www.mofa.gov.tw/Upload/WebArchive/2458/107年中國阻撓我國際空間事例(全).pdf).

<sup>66</sup> 公眾外交協調會, "外交部感謝美國聯邦眾議院發聲支持我國參加「世界衛生大會」(WHA)," [https://www.mofa.gov.tw/News\\_Content.aspx?n=8742DCE7A2A28761&s=A652259E44F4922F](https://www.mofa.gov.tw/News_Content.aspx?n=8742DCE7A2A28761&s=A652259E44F4922F).

Minister of Health and Welfare Chen Shih-Chung on the sidelines of the WHA.

In diplomacy, so far, Taiwan lost 7 diplomatic allies — Sao Tome and Principe, Panama, the Dominican Republic, Burkina Faso, El Salvador, Solomon Islands and Republic of Kiribati, which all tempted by Beijing's financial incentives.

The U.S. expressed its support for Taiwan through several actions because it thought that the China's move was to change the status quo across the Taiwan Strait.

On September 2018, the U.S. recalled its Ambassadors to the Dominican Republic, El Salvador and Panama, respectively, in order to consult with them on the issues of derecognizing Taiwan.<sup>67</sup>

Besides, the U.S. Vice President Mike Pence also condemned Beijing's action during his speech at the Hudson Institute,<sup>68</sup>

The Chinese Communist Party has convinced three Latin American nations to sever ties with Taiwan and recognize Beijing. These actions threaten the stability of the Taiwan Strait, and the United States of America condemns these actions. And while our administration will continue to respect to our One China policy, as reflected in the three joint communiques and the Taiwan Relations Act, America will always believe that Taiwan's embrace of democracy shows a better path for all the Chinese people.

### **Taipei Act and Taiwan Assurance Act**

Yet, all of the verbal supports did not seem to make much difference. Thus, the U.S. Congress, in accordance with the spirit of the TRA, crafted several bills that support Taiwan's international space.

An Act called "Taiwan Allies International Protection and Enhancement Initiative (TAPEI) Act of 2019", which introduced to the Senate on May this

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<sup>67</sup> Edward Wong, "U.S. Recalls Top Diplomats from Latin America as Worries Rise over China's Influence," *The New York Times* September 8, 2018.

<sup>68</sup> American Institute in Taiwan, "Remarks by Vice President Pence on the Administration's Policy toward China," <https://www.ait.org.tw/remarks-by-vice-president-pence-on-the-administrations-policy-toward-china/>.

year and still in the legislative process now.<sup>69</sup> The U.S. intervenes in Taiwan's relations with diplomatic countries and other countries in the form of a bill, which stated in the provisions of the Section 3. (See Table 4)

On the Sec. 3(a)(3), it states that Washington should consider that “reducing its economic, security, and diplomatic engagement with nations that take serious or significant actions to undermined Taiwan.” However, the condition is that “in certain cases as appropriate and in alignment with the United States interests.” This ambiguous wording also created the “flexibility” for the U.S. government.

Moreover, the provisions of the Section 3 are belonged to the “Sense of Congress”, it only “suggests” Trump to implement it rather than “requires” him to do so. Hence, it does not have legal binding force like the TTA.

As for as the Taiwan’s participation in international organizations, the two key provisions in the Section 4 of the TAIPEI Act states, it should be the policy of the United States to advocate, as appropriate—

(A) for Taiwan’s membership in all international organizations in which statehood is not a requirement and in which the United states is also a participant; and

(B) for Taiwan to be granted observer status in other appropriate international organizations;

It is worth to compare it to another bill’s analogues provision which introduced by Congress in April this year— Taiwan Assurance Act of 2019 (H.R. 2002).

In the Section 4, it states that,<sup>70</sup>

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<sup>69</sup> 116th Congress, "S.1678 - Taiwan Allies International Protection and Enhancement Initiative (Taipei) Act of 2019," <https://www.congress.gov/bill/116th-congress/senate-bill/1678/text>.

<sup>70</sup> "H.R.2002 - Taiwan Assurance Act of 2019," <https://www.congress.gov/bill/116th->

It is the policy of the United States to advocate for Taiwan's meaningful participation in the United Nations, the World Health Assembly, the International Civil Aviation Organization, the International Criminal Police Organization, and other international bodies, as appropriate, and to advocate for Taiwan's membership in the Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization, and other international organizations for which statehood is not a requirement for membership.

Notwithstanding both sections are the "Sense of Congress", we can immediately find that the wording in the section of the Taiwan Assurance Act is more detailed, such as advocates Taiwan's participation in the United Nations, which Washington always opposed. This is obviously beyond the spirit of the TRA. Yet, this bill has been shelved since it was introduced in the Senate in May, with no progress. It shows that the congressional members did not reach a consensus on the bill because they knew that it is very difficult to get the Executive Branch to accept it.

What can be accepted by the U.S. government, is the "caution", "conservative" and "vague" rhetoric which stated in the TAIPEI Act. The content of its provisions is consistent with the past attitude of Washington towards Taiwan's participation in international organizations.



**Table 4 2019 TAIPEI Act**

<p>Taiwan Allies International Protection and Enhancement Initiative (TAPEI)</p> <p>Act of 2019</p> <p>S.1678 116th Congress</p> <p>SEC.3. STRENGTHENING OF OFFICIAL OR UNOFFICIAL TIES WITH TAIWAN</p> <p>(a) SENSE of CONGRESS. — It is the sense of Congress that the United States Government should—</p> <p>(1) support Taiwan in strengthening its official diplomatic relationships as well as unofficial partnerships with countries in the Indo-Pacific region and around the world;</p> <p>(2) consider, in certain cases as appropriate and in alignment with the United States interests, increasing its economic, security, and diplomatic engagement with nations that have demonstrably strengthened, enhanced, or upgraded relations with Taiwan.</p> <p>(3) consider, in certain cases as appropriate and in alignment with the United States interests, reducing its economic, security, and diplomatic engagement with nations that take serious or significant actions to undermined Taiwan.</p> <p>(b) CONSULTATION. —Not less than 30 days before increasing or decreasing the United States Government’s economic, security, or diplomatic engagement with another nation as a result of an action taken by that nation to either strengthen or undermine ties with Taiwan, the Secretary of State shall consult with the appropriate congressional committees with respect to the proposed United States action or actions.</p>
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\*Source: sorted by the author

## Economic and Trade Relations

Celebrating the 40th anniversary of the TRA this year, President Tsai Ing-wen keeps saying that “the Taiwan–U.S. Relations are at their best”.

Over the past three years, Washington has strengthened its military and political ties with Taipei via several bills and policies. How about the economic and trade relations?

