

One China Reality Check: The Manipulation of Risk and the Myth of Strategic Ambiguity

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PART I: INTRODUCTION

Following the Napoleonic Wars, Prussian General Carl von Clausewitz concluded that “[w]ar is a mere continuation of policy by other means.”¹ Approximately 130 years later, Nobel Prize-winning economist Thomas Schelling took Clausewitz’s idea a step further by popularizing the notion that risk is also an instrument of policy. Schelling noted that states struggle to secure political objectives solely with military force, “thus putting the onus on state leaders to know how to use force persuasively, to, in effect, cajole opponents to concede out of fear of potential military retaliation.”² Although this idea, known by game theorists as the “manipulation of risk,”³ was originally used in the context of nuclear deterrence, it is relevant to today’s Great Power Competition between the United States and China. China is a growing authoritative nation that threatens democracy and a free and open Indo-Pacific region. The United States seeks to maintain a rules-based international order. Author Graham Allison has proposed that similar to Athens, Sparta, and the resulting Peloponnesian War, China and the United States are destined for military conflict.⁴

If armed conflict between China and the United States is imminent, it seems as though the greatest flashpoint will be Taiwan, precipitated by a cross-strait invasion by the People’s Republic of China (PRC). Chinese President Xi Jinping seeks reunification with Taiwan and has, therefore, spent years and lots of money increasing the size of the People’s Liberation Army Navy (PLAN). The United

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1. CARL VON CLAUSEWITZ, *ON WAR* 69 (Michael Howard & Peter Paret trans., indexed ed., Princeton Univ. Press 1989).

2. Liam Collins & Lionel Beehner, *Thomas Schelling’s Theories on Strategy and War Will Live On*, MODERN WAR INST. (Dec. 16, 2016), <https://perma.cc/2CUV-NTCX>.

3. See THOMAS SCHELLING, RAND CORP., *THE THREAT THAT LEAVES NOTHING TO CHANCE* 1 (photo. reprinted 2021) (1959).

4. See GRAHAM ALLISON, *DESTINED FOR WAR: CAN AMERICA AND CHINA ESCAPE THUCYDIDES’S TRAP?* xiv-xvi (2017).

States has tried to counter these developments by increasing its military presence in the Indo-Pacific region and by strengthening diplomatic ties with regional partners. However, Xi continues to expand his rhetoric and highlight reunification as the focal point of his foreign policy.

Current United States policy is one of strategic ambiguity toward Taiwan, “based on the theory that it is best to keep all parties guessing whether, and to what extent, the U.S. military will respond” to a cross-strait invasion.⁵ Strategic ambiguity is intended to create uncertainty in both Beijing and Taipei about a possible U.S. response.⁶ More specifically, its goal is “dual deterrence: the threat of U.S. intervention prevents China from invading, and the fear of U.S. abandonment prevents Taiwan from sparking a war by declaring independence.”⁷ The policy is failing, however, as China continues to increase its overt provocations near Taiwan and focus on reunification. Although his Cabinet subsequently walked it back, former President Biden made several comments, seemingly abandoning strategic ambiguity.⁸ It is time for the United States to move away from strategic ambiguity and adopt a policy better suited to deter China from using military force to achieve reunification.

This paper has two purposes: to explain the so-called U.S. “one-China” policy and to provide an alternative approach to strategic ambiguity with regard to Taiwan. The paper is divided into five parts. Part II delves into Taiwan’s unique international legal status. Part III provides an overview of the U.S. “one-China” policy based on the Taiwan Relations Act, the three U.S.-China joint communiqués from 1972, 1978, and 1982, and the “Six Assurances” President Ronald Reagan communicated to Taiwan in 1982. Part IV will explore several other “one-China” policies to juxtapose their foreign relations. Specifically, Part IV will review the policies of Japan, the United Kingdom, India, and Russia. Part V will assess the Chinese invasion threat and evaluate the likelihood of a cross-strait invasion of Taiwan by the PRC. It concludes that the threat of a Chinese invasion of Taiwan is very high, and an invasion is likely to occur in the near future. Part VI questions whether the United States’ policy of strategic ambiguity toward Taiwan is sound and serves as a sufficient deterrent to the PRC’s reunification goals. Ultimately, Part VI concludes that the United States should abandon strategic ambiguity and openly commit to defending Taiwan militarily through a seventh assurance and a revised Taiwan Relations Act.

5. Raymond Kuo, ‘Strategic Ambiguity’ May Have U.S. and Taiwan Trapped in a Prisoner’s Dilemma, RAND (Jan. 18, 2023), <https://perma.cc/5UBG-DRHU>.

6. The term “strategic ambiguity” is not unique to U.S.-Taiwan relations. It has also been used to describe the United States not adopting a “no first-use” policy regarding nuclear weapons. See Al Maaroni & David Jonas, *All Cards on the Table: First-Use of Nuclear Weapons*, WAR ON THE ROCKS (July 25, 2016), <https://perma.cc/V9CQ-N6C3>; see also Nina Tannenwald, *It’s Time for a U.S. No-First-Use Nuclear Policy*, 2 TEX. NAT’L SEC. REV. 131, 133 (2019), <https://perma.cc/HX82-EBGT>.

7. Kuo, *supra* note 5.

8. Phelim Kine, *Biden Leaves No Doubt: ‘Strategic Ambiguity’ Toward Taiwan is Dead*, POLITICO (Sept. 19, 2022, 9:39 PM), <https://perma.cc/L67Q-EX4B>.

PART II: TAIWAN'S INTERNATIONAL LEGAL STATUS

Before diving into the web of United States foreign and military policies, one must understand Taiwan's unique international legal status. It is truly a diplomatic and legal situation unlike any other. Foreign states and international organizations all have their own differing policies and relationships with Taiwan. Taiwan's current status on the world stage must be viewed through historical, legal, policy, and economic lenses to best grasp the status of the Republic of China (ROC).

In 1895, the island of Taiwan (then known as Formosa) was "legally ceded in perpetuity to Japan by China by virtue of the Sino-Japanese Peace Treaty of Shimonoseki."⁹ Since then, it has come under the control of two successive foreign regimes. "From 1895 until 1945, Taiwan was a Japanese colony."¹⁰ This ended in 1945 at the conclusion of World War II following Japan's surrender to the Allied powers.¹¹ Beginning in 1945, Taiwan was under the control of national Chinese authorities, specifically Chiang Kai-shek and the Kuomintang.¹² In 1949, however, Chiang was forced to flee mainland China after Mao's Communist troops overthrew his government.¹³ Chiang fled to the island of Taiwan and reestablished his government in Taipei in 1950.¹⁴ Chiang would never return to mainland China, and the Kuomintang rule ended in 1988.¹⁵

Although the San Francisco Peace Treaty of 1951 forced Japan to renounce all of her "rights, title, and claim" to Taiwan,¹⁶ the Treaty did not specify any beneficiary state. As such, Taiwan was "legally detached from Japan but was not attached to China or any other country."¹⁷ The *travaux* of the Treaty indicates a shared understanding of all parties that, although Taiwan's legal status was temporarily left underdetermined, the international community would revisit the issue in "accord with the principles of the United Nations Charter – notably the principles of self-determination of people and non-use of force in settling territorial or other disputes."¹⁸

The United Nations took up the question of Taiwan in 1971. Through the passing of United Nations General Assembly Resolution 2758 (UNGAR 2758), the

9. Lung-chu Chen, *Taiwan's Current International Legal Status*, 32 NEW ENG. L. REV. 675, 675 (1998).

10. *Id.*

11. It should be noted that this did not technically happen until 1951 when the Allied powers concluded the San Francisco Peace Treaty with Japan. This Treaty forced Japan to renounce all of her "rights, title, and claim" to Taiwan. Interestingly and most significantly, the Treaty did not specify any beneficiary state. As such, Taiwan was "legally detached from Japan but was not attached to China or any other country." Chen, *supra* note 9, at 677.

12. See Pradeek Krishna, *Kuomintang Through the Ages*, TAIWAN INSIGHT (Dec. 20, 2022), <https://perma.cc/P6CL-Q5QQ>.

13. Chen, *supra* note 9.

14. *Id.* at 677.

15. *See Id.* at 675.

16. *Id.* at 677.

17. *Id.*

18. *Id.* at 677-8.

U.N. recognized the PRC as “the only legitimate representative of China to the United Nations.”¹⁹ The resolution “expelled” the representatives of Chiang Kai-shek (and the ROC) from the United Nations and gave the PRC the permanent seat on the United Nations Security Council. Of note, the United States voted against the resolution while the other three members of the United Nations Security Council, France, the United Kingdom, and Russia (then the Soviet Union) voted in favor of the resolution. The Beijing government began representing China at the U.N. beginning in November 1971. Despite being voted out of the U.N., UNGAR 2758 only decided U.N. representation but did not address the legality of Taiwan as a sovereign independent nation.

