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Signals on PRC’s Taiwan Policy from NPC 2020

The 18th session of the 13th National People’s Congress (NPC) of the People’s Republic of China (PRC) recently convened in Beijing from May 22 to 28. While [international media attention](#) was primarily focused on the NPC’s passage of a draconian draft national security law for Hong Kong, the national legislative body—largely seen as a rubber-stamp legislature directly controlled by the ruling Chinese Communist Party (CCP)—may also be considering potential modifications to the legal framework of the PRC’s Taiwan policy.

In the lead up to the meeting—which had been delayed due to the novel coronavirus (COVID-19) outbreak—[experts believed](#) that Beijing would harden its approach to Taiwan in response to Tsai Ing-wen’s (蔡英文) re-election as president for a second term, although it was not clear just by how much and through what means. This pessimistic assessment was seemingly reinforced when Chinese Premier Li Keqiang’s (李克强) carefully crafted [work report](#), delivered at the beginning of the session, [omitted](#) the word “peaceful” in Beijing’s approach to Taiwan. The use of the term “peaceful reunification” [sic] had been a mainstay of Chinese rhetoric on Taiwan policy since 1979, and its omission was initially interpreted as a potential sign of change in PRC policy towards Taiwan.

In what may have been a response to President Tsai Ing-wen’s inaugural address only the week before on May 20, the work report’s deliberate omission of “peaceful” was coupled with the simultaneous omission of references to the so-called “1992 Consensus” (九二共識), the tacit agreement between the KMT and the CCP in which the two sides agreed that Taiwan is a part of China, with each side free to interpret what that “China” was. This is telling, as President Tsai Ing-wen also omitted reference to the 1992 meetings in

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her second inaugural address as one of the bases for her cross-Strait policy, even though she had referenced them in her first inaugural speech. During her second inaugural address, President Tsai succinctly [stated](#):

“We will continue to handle cross-Strait affairs according to the Constitution of the Republic of China and the Act Governing Relations between the People of the Taiwan Area and the Mainland Area. This has been our consistent position for maintaining the peaceful and stable status quo in the Taiwan Strait.”

Notwithstanding President Tsai’s refusal to endorse the “1992 Consensus,” Beijing’s rhetoric and actions in recent years have made that basis for cross-Strait negotiations more untenable than ever before. Indeed, it is more unlikely than ever that the two sides could ever resume dialogue on the old terms of the “1992 Consensus”—especially after CCP General Secretary Xi Jinping (習近平) had essentially redefined it on the basis of the “One-China” principle and “one country, two systems” [in his hardline speech](#) delivered in January 2019.

An item reportedly on the NPC’s agenda that was less reported on but appeared in a [report by Wen Wei Po](#) (文匯報)—a pro-Beijing Hong Kong-based media outlet—is CCP Politburo Standing Committee Member and NPC Chairman Li Zhanshu’s (栗戰書) work report of the NPC-Standing Committee. Despite Premier Li Keqiang’s omission of the key terms, Li Zhanshu reportedly did emphasize the standard mantra of striving for the “peaceful” development of cross-Strait relations on the basis of the “1992 Consensus” in his work report.

Additionally, and particularly worth noting, the NPC chairman’s [discussion of Taiwan](#) was embedded within the section on “Ensuring the Full Implementation of the [PRC] Constitution,” in which he emphasized that Beijing would adhere to the fundamental policy of the “One-China” principle, firmly opposing and containing the “Taiwan independence” separatist forces, and promoting the “peaceful” development of cross-Strait relations on the basis of the “1992 Consensus.” It is noteworthy that the promotion of constitutional review work and activities involving Hong Kong and Macao are also [included](#) within this overall task.

This particular session of the 13th NPC coincided with the 15th anniversary of the [Anti-Secession Law](#) (反分裂國家法), which the NPC had passed back in 2005 at the beginning of the second term of the previous DPP administration that lasted from 2000-2008. To commemorate the law, [a forum was held](#) at the Great Hall of the People. Held only the day after the NPC passed the decision to formulate the Hong Kong national security law, the meeting was jointly organized by the CCP Central Committee Taiwan Work Office and the Legal Work Committee of the NPC Standing Committee. Yang Jiechi (楊潔篪), director of the Foreign Affairs Office of the CCP Central Committee, and other senior Chinese officials [attended the meeting](#).

In responding to questions about the NPC, Ma Xiaoguang (馬曉光), the spokesperson for the State Council’s Taiwan Affairs Office (TAO), pointed out that:

“We [China] will continue to deepen the implementation of the important exposition of General Secretary Xi Jinping’s work on Taiwan and the CCP Central Committee’s decision on Taiwan’s work by adhering to the fundamental policy of ‘peaceful reunification, one country, two systems,’ and adhering to the ‘1992 Consensus’ that reflects the “One-China” principle with the utmost sincerity.”

Also present at the anniversary was the former propaganda chief and current NPC vice-chairman, Wang Chen (王晨), [who stated](#): “The complete reunification [sic] of the motherland is the common aspiration of all Chinese children and the fundamental interest of the Chinese nation.” [Wang pointed out](#) that the “Anti-Secession Law” has a unique and important role in combating the separatist forces of Taiwan independence, promoting peace and stability in the Taiwan Strait, promoting the peaceful development of cross-Strait relations, and promoting the process of peaceful unification between China and Taiwan.

In his [speech](#) at the forum, TAO Director Liu Jieyi (劉結一) stated that:

“We do not promise to abandon the use of force and reserve the option of taking all necessary measures. This is aimed at the interference by external forces and the active separatist activities of a handful of Taiwan independence separatists.

It is definitely not aimed at Taiwan compatriots. I believe that the majority of Taiwan compatriots can recognize the direction of the future, where their interests and welfare lie.”

[According to Bonnie Glaser](#), a senior adviser for Asia and the director of the China Power Project at CSIS:

“The anti-secession law was discussed in an interesting way. It is not being portrayed as a justification to use force against Taiwan, but rather, as an example of the kind of law that is needed to protect China’s sovereignty against foreign interference in China’s internal affairs. This, of course, is a concern we are also seeing in Hong Kong.

Finally, I would say, my conclusion is that, despite growing concerns in Beijing about Tsai Ying-wen’s policies in her second term about a weak KMT, about unfavorable public opinion in Taiwan toward China, unification, a growing sense of Taiwan identity, certainly concern about US policy toward Taiwan. Despite all these factors, Beijing has not concluded that its policy has failed and should be abandoned. Though I don’t rule out there will be a rethinking perhaps ongoing adjustments and maybe sometime in the future, we will see a shift in policy, but this year’s two meetings did not signal that.”