Taiwan is the 11th largest trading partner of the United States, and the U.S. is the 2nd largest trading partner of Taiwan. Besides, both the U.S. and the Taiwan have a growing trend toward each other’s foreign direct investment (FDI).<sup>71</sup> The U.S.’s FDI in Taiwan was \$17.0 billion in 2017, a 6.9% increase from 2016. And Taiwan's FDI in the United States was \$8.1 billion in 2017, up 6.4% from 2016. Furthermore, Taiwan also sent the largest delegation to attend the SelectUSA Investment Summit in Washington DC in June 2019. And later in the September this year, Taiwan will also dispatch an Agricultural Trade Goodwill Mission the U.S. to purchase soybean, wheat, meat and corn.

However, there has been no any progress on Investment Framework Agreement (TIFA) and Free Trade Agreement (FTA). As the most important pointer to the signing of the FTA between the U.S. and Taiwan, TIFA has been suspended for three years since 2016.

Logically, if the Trump administration really fully supports Taiwan, or even views it as a “bargaining chip” against China, the U.S. should strengthen its relationship with Taiwan at all levels.

Why it did not happen? The main reason perhaps just like the Interviewee C

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<sup>71</sup> Office of the United States of Trade Representative, "U.S.-Taiwan Trade Facts," <https://ustr.gov/countries-regions/china/taiwan>.

(scholar) described:<sup>72</sup>

Two good friends do not necessarily like the same woman. In other words, two democratic countries do not necessarily have the same interests. Countries still focus are their own national interest.

“The U.S. still has its own national interests and its priorities”, the Interviewee D (diplomat) also elaborated the same opinion.<sup>73</sup> The top priority for Washington now is how to deal its relationship with China and negotiate on its trade war with Beijing.

As for the man, who has the greatest influence on the negotiations between the U.S. and China, is President Donald Trump himself.

“Trump love to sell things, he only cares about how much he can earn. The U.S. is now taking a strong negotiating stance on economic and trade issues.”

said by the Interviewee B (scholar).<sup>74</sup>

President Trump will take a tougher stance in economic and trade negotiations with other countries. Any deal must benefit “American workers” and prioritize the interests of Americans.

Hence, the U.S. will still exert pressure on Taiwan on American beef and pork. This reflects what The Interviewee A said, “the United States looks at many issues separately. Washington supports Taiwan at a strategic level, not in trade.”<sup>75</sup>

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<sup>72</sup> See the Appendix, 81.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

## **CONCLUSION AND IMPLICATIONS**

### **Taiwan as a “Strategic Asset” in Trump’s Era**

During Trump’s era, Washington has viewed Taiwan as a “strategic asset” in order to contain the rise of China. This “strategic asset” refers to Taiwan's military and political dimensions, not the economic dimension.

From the military perspective, the United States has incorporated Taiwan into its "Indo-Pacific strategy," and worked with other member allies in containing China's rise in East Asia regionally.

On the political aspect, Washington pushes its shared democratic values with Taiwan to fight the “totalism” symbolized by Beijing at the global level.

Standing on the economic level, the Trump administration thinks that its enhanced economic ties with Taiwan will not have enough impact on or hurt China, mainly because economy is a functional area.

Finally, the so-called “asset” in strategic asset can be increased or even devalued by Washington. The U.S. can make new policies for supporting Taiwan through the expansion of the interpretation space of the bills, which crafted by the U.S. Congress and all have the features of “flexibility”. On the contrary, Washington also can use the same method to reduce its support for Taiwan. The biggest variable affecting this "strategic asset" is the U.S.-China relationship.

### **The TRA means for the Trump Administration**

In the three years, the U.S. has not modified the TRA. Its content still remains ambiguous. Several new U.S. policies toward Taiwan made by the Trump administration mainly based on other bills like the TTA. However, Washington has used the “flexibility” created by the TRA to the maximum extent. We can see that

point form the contents of the pro-Taiwan bills signed by President Trump or crafted by the Congress. And all those bills were created in the spirit of the TRA.

In addition, the Trump administration has viewed TRA as a tool to contain China, unlike the previous U.S. government used TRA as a tool to balance the cross-strait relations. The main reason is because the so-called "troublemaker" in the eyes of Washington have changed from Taipei to Beijing. The U.S. believes it is not Taiwan, but China, that undermines the status quo across the Taiwan Strait. Compared to President Chen Shui-bian, President Tsai is relatively self-restraint and moderate, she has not taken the initiative to change the status quo, such as pushing Taiwan to join the United Nations, as President Chen did before.

Notwithstanding the TRA still maintains the ambiguous interpretation, Washington has regarded it as a "driving force" to contain the rise of China

### **The Path Ahead**

The Trump administration has regarded China as a "strategic competition" opponent. The relationship between the two sides will not improve in short term.

In addition, both President Tsai and President trump are going to face their own domestic presidential election next year. Will this affect the relationship between the U.S. and Taiwan? Perhaps not.

In Taiwan, the KMT presidential candidate will not has fundamental changes in cross-strait policies, such as signing a peace agreement with Beijing. Its policies will only change in functional areas, like strengthen economic and trade relations with China.

On the other hand, take a closer look at the debates between the Democrats candidates, we can know both Bernie Sanders and Elizabeth Warren are hardliners on

China. And Sanders is a populist like President Trump, his foreign policy will also be based on "America First." As for the relatively moderate Joe Biden, his attitude toward China has gradually turned tough, due to the changes in the domestic political pressure and the international situation.

In sum, due to the fundamental structural problems, the competition between the U.S. and China will surely last for a long time. Taiwan, as a beacon democracy in the Western Pacific and as a vital partner in the Indian-Pacific strategy, its relationship with Washington will continue to growth. At this stage, Taiwan as a “strategic asset” is in a state of value-added. The Trump administration will also continue to use the TRA to contain Beijing.

# APPENDIX

## Taiwan Relations Act

(April 10, 1979)

Public Law 96-8 96<sup>th</sup> Congress

An Act

To help maintain peace, security, and stability in the Western Pacific and to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and people on Taiwan, and for other purpose.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. This Act may be cited as the “Taiwan Relations Act”.

### FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The President having terminated governmental relations between the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, the Congress finds that the enactment of this Act is necessary—

(1) to help maintain peace, security, and stability in the Western Pacific;  
and

(2) to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and people on Taiwan.

(b) It is the policy of the United states—

(1) to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area;

(2) to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;

(3) to make clear that the United States decision to establish diplomatic relations with the People’s Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(4) 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;

(5) to provide Taiwan with arms of a defensive character; and

(6) 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.

(c) Nothing contained in this Act shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately eighteen million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.

#### IMPLEMENTATION OF UNITED STATES POLICY WITH REGARD TO TAIWAN

SEC. 3. (a) In furtherance of the policy set forth in section 2 of this Act, 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.