Taiwan has taken great strides politically and economically, and it has sought to “play an active role in the world community.”²⁰ Taiwan has been met with stiff resistance, however, from the PRC. The PRC’s position that Taiwan is inherently part of mainland China has caused the ROC difficulties in gaining official recognition from other major states and in gaining official status in certain international organizations.²¹ Today, Taiwan democratically elects its own president and independently trades with multiple nations. Despite these major accomplishments, Taiwan does not hold the same international legal status as other independent sovereign nations.

The PRC has pressured other international organizations to bar any representation of the ROC as they fear it may bolster ROC claims to statehood. For example, the PRC has been successful in barring the ROC from participation in the World Health Organization (WHO).²² Although the PRC has been fairly successful in barring the ROC from various international organizations, there are some that allow Taiwan to participate. Most notably, the ROC was admitted to the World Trade Organization (WTO) in 2002. Moreover, the International Olympic Committee (IOC) has allowed Taiwanese athletes to compete as an independent nation for years. Naming issues continue to be contentious and, as such, in both the WTO and the IOC, Taiwan participates under an unusual name: “Chinese Taipei.”

In addition to pressuring international organizations to bar Taiwan from representation, the PRC has threatened to cut diplomatic ties with any nations that formally recognize Taiwan.²³ Despite this pressure, the PRC does not object to

19. By a roll-call vote, the resolution passed by a vote of seventy-six to thirty-five, with seventeen abstentions. It should also be noted that China was one of the original fifty-one members of the United Nations at its creation in 1945. UNGA Resolution 2758 Factsheet: What You Need to Know, IPAC Global (Oct. 2, 2024), <https://perma.cc/FN39-QVBR>.

20. Chen, *supra* note 9, at 676.

21. Specifically, the PRC claims to be the successor government of the ROC.

22. *Taiwan Fails in Bid to Join WHO Assembly After China Pressure*, REUTERS (May 23, 2022, 10:27 AM), <https://perma.cc/HF5N-S2F2>.

23. Today, only thirteen countries officially recognize Taiwan as an independent nation: Belize, Vatican City, Honduras, the Marshall Islands, Nauru, Palau, Paraguay, St. Kitts & Nevis, St. Lucia, St. Vincent, Tuvalu, Swaziland, and Guatemala. See Fatma Khaled, *Which Countries Recognize Taiwan Independence? Pelosi Trip Sparks Question*, NEWSWEEK (Aug. 5, 2022), <https://perma.cc/8NUY-6T85>.

nations engaging in economic and cultural exchanges with Taiwan so long as they do not imply official diplomatic relations. Therefore, most nations that have diplomatic relations with Beijing maintain quasi-diplomatic offices in Taipei and in their own nations. For example, there is a Taipei Economic and Cultural Office in Washington, D.C., and the United States maintains the American Institute in Taiwan (AIT), which performs U.S. citizen and consular services similar to those at embassies.²⁴

PART III: THE U.S. “ONE-CHINA” POLICY

Current United States policy on Taiwan is articulated in various statements, documents, and laws. The web of different texts formulates what is referred to as the United States’ “one-China” policy, which the United States government has maintained since 1979.²⁵ Under the “one-China” policy, the United States government walks a tightrope of foreign policy between the PRC and Taiwan. Specifically, the United States “[maintains] official relations with the [PRC] and unofficial relations with self-governed Taiwan, over which the PRC claims sovereignty.”²⁶ Today’s “one-China” policy is articulated by three sets of documents: the Taiwan Relations Act (TRA), three U.S.-China joint communiqués conducted in 1972, 1978, and 1982, and six assurances President Ronald Reagan communicated to Taiwan in 1982.²⁷

The Taiwan Relations Act, which was passed in 1979, makes it the policy of the United States:

(1) to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland . . . ; (2) to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern; (3) to make clear that the United States decision to establish diplomatic relations with the [PRC] rests upon the expectation that the future of Taiwan will be determined by peaceful means; (4) to consider any effort to determine the future of Taiwan by other than peaceful means . . . a threat to the peace and security of the Western Pacific area and of grave concern to the United States; (5) to provide Taiwan with arms of a defensive character; and (6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.²⁸

24. See TAIPEI ECON. AND CULTURAL REP. OFF. IN THE U.S., <https://perma.cc/6P6M-Y2R7>; see also AM. INST. IN TAIWAN, <https://perma.cc/9SJZ-J7XZ>.

25. *President Reagan’s Six Assurances to Taiwan*, CONG. RSCH. SERV. (March 28, 2024) [hereinafter *Six Assurances*].

26. *Id.*

27. *Id.*

28. Taiwan Relations Act, 22 U.S.C. §§ 3301 [hereinafter TRA].

Although the TRA does not commit the United States to defend Taiwan militarily, it does require the United States to provide Taiwan with “defense articles and defense services” that are sufficient for Taiwan to “maintain a sufficient self-defense capability.”²⁹ A strict reading of the TRA reveals that it is not a mutual defense agreement *per se*.³⁰ The United States “maintains the capacity [...] to resist any resort to force” by providing U.S. Indo-Pacific Command control over several hundred thousand forces, over 200 naval ships, and approximately 2,400 aircraft forward deployed throughout the Indo-Pacific region.³¹

To grasp the complete “one-China” policy, the TRA must be considered along with the three U.S.-China joint communiqués.³² Although lacking in much actual substance, the first communiqué of 1972 laid the groundwork for future U.S.-China relations. Specifically, the two sides agreed to remain in contact through various channels and refrain from seeking hegemony in the Indo-Pacific region.³³ In the second joint communiqué, which was executed in 1978, the two nations announced that they had agreed to establish diplomatic relations beginning on January 1, 1979.³⁴ Further, the United States government announced that it would terminate official diplomatic relations with Taiwan on that same date.³⁵

Several members of the United States Congress viewed the announcement as a betrayal of Taiwan and therefore passed the TRA the very next year.³⁶ Immediately upon the TRA’s passage, the United States began selling arms to Taiwan in support of the TRA requirements. These arms sales to Taiwan angered the PRC and started to crack the new foundation of U.S.-China relations. Hoping to salvage this new friendship, President Reagan “sought to address the issue through negotiation of a third U.S.-PRC joint communiqué.”³⁷ In 1982, the third and final communiqué between the United States and the PRC affirmed “a fundamental policy of striving for a peaceful reunification” with Taiwan. In response, the United States stated that it “understands and appreciates the Chinese policy of striving for a peaceful resolution of the Taiwan question.”³⁸ The United States glaringly left out any explicit support for the PRC’s reunification efforts and used ambiguous language regarding the PRC’s position on

29. *Id.*

30. A mutual defense agreement is a bilateral or multilateral agreement in which the parties agree that an armed attack against one state shall be considered an armed attack against both or all states. For a list of the U.S. mutual defense agreements, see *U.S. Collective Defense Arrangements*, U.S. DEP’T OF STATE, <https://perma.cc/FB5A-J95X>.

31. *About USINDOPACOM*, U.S. INDO-PAC. COMMAND, <https://perma.cc/HP49-Z5Q5>.

32. A communiqué is an official announcement or statement. Legally, communiqués do not establish legal obligations but rather express the intent of the parties as reflected in the text and in the context.

33. *Six Assurances*, *supra* note 25.

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.* It is important to note that the United States continues to “acknowledge” but not “recognize” the PRC’s position on Taiwan. This is certainly a situation in which words matter.

Taiwan. Lastly, the United States said it “does not seek to carry out a long-term policy of arms sales to Taiwan.”³⁹

President Reagan immediately understood that Taiwan, upon hearing of the new communiqué, would be very disturbed and feel vulnerable. As such, one month before the communiqué was to be released, Undersecretary of State Lawrence Eagleburger directed James Lilley, who was the director of the unofficial United States representative office in Taiwan, to seek a meeting with then-Taiwan President Chiang Ching-kuo.⁴⁰ Undersecretary Eagleburger provided Mr. Lilley with several talking points for the meeting, which included clarifications on “what the United States had *not* agreed to in the negotiations with the PRC over the communiqué.”⁴¹ Mr. Lilley met with then-President Chiang Ching-kuo on July 14, 1982, and his statements at the meeting became known as the “six assurances.”⁴²

With United States permission, Taiwan released a sanitized version of the “six assurances.” Then-Secretary of State George Shultz made subtle changes from the original form to lessen any PRC reaction.⁴³ This edited version was soon included in then-Assistant Secretary of State for East Asia and Pacific Affairs John Holdridge’s testimony before Congress later that summer.⁴⁴ Most significantly, the “six assurances” included the affirmation that the United States “has not agreed to take any position regarding sovereignty over Taiwan.”⁴⁵ This continues to be United States policy as evidenced by former Assistant Secretary of State for East Asian and Pacific Affairs David Stilwell’s testimony to the U.S. Senate in 2020 that the “question of sovereignty was decided to be left undecided and to be worked out between the two parties,” Taiwan and the PRC.⁴⁶ Moreover, the “six assurances” include the declaration that the United States “will not play any mediation role between Taipei and Beijing.”⁴⁷ Lastly, the United States informed Taiwan that it “[has] no plan to seek any such revisions to the TRA.”⁴⁸

The strong words included in the “six assurances” still do not specifically obligate the United States to militarily defend Taiwan from a Chinese invasion. The documents do suggest, however, “an active U.S. role in maintaining the island’s [Taiwan] status quo.”⁴⁹ Since 2017, the United States Congress has passed eight

39. *Six Assurances*, *supra* note 25.

