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# China America Relation Post-Taiwan Travel Law 2018

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## Abstract:

Back in March 2018, the US Passed the Taiwan Travel Law for pressurizing her policies against China, which on the one hand, intensified the already fragile relations, while on the other hand, encouraged the renegades at the Chinese province of Taiwan. One year-long parliamentary process started back in 2017, which was not under the carpet, and China knows the Pre-election phone of Trump to Tsai Ing-Wen. Still, the Chinese Government limited herself to condemnations and warnings. Keeping in view this uncertain relation arises a question that where America wants to lead this entire situation? Having a sub-question that whether it is the component of the containment policy against rising china? Or again, the problem is going to the cold war era? This paper provides a journalistic view of the US-Sino relation under Taiwan travel Law 2018, using online Newspapers, Governmental Press Releases, Reports, and comments of the stakeholders upon the Act. The Findings of the study suggest that the US did not care about her communique, agreements, and UN institutional decisions and will not leave any stone unturned to contain China.

## Background

It was in 2016 when Tasi Ing-wen visited America as President, where she meets with Senator Rubio Marco in Miami on June 24, the person who proposed the bill related to

Taiwan but failed just before the 114<sup>th</sup> Congress session to pass. Then in January 2017, Steve Chabot initiated the bill while cosponsored by Ed Royce and by Brad Sherman in both houses respectively, and within one year and two months, the bill gets assent from Trump on March 0f 16, 2018. Which has been criticized by the then President Mr. Peter Chen 陳正義 of Washington-based Formosan Association for Public Affairs (FAPA) in these words “It opened channels for communication but, it is outdated now while for regional peace and stability it is a threat” between China and America (TaipeiTimes, 2017)?

### **Important Clauses from Taiwan Travel Act (TTA)**

It constitutionally encourages the United States machinery that both parties (the US and Taiwan) respectively could permit their officials to visit each other countries at all levels and must be counted as US policy for Taiwan. The following Sub articles are the detailed outlines for the said policy; which are, (1) Allow officials at all levels of the United States Government, including Cabinet-level national security officials, general officers, and other executive branch officials, to travel to Taiwan to meet their Taiwanese counterparts;

(2) allow high-level officials of Taiwan to enter the United States, under conditions which demonstrate appropriate respect for the dignity of such officials, and to meet with officials of the United States, including officials from the Department of State and the Department of Defense and other Cabinet agencies; and

(3) Encourage the Taipei Economic and Cultural Representative Office, and any other instrumentality established by Taiwan, to conduct business in the United States, including activities which involve participation by Members of Congress, officials of Federal, State, or local governments of the United States, or any high-level official of Taiwan (“Taiwan Travel Act,” 2018).

To contain China, the US has been in alliances with Japan, South Korea, Australia, Thailand, Philippine, and India (Kiran, 2012). On the other side, China initiated her BRI project, which goes around South Asia, Central Asia, Africa, and Europe via land and Sea. The Chinese bilateral support and development reached even to Argentina and Cuba. The Secretary of Homeland Security, ex-General John Kelly has pointed out, who has been appointed by Donald Trump to lead the Department of Homeland Security, described in these words that “The Trio adventurism (China, Russia, Iran) in Latin America is a potential. An existential threat to US interests in the region (Lind, 2012)”, and other related projects like the Nicaragua Grand Canal project, which is funded by the Chinese Government, are counted as interfering in the affairs of the American peninsula. This enactment purred Beijing even during the parliamentary process Beijing threatened with “severe consequences”. When it became law, the Chinese Government complained that it violates “One China principles and

