

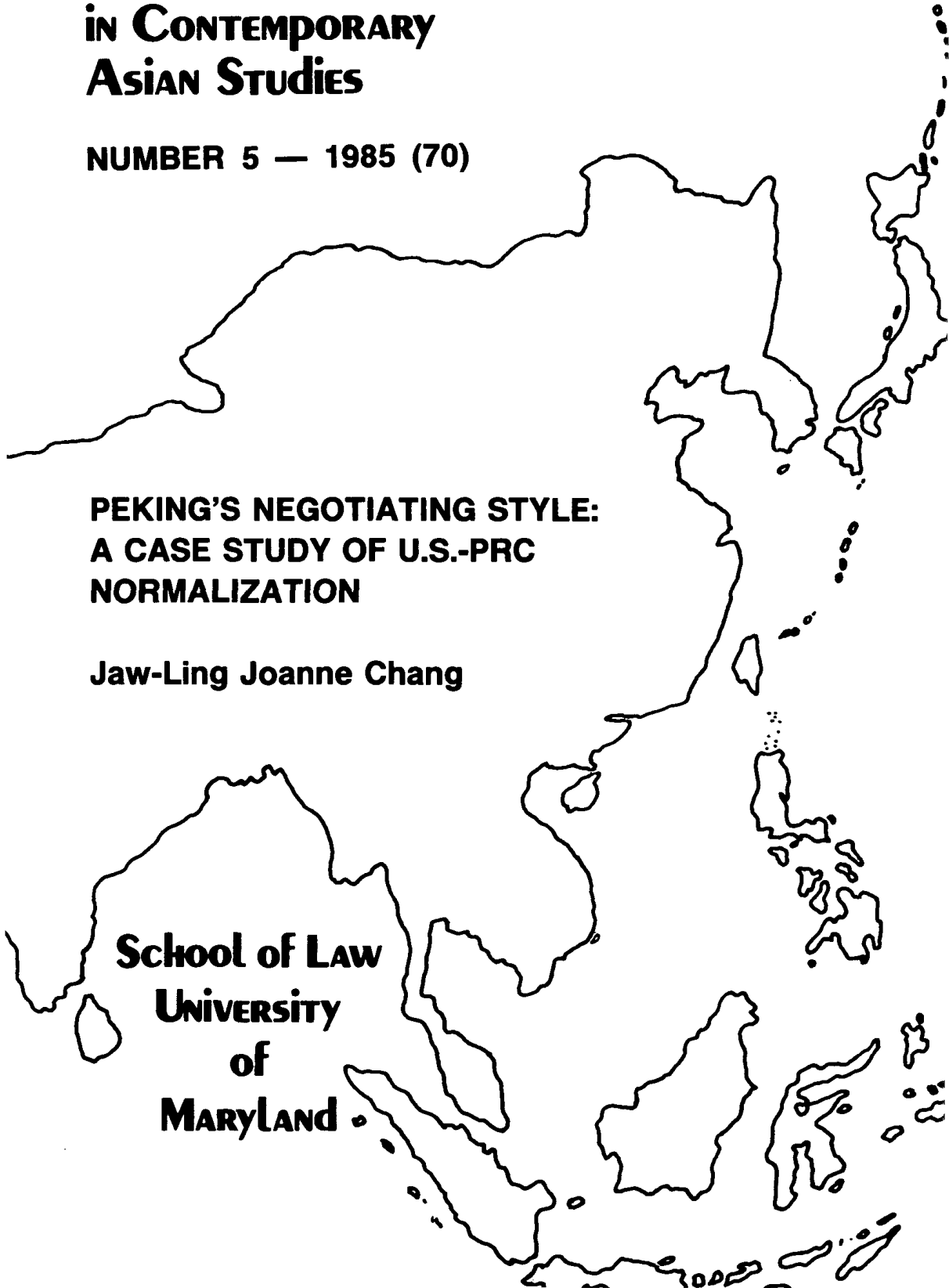
**OCCASIONAL PAPERS/
REPRINTS SERIES
IN CONTEMPORARY
ASIAN STUDIES**

NUMBER 5 — 1985 (70)

**PEKING'S NEGOTIATING STYLE:
A CASE STUDY OF U.S.-PRC
NORMALIZATION**

Jaw-Ling Joanne Chang

**School of Law
UNIVERSITY
of
MARYLAND**



***Occasional Papers/Reprint Series
in Contemporary Asian Studies***

General Editor: Hungdah Chiu
Executive Editor: Mitchell A. Silk
Managing Editor: Andy Sun

Editorial Advisory Board

Professor Robert A. Scalapino, University of California
at Berkeley

Professor Martin Wilbur, Columbia University

Professor Gaston J. Sigur, George Washington University

Professor Shao-chuan Leng, University of Virginia

Professor Lawrence W. Beer, Lafayette College

Professor James Hsiung, New York University

Dr. Lih-wu Han, Political Science Association of the
Republic of China

Professor J. S. Prybyla, The Pennsylvania State University

Professor Toshio Sawada, Sophia University, Japan

Professor Gottfried-Karl Kindermann, Center for International
Politics, University of Munich, Federal Republic of Germany

Professor Choon-ho Park, College of Law and East Asian Law of
the Sea Institute, Korea University, Republic of Korea

Published with the cooperation of the Maryland International Law Society

All contributions (in English only) and communications should be sent to

Professor Hungdah Chiu, University of Maryland School of Law,

500 West Baltimore Street, Baltimore, Maryland 21201 USA.

All publications in this series reflect only the views of the authors.

While the editor accepts responsibility for the selection of materials to be published,
the individual author is responsible for statements of facts and expressions of opinion con-
tained therein.

Subscription is US \$15.00 for 6 issues (regardless of the price of individual issues) in
the United States and Canada and \$20.00 for overseas. Check should be addressed to
OPRSCAS and sent to Professor Hungdah Chiu.

Price for single copy of this issue: US \$2.00

Reprinted with minor revision here with the permission of the *American Studies*.

ISSN 0730-0107
ISBN 0-942182-72-3

**PEKING'S NEGOTIATING STYLE: A CASE STUDY OF U.S.-
PRC NORMALIZATION**

*Jaw-Ling Joanne Chang**

Table of Contents

1. Introduction	1
2. The American Conditions	2
3. Peking's Negotiating Style	5
4. Acceptance of Peking's Terms	8
5. Concession on Taiwan	12
6. Conclusion	22

* Associate Research Fellow, Institute of American Culture, Academia Sinica; Associate Professor, Department of Political Science, National Taiwan University. This article was originally published in *American Studies* XIV, No. 4 (December 1984), pp. 55-80 and is reprinted with minor revision here with the permission of the *American Studies*

PEKING'S NEGOTIATING STYLE: A CASE STUDY OF U.S.-PRC NORMALIZATION*

*Jaw-Ling Joanne Chang***

1. INTRODUCTION

Normalization with the People's Republic of China (PRC) ranked high on the United States' foreign policy objective list ever since President Nixon's 1972 visit to the PRC, and President Ford's 1975 visit. The only questions were: when, how, and on what terms? Peking made its three preconditions for normalization with the United States well known: withdrawal of recognition of the Republic of China, withdrawal of U.S. troops from Taiwan, and abrogation of the Defense Treaty with Taiwan. During the Nixon and Ford Administrations, however, normalization of relations with the PRC was blocked by the U.S. unwillingness to accept three demands from Peking without a firm pledge in return that the PRC would refrain from using military force to unite Taiwan with mainland China.¹ Finally, on December 15, 1978, President Carter dramatically announced the establishment of full diplomatic relations with the PRC.

Commentators have analyzed this issue from many different angles. Some have used strategic considerations to explain normalization. Others rely on domestic factors, such as the 1972 Watergate scandal, U.S. congressional opposition, the deaths of Mao Tse-tung and Chou En-lai, the fall of the Gang of Four, and the rise of Teng Hsiao-p'ing. Still others ascribe to economic factors (such as U.S. trade deficits, the PRC's Four Modernizations program, and China's market potential) as the impetus for normalization. None, however, examines the terms of the normalization decision from Peking's negotiating style perspective. This study attempts to do this.

This article first reviews the U.S. negotiating stance. The discussion then turns to an analysis of the means by which Peking achieved

* A paper prepared for presentation to the 26th Annual Convention of International Studies Association, Washington, D.C., March 5-9, 1985. An earlier version of this paper appeared in *American Studies*, XIV, No. 4 (December 1984), pp. 55-80. Reprinted here with permission.

