A Chronology of Treaties, Communiques, and Other Agreements Concerning Taiwan’s Political Status - 1895-2000.¹

1. 1895: Treaty of Shimonoseki

In April 1895, following the end of the Sino-Japanese War of 1894, in which Japan defeated China, China and Japan signed the Treaty of Shimonoseki under which China ceded Taiwan to Japan.²

¹ This chronology was prepared in conjunction with the Symposium: “The Mainland China-Taiwan-USA Dilemma: Legacy of the Cold War” to be held on November 1, 2000 at the House of The Association of the Bar of the City of New York, 42 West 44th Street, New York, N.Y. 10036. We wish to thank Ms. Kim Feigenbaum, a student intern of the Asian Affairs Committee of the Association for her research in preparing this chronology and Seymour H. Chalif, Esq. and Sapna Walter, Esq., Chair and Secretary of the Committee, respectively, for their editorial review.

² During the period 1600 to 1895, the first Chinese to establish control over Formosa (the Portuguese name) were the retreating remnants of the Ming dynasty armies who, defeated by the Qing forces from Manchuria, fled to the island in 1661, and forced the Dutch East India Company, which had controlled Formosa since 1623, to surrender possession. This strategic retreat was followed by settlers from Central and South China. In 1683, the Qing Dynasty forces invaded Formosa and the Ming forces quickly surrendered. During the succeeding 200 years, the Beijing court exercised administrative, military and economic sovereignty over the island, first as a prefecture as part of the mainland province of Fukien and, in 1887, in response to Japanese expansion, as a province.
2. **1943-1945 Allied Declarations During World War II**

*Cairo Declaration.* December, 1943. Included in the statements by the three Allied powers (the United States, the United Kingdom and China), was the statement that “all the territories Japan has stolen from China, such as Manchuria, Formosa and the Pescadors, shall be restored to the Republic of China.”

*Potsdam Proclamation.* July 1945. Included in the proclamation by the same three Allied powers was the statement that “the terms of the Cairo Declaration shall be carried out . . .”

After the defeat of Japan in August 1945, forces of the Republic of China occupied Taiwan and the Penghu Archipelago, resuming sovereignty on October 25, 1945.

3. **1949: Establishment of the People’s Republic of China (“P.R.C.” or “China”)**

Between 1945 and 1949, Chinese communists pursued a war against the Nationalist Kuomintang (“KMT”) government, which governed China as the Republic of China. *See The One-China Principle, 55 FOREIGN AFFAIRS JOURNAL* (The Chinese People’s Institute of Foreign Affairs) 75, 76 (March 2000) [hereinafter One-China Principle]. The KMT was defeated on China’s mainland, and on October 1, 1949, the P.R.C. was formed and became mainland China’s only government. *Id.* The P.R.C. replaced the Republic of China (“R.O.C.” or “Taiwan”) on China’s mainland, and subsequently, the R.O.C. government moved to Taiwan. The area under the R.O.C.’s control includes the Penghu Archipelago as well as Taiwan. *Id.*
4. **1950: President Truman’s Statement**

   On January 5, 1950, President Harry S Truman stated that the U.S. “recognized China’s exercise of sovereignty over Taiwan island in the four years since 1945.” *One-China Principle*, 55 FOREIGN AFFAIRS JOURNAL, at 77. However, in June of 1950, after the Korean War began, the U.S. sent troops into Taiwan and even “lobbied for ‘dual recognition’ among the international community in order to create ‘two Chinas.’” *Id.*

5. **1951: Multilateral Treaty of Peace with Japan**

   The Treaty of Peace with Japan terminated the war between the Allied Powers and Japan. *See Treaty of Peace With Japan* (visited June 20, 2000) <http://www.newtaiwan.virtualave.net/sanfrancisco01.htm>. Among the treaty’s multiple provisions dealing with security, economic, political, and territorial matters, Article 2 of Chapter II of the treaty stated that “(b) Japan renounces all right, title and claim to Formosa and the Pescadores.” *Id.* By doing so, Japan surrendered sovereignty over Taiwan but did not formally transfer it to China which was not a party to this treaty.