Policy”; furthermore, it encourages Taiwan separatists who are equivalent to interfere in internal matters of China (Kan, 2018). Before going in detail of the Law, let's shed light on the reasons, i.e., the constituency of Cincinnati at Ohio is represented at US parliament by Steve Chabot. It is known that the inhabitants of the constituency are immigrants and particularly from Taiwan. Majority of immigrants having political and financial influence and are in the majority, so the reason for Steve Chabot's support is apparent. He did not want to lose it in time to come. Second, According to Rubio, Taiwan is a US Indo-Pacific partner in the region. He felt gratitude for being the processor of the Taiwan Travel act till its reach to Trump’s desk, and it was the initiative that he started back in 2016 for high-level interactions between the Taiwanese and the US officials. For enhancing official ties and stopping Taiwan from isolation” (Rubio, 2018).”Professor Zhong Houtao from the Chinese Academy of Social Sciences says, If the US does not keep Taiwan closed to her heart, then how can the US sell their second arms to Taiwan. And especially those outdated weapons and ammunition, and the Second reason he pointed out is “Trump's new strategy of Indo-pacific needs a favor from Taiwan, that’s why he needs Taiwan Card (Houtao, 2018).But US policymakers forget the reality or ignore it intentionally; That “the Taiwan is a part of mainland China’s territory, which has been written in the preamble of the Chinese constitution, and Constitutionally both sides must reunify to the motherland (“Constitution of the People's Republic of China," 2018).

Living beneath the fear at South Asia has a historical legacy that America inherited from her colonial master. In the past British lived under the perceived threat of Russian Attack on British India back in the 18<sup>th</sup> and 19<sup>th</sup> centuries; similarly, the US was living under the fear of Soviet Communist expansionism, first under Moscow and now Under Beijing. But the containment of China is based upon fear as of the Thucydidean trap. Since the Cold war, Sino-US relations are imbalance and uncertain; this results from following two contending notions and economic interests; in this unseen war, American involvement is more pronounced, but despite that, the Thucydidean trap is on the side of America. Thucydidean trap has two concerns, the rise, and fear. America is avoiding making any declarations to contain China because of very high economic stakes, such as the Truman or Eisenhower doctrines or Churchill’s Fulton speech; however, in practical terms, it is already in the process of implementing its strategy of containing China by strengthening its allies around China. Currently, it looks self-evident that containing China has become central to US foreign policy. The Current US approaches towards China are geopolitical and have fewer links with geo-economic status(Dent, 2020, p. 339). Because the world observed development after cooperation, protectionism, and politically motivated conflicts are the enemies of peace and development. The principle agent of anti-globalism and protectionism seems Donald Trump, which appears in his presidential speech “we must protect our borders and our interests from the ravage of other countries,” and the same

sentiments came from his United Nations Assembly address where he openly stated, Patriotism must be the doctrine that can stand in the way of globalism; that what the US needs to stick with for the future.(Dent, 2020, p. 339)”

As for as Trump is concerned, at his initial days, he not only supported the “one-china” policy, also considered PRC as the righteous Government but observed the un-official relations with Taiwan Under TRA. At the same time, it is also found that on February of 9, 2017, it been discussed by Trump and Xi was Commitment to the “one-China policy.”The conflict between Tsai and Beijing is the 1992 Consensus; KMT and Beijing are on the side of the “One China” Principle while she is on the contrary. Other state's relationships can be direct or indirect, can be friendly, or can be conflicting, which will not affect the whole world. Still, According to Brzezinski, back in 2000, the relation between China and America has a universal impact; it's not the relation of other states like Mexico and America, which impact remains to a limited geography. Even the nature of the connection is also different, from intrinsic beneficial to threatening and other stakeholders. A slight shift in relation can unbalance the whole equilibrium of authority (Brzezinski, 2000, p. 1)”. For that, he cautioned both states to be on fluctuation moods; the same argument is also reflecting from Graham Allison book, which cautions to avoid the Thucydidian trap, although he first warned the US from Rising China, then he mentioned thatthe current course of action adopted both by the US and Middle kingdom is near to collision, and it can be avoided if both try for it (Allison, 2017, p. preface). For normalization of the relation between China and the US the strategy started from the Ping-Pong match of 1971, which was named “Ping-Pong diplomacy’. In the Context of Taiwan ,the US has already agreed upon three communique: 1978, 1979, and 1980.Three of them were revolving around Taiwan and the US withdrawal in terms of ambassadors and troops and the termination of the US-Taiwan mutual defense treaty on January 1, 1980. Similarly, two years later, in 1982, on August of 17, both parties agreed that the US would reduce arms sales to Taiwan. These communiques are considered the founding stones of US-China relations related to Taiwan (ChinaToday, 2011). In the past the US foreign policies were driven by interest and priorities, the same trend reached to Trump, and he overtly did what he intends to do, created not only fear but also uncertainty, as once Frank-Walter Steinmeier, the then foreign minister of Germany mentioned “ I believe we must prepare for American foreign policy becoming less predictable. We must prepare for a situation in which America will be tempted to make decisions on its own more often. I don't want to sugar coat it: Nothing will be easier, and much will be more difficult (Blanc, 2020, p. 7).” Rises too many questions like, why, then, have US policymakers passed laws more specifically, for Taiwan? What was the motivation for Congress to Pass Law from unofficial to Official relations, and the US even did not brought the three Communiqués in mind? How the US can do such a lousy job. (These motivations are of worth highlighting because they are not emphasized in the