(b) The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan's defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress.

(c) 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 United States 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.

#### APPLICATION OF LAWS; INTERNATIONAL AGREEMENTS

SEC. 4. (a) The absence of diplomatic relations or recognition shall not affect the application of the laws of the United States with respect to Taiwan, and the laws of the United States shall apply with respect to Taiwan in the manner that the laws of the United States applied with respect to Taiwan prior to January 1, 1979.

(b) The application of subsection (a) of this section shall include, but shall not be limited to, the following:

(1) Whenever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with such respect to Taiwan.

(2) Whenever authorized by or pursuant to the laws of the United States to conduct or carry out programs, transactions, or other relations with respect to foreign countries, nations, states, governments, or similar entities, the President or any agency of the United States Government is authorized to conduct and carry out, in accordance with section 6 of this Act, such programs, transactions, and other relations with respect to Taiwan (including, but not limited to, the performance of services for the United States through contracts with commercial entities on Taiwan), in accordance with the applicable laws of the United States.

(3)(A) The absence of diplomatic relations and recognition with respect to Taiwan shall not abrogate, infringe, modify, deny, or otherwise affect in any way any rights or obligations (including but not limited to those involving contracts,



debts, or property interests of any kind) under the laws of the United States heretofore or hereafter acquired by or with respect to Taiwan.

(B) For all purposes under the laws of the United States, including actions in any court in the United States, recognition of the People's Republic of China shall not affect in any way the ownership of or other rights or interests in properties, tangible and intangible, and other things of value, owned or held on or prior to December 31, 1978, or thereafter acquired or earned by the governing authorities on Taiwan.

(4) Whenever the application of the laws of the United States depends upon the laws that is or was applicable on Taiwan or compliance therewith, the law applied by the people on Taiwan shall be considered the applicable law for that purpose.

(5) Nothing in this Act, nor the facts of the President's action in extending diplomatic recognition to the People's Republic of China, the absence of diplomatic relations between the people on Taiwan and the United States, or the lack of recognition by the United States, and attendant circumstances thereto, shall be construed in any administrative or judicial proceeding as a basis for any United States Government agency, commission, or department to make a finding of fact or determination of law, under the Atomic Energy Act of 1954 and the Nuclear Non-Proliferation Act of 1978, to deny and export license application or to revoke an existing export license for nuclear exports to Taiwan.

(6) For purpose of the Immigration and Nationality Act, Taiwan may be treated in the manner specified in the first sentence of section 202(b) of that Act.

(7) The capacity of Taiwan to sue and be sued in courts in the United States, in accordance with the laws of the United States, shall not be abrogated, infringed, modified, denied, or otherwise affected in any way by the absence of diplomatic relations or recognition.

(8) No requirement, whether expressed or implied, under the laws of the United States with respect to maintenance of diplomatic relations or recognition shall be applicable with respect to Taiwan.

(c) For all purpose, including actions in any court in the United States, the Congress approves the continuation in force of all treaties and other international agreements, including multilateral conventions, entered into by the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and in force between them on December 31, 1978, unless and until terminated in accordance with law.

(d) Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.

## OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 5. (a) During the three-year period beginning on the date of enactment of this Act, the \$1,000 per capita income restriction in insurance, clause (2) of the second undesignated paragraph of section 231 of the reinsurance, Foreign Assistance Act of 1961 shall not restrict the activities of the Overseas Private Investment Corporation in determining whether to provide any insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan.

(b) Except as provided in subsection (a) of this section, in issuing insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan, the

Overseas Private Insurance Corporation shall apply the same criteria as those applicable in other parts of the world.

#### THE AMERICAN INSTITUTE OF TAIWAN

SEC. 6. (a) Programs, transactions, and other relations conducted or carried out by the President or any agency of the United States Government with respect to Taiwan shall, in the manner and to the extent directed by the President, be conducted and carried out by or through—

(1) The American Institute in Taiwan, a nonprofit corporation incorporated under the laws of the District of Columbia, or

(2) such comparable successor nongovernmental entity as the President may designate, (hereafter in this Act referred to as the “Institute”)

(b) Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to enter into, perform, enforce, or have in force an agreement or transaction relative to Taiwan, such agreement or transaction shall be entered into, performed, and enforced, in the manner and to the extent directed by the President, by or through the Institute.

(c) To the extent that any law, rule, regulation, or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Institute is incorporated or doing business, impedes or otherwise interferes with the performance or the functions of the Institute pursuant to this Act; such law, rule, regulation, or ordinance shall be deemed to be preempted by this Act.

#### SERVICES BY THE INSTITUTE TO UNITED STATES CITIZENS ON TAIWAN

SEC. 7. (a) The Institute may authorize any of its employees on Taiwan—

(1) to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States;

(2) To act as provisional conservator of the personal estates of deceased United States citizens; and

(3) to assist and protect the interests of United States persons by performing other acts such as are authorized to be performed outside the United States for consular purposes by such laws of the United States as the President may specify.

(b) Acts performed by authorized employees of the Institute under this section shall be valid, and of like force and effect within the United States, as it performed by any other person authorized under the laws of the United States to perform such acts.

#### TEX EXEMPT STATUS OF THE INSTITUTE

SEC. 8. (a) The Institute, its property, and its income are exempt from all taxation now or hereafter imposed by the United States (except to the extent that section 11(a)(3) of this Act requires the imposition of taxes imposed under chapter 21 of the Internal Revenue Code of 1954, relating to the Federal Insurance Contribution Act) or by State or local taxing authority of the United States.

(b) For purposes of the Internal Revenue Code of 1954, the Institute shall be treated as an organization described in sections 170(b)(1)(A), 170(c), 2055(a), 2106(a)(2)(A), 2522(a), and 2522(b).

#### FURNISHING PROPERTY AND SERVICES TO AND OBTAINING SERVICES FROM THE INSTITUTE

SEC. 9. (a) Any agency of the United States Government is authorized to sell, loan, or lease property (including interests therein) to, and to perform administrative and technical support functions and services for the operations of, the Institute upon such terms and conditions as the President may direct. Reimbursements to agencies under this subsection shall be credited to current applicable appropriation of the agency concerned.

(b) Any agency of the United States Government is authorized to acquire and accept services from the Institute upon such terms and conditions as the President may direct. Whenever the President determines it to be in furtherance of the purposes of this Act, the procurement of services by such agencies from the Institute may be effected without regard to such laws of the United States normally applicable to the acquisition of services by such agencies as the President may specify by Executive order.

(c) Any agency of the United States Government making funds available to the Institute in accordance with this Act shall make arrangements with the Institute for the Comptroller General of the United States to have access to the; books and records of the Institute and the opportunity to audit the operations of the Institute.

