

## Introduction

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## INTRODUCTION

The establishment of diplomatic relations between the United States and the People's Republic of China on January 1, 1979 launched the long-awaited normalization process originally undertaken as part of the Shanghai Communiqué of 1972.\* As in the case of the effort in 1972 to improve the U.S.-Soviet relationship under the détente formula, the White House announcement on December 15, 1978, that recognition was to be extended and diplomatic relations established, evoked a variety of responses.

Moscow was restrained and guarded in its accommodation to the changed situation, aided by the assurances contained in the Joint Communiqué of December 15, 1978, that one of the underlying principles of the new relationship would be avoidance of "agreements or understandings . . . directed at other states." The reaction in Taiwan was understandably negative given the abruptness of the announcement concerning normalization and its implications for the U.S.-Republic of China relationship, including termination of the Mutual Defense Treaty. The predictability of these reactions was matched by those in the United States which ranged from dismay over the "sell-out" of Taiwan to satisfaction that the "China card" had at last been played as the long-awaited "equalizer" in the increasingly competitive U.S.-Soviet relationship. Support for normalization was also voiced by those who believed that it was long overdue and would open up new, profitable trading horizons through participation in the Chinese drive for modernization. Faced with opposition by the "China lobby," the Carter administration understandably encouraged positive assessment of the normalization decision.

American optimism and excitement over the new beginning tended to raise expectations concerning the benefits of normalization. The mood generally approximated that which followed the announcement in 1972 of détente in the U.S.-Soviet relationship — a mood which approached euphoria as the Nixon administration oversold the benefits of the move away from confrontation and toward cooperation.

Two developments at the outset of normalization with the People's Republic, however, dampened the nascent enthusiasm and tended to put the relationship in a more realistic perspective. The January 1979 visit to the United States of Vice Premier Deng Xiaoping and his insistence on linking the United States to his anti-Soviet, anti-hegemony position, followed by the "punitive" campaign against Vietnam, raised real questions concerning who had played what card. To many it seemed that the benefits of using

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\* For an excellent selection of the documents relevant to developments in the U.S.-P.R.C. relationship, see H. CHIU, *CHINA AND THE TAIWAN ISSUE* 212-75 (1979).

triangular diplomacy in handling relations with Moscow and Peking were being overshadowed by the exposure to involvement in the hostility and rivalry of the Sino-Soviet split. The "China card" proved to have a cutting edge of its own.

The second development related to the potential economic benefit to the United States of the trading relationship, a prominent aspect of normalization. After a flurry of eye-catching commercial negotiations and deal-making, the tempo of Chinese economic activity appreciably slowed, a reflection of the reality of the modernization capability. The result was a sobering of the attitude towards the economic benefits of normalization.

In many respects normalization has tended to follow the pattern of the détente relationship with the Soviet Union.\*\* It has the familiar trade and cooperative aspects, including a science and technology program agreed during the visit of Vice Premier Deng. There is no present arms control aspect, although one can foresee potential involvement here as the P.R.C., a member of the nuclear club, is not a party to the Limited Test Ban Treaty. The competitive aspect of the relationship is not the same, across-the-board rivalry as in the U.S.-Soviet interface. There is, however, latent competition and conflicting policy interests in the Far East, including the Taiwan question which has been finessed in the present effort to nurture and develop the relationship. Thus, many of the issues related to U.S.-Soviet détente arise in the normalization context.

The Law Professor Workshop at the University of Maryland focused on the key aspects of normalization and the related process. [Workshop Program is appended.] Intended to enrich instruction in our law schools, it represented an effort to provide insight into the political and legal issues generated by a significant, contemporary U.S. foreign policy development. Specifically, the Workshop was structured to cover the international relations and international and domestic legal aspects of normalization of the U.S.-P.R.C. relationship.

To understand the importance attached by the United States to normalization, it was necessary to present the official perception of the benefits or value analysis. Moreover, because normalization impacts other relationships, the program necessarily included coverage of Pacific and Triangular Diplomacy, the Taiwan Issue and some of the lessons of history for the future of those relationships. As negotiation is critical to any relationship, attention had to be paid to what experience shows about dealing with the P.R.C. and the stability of its internal process for implementing the results negotiated. The internal legal order is also important because of its relevance to such specific aspects of normalization as trade and scientific and

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\*\* *Détente*, AM. BAR A. (1977).

technical exchanges and, of course, the Carter administration's special focus on human rights. Domestic legal considerations related to normalization also arise on the U.S. side from such issues as the authority of the Executive Branch to act without the Congress in terminating the Mutual Defense Treaty with Taiwan; the creation of a nongovernmental institutional framework for the U.S.-Taiwan relationship; and Most Favored Nation, credit entitlement, export control and other trade-related matters. In short, the Workshop attempted to familiarize the participants with the broad range of substantive and procedural issues involved in normalization. Its real significance is that it provided a forum for distinguished specialists to lead the discussion of those issues so soon after the event itself.

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