** Associate Research Fellow, Institute of American Culture, Academia Sinica; Associate Professor, Department of Political Science, National Taiwan University.

1. George Bush, "Our Deal with Peking: All Cost, No Benefit," *Washington Post*, 24 December 1978, pp. D3-4.

its goals in the normalization process—namely, through its negotiation tactics.

2. THE AMERICAN CONDITIONS

Since 1972, the major question regarding Peking-Washington normalization was who should make what kind of concession on the Taiwan issue. The U.S. position on the Taiwan issue evolved in several changes. After his visit to the PRC in 1972, President Nixon privately reassured the Republic of China that the U.S. intended to “honor its defense treaty commitments” to Taiwan.² President Nixon also stated publicly that “our action in seeking a new relationship with the PRC will not be at the expense of our old friends.”³ During a news conference on May 6, 1975, President Ford also reaffirmed U.S. commitments to the Republic of China.⁴

The Nixon Administration had a secret negotiating plan, however, to accept Peking’s three conditions for normalization if there was a firm commitment from Peking to settle the Taiwan question peacefully. According to Eugene K. Lawson, a former officer on the Republic of China desk at the State Department, the Nixon Administration had set the following conditions for normalization:

The defense treaty was, of course, the bottom line, and of Peking’s three demands . . . that is the one we should have worked on. And, in fact, the Nixon Administration did have a package of minimum conditions in its mind to implement.

The most important element in the Nixon plan included the ways and means to find a plausible substitute for the treaty. First, the United States would cite only those People’s Republic statements that spoke of resolving the situation peacefully and ignore the more belligerent ones. Second, the president would issue with the Congress a statement after normalization with Peking was achieved that force by anyone in the Taiwan Straits would cause the United States to consider whatever military actions appeared necessary to preserve peace.

Moreover, we would continue to ensure that the inter-

2. Jerome Alan Cohen, “Recognizing China,” *Foreign Affairs*, 50, no. 1 (October 1971), p. 31.

3. *Ibid.*

4. Excerpt from *Weekly Compilation of Presidential Documents*, May 12, 1975, in U.S. Information Agency, *Major Public Statements on China by U.S. Officials January-June 1975*, August 18, 1975, p. 20.

national waters existing between the mainland and Taiwan would be open to all countries, and, finally, we would continue to sell defensive equipment to Taiwan. Our assumption was that we were in the driver's seat and Peking had its conditions for normalization, we had ours. As for the future of Taiwan, we would follow the Shanghai Communique by keeping the door open on its ultimate status, in the same way Japan, Canada, the United Kingdom and others have done.⁵

On December 15, 1978, President Carter dramatically announced establishment of full diplomatic relations with the PRC. The Carter Administration accepted Peking's three demands without a firm commitment from Peking not to use military force to attack Taiwan. Instead, the U.S. declared unilaterally that "the United States continues to have an interest in the peaceful resolution of the Taiwan issue and expects that the Taiwan issue will be settled peacefully by the Chinese themselves."

The United States considered that Peking had made three concessions to Washington. First, the U.S. would terminate the Mutual Defense Treaty in accordance with its terms rather than abrogating it as the PRC previously demanded. Second, the PRC did not contradict the U.S. statement that the U.S. continues to have an interest in and expects the peaceful resolution of the Taiwan issue. And third, the U.S. would continue to make sales of "selected defensive weaponry" to Taiwan on a "restricted basis" in the postnormalization period after the Defense Treaty expired at the end of December 1979. The PRC stated, however, that Peking "absolutely could not agree" to such arms sales; nonetheless the PRC leaders decided to go ahead with normalization.

George Bush, former Director of the Central Intelligence Agency and former U.S. Representative to the PRC, commented on the terms of normalization:

For several years, Peking had insisted on three preconditions before there could be "normalization". . . . The United States had consistently balked at those terms, insisting that it would not formally recognize Peking until there was a firm, explicit commitment to settle the Taiwan issue peacefully. And there the negotiations were stuck. . . .

The terms that the Carter Administration has accepted and even trumpeted, are the same terms that have been avail-

5. Eugene K. Lawson, "Taiwan, We Forgot Who Held the Trump Cards," *Washington Post*, 24 December 1978, p. A15.

able for the past seven years. But they were always refused before because we knew—just as the Chinese knew—that in the absence of sufficient guarantees, they were but a figleaf for an abject American retreat.⁶

The American conditions, as stated by George Bush and Eugene Lawson, could be viewed as the initial U.S. bargaining stand. The bottom line, then, was that Washington would accept Peking's three demands if Peking would in return agree to settle the Taiwan question peacefully.

Peking had repeatedly stressed that the PRC would never make a pledge on the settlement of the Taiwan question since mid-1950s. The U.S. insistence on a firm commitment from Peking on the Taiwan issue had historical background. During the 1955-56 Ambassadorial talks, some forty meetings were held to discuss the issue of renunciation of force on Taiwan. Washington and Peking exchanged seven proposals and counterproposals, but found no common ground on this issue.⁷ The PRC had also declared in 1977 that Peking would never permit arms sales to Taiwan after normalization of relations with the United States.⁸ How the U.S. decision makers interpreted Peking's declarations on these so-called "non-negotiable conditions" was a very important factor in determining the U.S. bids or counterbids during the bargaining process.

It was disclosed that the Carter Administration during the formal negotiation period never asked Peking for a pledge not to use force to regain Taiwan. President Carter revealed at a press conference that a commitment from the PRC to refrain from the use of force against Taiwan was not "possible to achieve."⁹ Accordingly, Carter did not even bother to ask for a pledge from Peking. Why did the Carter Administration think it was not possible to get a pledge from the PRC? What strategy or tactics did Peking use to convince Washington to accept its terms for normalization? The following sections analyze these issues.

6. Bush, "Our Deal with Peking," *supra* note 1, pp. D3-4.

7. For further information of the dialogue on the renunciation of force to regain Taiwan, see Kenneth T. Young, *Negotiating with the Chinese Communists* (New York: McGraw-Hill Book, 1968), pp. 91-115 and appendix, pp. 414-17.

8. Louis Boccardi, "Deng: Vance Trip Was Setback in U.S.-China Ties," *Washington Post*, 7 September 1977.

9. Don Oberdorfer, "Carter Says He Tried in Vain for Peking Promise on Taiwan," *Washington Post*, 1 January 1979, p. A2.

3. PEKING'S NEGOTIATING STYLE

Many scholars have attempted to analyze Peking's bargaining techniques. Before the opening of the China door in 1971, the United States underwent a series of unhappy experiences in negotiating with the PRC at Panmunjom and in the Geneva and Warsaw ambassadorial talks. In his book, *Negotiating with the Chinese Communists*, the late Ambassador Kenneth T. Young offered excellent analyses of Peking's negotiating styles under hostile adversary conditions.¹⁰ Ambassador U. Alexis Johnson, in his revealing memoirs, *The Right Hand of Power*, also provides us with the details of his negotiating experiences with the PRC from 1954 to 1958.¹¹ Ambassador Johnson conducted numerous talks with Peking's representative Wang Ping-nan during the period of 1955-1958. These talks produced one agreement, the Agreement on Exchange of Civilians, which was the only formal agreement reached between Peking and Washington before the 1972 Shanghai Communique.

Ambassador Johnson notes that the PRC leaders were "proud, stubborn, unpredictable, sometimes harsh opponents. They ignored written commitments when it suited them, as they did with the Agreed Announcement on prisoners."¹² Ambassador Young pointed out that the Western negotiating process tends to encourage "fair dealing, accurate statements, courteous behavior, and conciliatory practices." Young believed that Peking's style is quite the reverse of the Western way.¹³ The main points of Young's analyses of Peking's adversary style can be summarized as follows:

- Peking did not seem to consider cooperative negotiations and concessions as valid bargaining devices to find a common ground for agreement, or for seeking a compromise of principles in order to conclude a basic agreement.
- Peking was less inclined to accept immediate advantages at the potential cost of future disadvantages, and more inclined to make present sacrifices in the hope of future gains, than are most countries.
- Peking was good at manipulating the agenda in order to place their opposites in an unfavorable trading position.

