

United States-Taiwan Relations: Tsai's Presidency and Washington's Policy

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Abstract

With Tsai's coming to power several factors portended continuity in the strong U.S.-Taiwan relationship that she inherited. Washington welcomed Tsai's approach of pledging to maintain the status quo in cross-Strait ties. In U.S. policy on cross-Strait issues, the "clarity of strategic ambiguity" endures: Washington assesses which side is to blame for any deterioration in cross-Strait relations, and favors, at least at the margin, the other party. With Tsai, Washington sees Beijing as primarily at fault, in that Washington perceives Tsai as having gone as far as she can (given political constraints), and Beijing as being too demanding. Although Trump administration policies and actions—specific ones concerning Taiwan and broader ones with implications for U.S.-Taiwan relations—and an approach to foreign policy characterized by volatility, a transactional mindset, and institutional fragmentation introduced significant uncertainty, persisting features of U.S. policy toward Taiwan and cross-Strait issues limit the likelihood of change in Washington's approach to relations with Taiwan: the durability of strategic ambiguity, the classic alliance dilemma of abandonment versus entrapment, the persistence of Realist, interest-based analysis that weighs against "abandoning Taiwan" during a long period of more adversarial U.S.-China

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relations, the likely durability of the “values” strain in U.S. foreign policy (despite Trump), the entrenched nature of the Three Communiqués and the Taiwan Relations Act (TRA), a substantial congressional role in the stewardship of U.S.-Taiwan relations, and the tendency of U.S. policy on Taiwan and cross-Strait issues to be primarily reactive to choices made in Beijing and Taipei.

Tsai Ing-wen’s (蔡英文) victory in Taiwan’s January 2016 presidential election pointed to generally positive prospects for relations between the United States and Taiwan, and those relations have been good since Tsai took office. The reasons for this include the preexisting state of bilateral relations, Tsai’s rhetoric and policy positions as candidate and as president, long-standing features of U.S. policy on cross-Strait issues, and broad trends in U.S.-China relations.

Nonetheless, the future of the relationship is somewhat uncertain, at least in the relatively near term. Donald Trump’s surprising victory in the U.S. presidential election in November 2016 has been a principal source of this uncertainty, and Trump’s early tenure has not removed doubts about the future of U.S.-Taiwan relations. Also contributing to the uncertainty is the impact on U.S.-Taiwan relations of choices that will be made in Taipei and Beijing during a period likely to be characterized by fraught politics in the United States, Taiwan (Republic of China, ROC), and China (People’s Republic of China, PRC), and amid longer-term shifts in power across the Taiwan Strait and between the world’s two greatest powers.

1. Tsai of Relief

Tsai’s victory and coming to power are consistent with a positive U.S.-Taiwan relationship. Tsai inherited strong—and much-improved—bilateral ties from her predecessor, Ma Ying-jeou (馬英九). Bilateral relations had reached a nadir near the end of the term of Ma’s immediate predecessor, Chen Shui-bian (陳水扁). In the run-up to the 2008 election that brought Ma to office, the U.S. government departed from its usual deference to—and circumspection about—the electoral choices of fellow democracies to condemn the referendum that the outgoing administration had put on the ballot, asking voters to opine on whether Taiwan should seek to enter the United Nations under the name “Taiwan”.¹ This

was the last of several moves by Chen that had roiled relations across the Strait and impelled the George W. Bush administration to the unusual position of relatively close alignment with Beijing and putting pressure on the government in Taipei.²

Ma pursued, and achieved, significant warming in cross-Strait relations (establishing the “three links” in Taiwan-Mainland transportation and communications, reopening the “unofficial” talks between Taiwan’s Straits Exchange Foundation and the People’s Republic of China’s Association for Relations Across the Taiwan Strait, entering into the Economic Cooperation Framework Agreement and a score of follow-on accords, and initiating unprecedented government-to-government contacts), and in relations with the United States (where officials were palpably relieved not to have to grapple with the chronic crises of the Chen years, and where Ma’s cross-Strait rapprochement policies received a notably warm reception).³ Ma confidently proclaimed, with no dissent from the Barack Obama administration, that U.S.-Taiwan relations were the best they had been in decades.⁴ The assessment was plausible enough, although it also suggested complacency that some critics saw as reflecting Ma’s paying too little attention to the U.S. relationship as he pursued better ties with Beijing.⁵

With this starting point, U.S.-Taiwan relations were poised to remain good as Tsai came to power, provided that Tsai chose not to emulate her fellow Democratic Progressive Party predecessor, Chen. Tsai had made very clear during her campaign for the presidency and during her 20 May 2016 inaugural address that she had no intention of following Chen’s example. In these contexts and others, Tsai strongly asserted that she supported the status quo of peace and stability in cross-Strait relations and would eschew moves that would reprise earlier DPP positions often characterized—or derided—as “pro-independence.” Her positions were most formally set forth in her inaugural address.⁶ There, Tsai said she would approach cross-Strait relations within the framework of the ROC Constitution and the Articles on Relations between the People of the Taiwan Area and the Mainland Area—two fundamental and long-standing legal documents that did not reject a “one China” idea. She also acknowledged the “historical fact” of the 1992 meeting between the head of Straits Exchange Foundation Koo Chen-fu (辜振甫) and the chief of the Association for Relations Across the Taiwan Straits Wang Daohan (王道涵) that had given rise to the “92 Consensus”—a phrase coined eight years after the fact by Su Chi (蘇起) (who would later serve as chair of

Ma's National Security Council), interpreted by Ma as a commitment to "one China, respective interpretations," and embraced by Beijing as a foundation of cross-Strait relations and rapprochement during the Ma era. Tsai further pledged to respect the existing realities of twenty-plus years of interactions and negotiations across the Strait and the accumulated outcomes that they had produced.

Beijing was pointedly dissatisfied with her failure to accept the "one China principle" and the "92 Consensus," calling her response an "incomplete test paper,"⁷ and warning that—absent this "foundation" for cross-Strait relations—"the earth will move and the mountains will shake."⁸ But Washington heard Tsai's language as consistent with her stated intention to support stability and continuity in the cross-Strait relationship that had developed under Ma.

The generally sanguine perspective on the U.S. side also reflected an implicit comparative analysis, one that measured Tsai's statements and proclaimed policy aims against at least two benchmarks. First, Tsai during the 2016 electoral cycle—including in her high-profile visit to Washington as a candidate—contrasted markedly with Tsai of four years earlier. In the pre-2016 election visit, candidate Tsai effectively presented a commitment to pursue continuity and stability in cross-Strait relations and a positive relationship with the United States. U.S. Taiwan policy hands were notably reassured.⁹ Her earlier trip had gone much less well, with many of her Washington interlocutors finding her statements on cross-Strait issues vague or evasive and, thus, suggesting a stability-threatening agenda. One U.S. official even took the extraordinary step of telling (anonymously) a reporter that the United States favored her opponent, the incumbent Ma Ying-jeou.¹⁰ Of course, some of the difference in the reception Tsai received in Washington before the 2012 and 2016 elections reflected the perception that she was very likely to lose in 2012 and very likely to win in 2016. Nonetheless, the contrast in reactions in large part reflected changes in what she said, and how convincing she was.

Second, and less obviously, the Kuomintang alternative to Tsai was less appealing to relevant U.S. audiences in 2016 than in 2012. In part, this reflected an unremarkable decline from the relatively high comfort level in Washington with Ma Ying-jeou when he sought reelection in 2012. But it also resulted from new questions about the post-Ma KMT. Having initially selected an unusually "pro-China" standard-bearer, Hung Hsiu-chu (洪秀柱), and seeing its electoral prospects plummet, the

KMT replaced her with the more conventional candidate and once-presumed frontrunner, Eric Chu (Chu Li-luan, 朱立倫). Following on the bitter feud between President Ma and Wang Jin-pyng (王金平), the KMT head of the legislature, the chaos in the KMT cast doubt on the party's competence and stability. A contrary-to-expectations KMT win would have produced a government in Taipei that enjoyed less confidence in Washington than Ma had. And that government might well have been relatively weak at home—something that, generally and other things being equal, is not good for U.S. interests, partly because a weak government in Taipei risks being a tempting target for pressure from Beijing, unable to make difficult or durable choices in cross-Strait policy, or being tempted to adopt destabilizing cross-Strait policies in pursuit of domestic political support.¹¹

From a less widely held U.S. perspective, Ma's approach to cross-Strait relations had raised the specter that engagement with the Mainland would proceed too far too fast, undermining U.S. interest in a Taiwan that is robustly autonomous from China and residually a quasi-ally of the United States.¹² While such concerns—which never became the dominant view in U.S. policy-relevant circles—had abated as prospective talks on political issues, sovereignty, or a cross-Strait peace accord foundered during Ma's two terms, a Tsai victory assuaged such concerns more than would a government led by the post-Ma KMT, which continued to be chaired by Hung until a year after Tsai came to power.