6. **1952: Treaty of Peace Between the ROC and Japan**

   The R.O.C.-Japan Treaty terminated the war between Japan and the Republic of China. *See Treaty of Peace Between the Republic of China and Japan* (visited June 20, 2000) <http://www.newtaiwan.virtualave.net/taipei01.htm>. Article II of the R.O.C. - Japan Treaty of Peace stated that “[i]t is recognized that under Article 2 of the (1951 Multilateral Treaty of Peace), Japan has renounced all right, title and claim to Taiwan and declared null and void as a consequence of the war,
all treaties, conventions and agreements concluded before December 9, 1945 between China and Japan.” *Id.*


**1955 Taiwan Straits Confrontation.** In response to the signing of the MDT, China planned the seizure of the poorly defended Dachen and Yijiangshan islands north of Taiwan off the coast of Mainland China. After shelling, Yijiangshan was occupied by the People’s Liberation Army on January 18, 1955; Dachen was evacuated on February 25, 1955 and occupied by the P.L.A. on
February 26, 1955. On January 24, 1955, at the request of President Dwight D. Eisenhower, Congress adopted the Formosa Declaration which gave the President the power to take such “measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.” See Joint Resolution on Defense of Formosa, January 24, 1955 in State Department Bulletin, xxxii, no. 815 (February 7, 1955). No further action was taken by either party after March 1955.

1958 Taiwan Straits Confrontation. Against a build-up of Taiwan’s military activities in the Taiwan Straits and the expansion of military strength on the off-shore islands of Matsu (Mazu) and Quemoy (Jinmen), China heavily bombarded the islands commencing on August 23, 1958, but made no effort to invade the islands. The U.S. responded by ordering the Sixth Fleet into the Taiwan Straits and invoking the Formosa Declaration. The shelling was reduced on September 13, 1955 and suspended on October 6, 1955. Thereafter, the U.S. withdrew the Sixth Fleet. See Lorenz Lüthi, Ideology, Strategy and Misperception: The Second Taiwan Strait Crisis and American-Sino-Soviet Relations in the 1950's [http://w.w.w.ohiou.edu.conhist/luthipap.htm]

8. 1971: Taiwan Loses Membership in the United Nations

In 1971, the United Nations (“U.N.”) General Assembly voted to permit the P.R.C. to replace Taiwan as China’s legitimate representative to the U.N. See Carolan, Republic of Taiwan, 75 N.Y.U. L. REV. at 437. However, even though Taiwan lost its U.N. representation, “it was not isolated[]” because its trading partners maintained unofficial relationships with Taiwan. Cheri Attix, Note, Between the Devil and the Deep Blue Sea: Are Taiwan’s Trading Partners Implying Recognition of Taiwanese Statehood?, 25 CAL. W. INT’L L.J. 357, 363 (1995). Compare with
Carolan, *Republic of Taiwan*, 75 N.Y.U. L. REV. at 437 (indicating that Taiwan was “diplomatically isolated” after Taiwan lost its U.N. seat).

9. **1972: U.S.-China Shanghai Communique**

In the 1970's, the U.S. began “normalizing relations with” China through President Richard M. Nixon’s visit to China and “the issuance of the Shanghai Communique” in February 1972. Carolon, *Republic of Taiwan*, 75 N.Y.U. L. REV. at 437. This communique, which constituted the basis of U.S.-Chinese relations, discussed various issues, such as Taiwan’s future. *See* M. J. Peterson, *Recognition of Governments Should Not Be Abolished*, 77 AM. J. INT’L L. 31, 34 (1983). More specifically, the U.S. acknowledged the P.R.C.’s position that “there is but one China and that Taiwan is part of China.” Che-Fu Lee, *China’s Perception of the Taiwan Issue*, 32 NEW ENG. L. Rev. 695, 695 (1998) citing SINO-US RELATIONS: COOPERATION OR CONFLICT (1996). In addition, the U.S. stated that the Chinese people should handle Chinese affairs themselves, *id.* at 705, and indicated that it would eventually remove all U.S. troops from Taiwan. *See* Yu-ming Shaw, *Modern History of Taiwan: An Interpretative Account*, in CHINA AND THE TAIWAN ISSUE 7, 249 (Hungdah Chiu ed., 1979).