#### TAIWAN INSTRUMENTALITY

SEC. 10. (a) Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to render or provide to or to receive or accept from Taiwan, any performance, communication, assurance, undertaking, or other action, such action shall, in the manner and to the extent directed by the President, be rendered or Provided to, or received or accepted form, an instrumentality established by Taiwan which the President determines has the necessary authority under the laws applied by the people on Taiwan to provide assurances and take other actions on behalf of Taiwan in accordance with this Act.

(b) The President is requested to extend to the instrumentality established by Taiwan the same number of offices and complement of personnel as were previously operated in the United States by the governing authorities on Taiwan recognized as the Republic of China prior to January 1, 1979.

(c) Upon the granting by Taiwan of comparable privileges and immunities with respect to the Institute and its appropriate personnel, the President is authorized to extend with respect to the Taiwan instrumentality and its appropriate; personnel, such privileges and immunities (subject to appropriate conditions and obligations) as may be necessary for the effective performance of their functions.

## SEPARATION OF GOVERNMENT PERSONNEL FOR EMPLOYMENT WITH THE INSTITUTE

SEC. 11 (a)(1) Under such terms and conditions as the President may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts employment with the Institute.

(2) An officer or employee separated by an agency under paragraph (1) of this subsection for employment with the Institute shall be entitled upon termination of such employment to reemployment or reinstatement with such agency (or a successor agency) in an appropriate position with the attendant rights, privileges, and benefits with the officer or employee would have had or acquired had he or she not been so separated, subject to such time period and other conditions as the President may prescribe.

(3) An officer or employee entitled to reemployment or reinstatement rights under paragraph (2) of this subsection shall, while continuously employed by the Institute with no break in continuity or service, continue to participate in any benefit program in which such officer or employee was participating prior to employment by the Institute, including programs for compensation for job-related death, injury, or illness; programs for health and life insurance; programs for annual, sick, and other statutory leave; and programs for retirement under any system established by the laws of the United States; except that employment with the Institute shall be the basis for participation in such programs only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the program's or system's fund or depository. Death or retirement of any such officer or employee during approved service with the Institute and prior to reemployment or reinstatement shall be considered a death in or retirement from Government service for purposes of any employee or survivor benefits acquired by reason of service with an agency of the United States Government.

(4) Any officer or employee of an agency of the United States Government who entered into service with the Institute on approved leave of absence without pay prior to the enactment of this Act shall receive the benefits of this section for the period of such service.

(b) Any agency of the United States Government employing alien personnel on Taiwan may transfer such personnel, with accrued allowances, benefits, and rights, to the Institute without a break in service for purposes of retirement and other benefits, including continued participation in any system established by the laws of the United States for the retirement of employees in which the alien was participating prior to the transfer to the Institute, except that employment with the Institute shall be creditable for retirement purposes only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the system's fund or depository.

(c) Employees of the Institute shall not be employees of the United States and, in representing the Institute, shall be exempt from section 207 of title 18, United States Code.

(d)(1) For purposes of sections 911 and 913 of the Internal Revenue Code of 1954, amounts paid by the Institute to its employees shall not be treated as earned income. Amounts received by employees shall not be treated as earned income.

Amounts received by employees of the Institute shall not be included in gross income, and shall be exempt from taxation, to the extent that they are equivalent to amounts received by civilian officers and employees of the Government of the United States as allowances and benefits which are exempt from taxation under section 912 of such Code.

(2) Except to the extent required by subsection (a)(3) of this section, service performed in the employ of the Institute shall not constitute employment for purposes of chapter 21 of such Code and title II of the Social Security Act.

## REPORTING REQUIREMENT

SEC. 12. (a) The Secretary of State shall transmit to the Congress the text of any agreement to which the Institute is a party. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President.

(b) For purposes of subsection (a), the term “agreement” includes—

(1) any agreement entered into between the Institute and the governing authorities on Taiwan or the instrumentality established by Taiwan; and

(2) any agreement entered into between the Institute and an agency of the United States Government

(c) Agreements and transactions made or to be made by or through the Institute shall be subject to the same congressional notification, review, and approval requirements and procedures as if such agreements and transactions were made by or through the agency of the United States Government on behalf of which the Institute is acting.

(d) During the two-year period beginning on the effective date of this Act, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, every six months, a report describing and reviewing economic relations between the United States and Taiwan, noting any interference with normal commercial relations.

## RULES AND REGULATIONS

SEC. 13. The President is authorized to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of this Act. During the three-year period beginning on the effective date of this Act, such rules and regulations shall be transmitted promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate. Such action shall not, however, relieve the Institute of the responsibilities placed upon it by this Act.

## CONGRESSIONAL OVERSIGHT

SEC. 14. (a) The Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and other appropriate committees of the Congress shall monitor—

(1) the implementation of the provisions of this Act;

- (2) the operation and procedures of the Institute;
  - (3) the legal and technical aspects of the continuing relationship between the United States and Taiwan; and
  - (4) the implementation of the policies of the United States concerning security and cooperation in East Asia
- (b) Such committees shall report, as appropriate, to their respective Houses on the results of their monitoring.

#### DEFINITIONS

SEC. 15. For purposes of this Act—

- (1) the term “laws of the United States” include any statute, rule, regulation, ordinance, order, or judicial rule of decision of the United States or any political subdivision thereof; and
- (2) the term “Taiwan” includes, as the context may require, the islands of Taiwan and the Pescadores, the people on those islands, corporations and other entities and associations created or organized under the laws applied on those islands, and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and any successor governing authorities (including political subdivisions, agencies, and instrumentalities thereof)

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 16. In addition to funds otherwise available to carry out the provisions of this Act, there are authorized to be appropriated to the Secretary of State for the fiscal year 1989 such funds as may be necessary to carry out such provisions. Such funds are authorized to remain available until expended.

#### SEVERABILITY OF PROVISIONS

SEC. 17. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

#### EFFECTIVE DATE

SEC. 18. This Act shall be effective as of January 1, 1979. Approved April 10, 1979.