previous parliamentary proceedings, yes true unofficially, Taiwan was encouraged). The design of the Act is strategically influential, whether it would generate significant public policy changes? Most of the questions with sub-questions which require a detailed study one by one. Although the US broke her official relationship with Taiwan in 1979 but was carrying a mutual defense treaty till January 1, 1980 which was to support Taiwan Forces. The Taiwan Relation Act was engrossed in the Provision of ammunition "With the purpose broaden American influence on the name of mutual dialogue, military, and educational capabilities, and enhancement opportunities started back in 1997 "to create space for US Sphere of influence excluding hard components." The date Trump signed the Taiwan Travel Law, remind us the Jimmy Carter announcement, of December 15, 1978, when he established diplomatic relation with the People's Republic of China and Formal relation with Taiwan has been terminated, the Mutual Defense Treaty of 1954 has been nullified, and U.S. forces were removed from Taiwan(Hickey, 2014, p. 2). Isn't the same thing which again repeated by U.S.? It is expected from US that she would hold her past agreements and communiques, and will continue in the best interest of world peace, which in vain, the current Trump lead government will be enough instance for assessing the US approach.

### **US Broken Agreements during the Trump era**

The paper core is stick with Taiwan Travel Act, which is why it pre and post situations will be not going to a distant past or distant future. The move is the outcome of Trump's priorities; that's why our study tends to limit itself to Trump's era and his relation with China. He started withdrawal from participation in the arms control treaty with Russia on February 2, 2019, upon allegations from Europe and US that Moscow is continuously violating the Intermediate-Range Nuclear Forces Treaty. Upon creating a feasible environment for arms race once again, B.Wolf and Carman conclude that "suspension mean Issuing alarms to all countries in the guise of Russian reprimand(B. Wolf, 2019)." Trump also came out from the Paris Agreement on climate action in November 2019, which was an agreement to reduce the emission of warming gases about the planet; for this US submitted a formal application to the UN, which will take in effect in 2020 and left the world countries with a free choice about environmental implications. This move reacted by ex-Secretary of energy Ernest Moniz under the Obama administration in these words, " A fresh course of action by the US leadership to deal with climate challenges (Kann, 2019)." Trump decided to withdraw from the Translantic Trade and Investment Partnership in 2017, Trade with the European Union was an extensive one, and the US and engaged in escalatory trade war rhetoric against the former.

Along with that, the lack of transparency and secrecy was the point of stern criticism of the EU deal(Kenton, 2019). One year later, he pulls out of the Joint Comprehensive Plan of Action (JCPOA) on May 8 of 2018, which was not only limiting Iran's nuclear programme