10. Young, *Negotiating with the Chinese Communists*, *supra* note 7.

11. U. Alexis Johnson, *The Right Hand of Power*, (Englewood Cliffs, N.J. Prentice Hall, 1984).

12. *Ibid.*, p. 262.

13. Young, *Negotiating with the Chinese Communists*, *supra* note 7, p. 73.

It was designed to get two concessions for the price of one agreement.

- If Peking accepts restraint, it does so from political and tactical considerations alone and not from any sense of legal obligation under international law.¹⁴

The American perception toward Peking's negotiating style has undergone significant change since the opening of the China door. The U.S. no longer views the PRC as a hostile nation. In the 1950s, the characteristic features of adversary negotiations between Washington and Peking were mistrust, suspicion, the utter lack of any good faith, and manipulation. In the 1970s, Moscow has replaced Peking as Washington's adversary negotiator. Henry Kissinger notes that the top leaders of the PRC were tough, shrewd bargainers, and very patient.¹⁵ Kissinger's characterization of Peking's style of diplomacy can be summarized as follows:

- Peking uses friendship as a halter in advance of negotiation; by admitting the interlocutor to at least the appearance of personal intimacy, a subtle restraint is placed on the claims he can put forward.
- Peking can use self-criticism as a tool.
- Peking proved meticulously reliable. The PRC leaders never stooped to petty maneuvers; they did not haggle; they reached their bottom line quickly, explained it reasonably, and defended it tenaciously. They stuck to the meaning as well as the spirit of their undertakings.¹⁶

Professor Lucian Pye published a book in 1982 *Chinese Commercial Negotiating Style*. This book analyzes Peking's ways of negotiating commercial contracts. It is the first published book on the experiences of American and Japanese businessmen—both their successes and their difficulties in seeking agreements with the officials of the PRC. Professor Pye describes how officials of the PRC maneuver for position at the beginning of negotiations, what procedures they tend to follow, their ploys and strategies, their expectations on concluding agreements, and how one can avoid probable pitfalls. The analysis is based upon extensive information interviews and conversations conducted by Professor Pye with Americans and Japanese engaged in trade with the PRC. This book is also valuable in providing

14. *Ibid.*, pp. 373-79.

15. Jimmy Carter, *Keeping Faith* (New York: Bantam Books, 1982), p. 188.

16. Henry Kissinger, *White House Years*, (Boston: Little, Brown and Company, 1979), p. 1056.

guidance for government-to-government negotiations. Professor Pye singles out some negotiating principles as general guidelines to deal with the officials in the PRC, which he terms as follows:

- Exercise the rule of patience.
- Maintain the principle of restrained steadfastness.
- Avoid the trap of indebtedness.
- Prevent exaggerated expectations.
- Resist efforts at shaming.
- Taking general principles seriously.
- Master the record.
- Employ damage limitation measures.
- Know Chinese cultural differences, but be yourself.¹⁷

Professor Pye thinks these generalizations also have direct relevance for government-to-government negotiations. Pye suggests that the rule of patience is probably more applicable to governmental negotiations; the PRC will be alert to exploit any natural American inclination to impatience.¹⁸

Richard Solomon, a China expert involved in negotiations with Peking from 1971 to 1976 as a member of the U.S. National Security Council, wrote a paper analyzing Peking's bargaining behavior in 1983. This paper is based on the experience of U.S. officials who negotiated normalization with Peking in the 1970s. It is a confidential study written for the U.S. National Intelligence Council by the Rand corporation. Its main points were revealed by the *Far Eastern Economic Review* in June 1984 as follows:

- Peking always attempts to cultivate foreign officials sympathetic to its cause, manipulating personal relationships (guanxi) and feelings of friendship, obligation or guilt in an interplay between superior and dependent.
- Peking always seeks to establish her own ground rules by pressing its foreign counterparts to agree to certain general "principles," which are later constantly invoked.
- Peking's negotiating positions are highly sensitive to the play of PRC's own political factionalism: a strong leader can promote a policy which a collective leadership would be unable to support, or a negotiating position may be withdrawn or hardened as a result of factional conflict.

17. Lucian Pye, *Chinese Commercial Negotiating Style* (Cambridge, Mass.: Oelgeschlager, Gunn & Hain, 1982), pp. 92-97.

18. *Ibid.*, p. 97.

- Peking prefers to negotiate on its own territory, for being at home aids internal communications, decision-making and its orchestration of the ambience of negotiations from banquet toasts to the manipulation of the press.
- Peking often uses a trusted intermediary to convey its prenegotiating position to a foreign government in a deniable or face-saving manner in order to “load” the agenda of its foreign counterpart.
- Another pressure tactic is that of: “you need us; we don’t need you!”
- Peking also plays adversaries against each other.
- A major negotiating tactic is to bring time pressures to play against an interlocutor, most often by dragging out the bargaining process (“We Chinese are a patient people”). The end game occurs once the PRC officials conclude that they have fully assessed an interlocutor’s flexibility. They can move swiftly to conclude an agreement, sometimes showing extreme flexibility themselves.
- Reaching agreement with Peking does not mean the end of negotiations. Peking frequently re-opens issues the foreigner thought to be resolved.¹⁹

Solomon suggests that the best way to negotiate with Peking is to “know your own bottom line. Incremental compromises . . . [and] repeated shifts in position will suggest to a [PRC] negotiator that his adversary’s final position has not yet been reached.”²⁰

4. ACCEPTANCE OF PEKING’S TERMS

It is within the context of Peking’s negotiating style and bargaining techniques that we proceed to explain why the U.S. normalized relations with the PRC in late 1978 mainly on Peking’s terms.

Ambassador Johnson points out in his memoirs that he has always favored full diplomatic relations between Washington and Peking, but never understood why it had to be done on terms dictated by Peking. Johnson thinks that the concessions toward normalization came almost entirely from the United States. “Peking had obtained full recognition from the Carter Administration without agreement to renounce force against Taiwan, and extracting from the U.S. the humiliation of descending to the transparent subterfuge of using a ‘pri-

19. Derek Davies, “How Britain fell for the Peking game-plan,” *Far Eastern Economic Review*, June 21, 1984, pp. 44-45.

20. *Ibid.*, p. 45.

vate foundation' to act as a channel for government-to-government relations with Taiwan."²¹ In a report of the Senate Foreign Relations Committee, Congress criticized the Carter Administration on several accounts for not getting a better deal on the Taiwan issue:

First, the United States yielded on all three of the PRC's major conditions for normalization. . . . Even when the PRC dropped a newer fourth condition banning U.S. arms sales to Taiwan, the U.S. agreed to a one-year moratorium on new sales commitments.

Second, the U.S. did not obtain a pledge from the PRC that it would not take military action against Taiwan.

Third, the language of the December 15, 1978 communique goes slightly beyond that of the 1972 Shanghai Communique in recognizing China's claim to sovereignty over Taiwan. It also goes further than similar statements made by some other countries. In the Shanghai Communique the U.S. "acknowledges" and agrees not to challenge the position of Chinese on either side of the Taiwan Straits that Taiwan is part of China.

In the December 15 Communique, the U.S. "acknowledges" as the Chinese position that Taiwan is part of China. The extent of this change is more marked in the Chinese translations of the two communiqués, but the Committee was assured by Deputy Secretary of State Warren Christopher that the U.S. adheres to only the English translation.²²

In February 1979, Dr. Ray Cline testified in a Congressional hearing and revealed his conversation with Dr. Henry Kissinger on the normalization terms as follows:

I happened to encounter Dr. Kissinger this morning. . . . Only a few hours ago, I asked Dr. Kissinger: "Did you and President Nixon ever give any assurance of normalization on the terms that Peking dictated and President Carter accepted?" And he said, "Absolutely not. I am on the record repeatedly on this point." It is unfair to suggest the Carter decision was the same one as the Shanghai Communique decision, which was to normalize with Peking but on terms

21. Johnson, *The Right Hand of Power*, *supra* note 11, p. 264.

22. U.S., Congress, Senate, Committee on Foreign Relations, *Taiwan Enabling Act*, 96th Congress, 1st Session, 1979, Report No. 96-7, p. 9.

where we preserved our relations with Taiwan.²³

In his memoirs, *Years of Upheaval*, Kissinger discloses his conversation with Mao on November 12, 1973 on the settlement on the Taiwan issue:

Having established the basic analysis of the international situation in about an hour, Mao suddenly turned to the issue of Taiwan, and then not to state but to hint obliquely at a solution. He had heard that the three Baltic states still had embassies in the U.S., he said. I affirmed it. "And the Soviet Union did not ask you first to abolish those embassies before they established diplomatic relations with you?" That was not exactly accurate, since the time relations were established the Soviet Union recognized the Baltic states. But if Mao was implying that relations with Taiwan were no necessary obstacle to normalization with China, I saw no reason to draw fine historical distinctions; so I assented to his proposition. Chou [En-lai] helpfully chipped in that though maintaining diplomatic relations with the U.S., the Baltic states did not have access to the United Nations. Did all this mean, I wondered, that China might acquiesce in a separate legal status for Taiwan, contenting itself with excluding Taiwan from the UN? . . .