Commenting on the inclusion of Taiwan and Hong Kong in Li Zhanshu’s work report, [an expert](#) cited by Wen Wei Po stated: “When the central government considers the issues of Taiwan, Hong Kong, and Macao in the future, it will gradually be included in the country’s constitutional legal system.” Interestingly, the expert [suggested](#) that the PRC may make changes to Taiwan-related laws, since the PRC Constitution, as the expert maintains, can no longer adapt to the needs of cross-Strait relations. According to the expert, “The state must make more elaborate and authoritative legal arrangements for Taiwan at the constitutional level, which is in line with the current situation.”

In reading the tea leaves, official statements may be a signal to Taipei from Beijing that without the so-called “1992 Consensus,” it will not commit to a so-called “peaceful” approach in its Taiwan policy. Of course, actions speak louder than words and Beijing has been

systematically ramping up military and political pressures that include provocative military maneuvers around Taiwan in spite of repeatedly stating its “peaceful” intent—so the omission does not probably mean anything substantively different in a practical sense.

It is also likely a signal to the United States. As US-PRC negotiations leading up to and following the establishment of diplomatic ties between Washington and Beijing have made clear and [the Taiwan Relations Act clearly states](#), the “United States decision to establish diplomatic relations with the People’s Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means” and other commitments premised on “the continuity of China’s declared ‘fundamental policy’ of seeking a peaceful resolution of the Taiwan issue.” Beijing’s deliberate omission of “peaceful”—albeit in one speech—could be a response to what it sees as the gradual improvements in ties between the United States and Taiwan over recent years.

The main point: While there does not appear to have been any fundamental changes in the PRC’s policy towards Taiwan at this year’s session of the NPC, some experts believe that the legislature may be considering potential modifications to the legal framework of the PRC’s Taiwan policy.

White House Refers to the People of Taiwan as “Taiwanese”

On May 29, the United States President Donald Trump [announced](#) that he was “terminating” the US’ relationship with the World Health Organization (WHO), marking the finale—or at the very least a long intermission—in the feud between the organization’s largest donor and an international health body that has increasingly come under the influence of the People’s Republic of China (PRC). In an [official letter](#) sent by the White House signed by the President on May 18 that detailed the failure of the WHO to respond effectively to the ongoing COVID-19 crisis, there were two references to Taiwan. One of these references may signal a change in how the US government perceives the people of Taiwan, and could represent a meaningful adjustment in a long-standing but arguably outdated and self-imposed restriction on how it describes the people

of the island-democracy. [The letter stated](#):

“By the next day, Taiwanese authorities had communicated information to the World Health Organization indicating human-to-human transmission of a new virus. Yet the World Health Organization chose not to share any of this critical information with the rest of the world, probably for political reasons.”

In almost any other case, [the use of “ese”](#) after the name to describe the people of a country would not elicit a whisper, but in a complex relationship laden with semantic land mines—due in large part to Beijing’s political sensitivities—the case of Taiwan is, of course, different.

The word in question is “Taiwanese.” The use of the suffix “ese” forms the adjectival derivative of a place name and is frequently used nominally (a demonym) to denote the inhabitants of the place or their language. However, it is common to hear American diplomats refer to the people of Taiwan not as the “Taiwanese people,” but rather “people on Taiwan” or “Taiwan people.” This semantic dance stems from a diplomatic practice that began at least 15 years ago, based on an internal State Department legal interpretation that has restricted the description of the people of Taiwan as “Taiwanese.” As [this letter](#) protesting the restrictions issued by a bipartisan group of US congressmen in 2006 makes clear:

“Executive branch officials are not permitted to refer to Taiwan by its official name “Republic of China,” nor can they refer to Taiwan’s government as a “government.” Instead, the term “Taiwan Authorities” must be used. It also prevents Executive branch personnel from referring to the people who live in Taiwan as “Taiwanese”—instead, it requires them to refer to these people as “people on Taiwan.””

These self-imposed restrictions have served as long-standing [“guidelines”](#) for informal US-Taiwan relations. Nearly 15 years after the 2006 letter, the issue of these “guidelines” have been the focus of legislative attention again in recent years as well. The [Taiwan Assurance Act](#), introduced by Senator Tom Cotton in March 2019, also references the “Department of State’s guidance on diplomatic practice with Taiwan,

including the periodic memorandum entitled ‘Guidelines on Relations with Taiwan’ and related documents, and reissue the guidance to executive branch agencies and offices.” The legislation, if passed, would require the State Department to “conduct a review of the Department of State’s guidance on diplomatic practice with Taiwan.”

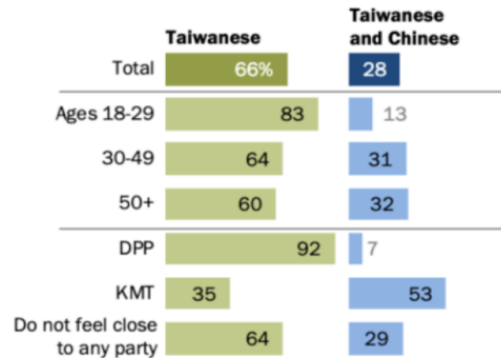
The “diplomatic practice” ostensibly began with a legal determination by State Department’s Office of Legal Advisers that the use of the suffix “ese” could be interpreted to denote a recognition of sovereignty for Taiwan and its people as distinct entities separate from China. This interpretation has then served as internal guidance for prescribing how the Executive Branch—such restrictions do not apply to the Legislative or Judicial Branch—conducts its unofficial relationship with Taiwan in accordance with the Taiwan Relations Act. These restrictions include preventing Executive Branch officials from attending functions at Twin Oaks (雙橡園)—an estate once used as the official residence of ROC ambassadors, which is now used to perform ceremonial events such as the annual Double Ten celebrations.

