

**THE INTERNATIONAL LAW AND A NEW COLD WAR: ALLIANCES TO
TAIWAN AND IMPORTANT PARTNERSHIPS IN A WORLD INCREASINGLY
DRIVEN BY ECONOMIC AND TECHNOLOGICAL INTERESTS***

**O DIREITO INTERNACIONAL E UMA NOVA GUERRA FRIA: ALIANÇAS
PARA TAIWAN E PARCERIAS IMPORTANTE EM UM MUNDO CADA VEZ
MAIS VOLTADO A INTERESSES ECONÔMICOS E TECNOLÓGICOS**

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ABSTRACT: With the economic and military growth of mainland China and its claim to challenge the US as the only global power, there is a new emerging opportunity for Taiwan to regain the strategic partnership with the US in force during the Cold War, perhaps even higher. In the new unfolding world and emerging global order, there are other opportunities for key partnerships, economic and technological points of view from recently global players such as Brazil, India, South Africa and Mexico. This research aims to study the evolution of the relations of Taiwan with the US, analyzing the history of the Strait issues as well as relations with mainland China, and infer potential opportunities from a new international scenario that may be favorable to new partnerships with good results for Taiwan.

KEYWORDS: alliances to Taiwan; New Cold War; potential opportunities for Taiwan.

RESUMO: Com o crescimento econômico e militar da China continental e sua pretensão de desafiar os EUA como a única potência global, há uma nova oportunidade emergente para Taiwan para recuperar a parceria estratégica com os EUA em vigor durante a Guerra Fria. No novo desdobramento do mundo e da ordem global emergente há outras oportunidades de parcerias-chave, pontos de vista econômicos e tecnológicos dos jogadores recentemente globais, como o Brasil, Índia, África do Sul e México. Essa pesquisa tem por

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objetivo estudar a evolução das relações de Taiwan com os EUA, analisando a história das questões de Estreito, bem como as relações com a China continental, e inferir as oportunidades potenciais de um novo cenário internacional, que pode ser favorável a novas parcerias com bons resultados para Taiwan.

PALAVRAS-CHAVE: alianças para Taiwan; Nova Guerra Fria; oportunidades potenciais para Taiwan.

Introduction

The world of the XXI century is changing rapidly. Policies and economies structures that were built recently, since the end of the Cold War, are suffering major transformations in the Asian continent. At the end of the Cold War the political situation in Taiwan over mainland China appeared to be difficult and threatening due to a possible reduction of US interest in Taiwan's attractions. With the increase in Chinese GDP and the growing commercial interest of both China and the US, it seemed that Taiwan was in trouble.

The relations between the US and mainland China have undergone transformations when China began to pose a threat to regional and even global hegemony for US interests. In our complex world today, where middle powers such as Brazil, India, South Africa and Mexico have been important in numerous decisions, this project aims to analyze the possibilities for Taiwan to pursue strategic economic alternatives to keep their secured interests. Taiwan is very important for many regions of the world, especially in terms of economic and technological development. The purpose of this study is to highlight these opportunities and provide with suggestions to the authorities of this country, or economic region, to reflect on its position in this new world.

Main ideas

a) History of relations between Taiwan and the United States in the context of the Cold War; b) With the end of the Cold War, the importance of Taiwan has been reduced for geo strategic purposes, and there was the reduction threat from the US interest to continue defending this region militarily;



c) The world trade growth and China's economic rise in the 1990s and early 2000s, more than in proportional terms, led the United States to boost interest closer and closer in China, which can be understood as a survival threat of Taiwan to become an autonomous unit; d) John Measrsheimer and other American authors argue that China can not rise peacefully. They also maintain the US can not allow any country to be hegemonic in its region of influence. Therefore, the US ability to get back into geo strategical interests in Taiwan arises again; e) Considering the current influence emerging countries have in the world, including Brazil, India, South Africa and Mexico, increasing and diverse alliances can probably ensure Taiwan's important partnerships to maintain its autonomous position, and could be able to plan their future position in Asia in more favorable conditions.

Development

The modern phase of the Chinese history began with the fall of the Ching Dynasty (Manchu) in 1911 and the establishment of the Republic of China the following year. During the first two decades of republican system, the country was plagued by internal turmoil, while military regimes competed to take over. In 1927, it went through the national unification, after the defeat of regional military leaders by General Chiang Kai-shek. Soon after, however, the Japanese invasion led the Chinese to a resistance war that lasted eight years until victory in 1945, with the support of allied nations. BUSH (2006).

That year, the winners of the Second World War gave Taiwan the Republic of China. In 1949 with the military defeat of the Kuomintang by the Chinese Communist Party, Mao Zedong took power over Beijing and proclaimed the People's Republic of China.