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3 A communique is a presidential statement about a policy that the president plans to pursue. *See*, e.g., *China-United States: Joint Communique on Taiwan and Statements Before The U.S. Senate Committee on the Judiciary Concerning the Communique*, 21 I.L.M. 1147 (1982).
10. **1978: Taiwan Is No Longer Recognized By The U.S.**


12. **1979: Joint Communique on the Establishment of Diplomatic Relations Between the U.S. and the P.R.C. (“China”)**

On January 1, 1979, President Jimmy Carter formally established diplomatic relations with the P.R.C. and cut diplomatic ties with Taiwan. *See* Stephen Lee, *American Policy Toward Taiwan; The Issue of the De Facto and De Jure Status of Taiwan and Sovereignty*, 2 BUFF. JOUR. INT’L L. 323 (1995) citing President Jimmy Carter, Address to the Nation and Communique on the Establishment of Diplomatic Relations between the United States and the People’s Republic of China (Dec. 15, 1978), in 14 WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS 2264 (1978). Most importantly, the U.S. government acknowledged “the Chinese position that there is but one China and Taiwan is part of China.” *Id.* at 327. However, the U.S. did say that it would “maintain unofficial
relations with Taiwan[...], that it would continue its current cultural, commercial, and trade relations with Taiwan through unofficial means. People’s Republic of China-United States: Establishment of Diplomatic Relations, 18 I.L.M. 272, 272 (1979) [hereinafter 1979 Joint Communique].

Subsequently, the U.S. passed the Taiwan Relations Act, which is discussed in Section “13” of this memorandum. See Taiwan Relations Act, 22 U.S.C. §§ 3301 (1979); see also Year After Establishment of Sino-U.S. Diplomatic Relations, THE XINHUA GENERAL OVERSEAS SERVICE, Dec. 29, 1979. In addition, the U.S. also indicated that the Mutual Defense Treaty between Taiwan and the U.S. would be terminated as of 1980 and that U.S. troops would be withdrawn from Taiwan “within four months.” 1979 Joint Communique, 18 I.L.M. at 273.

13. 1979: Taiwan Relations Act (“T.R.A.”)4

In 1979, the U.S. passed the T.R.A., which continued cultural, commercial, and other relations between Taiwan and the U.S. See Donald Zagoria, Recent Books on International Relations, FOREIGN AFFAIRS (Sept.-Oct. 1993); see also Taiwan Relations Act, 22 U.S.C. §§ 3301-16 (1979). The act’s purpose was not only to promote American foreign policy by continuing the cultural and commercial relations between the U.S. and Taiwan, but was also to maintain peace, stability, and security. See 22 U.S.C. § 3301(a)(1)-(2). In deciding to sign the T.R.A., President Carter “simultaneously reassured the Chinese that he had substantial discretion in implementing and interpreting the law, and that he would do so in ways fully consistent with the understanding on normalization that he had reached in Peking.” See HARRY HARDING, A FRAGILE RELATIONSHIP -

4 The Taiwan Relations Act was previously named the Taiwan Enabling Act.
THE UNITED STATES AND CHINA SINCE 1972, 86, 87 (1992) [hereinafter A FRAGILE RELATIONSHIP].


Furthermore, this act was also intended to maintain the American capacity to resist coercion or force that would jeopardize Taiwan’s security, or Taiwan’s economic or social system. See Taiwan Relations Act, 22 U.S.C.S. § 3301(b)(6). In fact, the act granted U.S. security provisions to Taiwan, Christopher J. Papajohn, Book Review: The U.S. Constitution and Foreign Policy: Terminating the Treaty, 87 AM. J. INT’L L. 165, 166 (1993), by requiring the U.S. to sell to Taiwan weapons that were “‘sufficient’” for Taiwan’s defense. See Selig S. Harrison, Taiwan after Chiang Ching-Kuo, in FOREIGN AFFAIRS (Spring 1988) [hereinafter Taiwan]; see also 18 I.L.M. at 1488 citing T.R.A., 22 U.S.C.S. § 3302(a) (stating that the T.R.A. imposed an obligation upon the U.S. to provide articles and services “necessary to enable Taiwan to maintain a sufficient self-defense capability”).