What did all this mean? Was it another hint that normalization could be separated from the issue of Taiwan? And that the rate of normalizing relations was up to us? . . . I am inclined to believe that like Chou on the day before, Mao was indirectly inviting a proposal that combined the principle of a unified China with some practical accommodation to the status quo.²⁴

Mao in 1973 showed signs of some flexibility on the settlement of the Taiwan question after normalization of relations between Washington and Peking. An endless debate could ensue over whether the U.S. in fact could have gotten a better deal on the Taiwan question in 1978. Many experts think that the Carter Administration did not try hard enough to get a better deal from Peking on the Taiwan issue. The Carter Administration apparently thought the normalization agreement was good enough.

23. U.S., Congress, House, Committee on Foreign Affairs, *Taiwan Legislation*, hearings, 96th Congress, 1st Session, February 7 and 8, 1979, p. 115.

24. Henry Kissinger, *Years of Upheaval* (Boston: Little, Brown and Company, 1982), pp. 691-92.

Decision-makers' perceptions are important sources in explaining a nation's foreign policy. Ole Holsti believes that "an individual's behavior is in large part shaped by the manner in which he perceives, diagnoses, and evaluates his physical and social environment."²⁵ A nation's actions are dependent upon "its perception of the results of its own actions, which often depend on the estimate of the other country's future reactions."²⁶ How the U.S. decision makers perceived Peking's "non-negotiable principle" on the Taiwan issue constituted an important ingredient in defining Washington's bargaining position on normalization negotiations.

According to P.H. Gulliver, negotiation is "one kind of problem-solving process—one in which people attempt to reach a joint decision on matters of common concern in situations where they are in disagreement and conflict."²⁷ Glenn H. Snyder and Paul Diesing believe that "bargaining is largely a process of manipulating values and perceptions of them."²⁸ Thomas C. Schelling also states that bargaining by one party "is guided mainly by his expectations of what the other will accept."²⁹ Schelling further discusses how a convergence emerged from bargaining as follows:

A bargain is struck when somebody makes a final, sufficient concession. Why does he concede? Because he thinks the other will not. "I must concede because he won't. He won't because he thinks I will. He thinks I will because he thinks I think he thinks so."³⁰

J.N. Morgan has described bargaining power as the power to fool and bluff, or, in his words, "the ability to set the best price for yourself and fool the other man into thinking this was your maximum offer."³¹ Various bargaining tactics and strategies have been discussed in the writings of Thomas Schelling, Robert Jervis, Oran Young, Glenn Sny-

25. Ole Holsti, "Foreign Policy Formation Viewed Cognitively," in Robert Axelrod, ed., *Structure of Decision* (Princeton: Princeton University Press, 1976), p. 19.

26. Michael P. Sullivan, *International Relations* (Englewood Cliffs, N.J.: Prentice-Hall, 1976), p. 272.

27. P.H. Gulliver, *Disputes and Negotiations* (New York: Academic Press, 1979), p. xiii.

28. Glenn Snyder and Paul Diesing, *Conflict Among Nations* (Princeton: Princeton University Press, 1977), p. 183.

29. Thomas C. Schelling, "An Essay on Bargaining," in Oran R. Young, ed., *Bargaining Formal Theories of Negotiation* (Urbana: University of Illinois Press, 1975), p. 319.

30. *Ibid.*

31. J.N. Morgan, "Bilateral Monopoly and the Competitive Output," *Quarterly Journal of Economics*, 63 (August 1949), 376, note 6, quoted in Schelling, "An Essay on Bargaining," *supra* note 29, p. 320.

der, Paul Diesing, William Zartman, Maureen Berman, P. H. Gulliver, Fred Charles Ikle, and Daniel Druckman.³² The main point of bargaining tactics is how to communicate effectively and persuasively one's demands, offers, commitments, threats, and concessions to the other party.

In connection with the normalization terms, there were three possibilities to interpret Peking's firm and non-negotiable conditions for normalization. First, the U.S. decision-makers could have interpreted Peking as bluffing. Second, Washington could have interpreted Peking as not yet ready to yield on the Taiwan question but would soon. Third, the U.S. could have believed Peking meant what it said—namely, that the leaders of the PRC would never concede on the Taiwan question. The U.S. apparently adopted the third interpretation of Peking's messages on the Taiwan question during the normalization negotiating period. The normalization agreement was reached in 1978 after Washington gave up its once "non-negotiable" principle of a firm pledge from Peking not to use force to resolve the Taiwan question. In January 1979, President Carter acknowledged that seeking a clear commitment from Peking to resolve the Taiwan issue peacefully had been a U.S. goal, but such a pledge was not possible to achieve.

5. CONCESSION ON TAIWAN

Two major explanations can be offered to explain why the U.S. decided to accept Peking's terms for normalization. First, unlike the situation in the mid-1950s, the U.S. in 1978 sincerely intended to establish diplomatic relations with the PRC in order to gain strategic leverage over the Soviet Union. During the 1955-58 ambassadorial talks, the United States did not have any interest in making any concession on the Taiwan question.

The idea for mutual renunciation of force between Peking and Washington had originated with Secretary of State Dulles, who first declared it at a press conference on January 18, 1955, as a significant move back from his "liberation" policy.³³ Peking and Washington,

32. See, for example, Thomas Schelling, *The Strategy of Conflict*, (Cambridge, Mass.: Harvard University Press, 1960); Robert Jervis, *The Logic of Images in International Relations* (Princeton, N.J.: Princeton University Press, 1970); Young, *Bargaining supra* note 29, Snyder and Diesing, *Conflict Among Nations; supra* note 28, Gulliver, *Disputes and Negotiations supra* note 27, I. William Zartman and Maureen R. Berman, *The Practical Negotiator* (New Haven: Yale University Press, 1982); Fred C. Ikle, *How Nations Negotiate* (New York: Harper & Row, 1964); Daniel Druckman, ed., *Negotiations* (Beverly Hills: Sage, 1977).

33. Johnson, *The Right Hand of Power, supra* note 11, p. 253.

however, had different definitions of the “renunciation of force on Taiwan.” To Peking, a renunciation of force meant an unconditional American withdrawal from Taiwan: whereas to Washington it meant an unconditional renunciation of efforts to take Taiwan by military means.³⁴ Peking was not willing to accept the U.S. demand at that time because it did not want to limit its claim to sovereignty over Taiwan. To Peking, a formal endorsement of the American proposal would mean the acceptance of two Chinas.³⁵ The PRC was willing, however, to accept a renunciation of force agreement with no specific reference to the Taiwan areas. Washington, on the other hand, insisted at the time that its position on Taiwan was inflexible and “non-negotiable.”³⁶

In the mid-1950s, the PRC's real interest was to arrange a conference of foreign ministers “to settle through negotiations the question of relaxing and eliminating the tension in [the] Taiwan area.”³⁷ Secretary of State Dulles countered Peking's initiative by insisting on the mutual renunciation of the use of force in the Taiwan area as a precondition for further talks on the arrangement of a foreign minister's conference. Peking's subsequent refusal to accept the U.S. condition successfully blocked further talks for a high-level conference. Washington also avoided any blame for the impasse in the talks because Peking was the one who refused to make accommodations on the Taiwan question.