As a result, followers of Chiang Kai-shek took refugee in Taiwan, where until the early 1990s, defended the existence of "one China" represented by the temporarily installed "Republic" with the firm intention to also regain by force the mainland. Then in 1991, Taipei authorities decided unilaterally to



waive the "sovereignty" on the other side of the Strait, limiting its jurisdiction to the archipelago of Taiwan and the small islands of Penghu, Kinmen and Matsu.

Taiwan presents aspects of modernity that cause envy to Asia Pacific. The local political system provides electoral democracy and free press. BUSH (2006).

There are conditions for any future scenario to think for its 23 million inhabitants. To mention some, the insular territorial condition they occupy, to 145 km; the coast of a country with 1.3 billion people; the fact that this giant neighbor considers Taiwan a Chinese province; the existence of shared culture that persists in gathering the civil societies on both sides, in terms of values, habits and even family bonds; and the increasing economic integration, which strengthens the trend towards a "Greater China". KORNAI (1998).

With the onset of the Age Deng Xiaoping in the late 1970s, Beijing abandoned its release Taiwan by force policy, and formulated a new guideline of "peaceful reunification". It triggered then a series of Taiwanese approach initiatives. In January 1979, the Standing Committee of the National People's Congress sent "a message to compatriots in Taiwan". ZELIKOW (2000).

On September 30, 1981, Ye Jianying, Chairman of the Standing Committee of the NPC, announced a nine-point proposal to solve the problem of Taiwan. This included: free trade and communications between Taiwan and the PRC; Taiwan's autonomy and its armed forces maintenance; Taiwanese participation of representatives in the political system of the PRC; preservation of Taiwanese capitalist economy; financial assistance from the central government to Taiwan, if necessary; freedom to that Island residents is established on the Chinese mainland; profit participation for Taiwanese capitalists in the PRC modernization program. KORNAI (1998), Conversations between the Kuomintang and the Chinese Communist Party with a reunification view; and acceptance of proposals from the "masses" on the reunification should be accomplished.

Two years later, Deng Xiaoping reiterated the possibility of direct talks between the CPC and the KMT, since there they would configure a dialogue between the Central Government, Beijing and the provincial, Taipei. On February 22, 1984, Deng proposed "one country, two systems", which came to be applied to the reunification of Hong Kong in 1997, but it was intended originally to Taiwan. BUSH (2006).

Therefore, it appears that from the end of the 70s, the Chinese bet that the establishment of diplomatic relations between Beijing and Washington, the Taiwanese would undergo confidence crisis that would easily lead to the reunification designs of the PRC. Moreover, with the beginning of its modernization process, there would be new incentives for Taiwanese people were interested on the participation of China with vigorous economy, trade expansion and advantageous opportunities for investments. CARPENTER (2006).

However the US, the same year they transferred diplomatic recognition to Beijing, enacted the Taiwan Relations Act, keeping the island strongly inserted in the Cold War confrontation structure. During the 1980s, little progress has occurred through the Strait, while remaining the one-country proposal still effective, two systems are already mentioned. TSANG (2006).

After the death of Chiang Ching-kuo in January 1988, Beijing initially considered one would expect Lee Teng-hui continued the already existing negotiating process with the Chiangs. It is recalled by the way, father and son, to govern the island between 1949 and 1988; then it was held that Taiwan was part of China's territory, just as the continent. Moreover, they considered there is only "one China" represented by the "Republic of China" - not the "People's Republic of China."

Nevertheless Lee gave prompt start changing direction. In the late 1980s, the new leader also stated "one China is the supreme principle." By the beginning of the following decade the new speech was incorporated: through the Strait there was actually "one China, two governments". From September



1990, the Taiwanese have gone to the initiative of establishing National Council for Unification. When launching the Guidelines for National Unification in February 1991, the Taiwanese maintained there was "only one China," but presented the innovative concept of "one China, two equal political entities". BUSH (2006).

By requiring the return to the policy of "one China", Beijing declared that President Lee had given "an extremely dangerous step" toward its division, and warned that "was playing with fire." It also reiterated that continental China had not renounced the use of military force if the island followed the path toward independence. According to South China Morning Post in Hong Kong on July, 14 (1999), it was mentioned what Chinese authorities quoted "Lee had taken the people of Taiwan and their foreign sponsors toward their own destruction with its separatist and suicidal adventure." TSANG (2006).

There was broad speculation about the possibility of a sudden armed reaction. Apparently already programmed Chinese military exercises were reported as invasion preparations. Even editorial newspapers in the PRC criticized the theory of "two states". It was declared that China would not hesitate to attack even in the face of US resistance. TSANG (2006).