40. *Id.*

41. *Id.*

42. *Id.*

43. *See Id.*

44. *Id.*

45. House Concurrent Resolutions introduced in seven Congresses cited that purported assurance: H.R. Con. Res. 69, 109th Cong. (2005); H.R. Con. Res. 73, 110th Cong. (2007); H.R. Con. Res. 18, 111th Cong. (2009); H.R. Con. Res. 122, 112th Cong. (2011); H.R. Con. Res. 29, 113th Cong. (2013); H.R. Con. Res. 117, 116th Cong. (2020) (citing that purported assurance).

46. *Six Assurances*, *supra* note 25.

47. *Id.*

48. *Id.*

49. Kine, *supra* note 8.

laws affirming the “six assurances.”⁵⁰ P.L. 116-283 states that it is United States policy “that the TRA and the six assurances provided by the United States to Taiwan in July 1982 are the foundation for U.S.-Taiwan relations.” Yet, nothing specifically authorizes or requires military action. The United States continues to walk the strategic ambiguity tightrope in an attempt to keep President Xi guessing as to what its response would truly be if his military crossed the Taiwan Strait.

PART IV: OTHER “ONE-CHINA” POLICIES

UNGAR 2758 decided the United Nations representation issue but did not touch the larger “Taiwan question” of independence from the PRC. A close reading of UNGAR 2758 supports the notion that “[t]he Resolution did not in any way constitute an explicit or implicit recognition of the PRC’s territorial claim to Taiwan.”⁵¹ Since UNGAR 2758 was passed in 1971, only thirty countries formally recognized Taiwan as part of the PRC.⁵² The remaining nations have either made no reference to Taiwan or simply “took note,” “understood,” “respected,” or “acknowledged” the PRC’s claim about Taiwan.⁵³ Below is a survey of how several larger nations approach the China-Taiwan issue. The differing policies reveal the delicacy of the China-Taiwan situation and how countries apply creative rhetoric to dance around a contentious issue. There is a clear divide, however, between the Japanese and British policies with the Russian policy. It is emblematic of the larger great power competition. Tightening Putin and Xi relations influence United States, Japanese, and British policies by making them increasingly polarized and firm. Moreover, the fragility of the India-China relationship reveals an opportunity for the United States. As China’s global image deteriorates,⁵⁴ the door is open to improve U.S.-Indian connections. The United States must seize this opportunity by shifting to a more deliberate China policy that resonates with India’s Narendra Modi’s and helps assuage his geopolitical concerns.

Japan

With Japan’s growing economy and military, its relations with China are critical for the entire region. The United States has worked hard in recent decades to improve and strengthen U.S.-Japanese relations. Today, Japan is an important trade partner of the United States, and it hosts some of the United States military’s largest overseas bases.⁵⁵ Most notably, Japan takes a very similar approach to PRC-Taiwan relations as that of the United States.

50. Six Assurances, *supra* note 25.

51. Chen, *supra* note 9, at 678.

52. *See id.*

53. *See id.*

54. Yu Xie & Yongai Jin, *Global Attitudes Toward China: Trends and Correlates*, 31 J. OF CONTEMP. CHINA, no. 133, 2022.

55. Significantly, the United States Navy’s only forward-deployed aircraft carrier is based out of the U.S. Navy base in Yokosuka, Japan. Moreover, the United States Marine Corps has a massive presence on the Japanese island of Okinawa.

Like the United States, Japan engaged in a joint communiqué with the PRC in the early 1970s in an effort to establish relations. The 1972 Japan-China Joint Communiqué established normal Sino-Japanese relations. The joint communiqué is ambiguous and noted that the government of Japan “understands and respects” the PRC’s position that Taiwan is “an inalienable part of the territory of the People’s Republic of China.”⁵⁶ Further, Japan confirmed that it maintains its stand under Article 8 of the Potsdam Declaration, limiting Japanese sovereignty “to the islands of Honshu, Hokkaido, Kyushu, Shikoku, and such minor islands as we determine.”⁵⁷ Moreover, Japan recognizes the PRC “as the sole legal government of China” and has done so since 1975.⁵⁸ Like the United States, Japan does not maintain official diplomatic relations with Taiwan but instead handles bilateral relations through the Japan-Taiwan Exchange Association in Taipei, which is similar to the U.S. AIT.⁵⁹

United Kingdom

Similar to the United States and Japan, the United Kingdom walks a diplomatic tightrope between the PRC and Taiwan. Under the United Kingdom’s “one-China” policy, the United Kingdom formally recognizes Beijing and the PRC as the sole legal government of China.⁶⁰ The United Kingdom does not recognize the ROC but maintains diplomatic relations with Taiwan on an unofficial basis.⁶¹ This differs from the United States, which does not maintain any diplomatic relations but accomplishes similar objectives through administrative relations with the ROC.⁶² Taiwan opened a representative office in London in 1962, which is called the Taipei Representative Office in the U.K.⁶³ The United Kingdom opened its representative office in Taipei in 1993, which is called the British Office Taipei.⁶⁴ Former Prime Minister Margaret Thatcher visited Taiwan twice, as did former Prime Minister Liz Truss in May 2023.⁶⁵ The United Kingdom voted in favor of UNGAR 2758 but has also supported Taiwan’s acceptance into other international organizations such as the WHO.⁶⁶

56. *Joint Communiqué of the Government of Japan and the Government of the People’s Republic of China*, MINISTRY OF FOREIGN AFFAIRS OF JAPAN, (Sept. 29, 1972), <https://perma.cc/729M-8GCP>.

57. *Id.*

58. Adam P. Liff, *Has Japan’s Policy Toward the Taiwan Strait Changed?*, BROOKINGS INST., (Aug. 23, 2021), <https://perma.cc/R74L-E5S5>.

59. *See id.*

60. Stuart Lau, *UK Parliament Calls Taiwan ‘Independent Country’ as Cleverly Visits China*, POLITICO (Aug. 30, 2023), <https://perma.cc/CE4K-4NXX>.

61. *Id.*

62. *See* U.S. DEP’T OF STATE, BUREAU OF E. ASIAN & PAC. AFFAIRS, U.S. RELATIONS WITH TAIWAN: BILATERAL RELATIONS FACT SHEET (May 28, 2022), <https://perma.cc/CM6E-PKBB>.

63. *U.K. Renames Representative Office in Taiwan, Retains Functions*, FOCUS TAIWAN (May 27, 2015), <https://perma.cc/259C-BMAB>.

64. *See id.*

65. *Former U.K. Prime Minister Liz Truss Arrives in Taiwan*, FOCUS TAIWAN (May 16, 2023), <https://perma.cc/AAW6-SPS5>.

66. *See* G.A. Res. 2728 (XXVI) (Oct. 10, 1971); *see also* Lau, *supra* note 60.

India

The relationship between China and India is fascinating and, in recent years, has become very fragile. By 1947, the Indian government predicted a Communist takeover of China.⁶⁷ Indian Prime Minister Nehru was aware of Mao's intention to "liberate" Tibet and feared that "the occupation of Tibet by a potentially hostile and possibly aggressive Communist power would be a threat to the security of India."⁶⁸ Seeking China's goodwill in 1949, India was one of the first nations to recognize the idea that Taiwan fell under the control of the government in mainland China.⁶⁹ Like many other nations, India maintains unofficial relations with Taiwan.⁷⁰ In recent years, however, border tensions between India and the PRC have cast doubt on the future of India's "one-China" policy.

Although India has not tried to walk as much of a diplomatic tightrope with the PRC as the United States, United Kingdom, or Japan, the current Indian government is retreating in its PRC support. It is evident that "[r]elations between India and China have suffered since clashes on their Himalayan border in 2020 killed twenty Indian soldiers and four Chinese soldiers."⁷¹ Today, there are still many troops from both nations stationed along the border where tensions remain high.⁷² In light of increased PRC military drills in the South China Sea, India has "expressed concern over the rising cross-strait tensions and has called for restraint."⁷³ Recently, India has become more direct in its rhetoric and publicly "opposes any unilateral change to the status quo over Taiwan."⁷⁴ When pressed by reporters, India's foreign ministry spokesperson Arindam Bagchi said "India's relevant policies are well known and consistent. They do not require reiteration."⁷⁵ But based on other public statements to the contrary, India's policies do not appear to be well known nor consistent. Moreover, India feels as though China is violating India's sovereignty in eastern Ladakh and claims China is shielding "Pakistan-based terrorists from United Nations sanctions."⁷⁶ The United States has tried to benefit from the cracks in the India-China relationship and the two countries agreed to "reaffirm their partnership" during the recent

67. Vijay Gokhale, *Why Was India In a Hurry to Recognize China After the Takeover by Mao Zedong's Communist Party?*, SCROLL.IN (July 8, 2021), <https://perma.cc/58NY-YN47>.