## Interview Questions

### 訪談問題

1. 《臺灣關係法》執行以來，一直在美國對臺政策中扮演“戰略模糊”的角色，然而在川普政府上台後，臺美關係的升級似乎將有超過其法案規範的趨勢，您認為 TRA 依舊是扮演一樣的角色嗎？還是逐漸轉變成“戰略清晰”的角色？
2. 在美中競爭及新的國際情勢下，您認為《臺灣關係法》是否應做條文的修改？
3. 川普上任後相關友臺法案相繼通過，例如臺灣旅行法、2018 亞洲再保證倡議法、2018 與 2019 年國防授權法及近期美國眾議院通過的臺灣保證法，內容包括鼓勵臺美間所有層級官員互訪、鼓勵臺灣軍事合作等。然而這些法案象徵意涵較高，並無實質拘束力，您怎麼看待這些法案的對臺意義？
4. 在慶祝《臺灣關係法》40 週年後，5 月份臺美間更是出現斷交後“三個首次”——“北美事務協調委員會”改名為“臺灣美國事務委員會”、臺美雙方國安首長會面並與美方政府官員共同會晤我國邦交國官員，此外蔡總統於 7 月過境美國也被稱為外交突破，您認為這些事件代表了什麼意涵？
5. 您認為是哪些因素促使川普政府做出上述這些友臺舉動？您又如和看待川普政府是在打臺灣牌還有臺灣是美中對抗籌碼這樣的說法？
6. 在臺美軍售議題及軍事合作上，從美國軍艦頻繁的通過臺灣海峽、在相關友臺法案中鼓勵臺美軍事合作演習及軍艦互訪，以及到最近兩筆重大軍售案（M1A2T 戰車及 F-16V 戰機），這些舉動都不斷地激怒中國，您認為這些因素否會造成臺海兩岸情勢升高並產生衝突，例如 1996 年的臺海危機再次上演？
7. 許多人說臺美關係是自 1979 年斷交以來最好的時後，然而在雙邊自由貿易協定(FTA)上到目前依舊沒有進展，邏輯上如果川普政府要全面挺臺的話，應該盡與其簽署。您如何看待臺美 FTA？您認為川普政府的考量因素是什麼？
8. 臺美關係升級的趨勢，您認為將來的走向如何？有哪些因素會影響美國對臺政策調整？
9. 在亞太情勢動盪之際，您認為臺灣政府應該以什麼樣的心態面對美國的對華政策？而我們又應該如何執行對美政策，以確保臺灣的國家利益？

## Interview Consent

### 訪談同意書

親愛的 \_\_\_\_\_ 教授/先生您好：

我目前是外交部北美司美國政治事務科實習生。同時身為文藻外語大學國際事務系四年級學生，我目前正在進行學士論文研究。我的論文是關於臺美關係，題目是「From ‘Strategic Ambiguity’ to ‘Strategic Clarity’? The Role of Taiwan Relations Act in the U.S.–China–Taiwan Relations under the Trump “America First”」 「從“戰略模糊”到“戰略清晰”？臺灣關係法在川普“美國第一”時代下美中臺關係中扮演的角色」

慶祝《臺灣關係法》TRA 40 年之際，我們見證了臺美關係穩健的成長，我們於美國之間也達成多項合作協定，雙方關係就如同友臺美國國會議員賈德納所說的“現在臺美關係是有史以來最好”。然而，在美中競爭、亞太地區局勢動盪和新的國際情勢下，臺美關係也遇到挑戰。因此，重新檢視 TRA 在川普政府下的角色及美國對臺政策是相當重要的，我們也能藉此確保臺灣的國家利益不受到損害。

在見證 TRA 這歷史的一年，也是我難得的榮幸能在這個暑期到外交部北美司實習，不僅讓我學習到外交工作的內容，也使我對臺美關係有了更全面的瞭解，讓身為研究者的我能學以致用。我也希望利用這難得機會，藉由 \_\_\_\_\_ 您在對美事務上的專業觀點及外交專才，瞭解 \_\_\_\_\_ 教授/外交官對於 TRA 及臺美關係現況之看法。

訪談的時間共約 30 分鐘，在過程中，為了能將訪談內容完整錄下來，我將會以錄設備輔助使用。如果遇到您不希望被錄音的內容（如機密訊息），您可隨時告知，我會馬上終止錄音。關於訪談獲得的內容，也僅供學術研究上使用。在研究完成後也將錄音予以銷毀，所以您可放心回答。您能接受訪談對我來說是莫大的幫助，若您願意接受我的訪問，我將在訪談時給您同意書，到時在麻煩您在受訪同意書上簽名，非常謝謝您的協助！

### 受訪同意書

在經過研究者介紹後，本人同意參與此研究並接受訪談，並瞭解

1. 本人所提供的資料，研究者僅學術研究上使用
2. 在研究的過程中，若對研究有問題可隨時提出疑問或退出研究

受訪者 簽名 \_\_\_\_\_



## Interviewee's Answer

(Key excerpts)

1. 《臺灣關係法》執行以來，一直在美國對臺政策中扮演“戰略模糊”的角色，然而在川普政府上台後，臺美關係的升級似乎將有超過其法案規範的趨勢，您認為 TRA 依舊是扮演一樣的角色嗎？還是逐漸轉變成“戰略清晰”的角色？

### Interviewee A:

TRA 功能依舊戰略模糊，要依美中關係發展而決定。美中關係如果有緩和趨勢，川普政府當然會將 TRA 退回保守的解釋方式。如果美中關係比較差或美中競爭很嚴重，美方需要打台灣牌的話。

TRA 有些東西說的不是很清楚，比如說防衛性武器的提供，到底怎麼樣定義防衛性？

現在還有一些其他法規可以依循，比如說《臺灣旅行法》、《2018 亞洲再保證倡議法》和《國防授權法》，那這些都可以提供美國別的選項，一樣是依法而治。美國一樣有些法規的基礎來去推動改善美臺關係。

如果美國用剛提的其他法規來給予我們支持，不管是給予蔡英文總統過境升級的禮遇，或是給予我們雙方公務人員提高層級進行互訪，那當然是朝向“戰略清晰”的方向來發展，但那就不是 TRA 在發生作用，而是其它的法。

### Interviewee B:

TRA 對美國來說不是原則，它是一個法律政治的雙重工具。作為工具美國可以把它作為很多面向的使用。

TRA 及美國對臺的官方文件內容都是模糊的。以戰略來說，美國到現在還是很模糊的。美國政府會在“清晰”跟“模糊”之間有些猶疑，但“清晰”比“模糊”還要多是不太可能。北協的改名只能說是我們內政上的宣傳。(全世界目前唯一更名的)，美國該維持模糊的還是模糊，清晰是清晰在我們國內內部。美國做的清晰都不會是影響中國大陸大局的地方。因此用“戰略模糊”去定義

比較好。以臺旅法來說有些人會把它算進去，但美國到目前的言論還是三公報跟一法。美國行政部門基本上不會把三公報跟臺旅法連在一起。在官式聲明方面美國一中政策沒有變化。

#### Interviewee C:

TRA 基本上是一個非常有創意的一種模糊，使得美國行政部門可以在運用它政策工具的時候有非常大的彈性。他可以暗中的好到非常好，也可以當面壞到很壞。舉例來說，如果美國想要賣武器給臺灣，美國可以說 TRA 裡面表達臺灣的安全是美國重大的利益，那美國政府要跟國會共同商議如何協助臺灣不受脅迫或是禁運。