Over the recent decades since Taiwan’s democratization, the identity of people on the island has moved considerably away from being Chinese and toward Taiwanese, with a clear majority of people in Taiwan now identifying as Taiwanese. Indeed, according to a [Pew Research Center survey](#)—its first ever poll in Taiwan—released in early May, 66 percent of people in the country identified as “Taiwanese,” whereas only 28 percent identified as “Taiwanese and Chinese.” This difference in self-identification was even clearer among the younger population between the ages of 18 and 29, of which 83 percent identified as Taiwanese and only 13 percent identified as both Taiwanese and Chinese. The Pew survey tracks with academic polling done in Taiwan. In the [most recent poll](#) on identity conducted by the Election Study Center at National Chengchi University released in February 2020, 58.5 percent of Taiwan’s population identified as Taiwanese, 34.7 percent identified as both Taiwanese and Chinese, and only 3.5 percent identified as Chinese. This represents a significant change from [1992](#), when only 17.6 percent identified as Taiwanese, 46.4 percent as both Taiwanese and Chinese, and 25.5 percent saw themselves

as Chinese.

Most in Taiwan identify as Taiwanese, but there are large partisan differences

% who consider themselves ...



Source: Survey of adults in Taiwan conducted Oct. 16-Nov. 30, 2019. ETH.TAI.

"In Taiwan, Views of Mainland China Mostly Negative"

PEW RESEARCH CENTER

Photo courtesy of [Pew Research Center](#)

While American officials have verbally referred to the people of Taiwan as “Taiwanese” before—perhaps inadvertently or in recognition of Taiwan’s evolving identity—and elicited demarches from the PRC Embassy as a result, this appears to be the first time that the White House has issued an official document that used the term. Given past practices, a question that remains is whether this was intentional or accidental. In either case, even legal interpretation should comport with the facts on the ground—and even those once considered steadfast truths can change. Whether intentional or not, the White House may be casting-off a long-standing taboo in how the US conducts its informal relationship with Taiwan. Perhaps it is time that American diplomats are permitted to do the same as well.

The main point: The White House used the term “Taiwanese” in a public and official letter that may signal a change in how the US government traditionally describes the people of Taiwan.

Taiwan and New Zealand: A Strengthening Partnership in the South Pacific

By: I-wei Jennifer Chang

I-wei Jennifer Chang is a research fellow at Global Taiwan Institute.

In early May, New Zealand joined the United States, Australia, and other democratic countries in expressing support for Taiwan’s inclusion in the annual meeting of the World Health Assembly (WHA) on May 18-19. New Zealand’s Foreign Minister and Deputy Prime Minister Winston Peters said on May 7 that his country [backs Taiwan’s readmission](#) as an observer to the World Health Organization (WHO) as it was in 2016. Peters, [who clashed with the Chinese Embassy](#) in Wellington, called Taiwan’s public health management of the novel coronavirus (COVID-19) a “[standout world success story](#).” His [personal view](#) is that Taiwan should be able to rejoin the WHO. “Personally, you’ve got to have every population in the world in the WHO if it’s to have any meaning,” [he argued](#). Wellington has insisted that its position on Taiwan’s participation in the WHO is not based on political or geostrategic considerations, but rather it is rooted in Taipei’s successful response to the [global health crisis](#). Despite China’s [growing influence](#) in New Zealand, Taipei and Wellington have found avenues for cooperation on public health, trade and economic integration, and indigenous affairs in the South Pacific region.

COVID-19 as a Unifying Factor

For both Taiwan and New Zealand, two small Pacific powers, the coronavirus has accentuated the risks of being too deeply tied to the Chinese economy and has exposed the geopolitical implications of the global pandemic. Scholar Anne-Marie Brady wrote in April that Chinese COVID-19 assistance to New Zealand will come at a [high political cost](#). Brady argued that Beijing withheld deliveries of [personal protective equipment](#) (PPE) to New Zealand in response to Wellington’s exclusion of Chinese technology giant [Huawei](#) from its 5G telecommunications network. Beijing’s selective rendering of coronavirus aid also comes amid reports of covert [Chinese influence operations](#) that utilize ethnic Chinese groups in New Zealand to infiltrate domestic

politics to promote pro-China policies.

New Zealand, which has already been closely following the [Taiwan model](#) for battling the virus, should [work with Taiwan](#) and gain practical assistance on COVID-19, according to Brady. In mid-March, New Zealand's Prime Minister Jacinda Ardern called Taiwan's model in fighting the coronavirus "[quite successful](#)" and lauded the island's effective management of [mass gatherings](#). New Zealand and Taiwan have now emerged as two success stories in the global fight against the pandemic. Taiwan has gone [more than six weeks](#) without new cases of local transmission, while New Zealand has been experiencing mostly [zero new infection cases](#) since mid-May. On a related note, New Zealand and Australia have been in talks about creating a trans-Tasman "[travel bubble](#)"—potentially including other low-risk Asian countries such as [Taiwan](#)—to enable their citizens to travel freely between countries. Opportunities also exist for both sides to provide coronavirus assistance to vulnerable regional countries, in particular the tiny Pacific island-nations where [China has stepped up aid](#) and which constitute a strategic area for regional and major power competition.

New Zealand's Position in Regional Geopolitics

As a small Western country in the South Pacific Ocean, New Zealand is [closely aligned](#) with Australia and the United States on foreign policy and regional security issues. The three Western countries view China as [challenging](#) Washington, Canberra, and Wellington's historical influence and leadership in the South Pacific. China has recently poured [money and infrastructure projects](#) into small Pacific island democracies to boost its profile in the region and poach Taiwan's few remaining diplomatic allies. Beijing also has sought to weaken New Zealand and Australia's influence in regional institutions, such as by supporting Fiji's creation of the [Pacific Islands Development Forum](#)—of which Canberra and Wellington are not members—to rival the [Pacific Islands Forum](#) (formerly the South Pacific Forum), founded by New Zealand in 1971. By nature of its smaller size, New Zealand has traditionally learned to balance against and between rival powers, including [the United States](#) and China, and has tried to avoid excessive reliance on either major power in order to maintain its independence and security. As a result, while [Australia](#) is much more aligned with the US In-

do-Pacific Strategy, New Zealand has taken a less confrontational approach towards China.

In fact, New Zealand currently has a [firm foundation](#) of friendly relations with China. In April 2019, Chinese President Xi Jinping (习近平) told visiting Prime Minister Ardern in Beijing that the relationship between China and New Zealand has "[become one of the closest between China and Western developed countries.](#)" China has been New Zealand's [largest trade partner](#) since 2017, and is also the South Pacific country's [second-largest](#) source of imports. Bilateral trade reached a total of [USD \\$20.9 billion](#) last year. Moreover, Wellington was a [founding member](#) of the China-led Asian Infrastructure Investment Bank (AIIB) in 2015 and signed a [memorandum of understanding](#) to strengthen cooperation on China's Belt and Road Initiative (BRI, formerly "One Belt, One Road") in 2017. This stands in contrast to Canberra's more [cautious attitude](#) towards China's global economic strategy. At bottom, New Zealand has exercised flexibility and pragmatism in its foreign policy, seeking to materially benefit from Chinese economic initiatives while also challenging Beijing's actions that are detrimental to New Zealand's national interests, such as its policies during the COVID-19 crisis.