To the extent that a Tsai presidency (coupled with a large DPP majority in the Legislative Yuan) did not put Washington entirely at ease, Taiwan's democratic politics tempered remaining worries in two ways. First, and relatively narrowly, Tsai, like any leader in Taiwan, faces political constraints on radical departures from the status quo in cross-Strait policies. When many Taiwanese saw Ma as possibly moving too close to Beijing, Ma faced potent public reaction. In the run-up to his reelection, Ma had to retreat from talk of a cross-Strait peace accord, attaching untenable conditions that such an agreement be "necessary" for Taiwan, supported by the public, and subject to legislative oversight.¹³ At various points during his tenure, Ma felt pressure to reaffirm his "no unification, no independence, no use of force" policy toward the Mainland, and to pledge that he would not enter into talks over unification during his term in office.¹⁴ Ma's government faced a dramatic defeat in the legislature on a key ECFA (Cross-Straits Economic Cooperation Framework Agreement) follow-on agreement—the Cross-Strait Agreement on Trade in

Services—that became the focus of the dramatic (and, for the KMT, politically damaging) Sunflower Movement and occupation of the Legislative Yuan. So, too, Tsai’s reformulation of her posture toward the Mainland between her 2012 and 2016 campaigns is widely recognized as a move to the middle on cross-Strait relations that was vital to her victory in her second bid for the presidency. Tsai had to assure median voters that she and the DPP would not greatly disrupt the cross-Strait status quo and could be trusted to handle Mainland policy.¹⁵

Second, and more fundamentally, any potentially adverse U.S. reaction to a Tsai presidency was tempered by the longstanding U.S. foreign policy principle of accepting—and at least rhetorically supporting—the outcomes of legitimate democratic elections abroad. This is to be expected from a state that has long counted democracy-promotion among its foreign policy goals, and where there has been much support for the view that an international system of predominantly democratic states serves U.S. interests.¹⁶ Washington’s official response to Tsai’s 2016 victory followed this customary pattern,¹⁷ returning to the norm after the uncomfortable departures that had marked U.S. statements on Taiwan’s presidential elections under the exceptional circumstances of 2008 (when the ballot included Chen’s referendum on Taiwan’s pursuit of entry into the United Nations) and 2012 (amid anxiety in Washington about how a Tsai win might damage cross-Strait relations).

2. Favorable Contexts in U.S. Foreign Policy: Democratic Values and the Pivot to Asia

Two aspects of the U.S. foreign policy context also pointed to continuity in U.S.-Taiwan relations. Tsai’s electoral victory and the ensuing peaceful transition from Ma to Tsai sustained, and—as official U.S. statements reflected—marginally enhanced Taiwan’s already-high standing in terms of what has been a durable principle of U.S. foreign policy: support for democracy and kindred values internationally.¹⁸ With Tsai’s election, Taiwan marked yet another peaceful and fully democratic election, a third orderly change in ruling parties, and the third consecutive election in which the losing party graciously accepted defeat. One possible blemish—the disorder associated with the Sunflower Movement—was no worse than ambiguous, given the protesters’ emphasis on democratic values, the largely peaceful means used, and the Ma administration’s generally restrained response.

On this “values front,” Taiwan also benefited from the contrast of Taiwan’s record with the growing perception in the United States of a deteriorating situation for democracy and human rights on the Mainland. China’s crackdown on rights protection lawyers, tightening restrictions on NGOs and journalists, and the turn in official rhetoric toward rejecting purportedly “universal” or “Western” notions of human rights, constitutionalism, and so on, drew widespread attention among U.S. critics and analysts, and in some official statements.¹⁹

The Obama administration’s “pivot” or “rebalance” to Asia was a generally, if modestly, positive development for Taiwan’s relations with the United States during the period preceding Tsai’s coming to office. Although the United States sought to parry characterizations of the pivot or rebalance as a move to contain China or counter China’s rise, the policy was undeniably a response to the concerns raised in Washington by China’s rise, perceived agenda, and resulting possible threats to U.S. interests and aims.²⁰ Given the perils for Taiwan stemming from the sharply shifting military balance across the Strait, reorienting U.S. security policy to emphasize Asia and recalibrating U.S. Asia policy to focus more on security issues promised improvement in Taiwan’s security situation (at least absent a sharp descent into crisis in U.S.-PRC relations) and enhancement of a key dimension of Taipei’s relations with Washington. A high point in this regard was reached with Secretary of State Hillary Clinton’s characterization of Taiwan as “an important security and economic partner” in remarks made in Hawaii in 2011.²¹ The economic leg of the pivot or rebalance—the Trans-Pacific Partnership—did exclude Taiwan from its initial round, but Taipei had high hopes under Ma and, initially, under Tsai of joining in a second round, which would have put Taiwan on the inside of a key U.S.-led multilateral structure that would not include China, at least for some time.²²

More subtly, the Obama pivot or rebalance policy implied a more pan-Asia focus in U.S. security policy, and, thus, a somewhat reduced focus on purely bilateral relationships. This, too, was relatively good for Taiwan’s security relations with the United States, in part because folding Taiwan more fully into a regional security framework was likely to reduce the salience of distinctions between formal U.S. security treaty relationships (such as those with Japan or Korea) and lesser informal ties (such as those which Washington has maintained with Taipei since the termination of the mutual defense treaty in conjunction with the U.S. normalization of relations with the PRC in 1979).²³

3. Applying “Strategic Ambiguity” Produces Clarity

A key element of clarity within the venerable U.S. policy of “strategic ambiguity”,²⁴ toward cross-Strait relations favored continuation of a positive U.S.-Taiwan relationship, when applied to the circumstances of Tsai’s presidency and Beijing’s reaction to it. Although not articulated in such terms, U.S. policy in practice has been to sit in judgment on crises or potentially serious troubles in cross-Strait relations and to support (to varying degrees, tailored to the circumstances) the side that the United States deems not to be at fault. Thus, in the cross-Strait crisis triggered by China’s missile tests in 1995, the United States, in effect, judged Beijing to be principally to blame for an escalatory and risky reaction to statements by Taiwanese President Lee Teng-hui (including during a visit to the United States) that Beijing regarded as excessively pro-independence (even though Lee had not yet gone so far as to characterize cross-Strait relations as “state-to-state”—something he would not do until 1999).²⁵ Sending elements of the U.S. Navy’s Seventh Fleet near the Taiwan Strait was a dramatic U.S. response, scaled to China’s dramatic military action, and signaling that the United States would back Taiwan strongly in such circumstances.

So, too, when the United States judged Taiwan under Chen to be responsible for major problems in cross-Strait relations, Washington brought pressure to bear on Taiwan, making clear that U.S. support was not unconditional or unlimited. The George W. Bush administration responded to Chen’s plans for referenda on constitutional reform and defense against Chinese missiles—and concerns in Washington and Beijing that Chen might pursue referenda touching upon independence—with a cautionary presidential statement (pointedly delivered at a public session with visiting Chinese Premier Wen Jiabao) opposing what appeared to be Chen’s “unilateral attempt to change the status quo.” Four years later, the Bush administration reacted to Chen’s 2008 UN entry referendum with the striking warning that U.S. support for Taiwan’s democratic processes did not mean U.S. support when those processes were employed in ways that threatened U.S. interests.²⁶

In the context of Tsai’s campaign, election, and early presidency, the familiar principles of U.S. policy appear to have remained in effect. With cross-Strait relations deteriorating to what has been called a “cold peace” or a “cold confrontation” after Tsai took office,²⁷ the United States, in essence, judged Beijing to be at fault. Under the well-established U.S.

policy approach, this conclusion called for a relatively “pro-Taiwan” posture and, thus, continuation of the positive bilateral relationship forged during the Ma years.