but was also stopping her from producing Nuclear weapons till 2030 in the presence of eight partners and under transparent monitoring. But unfortunately, Trump withdrew the US from JCPOA, and seven others still adhere to the core of the agreement, which is counted as a political move against Iran (Smith, 2019). He did not miss a month while continuing his withdrawal yet from another institution of the United Nations Human Rights Council (UNHCR) on June 28, 2018 (Lagon & Lou, 2018, p. 241). Like he is a president with no alternative approaches, which makes more agreements in trouble (Squassoni, 2018). He did not spare anyone like, criticized NATO, WTO and most recently halted funding to WHO shows his style of managing the world, where he more cares for Japan, Australia, Saudi Arabia, Israel, and India. Not only in the region but also the international forum, Xi Jinping is calling for shared responsibility, seems to encourage globalization (Lagon & Lou, 2018, p. 241). It seems Trump came for withdrawal from international treaties and memberships, which what his office showed in 4 years. Still, his anger and inquisitiveness are on a peak about security alliances and multiple organizations (B. Wolf, 2019). Although it was speculated that his policies would change after election rhetoric, because then one realizes the ground realities, as he did in the case of Europe. During his presidential election campaign, he was satirist towards the EU. In the post-election era, it was expected that he would translate his election rhetoric by wide and large in his policy (Blanc, 2020, p. 2). As we discussed that he used the China card to win his election; that's why in the post-election era, he would make such moves which can earn for him fame and support; along with that, he was in search of a way out against those treaties signed by Obama administration. Commenting on Trump's withdrawal from different nuclear treaties, one expert mentioned that "For deterrence, US decision about Withdrawal from INF benefited her against Russia and China, because it improved its deterrence (Lanoszka, 2019)". It is not necessary that every step of elected governments has been supported by its citizens, as there is an example of 1954, When for the first time U.S. Mutual Defense Treaty defense of 1954 was annulled, a reaction of government decision was noted, in which majority of the people was not in favor of government decision (Hickey, 2014, p. 2). US Congress must play its role in resisting the temptation to turn Taiwan's issue into a political football, for partisans' political drives. Such treatment would not serve the enduring benefits of either the United States or Taiwan inclination to former. In short, many critics of US policy fail to understand that it is in America's interest to maintain a strong and constructive relationship with both Taipei and Beijing which is not a walk in the park. There are many challenges. However, the Taiwan Relation Act made conducive environment which enabled both sides of the Taiwan Strait to resolve their differences peacefully, and the law is likely to continue to be used for peace and stability in the years to come.

It is straightforward to determine the objectives of US policies against China, like the Taiwan travel Law enactment, which is one of the Congressional moves; similarly, there are

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other actions which narration and interpretations would make the objectives more precise, for this En Bloc Amendments to H.R. 5515 report is one of the primary source., which explains in detail the containment policy details, like as under

- 1) LOG#146r1: US Parliament directed all National covert and open Law enforcement agencies to investigate two Chinese Companies of Telecommunication Huawei and ZTE, whether they are posed a threat for classified and unclassified forms. Agencies were directed to outline security risks from respective companies in the way of software or hardware along with that, and they were asked to enlist straightforward contractors in the Telecommunications sector (US.Congress, 2018).
- 2) LOG#198r1: Congress legislation name is enough to understand the objectives “Under this report full vigilance is ensured on nitty-gritty actions of China from forces activities to Aid, in national and international forums, along with that US tries to provide enough help to those countries to whom US consider china as a threat and defend their rights according to the US defined international Law, with the unspecified objective of constructive relation with China. In a nutshell, the report must contain the following contents, China's provocative, naval, air, and military deployments, operations, and infrastructure construction within the East China and the South China Sea, at Taiwan Strait, and the Indian Ocean. And according to the LOG, the following activities must be counted as destabilizing moves, which are discussed above
- 3) LOG#248r2: In a true sense for the execution of TTA terms, a member from Joint Chiefs or service secretary must-visit for Defense management at the senior level to Taiwan for further plans and policy briefings from US (US.Congress, 2018).
- 4) LOG#266: according to this proceeding of Congress, it was directed that the TTA is considered America’s state policy, under which there is no restriction on any person, who is related to security and politics, that’s why intelligence sharing through the Director of intelligence visits for assessing China and Russian activities and particularly in democratic Governments not excluding USA (US.Congress, 2018).