Taiwan-New Zealand Economic and Trade Ties

Taiwan and New Zealand have close economic and trade ties, primarily in the agricultural sector. Taiwan is New Zealand's [seventh-largest](#) export market. New Zealand, a [major supplier of dairy](#), constituted Taiwan's [fourth-largest provider](#) of agricultural goods in 2019. Taiwan imported a total of [USD \\$839 million](#) from New Zealand and exported [USD \\$479 million](#) to the South Pacific country last year. In a step towards enhancing trade on organic agricultural products, Taiwan and New Zealand signed [an agreement on mutual recognition](#) of regulatory systems governing organic products in February 2020. The agreement [took effect in May](#), with New Zealand becoming the [third country](#) to sign such an agreement with Taiwan. Given New Zealand's smaller economy, Taiwan has much higher levels of trade with its neighbor Australia. By comparison, Taiwan imported [USD \\$10 billion](#) from Australia and exported [USD \\$3 billion](#) to the Oceania country last year.

In the mid-1990s, New Zealand prioritized reaching [free trade agreements](#) (FTAs) with Asian economic partners, which could help to [protect the trade-reliant country](#) against disruptions and fluctuations in the international economy. New Zealand later pulled off the feat of being the first member state of the Organization for Economic Cooperation and Development (OECD) to sign an FTA with [China](#) in 2008 and [Hong Kong](#) in 2010. Wellington also became the [first developed country](#) and [non-ally](#) to sign an [FTA with Taiwan in 2013](#).

During Ma Ying-jeou's (馬英九) administration, Taiwan also signed a handful of economic cooperation and free trade agreements with trade partners. Three years after Taiwan signed the [Economic Cooperation Framework Agreement](#) (ECFA, 兩岸經濟合作架構協議) with China in June 2010, Taiwan and New Zealand reached a milestone economic cooperation agreement, formally known as the [Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Cooperation](#) (ANZTEC, 紐西蘭與臺澎金馬個別關稅領域經濟合作協定). Observers have argued that the [signing of ECFA](#) reduced Beijing's resistance against other economic and trade arrangements between Taipei and non-allied countries such as New Zealand. Also, the conclusion of the [China-New Zealand FTA](#) was an important prerequisite before any similar agreement could be reached between Taipei and Wellington.

Although New Zealand ranked as Taiwan's [40th largest](#) trade partner at the time of ANZTEC's signing, Taipei sought to gain additional economic and political benefits from the bilateral economic cooperation agreement. Taiwan's Ministry of Foreign Affairs (MOFA) [said](#) that ANZTEC will be of particular significance for future negotiations with other trading partners to sign similar agreements. Indeed, Taiwan subsequently signed an [FTA with Singapore](#), a more important trade partner, in November 2013. According to MOFA, the conclusion of ANZTEC also marked a significant step forward in Taiwan's strategy for greater [regional economic integration](#) in the Asia-Pacific region. Since New Zealand is a founding member of [Trans-Pacific Partnership](#) (TPP) and a member of the [Regional Comprehensive Economic Partnership](#) (RCEP), the Taiwanese government believed that ANZTEC would bolster Taipei's [bid to join](#) both organizations.

Coming Home to Taiwan

For New Zealand's Austronesian-speaking aboriginal Māori group (毛利人), one of their [ancestral homes](#) is Taiwan. The [Māori's ancestors](#) were indigenous peoples from the Eurasian continental rimland who migrated to Taiwan, and then left the island about [5,000 years ago](#) in a rapid migration to other Pacific islands. Māori ancestors are believed to have moved to New Zealand between [700 and 1,000 years ago](#). According to genetic sequencing research, the Māori are closely related to Taiwan's [Amis](#) people (阿美族) living in the East Rift Valley (花東縱谷), nestled between Hualien (花蓮) and Taitung (台東) in eastern Taiwan. Both groups speak Austronesian languages, share [cultural traditions](#), and face common challenges in preserving their indigenous identity.

Taiwan has been expanding cultural links with New Zealand, with a focus on enhancing cooperation between their indigenous populations. In 2004, New Zealand and Taiwan signed an [agreement](#) to enhance cultural exchanges on indigenous issues. The 2013 Taiwan-New Zealand economic cooperation agreement also stipulated that both sides would work to [strengthen exchanges and cooperation in indigenous affairs](#). New Zealand's [Māori youth](#) have also visited Taiwan to trace their ancestral roots on the island. Presidential Office Spokesperson [Kolas Yotaka](#) (谷辣斯·尤達卡), who is of Amis descent, said Taiwan's government strives to protect ethnic and cultural diversity on the island.

Taipei has also undertaken initiatives to promote cultural protection and engage with regional countries on other indigenous issues. In October 2019, Taipei helped revive the [Austronesian Forum](#) (南島民族論壇), headquartered in Palau, which is aimed at preserving Austronesian languages and identity and fostering cooperation among more than 10 nations with Austronesian populations, including [New Zealand](#). As a main historical pathway in the spread of Austronesian languages to the Pacific islands, Taiwan has to shoulder responsibility for regional developments regarding Austronesian peoples, said [Icyang Parod](#) (夷將·拔路兒), Minister of Taiwan's Council of Indigenous People (CIP, 原住民族委員會), at last year's Austronesian Forum.

As two small Pacific powers, Taiwan and New Zealand have common strategic interests in maintaining a stable environment in the South Pacific Ocean that does not fall under Beijing's predominant influence. Taipei has been an active player in providing [development aid](#) and [medical assistance](#) to the South Pacific. Both Taipei and Wellington could collaborate to mitigate the threat of Chinese influence over the tiny Pacific island-democracies, working alongside the United States, Australia, and other like-minded countries. Taiwan and New Zealand have become success stories in the global fight against the coronavirus pandemic and thus have valuable experiences to share with regional partners, including the Pacific island-nations.

The main point: New Zealand has shown pragmatism and flexibility in its relations with China and Taiwan. Wellington and Taipei have bonded over Taiwan's bid to rejoin the WHO as an observer and should seize opportunities to cooperate more broadly on South Pacific issues.