In the 1950s and 1960s, the U.S. saw no significant benefits from making any concession on the Taiwan issue. The international environment in the 1970s was much more complex and dynamic than that of the previous two decades. The U.S. was anxious to improve relations with the PRC in order to gain strategic, economic, and other benefits. The Taiwan question was temporarily put aside by Peking and Washington in order to deal with a greater and much more urgent issue—Soviet hegemonism. A high-level summit, long desired by the PRC in the mid-1950s, was finally arranged in 1972. The U.S. did not insist on any precondition, such as the non-use of force toward Taiwan, for the summit. Neither did the PRC insist on immediate settlement of the Taiwan question. The establishment of diplomatic relations required, however, breaking the impasse on the Taiwan issue. After assessing the costs and benefits, the United States finally decided

34. Young, *Negotiating with the Chinese Communists*, *supra* note 7, p. 93.

35. Robert Sutter, *China-Watch Sino-American Reconciliation* (Baltimore: Johns Hopkins University Press, 1978), p. 55.

36. Young, *Negotiating with the Chinese Communists*, *supra* note 7, p. 105.

37. *Ibid.*, p. 415.

to concede on the Taiwan issue in order to gain other geopolitical benefits in 1978.³⁸

The second major explanation of the U.S. willingness to compromise on the Taiwan question is that the PRC had successfully persuaded the U.S. that Peking would never make any concession on the Taiwan question. Various tactics and strategies had been used by Peking to convince Washington of its firm position on the Taiwan issue; as elaborated by the following discussion.

(1) Official Statements of Peking's Principles

Through various official statements, interviews, and meetings, Peking had made known its position toward the Taiwan issue.³⁹ Peking repeatedly emphasized that the Taiwan issue was non-negotiable. The PRC's position, as stated in the Shanghai Communique, was that there is only one China, and Taiwan is part of China. The PRC was strongly opposed to "two Chinas," "one China, one Taiwan," "one China, two governments," and "independent Taiwan" formulas. The PRC had also declared many times that the liberation of Taiwan is China's internal affair in which no other country has the right to interfere; it is not possible, therefore, for Peking to make a pledge to renounce the use of force against Taiwan.

(2) Empirical Demonstrations, "Kill the Chicken to Warn the Monkey"

The PRC had also proved its credibility of firmness on the Taiwan issue through empirical evidence. No country had been able to maintain diplomatic relations with both Peking and Taipei at the same time. In October 1971, before the admission of the PRC to the U.N., 62 nations still recognized Taipei as the government of China. By the end of 1972, 23 countries had switched diplomatic recognition from Taipei to Peking.

38. For detailed analysis of U.S. strategic considerations see, for example, Carter, *Keeping Faith*, *supra* note 15; Cyrus Vance, *Hard Choices* (New York: Simon and Schuster, 1983); Zbigniew Brzezinski, *Power and Principle* (New York: Farrar, Straus, Giroux, 1983); and Jaw-Ling Joanne Chang, "The Process of Normalization of Relations between the U.S. and the PRC, 1969-1978: A Retrospective Evaluation of Decision-Making Models in U.S. Foreign Policy," Ph.D. dissertation, University of Maryland, May 1983.

39. Chou En-lai, Teng Hsiao-p'ing, and their associates have held at least 20 interviews to elaborate their views on Taiwan. For detailed sources of those interviews, see King C. Chen, "Peking's Attitude Toward Taiwan," in Hungdah Chiu, ed., *Normalizing Relations with the PRC: Problems, Analysis and Documents* (Baltimore: University of Maryland Law School, 1978), pp. 35-36, note 4.

In the 1970s, Peking concluded 75 joint communiques with foreign countries concerning normalization of diplomatic relations.⁴⁰ Six countries "recognized" the PRC as the "sole legal government of China" and also "recognized Peking's claim that Taiwan is 'an inalienable part of the territory of the PRC.'" While recognizing Peking as the sole legal government of China, 25 nations chose to use ambiguous wording toward Peking's claim to Taiwan such as, "take note of," "understand," "respect," or "acknowledge," rather than formally "recognize" that Taiwan is an inalienable part of the PRC's territory.

Forty-four states did not mention the status of Taiwan in the joint communiques with which they established diplomatic relations with the PRC. A majority of those 44 countries were small nations in the Third World.⁴¹ The PRC, however, consistently insisted on including a "Taiwan clause" in the joint communique with important Asia-Pacific countries or major U.S. allies, namely Thailand, Malaysia, Australia, New Zealand, the United Kingdom, Spain, Greece, Italy, Canada, Belgium, Iceland, Brazil, Japan, the Netherlands and the Philippines.⁴² The PRC-West Germany joint communique was the only exception; it did not mention that Bonn recognized Peking as the sole legal government of China. The main reason may have been the inferences that could have been drawn from the ambiguous political status between East and West Germany.⁴³

Peking also demonstrated its firmness toward the nonnegotiable one-China position in the fora of international organizations. In the 1950s and 1960s, the PRC repeatedly declared that it would not join the U.N. if the Republic of China government was there. In August 1971, two months before the United Nations General Assembly's vote on the admission issue, Peking reiterated its position:

Should a situation of "two Chinas," "one China, one Taiwan," or "the status of Taiwan remaining to be determined" or any other similar situation occur in the United Nations, the Government of the PRC will absolutely have nothing to do with the U.N.⁴⁴

Since the expulsion of the Republic of China from the U.N., the PRC successfully managed to replace the Republic of China in ten

40. Lyushun Shen, "The Taiwan Issue in Peking's Foreign Relations in the 1970s: A Systematic Review," in Hungdah Chiu, *Chinese Yearbook of International Law and Affairs* 1981, Volume I (Baltimore: University of Maryland Law School, 1982), p. 83.

41. *Ibid.*, pp. 78, 83.

42. *Ibid.*, p. 79.

43. *Ibid.*, p. 79, note 15.

44. *Peking Review*, 27 August 1971, p. 7, quoted in *ibid.*, p. 84.

specialized agencies of the United Nations.⁴⁵ Peking also successfully replaced Taipei as the sole legal representative of China in other inter-governmental organizations.⁴⁶

In other words, Peking consistently demonstrated to the U.S. as well as to other countries its credibility by standing firm on the Taiwan issue while formally negotiating normalization agreements or its admission to intergovernmental organizations.

Peking did have room for flexibility toward its non-negotiable principle, however, when it considered it necessary to make an important concession. The establishment of the liaison offices in Peking and Washington in 1973 was a good example. In February 1973, Kissinger went to Peking with no clear-cut plan to improve relations with the PRC but with an intention to propose some modest step, such as an American trade office in Mainland China. The Nixon Administration at that time remained convinced that the PRC did not want to open any office in Washington so long as the Republic of China's embassy was there, a position which Peking had declared many times.⁴⁷ The U.S. was really surprised that Peking agreed to establish the liaison offices.

Kissinger proudly notes in his *White House Years* that the United States had worked the Peking Taipei-Washington triangle for its best interests:

For years the United States was the only country enjoying political relations with Peking that did not have to sever its diplomatic ties with Taipei. . . . We enjoyed diplomatic ties in all but name; . . . After the formation of liaison offices in each other's capitals in 1973 (following the Vietnam settlement), the two countries even had de facto embassies to promote the broader economic, cultural, and people-to-people exchanges that characterize relations between friendly states. The only element lacking was the willingness of Chinese leaders actually to set foot in Washington while a rival embassy was present.⁴⁸

In other words, the United States, before 1978, enjoyed strategic, political and economic benefits with only limited costs in its relations with the Republic of China. The U.S. on various occasions since 1972 had given the ROC 50 to 60 reassurances of its commitments to their

45. For details, see *ibid.*, pp. 84-85, note 32.

46. See *ibid.*, p. 86, note 39.

47. Kissinger, *Years of Upheaval*, *supra* note 24, p. 61.

48. Kissinger, *White House Years*, *supra* note 16, pp. 1092-1093.

mutual defense treaty.⁴⁹

The Shanghai communique did not specify any timetable to make "progress toward the normalization of relations," nor did it mention the terms under which full normalization would take place. President Nixon was reported to have assured the PRC leaders that if he were elected to a second term full diplomatic relations would be established.⁵⁰ Peking later began to pressure the U.S. to move toward normalization because President Nixon had promised it to establish diplomatic relations by the end of his second term.