The predominant U.S. assessment of Tsai’s 2016 campaign platform, her inaugural address, and her early actions as president held that she had made adequate commitments to seeking continuity, stability, and peace in cross-Strait relations, and that she had pledged with sufficient clarity and credibility to forego provocatively “pro-independence” moves. Promising to adopt the legal framework of the ROC constitution and the articles on cross-Strait relations, to retain ECFA and other cross-Strait agreements, and to accept the historical development of cross-Strait ties since 1992, Tsai had moved significantly toward her predecessor’s positions (and thereby addressed the concerns that dogged her visit to Washington during the 2012 election cycle) and had gone as far as U.S. analysts and policymakers reasonably could expect her to go, given the preferences of the Taiwanese voters who had elected her.²⁸

Establishment—and implicit official—U.S. views primarily blamed Beijing for the new troubles in relations across the Strait. Beijing’s rejection of Tsai’s pro-status quo position as an “incomplete test paper,” and Beijing’s insistence that Tsai accept explicitly the 92 Consensus and the One China Principle were seen as unduly intransigent. By demanding that Tsai adopt the magic words that Beijing knew Tsai would not, and politically could not, endorse, Beijing encouraged Washington to find China responsible for the newly sour and chilly state of cross-Strait relations and, in turn, to sustain a high level of U.S. support for, and positive relations with, Taiwan.

Developments in Taiwan since Tsai came to office have been noteworthy but not transformative in terms of their implications for this basic U.S. assessment. In many public statements, Tsai has reaffirmed her previously articulated commitments. She did so strikingly and extensively in remarks at a symposium on thirty years of cross-Strait exchanges, convened shortly after the Chinese Communist Party’s 19th Party Congress. There, Tsai portrayed the DPP as having sought cross-Strait progress since the Chen years, reiterated her commitment to peace, stability, and development in cross-Strait relations, promised continued good will toward the Mainland and no return to the “old path of confrontation,” and characterized the 19th Party Congress as an opportunity for both sides to embrace harmony and moderation and to seek a breakthrough in cross-Strait relations.²⁹ More than two years into her term, Tsai

and Mainland Affairs Council head Chen Ming-tong expressed Taiwan's ongoing interest in resuming cross-Strait dialogue and communications.³⁰

Some of Tsai's statements as president have been more unaccommodating toward Beijing. Examples include her self-description as "President of Taiwan" on a visit to Panama, her statement that Xi needs to "appreciate that Taiwan is a democratic society in which the leader has to follow the will of the people," her call for China to "respect Taiwan's democracy and all the positions and judgments that have developed in Taiwan as a result of the democratic mechanism," and her moves to upgrade the names of Japan's representative offices in Taipei to a more embassy-like/consulate-like nomenclature.³¹ Her administration, through the Mainland Affairs Council, called for "a new model of cross-Strait relations with new thinking" in response to Xi's 19th Party Congress speech.³² Tsai has repeatedly stated that Taiwan will not back down, or compromise democratic values, in the face of pressure from Beijing.³³ Tsai's phone call with president-elect Donald Trump was a particularly notable gambit, breaking new ground, potentially elevating Taiwan's stature with the incoming U.S. government, and predictably angering Beijing.

China has expressed growing concern that Tsai and the DPP government are pursuing "soft" independence and independence "in any form or name."³⁴ According to this account, she is returning to the "desinicization" (去中國化) agenda associated with Chen, through numerous moves that may seem superficially inconsequential, but that Beijing regards as relentlessly undermining Taiwan's sense of Chineseness. (Examples include revising history texts, foregoing commemorations of high points in Chinese history and culture, removing "Chinese" designations from quasi-official organizations and objects, and so on.) According to a view often expressed in China's Taiwan policy circles, the United States is mistaken in failing to perceive the threat inherent in Tsai's actions, and in thinking that Tsai's eschewal of more openly or formally pro-independence moves means that threats to cross-Strait stability or the status quo are not of Taiwan's making.

Many of China's Taiwan-targeting policy moves following Tsai's coming to power have reinforced the narrative in the United States that Beijing bears primary responsibility for the downturn in cross-Strait relations. Key examples of moves that feed into a perception of Chinese bullying and challenges to stability include China's ending the Ma-era's so-called diplomatic truce (with Gambia establishing relations with Beijing after Tsai's election, and Sao Tome and Principe, Panama, the Dominican

Republic, and Burkina Faso switching diplomatic ties from Taipei to Beijing after Tsai came to office),³⁵ squeezing Taiwan's international space (by quashing the Ma-era practice of Taiwan's participation in the World Health Assembly's annual meeting, and a hoped-for reprise of Taiwan's 2014 attendance as an invited guest at the International Civil Aviation Organization's Assembly triennial meeting),³⁶ and encouraging other moves that erode Taiwan's international status (such as Nigeria's requirement that Taiwan relocate its representative office from the national capital in Abuja to the commercial center of Lagos, and Kenya's, Malaysia's and Cambodia's deportation of Taiwanese criminal suspects to the Mainland).³⁷ Although hewing to conventional positions on the Taiwan issue (including an insistence on ultimate reunification, the one China principle, unitary Chinese sovereignty, and rejection of Taiwan's secession, separatism and independence), Xi Jinping's (习近平) speech to the 19th Party Congress included a stern tone toward Taiwan, a telling linkage between unification and Xi's core aim of "the great rejuvenation of the Chinese nation," and pointed warnings that China "will resolutely uphold national sovereignty and territorial integrity" and that China has "the firm will, full confidence, and sufficient capability to defeat any form of Taiwan independence."³⁸ In the following months, China reasserted its readiness, on the eve of live fire exercises in the Strait, to stop any attempt to "split" China, and reaffirmed, in response to Tsai's offer of talks without preconditions, that Tsai's acceptance of the 92 Consensus remained a requirement.³⁹

Beijing at times has sought to signal an accommodating side as well. Chinese sources have offered revised or revived terminology such as "the Mainland and Taiwan belong to one China" or a "one China framework" to supplement the "one China principle" and "92 Consensus" that Tsai had rebuffed with Washington's blessing (or, at least, tolerance). The Chinese official reaction to the Trump-Tsai phone call initially sought to defuse the issue by choosing to blame Tsai, not Trump, characterizing it as a trick Tsai had played on an unwitting and inexperienced American leader.⁴⁰ Amid escalating tensions between the U.S. and China and rising harder-line voices on cross-Strait policy on both sides of the Strait in mid-2018, Xi took a relatively mild tone—while sticking with conventional substance—in a meeting with former KMT Chairman, Vice President, and Premier Lien Chan: "We have the confidence and ability to keep a firm hold on the correct direction, work for the peaceful development of cross-Strait relations, and advance the process toward the peaceful reunification of China."⁴¹

These varied elements in Beijing's rhetorical and policy repertoires, taken together, provided no compelling reason to alter the initial U.S. assessment of cross-Strait relations after Tsai's win, and their implications for U.S.-Taiwan relations. Around the midpoint of Tsai's term, numerous statements from U.S. government sources clearly put the blame on Beijing for the troubled cross-Strait relationship: AIT (American Institute in Taiwan) Chairman James Moriarty opined, "I don't think people in Washington are blaming the lack of [cross-Strait] dialogue on President Tsai," and, in a striking inversion of Bush's 2003 rebuke of Chen, a State Department spokesperson criticized China for "altering the status quo across the Taiwan Strait."⁴²