68. *Id.*

69. C. Raja Mohan, *India's 'One-China' Policy and Taiwan Dilemmas*, NAT'L UNIV. OF SING. (Aug. 15, 2022), <https://perma.cc/R5PL-SKB4>.

70. *See id.*

71. *India Sticks to 'One-China' Policy Stance but Seeks Restraint on Taiwan*, REUTERS (Aug. 12, 2022).

72. It should be noted that broader tensions really began in 2010 when China refused to "issue stapled visas to Kashmiris." Based on this, the Manmohan Singh government stopped affirming commitments to their one-China policy. *See Sachin Parashar, One-China? No Need to Reiterate Our Consistent Policies, India Says*, THE TIMES OF INDIA (Aug 13, 2022), <https://perma.cc/BKY4-CAAP>.

73. *Id.*

74. *India Sticks to 'One-China' Policy Stance*, *supra* note 71.

75. *Id.*

76. Parashar, *supra* note 72.

2+2 dialogue in New Delhi in November.⁷⁷ India shares American democratic values, even though India's "status as a democracy has become increasingly suspect" ever since Narendra Modi became India's prime minister nine years ago.⁷⁸ Either way, the United States sees India "as an ally of convenience" with a clear, common geopolitical posture towards China.⁷⁹

Russia

As may be expected, Russia takes a very different view and official stance toward the PRC and Taiwan. In 1949, the Soviet Union officially recognized the PRC as the only lawful government of China.⁸⁰ In response to this recognition, the ROC cancelled the short-lived Soviet Treaty of Friendship and Alliance.⁸¹ The Soviet Union voted in support of UNGAR 2758 to admit the PRC to the United Nations in 1971.⁸² Following the dissolution of the Soviet Union, the Russian government acceded to the prior "one-China" policy, holding that Taiwan is "an inalienable part of China, and opposes any forms of independence."⁸³

In the midst of Russia's invasion of Ukraine, Russian President Vladimir Putin and President Xi have become even closer as Xi said there are "no limits" to his partnership with Putin.⁸⁴ The two leaders met in late January 2022 and released a new agreement, which showed their "resolve to work together to build a new international order based on their view of human rights and democracy."⁸⁵ The lengthy document of approximately 5,400 words "went significantly further than before in backing the other on flashpoints of tension with the West."

Regarding Taiwan, Russia voiced its continued support for China's stance that Taiwan is an inalienable part of China, and Russia opposes any form of independence for the island.⁸⁶ In July 2022, Russian Foreign Minister Sergey Lavrov visited China and reaffirmed the new Sino-Russian Pact. Lavrov told reporters, "[o]ur position on the existence of only one China remains unchanged. We have no problem with upholding the principle of China's sovereignty."⁸⁷ As recently

77. Manjari Chatterjee Miller, Clare Harris & Sanjana Sharma, *Outcomes of the November U.S.-India 2+2 Dialogue*, COUNCIL ON FOREIGN RELS. (Nov. 17, 2023), <https://perma.cc/5AZE-N57N>.

78. Daniel Markey, *India as It Is: Washington and New Delhi Share Interests, Not Values*, 102 FOREIGN AFFS. 128, 130 (2023).

79. *Id.* at 131.

80. See Clara Fong & Lindsay Maizland, *China and Russia: Exploring Ties Between Two Authoritarian Powers*, COUNCIL ON FOREIGN RELS. (June 14, 2022), <https://perma.cc/WG4W-EL29>.

81. See *id.*

82. See G.A. Res. 2728 (XXVI) (Oct. 10, 1971).

83. See The Treaty of Good-Neighborliness and Friendly Cooperation Between the People's Republic of China and the Russian Federation, China-Russ., art. V, July 16, 2001.

84. Simon Tisdall, *How Much Trouble Is Xi Really In? Outgunned Taiwan May Be About to Find Out*, THE GUARDIAN (Dec. 9, 2023), <https://perma.cc/6B4H-LTUZ>.

85. Simina Mistreanu, *Russia's Envoy Uses the Stage at a Military Forum in China to Accuse the US of Fueling Tensions*, ASSOCIATED PRESS (Oct. 31, 2023), <https://perma.cc/9YQU-A9YR>.

86. Tony Munroe, Andrew Osborn & Humeyra Pamuk, *China, Russia Partner Up Against West at Olympics Summit*, REUTERS (Feb. 4, 2022), <https://perma.cc/52JS-ZHVC>.

87. *Russia Supports 'One China' Policy on Taiwan, Lavrov Says*, REUTERS (July 29, 2022), <https://perma.cc/2QZ9-CR5N>.

as October 2023, Russian Defense Minister Sergei Shoigu “accused NATO of trying to expand its footprint in the Asia-Pacific under the pretense of seeking dialogue with regional countries” and warned that the United States should not interfere with the Taiwan question.⁸⁸

PART V: THE CHINESE INVASION THREAT

The “Chinese Dream”

President Xi’s number one foreign policy priority is Taiwan reunification. Xi stated, “[r]esolving the Taiwan question and realizing China’s complete reunification is an unshakable commitment of the Chinese Communist Party (CCP).”⁸⁹ Since taking over in 2012, Xi has sought to return China to global greatness following the “century of humiliation” and former Chinese President Deng Xiaoping’s “low-profile principle of biding time and hiding strengths.”⁹⁰

Xi moved rather quickly to establish personal control over foreign policy and national security.⁹¹ He made the “Chinese Dream” his credo to achieve the “great rejuvenation of the Chinese Nation.”⁹² Xi wants the PRC to “assume its rightful station as a pole in a multipolar world presumably as Asia’s dominant power.”⁹³ Xi set a timeline for achieving these objectives. Specifically, Xi wanted China to become a “moderately prosperous society” by 2020 and then strive for “socialist modernization” by taking the forefront of world economic and technological power for the next fifteen years.⁹⁴ His deadline to become the new world superpower is 2049, which will be the 100th anniversary of the founding of the CCP.⁹⁵

In addition to growing and expanding the PRC’s economy and military, reunification with Taiwan is a central theme of achieving the “Chinese Dream.” Xi views reunification as a “historic mission.”⁹⁶ Geographically, Taiwan sits along China’s eastern seaboard and acts as a “gateway to the Western Pacific and Indian Oceans.”⁹⁷ It can be used as a military base or serve as a chokepoint of great utility for blockading Japan.⁹⁸ Moreover, by reunifying Taiwan with mainland

88. Minsteanu, *supra* note 85.

89. Xi Jinping, President of the People’s Republic of China, Speech on Chinese Communist Party’s 100th Anniversary (July 1, 2021), in *NIKKEI ASIA*, July 2021.

90. See Cathy Xuaxuan Wu, *A Bargaining Theory of US-Chinese Economic Rivalry: Differentiating the Trade and Technology Wars*, 17 *The Chinese J. of International Politics* 323, 331 (2024).

91. ROBERT G. SUTTER, *CHINESE FOREIGN RELATIONS* 38 (5th ed. 2021).

92. TOSHI YOSHIHARA & JAMES R. HOLMES, *RED STAR OVER THE PACIFIC: CHINA’S RISE AND THE CHALLENGE TO U.S. MARITIME STRATEGY* 4 (2nd ed. 2018).

93. *Id.*

94. *Id.*

95. In 2018, President Xi revised the PRC Constitution and removed term limits on the president and vice president. As such, he signaled his intent to remain as China’s leader indefinitely. See BRUCE J. DICKSON, *THE PARTY AND THE PEOPLE: CHINESE POLITICS IN THE 21ST CENTURY* 27 (2021).

96. IAN EASTON, *THE CHINESE INVASION THREAT* 11 (2019).

97. *Id.* at 12.

98. See Easton, *supra* note 96, at 84. Although the United States does not currently have a military base on the island of Taiwan, there is a small contingent (approximately thirty Marines) in Taiwan. The United States does not publicly acknowledge what their role is on the island. See Erin Hale, *US Nearly*

China, the PRC would have a presence beyond the first island chain and gain more significant influence over regional nations.⁹⁹

PRC Invasion of Taiwan

On January 27, 2023, U.S. Air Force General Mike Minihan, Commander of Air Mobility Command, sent a memo to his forces preparing them for a possible war with China. General Minihan wrote, “I hope I am wrong. My gut tells me we will fight in 2025.”¹⁰⁰ In his memo, General Minihan predicted a 2025 PRC invasion of Taiwan because both Taiwan and the United States had presidential elections in 2024, the United States was “distracted,” and Xi could have an opportunity to move on Taiwan.¹⁰¹ A defense department official said, “[t]hese comments are not representative of the department’s view on China.”¹⁰² While not representative of the government’s position, General Minihan raised some valid points.¹⁰³ With the United States now supporting two separate wars, neither of which is in the Indo-Pacific region, Xi could think America is distracted and believe the timing is right for an invasion.