What does a “New Constitution” Mean for the “Status Quo”?

By: Fang-Yu Chen

Fang-Yu Chen is a PhD in political science at Michigan State University. He was previously a visiting scholar at GTI in 2019.

As the Tsai Ing-wen (蔡英文) administration began its second term, the [Taiwan New Constitution Foundation](#) (TNC, 台灣制憲基金會)—a nongovernmental organization founded by staunch Taiwan independence advocate Koo Kwang-Ming (辜寬敏)—has announced that it is preparing to [propose a referendum](#) to express “intention to establish a new constitution.” The referendum would reportedly include two key questions: 1) Do you agree that the president should initiate a constitutional reform [in Taiwan]? (您是否同意要求總統啟動憲法改造工程), and 2) Do you agree that the president should push for the establishment of a new constitution reflecting the reality of Taiwan? (您是否同意要求總統推動制定一部符合台灣現狀的新憲法). According to TNC Executive Director Lin Yi-

cheng (林宜正), the main goal of the organization is to pursue [state normalization](#). Additionally, [he argues](#) that “a new constitution is needed to differentiate Taiwan from China, to assert the nation's sovereignty, and raise awareness among Taiwanese.”

Is there [public support for this initiative](#) and how do the Taiwanese people view the “reality” as well as the need for “normalization” as the TNC proposed? Why are civil society groups pushing for constitutional reform? The notion that any constitutional reform entails “changing the status quo” is an oversimplification—the status quo is, of course, constantly changing. This brief examines whether there is support for this initiative in the context of current public opinion on unification-independence preferences within Taiwan.

Taiwan's Independence Preferences

At first glance, the fact that a majority of the Taiwanese public supports “maintaining the status quo” would seem to entail opposing any constitutional change on the sovereignty issue. According to a [survey of long-term trends](#) in public attitudes toward unification-independence by the Election Study Center (選舉研究中心) at National Chengchi University, “maintaining the status quo forever” and “decide later” combined accounted for more than 50 percent of support. However, “moving toward independence in the future” hit an all-time-high in 2019, reaching 21 percent, while “independence as soon as possible” has held steady at about 6 percent over the last decade. Based on this data, it seems as though the public does not currently support the option to “declare independence.”

Yet, these measurements leave a great deal of ambiguity for respondents. For example, the surveys do not ask people what “the status quo” means, nor do the questions specify when and how independence or unification would take place.

Notably, when presented with the statement “Taiwan is already a sovereign state with the official name of Republic of China (ROC), and there is no need to declare independence again,” over 70 percent of respondents agreed. This has been a constant trend across several [waves of surveys](#) in the past decade. This presents a puzzling question: why do people view Taiwan as independent but, at the same time, oppose declaring independence?

This paradox is, in fact, a rational calculation of Taiwanese people. According to the latest [2019 Taiwan National Security Survey](#)—which is overseen by Professor Emerson Niou at Duke University and administered by the Election Study Center at National Chengchi University—more than 60.3 percent of the respondents opposed Taiwan independence if it would be followed by a Chinese military invasion. That number drops to 26.6 percent in a scenario where China does not use armed forces to attack following Taiwan’s declaration of independence. This explains why China insists on the necessity of using force and continues to threaten Taiwan on sovereignty issues.

Two Types of Green Supporters: What Does State Normalization Mean?

The long-standing support for the status quo may also reflect a lack of discussion on [different options for the nation’s future](#). Within the so-called pan-green (pro-independence) camp, there are at least two different major opinions, with the fundamental difference lying in attitudes toward the Republic of China. The first school of thought—supported by traditional and fundamentalist pro-independence proponents—maintains that the Taiwanese people do not yet have their own country, and the current ROC’s rule over Taiwan is illegal (based on the [argument](#) that the ROC has no right to rule Taiwan because the [Treaty of San Francisco](#) did not specify the succession of the sovereignty of Taiwan after the end of Japanese colonial rule). Thus, the proponents of this school contend that a new constitution for a new country is needed. This group is often [described](#) as “deep green.”

The second school of thought accepts that Taiwan is already an independent country, and has been one since the ROC and PRC became two countries in 1949, when the ROC established itself in Taiwan. This school of thought argues that constitutional reforms are necessary for “normalizing” the status of this country. Such reforms could include replacing the name China (in its official name, ROC) with Taiwan and revising KMT’s historical claims over the whole of China. This “light green” camp is closer to the middle of the political spectrum.

The current DPP administration and President Tsai are closer to the second category, which seeks state nor-

malization. Although it has not yet initiated constitutional reforms, the Tsai administration often [stresses](#) that Taiwan is not a part of China, as it no longer insists on sovereignty over the whole of China, nor does it set unification as a final goal for the country. Indeed, the Tsai government has not pursued changing the official name of the ROC, as some “deep green” DPP supporters, dissatisfied with the slow pace of becoming de jure independent, have [argued for](#). In fact, the mainstream thinking among the current ruling elites is that Taiwan is already independent, although lacking recognition by the UN.

On the spectrum of views on the status of the ROC, TNC founder and Taiwan independence advocate Koo Kwang-ming is clearly representative of the “deep green” side. However, in my opinion, since the establishment of TNC in 2019, the organization has been pursuing a process of state normalization, which would seemingly be more aligned with the “light green” stance.

The Deep/Authentic Blue and Pro-Unification Camps

Similarly, there are also two basic distinctions within the pan-blue (pro-unification) camp, based on attitudes toward China’s Communist Party (CCP). First, those at the extreme end of the pro-unification spectrum argue that Taiwan should unify with China as soon as possible, as they do not perceive the CCP as a threat. [Some](#) even propose that Taiwan should be ruled by the CCP. This extreme position is held by a group that could be described as “CCP advocates” or proponents of “red-unification” (紅統).

Second, the traditional view—originating from the authoritarian KMT regime—holds that the ROC is the only legitimate China, and both Taiwan and the mainland are a part of it. In the past, the [official goal](#) of this camp was to “retake the territory by force” (反攻大陸), but it shifted in the 1980s towards working to “reunify” China in accordance with the “Three Principles” (三民主義). During the process of democratization, this [ideology](#) changed once again, now seeking to “unify all of China by democratic rule in the future” (民主統一). This anti-communist unification could be labeled as “authentic ROC blue” (正統藍).