The US reaction was a worthy record too. The State Department spokesman only reiterated the known position of Washington with respect to the "three no's" - the independence of Taiwan, the "two Chinas", and Taiwanese participation in international organizations reserved for states. From this perspective, the US and the PRC seemed to have identical positions on the provocation of President Lee. ZELIKOW (2000).

Japan has similarly pledged to maintain the same policy of adhering to "one China" principle. Other Asian countries were against President Lee's initiative in the proclamation of "two Chinas". TSANG (2006).

To some extent, the new framework presented by the Taiwanese leader transferred only the actions triggered by the diplomacy of the island since 1993, when they started the efforts of admission to the UN. In that way,



the Charter of the United Nations would require statehood to its participants. Therefore, to plead access the Taiwanese had been advocating the thesis that they meet the established requirements, that they occupied a clearly defined territory with a population of 23 million, with a government able to implement domestic policies, and not only assume but also fulfill international commitments. Thus by Taipei, there would only be political, and not "legal" arguments for the Chinese to be against Taiwan's adherence to the United Nations. TSANG (2006).

In this regard, the defenders of President Lee's initiative still remember there was greater flexibility when the two Germanies and the two Yemens were UN members. Two Koreas continue to integrate it. TSANG (2006).

It is recalled that the unofficial relationship between Taiwan and the United States is governed by: Taiwan Relations Act (TRA), who turned 36 in April 2015; and the three "Joint Announcements": the Shanghai (28 February 1972) which established diplomatic relations between Washington and Beijing (January 1 1979), and on sales of arms to Taiwan (August 17, 1982). ZELIKOW (2000).

Prior to the diplomatic recognition transfer to Beijing, the United States and the Republic of China had a mutual defense treaty against possible attack from China (PRC). Therefore, the US Congress decided to present the consolidated legislation in the Taiwan Relations Act, containing defensive articles (United States Department of State, 1961). Consequently, proposed legislation was to stop and prevent the annexation of Taiwan to China by not at all peaceful means. They would thus preserved US strategic interests in this region. ZELIKOW (2000).

President Clinton on a visit to mainland China unexpectedly established in the Taiwan Relations Act (TRA, April 1979) –among other things– that "the future of Taiwan would be determined by peaceful means". However, twice during his visit, the President said that "reunification would be determined



by peaceful means". Of course, to the watchful Taiwanese, their future room for maneuver had been reduced to reunification, as a matter of time without alternative. CARPENTER (2006).

However, the idea that island citizens should benefit from a "free choice" or self-determination would be central to the relationship between the US and the PRC. This concept is not only enshrined in the "TRA" but also reiterated outside in many US presidential speeches, especially Ronald Reagan's, that day in 1982 when the second Chinese joint statement was signed. "The Taiwan question is a matter for the Chinese people, on both sides of the Taiwan Strait, to resolve," that former president then stated. TUCKER (2005).

"We will not interfere in this matter or prejudice the free choice of, or pressure on, the people of Taiwan. At the same time, we have an abiding interest and concern that any resolution be peaceful. I shall never waver from this fundamental position " (Tucker, 2005, p. 38)

Such a stance highly differed from that to be adopted by Clinton's administration. Among other initiatives, he proposed the creation of a "second track" to deal with the Taiwan issue through alternative channel, which was also to be managed by academics. Thus, they would search new formulas for possible reunification. The problem, according to Taipei's view, is that the suggestions were more influenced by Chinese recipe of "one country, two systems", than by Taiwanese "one country, two governments". TUCKER (2005).

In general terms and with regard to the interests of Taiwan, as could be seen in Taipei, these would be some aspects of the "strategic partnership" between Washington and Beijing, which prevailed on the question through the Strait, during the Clinton Administration.

In early 2000, the PRC published a new "White Paper" on Taiwan. According to the previous established policy, an additional element was



introduced to the two already provided which was a cause for a Chinese military action against the island. Then, it would be sufficient independence movement or foreign invasion. (TUCKER 2005).

This thinking evolution about the Beijing Taiwanese occurred in less than a month, and in an electoral contest that would define the future of the Kuomintang that had fifty years leading the "Republic of China" destinies (as we know, in March 2000, really the Democratic Progressive Party defeated the KMT in the elections for president of Taiwan). Fortunately, for those who stood in just four minutes of Chinese missiles, the most exalted spirits were mainly controlled as a reaction to moderate inaugural address of Chen Shui-Bian. TUCKER (2005).

With the election of George W. Bush in November 2000, the US began to express much more explicitly, with respect to the defense of Taiwan. From then on, it would be appreciated in Washington, the fact that the 21 million islanders "have evolved towards a democratic regime, while Beijing stored naval and air forces able to attack the Taiwanese."