Although Xi initially hoped to turn the Peoples Liberation Army (PLA) into a “fully transformed world-class force” by 2035, he has recently shortened the timeline.¹⁰⁴ Xi has further tied military strength to the Chinese Dream and the People’s Liberation Army Navy (PLAN), which currently has more ships than the United States Navy.¹⁰⁵ Further, Xi has expanded the PRC’s weapon of mass destruction (WMD) capabilities and China recently launched a third aircraft

Doubled Military Personnel Stationed in Taiwan This Year, VOICE OF AMERICA (Dec. 2, 2021), <https://perma.cc/7JEQ-L2CM>.

99. The first island chain begins at the Kuril Islands, runs through the Japanese archipelago, the Ryukyu Islands and Taiwan, the northwestern Philippines and Borneo. The second island chain extends from Japan’s Bonin Islands and runs through the Mariana Islands, Guam, Palau, and Western New Guinea. For the United States, the island chains guide force projection in the area. For the PRC, the island chains are integral to maritime and homeland security. See Wilson VornDick, *China’s Reach Has Grown; So Should the Island Chains*, CENTER FOR STRATEGIC & INTERNATIONAL STUDIES, ASIA MARITIME TRANSPARENCY INITIATIVE (Oct. 22, 2018), <https://perma.cc/X9K3-EMJA>.

100. Courtney Kube & Mosheh Gains, *Air Force General Predicts War with China in 2025, Tells Officers to Prep by Firing ‘A Clip’ at a Target, and ‘Aim for the Head,’* NBC NEWS (Jan. 27, 2023, 6:47 PM), <https://perma.cc/Q8LE-U5AP>.

101. *Id.*

102. *Id.*

103. Admiral Phil Davidson, former Commander of U.S. Indo-Pacific Command, testified to Congress that the PRC could have the ability to militarily control Taiwan by 2027. While two years later than General Minihan’s prediction, it still suggests that a cross-strait invasion is sooner than most people anticipate. *Hearing to Receive Testimony on U.S. Indo-Pacific Command in Review of the Defense Authorization Request for Fiscal Year 2022 and the Future Years Defense Before the S. Comm. on Armed Service*, 117th Cong. at 1:20:30 (2021) (statement of Admiral Philip Davidson), <https://perma.cc/9DQR-E5GK>.

104. Yoshihara & Holmes, *supra* note 92, at 4.

105. UNITED STATES DEPARTMENT OF DEFENSE, *MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE’S REPUBLIC OF CHINA 52* (2023), <https://perma.cc/4DLV-UJQT> (noting that the PLAN has 370 ships, including more than 140 major surface combatants).

carrier.¹⁰⁶ Now with two million personnel and an annual budget of over \$225 billion, Xi has the military needed for reunification.¹⁰⁷ To that end, he has “directed the Chinese military to be ready by 2027 to successfully invade Taiwan.”¹⁰⁸

There are serious difficulties for the United States to help Taiwan repel a PRC invasion. The most obvious problem is the factor of space (or geography). The United States must forward deploy a sufficient amount of military force near Taiwan to help repel an invasion. Otherwise, there would not be enough time for U.S. forces to cross the massive Pacific Ocean to assist the Taiwan military. The Taiwan Strait is about eighty miles wide and the PLAN already has some assets closer to the island.¹⁰⁹ A recent RAND report concluded, “[n]either today’s force nor forces currently programmed by the [DoD] appear to have the capabilities needed to” defeat an adversary like China that can “seize the initiative and move quickly to secure [its] principal objectives.”¹¹⁰

More troubling are the outcomes of the unclassified war games. Multiple think tanks have come to the same concerning outcome: the result of a PRC invasion of Taiwan would come at a huge cost to both Taiwan and the United States. Specifically, it is estimated that the United States Navy would lose at least one, maybe two, aircraft carriers during the possible conflict.¹¹¹ This has not happened since World War II, and, most notably, approximately ten thousand U.S. Navy sailors would go down with these aircraft carriers. The Center for Strategic and International Studies (CSIS) ran the war game twenty-four times, and each resulted in over 100,000 Chinese losses and complete devastation to Taiwan.¹¹² If Japan were to become involved, CSIS estimates Japan would lose over 100 surface vessels and thousands of sailors.¹¹³

106. Mike Yeo, *China Launches Third Aircraft Carrier*, DEFENSE NEWS (June 17, 2022), <https://perma.cc/6SEB-ZHFM> (noting that the PLAN’s third aircraft carrier is the CV-18 Fujian). The DoD estimates that the PRC will probably have over 1,000 operational nuclear warheads by 2030. *Military and Security Developments*, *supra* note 105, at 104.

107. See Wilson Beaver, *Chinese Defense Spending Rises 7.2% to \$225 Billion, but Data Gaps Indicate it’s Higher than that*, HERITAGE FOUNDATION (Mar. 15, 2023), <https://perma.cc/243Z-RR2L>. China’s conceptual “Joint Island Attack Campaign” has three primary objectives: (1) rapidly capture Taipei and destroy the government; (2) capture other major cities and clear out the surviving defenders; and (3) occupy the entire country. There are likely three operational phases of the operation: (1) blockade and bombing operations while simultaneously conducting offensive cyber operations; (2) amphibious landing; and (3) combat operations on the island. See Easton, *supra* note 96, at 78-79.

108. Robert M. Gates, *The Dysfunctional Superpower: Can a Divided America Deter China and Russia?*, FOREIGN AFFAIRS, Nov.–Dec. 2023, at 32.

109. As of this writing, open-source reporting indicated the PRC has three flight squadrons (over twenty six attack aircrafts), ten surface ships, and multiple intelligence balloons in the Taiwan Strait. See *Taiwan Detects Chinese Balloon, Fighter Jets Crossing Median Line*, AL JAZEERA (Dec. 8, 2023), <https://perma.cc/YJL6-E8WA>.

110. David A. Ochmanek et al., *Inflection Point: How to Reverse the Erosion of U.S. and Allied Military Power and Influence*, RAND CORPORATION (Jul. 25, 2023), <https://perma.cc/AYA3-5K5Q>.

111. Brad Lendon & Oren Liebermann, *War Game Suggests Chinese Invasion of Taiwan Would Fail at a Huge Cost to US, Chinese and Taiwan Militaries*, CNN (Jan. 9, 2023, 9:42 PM), <https://perma.cc/9HKL-JLWB>.

112. *Id.*

113. *Id.*

Despite these dire predictions, the PRC has not given any indication they will abandon their reunification objectives and Xi “has refused to renounce the use of force to achieve that end.”¹¹⁴ German Field Marshal Helmuth von Moltke the Elder once claimed that wars can take one of three paths and usually elect to take the fourth.¹¹⁵ Even so, there is no doubt that a PRC invasion of Taiwan would involve the United States. It would be costly and devastating for all nations. In sum, there really is “[n]o other flashpoint as potentially dangerous to the national security of the United States.”¹¹⁶

PART VI: THE MYTH OF STRATEGIC AMBIGUITY

During a “60 Minutes” interview in September 2022, former President Biden made very clear that the United States military would defend Taiwan “if in fact there was an unprecedented attack” on the self-governing island.¹¹⁷ Although former President Biden did not expand on what he defines as an “unprecedented attack,” this was the fourth time since August 2021 that he stated the United States would militarily defend Taiwan if the PRC invaded the island. Each time, his administration has tried to walk back his comments.¹¹⁸ And, each time, it noted that the United States was not reversing America’s longtime policy of strategic ambiguity.¹¹⁹ Perhaps, however, former President Biden’s comments were intentional, and he meant to say “the quiet part out loud.”¹²⁰

Around the same time former President Biden made his fourth public comment about militarily defending Taiwan, then-United States House Speaker Nancy Pelosi visited Taiwan. Her visit came at a time of heightened tensions between the United States and China as the West objected to the PRC’s support of

114. Andrew F. Krepinevich, Jr., *The Big One: Preparing for a Long War with China*, FOREIGN AFFAIRS (Jan.–Feb. 2024) at 104. China has claimed “historic rights” in the South China Sea, as evidenced by their ambiguous nine-dash line. In recent months, however, the PRC has started publishing maps with a tenth dash, which surrounds the island of Taiwan. See Colin Clark, *New Chinese 10-Dash Map Sparks Furor Across Indo-Pacific: Vietnam, India, Philippines, Malaysia*, BREAKING DEFENSE (Sep. 1, 2023, 8:39 AM), <https://perma.cc/NG5R-HFH8>.

115. Krepinevich, Jr., *supra* note 114, at 118.

116. Easton, *supra* note 96, at 15; see also Andrew S. Erickson, Gabriel B. Collins & Matt Pottinger, *The Taiwan Catastrophe: What America – and the World – Would Lose if China Took the Island*, FOREIGN AFFAIRS (Feb. 16, 2024), <https://perma.cc/MU84-CRDR>.

