

## Human rights, the TRA's legacy

Written by John J. Tkacik, Jr.  
Wednesday, 24 April 2019 04:21

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I don't know if anyone, inside or outside Taiwan, wants another paean to the US' Taiwan Relations Act (TRA) on its 40th birthday on April 10. However, it pains me, as a young US foreign service officer assigned to human rights duties on the Taiwan desk at the US Department of State 40 years ago, that forgotten in all the congratulatory hubbub is the most significant and long-lasting legacy of that law:

Section 2(c) of the act reads: "Nothing contained in this chapter shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately eighteen million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States."

US Senate conservatives like senators Barry Goldwater and Hugh Scott were determined that there be a substitute for the lapsed US-ROC (Republic of China) Mutual Defense Treaty. This, the TRA was.

Nor was the act merely an adjustment in US law that permitted continued "commercial, cultural and other relations" with Taiwan as an independent foreign country with the least amount of legal fuss, as the department insisted. This, it accomplished.

However, in apposition to these hard practicalities, Senate and US House of Representatives moderates and liberals insisted that, if the US was to make unique laws governing relations with specific countries, then such countries must, absolutely, be paragons of American values: freedom, democracy, equality, and individual social and political rights. Taiwan, alas, was not exactly such a country in 1979.

Within a year of passing the TRA, things got worse. Press freedoms in Taiwan, tenuous at best, but nonetheless improving into December 1979, were quashed following a protest on UN Human Rights Day.

Dozens were arrested and eight of the demonstration's putative leaders were imprisoned on charges of treason. Before the TRA was a year old, the mother and children of one leader were

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slashed to death in vicious retribution in their home, in broad daylight, while under 24-hour police surveillance.

For the TRA's second birthday, Chen Wen-chen (陳文成), an assistant professor at Pittsburgh's Carnegie Mellon University, was murdered in Taipei after nine hours of political interrogation by Taiwan's military police.

Under the terms of the TRA, the US Congress launched a series of human rights hearings into Taiwan's human rights. I was responsible for keeping Capitol Hill staffers and members informed every step of the way, and apprised of the comprehensive and frank reports from the American Institute in Taiwan.

Each of these outrages, imprisonments, murders, secret interrogations triggered further congressional oversight and, in desperation, legislation to sever defense ties with countries that so abused their own citizens.

Then, in 1984, Taiwan's secret service assassinated dissident Henry Liu (劉曉波) — also known as Chiang Nan (江楠) — in his own driveway in a neighborhood in San Francisco.

Under the Congress' new sanctions laws, then-US president Ronald Reagan delivered a drastic ultimatum to then-president Chiang Ching-kuo (蔣經國): Immediately arrest, try, convict (yes, "convict") and imprison at least for life (death certainly was an unspoken option) all the perpetrators, or else all US defense cooperation would cease. Moreover, there must be immediate and meaningful political reforms.

It was a miracle! Chiang obliged. Top secret police and martial law officials were purged; a true, and broad-based opposition party was established; a respected Taiwanese politician was named Chiang's vice president (and, quite unexpectedly, became his successor).

For the TRA's 10th birthday, Taiwan had its first ethnic Taiwanese president.

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I believe that today's democratic freedoms in Taiwan were midwifed by the unshakeable US commitment to human rights in the first decade of the TRA.

The persistent and relentless pressures from the Congress and the president came to fruition in the 1990 "Wild Lily Movement" and a subsequent and earthshaking overhaul of Taiwan's Constitution. Before the TRA was 20 years old, Taiwan had become Asia's freest democracy.

And today, with the support and encouragement of the US, Taiwan has become arguably the most dynamic and vibrant democracy in Asia.

For 40 years, the TRA has been the statutory basis for the US' continued commercial, cultural and "other relations" with Taiwan.

On its 40th birthday, the Taiwan Relations Act has unexpectedly drifted to the center the US' role in the Indo-Pacific region. It has the potential to buttress the US' security relationships with the entire region's democracies by strengthening the geographic center of the Indo-Pacific network.

Surely, Taiwan is the paragon of freedom, economic success and international cooperation and a partner in regional development that the 96th Congress of 1979 envisioned in Section 2(c) of the TRA. What's not to like?

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