Currently, the KMT continues to [insist](#) on “One-China” (e.g., as has [former President Ma](#)) as laid out in the

“[1992 Consensus](#),” stating that both Taiwan and the mainland are two parts of one country set to unify in the future. However, the most significant change in the pro-unification camp is that the KMT has gradually abolished its anti-CCP (or more generally, anti-communist) ideology. Regardless of their attitudes toward the PRC, both extreme blue and traditional blue believers would likely oppose any kind of constitutional reform addressing the sovereignty issue.

The Middle of the Spectrum and the Distribution of Public Opinion

In a [survey](#) conducted in July 2018 and administered by the Pollcracy Lab of the Election Study Center at National Chengchi University (政大選研中心線上調查實驗室), my colleagues and I found that both the authentic blue and deep green stances are each supported by less than 5 percent of the public, while around 6 percent support red-unification. Nearly one third (32 percent) of Taiwanese people support the process of normalization, the light green position. Still, roughly half (54 percent) of the nation’s population does not want any change to the de facto status of the ROC at this moment.

The survey finds two types of people in the middle of the spectrum. First, some people insist on using the ROC as the official name of Taiwan, a position closer to the pro-unification camp. However, this “light blue” group does not necessarily support the position that the ROC is the only authentic China. Instead, it tends to hold ambiguous attitudes toward the PRC. Second, in the opposite direction closer to the green camp, some view the ROC as equivalent to Taiwan, while viewing the PRC as another sovereign state. Our survey estimates that 29 percent of people tend to support the light blue attitude and 25 percent support the idea of two de facto independent countries across the Strait from each other (兩國論). When asked about national future, these two groups currently oppose the idea of adopting constitutional reforms to reduce any legal inconsistencies between Taiwan and ROC, as such actions may result in retaliation from China. This group is often categorized as “status-quo” ROC supporters.

Taken together, although a majority (54 percent) of Taiwanese citizens seeks no change to the current

constitutional status of the country, there are diverse opinions behind the scenes. Based on survey data, those who believe that the ROC and the PRC are two separate, sovereign entities are more likely to be more supportive of constitutional reform than supporters of the light blue position.

Conclusion

The proponents of the referendum to initiate constitutional reform originate from civil society rather than from an official platform. While pushing for formal changes to the ROC constitution could be described by some observers as pursuing de jure independence, the goal of state normalization is in fact an attempt to make the constitution more consistent with the status quo as perceived by the majority of Taiwanese people.

The main point: The preference of unification versus independence in Taiwan is an oversimplified dichotomy. “A new constitution” is not necessarily an equivalent to “declaring independence.” Constitutional reform could help normalize the legal framework for the status quo.

Hong Kong Crisis Could Complicate Cross-Strait Relations

By: J. Michael Cole

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A controversial [new national security law for Hong Kong](#), which was announced at the National People’s Congress (NPC) on May 22 and is expected to bypass the territory’s Legislative Council (LegCo), has sparked fears of an end to the “one country, two systems” formula in Hong Kong and raised the specter of a mass exodus from the embattled territory. Besides casting new doubts on the viability of a similar formula for the “peaceful unification” of Taiwan and China, the draconian—and unexpected—new law could cause headaches for the Tsai Ing-wen (蔡英文) administration as a considerable number of Hong Kong residents are expected to seek asylum in Taiwan.

The [new law](#), which follows nearly a year of violent unrest in the special administrative region (SAR), aims to impose severe punishments for behavior in Hong Kong that threatens national security. These acts would [include](#) secessionism, subversion, foreign interference and terrorism, as defined by the central authorities in Beijing. Although [Article 18 of the Basic Law](#) stipulates that national laws can only be implemented in Hong Kong if they are listed in Annex 3 of the territory's mini-constitution and then adopted by LegCo—a process which could take several months—Beijing appears to favor bypassing the legislature altogether, allowing the laws to take effect immediately. While the new laws remain vague at this point, the NPC resolution [states](#) that central government authorities related to national security can, if necessary, establish organizations in Hong Kong—a development which would open the door for the presence of mainland public security officers in the special administrative region.

Taiwan's Conundrum

Although many Hong Kong activists have vowed to remain in the territory and continue to fight for their homeland, it is feared that several thousand residents could seek refuge elsewhere in the period preceding the implementation of the new national security law. For many, Taiwan is a choice destination for exile due to its cultural and geographical proximity as well as its longstanding support for democracy. Amid mounting instability in the past year, 5,858 people from Hong Kong were granted residence permits by Taiwan in 2019, up 40 percent from 4,148 in the previous year, according to [statistics](#) from the National Immigration Agency. Of those, 1,474 obtained a Taiwan ID card in 2019, compared with 1,090 in 2018.

At present, Taiwan [does not have a refugee law](#) that could apply to asylum seekers from Hong Kong. Consequently, all the cases have thus far been treated on an ad hoc basis. Human Rights activists have called on the Tsai administration to adopt a refugee law which would make it possible for Taiwan to welcome Hong Kong refugees on humanitarian grounds. While [Article 18 of the Laws and Regulations Regarding Hong Kong and Macau Affairs \(香港澳門關係條例\)](#) stipulates that “necessary assistance shall be provided to Hong Kong or Macau residents whose safety and liberty are immediately threatened for political reasons,” this does not

include provisions for asylum seekers.

Critics of the Tsai administration within the human rights community have been quick to [point out](#) the apparent contradiction between her [vocal support](#) for the people of Hong Kong—a rare voice among heads of state throughout 2019—and her administration's reluctance to adopt new regulations for individuals seeking political asylum in Taiwan. Such criticism will no doubt intensify following the NPC's announcement of the new national security law for Hong Kong and the expected wave of people looking to flee the territory. Most of the criticism leveled at the Tsai administration's apparent foot-dragging speculated that it stemmed from timidity and a fear of angering Beijing. Nevertheless on May 28, Tsai [denounced](#) the new law after its draft was approved by the NPC and stated that her administration was devising an action plan to provide humanitarian assistance to asylum seekers from Hong Kong.

