

Last year began with the election of President Tsai Ing-wen (蔡英文). Beijing refuses to recognize Taiwan as a nation, but considers it a core interest. While Tsai was certainly not Beijing's preference for leader, it can at least content itself that she is a known quantity. The year ended with the election of Donald Trump as president of the US, a country core to China's strategic, economic and hegemonic interests. While Trump might have been Beijing's preference over former US secretary of state Hillary Rodham Clinton at the time, recent weeks have demonstrated that he is most certainly not a known quantity.

As Taiwan embarks upon a new year, optimism is desirable, even indicated, but caution is advised.

Trump ran roughshod over decades of US "one China" policy acknowledgment by accepting Tsai's congratulatory call on his victory and referring to her as the Taiwanese president, and subsequently questioning the US' adherence to the "one China" policy. By talking to Tsai, Trump broke convention, but not international laws.

The US is not bound by the "one China" policy. It is bound by the 1979 Taiwan Relations Act (TRA), which acknowledges Taiwan by name. The TRA is complemented by, but governs, the Three Communiques of 1972, 1978 and 1982 — less law than statements of diplomatic intent — that greased the wheels of normalizing Sino-US relations given the obvious contradictions of the "one China" principle.

Essentially, the TRA established the conditions and mechanisms for continued communication and dealings between the US and Taiwan and assured Taiwan that the US would not abandon it, and would continue to sell it defensive arms.

Former US president Ronald Reagan's "six assurances" — which, along with the TRA, were once again fully endorsed by the US Republican Party during last year's party convention — promised that the US would not formally recognize Chinese sovereignty over Taiwan and would not change the terms of the TRA.

The TRA includes a clause saying the US expects the cross-strait situation to be settled

Caution advised for year ahead

Written by Taipei Times Editorial
Sunday, 01 January 2017 08:00

peacefully. The maintenance of the cross-strait “status quo” by both sides of the Taiwan Strait is a condition for the US’ continued adherence to the “one China” policy. If Beijing expects the US to continue with its “one China” policy, it might want to reflect about its promulgation of the “Anti-Secession” Law, which mandates the use of force against Taiwan; the firing of missiles across the Taiwan Strait in 1995 and 1996; and the deployment of almost 2,000 missiles pointed at Taiwan since then. With these acts, Beijing has reneged on its side of the agreement.

If Trump’s straight talking enables him to cut through the suspended delusion and hypocrisy of the “one China” policy, he will have not just US law, but also international law, in his armory. There is no need to question the existence of only “one China.” Let Taiwanese decide.

Article 2 of the UN Charter calls for the self-determination of peoples. Article 21 of the Universal Declaration of Human Rights states that the will of the people is the basis of the authority of government; the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights both uphold self-determination as fundamental human rights. The 1933 Montevideo Convention on the Rights and Duties of States, widely accepted as an objective formula for the recognition of states, lists an effective government with control over a defined territory and a permanent population, together with the ability to conduct foreign relations with other states, as conditions of statehood. Taiwan indisputably has all of those.

Trump has ample wiggle room on seeking a new, state-to-state relationship with Taiwan. This year could be interesting. Caution is advised.

Source: [Taipei Times - Editorials 2017/01/01](#)