

Facing China's open political and military pressures, President Tsai Ing-wen (蔡英文) has to immediately strive to strengthen relations with the US, Taiwan's sole security guarantor. In fact, this involves building good security ties with Japan, given that US military power is most effective when exercised through the Japan-US alliance.

Late last month, Frank Hsieh (許水典), who was the premier in former president Chen Shui-bian's (陳水扁) administration, said in unprecedented pre-appointment interviews with Japanese newspapers that Tsai selected him to be Taiwan's next representative to Japan, with a mission to build a bilateral strategic partnership. Also, an exceptionally large non-partisan league for strengthening Japan-Taiwan relations was formed early this month with 104 out of 113 Legislative Yuan members.

Yet it remains to be seen whether these moves can lead to success. In 2005, the Chen administration established the Committee on Japanese Affairs at the Ministry of Foreign Affairs in addition to the Association of East Asia Relations, Taiwan's non-governmental agency to handle practical relations with Japan. In 2006, the then-ruling Democratic Progressive Party (DPP) sent a high-level delegation to Tokyo, followed by the leading opposition Chinese Nationalist Party (KMT). In 2011, then-president Ma Ying-jeou's (馬英九) administration set up the Board on Taiwan-Japan Relations at the Presidential Office. These were swings and misses.

Japan-Taiwan relations have improved significantly over the past decade, centered on commercial, cultural, tourist and other non-governmental relations. Notably, the ties have been enhanced through several exchanges of relief donations after great earthquakes and floods, despite intermittent anti-Japanese hiccups stemming from Chinese nationalism as related to history, territorial, and/or fishery issues, but the ties totally lack security/military components.

This is in marked contrast to ties with the US that today include a set of informal policy talks covering strategic and defense issues. This so-called Monterey Talks process has greatly facilitated Taiwan's defense reform and modernization both in hardware and software technology. Consequently, Taiwan's armed forces now have a higher level of cohesion among themselves and interoperability with their US counterparts and, potentially, major US allies', while continuous improvement is under way.

The difference between Japan and the US results from their dissimilar government structures

that impose differing constraints on their respective Taiwan policies. Japan has an executive-dominated government involving wide administrative discretion in dealing with foreign affairs, while the US has law-dominated government requiring clear legal authorization.

Japan has no security commitments to Taiwan, though the US has strong ones. Also, Japan sees no possibility of confrontation between the executive and legislative branches of government given a cabinet system in which the prime minister is the leader of the majority party of the Japanese Diet. On the other hand, the US separation of powers involves a good possibility of confrontation between the two branches, particularly because the US Congress opposed US derecognition of Taiwan concurrent with the recognition of China.

More importantly, the difference originates from the absence and presence of legal interest to protect in defense of Taiwan. Japan has no legal interest whatsoever given that it renounced sovereignty of Taiwan under the San Francisco Peace Treaty and that it does not recognize Taiwan as a de jure state. On the other hand, the US entered the Mutual Defense Treaty with Taiwan in 1954. With the treaty abrogated in 1979, the US instead enacted the Taiwan Relations Act (TRA) as a domestic legal instrument.

Thus, Japan strictly avoids direct inter-state interaction, adhering to the non-governmental framework. This means that, as an official position, Japan's defense policymakers and military leaders must not have official policy talks and exchanges with Taiwan's counterparts.

On the other hand, the US' approach is potentially flexible due to the entrenched US separation of powers, involving the check and balance of the legislature, as well as judiciary branches vis-a-vis the executive branch in foreign policy. This is well demonstrated by the legislative process and circumstances of the TRA. Moreover, there is sufficient room to maneuver in bilateral defense talks and exchanges unless they form inter-state relations. The TRA gives limited statutory authorization for arms sales to Taiwan that entails the related official information gathering and contacts with US defense policymakers and military personnel with Taiwan's counterparts.

Hence, informal Japan-Taiwan defense interaction has to be pursued through low-profile, non-governmental, unofficial and informal contacts and channels.

Taiwan's 'Japan shift' version 2.0

Written by Masahiro Matsumura
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From a Japanese perspective, much ado about Taiwan's "Japan shift" appears to be that its political leaders are playing to the gallery, given overwhelmingly pro-Japanese sentiments. Or it reflects the dearth of in-depth expertise of Japan's political system and policymaking in Taiwan's policy and academic community. Perhaps the reality is driven by the interplay of both factors.

Can Tsai avoid this pitfall?

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