More specifically, this act gave Congress and the President the authority to decide the quantity and nature of the defense services based upon their judgment of Taiwan’s needs. See 18 I.L.M. at 1488 citing T.R.A., 22 U.S.C.S. § 3302(b). “[S]uccessive administrations have implemented” this obligation. Murphy, Contemporary Practice of the United States Relating to International Law, 93 AM. J. INT’L L. 879, 895 (1999). In fact, the U.S. has already provided Taiwan with Knox class frigates, F-16's, tanks, and helicopters, “as well as a variety of air-to-air, surface-to-air, and anti-ship defensive missiles.” Id. Consequently, this act caused tension with China until the 1982 Joint Communiqué was issued. (See Sections “17” and “18” of this memorandum).
Even though this act gave power to the President and Congress to determine the quantity of defense services that were to be provided to Taiwan, this act indicated that “[t]he President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to” dangers to American interests or “threats to Taiwan.” T.R.A., 22 U.S.C.S. § 3302(c) (emphasis added). In addition, the T.R.A. stated that:

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.

Id. at § 3303(a) (emphasis added).

Furthermore, although the T.R.A. “terminated governmental relations between” the U.S. and Taiwan, the act maintained unofficial relations by creating an unofficial organization called the American Institute in Taiwan (“A.I.T.”) to represent U.S. interests. See generally Taiwan Relations Act, 22 U.S.C. § 3301-16. This organization was authorized to conduct and carry out transactions, programs, and other matters regarding Taiwan. See id.; see also HARDING, A FRAGILE RELATIONSHIP at 82. In addition, a similar agency, called the Coordination Council for North American Affairs (“C.C.N.A.A.”), was allowed to represent Taiwan in the U.S. See HARDING, A FRAGILE RELATIONSHIP at 82.


While normalizing ties with China, the U.S. stated that it planned to terminate its Mutual Defense Treaty with Taiwan. See Glenn R. Butterton, Signals, Threats, and Deterrence: Alive and Well in the Taiwan Strait, 47 CATH. U. L. REV. 51, 61-62 (1997) [hereinafter Signals] citing Mutual
Defense Treaty, 6 U.S.T. 433. The defense treaty was officially terminated on January 1, 1980. See 18 I.L.M. at 1491. However, the termination created some controversy and resulted in a congressional challenge. See Buterton, Signals, 47 CATH. U. L. REV. at 61-62. The congressional challenge, though unsuccessful, produced enough support so that it “effectively authorized a unilateral U.S. commitment to Taiwan’s defense, a commitment which essentially duplicated the one scrapped when the United States normalized relations with the People’s Republic of China.” Id.

15. **Mid-1980: Trade Agreement**

In mid-1980, the Carter administration signed “a trade agreement with” Beijing that extended “most-favored-nation treatment to China.” HARDING, A FRAGILE RELATIONSHIP at 95. Granting most-favored nation treatment to China was necessary to expand the commercial relationship between the U.S. and China since, without that status, the Smoot-Hawley Act of 1930 subjected China’s exports to the United States’ highest tariffs. See id. The Jackson-Vanik amendment to the 1974 Trade Act also required annual review by Congress of the trade agreement following certification by the President regarding freedom of emigration.


On July 14, 1982, the U.S. issued “six points of reassurance” in anticipation of congressional conservatives’ and Taiwan’s reaction to the 1982 Joint Communiqué. See HARDING, A FRAGILE RELATIONSHIP at 116. In these statements the U.S. promised that it “would not agree to (1) set a date for the termination of arms sales to the island[;]” (2) alter the T.R.A.’s terms; (3) consult with
Beijing prior to deciding to transfer U.S. arms to Taipei;\(^5\) (4) be a mediator between Beijing and Taipei; (5) pressure Taiwan to negotiate with mainland China; or (6) alter its position regarding sovereignty over Taiwan. \textit{Id.} Finally, according to Harding, these points “implied that the United States would not formally recognize the PRC’s sovereignty over Taiwan.” \textit{Id.} at 117.