美國可以偷偷派一個高階層的官員來，讓記者跟民眾都不知道，但雙方可以做很多很實質的事情。他也可以很公開的板者臉說 TRA 開宗明義的說臺美間是非官方關係，然後送你三個字：不方便。

TRA 也給美國行政部門調解美中臺三邊關係或者是說美國對臺或對中的兩個雙邊關係，讓美國手上多了一個控制閥。讓所有的事情的發生在美國政府在當時的情況之下，認為最符合美國利益。

#### Interviewee D:

我不認同 TRA 是扮演“戰略模糊”角色這樣的說法，我會把 TRA 當作是臺美關係中的基石。臺灣透過 TRA 在過去 40 年來持續加強臺美間的關係。

2. 在美中競爭及新的國際情勢下，您認為《臺灣關係法》是否應做條文的修改？

Interviewee A:

對臺灣來講當然希望修改，或者是重新制定一套法規像《臺灣安全法》以美方來講，依照現在的局勢 TRA 還沒到應該修改的程度。TRA 用字遣詞提供給美方足夠的空間可以彈性解釋、去運作或操作。

Interviewee B:

以臺灣保證法來看，裡面有很多很明顯挺臺的文字，然而在談的時候文字就逐漸不見了。(民主國家國會的特性)，真的能修早就做了。我們看不到國會跟行政部門在這方面溝通狀況為何，美國行政部門想把局勢推到最緊張嗎？TRA 的修改有它的困難度，如果只是改不痛不癢的部分那改它幹嘛？

Interviewee C:

我認為 TRA 本身一個字都不要動。為什麼？因為它等於是一個中華民國（臺灣）跟美國之間的一個基礎法或基本法。用美國國內法的形式定位了美國和一個非正式外交關係國家之間的一個基本的政策原則和態度。

任何有關台灣關係法滿意或不滿意，覺得它幫臺灣過多或是對臺灣不好的人來講，一個文字不修正，保持它的模糊性，有助於政策穩定。使得對臺灣有不同看法的政黨的政府，不會想在自己的任內去做更動。換句話說，一但你去修改 TRA，就有再被修改的可能。如果大家都堅持不動，保持原來的文字，那麼讓它變成一個政策上可以使用的一個基本邏輯，因此我覺得是對長遠美國利益是有益的。

如果有任何對於 TRA 認為有不足地方，在過去幾年當中美國國會也透過不同形式的立法把這些可以補強、增進及擴大的臺美交流合作範圍也做了些改善。比如說在每年總統必會簽字的國防授權法裡面增加一些條文敘述。譬如說 TTA 和正在討論的臺灣保證法。我們都可以把它解釋說其跟 TRA 的內容跟精神是一致的。我們透過其它的相關立法去做一些補強，遠比去修 TRA 更好。

Interviewee D:

我認為沒有必要修改，因為美國可以以其它法案表示支持臺灣，像是這兩年來通過的臺灣旅行法和國防授權法案等。

3. 川普上任後相關友臺法案相繼通過，例如臺灣旅行法、2018 亞洲再保證倡議法、2018 與 2019 年國防授權法及近期美國眾議院通過的臺灣保證法，內容包括鼓勵臺美間所有層級官員互訪、鼓勵臺灣軍事合作等。然而這些法案象徵意涵較高，並無實質拘束力，您怎麼看待這些法案的對臺意義？

#### Interviewee A:

很簡單的因素，美國更加明確形成制衡中國的這種共識。制衡中國本身需要很多工具，需要美國很多友邦的配合。那臺灣當然是美國重要的夥伴之一，無論是稱為“民主夥伴”或“戰略夥伴”。

因此美方會用其他剛剛提到的法案規來支持。但這些法規的字確實比較溫和沒有那麼強大的拘束力。我覺得這扔然是提供給美行政方一個空間。因為美中關係的確是朝向“制衡”的方向發展，甚至有的時候也是一種“競爭對手”，必較敵對競爭的情況。但是不是需要到完全廢棄三公報，完全依照美國國內法，我覺的這兩者還在處於一個微妙的“平衡”。意思就是說美國現在還是必須要口頭上提出三公報，美方有些陳述還是會提出三公報。那提出三公報的話，在法規的部分就留一些缺口或是彈性，再看中方的反應來決定美國的下一步。

所以剛剛提到的那些法規都是有一個彈性 (Flexibility)，它留一定的彈性，然後看美方加碼支持臺灣的時後再看中方的反應，然後才有別的香連動的關係，比如說貿易戰、朝鮮半島的問題和中方合作的程度。如果說中方是不合作或對抗，美國當然可以把這些法可詮釋的空間把它詮釋成更堅定支持臺灣。

至於是不是到了像有些美國參議員或美國學界人士說要推翻三公報，我覺的如果沒有推翻三公報的話那保留這些彈性對美國還是很有利。

#### Interviewee B:

很多法案文字裡面用 shall，意思是沒有強制性。這樣的模糊是美國對華外交很明顯得特色。這些用意很清楚就是國會跟立法之間相互要尊重，留一些空間。如果全部都用 should 的話就是都要做，這樣立法就凌駕於行政之上。美國行政部門也有來自中國的壓力。

Interviewee C:

近年來美國通過這些的法律對我來講是提供給行政部門一個更多增進臺美關係的彈性，而這個彈性用國會意見的表達不具強制力，對美國現階段來講有利。因為如過用強制性的話很可能中美關係會受到影響。所以把那個法放在那邊，等於是我們在一個鏢局裡面，武器架上多放了幾個武器。但打架的時候還是用雙節棍或是空手打，可是我會讓對手看到我的武器架上還有其它武器。那麼這些法案有它的政治意涵，也算是某種程度之戰略溝通，更能夠讓未來在有必要的時候讓美國政府在武器架上能隨手拿起來用。換句話說就是把他的工具箱內的工具增加了，也不一定現在馬上要用，要看時機。

臺灣有很多民眾對美國有非常高的期待，都希望法一通過後馬上就做一些事情。我們站在臺灣利益來看的話，如果我們完全不考慮美國利益的話，美國更不會去運用那些政策工具。

Interviewee D:

我認為是有拘束力的，這是國會通過的法律並由總統簽署。

4. 在慶祝《臺灣關係法》40週年後，5月份臺美間更是出現斷交後“三個首次”——“北美事務協調委員會”改名為“臺灣美國事務委員會”、臺美雙方國安首長會面並與美方政府官員共同會晤我國邦交國官員，此外蔡總統於7月過境美國也被稱為外交突破，您認為這些事件代表了什麼意涵？

Interviewee A:

更名這主要是我方長期的努力，並不是因為現在的局勢所出現的。

蔡總統在紐約辦事處接見我國邦交國駐聯合國大使，也是一定經過美方的同意。這是美國兩個現象，第一是給予臺灣信心表示支持臺灣。第二個是向中方釋放訊號，表示說美方現在要加碼臺灣這個“戰略資產”，要讓中方在這種重要議題有所讓步。在亞太地區影響美國利益最大的也是中國因素。

Interviewee B:

在過境上，美國依然有顧慮，沒有顧慮的話早蔡總統早就訪問華盛頓了。美國還是會對中國的反應很在意。我個人的感覺是美方把我們拿來利用之後，共產黨怎麼對臺灣，美國沒有那麼在意。

北協改名其實沒有很重要，重要的應該是在美國的館要改名。

美國的做法我是支持，但有時是政府自己刻意操作，媒體不查，把這些都稱為很重大的外交突破，有時反而把民眾教壞或教錯。

很多法案其實馬英九時代也可以做，但他選擇不必做。有美國國會議員主動跟我們講說可以提這個法案，也應該會過。但我們覺得不必要因為兩岸關係很好。某國務院官員在 AIT 餐會上對馬英九說謝謝他把兩岸關係弄好，讓美國在處理對中事務的時候能少些顧慮的地方。

Interviewee C:

北協的改名當然對臺灣的外交人員精神上是一種提升。但北協其實比較像一個“白手套”的機構

我常常開玩笑說，如果今天總統叫我選個位置坐，我會選擇去北協。因為那邊業務量不大，我可以做自己想做的事，壓力也沒有那麼大。現在 AIT 有事

情找臺灣都是直接去外交部而不是北協。

Interviewee D:

美方有自己的國家利益會考量，當然也會顧慮到與中國之關係發展。



5. 您認為是哪些因素促使川普政府做出上述這些友臺舉動？您又如和看待川普政府是在打臺灣牌還有臺灣是美中對抗籌碼這樣的說法？

Interviewee A:

從國際關係現實主義的角度來看，每個國家都有其國家利益的評估，所以最重要的還是它本身的核心利益。對於美國來講，如果其盟邦有助於維持它的核心利益，那美國當然會加強對盟邦的支持，所以應該用這些角度來看這些友臺法案。

臺灣當然是美國重要的非條約或非邦交的夥伴，所以我們對於美國來講是非常重要的“戰略資產”。我覺的上述提到的法規不只是象徵性意義，應該說提供法規中必要的空間來幫助美國投資這一項對美國重要的“戰略資產”。

中國影響到美國很多國家安全方面的重要議題。那如何調整美中關係的話，臺灣作為一個重要的“戰略資產”自然是權利平衡上的一個“法瑪”。

Interviewee B:

美中關係因素不是唯一影響美國目前的對臺政策，但是是最終要的關鍵。美國平常對臺灣是不錯。

這是大國戰略下常常看到的事情。在兩大國之間很難扮演穩定的第三方。重要的是在當棋子或籌碼的時候臺灣有多少的自主性？日本跟韓國絕對比我們高。

現在很像捧美反中。以國際關係理論來看，如果我們想變成能動性很高的agent，就要學北韓那樣。馬英九把兩岸關係搞穩定，就是爭取我們的自主性。

Interviewee C:

簡單的答是，但是不全，只有一部分。另外美國也有一些人經過臺海兩岸的分治，臺灣 23 年來的全民直選總統及三度政黨輪替及和平政權移轉，漸漸使美國人更希望幫助臺灣，把臺灣的地位透過美國的影響力做所提升。退，可以讓臺灣更為穩固。近，可以培養一個可以促使中國大陸內部發生變化有效的工具，因為美國整體來講還是希望中國大陸能融入世界體系，接受美國所主導的

國際遊戲規則。

臺灣可以有幾個角色，可以是美國對中國大陸的最前線。台灣是美國唯一可以深入中國大陸去改變其的催化劑，因為同文同種的關係。美國從外面不管是貿易戰還是科技戰改變不了中國，可是只要有臺灣在，那麼中國大陸對香港就會同屬集氣。只要有臺灣在，中國大陸就必須顧慮到海峽兩岸尚未尋求到政治關係的最終解決方案的時候，在這模糊地帶空間的時候，彼此有更多彈性空間的選擇。

Interviewee D:

我認為從 1979 年來美國一向都很挺臺灣，我認為美國是把對臺與對中政策分開來看的。

6. 在臺美軍售議題及軍事合作上，從美國軍艦頻繁的通過臺灣海峽、在相關友臺法案中鼓勵臺美軍事合作演習及軍艦互訪，以及到最近兩筆重大軍售案（M1A2T 戰車及 F-16V 戰機），這些舉動都不斷地激怒中國，您認為這些因素否會造成臺海兩岸情勢升高並產生衝突，例如 1996 年的臺海危機再次上演？

#### Interviewee A

如果僅以軍售來看，我認為不足以造成 1996 年的規模。1996 年的危機主要是外部和內部政治因素所相加的結果。外部是李前總統訪美的情形，內部就是涉及到臺灣的選舉，中方企圖影響臺灣內部之選舉，因為這是首次的總統直選。而中方認為李前總統訪美的言論偏離了過去國統綱領或是一中政策重要的原則。而且 1996 年並沒有美國對臺軍售，風險卻比較高一些。我記得 96 年三月的選舉前中方的飛彈試射，當時中國一位負責外事的國務委員劉華秋，他到美國去訪問。這些資料的分析都顯示出中方跟美方相互在釋放訊號，但其實也向對方保證情勢升高是種“訊號”，但並不打算變成實質性的“衝突”（confrontation）。

這兩筆軍售的性質對臺灣的戰略信心是一種鼓勵。因為臺灣面對這種權利不平衡的競爭需要一定的信心。以這些軍售來講的話，過去 20 年中方的軍事投資和武器的升級，臺海本來就嚴重失衡，所以這樣軍售只把這樣的嚴重失衡往回拉一下。

#### Interviewee B:

美國對臺軍售絕對不會造成臺海危機的主因。軍艦過境部分美國有自己國際法的依據。美國都會事先打招呼。有一次美國人跟我說美方船艦通過的時候先跟中國講他們把砲口都遮起來，意思很清楚就是通過而已。比較容易擦槍走火的是在南海問題。

川普有說希望我們小心的用（不要亂來的意思）

#### Interviewee C:

目前看起來臺海會發生衝突主要角色還是臺灣跟中國大陸，而不是美國。中

國並沒有想要跟美國在軍事層面上發生直接衝突，而美國也沒有想要與中國必有一戰。而臺灣作為一個可能中國大陸眼中的美國代理人。

美國最近加深的這些軍事行動，其實背後理念還是自由航行。也就是說凡是國際認定各國都可以使用的公共海域，美國都有權力經過，防止臺海和南海變內水化。這也在某種程度上遏制中國大陸發展過快的軍事威懾力。