117. Kine, *supra* note 8.

118. See, e.g., Patsy Widakuswara, ‘Strategic Ambiguity’ on Taiwan Apparent as White House Walks Back Biden Comments, VOICE OF AMERICA (Oct. 23, 2021, 5:43 PM), <https://perma.cc/EV3S-YG46> (quoting former White House Press Secretary Jen Psaki on President Biden’s comments that the United States is committed to defending Taiwan: “The President was not announcing any change to our policy, nor has he made a decision to change our policy.”); see also David Smith, *Biden’s Taiwan Vow Creates Confusion Not Clarity – and Raises China Tensions*, THE GUARDIAN (May 23, 2022, 1:54 PM), <https://perma.cc/HAW6-7SQ2>.

119. On November 16, 2024, President Biden met with Xi for the third and final time in Lima, Peru. During this meeting, President Biden “underscored that the United States’ one China policy remains unchanged. . . .” *Readout of President Joe Biden’s Meeting with President Xi Jinping of the People’s Republic of China*, The White House (November 16, 2024), <https://perma.cc/JB2S-XETT>.

120. Peter Barker, *Biden Veers Off Script on Taiwan. It’s Not the First Time*, N.Y. TIMES (Mar. 23, 2022), <https://perma.cc/7VUY-JFEW>.

Russia's invasion of Ukraine.¹²¹ In response to her visit, the PRC initiated numerous military exercises around the island.¹²² Recently, the PRC has expanded its provocations in the region with aggressive naval actions towards Filipino fishing activities in an effort to tighten its grip on maritime supremacy within the South and East China Seas.¹²³ With heightened tensions and the PRC's increased aggression, the United States government must consider whether strategic ambiguity is still sound policy.

Skeptics will argue that strategic ambiguity is working because China has not yet invaded Taiwan. This viewpoint is too narrow and does not adequately consider the time the PRC needed to build up its military, the PRC's growing assertiveness, or Xi's increasingly shortened reunification timeline. Of course, "past performance is no guarantee of future results."¹²⁴ Strategic ambiguity indicates that the United States *may* act if China invades Taiwan. But Thomas Schelling theorized that "as a general rule, one must threaten that he *will* act, not that he *may* act, if the threat fails. To say that one *may* act is to say that one *may* not."¹²⁵ Texas political activist and author Jim Hightower once wrote "There's nothing in the middle of the road but yellow stripes and dead armadillos."¹²⁶ In other words, "kicking the can down the road [and] splitting the difference" would undercut U.S. credibility and its alliance system.¹²⁷ Strategic ambiguity's vagueness does not deter aggressive action but rather "invites the opponent (China) to guess" about possible actions, thereby increasing tensions and distrust.¹²⁸ The United States must be more purposeful in "deterrence *ex ante*, not revenge *ex post*."¹²⁹ Schelling wrote, "the power to hurt is bargaining power," but with a strategy of ambiguity, the United States is limiting its own ability to deter China.¹³⁰

Further, strategic ambiguity is "largely irrelevant to whether China decides to attack Taiwan." As U.S. Senator Chris Murphy once said, China "has already priced in full U.S. defense."¹³¹ Strategic ambiguity is based on faulty concepts

121. Paul Haenle & Nathaniel Sher, *How Pelosi's Taiwan Visit Has Set a New Status Quo for U.S.-China Tensions*, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (Aug. 17, 2022), <https://perma.cc/A5SZ-UQZQ>.

122. *See Id.*

123. Simina Mistreanu & Jim Gomez, *US Warns it Will Defend Philippines After Chinese Vessels Incidents*, NAVY TIMES (Oct. 23, 2023), <https://perma.cc/MFL8-8MAT>.

124. James B. Steinberg, *The Upside to Uncertainty on Taiwan: How to Avert Catastrophe at the World's Most Dangerous Flash Point*, FOREIGN AFFAIRS (November/December 2024) at 157.

125. Schelling, *supra* note 3, at 2.

126. *See* Jim Hightower, *There's Nothing in the Middle of the Road but Yellow Stripes and Dead Armadillos: A Work of Political Subversion*, Harper Perennial (1998).

127. Steinberg, *supra* note 124, at 156.

128. Schelling, *supra* note 3, at 3.

129. *Id.*

130. *Id.*; *See also* Mara Karlin, *The Return of Total War: Understanding – and Preparing for – a New Era of Comprehensive Conflict*, FOREIGN AFFAIRS (November/December 2024) at 10 ("To deter an increasingly assertive China from taking steps that might lead to war with the United States, such as blockading or attacking Taiwan, Washington must convince Beijing that doing so wouldn't be worth it and that China might not win the resulting war.").

131. Kuo, *supra* note 5.

and, at this point, it “may be doing more harm than good.”¹³² The policy was adopted when the PRC was a weak military power, but the PRC under Xi is much different than the PRC of the 1970s.¹³³ If the United States were to shift to a policy of strategic clarity, it is possible that some allied partners would also change their “one-China” policies toward Taiwan.¹³⁴ An American policy shift would be most effective if announced in coordination with similar policy changes from Japan and the United Kingdom. While convincing coalition partners to simultaneously switch policies alongside the United States is a goal, it should not delay an American policy shift as time is increasingly of the essence. China’s coercive actions in recent years “demonstrate that this strategy no longer carries the deterrent effect it once did.”¹³⁵ Former U.S. Indo-Pacific Commander Admiral Davidson once stated, “[o]ur deterrence posture in the Indo-Pacific must demonstrate the capability, the capacity, and the will to convince Beijing, unequivocally, that the costs of achieving their objective by use of the military force are simply too high.”¹³⁶ There is nothing “unequivocal” about strategic ambiguity.

The United States has an enduring interest in a peaceful, prosperous, and stable East Asia.¹³⁷ Xi’s ambitious foreign policy is a clear and present threat to that objective.¹³⁸ Xi also seeks a prosperous East Asia, but he wants authoritarian China to be in full control and will use aggressive tactics to reach that end state. It is incumbent on the United States to counter this threat. It is time for the United States to truly “pivot to Asia” and commit to Taiwan.¹³⁹ Despite the U.S. Department of Defense’s attempt to deter aggression, the United States-China Economic and Security Review Commission has argued that “[t]he PLA’s growing capabilities undermine deterrence because they diminish the credibility of the [United States]’s threat to deny the PLA its objectives through military intervention.”¹⁴⁰

Furthermore, Taiwan is an important part of the global economy, and “[a] conflict in Taiwan — or simply more robust attempts by the PRC — to seize or harm Taiwan’s semiconductor industry would have massive consequences for global

132. *Id.*

133. Steinberg, *supra* note 124, at 157-58 (“U.S. policy has succeeded in part because all sides were content to push off a definitive resolution to the future. . . Today, many argue, the situation is far different.”).

134. See Yimou Lee, Fabian Hamacher & Ann Wang, *Former NATO Boss Urges Countries to Show China Consequences if it Attacks Taiwan*, REUTERS (Jan. 5, 2023, 12:34 AM).

135. Ethan D. Chaffee, *Strategic Ambiguity on Taiwan Has Run its Course*, 149 U.S. NAVAL INSTITUTE 441 (Mar. 2023), <https://perma.cc/3DPK-XDMF>.

136. *Id.* at 131.

137. Easton, *supra* note 96, at 4.

138. See BIDEN-HARRIS ADMINISTRATION 2022 NATIONAL SECURITY STRATEGY, THE WHITE HOUSE (Oct. 12, 2022); see also *Annual Threat Assessment of the U.S. Intelligence Community*, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Feb. 6, 2023); see also Minsteanu & Gomez, *supra* note 123.

139. See Kenneth G. Lieberthal, *The American Pivot to Asia*, BROOKINGS INSTITUTE (Dec. 21, 2011), <https://perma.cc/B9QQ-4JQC>.

140. U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMM’N, 117TH CONG., 2021 REP. TO CONGRESS 411 (2021).

supply chains; ninety percent of the most advanced semiconductor chips are made in Taiwan.”¹⁴¹ On the other hand, “a free and democratic Taiwan is a crucial outcome for U.S. economic and security interests.”¹⁴² Taiwan is the United States’ tenth largest trading partner (approximately \$85 billion each year).¹⁴³ Although this amount may seem small when compared to United States trade with Canada or Mexico (\$500 billion each), Taiwan stands for something more than economic importance.¹⁴⁴ It is foreseeable that a war over Taiwan could result in significant destruction to the island, thereby limiting Taiwan’s importance to global commerce.¹⁴⁵ But the alternative would allow China to drastically rejuvenate its economy, control global economic markets, and affirmatively supplant the United States as the global leader. The people of Taiwan would be subjected to indefinite authoritarian rule, individual suppression, and the arbitrary suppression of civil rights.¹⁴⁶ Taiwan “offers the best political counterpoint to the PRC,” and defending a small democratic province from an authoritative neighbor is a “core value” of the United States.¹⁴⁷ A Chinese invasion would be a significant breach of international norms, and an “uncontested PRC military attack on Taiwan would send chills throughout Southwest Asia and throw cold water on any American coalition-building.”¹⁴⁸

Those who view Xi as a more rational actor who seeks competition but not conflict with the United States overlook his track record of miscalculations.¹⁴⁹ Xi initiated a “leftward swing in economic policies” and “inserted the party [CCP] into management of companies.”¹⁵⁰ This resulted in massive harm to the PRC economy. Further, President Xi’s “zero COVID” policy revealed the “CCP’s arbitrary power over everyone’s commercial activities, including those of the smallest players.”¹⁵¹ His sudden reversal of the policy led to reduced Chinese consumer spending and has further damaged the PRC economy as a whole.¹⁵²

141. Shawn William Brennan, *Assessing the Legal Framework for Potential U.S. Conflict with China Over Taiwan*, 99 INT’L L. STUD. 991, 996 (2022).