4. Playing the Trump Card

Several months into Tsai's presidency, the factors in U.S. policy that portended continuity in a relatively strong and close U.S.-Taiwan relationship were expected to be reinforced by a Hillary Clinton win in the 2016 U.S. presidential election. As Obama's former Secretary of State, shaper of the pivot or rebalance policy, and point person in Washington's pushback against China's assertive policies in the South and East China Seas, Clinton was widely perceived (in Washington, Beijing, Taipei, and elsewhere) as likely to continue Obama administration policies, but with a somewhat tougher line on China.⁴³ Against the backdrop of her prominent speech as first lady at the United Nations World Conference on Women, held near Beijing in 1995, she was expected in some quarters (including among wary observers in Beijing) to place somewhat greater emphasis on human rights—particularly in the PRC and, by at least implied contrast, Taiwan—than had Obama, whose restrained stance on human rights in China had drawn criticism in U.S. human rights circles.⁴⁴ Given her broader role in Obama's foreign policy and the caution on human rights that characterized U.S. foreign policy during Clinton's tenure as Secretary of State, staying her predecessor's somewhat muted course on human rights in China and Taiwan seemed a more likely outcome and one that portended a continuation of the modest benefits for Taiwan in U.S.-Taiwan relations that derived from Taiwan's strong human rights record and contrasts with China's.⁴⁵

Donald Trump's surprising victory rendered expectations about a Clinton administration's policies moot. Trump's statements and actions as a candidate, president-elect, and newly-in-office president created

much greater uncertainty about prospects for U.S.-Taiwan relations. Sporadic, fragmentary, and mixed interventions on Taiwan-related issues did not communicate a clear strategy or trajectory.

President-elect Trump's December 2016 phone call with Tsai raised the prospect that the new administration would significantly upgrade Taiwan's status in U.S. foreign policy. After all, no U.S. president-elect had ever undertaken such a phone call. Reports on the background to the call pointed to, or speculated about, the influence of advisors from what are often called "pro-Taiwan" and "anti-China" circles.⁴⁶ Trump appeared to double down in his upending of convention in responding to predictable outrage from Beijing.⁴⁷ Trump and his team snubbed the forgiving characterization of the telephone call that Beijing offered.⁴⁸ Trump said in a Fox News interview, "I fully understand the 'one China' policy, but I don't know why we have to be bound by a 'one China' policy unless we make a deal with China having to do with other things, including trade."⁴⁹ He tweeted "Did China ask us if it was OK to devalue their currency (making it hard for our companies to compete), heavily tax our products going into their country (the United States doesn't tax them) or to build a massive military complex in the middle of the South China Sea? I don't think so!" He told the *Wall Street Journal*, "Everything is under negotiation, including One China."⁵⁰ Trump thereby both further escalated his apparent support for Taiwan (moving beyond an unprecedented phone call to questioning a fundamental element of U.S. policy on cross-Strait issues) and seemingly linked his nascent Taiwan policy to other issues that he had identified as points of conflict between U.S. and PRC interests and agendas.

But any victory for Taiwan and Tsai soon began to look hollow, even pyrrhic. By indicating that the venerable U.S. "one China policy" was not sacrosanct and that Trump might try to exact concessions from China on other issues as the price of preserving it, Trump also seemed to imply that Taiwan—and the U.S.'s long-standing and recently robust relationship with Taiwan—might be traded away as part of a bargain with Beijing on such issues as trade, investment, North Korea, and so on.⁵¹ Apparently recognizing the risk of an escalating crisis that would not serve Taiwan's interests, or even a deal among great powers that could compromise Taiwan's security, Tsai herself opined that one telephone call did not represent a fundamental change in policy.⁵²

Soon after becoming president, Trump appeared to signal a sustained retreat from an approach that might destabilize U.S. policy toward Taiwan

and the U.S. relationship with Taiwan. In a February 2017 telephone call with Xi, Trump “agreed, at the request of President Xi, to honor our One China policy,” and this was followed by a generally positive meeting with Xi at Mar-a-Lago.⁵³ Trump told Reuters that he would “certainly want to speak to [Xi] first” before taking another call from Tsai. In the same interview, he cited Beijing’s cooperation on North Korea—a high priority issue for Trump—as a reason for not accepting a second phone call with Tsai and the enhanced ties with Washington that such a call would promise and reflect.⁵⁴ Advisors reputedly closely associated with the Tsai phone call mostly failed to obtain positions in the slow-to-staff-up Trump administration or saw their influence wane. Secretary of State Rex Tillerson adopted China’s preferred phraseology on Taiwan issues—such “mutual respect” for each side’s “core interests”—during a March 2017 visit to Beijing.⁵⁵ As Trump set out on a multi-stop trip to Asia in November 2017, officials and policy analysts in Taipei worried about the possible adverse consequences for Taiwan.⁵⁶

Other developments after Trump took office seemed to cut more in Taiwan’s favor, and in many respects suggested continuity with pre-Trump policies. On the diplomatic front, American Institute in Taiwan (AIT) Chairman James Moriarty characterized Tsai as pragmatic and innovative in her approach to Beijing and opined that the onus was on Beijing to improve cross-Strait relations.⁵⁷ In response to Panama’s shift in diplomatic ties from Taipei to Beijing, and in the wake of Xi’s 19th Party Congress speech, official U.S. statements expressed hope that the authorities on both sides of the Strait would pursue constructive dialogue and creative, flexible, and patient approaches.⁵⁸ Congress passed, and Trump signed, legislation, that called upon the president to allow higher-level officials (up to the cabinet level on the U.S. side) to undertake reciprocal visits.⁵⁹ Shortly thereafter, a Deputy Assistant Secretary of State, sharing a platform with Tsai in Taipei, declared the U.S.-Taiwan relationship “stable” and “secure,” and, on another visit a few months after, characterized the new AIT facility in Taipei an indication of the “enduring nature” of the U.S.-Taiwan relationship.⁶⁰

A similar pattern characterized moves in security relations. The Trump administration in June 2017 gave notice that it would be moving forward with a significant arms sales to Taiwan, consistent with the Taiwan Relations Act.⁶¹ The announcement followed a statement by Defense Secretary Mattis, at the Shangri-La Dialogue, that made specific, if brief, reference to Taiwan, reiterating the U.S. commitment to “working

with Taiwan,” providing TRA-mandated defense articles, and “stand[ing] for the peaceful resolution of any issues in a manner acceptable to people on both sides of the Taiwan Strait.”⁶² Congress passed, and Trump signed, the National Defense Authorization Act, which called on the president to allow for reciprocal ports of call by U.S. and Taiwan navies.⁶³ A senior visiting U.S. official in Taipei assured Tsai at a public forum that the U.S. “commitment” to “bolster Taiwan’s ability to defend its democracy” had “never been stronger.”⁶⁴ Secretary of State Mike Pompeo affirmed support for arms sales during his confirmation hearings.⁶⁵ At the 2018 Shangri-La Dialogue, Mattis echoed and extended his remarks from a year earlier, saying that the U.S. “remains steadfastly committed to working with Taiwan to provide the necessary defense articles and services . . . [and] oppose[s] all unilateral efforts to alter the status quo . . .”⁶⁶ Former Secretary of Defense Ash Carter and the incumbent Assistant Secretary for East Asia both characterized Taiwan as holding a significant place in the Trump administration’s Indo-Pacific security strategy.⁶⁷ In July 2018, the U.S. took the unusual—and Beijing-angering—step of sending warships into the Taiwan Strait.

Personnel decisions similarly suggested a cluster of pro-Taiwan and pro-status quo moves in U.S.-Taiwan relations. After months of indecision and speculation, a career official and widely regarded symbol of policy continuity, Susan Thornton, was nominated as Assistant Secretary of State for East Asian and Pacific Affairs a post she had been filling for months on an acting basis, although this signal was muddied when her appointment did not go forward following Tillerson’s departure.⁶⁸ Nearly a year into Trump’s presidency, an experienced official widely regarded as a friend of Taiwan, Randall Schriver, was named to be an Assistant Secretary of Defense.⁶⁹ A few months later, the most senior Trump administration official associated with statements that raised concerns of waning support for Taiwan, Secretary of State Tillerson, was summarily fired, and replaced by Mike Pompeo, who was generally perceived as tougher on China and friendlier to Taiwan.⁷⁰ One of the advisors who was rumored to have supported the Tsai-Trump phone call and who appeared to have few qualms about taking positions that offend Beijing, John Bolton, was named as National Security Advisor, replacing the more circumspect H. R. McMaster.