從這些角度來看，只要臺灣不主動挑釁中國大陸，大陸也非常清楚，現在臺灣不管買多少武器裝備，臺灣去挑起兩岸軍事衝突對臺灣的不利程度相當高。所以關鍵反倒是臺灣會不會所謂主動挑釁或是大陸用語俠洋自重、靠美反中。如果一在加深這種意象，對臺灣來講威脅性比較高了。

#### Interviewee D:

當兩岸營造這樣敵對的氣氛，美國對臺的軍售是必然之結果。

7. 許多人說臺美關係是自 1979 年斷交以來最好的時後，然而在雙邊自由貿易協定(FTA)上到目前依舊沒有進展，邏輯上如果川普政府要全面挺臺的話，應該盡與其簽署。您如何看待臺美 FTA？您認為川普政府的考量因素是什麼？

Interviewee A:

美方把很多議題切割來看。在戰略方面來看，美方可以釋出很多訊號來加碼投資臺灣作為重要的“戰略資產”，然後向北京釋放壓力。

FTA 這件事對美中關係影響比較小，中方會覺的 FTA 只是功能性的，所以沒有施壓北京的效果。這樣的話美方純粹只會用貿易來論貿易，就投資來論投資。

臺美 FTA 不是對中施壓重要的戰略方面，所以美方主要要求臺灣在這個相關法規還有對美採購的部分要有足夠之誠意，如果沒有的話就是論事就事。美方戰略上對你好不代表貿易上對你好。

Interviewee B:

美國是我們主要貿易夥伴，因此有 FTA 對我們來說一定是好事。但美國是強勢談判，因為美方知道臺灣有求於他。而且川普愛賣東西，他只看數字。美國考慮就是賺更多的錢，所以美國對美豬的壓力一直在。

Interviewee C:

臺灣跟美國在西太平洋地區有很多共同的利益，包括軍事安全的利益、商貿往來的利益及政治宣示的利益。但是，兩個好朋友不一定喜歡同樣一個女人。兩個民主國家不一定完全利益相同，兩個同盟國家未必國家利益百分之百一樣。這也是為什麼即是朋友或友邦，彼此互相還是在做情報工作，各國還是為了自己國家的國家利益。

你講到的 TIFA、FTA，美國當然瞭解臺灣非常想要在經貿上與美國有更多的連結，臺灣想談完 TIFA，非常想跟美國簽 FTA，不要讓韓國專美於前。可是美國不一定要為了臺灣想要做就去做，所以美方當然設定一些前提，或者是要求臺灣針對一些美國可能獲利的政策，臺灣先要表態，這牽涉到比如瘦肉精豬肉可不可以進入臺灣的問題。如果其都不能進來，臺灣完全拒絕，對美國來

講是一個可大可小的事情。美方可以說反正臺灣比較喜歡吃黑豬肉，美果豬肉進去未必有多少獲利，不要把這個當作前提。也有人認為美國把 FTA 跟 TIFA 懸在那邊，給臺灣施加一些壓力，把瘦肉精美豬當作一個關鍵節點，來強迫臺灣接受美國其他方面的要求。

Interviewee D:

美方還是有自己的國家利益在，有自己的優先順序。

8. 臺美關係升級的趨勢，您認為將來的走向如何？有哪些因素會影響美國對臺政策調整？

Interviewee A:

影響美臺關係最大的變項是美中關係，影響美國跟烏克蘭最大的關係是美俄關係。

現在關係看似是水漲船高，但也會有往回的可能性，還是要取決於美中關係對抗和升高的程度。如果美中關係對抗持續升高我們就能期待臺美關係的改善。如果美中有階段性的妥協，那就很難說，就有可能維持原來的水位或往回滑落。但剛剛那些提到的法已經通過，所以美方在未來與中方衝突升高時還是可以用。

Interviewee B:

兩邊關係越來越好跟“健康”是不一樣的概念。美國對臺政策最明顯的關鍵就是美中關係發展。美國涉臺政策的官員很重要（特別是政治任命）。雖然其有影響力，但不會超越川普的意志。川普也有自己的底線，而且他只做八年。

Interviewee C:

如果臺灣跟中國大陸走的太親近，美國可能認為這不符合他的利益。反向來看，如果中國大陸與臺灣的緊張情勢越來越高，高到可能要發生區域僵持或軍事衝突的可能性，變成越來越真實的時候，反而會有美國人認為影響到他的利益。所以美國他的決策的基點還是在維護美國在西太平洋的軍事存在和影響力。

Interviewee D:

不論是哪個政黨執政，臺美關係會繼續穩定成長。

9. 在亞太情勢動盪之際，您認為臺灣政府應該以什麼樣的心態面對美國的對華政策？而我們又應該如何執行對美政策，以確保臺灣的國家利益？

Interviewee A:

我們應該更加仔細的去瞭解、掌握和評估美國核心利益的變化。以及因核心利益的變化，如何影響到美中關係之發展。如過我們能這部分有更準確的掌握，當我們在促進美臺合作時，也才能夠恰到好處的提出雙方都能接受的要求，而且它的結果也比較容易達成。反之，有時美國提出的要求我們會太過謹慎。而美中在某一階段也有其更重要的 agenda 在進行，如果我們逼太緊的話也不好。

川普總統很高明的創造出不可預期性，他利用不可預期性來爭取其他國家的讓步，我們要更謹慎。

Interviewee B:

對美政策不要偏事偏聽。民進黨希望聽自己想聽到的。民進黨政府要比較明確知道說臺海發生衝突的時候美國不一定會軍事介入，不要用模稜兩可的幻想，自己要做最壞的打算。要從這邊去規劃我們美中臺的政策。

美國已經拋棄過臺灣兩、三次，歷史雖然不一定會重複，但歷史將有可能再發生。

Interviewee C:

目前來講對美國最有利的就是把主動權握在華府的手裡面，就是臺灣聽話或聽口令行動，很可能是美國可以去或是想要去思考的一個作為。如果從這個邏輯思考點，那可能就是更傾向於支持現任的政府連任。如果說美國認為民進黨繼續執政四年臺海發生軍事危機衝突的機率突然升高了，因為民進黨又勝選。那麼很可能反而不太會讓臺灣太過於有行動的自由。

也就是說我們一開始講的調解法，當臺灣跟中國大陸走近一點的時候我就會採行一些政策措施讓臺灣跟中國大陸疏遠一點。

美國會不會希望臺灣一面倒向美國。這個問題應該是說臺美關係發展的方向



及臺灣自己本身政策的導向都是有利美國的，這個當然美國單方面片面的期待，但歸根結底還是要看美國利益之所在。

Interviewee D:

繼續與美方表達我們之需求，持續在不同領域深化關係。

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