142. *Id.* at 997.

143. John Bolton and Derik Zitelman, *Why Taiwan Matters: Clarifying American Interests and What’s at Stake for the United States*, SMALL WARS JOURNAL (Mar. 22, 2022), <https://perma.cc/8DC8-AFMD>.

144. *Id.*

145. See Patrick Wintour, *If China Invaded Taiwan It Would Destroy World Trade, Says James Cleverly*, GUARDIAN (April 25, 2023), <https://perma.cc/N33M-VATM>; see also Jude Blanchette & Gerard DiPippo, “Reunification” with Taiwan Through Force Would Be a Pyrrhic Victory for China, CSIS (Nov. 22, 2022), <https://perma.cc/N4BR-645S>.

146. See Blanchette & DiPippo, *supra* note 145.

147. Bolton & Zitelman, *supra* note 143.

148. *Id.*

149. It should be noted that the United States adopted strategic ambiguity at a time when it thought they could be close allies with the PRC in the cold war fight against the Soviet Union. That dynamic has obviously changed.

150. Gates, *supra* note 109, at 33.

151. *Id.*

152. See Ian John, *Xi’s Age of Stagnation: The Great Walling-Off of China*, FOREIGN AFFAIRS (Oct. 1, 2023), at 102, <https://perma.cc/NAA6-DQFA>.

More generally, President Xi's abandonment of Deng Xiaoping's theory of "hide your strength, bide your time" has only provoked the United States to use its "economic power to slow China's growth."¹⁵³ If not deterred, Xi may make more miscalculations and initiate a devastating military move to reunify with Taiwan. To be clear, the United States should not be looking for a fight with China. But American leaders should not forget the warning of Leon Trotsky, who once said, "[y]ou may not be interested in war, but war is interested in you."¹⁵⁴

The United States should use all levers of national power to deter China, with the main focuses being diplomacy and the military. Diplomatically, President Trump's administration should call on Congress to revise the TRA. Specifically, Section 2(b)(6) of the TRA should be revised to read as follows: "to militarily defend Taiwan, if deemed necessary, in order to resist any resort to force that would jeopardize the security, or the social or economic system, of the people on Taiwan."

The remainder of the TRA should remain untouched, including the sections that discuss the future of Taiwan being determined by "peaceful means."¹⁵⁵ Additionally, Section 3(c) should not be altered in order to allow the President, in coordination with Congress, to determine the best course of action in response to any threats. Including the "if deemed necessary" language in Section 2(b)(6) and keeping Section 3(c) untouched allows United States leaders to maintain some level of strategic decision space similar to the wording of Article 5 of the North Atlantic Treaty.¹⁵⁶ The language is forceful in that it advances a response with military force but is also flexible in that it permits elected officials to determine what may or may not be "necessary," depending on all of the surrounding facts and circumstances at the time. Although the revision of Section 2(b)(6) explicitly lists military defense, Section 3(c) is important because there may be other gray zone threats to Taiwan requiring more appropriate responses than military force. Lastly, the TRA should continue to support arms sales to Taiwan in order to help it "maintain a sufficient self-defense capability."¹⁵⁷

In addition to revising the TRA, President Trump, working with the U.S. Department of State, should provide Taiwan with a seventh assurance. The seventh assurance should explain that the TRA is revised because this is in contradiction to the fourth assurance, which states the United States has "no plans to seek any such revision to the TRA."¹⁵⁸ The seventh assurance should also reiterate that the United States is not shifting policy regarding the issue of sovereignty over Taiwan. This is important because the United States should dissuade Taiwan from officially and politically declaring independence from China. The purpose

153. Gates, *supra* note 108, at 34.

154. Quoted in George F. Will, *The Doctrine of Preemption*, IMPRIMIS, Sept. 2005, at 1.

155. Taiwan Relations Act of 1970 § 2(b)(3).

156. See Katherine Yon Ebright, *NATO's Article Collective Defense Obligations, Explained*, BRENNAN CENTER FOR JUSTICE (Nov. 15, 2022), <https://perma.cc/49VU-FH9M>.

157. *Id.* § 3(b).

158. Six Assurances, *supra* note 25.

of abandoning strategic ambiguity is to deter China, but it is likely that an official Taiwan declaration of independence would provoke China into military action. The new policy should note that any declaration of independence by Taiwan that directly precipitates a war with China may void United States military commitments to defend Taiwan. As such, the seventh assurance should read as follows:

We commit to militarily defend Taiwan in response to a unilateral use of force and we have revised the TRA to reflect this position. There has been no change, however, in our longstanding position on the issue of sovereignty over Taiwan and any Taiwanese declaration to the contrary is inconsistent and incompatible with new defense commitments.

The United States must work very closely with the “Quad” to help maintain a free and open Indo-Pacific. The “Quad,” which is officially called the Quadrilateral Security Dialogue, is composed of the United States, Australia, India, and Japan and takes on security, economic, and health issues.¹⁵⁹ While not a formal alliance but more of a loose grouping, the United States should coordinate more regular meetings between the “Quad” leaders and emphasize “functional cooperation.”¹⁶⁰ The United States should strive to make the “Quad” more of a formal alliance by increasing the number of joint military exercises in the Indo-Pacific region. Short of entering into a collective self-defense agreement with India, the United States should continue to strengthen the U.S.-Indian defense partnership through U.S. defense sales, bilateral training, intelligence-sharing agreements, and joint technology development to counterbalance China’s growing regional power.¹⁶¹ The “Quad” should establish a fourth working group focused purely on countering China’s assertive behavior.¹⁶² Lastly, the “Quad” should hold “‘Quad’ Plus” meetings and include leaders from South Korea, New Zealand, and Vietnam to expand the scope and effectiveness of group initiatives.¹⁶³

Militarily, United States analysts agree that the best defense of Taiwan is an asymmetric, “porcupine defense,” in which the island would “bristle with mines and anti-ship, anti-air, and anti-vehicle missiles buying time for the United States military to arrive.”¹⁶⁴ The United States military can support and supplement

159. See Sheila A. Smith, *The Quad in the Indo-Pacific: What to Know*, COUNCIL ON FOREIGN RELATIONS (May 27, 2021), <https://perma.cc/RH4D-55MP>. There is also a less formal grouping nicknamed “the Squad” which includes the Philippines, Australia, Japan, and the United States. See Karlin, *supra* note 130, at 18.

160. *Id.*

161. See Katie Lange, *Why India is Important to U.S. Defense*, U.S. DEPARTMENT OF DEFENSE (January 7, 2019), <https://perma.cc/5NBE-UP45>; see also David Vergun, *U.S., India Rapidly Expand Their Military Cooperation*, DO D NEWS (June 20, 2023), <https://perma.cc/85UB-PWGV>.

162. The three existing working groups are The Quad Climate Working Group, The Quad Critical and Emerging Technology Working Group, and the Quad Vaccine Experts Group. See *Fact Sheet: Quad Summit*, THE WHITE HOUSE (March 12, 2021), <https://perma.cc/RFK3-4V5S>.

163. See Jagannath Panda, *Making ‘Quad Plus’ a Reality*, THE DIPLOMAT (Jan. 13, 2022), <https://perma.cc/YM9W-CZCC>.

164. Kuo, *supra* note 5.

Taiwan's defense capabilities by increasing the surface ship presence in the Taiwan Strait, particularly destroyers equipped with the Aegis combat system to bolster ballistic missile defense (BMD).¹⁶⁵ The President should direct these surface ships to execute more freedom of navigation operations (FONOPs) in the South China Sea and to more routinely navigate the Taiwan Strait.¹⁶⁶ The United States Navy expeditionary strike group and United States Marine Corps expeditionary units based in Sasebo should and will be ready to relocate to Taiwan to support possible ground operations. The continued presence of the United States Navy's forward-deployed aircraft carrier,¹⁶⁷ equipped with a carrier air wing within the first island chain, will serve as a powerful deterrent as well. It is possible that an increased military presence around Taiwan would enflame tensions, but geography favors China, and responding late or with insufficient military options would only push the United States into another unwinnable war in Asia.