In August 1977, Secretary of State Vance went to Peking for exploratory talks on normalization with the PRC. In late July 1977, President Carter decided that he wanted to complete normalization and asked Cyrus Vance to prepare a draft of a communique to be issued in Peking if the PRC responded favorably to U.S. presentation.⁵¹ President Carter approved the draft in early August. On August 22, 1977, one day before Vance's trip to the PRC, President Carter had a second thought and delayed the normalization initiation after talking to Vice President Walter Mondale about the Panama Canal Treaties issue. Carter decided that it would be unwise to move toward full normalization with the PRC before the final approval of the Panama Canal Treaties by the Congress. The strategy used during Vance's visit to Peking was to delay the process of normalization by proposing to the PRC a "maximum position": "U.S. government personnel would have to remain on Taiwan after normalization, under an informal arrangement, for purpose of rendering practical assistance to U.S. citizens in Taiwan."⁵²

In a personal interview, Richard Holbrooke, Assistant Secretary of State for the East Asian and Pacific Affairs during the Carter Administration, revealed that the Carter Administration knew that the PRC would not agree to switch embassy and liaison offices between Taipei and Peking, but the Carter Administration needed time. President Carter needed time to resolve the Panama Canal Treaties. Holbrooke also said that there was never any question in his mind that the U.S. would fall back.⁵³ Teng Hsiao-p'ing rejected Vance's suggestion and stated publicly that Vance's visit was a step back from normaliza-

49. Hungdah Chiu, "Normalization and Some Practical and Legal Problems Concerning Taiwan," in Chiu, ed., *Normalizing Relations with the PRC*, *supra* note 39, p. 53.

50. *New York Times*, 11 April 1977.

51. Vance, *Hard Choices*, *supra* note 38, p. 79.

52. *Ibid.*

53. Personal Interview with Richard Holbrooke, June 4, 1982 in Washington, D.C.

tion.⁵⁴ Vance was annoyed by the uncharacteristic airing of Peking's displeasure in the press.⁵⁵ The PRC leaders demonstrated considerable skill in manipulating the press as a means to bring pressure to their counterpart. Another pressure tactics used by the PRC during the normalization negotiating process was to constantly charge that the U.S. is guilty of not living to its commitments, or that one official is going back on the words of its predecessors. Peking did just that during Vance's visit to the PRC in August 1977:

I briefly outlined out position again, stressing that I offered it as a starting point for discussion. Deng, an embodiment of Chinese courtesy, calmly termed by comments a retreat from the Shanghai communique. He read me portions of a memorandum of a conversation in which Henry Kissinger had allegedly agreed that the U.S. owed a debt to China and that normalization would be in conformity with the Chinese conditions. He referred to a discussion with President Ford in December 1975, in which the President had stated he would be in a better position to normalize relations in accordance with the so-called Japanese formula after the 1976 elections. Deng omitted to note, though, that Ford had added a qualifying "if"—if the Taiwan issue was worked out. Deng characterized my proposal to Huang Hua as a retreat from the previous state of affairs.

Deng said that the most China could accept was the "Japanese formula." He described what I had proposed as an embassy that would not have a sign or flag at its door.⁵⁶

Besides manifesting its position through official statements and empirical practices, the PRC also used other tactics to increase its bargaining position vis-a-vis the U.S. on the Taiwan issue. These are reviewed below.

(3) Bolstering Peking's Stakes on the Taiwan Issue

Glenn Snyder and Paul Diesing have discussed the importance of the decision-maker's perception of the comparative stakes of itself and its opponent as follows:

When a state yields on any issue, it is more likely to be because it believes its adversary's interests to be stronger than

54. Stanley Karnow, "East Asia in 1978: The Great Transformation," *Foreign Affairs*, 57, No. 3 (1978), p. 598.

55. Vance, *Hard Choices*, *supra* note 38, p. 83.

56. *Ibid.*, p. 82.

its own . . . than because its independent valuation of the stake is low. That is, a state's resolve in a particular case is a function of how it perceives the comparative interests of itself and its opponent. . . . Thus, when a state yields in a conflict where its own values at stake are of intermediate importance, it may also yield on issues of greater importance if it thinks the adversary's stake is greater still; and conversely, it may be firm on lesser issues when it thinks the balance of interests favors itself.⁵⁷

For Washington, normalization challenged the "integrity of defense commitments and the welfare of a long-time ally," for Peking, the issue of "sovereignty" was at stake.⁵⁸ Both Washington and Peking's stakes on the Taiwan issue were high. But comparatively speaking, nothing is more important than a nation's sovereignty. Peking repeatedly declared that the Taiwan issue is an issue of sovereignty.⁵⁹ Washington finally decided to concede on the Taiwan question because Peking's stake was higher than its own.

(4) Reducing Washington's Stakes on the Taiwan Question

Washington's stake in breaking diplomatic relations and terminating the defense treaty with Taiwan was considered a function of its payoffs—its costs versus its benefits—from normalization with Peking. Peking had tried to convince Washington that normalization on Peking's terms would increase Washington's strategic and economic benefits and eventually would reduce Washington's risk of getting involved in another civil war in Asia. Foreign Minister Huang Hua allegedly stated in a speech on July 20, 1977:

When the Chinese people deem the time to be ripe to liberate Taiwan by force, would the American people really have the resolve to live or perish with the Chiang dynasty, and share the fate of the island of Taiwan? Go read American history, we have not seen an instance in which the

57. Snyder and Diesing, *Conflict Among Nations*, *supra* note 32, p. 186.

58. Richard H. Solomon, "Thinking Through the China Problem," *Foreign Affairs*, 56, No. 2 (January 1978), p. 325.

59. For example, Hua Kuo-feng reiterated China's position on Taiwan in August 1977 as follows: "Taiwan Province is China's sacred territory. We are determined to liberate Taiwan. When and how is entirely China's internal affairs, which brooks no foreign interference whatsoever." Quoted from the political report by Hua Kuo-feng, Chairman of the Central Committee of the Communist Party, to the 11th National Congress of the Communist Party of China, August 12, 1977, in Solomon, "Thinking Through the China Problem," *ibid.*, p. 325.

United States has had such resolve and courage to sacrifice for others.⁶⁰

The lesson of Vietnam has been quite painful for the United States. If the U.S. has no intention of becoming involved in another civil war in Asia, it was reasoned that the U.S. would be better off terminate the defense commitment with Taiwan. Besides decreasing Washington's cost of ending the defense treaty, Peking also tried to stress the benefits of an early normalization of relations between the U.S. and the PRC. The PRC leaders had linked Peking-Washington economic relations with the normalization issue. The PRC treated the U.S. as a residual supplier of agricultural products since the opening of trade in the early 1970s. Unless U.S. products had been clearly superior (as, for example, Boeing passenger aircraft and ammonia plants). Peking would rather buy from other countries than American suppliers, presumably in an effort to increase pressure on the U.S. to normalize relations with the PRC.⁶¹

In September 1977, Teng Hsiao-p'ing also hinted that Peking's patience regarding normalization should not be taken for granted and would not last forever.⁶² The PRC kept warning the U.S. of the danger of further delay of the normalization decision and of foregoing potential political and economic benefits from an early decision to accept Peking's terms for normalization. Secretary of State Vance stated in January 1979 that "failure to try to move forward would have left us in danger of moving backward at great cost to our global position."⁶³ The Carter Administration apparently accepted Peking's warnings as real and meaningful.

(5) Challenging Washington's Legal Position

Teng's public disclosure of President Ford's position on the normalization issue was aimed at limiting President Carter's room for ma-

60. According to Taiwan's sources, the speech was ordered by the Central Committee of the Chinese Community Party as one of the means to prepare its middle level cadres for the 11th Party Congress, which was held between August 11 to 18, 1977, *quoted from* Chiu, ed., *Normalizing Relations with the PRC*, *supra* note 39, p. 188.

61. *Quoted from* prepared statement of Dwight H. Perkins in U.S., Congress, House, Committee on International Relations, Subcommittee on Asian and Pacific Affairs, *Normalization of Relations with the PRC: Practical Implications*, hearings, 95th Congress, 1st Session, September 20, 21, 28, 29; October 11 and 13, 1977, p. 289.

62. Louis Boccardi, "Deng: Vance Trip Was Setback in U.S.-China Ties," *Washington Post*, 7 September 1977.

63. U.S., Department of State, *U.S. Policy toward China July 15, 1971-January 15, 1979*, p. 56.

neuver. Peking also challenged Washington's bargaining position on the Taiwan issue by stressing the U.S. position in the Shanghai Communiqué. In the Shanghai Communiqué, the U.S. had acknowledged the one-China principle. From Peking's perspective, the U.S. had no legal right subsequently to set up a liaison office in Taiwan after normalization. Nor did the U.S. have a right to ask the PRC not to use force to settle the Taiwan issue.