The broader policy contexts that matter especially much for U.S.-Taiwan relations have been unstable under Trump and sent ambiguous signals about Taiwan and U.S.-Taiwan relations.⁷¹ Candidate Trump

adopted remarkably harsh rhetoric threatening an especially tough posture toward China. But the implications for Taiwan policy were unclear when Trump came to office and remained so. A U.S. presidential campaign's critical stance toward China—and criticism of its predecessor for being too soft on China—has sometimes foreshadowed enhanced support for Taiwan in a new administration. This occurred, for example, in the Reagan and second Bush administrations, and arguably the Clinton administration as well. (In the case of Clinton, a longer time lag and several intervening developments occurred between the U.S. election and the uptick in U.S. support for Taiwan.) But this has not always been the case, and any such “pro-Taiwan” effect often has been fleeting. And, for Trump, the link between words and deeds has been especially weak.

The Trump administration's approach to East Asian security issues has been variable and contradictory, increasing uncertainty on many fronts including Taiwan policy. By embracing an “America First” foreign policy, casting doubt on the stability of traditional U.S. security commitments in East Asia, and suggesting that even core U.S. allies such as Japan and Korea might have to fend for themselves, Trump adumbrated an approach that could imply significant erosion—or, at best, greatly increased uncertainty—in the U.S.'s security commitment to Taiwan.⁷² On the other hand, senior officials in the early days of the Trump administration began to make trips to East Asia, in large part to reassure allies about the reliability of U.S. security commitments in the region.⁷³

The security relationship with China has been similarly mixed. Trump sought, and mostly praised, Beijing's cooperation in addressing the North Korean nuclear challenge. Yet, in the context of a principal point of friction with China, U.S. Navy activities in the South China Sea reverted to a somewhat more stable and robust version of an Obama administration pattern, steering a middle course between more extreme positions (foregoing freedom of navigation exercises, on one hand, or attempting to impede China's use of disputed marine features that it controlled, on the other) with which the Trump administration appeared to have flirted during its early days.⁷⁴ Shortly after a November 2017 visit to Beijing in which Trump adopted a notably warm, even deferential, posture toward Xi Jinping, Trump's administration issued a National Security Strategy that portrayed China as a rival or threat on many fronts.⁷⁵ In 2018, a potential or incipient trade war dimmed prospects for improving security relations, in part because the Trump administration

imposed new tariffs on the basis of old and rarely used laws that authorized trade measures to protect national security interests.⁷⁶

This mixed bag of indicators concerning the U.S.-China security relationship is all the more unclear in terms of its implications for U.S.-Taiwan relations because the relationship between relatively good or bad U.S.-China relations, on one hand, and relatively strong or weak U.S. support for Taiwan, on the other, is complex and variable.

Trump-era approaches to regional economic relations have been similarly ambivalent and uncertain in their implications for U.S. relations with Taiwan. Trump's opting out of the TPP dealt a severe blow to a U.S.-centered liberalizing mega trade-plus agreement that, on the one hand, had excluded and thus threatened to marginalize Taiwan, but, on the other hand, held out the promise of eventual membership for Taiwan and, more broadly, reinforcing the U.S. commitment to the region. Trump's criticisms of NAFTA, the WTO, and other trade agreements extended to sporadic threats to withdraw. Trump's threat to take serious measures to address China's trade and investment practices waxed and waned repeatedly, ranging from strident denunciations during the campaign, to a period of relative quiet amid pursuit of Chinese cooperation on North Korea and quiet bilateral negotiations over economic issues, to high-profile pledges to impose tariffs and initiate WTO proceedings over intellectual property and escalating rounds of tariff increases reaching a widening range of goods and a larger share of trade in what looked increasingly like a trade war.⁷⁷ For Taiwan, the prospect of a U.S.-China trade war or an American opt out from major trade agreements spawned concerns about possible disruptions the global supply chain on which Taiwan depended economically. It also raised the possibility that Trump's antipathy toward trade deficits could spell trouble for Taiwan which, like Korea and Japan, runs a surplus with the United States that is substantial on a percentage-of-trade basis.⁷⁸ At minimum, it indicated that there was not likely to be much near-term progress on the long-frustrated bilateral Trade and Investment Framework Agreement.

The increased uncertainty sown in the Trump campaign, transition, and early presidency concerning the U.S.-Taiwan relationship (and much else) is likely to persist to some extent and remain greater than would have been the case under a Hillary Clinton administration—or any imaginable U.S. president other than Trump. Beneath the surface chaos and contradictions, a few salient and seemingly durable characteristics of the Trump era so suggest.

First, policy volatility seems to be at least a major bug, and quite probably a feature, of the Trump administration. U.S.-Taiwan relations have not been, and cannot be presumed to become, immune from this phenomenon. It is, at best, too early to conclude confidently that the sharp twists and turns of Taiwan policy and related matters during the campaign, transition, and first days in office will not recur despite the return to relative normalcy that characterized most of Trump's first two years. Trump has shown a penchant for episodic and erratic intervention on contentious issues—a category in U.S. foreign policy that long has included Taiwan. Trump and his senior foreign policy staff have little depth, or apparent interest, in Taiwan issues. Most of them are not deeply schooled in, or deferential to, the norms, processes, and terminology that have been conducive to stability and avoidance of crisis in U.S.-China-Taiwan relations. This challenge might be mitigated somewhat when—or if—the White House fills many still-vacant political positions in key government departments. But, at best, the process will take an exceptionally long time, and the departure of initial round political appointees (which has been happening early and often under Trump) will exacerbate the problem. The administration has sent signals that many positions, especially at the State Department, may never be filled. Additional, and seemingly intractable, sources of uncertainty and possible instability in Taiwan policy include the distant and sometimes antagonistic relations between career staff who are expert on the issue and the thin cadre of political appointees, and apparently sharp and unresolved conflicts among senior Trump officials over China policy (with a particularly notable divide between economic nationalists and proponents of a traditional approach to regional security).⁷⁹

Second, the Trump administration takes a highly transactional approach to foreign policy. This orientation has underlain the disdain for hoary alliance relationships, the antipathy toward mega-trade-plus deals (principally, the TPP), and the sense that Taiwan (and many other interests) might be a “bargaining chip” in negotiations with China. This concern persisted through Trump's November 2017 visit to China and revived in the context of rising U.S.-China frictions in mid-2018.⁸⁰ Fortunately for Taiwan, Beijing has shown little interest in including Taiwan in a grand bargain with Trump. No plausible or feasible deal seemed to be on offer from the U.S.'s self-proclaimed dealmaker-in-chief, and, for Beijing, including the Taiwan question in any such arrangement would have been a deeply problematic acknowledgment that what China rigorously regards as an internal issue (and has long criticized the United

States for attempting to “internationalize”) was a fit object of international negotiations.⁸¹

To put the point a bit too simply, the apparent Trumpian mindset is one in which no two issues are more or less interconnected than any other pair of issues. Issues can be linked or delinked at will or on a whim. There is no clear overarching strategy to provide coherence and standards by which to judge particular foreign policy “deals” appropriate or inappropriate. Compared to the baselines of normal U.S. diplomacy, there is little concern with such matters as reputational effects and impact on credibility of promises in the future. All of this is conducive to policy unpredictability (something on which Trump at times prides himself) and instability.

Third, an unintended institutional pluralism characterizes the making of policy toward, and more broadly relevant to, Taiwan, under Trump. The Trump administration has had an unusually high level of inconsistency among the positions and statements coming from the president, the White House, the State Department, the Defense Department, and so on. Policy made—or at least proclaimed—from multiple centers without much discipline, coordination, or resolution within the executive branch is prone to instability. Perhaps invited by this lack of a clear, consistent, and strong Taiwan policy (and Taiwan policy team) in the administration, Congress has taken on more than its usually robust role in the politics of U.S. relations with Taiwan. Legislation in Congress, usually introduced by conservative members, that seeks to upgrade U.S.-Taiwan relations is a long-standing pattern. Prominent examples from the past include the Taiwan Security Enhancement Act and United States-Taiwan Anti-Ballistic Missile Defense Cooperation Act of 1997.⁸² Under Trump however, two such pieces of legislation—the Taiwan Travel Act and the port call provisions in the National Defense Authorization Act—actually won passage and secured presidential approval (or at least acquiescence).