### **Chinese stance and reaction**

Taiwan is China’s internal matter of territorial conflict, the observed height of tension in 1995-96 when PLA used force. It increased the apprehensions that cross-strait cases would involve the US and could easily escalate tension. While the settlement of this issue, according to the 1992 consensus, while taking the US at the board in the best interest of peace, could avoid the clouds of fear of war from East Asia (Fravel, 2008, p. 10). For a very long time, china sticks herself to non-interference and equal respect for sovereign states. And being one of five permanent UN Security Council members, abstained from sending a peacekeeping force to maintain its neutrality until 1992 because Chinese leadership was

skeptical about UN operations legitimacy (Gill, 2009). Zhu Songling, Professor at Beijing Union University, for ensuring sovereignty and safety of China, the state will go to end with all possible approaches. It will provide its core interest, including Taiwan, at any cost (Songling, 2017). Mentioned nine years earlier to the Songling comment, by Fravel in these words "In Past after War with India in 1962 China showed less interest in fights over territorial conflicts, instead of her vital interests were at stake, but this will never remain for times to come, because as Chinese military capacities growing. It can use force more effectively compared with the past (Fravel, 2008, p. 9). Giving reaction to TTA Johnny Chiang (江啟臣) the Chinese Nationalist Party Kuomintang (KMT) legislator, said that "the Chinese Government is not only certain to respond but will keep Taiwan far from the international community and US. He further said it is another card in US hands for negotiations strategy, and it seems right because, to date, the US using Taiwan as a province of China in correspondence, according to Tony Giamporcaro (TaipeiTimes, 2018b). The dragon's rise was not under the carpet or spontaneous but based on three to four decades voyage, which was not hidden from American counter strategists, Particularly US Navy and other National securities agencies; they considered China as a "strategic competitor." To counter china was the tool and ideology born during the Cold War, came to the hands of pro-Taiwan powers who want to contain China at pacific(Tengjun, 2018). Once Michael D. Swaine said in 2011 about China that "The physical size of China its population, rapid growth, geostrategic territory, internal dynamics, and, to a greater extent, its attitude towards many political, economic, social, and military issues, are likely to be crucial in reshaping world power dimensions. Will enable China to play a dominant role on world stage especially in Asia and may give tough time to the US (Swaine, 2011, p. 1).

### **Conclusion:**

I think that Taiwan Travel law is the component of the Chinese Containment Policy, in harsh and interference words. More bluntly, US policymakers established the shadow of fear on the Chinese sphere of influence and brought abrupt changes from unofficial to Official. It can also produce several unwanted side effects for both countries. Is it the culture of the US since 1996 to have a quadrennial review of defense. Similarly, the USA foresaw the imminent consequences of stirred action because It is clear about Chinese surveillance of the US that they lack a lot of information which they admitted in their reports, so if the case is so, then the US is making allegations and using Taiwan Card for their interests. This unaware behavior of America against China is fanning the fan of hatred, which also takes off the focus from strategic planning and may give birth to security loopholes which can further jeopardize the peace and security (McNeill, 2008).



Pragmatically Washington's encouragement of Taiwan against its motherland is not defining its Political and strategic policy options; it's only a persuasion force that wants any at any cost the stoppage of China to balance her fears and the fears of her partners like India and Japan in Asia. If China Used force as mentioned by Xi Jinping last time that China can use power for reuniting Taiwan, the question arises that who would suffer the most, the US or the people of Taiwan? That's why Taiwan should abandon dependency upon Washington and make policies pro-to Beijing's priorities. Undoubtedly, these will develop strong bonds in the relation between Taipei and Washington but will make China more aggrieved.

Taiwan must know the provocation powers which may any time be able to step back from their stance, Particularly Trump who says, that there is no common border between China and India, and Covid-19 is a flue, who according to Nancy Pelosi and Obama, distorted the real picture of democratic America. In the case of Pakistan, they did not arrive in 1965, 1971, except when they contained communism then helped the Pakistani Government. And After the War of 1979 left the country on the disposal of situation, the same can happen To Taiwan as once American authorities mentioned about Taiwan in 2013 that "the reality is, it is Taiwan that is obligated to have sufficient self-defense . . . we cannot help defend you if you cannot defend yourself (Hickey, 2014, p. 6)."The US has shown its support for Taiwan through the Taiwan Travel Act and the National Defense Authorization Act and by conducting freedom of navigation exercises through the Taiwan Strait. By comparison, supporters of the policy to maintain the "status quo" have yet to take concrete action. Perhaps Tsai clearly understands international realities and therefore refrains from radical initiatives(Taipei Times, 2018a).

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