It was estimated at that time that in the previous ten years, the PRC would have installed over three hundred missiles against Taiwan. COLE (2006).

Dong Feng type 6,07 would reach less than 400 km, but would be capable of carrying nuclear device. If fired only with conventional weapons, that would cause immense destruction on the civilian population of the island. COLE (2006).

In 2008, Hu Jintao proposed "Six Points" for a peaceful approach between the two sides of the strait: (1) an agreement ending hostilities and installing peace based on the principle of "one China"; (2) strengthening trade ties, including the negotiation of a thorough cooperation agreement; (3) strengthening communications and exchanges between the two sides of the Strait; (4) development of cultural and educational exchanges; (5) seeking "appropriate and reasonable adjustments" for Taiwan's participation in



international forums", (6) intensification of contacts and exchanges in the military field, and opening a debate on measures to build confidence.

A new Cold War?

In recent years, an American organization - Foreign Policy in Focus - evaluated the proposed military budget of the White House. It found the report's details had not intended to fight against terrorist or supporter States networks. It included the purchase of 40 F-22 super-fighter (considered the most advanced aircraft of today's combat) which cost US \$ 4.1 billion; building a new type of aircraft carrier (CVN-78), which shall initiate and replace the Nimitz class ships, and it is equipped with the new nuclear engine model, an electromagnetic system to launch aircraft, advanced radar and other innovations; and the launch of new classes of destroyers and submarines. "In short, all these expenses are reflected in the war against terrorist networks but to face" a new cold war, "forward to" a capable power to pose a threat to the US military.

If the United States works to increasingly improve its military complex, the People's Republic is not far behind. At the end of 2010, an important US official in the Pacific Ocean warned his government on a missile being completed by the Chinese, able to sink an aircraft carrier called George Washington - ultimate symbol of naval power in the country. The DF21D is controlled by satellites and can hit a target at a distance of 1.500 kilometers away. Considered by experts as "a new wall," (Wall of China reference) Beijing seems willing to challenge US hegemony in that ocean, unprecedented in the geopolitical context in the post World War II - as analyzes journalist Rodrigo Bocardi, "the first time [the waters of the Pacific Ocean] are being disputed by another power, given the growing number of Chinese submarines in the region." COOPER (2006).

On the cover of SCO, China is building an alliance with several attempts and purposes to Central Asia. Some of them are: mount the Energy



Club of the Shanghai Cooperation Organization - as called Richard Morningstar; stabilize geopolitically the region and consolidate the supremacy of Asian giants (China and Russia), and especially and most importantly, undermine the US intention to put together a solid foundation of his power there. Assertively diagnosing the actions of Chinese diplomacy over the before mentioned place, Yan Xuetong, Chinese director of the Institute of International Studies, categorically stated that "We created the SCO in order to resist the US strategic intention to extend its military control of Central Asia. The US intention to Central Asia under its sphere of military influence was aborted. With the SCO, relations between China and countries in the region have improved a lot. " COOPER (2006).

When the fastest growing economy in the world and the largest exporter of energy come to some agreement, the panorama is always much broader than a simple matter of bilateral cooperation. Today nothing is more alarming to Americans that the Beijing-Moscow alliance. The largest country in area in the world, Russia, and the most populous, China, have never been honed steps in the political and diplomatic scene - even at the time of the Soviet Union, when both, at least in theory, spoke in name of communism. COOPER (2006).

New strategic alliances to Taiwan

With the new XXI century world order characterized by the appearance of military powers like China and Russia, and other emerging countries like Brazil, India, Mexico and South Africa, the world approaches the new power balance setting. The possibility of continued economic growth in China and the emergence of other forces challenging the US hegemony create something new that can be equated to a new Cold War. In addition, there is a constant terrorist threat that demands attention and many resources, reducing the comfort of the main US allied powers. This new point provides Taiwan with new opportunities to take advantage, with the support of some of these global



payers. Partnerships that make Taiwan part of a major economic and technological network can be set for a new era of international cooperation.

President Ma Ying-jeou has revealed his interest in the following points: No reunification; no independence; no narrowing of the problem resolution through conflict. In other words, he is seeking a solution yet to be invented. It can be a model to a Confederation like the old Swiss model or Associated State in the matter of Puerto Rico. Or either to develop a strategy close to the Hong Kong model, but different. In his capacity as chairman of the KMT, Ma influenced the conclusion of the agreement with the negotiation of a free trade zone with China to prevent the marginalization of Taiwan, before the proliferation of such agreements under the ASEAN (Association of Nations Southeast Asia). The Taiwanese economy, despite its technological achievements, suffers from structural weaknesses such as excessive weight of the foreign trade and concentrated regional and sectorial exports. A kind of dependence on US and Japanese companies for cutting-edge technologies still exists.

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