Adding to the uncertainty is that this legislation on U.S.-Taiwan relations—and U.S. policy affecting those relations—may not much affect behavior, in part due to the institutional fragmentation of U.S. foreign policy generally and Taiwan policy specifically. The substantive provisions of the two controversial pieces of legislation merely express the “sense of the Congress,” or direct executive branch officials to study issues and options (in the case of port calls), or urge the president to adopt a policy (in the case of higher-level official visits), rather than mandate particular actions (which might overreach Congress’s power under U.S. constitutional

law concerning the separation of powers). Further adding to uncertainty, the president's decision on whether, or how much, to act as the legislation urges remains subject to a range of influences, including China's reaction, which Trump often, but not always, appears to have taken into account in addressing Taiwan issues.

5. Or Still Playing with a Full Deck?

Trump and the Trump administration have been, and may remain, a source of uncertainty and possible instability in U.S.-Taiwan relations. There are other sources of variability and vulnerability in U.S. policy that predate and exist apart from Trump. The U.S. policy of "strategic ambiguity" toward cross-Strait issues does include significant ambiguity. So, too, Washington's "one China policy" has not been entirely pellucid or fixed. It was aptly characterized by the then-Assistant Secretary of State for East Asian and Pacific Affairs James Kelly as something that could not be easily defined, except in terms of what it is not—that is, not Beijing's "one China principle."⁸³ Other aspects of U.S. foreign relations relevant to Taiwan policy—how to assess alliance dynamics, how to balance values and interests (in a narrow, Realist sense), or how much to engage or hedge against a rising China—are freighted with internal tensions and contradictions.

Nonetheless (and partly as a product of some of these internal tensions and contradictions), overall stability and consistency in U.S. policies on Taiwan relations and cross-Strait relations have extended across decades and administrations led by Republicans and Democrats. Even this most unconventional and chaotic presidency is far from certain to overturn some conventional, long-stable elements of U.S. policy toward Taiwan. A mix of deeply embedded policy positions, structural features, and deep-seated trends augur continuity in the U.S.-Taiwan relationship, notwithstanding the perturbations, and resulting threats to the status quo, of the Trump presidency.

First, a key constant in U.S. policy has been the clarity in strategic ambiguity, including Washington's practice of issuing *de facto* judgments of fault when problems arise in cross-Strait relations, and adjusting U.S. engagement with Taipei and Beijing accordingly. The U.S. "one China policy" has been clear and consistent in basic and important aspects, including not supporting Taiwan's formal independence (and no "two Chinas," and no "one China, one Taiwan"), or Taiwan's membership in

states-member-only organizations;⁸⁴ opposing reunification that does not have the uncoerced support of the people of Taiwan; and favoring robust international participation and informal international relations for Taiwan.

Dislodging these pillars of U.S. policy would be a heavy lift. Efforts that might be adequate to do so have not been forthcoming. Tsai, Xi, Trump, and their administrations have not taken steps that would fundamentally alter established patterns in U.S. policy. Despite erratic signals and contradictory statements from Trump, his team, and Congress, the United States under Trump has done nothing to effect a basic policy change in this area (and, indeed, retreated to reaffirming established policy after a flirtation with revisiting long-standing principles). Taipei and Beijing have not done anything sufficient to impel the United States to adjust or rethink its basic approach. Tsai's promise to seek stability and continuity in cross-Straits relations, and her reactions to mounting pressure from Beijing and gyrating policy signals from Washington, seem to reflect a firm commitment to preserve the status quo and to sustain and nurture the positive relationship between the United States and Taiwan that she inherited from Ma Ying-jeou. Notwithstanding a tough and assertive tone, Xi's 19th Party Congress speech reaffirmed basic continuity despite Beijing's frustration with Tsai.

Second, for Washington, the U.S.-Taiwan relationship is characterized in part by the intractable alliance dynamics of abandonment and entrapment (which do much to explain strategic ambiguity and other U.S. policies). Under the logic of entrapment/abandonment, the major power must avoid or manage a pair of perils: first, the risk that its weaker ally will engage in overreaching behavior adverse to the major power's interests, because the ally believes it enjoys stronger backing from its patron than it in fact does, or expects that the major power will feel compelled to extend support that would not otherwise have been forthcoming (perhaps to save its ally from a dismal outcome, perhaps to preserve its own credibility with other allies); and the opposite risk that the major power's weaker ally will conclude that it is at risk of abandonment by an insufficiently committed patron, leading the weaker power to act in ways at odds with the major power's interests (likely by capitulating to—or bandwagoning with—a rival major power).⁸⁵ Although the apparent prospects that U.S. policy will fail to steer a successful course between these twin dangers in its relations with Taiwan has varied over time and across circumstances, and although the risks of getting it wrong may have

increased under Trump, the structure of the entrapment/abandonment dilemma surely persists, and will continue to constrain U.S. options, and shape all but the most radical or misguided U.S. policy choices. Moreover, the prospect that a leader in Taipei would provoke a crisis that could threaten stability in relations between Washington and Beijing went into eclipse under Ma and has not been resurgent since Tsai took office. As a result, Washington has come to worry less about an “entrapment” dynamic in the U.S.-Taiwan quasi-alliance.⁸⁶

Third, a prominent Realist-influenced strand in U.S. foreign policy thinking—emphasizing narrowly defined security interests and hard power concerns—generally has pulled against a very strong relationship with Taiwan, but with equivocation, mitigation, and recently declining persuasiveness. This pattern exerts pressure to keep U.S.-Taiwan relations within a relatively narrow band.

On some Realist analyses, managing relations (and, where feasible, avoiding conflict) with a rising China that sees the Taiwan issue as a “core interest” must take precedence in U.S. policy calculations.⁸⁷ But this has not been the sole view in interest-based analyses or the prevailing view in U.S. policy, particularly in periods—such as the pre-rapprochement phase in U.S.-PRC relations, and in the recently emerging phase of U.S.-China great power competition—when Washington has been more inclined to see China as an inevitable rival or intractable foe, against which Taiwan could serve as a strategic asset.

The U.S.-China relationship has become more troubled and less cooperative over the last several years, especially in East Asia. The causes are numerous and varied. China’s rapid and sustained ascent as an economic power, and the military modernization that economic growth has underwritten, have raised concerns in the United States about incipient rivalry, the prospects of a regional (and perhaps global) power transition, and the risks of conflict that such developments entail.⁸⁸ These sources of friction were previously absent, or at least subdued, in much U.S. discourse concerning policy toward China. Their coming to the fore has helped stem the erosion in U.S. support for Taiwan that had posed a threat to policy continuity.

What many U.S. policy analysts view as a new assertiveness in China’s foreign policy—especially (but not only) in the context of the South and East China Sea territorial and maritime disputes, and pointedly underscored by Xi’s 19th Party Congress address⁸⁹—has added doubts about China’s intentions to worries about China’s growing

capacity.⁹⁰ So, too, has Chinese behavior in international economic affairs, ranging from China's emergence as the top-ranking trading partner and increasingly important investment source for most countries in East Asia, and China's leading role in creating new institutions and programs (such as the Asian Infrastructure Investment Bank, the New Development Bank, and the One Belt One Road initiative) that ostensibly support the status quo but that are notably China-led and create bases for a potential challenge to traditionally U.S.-favored postwar institutions (such as the World Bank, the Asian Development Bank, and the International Monetary Fund) and broader regional and global orders.⁹¹ These developments added to longer running concerns that Chinese trade and investment policies and practices were inconsistent with, and threatened to undermine, the norms of the existing, U.S.-supported regimes governing the international economy.

Along with shifts in U.S. views on the bilateral great power relationship have come changes in U.S. perceptions of Taiwan's place in U.S.-China relations. These adjustments, too, have been conducive to sustained improvement in U.S.-Taiwan ties after 2008. Reflecting political changes on both sides of the Strait, Taiwan has moved—in U.S. perceptions—away from being the most likely cause of an avoidable crisis in a basically sound U.S.-China relationship.