17. \textbf{August 17, 1982: Joint Communique of the U.S. and P.R.C. ("China")}

The issue concerning American arms sales to Taiwan was not resolved during the pre-1982 negotiations that established diplomatic relations. \textit{See China-United States: Joint Communique on Taiwan and Statements Before the U.S. Senate Committee on the Judiciary Concerning the Communique}, 22 I.L.M. 1147 (1982) [hereinafter 1982 Joint Communique]. Hence, the 1982 Joint Communique, which “built upon the Shanghai Communique,” also involved limitations on the sale of arms to Taiwan. Michel Oksenberg, \textit{Reconsiderations: A Decade of Sino-American Relations}, in \textit{FOREIGN AFFAIRS}, 175 (Fall 1982).

The communique’s major points were that: (1) China repeated its policy of aiming “for a peaceful reunification of Taiwan[;]” (2) the U.S. indicated its appreciation of China’s policy to aim “for a peaceful resolution of the Taiwan question[;]” (3) the U.S. denied “any intent [ ] to infringe on Chinese sovereignty” or to pursue a one-Taiwan, one-China policy[,] and (4) the U.S. stated that it did not aim to sell arms to Taiwan in the long term, “that its arms sales would not exceed in quality or quantity the levels supplied since 1978, and that it intended to . . . gradually [reduce] its sales.” \textit{Id.}

However, the U.S. refused to explicitly commit itself “to the termination of arms sales to Taiwan, let alone to a timetable for a cutoff.” HARDING, A FRAGILE RELATIONSHIP 116.

Consequently, in a letter to the Senate subcommittee, Senator John P. East indicated that the 1982 Joint Communique was inconsistent with the T.R.A. See 1982 Joint Communique, 21 I.L.M. 1147. Specifically, on the one hand, the 1982 Joint Communique indicated that the U.S. did not “seek to carry out a long-term policy of arms sales to Taiwan, that its arms sales to Taiwan will not exceed . . . the level of those supplied in recent years since the establishment of diplomatic relations between” China and the U.S. and that the U.S. intends to gradually reduce “its sales of arms to Taiwan . . . .” 1982 Joint Communique, 22 I.L.M. 1147. However, on the other hand, the T.R.A. indicated that it was U.S. policy to “provide Taiwan with arms of a defensive character” and to “enable Taiwan to maintain a sufficient self-defense capability.” T.R.A., 22 U.S.C.S. § 3301(5), § 3302(a).

In response to Senator East’s comments, the “Subcommittee on the Separation of Powers of the Senate Judiciary Committee” stated that the 1982 Joint Communique did not require the President to act in a manner contrary to the Taiwan Relations Act. See 1982 Joint Communique, 21 I.L.M. 1147. The 1982 Joint Communique was “not an international agreement” and hence, did not impose any “obligations on either party under international law.” Id. Rather, it was a statement explaining what policy the president intended to pursue, while “the Taiwan Relations Act is and will remain the law of the land unless amended by Congress.” Id. The Reagan administration also indicated that the 1982 policy statement could “be revised if the situation warranted. Thus, should China’s policy change and Peking [“Beijing”] threaten the use of force against Taiwan, the United States could abandon the policy outlined in the communique and increase its sale of arms to the island.” HARDING, A FRAGILE RELATIONSHIP at 118.
However, the Taiwan Affairs Office and Information Office of the State Council for the People’s Republic of China have viewed the 1982 Joint Communique in a different light. An article issued by those offices indicated that the U.S. “has repeatedly contravened its solemn commitments to China made in the 1982 Joint Communique and continued its sale of advanced arms and military equipment to Taiwan.” *The One-China Principle*, 55 FOREIGN AFFAIRS JOURNAL, at 89.


China became alarmed in 1985 when she learned that the U.S. had started to export technology “for the manufacture of weaponry by Taiwan much more advanced than its existing military hardware . . . .” Harrison, *Taiwan*, in FOREIGN AFFAIRS (1988). In fact, China’s position was that the 1982 Joint Communique, in which the U.S. promised to reduce its arms sales, banned such technology. See id. In addition, the U.S. “sale of 150 F-16 fighters to Taiwan in 1992 and some subsequent deals . . . [did] not square with the 1982” Joint Communique. Chas W. Freeman, Jr., *Preventing War in the Taiwan Strait; Restraining Taiwan and Beijing*, in FOREIGN AFFAIRS (July-Aug. 1998).