Indeed, decision makers in Taipei must weigh the consequences of any refugee policy, especially if such policies could have repercussions that are detrimental to Taiwan's national security. Notwithstanding its humanitarian instincts and strong support for democracy, the Tsai administration does not operate in a vacuum and understands that quickly turning Taiwan into a refuge for Hong Kong activists could destabilize the already tenuous cross-Strait relationship. It is not difficult to imagine Beijing's reaction should Taiwan suddenly turn into a base from which thousands of Hong Kong activists plan and orchestrate activities that, from the Chinese perspective, seek to undermine the stability of the SAR and China's national security. The government cannot ask its society to bear the costs of the punitive measures that would inevitably follow unless it has secured assent from its citizens (in an [opinion poll](#) released on May 31, 60 percent of respondents said they favored legal amendments to make it easier for asylum seekers from Hong Kong to obtain refuge in Taiwan). Becoming embroiled in another nation's affairs, especially if doing so endangers one's national security, is not a decision that should be taken lightly. President Tsai's responsibility is first and foremost to the 23.8 million people who put her into office, not to the people of Hong Kong. By no means does this suggest that her government should turn a blind eye to the travails

of the troubled SAR—far from it. But it would be unfair to expect her to act with unrestrained altruism, in a way which risks threatening the welfare of the country she governs.

Rather than risk the publicity that implementing a refugee law and subsequently welcoming a large influx of political refugees from Hong Kong would conceivably generate, Taipei has chosen instead to quietly treat them on a case by case basis, an approach which is much less likely to spark a retaliatory response from Beijing. Furthermore, it is not altogether implausible that more concrete measures, such as the passage of a refugee law, would compel Hong Kong and Beijing authorities to shut the border altogether and thereby prevent the exodus of any prospective Hong Kong refugees to Taiwan. Though imperfect and frustrating to human rights activists and the Hong Kong people themselves, the quiet approach, therefore, was probably the best option under the prevailing circumstances.

Besides the potential impact on relations between Taipei and Beijing, more pragmatic reasons also likely influenced the Tsai administration's decision to retain an ad hoc strategy. Before opening the floodgates to refugees, a recipient country must ensure that it has sufficient infrastructure—lodging, employment, education, health insurance, and so on—to accommodate a sudden large influx of individuals seeking asylum. Alternatively, agreements with a third country must be in place so that, if needed, Taiwan could serve as a transit point for refugees seeking to relocate to another safe destination. It is unclear whether such mechanisms exist at this point.

A Whole New Game

The NPC bombshell will undoubtedly renew calls for the Tsai administration to enact a refugee law to provide humanitarian assistance to Hong Kong asylum seekers. Furthermore, the seriousness of the new conditions created by the new national security law unquestionably calls for a reassessment of what Taiwan can and should do.

Following the NPC's announcement on May 22, President Tsai in a May 24 [statement](#) hinted that the new situation could compel her government to raise [Article 60](#) of the Laws and Regulations Regarding Hong Kong and Macau Affairs (香港澳門關係條例), which stip-

ulates that “should any change occur in the situation of Hong Kong or Macau such that the implementation of this Act endangers the security of the Taiwan Area, the Executive Yuan may request the President to order suspension of the application of all or part of the provisions of this Act pursuant to Article 2, Paragraph 4, of the Additional Articles of the Constitution.” Essentially, Tsai threatened the suspension of a legal framework which, in theory, links Taiwan to the Hong Kong and Macau SARs—and therefore to “one China.” In the subtle messaging that constitutes cross-Strait relations, any signal by Taipei that suggests a decoupling from longstanding ties—as the removal of a decades-old article of the law certainly would—can serve as a warning that the “status quo” in relations is in trouble. In this case, it serves to reinforce the message that, rather than a special bond or relationship, Taiwan would treat Hong Kong as it normally would any other foreign state or part thereof. While expressing her hopes that it would not come to this, raising Article 60 was ostensibly a means of giving her government wiggle room to avoid being legally forced to take action as per [Article 18](#) and provide “necessary assistance [...] to Hong Kong or Macau residents whose safety and liberty are immediately threatened for political reasons.”

Besides sending a signal of concern to Beijing, Tsai's statement likely reaffirmed her commitment to an ad hoc approach to the potential influx of Hong Kong refugees. This does not mean that her administration has no intention of providing the necessary assistance to the embattled people of Hong Kong. Rather, it is meant to avoid Article 18 or other legal “obligations” dragging Taiwan into a course of action that could have serious repercussions for Taiwan's national security, especially at a time when Beijing has adopted a [much more beligerent stance toward Taiwan](#) following Tsai's re-election in January. Even without Article 18, Taiwan can continue to welcome immigrants from Hong Kong, and in fact could potentially increase that number. Through her statement, President Tsai likely sought to ensure that she would continue to have sufficient flexibility in her approach to the crisis in Hong Kong. In turn, this helps ensure that her administration can keep a balance between humanitarian considerations and the kind of pragmatism that, thus far, has prevented a serious crisis in the Taiwan Strait.

Despite the escalation that the new national security law unveiled by the NPC represents, Taiwan must continue to react carefully to the situation in Hong Kong. This means the continuation of an ad hoc approach to the refugee question. While this lacks the moral clarity of an actual refugee law and exposes the Tsai administration to future accusations of moral cowardice, this arguably remains the least bad option, one that reduces the risks of retaliation from China while continuing to provide humanitarian assistance to residents of Hong Kong fleeing persecution.

The main point: An escalating crisis in Hong Kong and the surprise announcement of a new national security law by Beijing will create additional pressure on the Tsai Ing-wen administration to provide humanitarian assistance to the potential targets of Beijing's crack-down. While Taipei should do everything it can to support the people of Hong Kong, a pragmatic approach remains essential.

Imagining the End of Strategic Ambiguity

By: Michael Mazza

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"If Hong Kong falls, or if the Chinese government imposes the national security legislation on Hong Kong, we don't know what is going to happen next. It might be Taiwan." Taiwan's foreign minister, Joseph Wu (吳釗燮), conveyed those worries during a Fox News [interview](#) last week. Although Beijing appears unlikely to take precipitous action against Taiwan at present, there is reason for concern given China's ongoing domestic difficulties and its taste for external assertiveness. What can be done? Mike Gallagher, a congressman from Wisconsin, has one [idea](#):

"Now is the time for a declaratory statement of policy committing the United States to the defense of Taiwan. While this approach is not

without risk, as we have learned painfully from decades of failed policy toward the [Chinese Communist Party], the greatest risk of all comes from complacency."

Gallagher is right. The ambiguity in Washington's approach to the defense of Taiwan—will it or won't it come to Taiwan's aid in a time of need?—is no longer conducive to the stability of the Taiwan Strait. There should be little doubt in Xi Jinping's (習近平) mind that the United States would seek to intervene decisively in the event he opted to use force.