As the prospect of serious Taiwan-driven problems has faded in U.S. assessments of U.S.-China relations, developments associated with China's rise and perceived assertiveness, and other issues (most notably, North Korea and its programs for nuclear weapons and ballistic missiles) have emerged as more probable sources of risk in the region. In the context of a more troubled and friction-prone U.S.-PRC relationship, the calls to “abandon Taiwan” (or otherwise significantly reduce U.S. commitments to Taiwan) that periodically emerge in U.S. policy discourse—but which have never had a transformative impact on policy—become less compelling.⁹² Such potential concessions (or otherwise “solving the Taiwan problem”) offer diminished hope for avoiding discord in U.S.-China relations. Washington, therefore, has weakening reasons to exert pressure on Taipei that would strain the bilateral relationship or to rethink a generally supportive relationship with Taiwan. That mindset has been a good omen for preserving U.S.-Taiwan relations following Tsai's victory in the election and ascension to office.

The brief tumult in Taiwan policy under Trump has not pointed to a systematic rethinking, or rejection, of the prior logic of U.S. Taiwan policy.

Trump's expressed admiration for Xi Jinping as a leader, his administration's pursuit of Chinese support in dealing with North Korea, loud complaints and the initiation of controversial measures against China over trade, investment, and intellectual property issues, and a National Security Strategy that cast China as a rival or adversary may indicate a lack of clarity or consistency in the administration's policy. But it is a far cry from the sharp reorientation—of the sort that has characterized presidential policy toward Russia under Trump—that would indicate a commitment to rejecting or overturning the recent, largely negative trend in U.S. assessments of U.S.-PRC relations and its implications for relations with Taiwan. Indeed, the prospect of improved U.S.-PRC relations—which might lead to weakening U.S.-Taiwan ties—seemed so remote that one long-time observer of U.S.-China relations openly wondered whether the first year and half of the Trump administration would be viewed in retrospect as the period when China “lost” the United States.⁹³

Fourth, a more “values”-focused line of U.S. foreign policy thinking—one that aligns with international relations theories that stress differences in domestic political system types (principally democratic vs. authoritarian) as salient factors in foreign relations—has generally supported closer U.S. ties with Taiwan, and is likely to continue to do so. This was particularly the pattern during Taiwan's democratic transition and consolidation, both because of Taiwan's accomplishments and because of contrasts between Taiwan and the Mainland.⁹⁴ To be sure, the “values” dimension of U.S. policy has not been a simple boon to Taiwan. When U.S. foreign policymakers have been relatively hopeful about prospects for political reform in the PRC, this imperative in U.S. foreign policy has dovetailed with Constructivist theories of international relations to support a policy of engagement with China and support for integrating China in a dense web of formal and informal international institutions.⁹⁵ Although such an approach is not inevitably inimical to close and strong U.S.-Taiwan ties, it can be problematic for Taiwan because it tends to reduce the emphasis in U.S. policy on the contrast between domestic political systems on the two sides of the Strait, and because U.S. support for Taiwan's participation in the international system can come into conflict with efforts to integrate China into that system (given Beijing's fluctuating but generally very restrictive approach to Taiwan's quest for international space).

Still, overall, Taiwan has benefited from its ability to appeal to the strand in U.S. foreign policy that has emphasized democracy since Taiwan

embarked on its democratic transformation in earnest in the early 1990s. This component of U.S. foreign policy has been firmly in place throughout the relevant period in U.S.-PRC-Taiwan relations, with democracy and human rights having come to the fore during the Jimmy Carter administration and gained greater prominence during the post-Cold War years. The confirmation of Taiwan's democracy in Tsai's opposition-party victory and peaceful transition of power has reinforced Taiwan's stature on values issues, all the more so in an era when policy-relevant voices in the United States have been critical of the increasingly authoritarian politics in China under Xi.

The retreat from human rights and democratic values in U.S. foreign policy under Trump (reflected, for example, in Trump foregoing mention of human rights issues when meeting with Xi in Beijing, and in Tillerson opining that human rights issues regrettably impede the pursuit of other foreign policy goals and reportedly reconsidering democracy-promotion as one of the State Department's core foreign policy goals)⁹⁶—has cast some doubt on this source of support for strong U.S.-Taiwan ties. But it is at worst an open question how deep and lasting this turn away from values will be, particularly where the Trump administration has sustained, to some extent and at least rhetorically, the familiar practice of praising Taiwan's commitments to, and accomplishments in, democracy and human rights.⁹⁷

Fifth, likely stability in U.S. policy toward Taiwan also derives from U.S. officials having routinely proclaimed fidelity to the continuity-underpinning and stability-promoting “sacred texts” of U.S.-Taiwan relations and cross-Strait issues—the Three U.S.-China Joint Communiqués, the Taiwan Relations Act, and, arguably, the Reagan-era Six Assurances.⁹⁸ These deeply rooted sources of U.S. policies have been remarkably resistant to change and are not easily dislodged even by a president who shows little regard for established ways.

When U.S. presidents or senior officials have strayed—or been seen as straying—from established U.S. policy toward Taiwan and cross-Strait relations, they have typically scurried quickly back to the shelter of the venerable framework documents, and denied that any fundamental change was afoot. Prominent, relatively recent examples include the early George W. Bush administration's moves in a “pro-Taiwan” direction (with the president saying he would do “whatever it took to help Taiwan defend herself” and the AIT Director characterizing Bush as Taiwan's “guardian angel”),⁹⁹ and Obama's failure to include a clear reaffirmation of prior U.S. policy on

Taiwan during his initial presidential visit to China (which drew criticism for being too accommodating toward Beijing's position on Taiwan issues, in particular for the juxtaposition of a pair of paragraphs in a joint statement arguably suggesting that U.S. respect for China's sovereignty and territorial integrity might extend to Beijing's claims to Taiwan).¹⁰⁰

The arc of Trump's phone call with Tsai, suggestion that the one China policy was subject to reconsideration and bargaining, and subsequent assurance to Xi that the United States would continue to honor the established one China policy is perhaps another example of this familiar pattern, which has persisted despite the disruptive character of early Trump-era foreign policy. Many statements from the Trump administration have adopted the long-familiar language of policy continuity: a State Department statement insisting that there is "no change to our long-standing policy on cross-Strait issues" and anchoring Tillerson's commitments to continuity in cross-Strait policy to his confirmation hearing testimony (which predated his much-criticized acquiescence in China's preferred terminology during his trip to Beijing);¹⁰¹ Mattis's TRA-invoking remarks at the Shangri-La Dialogue in 2017 and 2018; and Deputy Assistant Secretary Wong's affirmation of a "stable" and "enduring" relationship with Taiwan.

Finally, fundamental institutional features of U.S. law and politics further entrench established U.S. policy toward Taiwan and, thus, support basic continuity in the U.S.-Taiwan relationship. In terms of U.S. separation of powers law and the related politics of institutional prerogatives, the TRA has a special status. The TRA is a national law, passed by Congress and signed by the president. The president is not free to alter its legally binding content, and he is constitutionally obliged to execute the TRA faithfully, including its commitments to provide Taiwan with defensive arms, to accord Taiwan state-like status in U.S. law, and generally to maintain an informal version of the diplomatic and security ties with Taiwan that predated the normalization of U.S.-PRC relations. To be sure, the TRA does not compel the president to do much actively to support Taiwan, but it has been a durable statement of congressional commitment that a president openly flouts at his political peril.

Although Congress has ceded great discretion to the executive branch in foreign affairs, Congress does at times reassert its constitutional authority, political power, and policy preferences. The TRA, and policy toward Taiwan more generally, have been important instances.

The TRA itself began amid congressional opposition to President Jimmy Carter's exertion of his constitutional prerogative to terminate the Senate-approved mutual defense treaty with the Republic of China—a power upheld by the courts in their rejection of a suit brought by members of Congress.¹⁰² Repeated instances of introduction of (mostly unsuccessful) legislation to enhance Taiwan's status in relations with the United States attest to the persistent commitment of many members of Congress to a robust U.S.-Taiwan relationship, and serve as a warning to any president who would pursue a major downward adjustment in U.S. support for Taiwan. The pattern has endured across periods of divided government and single-party control of the presidency and Congress.