However, after the 1982 Joint Communique was issued, the Reagan administration did indicate that the communique “applied only to ‘arms sales’ -- that is, the transfer of actual weaponry” and that the communique did not say anything about the sale of “defense production technology to Taiwan.” HARDING, A FRAGILE RELATIONSHIP at 117.

In 1991, Taiwan founded the Straits Exchange Foundation (“S.E.F.”) to conduct unofficial negotiations and contacts with mainland China, and China later founded The Association for Relations Across the Taiwan Straits (“A.R.A.T.S.”). *See Agreements Concerning Cross-Strait Activities*, 32 I.L.M. 1217 (1993). These organizations reached a mutual understanding that they should verbally express that “‘both sides of the Taiwan Straits adhere to the One-China Principle.’” *Id.* Consequently, in April 1993, these associations entered into several economic and trade agreements which sought to protect China’s and Taiwan’s legitimate interests and rights. *See The One-China Principle*, 55 FOREIGN AFFAIRS JOURNAL, at 81.


The 1993 white paper, issued by the Taiwan Affairs Office and Information Office of the State Council for the People’s Republic of China, was a statement which explained that Taiwan was “an inalienable part of China” and discussed China’s policies and principles concerning Taiwan’s status. *The One-China Principle*, 55 FOREIGN AFFAIRS JOURNAL, at 76.

21. **1995: Taiwan’s President Visits The U.S.**

In 1995, the U.S. allowed Taiwan’s President Lee Teng-hui⁶, to visit Cornell University for his college reunion. *See Xiao-huang Yin & Tsung Chi, Is the U.S. Playing the Taiwan Card by

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⁶ President Lee Teng-hui belongs to the Kuomintang Nationalist Party. He succeeded to the presidency in 1988 and was elected President on March 23, 1996, in Taiwan’s first direct presidential election.
Granting its President a Visa?, LOS ANGELES TIMES, June 4, 1995, at M2. That event resulted in the PRC suspending S.E.F.-A.R.A.T.S. talks and carrying out military exercises and missile firings threatening Taiwan. The U.S. deployed two aircraft carriers to the region to emphasize its opposition to the use of force and the House adopted Concurrent Resolution 53, which stated that the U.S. supported Lee Teng-hui’s visit. Consequently, American relations with Beijing worsened. See id.

22. 1996: China launches missiles near Taiwan

In 1996, China launched missiles near Taiwan to intimidate and discourage Taiwan’s first direct presidential elections. See Elisabeth Rosenthal, China Dismisses Furor Over Its Taiwan Policy, N.Y. TIMES, March 1, 2000, at A12. The U.S. responded by passing House Concurrent Resolution 148 and by sending American ships into the area. See id.

House Concurrent Resolution 148 was approved by a 369-14 House vote on March 19, 1996 and by a 97-0 Senate vote on March 21, 1996. See 142 CONG. REC. E453-04 (1996); see also H.R. 1838, 106th Cong. § 2(16) (1999). The resolution stated that the U.S., in accordance with the T.R.A., should help defend Taiwan against missile attack, invasion, or blockade by China. See H.R. 1838, 106th Cong. at § 2(16).

23. 1998-1999: “Three Noes” and “Three Pillars” Statement by President Clinton

During his visit to Shanghai in June 1998 President Clinton explicitly stated that the U.S. Government would not support “Taiwan independence,” would not support “two Chinas” or “one China, one Taiwan,” and would not support Taiwan joining any international organization whose membership is restricted to sovereign states.
In July 1999 President Clinton referred to the “three pillars” of U.S. policy and favoring the one China policy, cross-strait dialogue, and peaceful resolution of differences.

24. **July 1999: President Lee Teng-hui’s “state to state” Pronouncement**

On July 9, 1999, in an interview broadcast on German radio, President Lee Teng-hui stated that both China and Taiwan are in a “special state-to-state” relationship. The PRC responded by rejecting such characterization as a violation of the “one-China” policy and suspending S.E.F.-A.R.A.T.S. meetings.

