



Taiwan: Select Political and Security Issues

Taiwan, which officially calls itself the Republic of China (ROC), is an island democracy of 23.6 million people located across the Taiwan Strait from mainland China. Since January 1, 1979, U.S.-Taiwan relations have been unofficial, a consequence of the Carter Administration's decision to establish diplomatic relations with the People's Republic of China (PRC) and break formal diplomatic ties with self-ruled Taiwan, over which the PRC claims sovereignty. The Taiwan Relations Act (TRA, P.L. 96-8; 22 U.S.C. 3301 *et seq.*), enacted on April 10, 1979, provides a legal basis for this unofficial bilateral relationship. It also includes commitments related to Taiwan's security.

Trump Administration Policy

After initially questioning the long-standing U.S. "one-China" policy, President Donald J. Trump used a February 9, 2017, telephone call with PRC President Xi Jinping to recommit the United States to the policy, under which the United States maintains only unofficial relations with Taiwan, while upholding the TRA. The Trump Administration's National Security Strategy states that the United States "will maintain our strong ties with Taiwan in accordance with our 'One China' policy, including our commitments under the Taiwan Relations Act to provide for Taiwan's legitimate defense needs and deter coercion." On October 4, 2018, in a major speech on China policy, Vice President Mike Pence stated that while the Trump Administration "will continue to respect our One China Policy, ... America will always believe Taiwan's embrace of democracy shows a better path for all the Chinese people."

The United States conducts its unofficial relationship with Taiwan through the American Institute in Taiwan (AIT), nominally a nonprofit corporation. In June 2018, Assistant Secretary of State for Education and Cultural Affairs Marie Royce led a U.S. delegation to Taiwan for the dedication of a new \$255-million AIT complex. It is to open to the public on May 6, 2019.

Taiwan's Modern History

China's Qing Dynasty ceded Taiwan to Japan at the end of the First Sino-Japanese War in 1895. The Republic of China, which was founded in 1912 on mainland China and led by the Kuomintang Party (KMT), assumed control of Taiwan in 1945, after Japan's defeat in World War II. In 1949, after losing a civil war on mainland China to the Communist Party of China, the KMT moved the seat of the ROC across Taiwan Strait to Taipei, while the Communists established the PRC on mainland China. As many as 2 million Chinese fled with the KMT to Taiwan.

On Taiwan, the KMT maintained authoritarian one-party rule until 1987, when it began allowing political liberalization. Current President Tsai Ing-wen's Democratic Progressive Party (DPP), founded in 1986, claims credit for a major role "in toppling the KMT's one-party dictatorship." Taiwan held its first direct parliamentary

election in 1992 and its first direct presidential election in 1996. President Tsai's May 2016 inauguration marked Taiwan's third peaceful transfer of political power from one party to another. In 2016, the DPP also ended the KMT's previously unbroken control of Taiwan's legislature, the Legislative Yuan.

The DPP suffered deep losses in November 2018 local elections. It now controls 6 of Taiwan's 22 municipalities, to the KMT's 15, with one in the hands of an independent. President Tsai has accused the PRC of spreading disinformation and "dangl[ing] monetary inducements before local governments." Taiwan is to hold presidential and legislative elections on January 11, 2020. President Tsai is running for re-election. She faces a challenger from her own party, former Premier Lai Ching-te, as well as challengers from the KMT and other parties.

Figure 1. Map of Taiwan



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

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

U.S. Commitments Related to Taiwan

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

Passed by Congress in April 1979, the TRA provides the legal basis for unofficial relations. Key provisions include:

- Relations with Taiwan shall be carried out through AIT. (AIT Taipei performs many of the same functions as U.S. embassies elsewhere and is staffed by U.S. government personnel assigned or detailed to AIT.)
- It is U.S. policy “to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.”
- It is U.S. policy “to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.”
- The United States “will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.”

The TRA does not require the United States to defend Taiwan, but states that is U.S. policy to maintain the capacity to do so, creating “strategic ambiguity” regarding the U.S. role in the event of a PRC attack on Taiwan.

The Six Assurances

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

The PRC, Taiwan, and “One China”

The PRC maintains that mainland China and Taiwan are parts of “one China” whose sovereignty cannot be divided. A 2005 PRC Anti-Secession Law commits Beijing to “do its utmost with maximum sincerity to achieve a peaceful unification” with Taiwan, but states that in the case of Taiwan’s “secession” from China, or in a situation in which the PRC concludes that possibilities for peaceful unification have been exhausted, “the state shall employ non-peaceful means and other necessary measures to protect China’s sovereignty and territorial integrity.” On January 2, 2019, PRC President Xi Jinping recommitted the PRC to peaceful unification, but reserved the option to use force. He called for exploring “a Taiwan plan for ‘one country, two systems,’” a reference to an arrangement under which

mainland China and Taiwan would be parts of one country, but maintain different political and other systems.

In response, President Tsai noted she has never accepted the “1992 consensus,” a formula accepted by her predecessor, Ma Ying-jeou of the KMT, under which both sides of the Taiwan Strait acknowledged “one China,” but retained their own interpretations of what it meant. She said she had not accepted the formula “because the Beijing authorities’ definition of the ‘1992 consensus’ is ‘one China’ and ‘one country, two systems.’” Elaborating on March 11, 2019, she charged that the “one country, two systems” approach “unilaterally undermines the status quo, eliminates the sovereignty of the Republic of China (Taiwan), and forces Taiwan to accept unification with China.”

The PRC announced in June 2016 that it had suspended “communication mechanisms” with Taiwan because of President Tsai’s unwillingness to endorse the “1992 consensus.” Examples of Beijing’s pressure on Taiwan since President Tsai’s January 2016 election include:

- Six countries that previously recognized Taiwan have established diplomatic relations with the PRC: the Gambia, Sao Tome and Principe, Panama, the Dominican Republic, Burkina Faso, and El Salvador. Taiwan retains diplomatic ties with 17 countries.
- On March 31, 2019, two PRC J-11 fighter jets crossed over the median line in the Taiwan Strait, the first intentional crossing of the line in 20 years.
- Since 2017, the PRC has blocked Taiwan’s attendance as an observer at annual meetings of the World Health Organization’s World Health Assembly (WHA).

Taiwan’s Security

The United States terminated its Mutual Defense Treaty with Taiwan in 1980. It engages with Taiwan’s military today through dialogues, training, and arms sales. The Trump Administration has twice notified Congress of major Foreign Military Sales to Taiwan, in June 2017 (seven cases valued at \$1.36 billion) and in September 2018 (a single case valued at \$330 million). In April 2018, the State Department issued licenses to allow U.S. firms to market technology to Taiwan for its indigenous submarine program, and in March, 2019, President Tsai said her government had submitted a Letter of Request to purchase F-16V fighter jets from the United States. The U.S. Navy conducts regular transits of the Taiwan Strait.

Select Legislation in the 116th Congress

Legislation introduced in the 116th Congress related to Taiwan includes H.Res. 273 and S.Con.Res. 13, reaffirming the U.S. commitment to Taiwan and implementation of the TRA; S. 878, a bill to foster security in Taiwan; H.R. 2002, the Taiwan Assurance Act of 2019; H.R. 237 and S. 249, directing the State Department to include additional information in annual reports on Taiwan’s participation in the WHA; and H.Res. 248, expressing the sense of the House that the U.S. One-China Policy does not commit it to the PRC’s One-China Principle.

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