In terms of the peculiar relationships among foreign policy, international law, and domestic law in the U.S. system, the TRA trumps the Three Communiqués, and is effectively immune from changes that might be sought through U.S.-PRC negotiations, including a still-highly-speculative fourth communiqué.¹⁰³ In the U.S. view (and in contrast to Beijing's interpretation), the Three Communiqués are mere policy statements, albeit exceptionally strong and durable ones. They are not binding, treaty-like international legal commitments. Even if they were, the first would be overridden by the TRA (to the extent the two were in conflict), the latter two would be construed (where possible) to avoid conflict with the TRA, and all three likely would be deemed not to be received into domestic law or to override preexisting legislation.

Under Trump, Republican control of the presidency and both houses of Congress seems unlikely to reduce the level and salience of congressional support for Taiwan. Congress's role in offering support for Taiwan has, if anything, surged under Trump with the enactment of the Taiwan Travel Act and port call provisions in the National Defense Authorization Act. Even if there were to be a Trumpian turn against continuity in Taiwan policy, it seems relatively likely that Congress would persist in its traditional role amid strained congressional relations with the administration and notable congressional distrust of Trump's handling of many aspects of foreign policy.¹⁰⁴

This is not to say that a new communiqué, or a not-retreated-from major change in U.S. policy toward Taiwan and cross-Strait relations, could not seriously undermine the U.S.-Taiwan relationship, notwithstanding the TRA. But such developments are unlikely. The TRA and the Three Communiqués have both reflected and created formidable

impediments to radical change in U.S.-Taiwan relations. A change under Trump is therefore not very likely or even feasible.

6. Three Is a Crowd

The Trump presidency, and the administration's lack of a clear and consistent strategy on Taiwan, cross-Strait, or U.S.-China issues, underscores and amplifies another long-standing feature of U.S. policy that can contribute either to continuity or discontinuity in the U.S.-Taiwan relationship. Washington's policy toward Taiwan and Taiwan-Mainland relations is to a significant degree reactive to choices made in Taipei and Beijing, and is likely to be increasingly so.

This reactivity has early roots. It is obliquely reflected in the Shanghai Communiqué, in which the United States "acknowledges" the common view—phrasing that is studiously agnostic on the underlying facts—ostensibly held "by all Chinese on either side of the Strait" that "there is but one China" which includes Taiwan. The reactive nature of U.S. policy also is implied by Washington's time-honored formal (if at least sometimes disingenuous) position of indifference about cross-Strait end-states, whether unification, independence, indefinite prolongation of the status quo, or something else: that is, that any resolution achieved by the two sides through peaceful, un-coerced means is, in principle, acceptable to the United States.¹⁰⁵

The U.S. policy of strategic ambiguity—including the practice of Washington formulating policy in light of its judgment about whether Beijing or Taipei is at fault for problems in cross-Strait relations—assumes a significantly reactive posture for the United States. In the U.S. practice of U.S.-Taiwan relations and Taiwan-related aspects of U.S.-PRC relations, notable moves in U.S. policy generally have come in response to choices made in Taipei or Beijing. This pattern ranges from crises or near-crises such as the mid-1990s missile tests and the 2008 referendum on Taiwan's seeking UN entry, to lesser perturbations such as Lee's "state-to-state" comments (and Beijing's reaction to them), Beijing's 2000 White Paper (threatening the use of force against Taiwan under three conditions, including indefinite delay in addressing unification), Chen's "one country, each side" remarks, the PRC's 2005 Anti-Secession Law, and both sides' approaches to cross-Strait relations under Tsai.¹⁰⁶

The same dynamic has been on display in the Trump era, as two specific incidents illustrate. First, Trump's retreat from the positions

staked out in the aftermath of his transition-period phone call with Tsai is generally, and persuasively, understood to respond, in significant part, to Beijing's strongly negative reaction, which included a warning by China's Foreign Minister Wang Yi that undermining the one China policy is like "lifting a rock to drop it on [one's] own feet," and a statement from a Foreign Ministry spokesperson that any move to "compromise" the one China principle would make "development" of the bilateral [U.S.-China] relationship "out of the question."¹⁰⁷ Second, the impact on U.S. policy of the Taiwan Travel Act and the port call provisions in the National Defense Authorization Act is unsettled in part because Beijing treated the legislation as provocative, pushing back, and seeking to deter the White House from supporting, or bowing to, congressional initiatives. Official Chinese statements ranged from reprising familiar rejoinders to taking unusually stern positions.¹⁰⁸ China's ambassador to the United States, Cui Tiankai (崔天凯), issued a formal protest to the principal pieces of Taiwan-related proposed legislation before Congress, and warned of "severe consequences" for such "provocations against China's sovereignty, national unity and security interests" that crossed a "red line" and threatened stability in U.S.-China relations.¹⁰⁹ Foreign Ministry Spokesperson Lu Kang (陆慷) reacted to the passage of the port of call legislation by stating that the Chinese government had "lodged stern representations" with the U.S. government and regarded the provision as "severely violat[ing]" the one-China principle, the Three Communiqués, and the U.S. obligation not to interfere in China's internal affairs.¹¹⁰ The Chinese Embassy in Washington similarly responded to passage of the Taiwan Travel Act, denouncing it as "severely violat[ing]" the one-China principle, and characterizing China as "strongly dissatisfied."¹¹¹ The legislation, thus, may—as Congress intended—enhance Taiwan's stature in its relations with the United States or may prove perverse. If the congressionally advocated policies wither because of China's opposition, or succeed in changing U.S. policies and actions, but provoke robust Chinese countermeasures, Congress's intervention may hurt Taiwan's security interests and, in turn, pose new challenges in Taiwan's relations with the United States.

The reactive character of U.S. policy has been reinforced and deepened by the long-term trend of China's rise in relative power and its acquisition of formidable military capabilities (which limit the United States' ability to intervene militarily, or even politically, at an acceptable cost), and by the ongoing consolidation and maturation of Taiwanese

democracy (which increases the imperative for the United States to defer to the cross-Strait policy implications of Taiwan's elections, and which often reduces concerns that those policy implications will be adverse to the U.S. interest in regional stability). The Trump approach to foreign policy increases the tendency toward reactivity, given the administration's apparent lack of strategy (grand or otherwise), and its moves (by choice, or as a product of chaotic and inconsistent policy signals and regional reactions to them) to reduce the U.S.'s traditionally engaged role and stabilizing influence in East Asia.

Thus, the future, and especially the relatively near future, of U.S.-Taiwan relations will depend in large part on decisions taken by Xi, Tsai, and their cross-Strait policymakers. Will Beijing continue to turn a cold shoulder to Taiwan under Tsai? Will it further increase pressure on Taiwan's already constrained international space and inflict economic pain through measures ranging from trade to tourism to controls on cross-Strait investors? Will Beijing become more flexible in setting the conditions that Tsai must meet, perhaps dropping the demand for explicit acceptance of the 92 Consensus and One China Principle formulations, or adopting the possible "belong to one China" and One China Framework alternatives? Does Xi's striking consolidation of power, including through a constitutional amendment eliminating presidential term limits, portend a tougher line toward Taiwan (to rectify the lack of control over "Chinese territory" that is a blemish on China's great power status), or continued patience (because Xi's apparent interest in resolving the Taiwan issue as part of his legacy can be put off for more than another five years)? Will Tsai move away from the moderate positions of her campaign and inaugural address, whether as a revelation of her true preferences (as the harshest skeptics in PRC policy circles suspect), or as a response to her approach's failure to move Beijing toward more cooperative engagement, or as an effort to shore up support from her political base amid troubles at home? The choices made in Beijing and Taipei on these questions, and the reactions they elicit in Washington, will do much to determine the near-term trajectory of the notably strong and positive U.S.-Taiwan relationship that has developed since 2008. These choices likely will do much less to affect the more enduring features, and broad parameters, that have defined U.S.-Taiwan relations for four decades.

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