25. **2000: China’s Recent Threats And The U.S. Response**

China has recently threatened to use military force against Taiwan in response to the refusal by the newly elected President Chen Shui-bian\(^7\) to acknowledge “that Taiwan is a part of a single China.” Erik Eckholm, *Taiwan’s New Leader Ends Decades of Nationalist Rule*, N.Y. TIMES, May 20, 2000, at A3. In fact, China has recently told the U.S. that America’s “selling [of] four Arleigh Burke-class destroyers . . . would be ‘unacceptable.’” Jane Perlez, *Mindful of China, U.S. Agrees to Weapons Deal for Taiwan*, N.Y. TIMES, April 18, 2000, at A1. *Id.* The Chinese Embassy spokesman, Zhang Juanjuan, also stated that the Chinese government was concerned about the U.S.’s selling of technologically advanced weapons to Taiwan and was also concerned that the Taiwanese might view any U.S. arms sales as support of Taiwan. *See id.*

\(^7\) President Chen Shui-bian, leader of the pro-independence Democratic Progressive Party, was elected on March 18, 2000 with 39% of the votes after campaigning primarily on an anti-corruption platform; his election ended 50 years of rule by the KMT Nationalist Party. See Section 28 of this memorandum.
Consequently, the U.S. decided to sell “ungraded versions of three missiles and a long-range radar system, but not four technology-laden destroyers.” Id. In response to that U.S. decision, conservative Republicans have indicated that they will move more quickly to pass the Taiwan Security Enhancement Bill. Id. This bill is discussed in Section “26” of this memorandum.

26. 2000: Taiwan Security Enhancement Act

This bill, which was approved by the House on February 1, 2000, and was introduced in the Senate on March 24, 2000, focused on upgrading military ties between Taiwan and the U.S. See Christopher Marquis, G.O.P. Criticizes White House on Aid for Taiwan, N.Y. Times, April 19, 2000, at A14. Specifically, if passed into law, it will establish direct contact between Taiwan’s armed forces and American training of Taiwan’s officers. See id.

In addition, if the bill is passed, it will require the Secretary of State, when considering weapon sales to Taiwan, to consider Taiwan’s special status, including its defense needs in response to China’s “military modernization and weapons procurement efforts.” Taiwan Security Enhancement Act, H.R. 1838, 106th Cong. § 3(b)(1)-(2) (1999). The Secretary of State will also be required to make all efforts to insure that Taiwan has timely and full access to availability and price data for defense services and articles. See id. In addition, any decision about the quantity or nature of defense services or articles to be made accessible to Taiwan should not be made on the basis of the 1982 Joint Communiqué or other similar executive orders, agreements, or policies. Id. at § 5(a). Rather, the defense services’ decision should only be determined on the basis of section 3302(b) of the T.R.A, which indicates that the determination should be “based solely . . . [on the] judgment of the needs of Taiwan, in accordance with procedures established by law. T.R.A., 22 U.S.C.S. § 3302(b).
determination of Taiwan’s defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress.” *Id.*

Even though conservatives support this bill in order to counter Beijing’s missile threat to Taiwan, President Clinton, his national security advisor, Samuel R. Berger, and Beijing do not view it in a favorable light. Specifically, Mr. Berger referred to the act as “the Taiwan Insecurity Act,” and “recommended that it be vetoed.” David E. Sanger, *Decision in Taiwan: The White House; The U.S. Scrambles to Keep a Lid on Tensions and to Rescue Its China Policy*, N.Y. TIMES, March 20, 2000, at A8. In addition, President Clinton “has threatened to veto . . . [the bill]” and Beijing has indicated that this bill’s passage would seriously damage Chinese-American relations. Christopher Marquis, *G.O.P. Criticizes White House on Aid for Taiwan*, N.Y. TIMES, April 19, 2000, at A14.


As reported in an editorial of the People’s Daily on February 22, 2000, (*Adhere to One-China Principle and Realize Reunification As Soon As Possible*, 55 FOREIGN AFFAIRS JOURNAL 72 (March 2000)), the Taiwan Affairs Office and the Information Office of the State Council of the P.R.C. on February 21, 2000 “jointly issued a white paper entitled ‘The One-China Principle and the Taiwan Issue.’” That white paper explained China’s policy and position concerning “the one-China principle[,]” and the events leading up to it, and it also demonstrated that China was determined to bring about a reunification between China and Taiwan. *Id, commencing at p. 75*.