In order to achieve that clarity, the United States could pursue a mutual defense agreement, but that is likely to be difficult absent a significant loosening of America's "One-China" policy. It might also be provocative in a way unilateral American action would not. This may explain why Gallagher calls for a "declaratory statement." Here is what such a statement, delivered by the American president sometime in the near future, might look like:

My fellow Americans,

Tonight, I want to talk to you about an issue of grave concern to the American people: the risk of a crisis in Asia and the Chinese Communist Party's role in elevating that risk.

Thanks in no small part to American leadership, the Indo-Pacific region—stretching east from India to the American west coast—has experienced more than four decades of relative peace. The American military, the American alliance system, American diplomacy, American trade, and American finance all combined to ensure that, generally speaking, nobody had an interest in breaking the long peace in Asia—and that those who did have such an interest knew it would be unwise to do so.

All gained from this period of peace. People across the region, including Americans, grew more prosperous. Poverty declined. Life expectancy rose. Quality of life improved. The People's Republic of China, perhaps more than any other country in the region, benefited from a benign external environment, [embarking](#) on "the fastest sustained expansion by a major economy in history."

The maintenance of this peace has been all the more

impressive given the prevalence of dangerous flashpoints in the region. Managing tensions on the divided Korean Peninsula has, of course, consumed much American attention and resources over the past few decades. Other flashpoints, however, have received far less public consideration, despite their importance to US interests.

Tonight, I would like to talk to you about one of those potential flashpoints: the Taiwan Strait. Although its history is complicated, the nature of the conflict existing in the Strait is simple: the People's Republic of China seeks to annex Taiwan and extend communist rule over Taiwan's freedom-loving people. The people of Taiwan, which have thrown off the yoke of one-party rule once before, understandably wish to avoid that cruel fate.

If you don't already know, you may find it surprising to learn that the United States does not have formal diplomatic relations with Taiwan, arguably Asia's most vibrant democracy. This state of affairs is a vestige of the Cold War, but we have not let it keep us from maintaining a full-spectrum relationship with Taiwan. The United States does nearly USD \$100 billion of trade with Taiwan every year—it is consistently one of our top ten trading partners. We share truly robust people-to-people ties. We provide military training and sell arms so that Taiwan can adequately defend itself.

The defense of Taiwan has been a major concern of the United States for decades. That's why my administration has agreed to sell Taiwan new F-16 fighter jets and Abrams tanks, why Taiwan's fighter pilots train with American pilots in Arizona, and why Taiwan's aspiring military leaders attend our service academies.

And Taiwan has been a good friend to the United States in turn. Soldiers from Taiwan fought alongside American counterparts during the war in Vietnam, and the island has served as a safe landing spot for American aircraft in distress. More recently, Taiwan has donated millions of face masks to the United States as we have grappled with COVID-19.

Today, this all-weather friend faces a growing threat to its freedom. A country of only 24 million people, Taiwan stares down a country of 1.3 billion sitting across just 100 miles of water. That country, China, has the world's largest military—a military that has been laser-focused on preparing to invade Taiwan, to attack

American forces that might seek to halt its aggression, and to crush any resistance to CCP rule on the island.

China's leader, Xi Jinping, has made clear that he is intent on devouring Taiwan, that he is not willing to put off indefinitely what he calls "unification." Facing the lingering effects of the coronavirus and what may be a prolonged economic slowdown, Chairman Xi may well be tempted to deliver Taiwan to the Chinese people in a cynical ploy to cement his own legitimacy.

We need only look to China's behavior in recent months to see that it prefers coercion and aggression to persuasion and cooperation. Indeed, its malign impulses have been on display for all to see. It has launched incursions into undisputed Indian territory, raising the risk of war. It has been acting aggressively towards civilian and military vessels in the South China Sea, and even sank a Vietnamese fishing boat several weeks ago. It has imposed economic punishment on Australia in retaliation for Canberra's call for an international investigation into the origins of COVID-19. Beijing has ramped up the pressure on Japan in their bilateral dispute over islands in the East China Sea. It has violated its legally binding treaty with the United Kingdom regarding Hong Kong's autonomy.

And it has been acting provocatively in the waters and skies near Taiwan as well. Taiwan's leaders are now openly worrying that Chinese pressure is about to get much worse, and that Chinese military action might come sooner rather than later. These are perilous times, indeed, for one of America's closest friends in Asia.

But why should Americans care? Americans have long recognized that a world in which authoritarians can subjugate free peoples at will is not a world conducive to America's own national security and prosperity. Americans know that when despots are given an inch, they take mile after mile after mile—until they are stopped. Americans know from their own history that when an undemocratic country on the far side of the Pacific Ocean comes to dominate its region, it not only threatens American interests—but it also gains the wherewithal to threaten the American homeland.

If China were to ever successfully annex Taiwan, the People's Liberation Army—as the Chinese military is known—would gain a launch pad from which it could more easily threaten American allies like Japan and the

Philippines. More troublingly, the People's Liberation Army would find it far easier to threaten the United States itself. Americans have judged this an intolerable state of affairs since the early years of the Cold War. It remains intolerable today.

Just as intolerable would be the fate of Taiwan's people in the event China succeeded in subduing Taiwan—a fate one shudders to consider. Much like Americans, the people of Taiwan love their freedom. And much like Americans, the people of Taiwan have sacrificed much to secure their freedom.

Another thing that Americans and the people of Taiwan have in common? Both stand by their friends in times of need. Make no mistake: should the need arise, America will stand with Taiwan.

Before I close tonight, I want to speak directly to Chairman Xi Jinping and his fellow leaders in China: should you opt to use force against Taiwan, the United States will mobilize its diplomatic, economic, and military resources to come to Taiwan's defense. Full stop. You may try to stamp out freedom's torch on your doorstep, but you will fail. The United States will make sure of it.

My fellow Americans, we live in dangerous times. We seek a cooperative and fruitful relationship with China, but the cause of freedom cannot be the price we pay for such a relationship. The People's Republic of China seeks to exert its will on the world. We can no longer afford ambiguity regarding our commitment to Taiwan's defense. That ambiguity only serves to convince Beijing that it might be able to get away with a move on Taiwan. It cannot and it will not.

Asia's long peace is a singular American achievement. It is a peace we must seek to sustain, and it is in this light that we make this commitment to Taiwan today.

God bless you and God bless the United States of America.

The main point: A declaratory statement committing the United States to the defense of Taiwan would contribute to continuing peace in Asia.