To assist those assets already in the vicinity of Taiwan, the United States military should enter into and maintain existing basing agreements with Singapore, Malaysia, and the Philippines to keep P-8 surveillance aircraft within a short distance of Taiwan. This would provide consistent indicators and warnings of PLAN operations near the island.¹⁶⁸ Although the United States Navy and the United States Marine Corps will lead the defense of Taiwan, the United States Air Force will be invaluable in establishing and maintaining air superiority. As such, Congress must fund the Agile Combat Employment (ACE) system, which the United States Air Force created to "make the service more mobile in the Pacific" and increase its number of bases across the Pacific Island chains.¹⁶⁹

In the interim, U.S. "capabilities that can be employed quickly, such as space-based systems, long-range bombers, and cyber weapons, can help fill the gap."¹⁷⁰ Further, the U.S. Department of Defense's recent Replicator initiative, which is focused on delivering thousands of autonomous systems across multiple domains

165. Once commissioned in 2026, the United States Navy should utilize the new *Constellation*-class guided missile frigates to help defend Taiwan as well. These smaller and agile ships are intended to be effective in shallow waters, survivable in armed conflict, and more armament than the problematic littoral combat ships (LCS).

166. See DEPARTMENT OF DEFENSE REPORT TO CONGRESS: ANNUAL FREEDOM OF NAVIGATION REPORT FISCAL YEAR (2022), <https://perma.cc/JJN7-Q2W8>.

167. Currently, the *USS RONALD REAGAN (CVN 76)* is forward-deployed to Yokosuka, Japan. The United States Navy recently announced the *USS GEORGE WASHINGTON (CVN 73)* would replace the *USS RONALD REAGAN (CVN 76)* in Japan next year. See Ken Moriyasu, *US Navy Announces Swap of Japan-based Aircraft Carriers in 2024*, NIKKEI ASIA (Apr. 28, 2023).

168. See Karlin, *supra* note 130, at 19 ("The United States must continue expanding and diversifying its military posture in the region. Deterring and, if necessary, prevailing in conflict will mean gaining access to more bases in more places.").

169. Audrey Decker, *Air Force Expanding Number of Bases in Pacific Over Next Decade*, DEFENSE ONE (Aug. 29, 2023), <https://perma.cc/J2SD-N8AT>; see also Stephen Losey, *US Air Force Eyes Missile Defense for Dispersed Bases in China Fight*, MILITARYTIMES (Aug. 22, 2024), <https://perma.cc/HB7T-6HEM>.

170. Krepinevich, Jr., *supra* note 114, at 116.

within the next eighteen to twenty-four months, can pose “dilemmas for China” by providing military mass to the region and thwart China’s invasion through sea denial.¹⁷¹ To overcome the vast geographic and sustainment difficulties, the United States must invest in and provide more supply ships. Specifically, the United States military needs more fast combat support ships (AOE) operated by Military Sealift Command, which are agile supply ships designed to carry fuel, ammunition, and supplies.¹⁷² Lastly, as Russia’s war in Ukraine revealed, the “United States and its allies lack the capacity to surge the production of munitions.”¹⁷³ Because of this, the United States and prospective coalition partners “must revitalize their industrial bases” in order to sustain a war near the South China Sea.¹⁷⁴

Thomas Schelling once wrote, “[o]ne more step and I’ll shoot’ can be a deterrent threat only if accompanied by the implicit assurance ‘[a]nd if you stop, I won’t.”¹⁷⁵ The United States should continue to communicate and trade with China as both Washington and the European Union have “made it clear they do not intend to shut China out of the global economy.”¹⁷⁶ The two sides took a big step in agreeing to restore military-to-military communications between their armed forces at the Asia-Pacific Economic Cooperation summit in San Francisco.¹⁷⁷ Unfortunately, U.S. Air Force General Charles Brown, Chairman of the Joint Chiefs of Staff, has had limited communication and interaction with his Chinese counterpart.¹⁷⁸ It is possible Xi is spreading “grim views on the U.S.” after meeting with United States leaders, just as he did following meetings with President Obama in 2015.¹⁷⁹ If true, and with Democratic Progressive Party

171. Joseph Clark, *Defense Official Report Progress on Replicator Initiative*, U.S. DEPARTMENT OF DEFENSE (Dec. 1, 2023), <https://perma.cc/FZ9A-8GMU>; see also James R. Holmes, *Considerations for the Replicator Project*, U.S. NAVAL INSTITUTE (Dec. 2023).

172. See *Fast Combat Support Ships T-AOE*, U.S. NAVY (Sept. 29, 2021), <https://perma.cc/A6S9-L79W>.

173. *Id.* at 117.

174. *Id.*

175. Schelling, *supra* note 3, at 3.

176. See Bonnie S. Glaser, Jessica Chen Weiss & Thomas J. Christensen, *Taiwan and the True Sources of Deterrence: Why America Must Reassure, Not Just Threat China*, FOREIGN AFFAIRS (Nov. 3, 2023), <https://perma.cc/K8RU-266S> (“Signaling a credible military threat is only part of a successful strategy of deterrence. It also takes assurances to keep potential adversaries at bay”); see also Mark Leonard, *China is Ready for a World of Disorder: America is Not*, FOREIGN AFFAIRS (July-Aug. 2023) at 124, <https://perma.cc/W2WL-6VXA>.

177. See Andrew Jeong, *Biden Speaks After Meeting With Xi: 6 Takeaways*, THE WASHINGTON POST (Nov. 16, 2023); but see Jennifer Jett & Courtney Kube, *China Rejects U.S. Request for a Meeting Of the Defense Chiefs*, NBC NEWS (May 30, 2023), <https://perma.cc/2KBG-NARL> (“China has repeatedly rebuffed Washington’s requests this year for U.S. Secretary of Defense Austin to meet with their defense minister.”).

178. See Peter Martin, *Top US General Still Waiting to Hear from China on Military Ties*, BLOOMBERG (Dec. 2, 2023), <https://perma.cc/8V2F-RCJP>.

179. See Chris Buckley, *Behind Public Assurances, Xi Jinping Spreads Grim Views on U.S.*, THE NEW YORK TIMES (Nov. 13, 2023).

(DPP) candidate William Lai the victor in Taiwan's 2024 election,¹⁸⁰ there is even more reason for the United States to speak loudly and carry a big stick.¹⁸¹

CONCLUSION

China recently told the United States that its territorial ambitions toward Taiwan are “unstoppable” and “changes unseen in a century” are coming to pass.¹⁸² During a recent phone call, Xi warned American leaders about Taiwan: “Those who play with fire will perish by it.”¹⁸³ This inflammatory rhetoric should not dissuade the United States from trying to deter a PRC invasion of Taiwan. To accomplish this, the United States must abandon strategic ambiguity. The United States should commit to militarily defending Taiwan in order to more effectively “manipulate the risk” in favor of the United States and “cajole” China to “concede out of fear of potential military retaliation.”¹⁸⁴ This should be done with a seventh assurance to Taiwan and a revised TRA. The President, Congress, the Department of State, the Department of Defense, and the American public must not ignore the growing tensions in the Indo-Pacific region despite two wars happening in other parts of the world.¹⁸⁵ The timing could not be better for President Xi to move on Taiwan, and the entirety of the United States must be prepared to support and engage in its defense.¹⁸⁶ Adopting a new and stronger foreign policy is an important first step.

180. See Brian Hart, Scott Kennedy, Jude Blanchette & Bonny Lin, *Taiwan's 2024 Elections: Results and Implications*, CENTER FOR STRATEGIC & INTERNATIONAL STUDIES (January 19, 2024), <https://perma.cc/NZ2B-UR84>; see also Tisdall, *supra* note 85 (“China says voters face a choice between war and peace when deciding whether to keep the pro-independence Democratic Progressive party in power.”).

181. Former United States President Theodore Roosevelt referred to his foreign policy strategy by stating “speak softly and carry a big stick: you will go far.”

182. *Here's Everything Biden, Xi Agreed to at High-Stakes Summit*, BLOOMBERG NEWS (Nov. 16, 2023); see also Leonard, *supra* note at 176.

183. Steinberg, *supra* note 124, at 152; see also Taiwan, *Democracy, Development are China's 'Red Lines,' Xi Tells Biden*, Reuters (November 16, 2024).

184. Schelling, *supra* note 3.

185. Admiral Paparo, Commander of U.S. Indo-Pacific Command, recently reiterated the United States is not being distracted by wars in the Middle East but is continually focused on “provocative interceptions” of Philippine fishing vessels by China and other aggressive maneuvers in the South China Sea. See Andrew Tillet, *US Navy Chief Blasts China's 'Provocative' Interceptions*, AUSTRALIAN FINANCIAL REVIEW (Nov. 8, 2023).

186. See Ross Douthat, *Why We Should Fear China More Than Middle Eastern War*, THE NEW YORK TIMES (Oct. 21, 2023), (“The threat China poses to Taiwan, in particular, has different implications for American power from the threat Russia poses to Ukraine or Hamas poses to Israel...The establishment of Chinese military pre-eminence in East Asia would be a unique geopolitical shock with dire effects on the viability of American's alliance system, on the likelihood of regional wars and arms races, and on our ability to maintain the global trading system that undergirds our prosperity at home.”).