More specifically, the white paper stated that “the one-China principle should be upheld . . .” and warned that:
[i]f a grave turn of events occurs leading to the separation of Taiwan from China by any name, or if Taiwan is invaded and occupied by foreign countries, or if the Taiwan authorities refuse, sine die, the peaceful settlement of cross-straits reunification through negotiations, then the Chinese government will be forced to adopt all drastic measures possible, including the use of force, to safeguard China’s sovereignty and territorial integrity and fulfill the great cause of reunification.

*Id.* at 84. The editorial in the People’s Daily also indicated that China should resist foreign attempts to interfere with the affairs of Taiwan and China, and the editorial specifically mentioned the sale of foreign weapons to Taiwan as well as the Taiwan Security Enhancement Act. *See id.* at 73-74.

However, the white paper reiterated the one-China principle and “that the final purpose of cross-straits negotiations is to achieve peaceful reunification.” *Id.* at 87.

28. 2000: Inaugural address by R.O.C. President Chen Shui-bian

On May 20, 2000, President Chen Shui-bian gave an inaugural speech, in which he proclaimed that “[w]e are here today, not just to celebrate an inauguration, but to witness the flowering of hard-won democratic values and the dawn of a new era.” *See Office of the President, Republic of China, Taiwan Stands Up: Advancing to an Uplifting Era* (visited June 13, 2000) <http://www.th.gio.gov.tw/pi2000/dow_2.htm>. [hereinafter *Taiwan Stands Up*]. He also stated that it was time for China and Taiwan to put “aside the hostility left from” the Cold War days and indicated that an opportunity was present for both sides of the Taiwan Strait “to create an era of reconciliation together.” *Id.*

Finally, and most importantly, President Chen Shui-bian discussed the following “‘5 noes.’” *Independence Advocates Dissatisfied With Speech* <http://www.taiwan...es.gov>.
citing Chen’s Speech Ignites Reactions, The China Post, May 21, 2000. He stated that “as long as the CCP [“Chinese Communist Party”] regime has no intention to use military force against Taiwan, . . .” he would: (1) “not declare independence[]” (2) not change the name of the country; (3) “not push for the inclusion of the so-called “state-to-state” description in the Constitution[]” (4) “not promote a referendum to change the status quo” regarding unification or the independence question[]; and (5) not abolish the National Unification and the National Unification Council Guidelines. Taiwan Stands Up: <http://www.th.gio.gov.tw/pi2000/dow_2.htm>. In response to the inaugural speech, “[m]ore than one hundred pro-independence protesters” marched and voiced their dissatisfaction. Independence advocates dissatisfied with speech (visited June 13, 2000) <http://www.taiwan...es.gov.tw/20000521/ 20000521p7.html>.

29. 2000: World Trade Organization (“WTO”)

On May 24, 2000, the House passed legislation to end the yearly “Congressional review of China’s trade status” by giving Beijing “permanent normal trading privileges.” Eric Schmitt & Joseph Kahn, The China Trade Vote: A Clinton Triumph; House, In 237-197 Vote, Approves Normal Trade Rights For China, N.Y. TIMES, May 25, 2000, at A1 [hereinafter China Trade Vote]. This was an important step in bringing China into the family of governments that make up the World Trade Organization. The Senate, which resisted efforts to amend the House bill, overwhelmingly approved the bill on September 19, 2000.

Generally, the WTO deals with trade policy and international commerce. Its agreements have three major objectives: “to help trade flow as freely as possible, to achieve further liberalization gradually through negotiation, and to set up an impartial means of settling disputes.” What
is the World Trade Organization (visited June 27, 2000).

<http://www.wto.org/english/thewto_e/whatis_e/tif_e/fact0_e.htm>. Hence, the entry of China into the WTO, to be followed by Taiwan, is likely to affect the economic relationship between China and Taiwan by bringing those two areas into more contact with one another.

July 1, 2000 (except September 19, 2000 as to Section 29 of this memorandum)

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