(6) Playing the Bureaucratic Politics Game

Richard Solomon points out that Peking has often exploited inter-American rivalries, favoring individuals regarded as sympathetic to its aims. For example, Peking played Henry Kissinger off against Secretary of State Rogers, later Zbigniew Brzezinski off against Cyrus Vance, and Alexander Haig off against national security adviser Richard Allen. Peking turned to the U.S. official whose world views more closely corresponded to its own. During the Carter Administration, Brzezinski was the ideal interlocutor, identified by the PRC leaders. Brzezinski believed that Soviet-American relations were deeply adversary. Detente with the Soviet Union created only a false sense of security for the American people. Brzezinski favored taking a tougher stand toward Soviet aggression in the world. Brzezinski's May 1978 trip to Peking and his advocacy of a tougher line toward the Soviet Union had generated and increased his clash with Vance. Brzezinski was anxious to speed up the normalization process in order to gain leverage against the Soviet Union. He was the key figure in negotiating the normalization agreement during the last stage of negotiation in December 11-15, 1978 in Washington. Vance at that time was in the Middle East to negotiate the peace treaty between Israel and Egypt. Brzezinski was the person who had dominant influence in the timing of the normalization announcement. Brzezinski turned out to be the winner of the bureaucratic politics game on the normalization issue.

Two days after the normalization announcement, President Carter told Brzezinski that "you are genuinely the driving force behind the whole effort. Whenever I wavered, you pushed me and pressed me to go through with this."⁶⁴ In 1981, during Brzezinski's visit to Peking, Teng Hsiao-p'ing also told him that "you and I together overcame the last difficulties" of normalization.⁶⁵ Once again Peking had apparently selected the right interlocutor and successfully played upon the institutional rivalry between the National Security

64. Brzezinski, *Power and Principle*, *supra* note 38, p. 233.

65. *Ibid.*, p. 230.

Council and the State Department to prod American China policy forward.

CONCLUSION

In brief, Peking used various channels and tactics to communicate with Washington its stakes and firmness on the Taiwan question. Peking also exploited every possible means to influence decision-makers in Washington. In 1978, the Carter Administration finally concluded that Peking meant what it said on the non-negotiable Taiwan issue. That is, Peking would not make any concession on the Taiwan question. It was not possible to get a pledge from Peking not to use force against Taiwan, so there was no point in asking Peking to do it. Washington's acceptance of Peking's terms for normalization can be viewed as Peking's triumph in effectively and persuasively conveying its demands, warnings, and rewards to the United States.

It is also important to note U.S. decision-makers' perceptions of the PRC. President Carter was told by Kissinger that the PRC leaders could be trusted; "they will carry out meticulously both the letter and spirit of an agreement."⁶⁶ "The Chinese always acted as though they still considered themselves members of the Middle Kingdom—at the center of the civilized world—prepared simply to wait until others accepted their position on 'matter of principle,'" Carter writes.⁶⁷ Once again, Peking's patience apparently paid off.

66. Carter, *Keeping Faith*, *supra* note 15, p. 188.

67. *Ibid.*, p. 189.

*Occasional Papers/Reprints Series
in Contemporary Asian Studies*

500 West Baltimore Street
Baltimore, MD. 21201
U.S.A.
(301) 528-3870

1977 Series

- | | | |
|---|-----------------------|---------------------------|
| No. 1 - 1977 | ISSN 0730-0107 | ISBN 0-942182-00-6 |
| Chinese Attitude Toward Continental Shelf and Its Implication on Delimiting Seabed in Southeast Asia (Hungdah Chiu) 32 pp. | | \$1.00 |
| No. 2 - 1977 | ISSN 0730-0107 | ISBN 0-942182-01-4 |
| Income Distribution in the Process of Economic Growth of the Republic of China (Yuan-Li Wu) 45 pp. | | \$1.00 |
| No. 3 - 1977 | ISSN 0730-0107 | ISBN 0-942182-02-2 |
| The Indonesian Maoists: Doctrines and Perspectives (Justus M. van der Kroef) 31 pp. | | \$1.00 |
| No. 4 - 1977 | ISSN 0730-0107 | ISBN 0-942182-03-0 |
| Taiwan's Foreign Policy in the 1970s: A Case Study Adaptation and Viability (Thomas J. Bellows) 22 pp. | | \$1.00 |
| No. 5 - 1977 | ISSN 0730-0107 | ISBN 0-942182-04-9 |
| Asian Political Scientists in North America: Professional and Ethnic Problems (Edited by Chun-tu Hsueh) 148 pp. Index | | \$3.00 |
| No. 6 - 1977 | ISSN 0730-0107 | ISBN 0-942182-05-7 |
| The Sino-Japanese Fisheries Agreement of 1975: A Comparison with Other North Pacific Fisheries Agreements (Song Yook Hong) 80 pp. | | \$2.00 |
| No. 7 - 1977 | ISSN 0730-0107 | ISBN 0-942182-06-5 |
| Foreign Trade Contracts Between West German Companies and the People's Republic of China: A Case Study (Robert Heuser) 22 pp. | | \$1.00 |
| No. 8 - 1977 | ISSN 0730-0107 | ISBN 0-942182-07-3 |
| Reflections on Crime and Punishment in China, with Appended Sentencing Documents (Randle Edwards, Translation of Documents by Randle Edwards and Hungdah Chiu) 67 pp. | | \$1.00 |

- No. 6 - 1978 (18)** **ISSN 0730-0107** **ISBN 0-942182-17-0**
Criminal Punishment in Mainland China: A Study of Some Yunnan Province Documents (Hungdah Chiu) 35 pp. **\$1.00**
- No. 7 - 1978 (19)** **ISSN 0730-0107** **ISBN 0-942182-18-9**
A Guide to the Study of Japanese Law (Lawrence W. Beer and Hidenori Tomatsu) 45 pp. **\$2.00**
- No. 8 - 1978 (20)** **ISSN 0730-0107** **ISBN 0-942182-19-7**
The Pueblo, EC-121, and Mayaguez Incidents: Some Continuities and Changes (Robert Simmons) 40 pp. **\$2.00**
- No. 9 - 1978 (21)** **ISSN 0730-0107** **ISBN 0-942182-20-0**
Two Korea's Unification Policy and Strategy (Yong Soon Yim) 82 pp. Index **\$2.00**

1979 Series

- No. 1 - 1979 (22)** **ISSN 0730-0107** **ISBN 0-942182-21-9**
Asian Immigrants and Their Status in the U.S. (Edited by Hungdah Chiu) 54 pp. **\$2.00**
- No. 2 - 1979 (23)** **ISSN 0730-0107** **ISBN 0-942182-22-7**
Social Disorder in Peking After the 1976 Earthquake Revealed by a Chinese Legal Documents (Hungdah Chiu) 20 pp. **\$2.00**
- No. 3 - 1979 (24)** **ISSN 0730-0107** **ISBN 0-942182-23-5**
The Dragon and the Eagle — A Study of U.S.-People's Republic of China Relations in Civil Air Transport (Jack C. Young) 65 pp. **\$3.00**
- No. 4 - 1979 (25)** **ISSN 0730-0107** **ISBN 0-942182-24-3**
Chinese Women Writers Today (Edited by Wai-lim Yip and William Tay) 108 pp. **\$3.00**
- No. 5 - 1979 (26)** **ISSN 0730-0107** **ISBN 0-942182-25-1**
Certain Legal Aspects of Recognizing the People's Republic of China (Hungdah Chiu) 49 pp. **\$2.00**
- No. 6 - 1979 (27)** **ISSN 0730-0107** **ISBN 0-942182-26-X**
China's Nationalization of Foreign Firms: The Politics of Hostage Capitalism, 1949-1957 (Thomas N. Thompson) 80 pp. Index **\$3.00**
- No. 7 - 1979 (28)** **ISSN 0730-0107** **ISBN 0-942182-27-8**
U.S. Status of Force Agreement with Asian Countries: Selected Studies (Charles Cochran and Hungdah Chiu) 130 pp. Index **\$2.50**
- No. 8 - 1979 (29)** **ISSN 0730-0107** **ISBN 0-942182-28-6**
China's Foreign Aid in 1978 (John F. Copper) 45 pp. **\$2.00**

1980 Series

- No. 1 - 1980 (30)** **ISSN 0730-0107** **ISBN 0-942182-29-4**
The Chinese Connection and Normalization (Edited by Hungdah Chiu
and Karen Murphy) 200 pp. Index \$5.00
- No. 2 - 1980 (31)** **ISSN 0730-0107** **ISBN 0-942182-30-8**
The Conceptual Foundations of U.S. China Policy: A Critical Review
(James C. Hsiung) 17 pp. \$1.00
- No. 3 - 1980 (32)** **ISSN 0730-0107** **ISBN 0-942182-31-6**
Policy, Proliferation and the Nuclear Proliferation Treaty: U.S. Strategies
and South Asian Prospects (Joanne Finegan) 61 pp. \$2.50
- No. 4 - 1980 (33)** **ISSN 0730-0107** **ISBN 0-942182-32-4**
A Comparative Study of Judicial Review Under Nationalist Chinese and
American Constitutional Law (Jyh-pin Fa) 200 pp. Index \$3.50
- No. 5 - 1980 (34)** **ISSN 0730-0107** **ISBN 0-942182-33-2**
Certain Problems in Recent Law Reform in the People's Republic of China
(Hungdah Chiu) 34 pp. \$1.50
- No. 6 - 1980 (35)** **ISSN 0730-0107** **ISBN 0-942182-34-0**
China's New Criminal & Criminal Procedure Codes (Hungdah Chiu) 16
pp. \$1.00
- No. 7 - 1980 (36)** **ISSN 0730-0107** **ISBN 0-942182-35-9**
China's Foreign Relations: Selected Studies (Edited by F. Gilbert Chan &
Ka-che Yip) 115 pp. \$3.00
- No. 8 - 1980 (37)** **ISSN 0730-0107** **ISBN 0-942182-36-7**
Annual Review of Selected Books on Contemporary Asian Studies (1979-
1980) (Edited by John F. Copper) 45 pp. \$2.00

1981 Series

- No. 1 - 1981 (38)** **ISSN 0730-0107** **ISBN 0-942182-37-5**
Structural Changes in the Organization and Operation of China's Criminal
Justice System (Hungdah Chiu) 31 pp. \$1.50
- No. 2 - 1981 (39)** **ISSN 0730-0107** **ISBN 0-942182-38-3**
Readjustment and Reform in the Chinese Economy (Jan S. Prybyla) 58 pp. \$1.00

- No. 3 - 1981 (40)** **ISSN 0730-0107** **ISBN 0-942182-39-1**
 Symposium on the Trial of Gang of Four and Its Implication in China
 (Edited by James C. Hsiung) 118 pp. \$2.50
- No. 4 - 1981 (41)** **ISSN 0730-0107** **ISBN 0-942182-40-5**
 China and the Law of the Sea Conference (Hungdah Chiu) 30 pp. \$2.00
- No. 5 - 1981 (42)** **ISSN 0730-0107** **ISBN 0-942182-41-3**
 China's Foreign Aid in 1979-80 (John Franklin Copper) 54 pp. \$2.00
- No. 6 - 1981 (43)** **ISSN 0730-0107** **ISBN 0-942182-42-1**
 Chinese Regionalism: Yesterday and Today (Franz Michael) 35 pp. \$2.00
- No. 7 - 1981 (44)** **ISSN 0730-0107** **ISBN 0-942182-43-X**
 Elite Conflict in the Post-Mao China (Parris H. Chang) 40 pp. \$2.00
 (Out of print, please order No. 2 - 1983 (55) for a revised version of this item.)
- No. 8 - 1981 (45)** **ISSN 0730-0107** **ISBN 0-942182-44-8**
 Proceedings of Conference on Multi-system Nations and International
 Law: International Status of Germany, Korea, and China (Edited by
 Hungdah Chiu and Robert Downen) 203 pp. Index \$5.00

1982 Series

- No. 1 - 1982 (46)** **ISSN 0730-0107** **ISBN 0-942182-45-6**
 Socialist Legalism: Reform and Continuity in Post-Mao People's Republic
 of China (Hungdah Chiu) 35 pp. \$2.00
- No. 2 - 1982 (47)** **ISSN 0730-0107** **ISBN 0-942182-46-4**
 Kampuchea, The Endless Tug of War (Justus M. Van der Kroef) 51 pp. \$2.50
- No. 3 - 1982 (48)** **ISSN 0730-0107** **ISBN 0-942182-47-2**
 Social Change on Mainland China and Taiwan, 1949-1980 (Alan P.L. Liu)
 55 pp. \$3.00
- No. 4 - 1982 (49)** **ISSN 0730-0107** **ISBN 0-942182-48-0**
 Taiwan's Security and United States Policy: Executive and Congressional
 Strategies in 1978-1979 (Michael S. Frost) 39 pp. \$2.50
- No. 5 - 1982 (50)** **ISSN 0730-0107** **ISBN 0-942182-49-9**
 Constitutional Revolution in Japanese Law, Society and Politics (Law-
 rence W. Beer) 35 pp. \$2.00
- No. 6 - 1982 (51)** **ISSN 0730-0107** **ISBN 0-942182-50-2**
 Review of Selected Books on Contemporary Asian Studies, 1981-1982 (Ed-
 ited by David Salem, Roy Werner and Lyushen Shen) 67 pp. \$2.00

MARYLAND STUDIES IN EAST ASIAN LAW AND POLITICS SERIES

(The following books are published under the auspices or co-auspices of the East Asian Legal Studies Program of the University of Maryland School of Law. The views expressed in each book reflect only those of the author. All books published in hard cover edition.)

1. Hungdah Chiu, *China and the Taiwan Issue*. New York: Praeger Publishers, A Division of Holt, Rinehart and Winston/CBS, Inc., 1979. 295 pp.
(ISBN No.: 0-03-048911-3) \$34.95
2. Hungdah Chiu, *Agreements of the People's Republic of China, 1966-1980: A Calendar*. New York: Praeger Publishers, A Division of Holt, Rinehart and Winston/CBS, Inc., 1981. 329 pp.
(ISBN No.: 0-03-059443-X) \$39.95
3. David Salem, *The People's Republic of China, International Law and Arms Control*. Baltimore: University of Maryland School of Law OPRSCAS,* 1983. 325 pp.
(ISBN No.: 0-942182-59-6) \$15.00
4. Ying-jeou Ma, *Legal Problems of Seabed Boundary Delimitation in the East China Sea*. Baltimore: University of Maryland OPRSCAS,* 1984. 308 pp.
(ISBN No.: 0-942182-63-4) \$15.00
5. Hungdah Chiu and Shao-chuan Leng, editors, *China: 70 Years After the 1911 Hsin-hai Revolution*. Charlottesville, Virginia: University Press of Virginia, 1984. 600 pp.
(Published under the co-auspices of the Committee on Asian Studies, University of Virginia.)
ISBN No.: 0-8138-1027-7 \$20.00
6. Shao-chuan Leng and Hungdah Chiu, *Criminal Justice in Post-Mao China*. Albany, New York: State University of New York Press, 1985. 325 pp.
(Published under the co-auspices of Committee on Asian Studies, University of Virginia.)
ISBN No. 0-87395-950-7 (hardcover) \$39.95
ISBN No. 0-87395-948-5 (paperback) \$19.95

* Occasional Papers/Reprints Series in Contemporary Asian Studies, Inc., 500 West Baltimore St., Baltimore, Maryland 21201. (Tel. (301) 528-3870).



ORDER FORM

To Occasional Papers/Reprints Series in Contemporary Asian Studies, University of Maryland School of Law, 500 West Baltimore Street, Baltimore, Maryland 21201, U.S.A.

Check One:

Please Send:

<i>No.</i>	<i>Author</i>	<i>Title</i>	<i>Copies</i>

Please start my subscription of the OPRSCAS:

Starting issue _____

Subscription price is U.S. \$15.00 for 6 issues (regardless of the price of individual issues in the U.S. and Canada and \$20.00 for overseas.)

My check of U.S. \$ _____ is enclosed _____ copy(s) of invoice/receipt required. (Institution/library may request billing before making payment) (Make check payable to OPRSCAS)

Please send book to:
Name/Corp./Library:
Address: (Please include zip code)



